



**Convention on the Elimination
of All Forms of Discrimination
against Women**

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**Committee on the Elimination of Discrimination
against Women**

**Ninth periodic report submitted by Kenya under article 18
of the Convention, due in 2021***

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* The present document is being issued without formal editing.



Abbreviations

AGPO	Access to Government Procurement Opportunities
ASDS	Agricultural Sector Development Strategy
CAJ	Commission for Administrative Justice
CDF	Constituency Development Fund
CIC	Constitutional Implementation Commission
CoK	Constitution of Kenya
CPPMUs	Central Planning and Project Monitoring Units
CIPEV	Commission of Inquiry into the Post-Election Violence
CSO	Civil Society Organizations
C-WES	Constituency Women Enterprise Scheme
DRH	Division of Reproductive Health
ECD	Early Childhood Development
EEP	Economic Empowerment Programme
ERS	Economic Recovery Strategy for Wealth and Employment Creation
FGM	Female Genital Mutilation
GBV	Gender Based Violence
GDI	Gender Development Index
GER	Gross Enrolment Rate
GII	Gender Inequality Index
FPE	Free Primary Education
GRB	Gender Responsive Budgeting
GSCG	Gender Sector Coordination Group
HAK	Healthcare Assistance Kenya
HDR	Human Development Report
ICPD	International Conference on Population and Development
IDLO	International Development Law Organization
IEBC	Independent Electoral and Boundaries Commission
ILO	International Labour Organization
IMF	International Monetary Fund
IPPG	Inter Party Parliamentary Group
KCSE	Kenya Certificate of Secondary Education

KCPE	Kenya Certificate of Primary Education
KDHS	Kenya Demographic and Health Survey
KESSP	Kenya Education Sector Support Programme
KEWOPA	Kenya Women Parliamentary Association
KHDR	Kenya Human Development Report
KNASP	Kenya National AIDS Strategic Plan
KNBS	Kenya National Bureau of Statistics
KNEC	Kenya National Examination Council
KNICE	Kenya Integrated Civic Education
KNHCR	Kenya National Human Rights Commission
KNHREC	Kenya National Human Rights and Equality Commission
LATF	Local Authority Transfer Fund
LFP	Labour Force Participation
MCAs	Members of County Assemblies
MDAs	Ministries, Departments and Agencies
MDGS	Millennium Development Goals
MDP	Ministry of Devolution and Planning
MoEST	Ministry of Education Science and Technology
MoH	Ministry of Health
MMR	Maternal Mortality Rate
MSE	Micro and Small Enterprise
MSSG	Multi-Stakeholder Support Group Forum
MTEF	Medium-Term Expenditure Framework
MTP	Medium-Term Plan
NAAP	National Affirmative Action Policy
NAAIAP	National Accelerated Agricultural Inputs Access Programme
NACAF	National Committee on Abandonment of Female Genital Mutilation
NALEP	National Legal Awareness Programme
NASCOP	National Aids and STI Control Programme
NCAPD	National Coordinating Agency for Population and Development
NER	Net Enrolment Rate
NESP	National Education Sector Plan

NHSSP	National Health Sector Strategic Plan
NITA	National Industrial Training Authority
NGEC	National Gender and Equality Commission
NGO	Non-Governmental Organization
NPA	National Plan of Action
NSNP	National Safety Net Programme
NYS	National Youth Service
OVC	Orphans and Vulnerable Children
OSH	Occupational Safety and Health
PWD	Persons With Disabilities
SACCO	Savings and Credit Co-operatives
SGBV	Sexual and Gender-Based Violence
SOA	Sexual Offences Act
SMT	Science, Mathematics and Technology
SOP	Standard Operating Procedures
STEM	Science, Technology and Mathematics
TIVET	Technical, Industrial and Vocational Education Training Institutions
TSC	Teachers Service Commission
UN	United Nations
UNDP	United Nations Development Programme
UNECOSOC	United Nations Economic and Social Council
UNECA	United Nations Economic Commission for Africa
UPE	Universal Primary Education
WEF	Women Enterprise Fund
YEDF	Youth Enterprise Development Fund

Introduction

1. This is the Ninth Periodic Report, which Kenya submits to the CEDAW Committee under Article 18 of the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW Convention). The report covers the progress made in implementation of CEDAW Convention during the period of August 2016 to August 2021. It provides an article-by-article review of the implementation of CEDAW in Kenya. It is also prepared in response to the 2017 Concluding Observations and Recommendations of the UN Committee on the Elimination of Discrimination against Women following its consideration of the 8th Periodic Report. Text relevant to a Concluding Observation or a Recommendation is indicated within the relevant paragraph.

2. During the reporting period, Kenya held a General Election in 2017 in which the Jubilee Party formed the Government. The Country is preparing for the General Elections, scheduled for August 2022. Kenya continues to comply with its international human rights obligations throughout the electoral cycle although the COVID 19 pandemic complicated implementation.

3. This Report refers to the Constitution of Kenya 2010 as the Constitution provides the characteristics of the political and legal structures in place for the promotion and protection of human rights within the Country. The Report uses statistics mainly from the Kenya National Bureau of Statistics (KNBS), the Government's principal agency for collecting, analysing, and disseminating data. The Report also uses information provided by the national and county Government Departments and Agencies, in collaboration, the Civil Society, and the Private Sector under the auspices of the then Ministry of Public Service, Gender, Senior Citizens Affairs and Special Programmes, through a technical working group. All these stakeholders, in various ways, develop and implement policies, strategies, and initiatives to improve the status of women and girls in Kenya.

Article 1 Definition of discrimination

4. The Constitution prohibits discrimination on various grounds, including discrimination based on race, sex, pregnancy, marital status, health status, ethnic or social origin, colour, age, disability, religion, conscience, belief, culture, dress, language or birth. The right to be free from discrimination is guaranteed under the Bill of Rights in Chapter Four and other Articles of the Constitution.

5. Article 2 (5) and 2 (6) of the Constitution domesticates International Treaties ratified by Kenya, including the Convention on Elimination of Discrimination against Women (CEDAW Convention). It effectively adopts the definition of discrimination as spelt out in the CEDAW Convention part of the Kenyan law, and the principles in the Convention are directly applicable in Kenya.

6. Since 2010, the Government has taken steps to repeal discriminatory laws and enacted new laws including, Marriage Act 2014 and Matrimonial Properties Act 2015, now being implemented in the Courts of Law.

7. The Law of Succession Act is increasingly enforced to protect the rights of women and girls to inherit property from their parents as stipulated by the Constitution.

8. In response to the Concluding Observation [CEDAW/C/KEN/8](#)) E(8) and (9); There is no restriction on the appointment of Muslim women as Alternative Dispute

Resolution Mediators. However, a national debate has been initiated, particularly among the Muslim Community on the appointment of Muslim women as Kadhis.

9. In response to the Concluding Observation [CEDAW/C/KEN/8](#)) E 10 recommendation regarding lack of comprehensive anti-discriminatory legislation; the Government has put in place anti-discriminatory provisions within various pieces of legislation, but no comprehensive anti-discriminatory legislation has been passed as yet.

10. In response to the Concluding Observation [CEDAW/C/KEN/8](#)) E 11 recommendation regarding the absence of clear and complete protection from discrimination against intersex persons in the Constitution and the fact that homosexual acts remain a crime in the State party's legislation. The Government, through the 2019 Population and Housing Census, recognized intersex persons.

11. Further on 24 May 2019, three High Court Judges gave a unanimous judgment that the law that criminalizes same-sex sexual conduct is not in violation of the Constitution, in the case of *EG & 7 Others v the Attorney General; DKM & 9 Others v the Attorney General* (Petition Nos. 150 & 234 of 2016).

12. With regard to transgender persons, the judiciary has dealt with the issue of gender identity, and there is Jurisprudence in compliance on transgender in the High Court of Kenya at Nairobi judicial Review Division JR Case No. 147 of 2013, *Republic v Kenya National Examinations Council and another ex-parte Audrey Mbugua Ithibu*. In a case where the applicant sought a court order compelling the Kenya National Examinations Council (KNEC) to remove gender demarcation from Secondary School Certificate and reissue the Certificate in a new name, the Court held that rules of the KNEC do not require a gender mark to be indicated on the Certificate.

Article 2

Duty of state and measures to eliminate discrimination

13. The Constitution, the supreme law of the land, stipulates the duty of the State to eliminate discrimination. The Constitution obligates the State to eradicate discrimination and charges the State to implement rights and fundamental freedoms.

14. Under Article 27 (4), the Constitution provides that the State shall not discriminate directly or indirectly against any person on any ground, including: race, sex, pregnancy, marital status, health status, ethnic or social origin, colour, age, disability, religion, conscience, belief, culture, dress, language or birth. While Article 27 (5), a person shall not discriminate directly or indirectly against another person on the above grounds.

15. Article 21 of the Constitution provides that it is a fundamental duty of the State and every State organ to observe, protect, promote, fulfil and respect the rights and fundamental freedoms in the Bill of Rights. Further, it gives all state organs and public officers the duty to address the needs of various groups within society, including women. Additionally, the State should implement legislation to fulfil its international obligations regarding human rights and fundamental freedoms.

16. The National Gender Commission has been established to monitor incidences of gender equality and to make recommendations to various Government Departments and Agencies on how to eliminate gender discrimination.

17. The Government has undertaken considerable legal and policy measures to eliminate discrimination against women. The following are essential for implementation of the policy and legislation framework:

- (a) The Constitution;
- (b) National Gender and Equality Commission Act, 2011;
- (c) Matrimonial Property Act, 2013;
- (d) Marriage Act, 2014;
- (e) Land Act, 2012;
- (f) Land Registration Act, 2012;
- (g) Counter-Trafficking in Persons Act, 2010;
- (h) Prohibition of Female Genital Mutilation (FGM) Act, 2011;
- (i) Sexual Offences Act, 2006 (Rev.2012);
- (j) Kenya Citizenship and Immigration Act, 2011;
- (k) Amendment of the Law of Succession Act, 2010 (Rev.2018);
- (l) Children Act, 2001;
- (m) Persons With Disabilities Act, 2003;
- (n) National Policy on Gender and Development, 2019;
- (o) Popular Version of the Gender Policy;
- (p) National Action Plan to implement the Gender Policy;
- (q) National Policy on Eradication of Female Genital Mutilation 2019;
- (r) National Policy on Menstrual Hygiene Management, 2019; and
- (s) National Policy on Prevention and Response to Gender Based Violence, 2014 (under review).

18. A National Action Plan (2020–2022) to implement CEDAW Committee Concluding Observations on Kenya’s 8th Periodic Report was prepared and shared with stakeholders. The development of the Action Plan was a collaborative effort between state and non-state actors. The Plan sets out 28 action points for implementation, required action, responsible parties, indicators, and time frame. Implementation of the Action Plan is ongoing.

19. The main challenge is the persistent harmful and discriminatory cultural and traditional practices that hamper progress in the elimination of discrimination against girls and women. However, the government is mobilising resources, fostering community dialogue, creating awareness, enforcing existing laws, policies and measures and building partnerships between state and non-state actors to enhance empowerment of girls and women and protection of their rights.

Article 3 Equality

20. The Constitution has strong and explicit provisions on the right to equality, guaranteed under the Bill of Rights. Women and men have the right to equal treatment, including the right to equal opportunities in political, economic, cultural and social spheres. In this regard, the supreme law of the country forbids both direct and indirect discrimination.

21. The Constitution stipulates that every person is equal before the law and has the right to equal protection and equal benefit of the law; that equality includes the full

and equal enjoyment of all rights and fundamental freedoms and further that women and men have the right to equal treatment, including the right to equal opportunities in political, economic, cultural and social spheres. Article 27(1) (2) and (3).

22. Equality is among the National Values and Principles of Governance entrenched in Article 10(2) (b) of the Constitution. Other values include human dignity, equity, social justice, inclusiveness, equality, human rights, non-discrimination and protection of the marginalized, which are complementary to the principle of equality.

23. The government requires all state agencies to prepare annual reports on the measures they have put in place to ensure adherence to the National Values under Article 10 and in particular implement non-discrimination and affirmative action in recruitment and promotion of employees. This has enhanced opportunities for women in the public sector.

24. The Government continues to undertake legislative, administrative and judicial measures to implement equality between women and men across the socio-cultural, political, and economic spheres even as it initiates new legislation and policies. The National Policy on Gender and Development, 2019, provides a framework for realizing gender equality and women empowerment in the social, economic, political, and cultural spheres as envisaged in the Constitution. It also establishes and strengthens affirmative action efforts to reduce gender inequalities in access to productive resources such as land, labour, finances, information, and technology among others.

25. Progress on gender-responsive budgeting has been made, mainly raising awareness and pursuit for accountability on the commitment to gender equality, women and girls empowerment. Article 201 (b) of the Constitution states that: *The public finance system shall promote an equitable society, and in particular— (iii) Expenditure shall promote the equitable development of the country, including by making special provisions for marginalised groups and areas.* The National Gender and Equality Commission has developed guidelines for gender-responsive budgeting to enhance revenue allocation to women and other disadvantaged groups and addresses the gaps in the realization of gender equality and women's empowerment.

26. Article 203 of the Constitution sets out the criteria to consider in determining equitable shares of revenue for Counties, including affirmative action regarding disadvantaged areas and groups. It is envisaged that the increased revenue allocation to the previously disadvantaged areas will benefit women with regard to provision of water, electricity and other opportunities.

27. The National Gender Machinery has been elevated to the State Department for Gender to ensure gender mainstreaming in all the Government Ministries, Departments, and Agencies and monitoring and evaluation of gender-specific laws, policies and strategies. The functions of the State Department for Gender have been expanded as per Executive Order No. 1 of January 2020 to enable it address the issue of equality of men and women more comprehensively.

28. The Government has operationalized Article 59(1) of the Constitution by establishing and continuing to strengthen three commissions namely: the Kenya National Human Rights Commission (KNHCR), National Gender and Equality Commission (NGEC), and the Commission on Administrative Justice (CAJ) or (the Office of the Ombudsman). The Commissions are mandated to promote gender equality and equity and generally to coordinate and facilitate gender mainstreaming in national development, ensuring respect, promotion and protections of human rights in public and private institutions; and, to act as the principal organs of the State in ensuring compliance with obligations under treaties and conventions relating to human rights.

29. Through NGEC, the Government monitors public institutions to ensure that their systems, operations, facilities, policies, procedures, comply with the Constitution on gender equality. It is envisaged that this will be enhanced to address organizational norms and cultures as well as inherent biases that constrain women's decision-making.

30. Promoting gender equality has further been collectively enhanced through establishment of Gender Sector Working Groups (GSWGs), comprising of stakeholders from Government Ministries Departments and Agencies, Council of Governors, Civil Society, Women's Human Rights entities, Private Sector, Academia, Development partners including UN agencies among others.

31. The Intergovernmental Consultative Framework (IGF) on gender adopted in January 2019, provides a forum for coordinating gender functions between the two levels of Government (national and County).and also provides a forum to discuss the gender concurrent functions and competencies relating to gender equality and women's empowerment.

32. The Status of Equality and Inclusion Report published regularly, provides the extent to which the principles of equality and inclusion have been implemented in the areas of employment; political representation; social protection; and, education, at both levels of government, as well as in the public and private sectors. The report provides data and makes extensive practical recommendations on how to close the existing equality and inclusion gaps relating to Special Interest Groups (women, youth, persons with disabilities, the elderly, children and the marginalized and minority groups) in the four sectors of focus.

33. In 2018, the Government, through NGEC, developed a legislative Handbook on Principles of Equality and Non-Discrimination. It sets to guide legislators at the national and county levels in the review of policy and legislation and in overseeing the formulation and implementation by state and non-state agencies of appropriate programmes, plans and actions towards full realization of gender equality and inclusion of special interest groups in the society.

34. The government has continued to hold public education forums to special interest groups on gender equality and freedom from discrimination, equality and inclusion accountability forums with duty bearers and rights holders including training in humanitarian contexts. Similarly, the government has continued to facilitate trainings on gender equality to the Judiciary through the Judiciary Training Institute, the Kenya Women Judges Association, annual judges colloquium, the police and actors in the legal sector through the Law Society of Kenya training programs.

35. The Government has prepared a Strategy on achieving SDG 5 on Gender Equality and Empowerment of all women and girls (2020–2025). This strategy is intended to fast-track realization of the gender related indicators within the broader 2030 Agenda for Sustainable Development. The broad strategic areas of focus include: strengthening policy, legislative and institutional frameworks; socio-economic empowerment; leadership and decision-making; gender mainstreaming of policies and budgets; elimination of gender-based violence; elimination of harmful practices; access to sexual and reproductive health; gendered research, data collection and analysis; and, coordination and stakeholder engagement.

36. In response to the Concluding Observation [CEDAW/C/KEN/8](#)) E (14 and 15 (a) regarding National Machinery for the advancement of women. The Government continues to allocate resources to the State Department of Gender and Affirmative Action and to the National Gender Equality Commission to enable them effectively undertake their mandate. Both institutions also have Resource Mobilization Plans to

enhance funding of their programmes through collaboration with stakeholders and development partners.

37. On recommendation [CEDAW/C/KEN/8](#)) E 15 (b), the Government equips NGEAC with a complaint mechanism and authority to issue binding findings. This has not yet been implemented. The Commission continues to receive and process complaints related to discrimination against women and monitors gender inequalities and the discrimination against all women, men, persons with disabilities, youth, children, the elderly, minorities, and marginalized communities. However, the authority to issue binding findings is currently a preserve of the courts and tribunals.

38. On recommendation [CEDAW/C/KEN/8](#)) E 15 (c) regarding collecting and publishing gender disaggregated data, KNBS is currently collecting disaggregated data by sex, gender, ethnicity, disability, and age, to inform policy and programmes on women and girls, as well as assist in the tracking of progress in the achievement of the gender-related targets of the Sustainable Development Goals, effected through the Gender Sector Statistics Plan (GSSP) 2019/20–2022/23.

39. In 2020, the KNBS, in partnership with the State Department for Gender, UN Women and UNICEF, conducted a study to measure women's empowerment and developed the Kenya Women's Empowerment Index (WEI). The index provides the first comprehensive and systematic measure for women and girl's empowerment in Kenya. The WEI will equip stakeholders with information to tailor solutions to meet national, regional, and international commitments on gender equality and women's empowerment, including the SDG 5, which targets gender equality and the empowerment of all girls and women by 2030.

Article 4

Special measures aimed at accelerating equality between men and women

40. Kenya is a state party to a number of international and regional human rights instruments that recognize equality between men and women, domesticated by the Constitution under Article 2(6), which makes any Treaty or Convention ratified by Kenya part of the Kenyan Law. The Government continues to take special measures through legislations, policies and programmes to make gender equality a reality.

41. The Constitution enshrines the principle of equality of men and women and requires the state to adopt affirmative action programmes and policies to *'redress any disadvantages suffered by individuals or groups because of past discrimination'*.

42. The Government, in giving effect to international obligations and the Constitutional provisions on special reform measures through legislative and policy measures are being implemented in various areas including: education, political representation, employment and the economy. These measures have seen the mandatory inclusion of women, youth, marginalized groups and persons with disabilities in the country's political and public processes.

43. The Constitution provides for equality between men and women in general and also lays ground for protecting equality between men and women by making a provision that elective and appointive bodies should be composed of *'not more than two-thirds of either gender'*. The principle is applicable to the National Assembly and the Senate; however, the Articles in the Constitution that regulate the membership of the two houses do not have provisions to operationalize the principle in these houses. In practice, therefore, there has been partial implementation of the principle at the

National Assembly. The partial implementation has resulted in significant increase in the two houses of Parliament however, the gender quota has not been attained.

44. To safeguard the provided gender quotas, the Government has developed the Gender Sector Statistics Plan (GSSP) 2019/20–2022/23, aligned with Vision 2030, the Medium-Term Plan (MTP) III (Gender Sector Plan) 2018–2022 and the Kenya Strategy for the Development of Statistics (2019–2023). In addition, the Plan has also been aligned with gender-related global normative frameworks, such as the Sustainable Development Goals (SDGs), Beijing Platform for Action (BPfA), and CEDAW. The GSSP is also intended to increase accountability through evidence-based statistics.

45. The Government has developed the Public Service Diversity Policy that provides strategies for ensuring an inclusive public service of the diverse Kenyan communities including gender, ethnicity, youth, and persons with disabilities, minorities and marginalized groups considerations. The relevant Ministries and the Commission monitor implementation of these measures towards creating long-term strategies to advance equality between men and women.

46. In response to the Concluding Observation [CEDAW/C/KEN/8](#)) para E (16) regarding application of temporary special measures to accelerate the achievement of substantive equality between women and men in all areas covered by the Convention, with particular attention to women and girls with disabilities and rural women, the mainstreaming, monitoring and evaluation of gender programs is progressively being implemented by all Ministries, Departments and Agencies (MDAs) to facilitate promotion of equality between men and women and equal opportunities in political and public life, as well as education, health and employment. All Government agencies have established databases to report on gender activities on a regular basis to the Commission and the State Department for Gender.

47. In response to the Concluding Observation [CEDAW/C/KEN/8](#)) para E (17) on the application of the constitutional two-thirds gender rule; The parliament is yet to pass a legislation to affect the two-third gender rule despite five prior attempts to amend the Constitution to put in place mechanisms for achieving the two-thirds gender rule. The Government has however, introduced to Parliament the Representation of Special Interest Groups Laws (Amendment) Bill, 2019, to give effect to Article 100 of the Constitution to promote the representation of women, persons with disabilities, youth and other ethnic minorities in Parliament.

48. There however remains a challenge in achieving gender equality in elective positions, which the Government is tackling by proposing amendments to various laws as well as civic education and awareness while achieving gender equality in appointive positions has been progressive.

Article 5

Measures to modify social and cultural prejudices and stereotyping and harmful practices

49. The Constitution lays the foundation for eliminating social and cultural patterns based on inferiority or superiority of either sex by making specific provisions on equality of men and women and explicitly prohibiting discrimination on the various grounds. In addition, Article 2(4) makes any law, including customary law that is inconsistent with the Constitution void to the extent of the inconsistency, and any act or omission in contravention of the Constitution invalid.

50. Article 204 of the Constitution (2010) creates an Equalization Fund. This has been operationalized in the previously marginalized counties to redress ethno-regional economic inequalities, and benefits women directly, and indirectly. Further the Equalisation Policy has been put in place to enhance access to the funds to provide basic services among them: water, roads, health services, and electricity which directly benefit women in these regions.

51. The Marriage Act (2014) has enhanced protection of women in marriages through registration of marriages including customary marriages. In instances where the Act appears to limit individual rights, the Courts have stepped in to declare those provisions unconstitutional. For instance, in *Tukero Ole-kina vs Attorney General and another* (2019) eKLR, the court held that section 66 (1) of the Marriage Act was unconstitutional, null and void to the extent that it limited the presentation of a petition for separation and divorce in a civil marriage until the expiry of 3 years.

52. The Courts have also contributed to ensuring that harmful cultural practices are eliminated. For example, through the *Constitutional Petition 244 of 2019*, seeking to perpetuate Female Genital Mutilation as a right to choice; [*Dr. Tatu Kamau – petitioner versus the Hon. Attorney General, Anti FGM Board, the Director of Public Prosecutions and nine other interested parties including Katiba Institute and KEWOPA*. [2021] eKLR]. The High Court composed of three Judges ruled that the Petition was devoid of merit and was thereby dismissed. The court directed the Attorney General to forward proposals to the National Assembly to consider amendments to section 19 of the Prohibition of Female Genital Mutilation Act (No. 32 of 2011) with a view to prohibiting all harmful practices of FGM as set out in the judgment.

53. In response to the Concluding Observation [CEDAW/C/KEN/8](#)) and recommendations contained in para E (21) (c) on updating and adopting the FGM Policy, the National Policy on Eradication of Female Genital Mutilation, 2019 is in place and is being implemented. The Policy has been revised to align it to the Constitution, the Prohibition of Female Genital Mutilation (FGM) Act, 2011 and the Sustainable Development Goals (SDGs). The Policy is anchored on Sustainable Development Goal 5 and will also contribute to SDG 3 and 4: to promote education empowerment, eliminate early marriage, adolescent pregnancies, child labour, risk of gender-based violence, HIV infection and eliminate poverty.

54. Enforcement of the Prohibition of FGM Act, 2011 was key in the campaign to end FGM in the country. Commitment to modify harmful cultural patterns and stereotypes has been established at the highest level. On the 4th of June 2019, The President of the Republic of Kenya firmly commitment to put an end FGM by 2022, by providing the requisite leadership to ensure that FGM ends in this generation.

55. The Government through the Ministry of Education has incorporated anti-FGM content in the school curriculum and establishment of Anti FGM and Child Marriage Prosecution Units to fast track the prosecution of FGM and child marriage cases with the Office of the Director of Public Prosecutions.

56. In response to the Concluding Observation [CEDAW/C/KEN/8](#)) para E (18) regarding stereotypes and harmful practices and the persistence of discriminatory stereotypes on the roles and responsibilities of women and men in the family and in society as well as other harmful practices, the Government has put in place established measures and funding of an Inter-Agency Programme on Prevention of and Response to Gender Based Violence (GBV).

57. In response to the Concluding Observation [CEDAW/C/KEN/8](#)) para E (19) (a-c) that the Government developed and implemented a comprehensive strategy to eliminate harmful practices and stereotypes that discriminate against women. The

Inter-agency Programme on Prevention of and Response to GBV addresses the social and cultural norms that promote GBV at individual, institutional and community levels, enhancing accountability and enforcement of legislation and policies; and, increasing and improving quality and utilization of essential GBV services. The key actors in the programme are the Ministries of Public Service and Gender; Interior and Coordination of National Government; Education; Labour and Social Protection; Health; ICT, Innovation and Youth; the Attorney General's Office and Judiciary.

58. The Government has also established a Multi-Agency Technical Committee (M-ATC) on the acceleration to eliminate FGM by 2022. The Committee is composed of the focal persons from Ministries of Public Service and Gender; Health; Education; Interior and Coordination of National Government; Labour and Social Protection; The National Treasury; East African Community; ICT, Innovation and Youth Affairs; Office of the Director of Public Prosecutions (ODPP) and the Anti-FGM Board.

59. On 17th April 2019, the Anti FGM Board in collaboration with UNFPA and other stakeholders held an: '*End FGM Cross Border Inter-Ministerial Meeting*', that involved Kenya, Uganda, Ethiopia and Somalia culminating in the signing of a landmark declaration to end cross border FGM. A Regional Action Plan to end cross border FGM was developed for state and non-state actors to enhance capacity for prevention and response programming. The Board also trained 4,530 duty bearers from twenty (20) FGM hotspot counties as at May 2019.

60. To ensure that women survivors of harmful practices can file complaints without fear of retribution or stigma and have access to effective remedies and victim support such as legal, social, medical and psychological assistance and shelters, the Government continues to implement the Victim Protection Act, which gives effect to Article 50(9) of the Constitution. The Victim Protection General Regulations 2020 have been developed to operationalize the Act. The Victim Protection Board has in place a policy and a Victim Trust Fund to cater for expenses arising out of assistance to victims/survivors of crime. Further, the Victim Protection Trust Fund Regulations are being developed to operationalize the Trust Fund and a draft Victim Rights Charter has been developed.

61. In response to the Concluding Observation [CEDAW/C/KEN/8](#)) para E (20) on FGM and its prevalence in certain communities, lack of accurate data and relatively low level of prosecutions and continued impunity of perpetrators, as well as medicalization of FGM; the Government continues to enforce legislation and undertake policy and programmatic measures.

62. In response to the Concluding Observation [CEDAW/C/KEN/8](#)) para E (21) (a) on ensuring that the Prohibition of FGM Act of 2011 is widely known and implemented; The Government through the Anti-FGM Board has devised several programmes including: community dialogues, alternative rites of passage, and engagement of community elders, cultural leaders and religious leaders. More than 10,000 girls have graduated from alternative rites of passage during this review period. Further the Board in collaboration with UNFPA and other stakeholders held inter-ministerial meetings to end FGM cross border.

63. With regard to prosecution of offenders, in the financial year 2016/2017, the ODPP had 95 newly registered FGM cases and related offences and 166 from the financial year 2015/2016, a total of 261 cases. Out of the 261 cases, there were 16 convictions, 8 acquittals, 5 withdrawals and 232 still pending trial. In the financial year 2017/2018, they handled 346 cases on FGM out of which 34 were convicted, 10 acquittals, 22 withdrawals and 280 pending trial.

64. An Anti-FGM Prosecution Unit has been established in the ODPP and the Board has created a comprehensive FGM case-tracking tool that promotes accountability in

reporting, investigation, and prosecutorial phases of cases, while allowing authorities to track success stories of the girls protected from FGM due to proactive judicial mechanisms and alternatives to criminal prosecution.

65. The ODPP developed Standard Operating Procedures (SoPs) on Investigation and Prosecution of FGM cases including offences related to harmful cultural practices, to standardize, for consistency and efficiently investigate and prosecute FGM cases. The SOPs lay out requirements for a prosecutor in making decisions to charge, evidence required, conduct of the trial and how to handle survivors and witnesses in the prosecution of FGM and related crimes. The SoPs have enhanced prosecution of FGM cases and increased conviction of perpetrators.

66. The Board in collaboration with Kenya Institute of Curriculum Development (KICD) has developed and included Anti-FGM content, Alternative to Rites of Passage (ARP) Guidelines in the basic school programmes and a simplified version of the Anti-FGM law in English and Kiswahili. The booklet targets girls, teachers, chiefs, police, parents, medical practitioners and the general public, to enhance protection, prevention and reporting of cases. It also includes information on the GBV Helpline (1195) where the public can report GBV related matters and link survivors to rescue centres where they can receive assistance.

67. In response to the Concluding Observation [CEDAW/C/KEN/8](#)) para E (21) (b) on measures to eradicate FGM including increased awareness-raising among religious and traditional leaders and the general public, in cooperation with civil society, about the criminal nature of FGM and its adverse effect on the human rights of women, and the need to eradicate FGM and its underlying cultural justifications, both levels of government are supporting initiatives on ending harmful traditional practices and facilitating grass-roots efforts that focus on changing the mindsets of practicing communities.

68. Further the Government has established a national technical committee with various stakeholders to monitor and implement the ICPD+25 Nairobi Summit commitments that include elimination of harmful cultural practices including FGM. The committee has been effectively submitting annual progress reports on implementation of the commitments.

69. In addition, the Government continues to commemorate key international days for special interest groups, during which public education and awareness creation campaigns on various matters affecting special interest groups (SIGs), including laws affecting them. The specific days include: International Women's Day; International Day of Families; World Elder Abuse Awareness Day; International Day of the Girl Child; Day of the African Child; International Day of Persons with Disabilities; International Youth Day; International Day of Rural Women; and, International Day of Zero Tolerance for Female Genital Mutilation.

70. The Government has developed a monitoring and evaluation framework as a tool for reporting on implementation of the Action Plan.

71. The challenge is that modifying cultural practices takes time and despite the legislative and policy measures put in place to prohibit the practice, it still persists in certain communities. Abandonment of FGM efforts has been hampered by cultural resistance from traditional practicing communities that has posed a major setback to the realization of the provisions of the Prohibition of FGM Act and on changing the mind-set of practicing communities. Also, the Marriage Act 2014 still recognizes polygamous marriages and its attendant problems. Although this seemed to contravene Article 45(3) of the Constitution that states that Parties to a marriage are entitled to equal rights at the time of marriage, during the marriage and at the

dissolution of the marriage, the High Court ruled that there was no contravention. There is an on-going debate about the place of polygamy in the country.

Article 6

Violence against women

72. The right to freedom and security of the person, which includes the right not to be subjected to any form of violence from either public or private sources and the right not to be subjected to torture in any manner whether physical or psychological is guaranteed by the Constitution to every person. Political parties are specifically prohibited from engaging in or encouraging violence by, or intimidation of, its members, supporters, opponents or any other person. These provisions form the foundation for the elimination of violence against women and girls (VAWG). Kenya's Vision 2030 acknowledges the increasing cases of GBV and lays out strategies to reduce the same and the vulnerabilities that proliferate it.

73. The Government to implement the following laws and policies already in place to combat VAWG:

- (a) The Sexual Offences Act, 2006;
- (b) The Children Act, 2001;
- (c) Counter-Trafficking in Person's Act, 2010;
- (d) The Penal Code, Cap 63;
- (e) The Prohibition of FGM Act, 2011; and,
- (f) The Protection Against Domestic Violence Act, 2015.

74. In response to the Concluding Observation [CEDAW/C/KEN/8](#)) para E (22) on the high level of gender-based violence against women and girls, the Government continues to take and enforce legislative, policy and programmatic measures. Enforcement of the law and prosecution of GBV cases has improved. For instance, in the financial year 2016/2017, the ODPP had 6,899 newly registered cases on GBV and related offences and 14,651 from the financial year 2015/2016, a total of 21,550 cases. Out of the 21,550 cases, there were 1,703 convictions, 587 acquittals, 578 withdrawals and 18,682 still pending trial. In the financial year 2017/2018, they handled 24,954 cases on GBV. Out of the 24,954, there were 1,668 convictions, 761 acquittals, 936 withdrawals and 21,589 pending trial. On Violence Against Women and Women and Armed Conflict, Kenya is steadfast in its commitment to the eradication of all forms of GBV including VAWG in public life, and promoting a peaceful society.

75. In response to the Concluding Observation [CEDAW/C/KEN/8](#)) and recommendations para E (22) (a) on ensuring the strict enforcement of the Protection against Domestic Violence Act (PADV), including by allocating adequate human and financial resources; the Government has put in place the necessary rules and regulations for operationalizing the Act. The Government has developed the Model Legislative Framework on Sexual and Gender Based Violence for County Governments.

76. In response to the Concluding Observation [CEDAW/C/KEN/8](#)) para E (22) (b) on providing adequate training for the judiciary, prosecutors, the police and other law enforcement officers on women's rights; The government continues to implement the Joint Kenya Government and UN Agencies programme on ending GBV including through the training of duty bearers such as the National Police Service, Judiciary, Prosecution and Health practitioners. Since its launch in 2017, over 200,000 security

officers have been trained on management of elections related violence and mapping of GBV service providers in the country undertaken.

77. In response to the Concluding Observation [CEDAW/C/KEN/8](#)) and recommendations in para E (22) (e) on increasing the investigation, prosecution and conviction rates in cases of sexual and GBV, including in informal settlements and in camps for internally displaced persons and refugees, the government has developed the Model County Policy on Sexual and Gender Based Violence (SGBV) to provide guidance to the County Governments on critical elements and considerations for Policy on SGBV. Domestication of the National Policy on Gender and Development, 2019 to develop County Gender Policies. The government, through NGEK has established robust Equality and Inclusion Technical Working Groups (TWGs) in 34 counties consisting of State and non-state actors, to strengthen collaboration and partnerships in addressing GBV and improving the referral chain among the service providers including law enforcement. The Government has produced a training manual 'Stopping Medicalization of FGM' that targets medical personnel.

78. The National Framework towards Response and Prevention of GBV is the framework that provides a strategy for effective coordination of the various State and non-State actors' responses to domestic violence in Kenya. The framework provides a centralized mechanism for monitoring progress towards prevention and response management. It facilitates the availability of credible and reliable data to inform policy development and streamline the submission of data for routine and periodic reporting for stakeholder's consumption and international reporting.

79. Through the amendment to Sexual Offences Act (2006), the Government repealed Section 38 of the Act under which women face the risk of being victimised for initiating prosecutions against their abusers as of June 2012. Victims of sexual offences, majority of whom happen to be women, are now able to report cases of sexual violence without fear of criminal sanctions. In addition, Regulations required for the implementation of the Sexual Offences Act have been passed.

80. The government, through the Commission, has developed guidelines for the establishment of safe houses and GVRs as a mechanism for intervening in cases of GBV and violence against women and children. Based on the findings of a scoping study on safe houses as a mechanism for intervening in cases of GBV and violence, the Commission facilitated the development of guidelines for establishing safe houses.

81. The Government installed a SGBV information system in 2016 to provide a coordinated mechanism for monitoring and reporting on the progress of SGBV prevention and response and the Mapping of Ethnic Minorities and Marginalised Communities in all the 47 counties in Kenya. The Commission developed a Sexual Gender-Based Information System to harmonise collection of GBV data, from five key sectors, namely: Health, Police, Judiciary, Prosecution and Education.

82. For management, monitoring and evaluation, the Government has developed National Guidelines on the Management of Sexual Violence that establishes government standards of service provision which include counselling, treatment and management of injuries, sexually transmitted diseases, PEP, HIV care and pregnancy preventions. The guidelines provide detailed information on management of sexual violence. The National Monitoring and Evaluation (M&E) framework on sexual violence provides the mechanism for management and monitoring progress of response and prevention programmes including systematic mechanisms for coordination and ensure availability of credible and reliable data for policy and programme decisions.

83. Kenya reports annually to the United Nations Security Council on implementation of Resolution No. 1325 on Women, Peace and Security. The 2nd Kenya National Action Plan (KNAP II) was launched in May 2020 under the theme: *'Highlight the Centrality of the Women, Peace and Security Agenda and COVID-19 Pandemic'*. The Plan builds on the successes of the first plan and incorporates emerging issues such as climate change, humanitarian disasters, violent extremism, GBV, human trafficking and forced migration, structural inequalities, devolution, religious and cultural factors. The Plan was disseminated to stakeholders on 5th June 2020. Additionally, a localization tool is being developed to guide implementation of the Plan for the next 5 years.

84. To monitor and mitigate effects of GBV, a free helpline (Dial 1195) was re-launched in March 2017 to involve community members and survivors in the fight against sexual violence, FGM and other forms of violence by ensuring early reporting of all the cases within the recommended 72-hour window period.

85. The Ministry of Health developed Guidelines for the establishment of GBV in Health facilities in August 2020. The Government established and funded a Multi - Agency Programme on Prevention of and Response to Gender Based Violence in the context of COVID-19. Kenya is also co-leading the Generation Equality Forum (GEF) Action Coalition on GBV with the United Kingdom, Iceland and Uruguay.

86. In response to the Concluding Observation ([CEDAW/C/KEN/8](#)) para E (13) (a-d) on measures for the protection of women human rights defenders, the Government recognizes the work of women human rights defenders and has provided a peaceful environment to enable them to freely undertake their work without fear or threat of harassment, violence or intimidation. Further, the Victim Protection Trust Fund regulations are in the process of being developed and are expected to operationalize the trust fund to cater for the compensation of the victim. A draft Victim Rights Charter has been developed.

87. On investigating, prosecuting, and appropriately sanctioning cases of threats and violence committed against women in relation to political processes, the Election Offences Act, 2016 seeks to further women participation in election through penalising violence against women during the election period.

88. The Government has established a National Counter-Trafficking in Persons Advisory Committee to combine efforts to combat trafficking in persons, composed of officers from various government agencies including immigration, prosecution, investigators and children's departments, who prepare regular reports on the vice. The team also receives continuous capacity building on detecting, investigating and prosecuting trafficking activities.

89. The Government launched the National Plan of Action for Combating Human Trafficking (2013–2017) which is currently being reviewed. Further, the country has embarked on capacity building and training of Public Prosecutors, Departments of Immigration Services, Registration of Persons, National Police Service and Children's Services. The Government established a shelter house in the Kabete area of Nairobi to accommodate survivors of trafficking before they are reunited with their families.

90. In response to the Concluding Observation [CEDAW/C/KEN/8](#)) para E (26 and 27) on efforts made by the State party to combat trafficking and protect victims of trafficking, including the adoption of the Victim Protection Act (2013), the Government has put in place several institutions that work hand in hand with the State in combating trafficking of persons. This includes working with Civil Society Organizations who give both legal and technical support in trafficking cases. Some

of these include the Transnational Organized Crime Unit (TOCU) that proactively identified 144 trafficking victims during raids.

91. In response to the Concluding Observation [CEDAW/C/KEN/8](#) para E (27) (c) on strict enforcement of the Counter-Trafficking in Persons Act; the Government has increased efforts in combating trafficking including: achievement of more prosecutions and convictions of traffickers, investigating allegations of official complicity in trafficking crimes, and allocating new funding for its Survivors Assistance Fund. The Government has also expanded the mandate of the Child Protection Unit to include cyber protection against child exploitation. In addition, officials vetted recruitment agencies in compliance with registration requirements and a code of conduct.

92. The investigative capacity of the Directorate of Criminal Investigation's (DCI) Anti-Human Trafficking and Child Protect Unit (AHTCPU) has been increased, a new office established in Mombasa and personnel increased. Cyber centres have been established to increase investigation of cases involving online child exploitation. The centres receive intelligence information related to child exploitation and trafficking and refer the information to officers for action.

93. In response to the Concluding Observation [CEDAW/C/KEN/8](#) para E (27) (d) on training law enforcement and border personnel on early identification of victims of trafficking and their referral to appropriate services, the ODPP has established and operationalized a specialized unit to handle trafficking in persons cases. The Unit's Trafficking in Persons Prosecutors Manual guides investigators and prosecutors on trafficking in persons cases. The Counter-Trafficking in Persons Advisory Committee in the Ministry of Labour and Social Protection. The Government has established the National Assistance Fund for Victims of Trafficking in Persons and developed the National Referral Mechanism (NRM) Guidelines for referring potential survivors of trafficking to services. The guidelines provide a system of identification, referral, holistic support and assistance based on gender, age, specific needs and reintegration of victims of trafficking in Kenya.

94. In response to the Concluding Observation [CEDAW/C/KEN/8](#) para E (27) (a) on addressing the root causes of trafficking and exploitation of women, the Government, through the National Employment Authority (NEA), launched the 'Kenya Labour Migration Information Website' on 29th January 2019 to avail information and to promote safe, orderly and regular migration.

95. In response to the Concluding Observation [CEDAW/C/KEN/8](#) para E (27) (e) on providing adequate resources for support services, including shelters, for victims of trafficking, the Government allocated during the 2019-2020 fiscal year, 20 million Kenyan shillings (\$197,530) to the National Assistance Trust Fund. Services included medical care, psychosocial counselling, rehabilitation and reintegration support, food and clothing, legal aid, and transportation. In 2018, the National Police Service began providing complimentary overnight security to the shelters.

96. The Government has developed new policies for Kenyans seeking employment abroad to ensure that their work contracts comply with specific standards set within the law. The regulatory framework regulates private employment recruitment agencies to address overseas labour recruitment. The Government has posted Labour Attachés to Qatar, UAE and Saudi Arabia to offer assistance to labour migrants amongst them survivors of human trafficking.

97. The Government through the National Employment Authority carries out pre-departure training of labour migrants and sensitizes them on the helpline numbers to call at the diplomatic missions. A draft standard operation procedure to combat human trafficking has been developed.

98. On exploitation of prostitution, Kenya has adopted, signed and is implementing the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography in 2000 and 2008 respectively. For instance, hoteliers have to sign a code of conduct to protect children and curb child prostitution. The National Plan of Action against Sexual Exploitation of Children in Kenya (2018–2022) is being implemented.

99. The Directorate of Criminal Investigations (DCI) in collaboration with Department of Children Services, the Communications Authority of Kenya and other partners have established a child online protection system to protect Kenyan children against online child abuse. The DCI has established an Anti-Child Sexual Exploitation and Abuse (CSEA) Unit, which investigates, advises and monitors CSEA reported cases. The National Plan of Action on Online Child Sexual Exploitation and Abuse is in place and Guidelines are being developed.

100. The Computer Misuse and Cyber Crimes Act, 2018, enables timely and effective detection, prohibition, prevention, response, investigation and prosecution of computer and cybercrimes; facilitates computer and cybercrime international cooperation and prosecution of cyber gender violence.

101. To address the root causes of sexual exploitation, the Government is implementing policies and projects that promote rural development, poverty alleviation and reduction of rural to urban migration.

102. Despite efforts put in place by the Government and partners, the challenges posed by violence against women persist. Violence and the threat of violence, as well as harassment, remain issues for many women in public and private life, while the inability or unwillingness to report those incidents compound the problem.

103. Challenges also exist such as, porous borders, proliferation of small arms and light weapons, corruption, among others and lack of public awareness of risks and protections available under the law.

Article 7

Political and public life

104. The Constitution contains expansive equality provisions, including Article 27 that provides for gender equality in all elective and appointive positions. Specifically, Article 81 (b) of the Constitution promotes gender equality and inclusion in political leadership. Article 177 (1) of the Constitution has contributed immensely to the increased women leadership in County Assemblies. Further, Article 100 of the Constitution requires Parliament to enact a law to promote the representation of women, PWDs, youth; ethnic and other minorities; and marginalized communities.

105. Since 2010, most women are in political leadership courtesy of the two third gender rule. Gains made by women are documented through political representation at County, Senate and National Assembly levels. Overall, the performance of women candidates in the 2017 general elections was an improvement from 2013, and women achieved valuable milestones and won for the first time gubernatorial and senatorial seats.

106. The affirmative action principle, which allowed more women to hold office in 2013, particularly at the county level, made them experienced candidates hence more successful in subsequent campaigns. As more women enter politics and government, whether through open constituency seats or appointments office, the benefits of their experience to long-term political advancement will lead to longer term gains in representation and success in running for office.

107. In response to the Concluding Observation [CEDAW/C/KEN/8](#)) and recommendations contained in para E (30 and 31), participation in political and public life, the Government has continuously improved the political and public life environment for effective participation of women through legislation and policy and realised more women participation.

108. The Ministry of Public Service and Gender, Kenya School of Government (KSG) and Echo Network Africa (ENA) in partnership with UN Women Kenya Country Office developed a harmonized standard national training curriculum to provide early training for adequate preparedness for women intending to run for political office to expand the pool of qualified women competing for political office. The curriculum is adaptable to women political aspirants and leaders in a variety of contexts. It targets current and aspiring political leaders, especially women and youth at all levels.

109. In response to the Concluding Observation [CEDAW/C/KEN/8](#)) and recommendations contained in para E (31) (a) on immediately putting in place the institutional and legal framework required to implement the 2006 Presidential Decree on affirmative action and the constitutional two thirds gender rule for women in all public offices, this was prior to the inauguration of the Constitution in 2010 which now enshrines the two thirds gender principle under article 27.

110. In response to the Concluding Observation [CEDAW/C/KEN/8](#)) and recommendations contained in para E (31) (b) on providing capacity building on leadership skills and campaign financing to women candidates, the Government has developed a National Strategy and Action Plan to enhance women's representation in public and political life. Consequently, the County Assemblies Forum (CAF) and the Commission have developed a training curriculum for female members of County Assemblies to enhance their capacity to carry out their functions of representation, oversight, budgeting and legislative. The curriculum was disseminated in all the 47 counties.

111. Similarly, CAF in partnership with UN Women and Council of Governors (COG) in May 2021 conducted a localized CSW Forum dubbed CSW Mashinani that provided County women leaders with a platform to deliberate on how to promote women's participation and leadership in all forms of decision-making as well as providing a forum for County women leadership to deliberate on mechanisms of guaranteeing women's participation in the decision-making process. CAF has instituted capacity building programmes for the women Members of County Assemblies (MCAs).

112. In response to the Concluding Observation [CEDAW/C/KEN/8](#)) and recommendations contained in para E (31) (c) on increase measures to ensure that women can safely vote during elections, the Government has continued to progressively mainstream the 'not more than two-third gender rule' in recruitment and appointments in the public service.

113. In response to the Concluding Observation [CEDAW/C/KEN/8](#)) and recommendations contained in para E (31) (d) on ensuring that political parties that are not compliant with the two thirds gender rule are unable to access funds as per the Political Parties Act, 2012 and provide incentives to those political parties that include an equal number of women and men on their electoral lists and at equal ranks, the Government encourages political parties to develop financial incentives to increase the number of women seeking to join the elective positions by charging women half the nomination fee compared to men.

114. In response to the Concluding Observation [CEDAW/C/KEN/8](#)) and recommendations contained in para E (31) (e) on investigating, prosecuting, and

appropriately sanction cases of threats and violence committed against women in relation to political processes, the Government has increased security trainings to address violence against women during elections. The Political Parties Act, 2012 and Election Offences Act, 2012 bear great responsibilities to protect and empower women and provide firm penalties for violence against women during elections. The electoral procedures provided by Independent Electoral and Boundaries Commission (IEBC) and NGEC prevent political violence and oversight.

115. The Government continues to implement the Joint Kenya Government and UN Agencies programme on ending GBV. Since 2017, security officers have been trained on management of elections-related violence and mapping of GBV service providers in the country undertaken. Further, duty bearers: national police service, judiciary, prosecution and health practitioners were trained on the SOPs for management of sexual violence survivors, legal and policy frameworks on GBV and on the chain of evidence.

116. In response to the Concluding Observation [CEDAW/C/KEN/8](#)) and recommendations contained in para E (31) (f) on removing barriers to, and increase the number of appointments of women for ambassadorial posts, the Government progressively works towards achievement of the two-thirds gender principle in appointments.

117. In response to the Concluding Observation [CEDAW/C/KEN/8](#)) and recommendations contained in para E (31) (g) on raising awareness among politicians, the media and traditional leaders and the general public that the full, equal, free and democratic participation of women on an equal basis with men in political and public life is a requirement for the effective implementation of the Convention, as well as the political stability and economic development of the country, the Media Council of Kenya (MCK) and Association of Media Women in Kenya (AMWIK) profile women through the mainstream and social media. Media campaigns and civic education have gradually changed societal attitudes towards women and created greater awareness of acceptable standards for electoral conduct.

118. The Ministry of Public Service, Gender, Senior Citizen's Affairs and Special Programmes, in collaboration with women rights organizations, support the Common Women's Agenda Forum. The Forum devised a strategy for safeguarding gender gains particularly the realization of the two-thirds gender principle.

119. In 2017, the IEBC gazetted 1,862 persons as duly elected, which included 172 women (9 per cent), among them, three governors and three senators, 23 Members of National Assembly (MNA), 47 women representatives and 96 Members of County Assemblies (MCAs). The success rate of women in 2017 remained similar to 2013, with approximately 13 percent of candidates winning elections.

120. There was an increase of 29 per cent of women candidates competing in the 2017 General Elections, compared to 2013 while 13 per cent women were elected to office, out of all women candidates, there was an 18 per cent increase in the number of women elected to office in 2017, compared to 2013.

121. The number of women Cabinet Secretaries and Principal Secretaries constituted 33.3 percent and 18.5 per cent respectively. In 2017 32.1 per cent of the Chief Administrative Secretaries were women. Women hold key Cabinet Secretary positions in Defence, Foreign Affairs, Sports and Heritage, Water and Sanitation and Irrigation.

122. In the Judiciary, the Chief Justice, Deputy Chief Justice and the Chief Registrar are women. The number of women magistrates increased from 46 per cent in 2016 to 53 per cent in 2019, while women judges increased from 43 per cent in 2016 to 46 per cent in 2019, meeting the gender threshold in the highest levels of the judiciary.

123. The number of women chairing the Public University Council increased. Out of the 30 public universities in Kenya, women chair 23.3 per cent of the universities. Similarly, 4 universities have an equal number of men and women (50/50) in their boards. 33.3 per cent of the universities did not accomplish their 2/3 gender principles of their board members.

124. In other sectors women account for 57 per cent of all practising lawyers, 49 per cent of magistrates, 41 per cent of high court judges, 36 per cent of County Commissioners, 33 per cent of Members of County Assemblies and 31 per cent of senators.

125. The National Policy on Gender and Development, 2019 is fully aligned to the Constitution so as to realize the participation of women, persons with disabilities (PWDs), youth, and minorities. The Ministry also drafted the National Strategy to Support Women in Elective Politics and guide state and non-state actors on implementation of programs to prepare women for elections.

126. The adoption of the proposed Representation of Special Interests Group Law (Amendment) Bill, 2019, will amend various laws to give effect to Article 100 of the Constitution and increase representation of women, PWDs, youth and other minorities in Parliament.

127. The Government continues to sensitize government officials on gender equality and women rights. Several counties have been engaged in the HeForShe campaign. Kenya is co-leading the GBV Action Coalition which recognizes the critical role and contribution of Women Rights Organization's and Girl led organizations towards attaining gender equality.

128. However, the overall participation of women as candidates is still low. Only 9.2 per cent of women were elected. There has also been a slow pace in passing the Two-Thirds Gender Bills, 2018 and 2019 by Parliament.

129. A combination of factors contributed to the barriers to women's participation in the political space, including: cultural barriers, rooted in traditional and religious values; gender roles and stereotyping; and poor access to funding.

Article 8

Participation at the international level

130. The number of women appointed in diplomatic missions increased. Currently there are 18 (32.4 per cent) female and 56 male heads of the Diplomatic Corps. The Cabinet Secretary for Foreign affairs is a woman. Several women also serve at international level in various capacities.

131. Lack of mechanisms and structures to ensure strict adherence to the two-thirds gender principle participation at the international level requirement are not observed.

Article 9

Nationality

132. The Government granted citizenship to 1,670 stateless Shona and 1,300 stateless persons of Rwandan descent and Makonde ethnic community who qualify under the law as Kenyan citizens.

133. The Government drafted the Refugees Bill, 2019, currently at the 2nd reading stage in the National Assembly which seeks to provide for the recognition, protection and management of refugees to give effect to UN Convention Relating to the Status

of Refugees, the 1967 Protocol, and OAU Convention Governing the specific aspects of refugee problems in Africa and for connected purposes.

134. The Refugees Bill also seeks to establish a Refugee Affairs Committee to assist the Commissioner for Refugees for the recognition of persons as refugees. It also seeks to establish a Refugee Appeals Board, which hears any appeals of persons aggrieved by the refugee determination status made by the Commissioner.

135. In response to the Concluding Observation [CEDAW/C/KEN/8](#)) and recommendations contained in para E (33) (a) on the gender-related dimensions of refugee status, asylum, nationality and statelessness of women, ensure that all refugee and stateless women married to Kenyan nationals may obtain citizenship and confer it to their children, without administrative barriers, the Government is in the process of reviewing the Citizenship and Immigration Act, 2012.

136. In response to the Concluding Observation [CEDAW/C/KEN/8](#)) and recommendations contained in para E (33) (b) on issuing identity cards and title deeds to stateless persons, including, the Pemba and Warundi Peoples as well as all children born in Kenya to British overseas citizens, the Government is in the process of reviewing the Citizenship and Immigration Act, 2012.

137. In response to the Concluding Observation [CEDAW/C/KEN/8](#)) and recommendations contained in para E (33) (c) facilitating the provision of official documents and registration of marriages, particularly in rural areas, including through increased resources, technological capacity, and geographical spread of Huduma centres, the Government issues official documents to those who qualify under the Kenya law. The law provides for processes to be followed to obtain official documents.

138. In response to the Concluding Observation [CEDAW/C/KEN/8](#)) and recommendations contained in para E (33) (d) on the ratification of the 1954 Convention Relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness, the Government pledged to accede to the UN Conventions on statelessness.

139. Whereas Kenya hosts a large number of refugees, this has caused challenges to the country such as heavy financial burden, health and security threats. Kenya is also experiencing difficulty in continuing to host more refugees and asylum-seekers

Article 10 Education

140. There has been significant progress since 2003 when the Government launched Free Primary Education, gross enrolment rate (GER) increased to 104 per cent and net enrolment rate (NER) to 92.4 per cent in 2018. The Free Day Secondary Education, rolled out in 2008 increased enrolment rates. Gross Enrolment Rates (GER) and Net Enrolment Rates (NER) for secondary school recorded 42.5 percent and 28.9 per cent in 2008 and have since increased to 70.3 per cent and 53.2 per cent, respectively, in 2018. This represents an increment of 27.8 and 24.3 per cent for GER and NER, respectively.

141. The Government introduced the National Education Management Information System (NEMIS), a web-based data management solution which collects data and information from education institutions, processes and reports the status of designed indicators and provides the sector a solid ground for effective management to ensure that every learner counts. The system has helped streamline data management for informed decision-making and planning of the education sector by hosting

student/pupil data, linked to a Unique Identifier that is randomly generated using a verifiable algorithm. Enrolment and retention have increased and completion and transition has improved learning outcomes for girls.

142. In response to the Concluding Observation [CEDAW/C/KEN/8](#)) and recommendations contained in para E (34) and (35) (a) and (b) on implementing measures to increase the number of girls and women in secondary and higher education, and taking effective measures to ensure girls' enrolment and completion of education in schools in rural and semi-arid areas and in urban informal settlements, the Government has rolled out 100 percent transition policy to complement Free Day Secondary School. As a result, primary school to secondary school transition rates have increased from 83.3 percent in 2018 to 95 percent by the first quarter of 2020.

143. The Government increased capitation grants to all public schools particularly special needs schools to enhance the rights of children to free and compulsory basic education. Educational policy guidelines require all learning institutions to adopt, design and embrace programs that are conducive to learners with disabilities. This has enhanced access to education to girls with special needs.

144. The Government tabled the County Vocational Education and Training Bill in 2021 in Parliament that provides a framework for the establishment of systems for the administration of training in vocational education and training within the counties. The Bill requires the Counties to identify trainees with special needs, undertake an assessment of their needs and put in place measures for the provision of vocational education and training.

145. The Government has streamlined the procurement of textbooks for schools to ensure that the book to child ratio of 1:1 is achieved.

146. The NGECC also completed a rapid assessment of selected Examination Assessment and Resource Centres (EARC) in three counties (Kiambu, Kisumu and Homabay) to determine their level of preparedness to examine and support rehabilitation as well as support children with special needs in readiness for learning.

147. In response to the Concluding Observation [CEDAW/C/KEN/8](#)) and recommendations contained in para E (35) (c) on collecting and publishing data on the drop-out rate of girls and the reasons behind it and address the root causes of drop out of girls from school, facilitating the re-entry into education of victims of gender-based violence, FGM, child marriages, as well as pregnant girls and young mothers, the Government provides an opportunity for all learners to progress and access quality education in basic education institutions. The Government through the Ministry of Education in collaboration with UNESCO, UNFPA, the Population Council, and the Sexual Reproductive Health and Rights Alliance has developed the National Guidelines for School Re-entry in early learning and Basic Education. The guidelines provide a framework to enhance re-entry for learners who drop out of school, including those with special needs and disabilities, to improve retention, transition, and completion rates at all levels of basic education. The guidelines are also a prevention and response resource for addressing school dropout for various reasons. The guidelines have ensured that pregnant girls and young mothers are able to join school and continue with the education.

148. In response to the Concluding Observation [CEDAW/C/KEN/8](#)) and recommendations contained in para E (35) (d) on increasing the offering of incentives for parents who send their daughters to school as well as penalties for those who fail to do so; The government and other stakeholders have enhanced access to education for the girls through provision of various scholarships including: Elimu (Education) Scholarship Bursaries; Wezesha (Empowerment) Scholarship; NDFPWD fund; NEMI; KPC; Jomo Kenyatta Foundation; County Bursaries; NGCDF; and

Affirmative Action Funds. The scholarships have ensured that more girls from vulnerable families can now access education. 55 per cent of scholarships go to girls. In 2020, 4,811 out of 9,000 scholarships were awarded to girls. The Children Act criminalises failure to enrol children to schools with imprisonment not exceeding 12 months or a fine not exceeding Kshs 50,000.

149. In response to the Concluding Observation [CEDAW/C/KEN/8](#)) and recommendations contained in para E (35) (e) on increasing the coverage of provision of sanitary towels to girls; the Government introduced the Menstrual Hygiene Management Policy 2019-2030. As a result, there has been an increased retention and motivation of girls in learning institutions thus improved learning outcomes and hygienic methods to manage menstruation. During the FY 2019/20, 1,359,008 girls accessed education and 1,675,679 in the FY 2020/21

150. The Government has introduced school feeding programmes in Arid and Semi-Arid (ASAL) areas and free sanitary towels to all public primary schools countrywide to retain girls in school. In 2019, 3.7 million girls collectively received 14.8 million packets of sanitary towels costing Kshs. 420.6 million. In regard to enhancing 100 percent transitions from primary to secondary schools in the year 2019 and 2020, 99.9 percent was achieved with the help of the National Government Administrative Officers.

151. In response to the Concluding Observation [CEDAW/C/KEN/8](#)) and recommendations contained in para E (35) (f) on ensuring the full implementation, including through provision of adequate resources, of the Teachers Service Act, the Children's Act of 2001 (revised 2011), and the Reproduction Health Care Bill of 2014; The Government has continued to increase the national budget towards education. The Kenyan government has increased expenditure on education through the years. In 2015, the budget allocation was 16.65 per cent, which subsequently increased to 26 per cent (KSH 473B) and 29.4 per cent (KSH 497B) in 2019-2020 and 2020-2021 financial years, respectively.

152. In response to the Concluding Observation [CEDAW/C/KEN/8](#)) and recommendations contained in para E (35) (g) on enforcing a zero tolerance policy with respect to sexual abuse and harassment in schools and ensure perpetrators are prosecuted and punished appropriately; The Government through the Teachers Service Commission has provided regulations on punishment of teachers who engage in sexual harassment.

153. In response to the Concluding Observation [CEDAW/C/KEN/8](#)) and recommendations contained in para E (35) (h) on strengthening awareness-raising and training of school personnel and pupils on zero tolerance in relation to gender-based violence, including sexual violence, establish confidential reporting mechanisms, and ensure that adequate psychological, medical and legal assistance is provided to all victims; In communities where gender and cultural norms are still a challenge hampering access to secondary education, the National and County Governments are undertaking sensitization around cultural attitudes hindering access to secondary education, especially for girls. Similarly, NGEC continues to create public awareness on SGBV to teachers to sensitize them on prevention of gender-based violence in education institutions. NGEC trained 6,658 mentors (gender champions) on GBV issues, 224 chiefs and 221 education field officers including 165 quality assurance officers on SGBV.

154. In the financial year 2017/2018, the total number of educational institutions increased by 5.1 per cent from 86,179 in 2016 to 90,587. The number of pre-primary, primary and secondary schools went up by 1.3 per cent, 6.7 per cent and 7.2 per cent, respectively, in 2017. Notably, the rate of increase of private schools was higher than that of public schools during the year under review (2017/2018). The total number of

registered Technical Vocational and Education Training (TVET) institutions rose substantially by 50.9 percent from 1,300 in 2016 to 1,962 in 2017. The increase is partly as a result of enforcement of the TVET Act where all the institutions were required to be registered. The number of public universities increased by one following the granting of charter to Garissa University College. All these have increased the opportunity for women and girls especially for marginalised communities to access learning institutions at all levels of education.

155. The number of primary schools increased from 33,202 in 2016/2017 to 37,910 in 2018/2019. Primary School enrolment overall rose with that of girls rising from 5,060,300 in 2016 to 5,178,300 in 2018 while that of boys rose from 5,219,300 in 2016 to 5,364,300 in 2018. Enrolment in Technical and TVET Institutions rose from 113,963 for males in 2016, to 205,142 in 2018 while for females rose from 88,593 in 2016 to 158,742 in 2018. The number of loan beneficiaries for TVET institutions rose from 20,093 for male in 2016/2017 to 23,791 in 2017/2018, while for females rose from 10,852 in 2016/2017 to 20,991 in 2017/2018 financial year.

156. The Government, through the Kenya Institute of Curriculum Development (KICD) launched the Competency-Based Curriculum (CBC), which replaced the 8-4-4 system. The curriculum focuses on the importance of a learner's ability to develop skills and acknowledge and apply those competency skills to solve daily life challenges. The CBC has promoted acquisition of competencies, which encourage communication, collaboration and self-efficacy.

157. In 2017, the Government introduced subsidised secondary school education, established additional Child Protection Centres to provide housing, counselling, and reintegration services to rescued child labourers. The Government also developed a National Employment Policy that mandates reporting on the number of children withdrawn from child labour and the progress of child labour-free zones.

158. The Government has proposed the Basic Education Amendment Bill 2021 to address the challenges of nutrition, child labour and abuse. The Bill seeks to enhance nutrition for children in schools and particularly the girl child. Similarly, the Bill provides a stiff penalty for any person who employs a child of compulsory school age in any labour or occupation that prevents such child from attending school. This provision, if passed in Parliament, will greatly minimize girl child labour and enhance access to education for the girl child.

159. The Government through the National Counter Terrorism Centre (NCTC) developed the Child Safety and Security against Violent Extremism Guidelines 2020. The guide explores the scope, rationale, legal and policy framework and highlights the likely behavioural characteristics displayed by the learner at various risk levels based on threat of the affected learner. The NCTC has established an implementation matrix that will enable teachers to identify early warning and response strategies to ensure safety of the children while in school.

Article 11

Employment

160. There has been an increase of women in employment. The population of women in employment stands at 9.89 million working women, which is about 100,000 more than the 9.79 million men employed. According to the KNBS National Census, the numbers of women in employment increase among people in rural Kenya, where there are 600,000 more women than men that are engaged in economic activities. Females accounted for 50.2 per cent of the total working population.

161. In response to the Concluding Observation [CEDAW/C/KEN/8](#)) and recommendations contained in para E (36 and 37) (a) on Amend the Employment Act of 2007; The Government has proposed several amendments to the employment Act. On 30 March 2021, the President H.E. Uhuru Kenyatta signed into law the Employment (Amendment) Act, 2021 (the Act). The Act was one of the 3 Employment (Amendment) Bills introduced in Parliament in 2019. The Act came into force on 15 April 2021. The Act amends the Employment Act, 2007 (the Employment Act) to provide for pre-adoption leave. Section 29A has been introduced which provides that where a child is to be placed in the continuous care and control of an applicant who is an employee under the Employment Act, the employee shall be entitled to 1 month's pre-adoptive leave with full pay.

162. In response to the Concluding Observation [CEDAW/C/KEN/8](#)) and recommendations contained in para E (37) (c) and (d) on measurements and quantification of unremunerated domestic activities of women and their recognition in the gross national product, conduct research to measure and value unremunerated work of women; the government through the Kenya National Bureau of Statistics is undertaking Time-Use Survey in Kenya under the Women Count programme.

163. The Gender Sector Statistics Plan 2019-2023 (GSSP) recognizes the need to invest in Time-Use Surveys that will measure unpaid care and domestic work and integrate it into national and county economic planning. Official data on Time-Use Survey will for the first time in Kenya be available later in 2021. Plans to develop unpaid care work and domestic work are also under discussion. The government is open to considering ratifying the ILO Convention No. 189 (2011) on decent work for domestic workers.

Article 12 Health

164. In line with the Article 43 (a) of the Constitution which protects the right of every person to the highest attainable standard of health, including the right to healthcare services, and reproductive healthcare; the Health Act, 2017, establishes a national health system that facilitates in a progressive and equitable manner, the highest attainable standard of health services, protects and promotes the health rights of all persons in Kenya including rights of women to basic nutrition and healthcare services, and rights of vulnerable groups.

165. In response to the Concluding Observation [CEDAW/C/KEN/8](#)) and recommendations contained in para E (38 and 39) on health; the Government has taken several measures including proposing amendments to the Health Act and putting in place several policies and programmes.

166. Additionally, in order to enhance access to safe, effective, quality essential healthcare services, including affordable essential medicines and vaccines for all without going into poverty, the government introduced the Universal Health Coverage in 2018.

167. The registered funds for members of the National Hospital Insurance Fund rose from Kshs. 6.1 million (Approx USD 61,000/-) in 2016/17 to Kshs.7.7 million (Approx USD 77,000/-) in 2017/18. The number of health facilities increased from 8,984 in 2016 to 10,820 in 2018. The total deliveries in health facilities went up from 1,006,800 in 2016 to 1,107,200 in 2018. The number of full-immunized children rose from 1,192,500 in 2016 to 1,299,700 in 2018. The registered health personnel increased from 149,005 in 2016 to 175,681 in 2018.

168. With regard to access to health services, the Government has put in place the community health policy and Sessional Paper No.2 of 2017 of the Kenya Health Policy of 2014 to 2030. This Policy is intended to ensure free maternity services. The government developed the Reproductive Health Policy 2015. The goal of this policy is to improve the reproductive health state of all people in Kenya by increasing equitable access and improving quality, efficiency and effectiveness of service delivery at all levels.

169. In response to the Concluding Observation ([CEDAW/C/KEN/8](#)) para E (39) (a); on Strengthening efforts to reduce the high maternal mortality rate, and ensure access for all women to healthcare facilities and medical assistance by trained personnel; Health outcomes for women continue to be improved through Linda Mama Maternity Programme - formerly Free Maternity Services programme which provides a package of basic health services accessed by all in the targeted population on the basis of need and not ability to pay, positioning Kenya on the pathway to UHC. Linda Mama covers all the forty-seven (47) counties, 2400 public health facilities serving approximately 400,000 pregnant women.

170. The Introduction of the Free Maternity Programme, “Linda Mama” has seen a significant increase in the number of expectant mothers seeking maternal and neonatal health services. The Linda Mama Programme was aimed at addressing challenges of high maternal mortality and increased access to skilled delivery services thereby improving maternal and child health. The government has so far disbursed a cumulative sum of Kshs 11,651,431,063.00 for the Programme. This has contributed to a notable improvement in maternal and neonatal indicators thus a reduction in maternal and infant deaths.

171. The Ministry of Health launched the Community Health Volunteers (CHVs) Basic Modules Handbook to assist the healthcare system at all the four tiers to operationalize the community strategy by providing appropriate training for CHVs to enable them take charge of appropriate interventions as well as identify, monitor and link expectant mothers to facilities to access maternal health. 5000 CHVs have been deployed to all the 47 Counties, 2500 medical interns have also been deployed to all the 47 Counties. In 2020 the Government disbursed close to Kenya Shillings 12 billion for the programme.

172. The Government has made provision of two Disability friendly beds in all facilities for mothers with disability. This has enhanced access to maternal health and services for the mothers with disability and thus decrease in maternal death

173. In response to Concluding Observation ([CEDAW/C/KEN/8](#)) para E (39) (b)); on increasing the human, technical and financial resources allocated to the implementation of the free maternity care policy, and establish awareness-raising programmes and ensure implementation of same; Records of maternal utilization of services showed that the number of women who completed their fourth antenatal clinic reduced from 58.9 per cent in 2019 to 55.1 per cent in 2020. Whereas in the skilled delivery there was a drop from 80.6 per cent in 2019 to 79.3 per cent in 2020, all these were attributed to fear of contracting COVID-19 infections in the health facilities.

174. The government has extended the free maternity care policy to cover antenatal and postnatal care with the aim of improving universal health coverage especially for women and young children. The free maternal services have increased utilization of the skilled birth attendant among the women who dwell close to the hospitals and who could not initially afford the services. However there still exists a challenge to the utilization of free maternal services among the poor women in remote areas.

175. In response to Concluding Observation (CEDAW/C/KEN/8) para E (39) (c)) on taking immediate steps to stop all post-child-delivery detention for failure to pay medical bills; this practice is no longer employed either by private or by public facilities.

176. In response to Concluding Observation (CEDAW/C/KEN/8) para E (39) (e)). The Penal Code has not yet been amended to decriminalize abortion in all cases, and legalize abortion, at least in cases of rape, incest, severe foetal impairment, and risk to the health and/or life of the pregnant woman and ensure access to quality post-abortion care, especially in case of complications resulting from unsafe abortions, however, the Standards for Reducing Morbidity and Mortality from Unsafe Abortion in Kenya of 2012 have been reinstated.

177. In response to Concluding Observation on (CEDAW/C/KEN/8) para E (39) (f)); on including age-appropriate and comprehensive education on sexual and reproductive health and rights, and on responsible sexual behaviour, in school curricula, with special attention to the prevention of early pregnancy and the control of STIs, including HIV/AIDS, ensure access to modern contraceptives for all, including adolescents, and take measures to ensure this information reaches girls who are not in school; The National Adolescent sexual and reproductive health policy was developed in 2015 with the aim of enhancing the SRH status of adolescents in Kenya and contributes towards realization of their full potential in national development. The Policy intends to bring Adolescent Sexual and Reproductive Health and Rights issues into the mainstream of health and development. The Policy examines the prevailing social, economic, cultural and demographic context of sexual and reproductive health of adolescents including its implications for and consequences to their health and development.

178. The “*Tujulishane* Campaign” meaning ‘Let’s Educate Each Other’ has been initiated with the aim of empowering individuals and communities to be agents of change. The campaign deals with mother, adolescent and children programs to promote health and improve living conditions of vulnerable populations especially among adolescents and people living with disabilities and supports individuals and communities in delivering high-quality, gender-equitable programs and services.

179. In order to improve adolescent reproductive health, the Ministry of Health has prepared an information toolkit for Adolescent reproductive health, which is also available in Braille for the visually impaired. The information has adopted graphic animations to educate as many young people as possible. This has led to improved maternal and child health and reduced maternal and infant death.

180. The government strives to ensure adequate wages and working conditions for health professionals, enact legislation declaring health an essential service and require minimum standards of service delivery during strikes;

181. On 12th June 2019, the High Court, in Petition No. 266 of 2015, Federation of Women Lawyers & 3 Others VS. The Attorney General declared unconstitutional the withdrawal by the Director of Medical Services of the Standards and Guidelines for Reducing Morbidity and Mortality from Unsafe Abortion in Kenya and the National Training Curriculum for the Management of Unintended, Risky and Unplanned Pregnancies. The Court found that these withdrawals were not justifiable and that they were prejudicial to women, and violated the rights of women and adolescent girls of reproductive age to the highest attainable standard of health. The Court further found that the unjustifiable limitation amounted to the violation of the right of women and girls to non-discrimination, as well as the right to information, consumer rights, and right to benefit from scientific progress.

182. In response to Concluding Observation [CEDAW/C/KEN/8](#)) para E (39) (h)). On decriminalisation of abortion the Government has introduced in the Senate the Reproductive Health Care Bill of 2019.

183. In response to Concluding Observation ([CEDAW/C/KEN/8](#)) para E (39) (i)) The Government is striving to increase this to be in line with the Abuja Declaration. The national budget allocation for health is 9.5 percent of the National Budget. As a proportion of total government budget, allocations to the health sector increased from 7.8 percent pre-devolution in FY 2012/13, to 9.1 percent in FY 2019/20. As a share of GDP, the Government health allocations increased marginally, from 1.9 percent to 2.2 percent over the same period. The County budgets increased gradually over the period and so did the MOH budget, growing by almost 50 percent between FY 2017/18 and FY 2018/19, resulting in total government allocations to health peaking at 9.5 percent of the total government budget. New allocations for conditional grants to level 5 hospitals and additional funding for universal health coverage-related programs contributed to the increases. Despite the significant increases in health sector budget allocations, current allocation trends have not yet reached the government's pledged target of 15 percent of the total national budget as articulated in the 2001 Abuja Declaration (African Union, 2001).

184. In order to increase sustainable, predictable, and adequate financing for programs and health policy implementation, the Government is implementing the Health Policy Plus (HP+) aimed at using multiple strategies to boost sustainable health financing and strengthen health systems management in Kenya and throughout the East Africa region. These include generating new evidence to inform decision making, catalysing national dialogue, building country-level capacity, developing new policies and guidelines, and mobilizing domestic resources for HIV and family planning.

185. The Assisted Reproductive Technology Bill, 2016 Seeks to provide for the regulation of assisted reproductive technology; prohibit certain practices in connection with assisted reproductive technology; establish an Assisted Reproductive Technology Authority and make provision in relation to children born of assisted reproductive technology processes. Various inroads have been made by the courts in the promotion and protection of the right to health. Assisted Reproductive Technology Services include the diagnostic and screening, endoscopic surgery, intra-uterine insemination, in-vitro fertilization, intracytoplasmic sperm injection, cryo-preservation, pre-implantation genetic screening, pre-implantation genetic diagnosis, onto-fertility, gamete and embryo donation, or surrogacy provided to infertile and sub-fertile man or woman.

Article 13

Economic empowerment of women and social benefits

186. The Government has initiated the development of the National Policy on Women Economic Empowerment. The goal of the policy is to achieve gender equality through women economic empowerment initiatives in national development.

187. The Government conducted The National Gender Statistics Assessment in 2018 to evaluate gender statistics in the country and develop a workplan to address gender-related needs.

188. The Government developed the Agricultural Policy, 2021 which recognizes the importance of gender in agricultural development and includes measures to address gender imbalances.

189. In response to the Concluding Observation [CEDAW/C/KEN/8](#)) and recommendations contained in para E (40 and 41) on Economic empowerment of women and development of a comprehensive database of all beneficiaries of the WEF, YEDF, and Uwezo funds, as well as public procurement recipients, with a view to reaching out to women in rural areas and women with disabilities; Measures to ensure that these initiatives, including the Uwezo Fund, are accessible for all women, including rural women, through awareness-raising and the introduction of clear criteria for, and facilitation of applications.

190. Further, the individual institutions have established individual databases. The Government has initiated the process of centralizing the database. Draft Public Finance Management (Biashara Kenya Fund) Regulations, 2020 that seek to merge the Women Enterprise Fund, Uwezo Fund and Youth Enterprise Development Fund were presented to stakeholders for public participation in May 2020. The submissions are under consideration by the National Assembly.

191. The Government has continued to enhance Women's economic empowerment through Affirmative Funds: Since inception in 2007, Women Enterprise Fund has disbursed Kshs. 19.2 billion to 111,840 groups (1,780,000) individuals, SACCO funding Kshs. 116,500,000 to 17 SACCOs and LPO financing Kshs. 74, 276,050 to 117 individuals. The group loan repayment stands at 96 per cent.

192. In response to the Concluding Observation ([CEDAW/C/KEN/8](#)) para E (41) (a)), regarding data; 90 per cent of the Fund's beneficiaries are women and 10 per cent are men. Comprehensive data is maintained and is classified according to the different economic sectors that the beneficiaries are engaged in the Service, for example Industry, Food Security and Nutrition, Table Banking, Manufacturing and Affordable and Adequate Housing. Other activities include:

(a) Entrepreneurial training: Over 1.45 million beneficiaries have been trained on business management skills;

(b) Market support and Linkages: 21,000 women have been facilitated to market their products and services locally and internationally through collaborations with partners and other government institutions as well as develop linkages with larger enterprises;

(c) Embraced technology as demonstrated through the following: M-Pesa for loan repayments, Virtual trainings and E-marketing of products by beneficiaries through WEFSOKO (on Facebook & Instagram).

193. In response to the Concluding Observation ([CEDAW/C/KEN/8](#)) para E (41) (a) and (b)) on disbursement and beneficiaries of the Funds; During the MTP-II period, the State disbursed a total of Kshs. 12.31 billion through Women Enterprise Fund (WEF) and UWEZO fund to support women, Youth and PWD in training on entrepreneur skills and capacity building. These funds benefited 1,545,694 people across all the 290 constituencies. In addition, the State disbursed Kshs. 5.2 billion through (National Government Affirmative Action Fund (NGAAF) to support the Affirmative action, group programmes and projects. The number of members benefiting from the loan increased by 18.9 percent from 21,616 in 2018/19 to 25,703 in 2019/20. The increase is partly attributed to enhanced awareness creation campaigns and renewal of registration certificates. The number of women beneficiaries is increased by 26.5 percent from 17,274 in 2018/19 to 21,848 members in 2019/20.

194. Since the inception of AGPO in 2013, 45,812 tenders amounting to 50 billion shillings have been awarded to Youth (44 per cent), Women (53 per cent) and Persons with Disabilities (3 per cent) owned enterprises. The Department monitors AGPO with the aim of increasing the uptake to Women, Youth and Persons with Disabilities.

WEF has been offering Local Purchase Orders and Local Service Orders financing at a rate of 1 per cent administration fee and zero interest respectively. The total uptake is Kshs.79.6M.

195. Women Enterprise Fund has also introduced thamini loan, a special loan product for widows, which is dispersed through widow-led groups. As at June 2022, a total of Kshs. 15.4 million had been disbursed to 987 beneficiaries.

196. The Reviewed Credit Policy and Procedures Manual by Women Enterprise Fund has taken cognizance of the fact that the demand for individual loans can no longer be ignored. In this regard WEF has initiated a policy to lend individuals in addition to group lending. The improved policy has introduced the following: Increased Group Lending strategies where joint liability ensures strong incentives to members to help their peers succeed to Kshs. 1Million loan cycle from Kshs.750,000; Enhanced loan repayment for different loan cycles as follows: Kshs.100,000 - 12 months, Kshs.200,000 - 12 months, Kshs. 350,000 - 12 months, Kshs.500,000 - 18 months, Kshs.750,000 - 24 months, Kshs.1,000,000 - 24 months. This is an improvement from the earlier policy which pegged all loan cycles repayment rates at 12 months. Further improvements include the introduction of the Chama (club/group) plus loan where an individual within a group can apply for an individual loan with the only collateral being co-guaranteeship by other group members. Similarly, the policy introduced loan products such as the Kilimo (Farming) Loan for women in agribusiness and Asset financing and Business loans for economic empowerment of women.

197. In addition, WEF also re-introduced SACCO funding. This product had been withdrawn due to operational challenges. So far, a total of 23 SACCOs have partnered with WEF and a total of Kshs.171.5 million disbursed to the SACCOs.

198. Some County governments for instance, in the County of Kirinyaga within the central region of Kenya, have put in place end to end value chain support in their agricultural and health value chain by signing up ready markets (locally and internationally) for their farm produce. Some of the measures include: the establishment of a manufacturing plant for production of health gear and hospital merchandise. Employment within the value chain ensures equal gender representation.

199. The Government is cognizant of the fact that Self Help Groups and Community Based Organizations are core to the empowerment of rural women. Efforts towards increasing the number of registered groups have grown over the years with the current total being over 225,000. This has led to increased uptake of affirmative funding from Kshs 2.227 billion in 2015 to 3.002 billion in 2021.

200. In response to the Concluding Observation ([CEDAW/C/KEN/8](#)) para E (43) (d)), the National Government Affirmative Action Fund has supported 8,309 Women groups and 128 Women-owned SACCOs for table banking and revolving funds under women economic empowerment; 95,296 vulnerable students and 28,258 vocational trainees through provision of bursary and scholarships; 107,689 needy school girls supported with sanitary towels and mentorship programmes; 8,296 groups (all affirmative action groups) provided with funds to up-scale various value addition income generating initiatives and 3,973,765 community members reached through civic education which entails training of members of the community and potential groups for funding.

Article 14

Rural women empowerment

201. The Government has since independence put in place various policies and resources to alleviate poverty. Currently the strategic agenda over the next four years (2018-2022) is under a banner dubbed, the 'Big Four' Agenda which seeks to implement projects and policies that will accelerate economic growth and transform lives by creating jobs, enabling Kenyans to meet their basic needs, improve health standards, improve living conditions, lower cost of living and reduce poverty and inequality.

202. The government supports gender and climate change programming. The National Gender and Equality Commission (NGEC) collaborated with UNDP and other partners to conduct a rapid assessment on the impact of climate change on Special Interest Groups. This has led to intervention on gender inequality in the lives and livelihoods of populations including women living within forest areas and in preparation for the design and execution of the Reducing Emissions from Deforestation and forest Degradation in developing countries". (REDD+ initiative) in Kenya as well as in efforts to reduce emissions from deforestation and forest degradation.

203. In response to the Concluding Observation ([CEDAW/C/KEN/8](#)) para E (43) (b)). To facilitate the access of rural women to land, eliminate all customs and traditional practices that impede their equal access to land and establish a clear legislative framework to protect their rights to inheritance and land ownership; The Community Land Act No. 27 of 2016 gives effect to Article 63 (5) of the Constitution that provides for the recognition, protection and registration of Community land rights.

204. In response to the Concluding Observation ([CEDAW/C/KEN/8](#)) para E (43) (a) on the rights of rural women; The Creation of Gender Units in Ministries Departments and Agencies has contributed to increased awareness on the need to support women to achieve their land rights. The Ministry of Land and National Land Commission in conjunction with the FAO has trained their staff to engender land administration and to support women on their quest for land rights. There is continuous staff training including on Gender mainstreaming and governance on land rights.

205. In addition, the Ministry of lands and Physical Planning together with other stakeholders embarked on the Kilimanjaro initiative giving life and effect to the provisions of the Kilimanjaro Charter. The main objective of this initiative is to ensure that rural women have access to land and natural resources and to provide a framework for its implementation. A series of consultative meetings were convened which led to the adoption of an action plan to give effect to the provisions of the Charter. The National Land Commission (NLC), with the support of development partners and Civil Society Organizations (CSOs) undertakes continuous engagement with women. Women and men champions initiative has been established to accelerate land right sensitization.

206. In response to the Concluding Observation ([CEDAW/C/KEN/8](#)) para E (43) (c) development of a National Gender Policy on Agricultural Development, the Ministry of Lands developed the first ever National Land Policy, 2009 which uphold women's rights to land.

207. A training handbook on Women's Land and Property Rights in Kenya has been developed. This handbook will not only simplify the new land laws in relation to Women' Land and Property Rights, but also sensitize women and the community at large, with the knowledge on the legal requirements and processes for land ownership

and registration. Additionally, this handbook would provide clarity on the constitutional and legislative provisions on land & women property rights; awareness creation on the situational analysis of legislative provisions on land and women property rights and give a way forward on the available prospects & strategies in advancing Women's Land and property rights in Kenya.

208. In response to (CEDAW/C/KEN/8) para E (43) (b) on Promoting rural women's participation in decision-making processes. The National Spatial Plan 2015 – 2045 has been developed. This plan will address various matters including unequal access to resources by the women in the rural areas. The Plan acknowledges that rural women make up to almost half of the developing world's farmers. The plan makes provisions for the emerging women land rights advocates, women claiming their land rights and partnerships with CSOs on women land rights.

209. The Women Enterprise Fund published an Entrepreneurship Training Manual for Women Entrepreneurs in 2018. 324 officers were engaged in its implementation and a total of 1.4 million women have been reached through the training.

210. The Development and dissemination of women friendly technologies such as solar energy, clean cooking options and water saving initiatives to save time has increased efficiency for women in the rural homes and improved the cost of living.

211. To enhance food production at household level, the Government in 2018 constructed 4,400 water pans under the Household Irrigation water project. The pans will store 6 million cubic metres of water, placing an additional 6,000 acres under irrigation.

212. The Government continues to support Social Protection Programmes as follows:

(a) The Cash Transfer for Orphans and Vulnerable Children (CTOVC) whereby a total of 1.63M have been reached and Kshs.35.829Million disbursed since 2016 to date;

(b) The Older Persons Cash Transfer (OPCT) Programme has disbursed a total of 75.8Million, with 2.5Million women having been amongst the beneficiaries since 2016;

(c) Persons with Severe Disabilities (PWSD) Programme has disbursed a total of 4.3Million since 2016 with 112,816 women having accessed the funding.

213. Until 2017 the Government supported four unconditional cash transfer programmes: Hunger Safety Net Programme (in four of the poorest and Arid Counties of Turkana, Wajir, Mandera and Marsabit), Older Persons Cash transfers (OPCT), Orphans and Vulnerable Children (OVC-CT) and Persons with severe disabilities (PWSD-CT). Collectively, more than 600,000 households received cash transfers across the 47 counties. In 2017, the Government committed to enhance and expand the existing Older Persons Cash Transfer Programme (OPCT-Inua Jamii, into a more inclusive programme that provides transfers to all older persons aged 70 years and above. This unconditional cash transfer programme is regarded as a non-contributory social pension for senior citizens. A National Policy on Older Persons and Aging is in place.

214. In Response to (CEDAW/C/KEN/8) para E (43) (d)) on ensuring access to quality services for rural women, including through increased training of midwives and enhanced quality delivery of services to Hunger Safety Net Programme beneficiaries. The programme has now been established at Huduma Centres. For instance, in Wajir Huduma Centre, for example, the Hunger Safety Net Programme help desk has been active since mid-September 2018. The help desk is currently serving an average of 300 beneficiaries per day.

215. The government commemorates the International Day of Rural Women to sensitize them on available opportunities at National and County levels of governments.

216. In response to the Concluding Observation ([CEDAW/C/KEN/8](#)) para E (45) (a) on steps to implement the African Commission's ruling recognizing the Endorois People's rights to their ancestral land, and ensure consultation of Endorois women during this process. The government established a Task Force with the mandate of formulating recommendations that will enable the implementation of the ruling and ensure that the Endorois are able to get access to their ancestral home. In June 2020, the Task Force forwarded their recommendation to the Cabinet Secretary in charge of Environment and the Endorois are awaiting the implementation of the recommendations.

217. In response to the Concluding Observation ([CEDAW/C/KEN/8](#)) para E (45) (b) on measures to protect indigenous women and girls, including those in Baringo County, from violence and theft, and ensure prosecution and punishment of perpetrators; the Governments of Kenya and Uganda have signed a Memorandum of Understanding (MoU) - "The Kenya (Turkana/West Pokot) – Uganda (Karamoja) Cross Border Programme for Sustainable Peace and Development". The MoU was signed on 12th September 2019, in Moroto, Uganda. This will accord Cross Border communities opportunities for better cooperation, peaceful co-existence and bridging isolation gaps to improve their livelihoods. A similar agreement was signed with Ethiopia in 2015. In addition, the Government is up scaling the Enhancing Community Resilience against Drought (ECORAD II) Programme. A pre-feasibility and stakeholder participation meeting in April 2019, was undertaken in six (6) counties of West Pokot, Baringo, Marsabit, Isiolo, Samburu and Elgeyo Marakwet.

218. The Government has drafted the National Family Promotion Policy, which is awaiting the Cabinet's approval. Similarly, the cabinet has approved the National Policy on Older Persons and the implementation plan is at the validation stage.

219. In response to the Concluding Observation ([CEDAW/C/KEN/8](#)) para E (49) (a) on protection of older women from all forms of violence, including those accused of witchcraft, lynching and ensure the prosecution and adequate punishment of perpetrators; the Protocol on Elderly Persons Rights which prohibits violence against the elderly has been given the Cabinet's approval and is now waiting for the approval by the National Assembly.

220. In response to the Concluding Observation ([CEDAW/C/KEN/8](#)) para E (49) (b) on collecting and publishing data on the situation of older women, including on gender-based violence against them; the Government has addressed this through the Protocol on Elderly Persons Rights.

221. In response to the Concluding Observation ([CEDAW/C/KEN/8](#)) para E (45) (b) on protecting the rights of women and girls with disabilities by ensuring their equal access to housing, justice, healthcare and other basic services and social protection, and promote their autonomy and access to community services and their participation in political and public life; the Government is reviewing the legislation to align them with the Constitution and the respective international human rights standards. The pieces of legislation include: The Persons with Disability (Amendment) Bill, 2019, which seeks to amend the Persons with Disability Act, 2003. The Representation of Special Interest Groups Laws (Amendment) Bill, 2019 which seeks to amend various laws to promote the representation of women, persons living with disabilities, youth, ethnic and other minorities in parliament. Further, the Bill has express provisions, which obligate the state to facilitate public participation for Persons with Disabilities and address concerns of women, girls and children, youth and elderly with disabilities. In addition, the National Policy on Disability ensures that persons with

various types of disabilities are not discriminated against and have access to public services. The Policy has been reviewed and aligned to the Constitution and Convention and is awaiting approval by Cabinet. A National Action Plan on the Rights of Persons with Disabilities (2015–2022) has been developed and a Standing Committee comprising key stakeholders put in place to monitor the implementation.

222. The collection of data on Persons with Disabilities in the 2019 Kenya Population and Housing Census was conducted using the Washington Group Short Set of Questions on Disability.

223. The government has facilitated discussions with the Persons with Disabilities (PWD) Caucus on key issues of inclusivity, equality and non-discrimination, participation and involvement of PWD's in public affairs within the context of the on-going constitutional reforms. The caucus has made submissions to Parliament on Bills and to government agencies on regulations and guidelines that directly relates to issues of disabilities including among others: Persons with Disabilities (Amendments) Regulations, 2020; and Building Regulations (Building code) 2020.

224. On the facilitation of state and public officers with disabilities in Kenya, the government has enhanced Publication of E-Newspapers in Accessible Formats for Persons Who Are Print Disabled and use of translators for the deaf in all media stations.

225. The government is considering the Advisories on the consideration and ratification of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Persons with Disabilities in Africa.

Article 15

Equality before the law

226. Article 27 of the 2010 constitution guarantees equality and freedom from discrimination providing that every person is equal before the law and has the right to equal protection and equal benefit. Beyond the supreme law, the development blueprint Kenya Vision 2030 has been reinforced. Other policies and legal frameworks have been enacted to promote, enforce and monitor equality and non-discrimination.

227. A study conducted in 2016 on the equality and inclusion index in the different sectors found that the Labour Force Participation Index stood at 64 percent, Gender Equality Index at 38 percent, Health Index at 67 percent while the Education Index stood at 61 percent. These results provide an important baseline for monitoring equality, and inclusion for National and County Governments focusing on employment, political representation, social protection and education.

228. In 2018, the Commission developed a Legislative Handbook on Principles of Equality and Non-discrimination which guides legislators at the National and County Levels in the review of policy and legislation and in overseeing the formulation and implementation by state and non-state agencies of appropriate programmes, plans and actions towards full realization of gender equality and inclusion of special interest groups in the society.

229. The Government continues to undertake the vital task of sensitizing the officials within government agencies on the importance of promoting gender equality and women rights for instance the HEForSHE campaign-an invitation for men and people of all genders to stand in solidarity with women to create a bold, visible and united force for gender equality has been taken to the grassroots level. Additionally, Kenya is Co-leading with the United Kingdom the Generation Equality Action Coalition on

Gender Based Violence, which recognizes the critical role and contribution of Women Rights Organization's and Girl led organizations in attaining gender equality and empowerment of women girls in all their diversity.

230. The Government has also put in place special measures including affirmative action in most sectors such as in education, health and agriculture to promote gender equality. The relevant Ministries and the NGEC monitor the implementation of these measures. All these contribute to creating long-term strategies to advance women's participation in public life and decision-making.

231. The Intergovernmental Consultative Framework on Gender between National and County Government through the Council of Governors was adopted in January 2019. The framework provides a mechanism for consultation and collaboration on GEWE matters between the two governments and the stakeholders.

232. In order to ring-fence the gender quotas, Kenya has developed the Gender Sector Statistics Plan (GSSP) 2019/20–2022/23. The Plan has been aligned with Vision 2030, the Medium-Term Plan (MTP) III (Gender Sector Plan) 2018–2022 and the Kenya Strategy for the Development of Statistics (2019–2023). In addition, the Plan has also been aligned with gender-related global normative frameworks, such as the Sustainable Development Goals (SDGs), Beijing Platform for Action (BPfA), and the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW Convention). The Gender Sector Statistics Plan (GSSP) 2019/20–2022/23 Plan is also intended to increase accountability through evidence-based statistics.

233. Accountability for strengthening gender quotas has also been increased through the Status of Equality and Inclusion Report - this report is published annually on the Status of Equality and Inclusion in Kenya. The Report explores the extent to which the principles of equality and inclusion have been implemented at the National and County government levels in the areas of employment, political representation, social protection and education. The report gives rich data and provides extensive recommendations on how to close the existing equality and inclusion gaps relating to women, youth, persons with disabilities, older members of society, children and the marginalized and minority groups in the four sectors of focus.

234. The Government continues to take measures to address inherent biases, structural barriers and exclusionary practices and to make institutions, structures and policies more gender-responsive in order to create an enabling environment for women's full and effective participation and decision-making in public life. The notable efforts have been focused on the electoral sphere.

235. The National Council on Administration of Justice (NCAJ) established the Court Users Committee (CUC) to enhance access to justice for Kenyans as a platform for discussion of various challenges that affect court users. In this regard, a Handbook on Guidelines for Court Users Committees on a human rights-based approach to the criminal justice process was developed. It addresses the roles and mandates of different actors in the system.

236. To bridge the gender gap on Access to Traditional Justice Systems, women are now recognised as part of the council of Elders. For instance, 4 counties elected women to the council of Elders, specifically Kisumu – 1 out of 14, Siaya County – 1 out of 17, Migori County - 1 out of 10 and Homabay County - 1 out of 16.

237. The Judiciary developed the framework, "Sustaining Judiciary Transformation – An Agenda for Service Delivery (for the period 2017–2021)," with the aim of promoting effectiveness and efficiency in the administration of justice, access to justice and judicial performance. As of December 2017, 39 High Courts had been established in 39 counties. The Judiciary launched a virtual case management

system and online case filing system in 2020. These are intended to make access to justice a reality for women and men.

238. Women's experience in access to legal services has significantly improved since 2015 due to the success of Judiciary Transformative Framework 2012-2016 which improved access to justice for women through: Establishment of more courts as a strategy to reduce distance for litigants especially in far-flung areas; increasing the number of mobile courts and establishment of a policy and strategy to ensure their efficiency and effectiveness; Gazettement of Article 22 Rules on Petitions to enforce Fundamental Rights; adoption of Disability Mainstreaming Policy which provides reasonable accommodation for both employees and court users; Enactment of Sexual Offences Rules to provide protection to vulnerable witnesses and victims of sexual offences; The enactment of the Small Claims Court and the Legal Aid Act; The employment of more judges, magistrates, Khadhis and Judiciary staff; All these measures have been put in place to facilitate access to justice.

239. To enhance alternatives to prosecution, the Office of Director of Public Prosecutions (ODPP) has developed a Diversion Policy to enhance access to justice for vulnerable groups including children and women and to enable out-of-court settlement on criminal matters. Further, the Plea-Bargaining Guidelines and Rules have been gazetted to enhance plea-bargaining. The ODPP has also developed a decision to charge guidelines and implemented the centralized case management and in-takes at the headquarters, which is linked to the Judiciary for ease of tracking.

240. The Access to Information Act, 2016 was enacted to give effect to article 35 of the Constitution. In this regard, Kenya has made progress in simplifying access to information by creating Internet portals such as the e-government, e-citizen, e-procurement, i-tax. The EACC, Judiciary, ODPP, the Auditors and other institutions publish their periodic performance reports on their respective websites. This has enhanced access to information for women. The Data Protection Act 2019 was also enacted which protects the right to privacy.

241. KNCHR has entered into a Memorandum of Understanding with the Kenya School of Government to train judges on various aspects of human rights protection. Between 2018/2019, 123 judges were trained on how to deal with persons with disabilities in the criminal justice system. Kenya School of Government offers training on various aspects of human rights protection. The National policy and Action Plan on Human Rights was adopted to conform to the provisions of the constitution.

242. In response to the Concluding Observation ([CEDAW/C/KEN/8](#)) para E (52) (h)); On ensuring full implementation of the Legal Aid Act 2016, the National Action Plan (NAP) (2017-2022) is based on various policies and legislative blueprints, survey on legal aid status and proposals from extensive consultations with legal aid actors has been undertaken over the years. All these combined informed the development of strategic objectives and corresponding intervention programmes and activities. The National Action Plan (NAP) aims at increasing the level of access to justice for all Kenyans particularly by expanding the legal aid provision, streamlining and improving alternative dispute resolution framework through effective coordination.

243. The enactment of the National and Employment Authority Act, 2016 gives institutional framework to realise the provisions of Article 56 (c) of the Constitution of Kenya, which provides for affirmative action through provision of special opportunities in access to employment for minorities and marginalised communities.

244. In 2016 parliament enacted the Legal Aid Act to give effect or infuse life to Articles 19(2), 48, 50(2) (g) and (h) of the Constitution on access to justice. Similarly,

the Cabinet approved the National Legal Aid and Awareness Policy (NLAAP) in May 2015 creating a legal and policy framework to facilitate provision of legal aid services. One of the key functions of NLAAP is to establish and administer a national legal aid scheme that is affordable, accessible, sustainable, credible and accountable among others. An oversight Board is also established to spearhead legal aid services with supervisory role over the service staff. NLAAP is now the official body responsible for provision and operation of legal aid services in Kenya and women have benefitted from the service.

245. The Civil Procedures Act states that: “women who according to the customs and manners of their communities ought not to be compelled to appear in public shall be exempted from personal appearance in court in section 82. Section 86 of the Civil Procedure Act states that the language of the High Court and Court of Appeal is English and the language of subordinate courts is English or Swahili. Translators are available to translate legal proceedings into all of Kenya’s indigenous languages for those who do not speak either English or Swahili.

246. In response to the Concluding Observation (CEDAW/C/KEN/8) para E (52) (a,b,c)) The government has adopted the National Land Policy, 2009 which recognizes the role of women in land matters is a significant step in gender equality. It proposes review of succession, matrimonial property and other related laws to ensure gender equity and the enactment of specific legislation governing division of matrimonial property to replace the English Married Women’s Property Act of 1882. It provides for the protection of the rights of widows, widowers and divorcees through enactment of law on co-ownership of matrimonial property.

247. In 2019, the government through NGEIC undertook sensitization in the County Public Service Boards chairpersons and secretaries on Status of equality and inclusion in Kenya and the importance of mainstreaming the SIGs in the county public service boards. A total of 90 members in the county public service board drawn from 41 counties were sensitized.

248. In other sectors women account for; 57 per cent of all practising lawyers, 49 per cent of magistrates, 41 per cent of high court judges, 36 per cent of county commissioners, 33 per cent of members of county assemblies and 31 per cent of senators.

249. Access to justice features in a number of Kenyan legislative provisions and is particularly prevalent throughout the Constitution, most notably, Article 22(1) and Article 48. A Diversion Policy has been developed to enhance access to justice for vulnerable groups and to enable out of court settlement on criminal matters. Further, the Plea Bargaining Guidelines and Rules have been gazetted to enhance plea-bargaining.

250. The Government has put in place and operationalized a robust legal framework to address women’s land and property rights. These include the Succession Act, 2018 and the Community Land Act 2016 among others. An amendment to the Law of Succession Act, 2018 now recognizes the legitimacy of both boys and girls in property inheritance and land rights. Application of some of the legislation is seen in a landmark ruling in 2018 that guaranteed six married sisters equal rights to their father’s land against their two brothers in a long-standing legal dispute in case of Joshua Kiprono Cheruiyot v Racheal Cheruiyot (2017) eKLR.

251. The Land Laws (Amendment) Act, 2016 amends the National Land Commission (NLC) Act to introduce provisions that empower the Commission to receive, admit and investigate all historical land injustice complaints and recommend appropriate redress. The NLC (Investigation of Historical Land Injustices) Regulations, 2017 have been published to guide investigations into historical land injustices, opening

doors to thousands of Kenyans who have raised the emotive issue for decades. A majority of the recommendations of the TJRC have been implemented including the resettlement and compensation of all IDPs, the establishment of a National Legal Aid Service, enactment of laws on the fight against corruption, and strategies to promote and protect gender rights.

252. The Matrimonial Property Act, which gazetted into law on 10th January 2014, has basic provisions that protect matrimonial property. The Act defines matrimonial property as only property that is jointly owned by the spouse. The Act, however, disallows women the right to marital property upon the death or divorce of their spouse by requiring them to prove their contribution to the acquisition of the property during the marriage. In practice this may be discriminatory with regards to women's rights to land and property.

253. The Law of Succession Act has been amended several times, including by the Law of Succession (Amendment) Act 2021. The 2021 amendment introduced a new definition of the term "spouse" to include wives recognized under the Marriage Act, 2014. There is also ongoing debate on addressing discriminatory provisions contained in the laws such as the Penal Code Cap 63 (2012) 153 which assumes that a prostitute is a woman.

254. The debate about appointing women Khadhis is ongoing, however so far the Judicial Service Commission has not appointed a woman as a Khadhi.

Article 16

Marriage and family life

255. The Constitution recognizes the family as the basic unit of the society. At the same time the constitution protects equality between men and women before, during and after marriage. The Government has taken legislative policy and programmatic measures to protect members of the family. These include:

- (a) The Constitution of Kenya, 2010;
- (b) Matrimonial Property Act, 2013;
- (c) Marriage Act, 2014;
- (d) Land Registration Act, 2012;
- (e) Amendment of the Law of Succession Act, 2010 (Rev.2018);
- (f) The Domestic violence Family Protection Act 2015;
- (g) The National Policy on Prevention and Response to Gender Based Violence; (currently under review); and,
- (h) Social Protection Act, 2016.

256. The Government has drafted the National Family Promotion Policy, which is awaiting the Cabinet's approval. The policy identifies challenges affecting the families and undertakes to address them by providing guidelines on what the government in collaboration with stakeholders will do to realise the policy goals.

257. The development of a Land Information Management System (LIMS), an information system that enables the capture, management and analysis of geographically referenced land related data to produce land information for decision making in land administration and management was caused by paragraph 158 of the Sessional Paper No. 3 of 2009 on National Land Policy. The Government has therefore established a comprehensive, computer based, efficient, user friendly,

accessible, affordable, and transparent and gender sensitive Land Information Management System for purposes of accurate and timely decision making. The data sets include data on geo referencing, mapping, land ownership, land rights, land use planning, valuation and inventories of different categories of land.

258. The Ministry of Lands Physical Planning has been collaborating with the IGAD Land Governance Programme, namely ‘Improving Land Governance in the IGAD Region.’ Within this programme, IGAD has supported a ‘Gender Assessment of Land Sector in Kenya’ and Development of Actions Plans for addressing Women’s Land Rights in the Country. IGAD has held consultative meetings with key stakeholders to draw out Kenya Women’s Land Rights Agenda. Consensus building has been done on outstanding Women’s Land Rights challenges and prioritization of the key issues.

259. In response to the Concluding Observation (CEDAW/C/KEN/8) para E (52) (a)); Section 7 of the Matrimonial Property Act has not yet been repealed, however, the Constitution recognizes the principle of equality in all areas of marriage, including property.

260. In response to the Concluding Observation (CEDAW/C/KEN/8) para E (52) (f)) on division of property during marriage to protect the property interest of women when their husband takes a subsequent wife; Spouses’ share or ownership of matrimonial property is based on the contribution each makes towards its acquisition or improvement, and at dissolution of a marriage the court divides the property based on each spouse’s contribution.

261. In response to the Concluding Observation (CEDAW/C/KEN/8) para E (52) (g)). On review of the requirement for registration of all marriages in a manner that protects the rights of women The Government has put in place mechanisms for registration of customary marriages in Kenya. The same is governed by the Marriage (Customary Marriage) Rules, 2017, under the Marriage Act. These rules were effected by Gazette Notice Number 5345 issued on the 9th June 2017. The Gazette Notice required that all customary marriages be registered from the 1st of August 2017.

262. On ratifying the Optional Protocol to the Convention and to accept, as soon as possible, the amendment to article 20 (1) of the Convention concerning the meeting time of the Committee (CEDAW/C/KEN/8) para E (52); the Government initiated the process of ratification however the same was not passed by Parliament. The government continues to strengthen enforcement of the law to protect individual rights and freedoms within the Country.

263. In response to the Concluding Observation (CEDAW/C/KEN/8) para E (53) and (54 on using the Beijing Declaration and Platform for Action, in efforts to implement the provisions of the Convention and the implementation of the 2030 Agenda for Sustainable Development Goals); The Government has demonstrated its commitments to enhancing gender equality and women’s empowerment by subscribing to BPfA and has been participating in the review process since its adoption. Kenya also subscribes to Sustainable Development Goals and has underscored gender equality and women’s empowerment as fundamental rights and one of the core agenda to ensure sustainable development, including in Chapter 4 on Bill of Rights of the Constitution of Kenya’s (2010), Vision 2030 and MTP III’s gender, youth and vulnerable groups sector among others.