



MADRE

**Joint Submission to the Committee on the Elimination of Discrimination
against Women (CEDAW), 93rd Session**

Situation of Ogiek Indigenous Women in Kenya

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Submitted by:

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I. Introduction and Key Findings

1. This shadow report is submitted by Land is Life, MADRE, and the Ogiek Peoples' Development Program (OPDP) to assist the Committee in its review of Kenya's compliance with the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). Focusing on the situation of Indigenous Ogiek women and girls, this report highlights the persistent divide between Kenya's legal and policy commitments to gender equality and the daily realities facing Indigenous women. Much of the analysis is grounded in primary sources from OPDP's internal reports and working memoranda, compiled during its direct engagement with Ogiek communities in Nakuru and Narok Counties. These sources include detailed records from community dialogues and awareness forums focused on gender-based violence (GBV) and access to justice. The submitting organizations remain at the Committee's disposal to provide these internal documents, along with any further information, documentation, or testimony required.
2. While Kenya has reported important measures concerning women's land rights, access to justice, protection from GBV, health services, education, and the protection of human rights defenders, the available evidence indicates that Indigenous women continue to face distinct and intersecting forms of discrimination linked to their gender, Indigenous identity, geographic isolation, and unresolved land rights. The report identifies four principal concerns:
3. First, despite legal reforms intended to promote women's participation in community land governance, Ogiek women continue to be affected by the State's failure to fully implement the African Court on Human and Peoples' Rights judgments concerning Ogiek ancestral land rights. Continued insecurity of land tenure, forced evictions, and restrictions on access to ancestral territories undermine women's livelihoods, cultural practices, participation in governance, and access to resources.
4. Second, Indigenous women human rights defenders working on land, environmental, and territorial rights continue to operate in an environment characterized by inadequate protection and concerns regarding intimidation and harassment, while Kenya's Human Rights Defenders Policy remains pending adoption.
5. Third, significant barriers continue to limit Indigenous women's access to justice and protection from GBV. Geographic isolation, lack of accessible services, institutional barriers, stigma, underreporting, and reliance on informal dispute-resolution mechanisms contribute to continuing impunity and inadequate protection for survivors.
6. Fourth, the absence of Indigenous-disaggregated data obscures the realities facing Ogiek women and girls across sectors. Existing evidence points to continuing inequalities in access to health services and education, compounded by displacement, remoteness, poverty, early pregnancy, and child marriage.
7. The Committee is therefore urged to assess not only the existence of legal and policy measures but also their effectiveness in ensuring the substantive enjoyment of rights by Indigenous women.
8. The concerns documented in this report should be assessed in light of CEDAW General Recommendation No. 39 (2022) on the rights of Indigenous women and girls, which recognizes that

Indigenous women experience intersecting forms of discrimination and calls on States parties to ensure their rights to lands, territories and resources, participation, access to justice, freedom from violence, health, education, and cultural identity.

II. Indigenous Women, Land Rights, and Forced Evictions

9. Kenya has adopted a legal and policy framework intended to strengthen women's rights to land and promote their participation in community land governance. In its replies to the Committee's List of Issues in 2025, the State reports that the Community Land (Amendment) Regulations of 2023 were revised to address historical barriers affecting Indigenous and rural women, including through the establishment of inclusive community land committees and the collection of gender-disaggregated data on land ownership.¹ The State further reports that the National Land Commission has conducted sensitization activities in 22 counties, including among pastoralist and Indigenous Peoples.² We note with concern that the State party's response fails to reference the landmark rulings of the African Court on Human and Peoples' Rights regarding the Ogiek Indigenous Peoples. These judgments bear direct relevance to the recognition of collective land rights, which are essential to securing Ogiek women's participation in community land governance.

10. These measures are relevant steps towards addressing formal barriers to women's land rights. However, the information provided by the State does not demonstrate whether these institutional measures have resulted in substantive improvements in Indigenous women's access to, ownership of, and control over land, or in their meaningful participation in decisions concerning community land. This distinction is particularly important for Indigenous women whose rights are exercised within collective tenure systems and customary governance structures.

11. In such systems, the mechanisms described by the State (inclusive community land committees, registration procedures, and the collection of gender-disaggregated data) presuppose that the collective land base to which they attach has already been legally recognized, delimited, and secured – a condition that has not yet been met in the case of the Ogiek Indigenous Peoples of the Mau Forest, notwithstanding the binding judgments of the African Court on Human and Peoples' Rights ordering the State to complete the identification, delimitation, demarcation, and collective titling of their ancestral land.

12. In its 2017 judgment in *African Commission on Human and Peoples' Rights v. Kenya*, the African Court on Human and Peoples' Rights found Kenya responsible for violations of several rights of the Ogiek, including their rights to property and ancestral land (Article 14), natural resources (Article 21), culture (Article 17(2) and (3)), and development (Article 22) of the African Charter on Human and Peoples' Rights.

¹ CEDAW, *Replies of Kenya to the List of Issues and Questions in relation to its ninth periodic report*, CEDAW/C/KEN/RQ/9 (8 August 2025), para. 143.

² CEDAW, *Replies of Kenya*, CEDAW/C/KEN/RQ/9, para. 144.

Rights.³ The judgment recognized the connection between the Ogiek's ancestral relationship with the Mau Forest and the protection of their collective rights.

13. In 2022, the African Court issued a reparations judgment requiring Kenya to provide collective and individual forms of redress, including compensation and measures concerning the recognition and protection of Ogiek ancestral land.⁴ The Court subsequently reviewed Kenya's implementation of both judgments at a compliance hearing in June 2025. In its December 2025 compliance decision, the Court found that Kenya had failed to comply with several of its orders.⁵ In particular, Kenya had not paid the KES 57.85 million awarded for economic loss or the KES 100 million awarded for moral prejudice suffered by the Ogiek Indigenous Peoples.⁶ The Court also found that the identification, delimitation, demarcation, and collective titling of Ogiek ancestral land had not been completed and that the measures taken by the State lacked a clear, time-bound plan for full implementation.

14. These findings are particularly relevant to the rights of Ogiek Indigenous women. Where ancestral land has not been identified, demarcated, and collectively titled, the institutions through which women's participation is meant to be exercised are not constituted in respect of that land, and Ogiek women retain no recognized legal basis on which their access to land and forest resources may be asserted. Formal measures requiring gender-inclusive participation in community land governance cannot, on their own, ensure substantive equality where the collective land rights on which such participation depends remain unresolved. The continued absence of restitution, collective titling, and compensation therefore not only affects the Ogiek Indigenous Peoples as a whole but also places Ogiek women in a situation of particular legal insecurity with regard to access to land and forest resources, livelihoods, and meaningful participation in decisions affecting their territories.

15. This situation is further illustrated by the continued evictions of Ogiek Indigenous Peoples from the Mau Forest.⁷ Despite the African Court's judgments, forced evictions continued in early November 2023, including in Sasimwani, Narok County, where the government proposed fencing off the forest on conservation grounds. The evictions reportedly affected more than 700 Ogiek families, whose homes were demolished and, in some cases, burned, leaving many families without adequate shelter.⁸ In 2024, the

³ African Court on Human and Peoples' Rights, *African Commission on Human and Peoples' Rights v. Republic of Kenya*, Application No. 006/2012, Judgment of 26 May 2017, p. 68., available at: https://admin.ogiekpeoples.org/uploads/African_Court_Judgment_97f2b10c19.pdf.

⁴ African Court on Human and Peoples' Rights, *African Commission on Human and Peoples' Rights v. Republic of Kenya*, Application No. 006/2012, Judgment on Reparations, 23 June 2022, available at: https://admin.ogiekpeoples.org/uploads/Judgment_on_Reparation_bf0992bf74.pdf.

⁵ African Court on Human and Peoples' Rights, *African Commission on Human and Peoples' Rights v. Republic of Kenya*, Application No. 006/2012, Order (Compliance), 4 December 2025, available at: <https://www.african-court.org/cpmt/storage/app/uploads/public/694/2cb/bb4/6942cbbb4388d548598027.pdf>.

⁶ African Court on Human and Peoples' Rights, *African Commission v. Kenya*, Application No. 006/2012, Order (Compliance), 4 December 2025, para. 42.

⁷ Kenya National Commission on Human Rights (KNCHR), "Halt the Ongoing Forced Evictions of the Ogiek Community," 6 November 2023, available at: <https://www.knchr.org/Articles/ArtMID/2432/ArticleID/1174/HALT-THE-ONGOING-FORCED-EVICTIONS-OF-THE-OGIEK-COMMUNITY>; Mongabay, "Kenya blames and evicts Ogiek people for deforestation, but forest loss persists," November 2024, available at: <https://news.mongabay.com/2024/11/kenya-blames-and-evicts-ogiek-people-for-deforestation-but-forest-loss-persists/>.

⁸ Ogiek People's Development Program (OPDP), *The African Court of Human and Peoples' Rights Rulings Regarding the Rights of the Ogiek Indigenous People of Kenya's Mau Forest*, Information Brief, updated August 2026, prepared by the Committee of External Experts (CEE), May 29, 2026.

Environment and Land Court also considered allegations concerning renewed evictions and the continued failure to implement the African Court's orders, including the physical delineation, demarcation and titling of Ogiek ancestral land.⁹

16. These developments raise particular concerns from a gender perspective. Displacement from ancestral territories affects Indigenous women's livelihoods, access to natural resources, and ability to maintain and transmit traditional knowledge. For the Ogiek, whose livelihoods and cultural practices have historically been closely connected to the Mau Forest, restrictions on access to forest resources may affect activities in which women have traditionally played an important role, including gathering food and medicinal plants and maintaining household livelihoods.¹⁰ A 2024 study on gender relations and forest management among the Ogiek found that "Indigenous women extract from the forests their nutritional, health, and cultural needs while men depend on forest resources for commercial purposes majorly through timber extraction."¹¹ Qualitative research co-authored with the Ogiek Peoples' Development Program, which does not disaggregate its findings by gender, documents that the eviction operations destroyed homes and left families without land on which to cultivate or to feed their children.¹² The loss of territorial access may therefore have consequences extending beyond the loss of physical residence, affecting women's economic security, cultural continuity and autonomy.¹³

17. Available evidence also indicates that gender dynamics within Ogiek Indigenous Peoples may themselves affect women's participation in forest and land governance. A 2024 study by Kiprono, Kalekye, and Wafula on gender relations and forest management among the Ogiek of the Mau Forest found that women remain disadvantaged in representation within community forest associations and that patriarchal structures can limit their participation in leadership and decision-making. The study hence highlights the importance of distinguishing between women's formal inclusion in governance structures and their effective ability to influence decisions concerning the management and use of forest resources.¹⁴

18. This distinction is directly relevant to the implementation of Kenya's national Community Land policy Framework. While requiring inclusive committees and collecting gender-disaggregated data on land

⁹ Environment and Land Court of Kenya, Ogiek Council of Elders, Narok Chapter (Suing on their own behalf and on behalf of the Ogiek of Maasai Mau Forest) v. Attorney General & 2 others, Environment & Land Petition E005 of 2023, Ruling, 19 March 2024, para. 9, available at: <https://new.kenyalaw.org/akn/ke/judgment/keelc/2024/1649/eng@2024-03-19>.

¹⁰ Betty Chemutai Koech and Crispinous Iteyo, "Effects of Mau Forest Evictions on Human Security of the Ogiek Community, Kenya," *African Journal of Empirical Research*, Vol. 4, No. 2 (2023), p. 277, available at: <https://ajernet.net/ojs/index.php/ajernet/article/view/104/91>.

¹¹ C. Kiprono, M. Kalekye and O. Wafula, "Implications of Gender Relations on Forest Management among the Indigenous Ogiek of Mau Forest in Nakuru County, Kenya", *Open Journal of Social Sciences*, vol. 12, No. 1 (2024), p. 137, DOI: 10.4236/jss.2024.121009, available at <https://doi.org/10.4236/jss.2024.121009>

¹² M. Forest, D. M. Kobei, S. L. Luari, D. Carroll, S. Gougsa, V. Pratt and N. Redvers, "'Removing an Ogiek from the Forest is like removing a fish from water': A qualitative examination on Ogiek community impacts from forced land eviction for conservation", *PLOS Global Public Health*, vol. 5, No. 6 (2025), e0004460, DOI: 10.1371/journal.pgph.0004460, available at <https://doi.org/10.1371/journal.pgph.0004460>

¹³ Betty Chemutai Koech and Crispinous Iteyo, "Effects of Mau Forest Evictions on Human Security of the Ogiek Community, Kenya," *African Journal of Empirical Research*, Vol. 4, No. 2 (2023), p. 286, available at: <https://ajernet.net/ojs/index.php/ajernet/article/view/104/91>.

¹⁴ Namati, *Final Report: Strengthening Inclusion, Participation, and Good Governance using Kenya's Community Land Act*, IDRC Project No. 108843-001, March 2022, Section 4.2, "Women's Inclusion/Exclusion in Community Land Registration Process," pp. 14–15, available at: <https://idl-bnc-idrc.dspacedirect.org/bitstreams/c3986c7d-5dd4-4a9a-901c-461798e60a7b/download>.

ownership are important steps towards ensuring women's participation and visibility within land governance structures, these measures do not, on their own, guarantee that Indigenous women can exercise equal and substantive rights in practice. This is particularly important where existing gender dynamics and patriarchal structures may continue to limit women's representation, leadership and influence in decision-making. Kenya has not provided, in its responses to the Committee, sufficient information to assess whether Indigenous women are effectively represented in community land institutions, whether they hold individual or collective land rights in practice, or whether they participate meaningfully in decisions concerning the allocation, management and use of community land.

19. The Committee should therefore assess Kenya's land reforms not only by reference to the existence of gender-responsive laws and institutions, but also by their practical effect on Indigenous women's ability to exercise their land rights and participate meaningfully in land governance. This requires particular attention to the situation of Ogiek women, as the unresolved implementation of the African Court's binding judgments continues to leave the collective territorial rights of the Ogiek Indigenous Peoples insecure, with implications for women's effective access to land and forest resources, livelihoods, and participation in decisions affecting their ancestral territories.

20. Kenya's implementation of its obligations concerning Indigenous women's land rights should consequently be assessed against both its domestic framework and its obligations arising from the African Court's judgments. The December 2025 compliance decision provides particularly clear evidence that the central implementation problems identified in this report remain unresolved. The State should consequently provide the Committee with detailed, time-bound information on the measures adopted to implement the Court's orders and on the outcomes of those measures for Ogiek women.

Key Recommendations to the State

The Committee should recommend that the State party:

i) Ensure the full and effective implementation of the African Court's 2017 judgment and 2022 reparations judgment concerning the Ogiek Indigenous Peoples, including payment of the compensation ordered by the Court and the identification, delimitation, demarcation and collective titling of Ogiek ancestral lands through a clear, time-bound process.

ii) Prevent further forced evictions from ancestral lands and ensure that any measures concerning access to the Mau Forest comply with Kenya's human rights obligations and the binding orders of the African Court.

iii) Ensure the substantive participation and effective enjoyment of land rights by Indigenous women, including by providing disaggregated information on their individual and collective land ownership and representation in community land governance, and by addressing structural and customary barriers that limit their meaningful participation in decision-making.

iv) Assess and address the gendered impacts of displacement and land insecurity, including impacts on livelihoods, access to forest resources, traditional knowledge and cultural practices, and exposure to gender-

based violence, and ensure that affected Indigenous women have access to appropriate protection, remedies and reparations.

III. Protection of Indigenous Women Human Rights Defenders

21. Kenya has taken steps to establish a legal and policy framework to protect human rights defenders, including Indigenous women human rights defenders. The State has adopted the African Commission on Human and Peoples' Rights Guidelines on the Protection of Human Rights Defenders in Africa and has reported on measures aimed at strengthening the protection of human rights defenders.¹⁵ Kenya has also developed a draft Human Rights Defenders Policy intended to provide a national framework for their recognition and protection.¹⁶ However, the draft policy has not yet been adopted, limiting the availability of a comprehensive and operational national framework for effective protection.

22. The need for adequate safeguards is particularly pressing for Indigenous women defending land, environmental and territorial rights, who may face risks linked to land disputes, conservation measures, evictions and restrictions on access to ancestral territories. Their work is closely connected to the rights of Indigenous Peoples to land, natural resources, culture, and participation in decisions affecting their territories.¹⁷ Protecting Indigenous women defenders is therefore essential not only to their individual security, but also to the effective exercise of these collective rights.

23. The situation of the Ogiek Peoples provides an important context in which to assess these concerns. The unresolved implementation of the African Court's judgments concerning the Ogiek has generated continuing disputes regarding ancestral land and access to the Mau Forest. Against this background, Indigenous women who advocate for the protection of Ogiek land and environmental rights may be particularly exposed when engaging with State authorities or challenging measures affecting their Peoples. First-hand information produced by OPDP identifies concerns regarding harassment, intimidation, and surveillance against Indigenous women human rights defenders, including in relation to their work on land and environmental issues.¹⁸

24. State forestry and conservation authorities play a central role in this issue. According to OPDP, Indigenous women human rights defenders risk harassment and intimidation by these bodies—including the Kenya Forest Service—alongside surveillance and potential reprisals for engaging with international human rights mechanisms. While official documentation or formal investigations of such incidents remain absent, the lack of records does not indicate that the violations do not occur.

25. The State party's own reporting does not fill the gap. It does not provide sufficient data on documented cases of threats, attacks, harassment, or reprisals against Indigenous women human rights defenders, or on

¹⁵ CEDAW, *Replies of Kenya*, CEDAW/C/KEN/RQ/9, para. 47.

¹⁶ CEDAW, *Replies of Kenya*, CEDAW/C/KEN/RQ/9, para. 46.

¹⁷ Association for Progressive Communications (APC), "Resistance and Resilience: Collaborative Responses to Online Attacks on Environmental Defenders," available at: <https://www.apc.org/en/project/resistance-and-resilience-collaborative-responses-online-attacks-environmental-defenders>.

¹⁸ Ogiek Peoples' Development Program (OPDP), *Resistance & Resilience: Collaborative Responses to Online Attacks on Environmental Defenders* (April 2026), pp. 26.

related investigations, prosecutions, or other accountability measures. This makes it difficult to assess whether existing protection mechanisms are effectively identifying and responding to the specific risks they face.

26. The Committee should therefore seek clarification from Kenya regarding the practical protection available to Indigenous women human rights defenders. In particular, the State should provide information on the measures available to defenders who face threats or reprisals because of their work, including whether they can access effective and timely protection, complaint, and investigation mechanisms. Kenya should also clarify the status and expected timeline for adopting the Human Rights Defenders Policy and explain how the policy will address the specific risks faced by Indigenous women defenders.

27. The protection of Indigenous women human rights defenders is also closely connected to their participation in decisions concerning land, natural resources, and environmental protection. Where Indigenous women are unable to advocate freely for their communities because of fear of harassment, intimidation, or reprisals, their ability to participate meaningfully in public affairs and community decision-making is undermined. Effective safeguards are therefore necessary not only to protect individual defenders but also to ensure that Indigenous women can exercise their rights to participate and advocate without retaliation.

28. Kenya should further ensure that any allegations of harassment, intimidation, surveillance, or reprisals involving Indigenous women human rights defenders are promptly and independently investigated, and that victims have access to effective remedies. Particular attention should be given to allegations involving public authorities responsible for forestry, conservation, and security, given their role in areas where Indigenous Peoples are defending their territorial and environmental rights.

Key Recommendations to the State

The Committee should recommend that the State party:

- i) Adopt and implement the Human Rights Defenders Policy without further delay, ensuring that it includes specific measures to protect Indigenous women human rights defenders working on land, environmental, and territorial rights, including clear procedures for accessing protection when they face threats or reprisals. Ensure that the policy's adoption is accompanied by decisive implementation measures, including a budget for implementation.
- ii) Ensure that allegations of threats, harassment, intimidation, surveillance, or reprisals against Indigenous women human rights defenders are promptly and independently investigated, including allegations involving forestry, conservation, or security authorities, and ensure that victims have access to effective remedies and that those responsible are held accountable where violations are established.
- iii) Establish mechanisms to systematically document and report on threats and reprisals against Indigenous women human rights defenders, including the number and nature of complaints received, investigations conducted, protection measures provided, and outcomes, with information disaggregated by gender and Indigenous status to identify and address the specific risks faced by Indigenous women.

IV. GBV and Access to Justice for Indigenous Women

29. In its replies to the Committee's List of Issues, Kenya reports that it has taken significant measures to improve women's access to justice and strengthen responses to GBV. These measures include legal empowerment programmes for women and girls, the establishment of twelve Gender Justice Courts to provide specialized handling of sexual and gender-based violence cases, and legal aid frameworks aimed at supporting marginalized and vulnerable groups. The State also highlights survivor-centred protection mechanisms, including Police Gender Desks, toll-free GBV helplines, and gender-sensitive early warning systems. Further reforms include the adoption of the Protection Against Domestic Violence Rules (2023), which seek to improve access to protection orders, compensation, and other legal remedies for survivors, as well as ongoing legislative and policy initiatives to address sexual violence and technology-facilitated gender-based violence.¹⁹

30. While these measures reflect important national commitments, the State party does not provide information on their accessibility, effectiveness, or utilization by Indigenous women, including Ogiek women living in remote areas of the Mau Forest Complex and surrounding territories. Despite the measures reported by the State party, available evidence gathered by OPDP indicates that Ogiek women continue to face significant barriers in accessing justice and protection from GBV. These barriers are geographic, institutional, socio-cultural, and economic in nature and contribute to widespread underreporting of violence and persistent impunity for perpetrators.

31. First, according to OPDP, the establishment of twelve Gender Justice Courts nationwide has not resolved the geographic barriers faced by Indigenous women living in remote forest areas. These courts are largely concentrated in urban and more accessible locations, requiring many Ogiek women to travel long distances and incur transportation costs that are often unaffordable. The State's report does not address geographic disparities in access to judicial institutions or provide data on the use of these courts by Indigenous Peoples.

32. Second, OPDP reported that the effectiveness of Police Gender Desks and toll-free GBV helplines is undermined by infrastructural limitations in many Ogiek settlements. These mechanisms presuppose the existence of reliable telecommunications networks, physical police presence, and private access to communication devices – conditions that are not consistently available in forest-adjacent areas. As a result, services presented as universally accessible may remain effectively out of reach for many survivors.

33. Third, cultural and institutional barriers continue to discourage reporting. Community consultations conducted by OPDP found that survivors are frequently received by male police officers, making it difficult for some women to disclose experiences of sexual or domestic violence.²⁰ Participants further raised concerns regarding corruption among police officers and perceptions that cases are sometimes

¹⁹ Committee on the Elimination of Discrimination against Women (CEDAW), *Replies of Kenya to the List of Issues and Questions in Relation to Its Ninth Periodic Report*, UN Doc. CEDAW/C/KEN/RQ/9, paras. 10–12, 20–21, 68–74.

²⁰ Ogiek Peoples Development Program (OPDP), *Report on a Meeting Held on 2nd May 2025 at Kuresoi Sub-County (Keringet AGC) on Enhancing Access to Justice Amongst the Marginalised Communities in Nakuru County*, May 2, 2025.

compromised once reported.²¹ These concerns contribute to distrust in formal justice mechanisms and discourage reporting.

34. Evidence collected by OPDP also indicates that gender-based violence remains widespread and substantially underreported within Ogiek communities. During a community awareness forum held in Kiptororo in November 2024, 80 percent of participants reported domestic conflict to be a common issue, estimating that it affects two out of every five local families. Community members identified wife battering and domestic violence as common forms of abuse affecting women. While participants emphasized that wife battering is not supported by Ogiek traditions, discussions revealed that violence against women may be normalized in some settings and is frequently linked to disputes over gender roles and household expectations. Violence often remains unreported due to stigma, fear of engaging with the criminal justice system, lack of awareness of legal remedies, and pressure to preserve family or community reputation.²²

35. Community consultations further identified economic, legal, and institutional factors that contribute to violence against women. Participants reported that economic dependency, financial mistrust, lack of livelihood opportunities, and restrictions on women's ability to work can increase household tensions and vulnerability to violence. They also reported instances in which rape and assault cases are resolved through informal compensation arrangements between families rather than through formal legal proceedings, despite such practices being prohibited under Kenyan law. Discussions additionally highlighted the need for greater awareness of marital rape as a punishable form of gender-based violence and noted that, although female genital mutilation (FGM) has reportedly declined in Kiptororo, women have historically experienced social stigma and pressure to undergo the practice.²³

36. The State insufficiently addresses the significant challenge of reliance on customary and community-based dispute resolution mechanisms for addressing GBV. While village elders play an important role in community governance and conflict resolution, participants reported that many GBV cases are settled informally through negotiation, reconciliation, or forgiveness agreements before reaching law enforcement authorities.²⁴ In some cases, these mechanisms prioritize community harmony over survivor protection and accountability, allowing perpetrators to avoid sanctions and increasing the risk of repeated violence.

37. Participants also expressed concerns regarding the effectiveness of justice institutions. In addition to reporting discomfort when survivors are attended to by male police officer, community members raised concerns regarding corruption within law enforcement institutions, indicating that some cases are perceived to be compromised after entering the formal justice system.²⁵ During a separate dialogue on access to justice held in Kuresoi Sub-County in May 2025, participants reported additional barriers including witness intimidation, threats, bribery, and the disappearance of key witnesses during investigations and court proceedings. Participants also alleged instances of evidence tampering, including altered medical reports,

²¹ Ogiek Peoples Development Program (OPDP), *Report on Community Awareness Forum on Gender Based Violence Held at Kiptororo*, December 13, 2024, 7.

²² OPDP, *Community Awareness Forum*, 5.

²³ OPDP, *Community Awareness Forum*, 6.

²⁴ OPDP, *Enhancing Access to Justice*, 3–4.

²⁵ OPDP, *Community Awareness Forum*, 7.

compromised crime scenes, and the disappearance of physical evidence. These challenges significantly undermine survivors' ability to obtain justice and contribute to a perception of impunity for perpetrators.²⁶

38. The State party's report also fails to address the relationship between land insecurity and violence against Indigenous women. Ongoing disputes over ancestral lands, displacement, and tenure insecurity can heighten women's exposure to violence and increase their vulnerability, yet this intersection remains largely absent from the State's discussion of GBV prevention and response.

Key recommendations to the State

The Committee should recommend that the State party:

- i) Collect and publish disaggregated data on access to justice and GBV cases involving Indigenous women, including data on the utilization of Gender Justice Courts, legal aid services, protection orders, and GBV support services by county and Indigenous status.
- ii) Assess and address infrastructural barriers that limit access to Police Gender Desks, emergency helplines, and other protection services in forest and rural Indigenous areas.
- iii) Ensure the availability of accessible justice mechanisms and survivor services in remote Indigenous Peoples' territories, including mobile courts, legal aid outreach programmes, and community-based reporting mechanisms.
- iv) Ensure that Police Gender Desks are staffed by officers of both genders and receive mandatory training on Indigenous women's rights, gender-sensitive interviewing techniques, and culturally appropriate survivor support.
- v) Strengthen oversight and accountability mechanisms to address corruption, evidence tampering, witness intimidation, and other obstacles that impede the prosecution of GBV cases.
- vi) Develop culturally appropriate strategies to address stigma, victim-blaming, and underreporting of violence against women, in partnership with Ogiek women's organizations and community leaders.
- vii) Strengthen referral pathways and survivor-centred support services, including psychosocial support, legal assistance, shelters, rescue centres, and economic empowerment programmes for indigenous survivors.
- viii) Support Indigenous Peoples-led GBV prevention initiatives, including the training of community change agents, youth awareness programmes, engagement with village elders and faith leaders, and information campaigns using local languages and culturally appropriate communication channels.
- ix) Ensure, in consultation with Ogiek women, that customary dispute-resolution mechanisms operate consistently with victims' rights to protection and that victims retain a choice between Indigenous and State

²⁶ OPDP, *Enhancing Access to Justice*, 3–4.

justice mechanisms. do not replace criminal investigations or judicial proceedings in cases involving gender-based violence and that survivors retain effective access to formal justice systems.

x) Integrate Indigenous women's rights and protection from gender-based violence into policies addressing land tenure insecurity, displacement, natural resource governance, and the implementation of decisions concerning Ogiek ancestral lands.

V. Data Gaps and Access to Essential Services

39. In its replies to the List of Issues, Kenya reports that it has taken measures to strengthen the collection and use of gender-related data through the Kenya National Bureau of Statistics (KNBS), including improved disaggregation by gender, age, and disability, the development of gender-related Sustainable Development Goal indicators, the use of citizen-generated data, and increased financing for gender data systems.²⁷

40. The State also highlights investments in sexual and reproductive health services through the National Reproductive Health Policy (2022-2032); the Reproductive, Maternal, Neonatal, Child and Adolescent Health Investment Framework; community health programmes; mobile clinics; and targeted maternal health interventions in underserved counties.²⁸

41. In the education sector, Kenya reports the implementation of gender-responsive policies and programmes aimed at improving girls' enrolment, retention, and re-entry after pregnancy, including free primary and secondary education, scholarships, sanitary towel distribution, school feeding programmes, and measures to address adolescent pregnancy and gender inequality in schools.²⁹

42. Despite the measures described by the State party, Indigenous status is absent from the categories used for data disaggregation. While the Government reports data collection disaggregated by gender, age, and disability, it provides no information on data collection by ethnicity or Indigenous identity.³⁰ As a result, it is impossible to assess whether Ogiek women and girls benefit from the programmes highlighted throughout the State report, including reproductive health services, educational support schemes, GBV response mechanisms, economic empowerment initiatives, and legal aid programmes. The absence of Indigenous-disaggregated data renders Indigenous women largely invisible within national monitoring frameworks and prevents evaluation of whether existing policies are effectively reaching one of Kenya's most marginalized populations.

Health Services and Maternal Health Access

²⁷ CEDAW, *Replies of Kenya*, paras. 159-163.

²⁸ CEDAW, *Replies of Kenya*, paras. 119-127.

²⁹ CEDAW, *Replies of Kenya*, paras. 59-65, 99-111.

³⁰ CEDAW, *Replies of Kenya*, paras. 159-163.

43. The State party reports significant investments in maternal and reproductive health, including targeted interventions in underserved counties such as Turkana, Mandera, and Wajir.³¹ However, forest-dwelling Indigenous Peoples such as the Ogiek are not specifically identified within these programmes or their targeting criteria. This omission raises concerns that current interventions may be primarily designed around geographic classifications such as arid and semi-arid lands (ASALs), without adequately considering the distinct barriers faced by Indigenous forest Peoples. The State party provides no information regarding maternal health outcomes, reproductive health service coverage, or access to community health services among Ogiek women.

44. Available evidence suggests that Indigenous Peoples continue to face systemic barriers in accessing health services that are not captured in national reporting. According to the report *State of Health and Education among Minority and Indigenous Peoples in Kenya (Sena report)*, Indigenous territories remain underserved by public infrastructure, including roads, health facilities, and transportation services. Long distances between settlements and health facilities, coupled with the absence of reliable transport, create serious obstacles for women seeking maternal healthcare, emergency obstetric services and reproductive health support.³²

45. The report further documented severe deficits in healthcare infrastructure in several Indigenous territories, including the absence of local health facilities and long travel distances to access health services. In some communities covered by the study, residents were required to travel between 3 and 30 kilometres to reach the nearest healthcare facility.³³ Although the State party highlights improvements in mobile clinics and community health services, no information is provided regarding whether similar outreach reaches Ogiek settlements in the Mau Forest Complex.

46. Evidence from community consultations also points to broader challenges affecting the wellbeing of Indigenous girls. During a dialogue on access to justice held in Kuresoi Sub-County in May 2025, local authorities and community leaders identified widespread cases of defilement affecting underage girls, often committed by relatives, neighbours or other trusted individuals. Participants highlighted the severe consequences for survivors, including psychological trauma, interrupted education and early pregnancy.³⁴

47. Early pregnancy was identified as a growing concern linked to sexual violence, poverty, and inadequate sexual and reproductive health information. Participants reported that many school-aged girls become pregnant before they are able to understand or manage the consequences, limiting educational opportunities and increasing long-term vulnerability.³⁵

48. In addition, participants highlighted financial barriers affecting access to healthcare and justice. Victims of gender-based violence reported difficulties obtaining P3 medical examination forms because of associated costs, preventing some survivors from receiving medical documentation necessary to pursue

³¹ CEDAW, *Replies of Kenya*, para. 125.

³² Kanyinke Sena, *State of Health and Education among Minority and Indigenous Peoples in Kenya* (Nakuru: Ogiek Peoples Development Program and Minority Rights Group International, 2020), 3-4.

³³ Sena, *State of Health and Education among Minority and Indigenous Peoples in Kenya*, 18, 28.

³⁴ OPDP, *Enhancing Access to Justice*, 2.

³⁵ OPDP, *Enhancing Access to Justice*, 2.

legal remedies.³⁶ The P3 Form (Kenya Police Medical Examination Report) is an official government document used as legal medical evidence in Kenya. It formally records physical or psychological injuries caused by criminal acts like assault, sexual violence, or road accidents.³⁷

Education, Displacement and School Retention

49. While the State party highlights programmes designed to improve girls' enrolment and retention, it does not address the specific impact of displacement and land evictions on Indigenous children's right to education. Evidence from Ogiek communities demonstrates that eviction from ancestral lands directly disrupts access to schooling. Following the 2023 evictions in Sasimwani, Narok County, approximately 47 per cent of Ogiek girls were reportedly no longer attending school. This has increased vulnerability to early marriage, teenage pregnancy, and other forms of exploitation. Unlike the barriers discussed in the State report, these educational disruptions are directly linked to displacement and loss of access to ancestral territories.

50. The findings of the 2020 study on Indigenous and minorities further demonstrate that geographic isolation remains a major barrier to educational access. In several Indigenous territories, children travel long distances, often through difficult terrain, to reach schools. The report notes that inadequate infrastructure and limited educational facilities continue to affect school attendance and retention among Indigenous learners, particularly girls.³⁸

51. The study also identified a direct relationship between long travel distances, school dropout and teenage pregnancy. Community respondents reported that girls often leave home before dawn and return late in the evening in order to attend school, increasing exposure to sexual exploitation, harassment and early pregnancy. These factors were identified as important contributors to educational discontinuity among Indigenous girls.³⁹

52. Community consultations conducted in 2025 also identified high rates of school dropout and increasing vulnerability among young people. Participants reported that forced marriages involving teenage girls continue to occur, often driven by poverty and economic hardship. Girls who are married at an early age are frequently unable to complete their education and face heightened risks of domestic violence, health complications and long-term economic dependency.⁴⁰

53. The Sena report similarly found that early marriage and adolescent pregnancy remain significant obstacles to girls' educational attainment in Indigenous Peoples. Respondents also highlighted the lack of menstrual hygiene products as a continuing factor contributing to absenteeism among adolescent girls, despite national programmes aimed at increasing girls' retention in school.⁴¹

³⁶ OPDP, *Enhancing Access to Justice*, 4.

³⁷ Kenya, National Police Service. <https://nationalpolice.go.ke/forms-0>

³⁸ Sena, *State of Health and Education among Minority and Indigenous Peoples in Kenya*, 28.

³⁹ Sena, *State of Health and Education among Minority and Indigenous Peoples in Kenya*, 29-30.

⁴⁰ OPDP, *Enhancing Access to Justice*, 3-4.

⁴¹ Sena, *State of Health and Education among Minority and Indigenous Peoples in Kenya*, 29-30.

Key Recommendations to the State

The Committee should recommend that the State party:

- i) Collect and publish data disaggregated by Indigenous status, in addition to gender, age and disability, across all sectors, including health, education, gender-based violence, land rights, and economic empowerment programmes.
- ii) Ensure that Indigenous Peoples, including the Ogiek, are explicitly included in maternal and reproductive health targeting frameworks and report on coverage and outcomes among Indigenous women and girls.
- iii) Remove financial barriers to accessing medical examinations and documentation required for survivors of gender-based violence, including ensuring free and timely access to P3 forms.
- iv) Strengthen prevention and response measures addressing defilement, sexual violence, adolescent pregnancy, and reproductive health information in Indigenous communities.
- v) Monitor and document the impact of evictions, displacement, and land insecurity on Indigenous girls' access to all services including health and education.
- vi) Develop targeted interventions to prevent school dropout, child marriage, and teenage pregnancy among Ogiek girls, in collaboration with Indigenous women's and community organizations.

VI. Conclusions and Priority Recommendations

54. The co-submitting organizations acknowledge Kenya's legislative, policy, and institutional efforts – most notably the constitutional recognition of community land, gender-responsive land governance frameworks, and reported advances in justice, health, education, and protection from gender-based violence. While these measures establish a vital normative foundation, significant implementation gaps persist. Across all issues examined, a clear pattern emerges: national commitments and legal reforms have failed to translate into the practical enjoyment of rights for Indigenous Ogiek women, particularly regarding land ownership, access to justice, protection from violence, essential services, and decision-making power.

55. The continued failure to fully implement the African Court's judgments concerning the Ogiek Indigenous Peoples remains a matter of particular concern. Unresolved land rights, tenure insecurity and continued evictions have far-reaching consequences for Indigenous women, affecting their livelihoods, access to natural resources, cultural identity, health, education, and overall security. The report also highlights persistent barriers to justice and protection from gender-based violence, including geographic isolation, limited access to services, underreporting, stigma and reliance on informal dispute-resolution mechanisms.

56. The absence of data disaggregated by Indigenous status further obscures the situation of Ogiek women and girls. Without such data, it is not possible to assess whether national laws, policies, and programmes are effectively reaching Indigenous women or addressing the specific forms of discrimination they experience.

57. The Committee should therefore urge the State party to implement the recommendations set out in this report and to ensure that the rights of Indigenous women are systematically integrated into laws, policies, programmes and monitoring mechanisms affecting land rights, access to justice, health, education and participation in public affairs, consistent with the obligations set out in CEDAW General Recommendation No. 39 on the rights of Indigenous women and girls.

58. The Committee's review provides an important opportunity to ensure that the rights of Indigenous women are realized not only through formal legal guarantees, but also through concrete measures that enable their full and effective enjoyment in practice. In line with General Recommendation No. 39, particular attention should be paid to the intersecting forms of discrimination experienced by Indigenous women and girls and to the protection of their collective rights to lands, territories, resources, culture, participation, and self-determination as essential conditions for achieving substantive equality.