



REPUBLIC OF KENYA

PART B

**KENYA'S 1ST PERIODIC REPORT ON
IMPLEMENTATION OF THE PROTOCOL
TO THE AFRICAN CHARTER ON HUMAN
AND PEOPLE'S RIGHTS ON THE RIGHTS
OF WOMEN IN AFRICA
(MAPUTO PROTOCOL)**

FINAL DRAFT

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INTRODUCTION

1. The Government of Kenya ratified the Protocol to the African Charter on Human and Peoples Rights on the rights of women in Africa in 2010 and remains committed to fulfilling its obligation in order to accelerate efforts towards the promotion and protection of the rights of women and girls.
2. Kenya presents this progress report, that is prepared in accordance with article 62 of the African Charter on Human and Peoples Rights. The information provided herein builds on the initial report of 2020 and demonstrates progress made on the legal, policy, judicial, administrative, and programmatic interventions for the past two years, towards the realisation of the rights in the Protocol.
3. The report was prepared through an inclusive and participatory process that involved state and non- state actors: The Ministry of Gender, Culture, the Arts and Heritage - through the State Department for Gender and Affirmative Action provided stewardship for the process, with the support of UN Women. The Ministries, Departments and Agencies involved included: Health, Agriculture, Education, Foreign Affairs, Housing, Labour and Social Protection, National Treasury, Interior and Coordination of National Government, Judiciary, office of the Attorney General and Constitutional offices (National Gender and Equality Commission and the Kenya National Commission on Human Rights). The Council of Governors was also part of the process. Civil Society Organizations were represented by Equality Now and Athena Feminists. The report was also validated at a national stakeholders' forum to ensure accountability and national ownership.
4. The report further provides responses to the Concluding Observations of the African Commission on Human and Peoples Rights regarding Kenya's initial report. The Concluding Observations were disseminated to stakeholders both state and non-state actors. The responses to the Concluding Observations are incorporated in the information provided under the eight (8) thematic areas of the Protocol, along which the report is structured:
 - a) Equality/Non-discrimination: Articles;
 - b) Protection of women from violence;
 - c) Rights relating to marriage (articles);
 - d) Health and reproductive rights;
 - e) Economic, social and cultural rights;
 - f) Right to peace (article 10);
 - g) Protection of women in armed conflicts (article 11); and,
 - h) Rights of specially protected women's groups.
5. The report further outlines the challenges faced, and proposed solutions and recommendations required to accelerate efforts towards the realization of the rights provided for in the Protocol.

PROGRESS ON THE THEMATIC AREAS

This section of the report provides responses to the Concluding Observations on Kenya's initial report, as well as progress made towards implementation of the rights provided under the eight (8) thematic areas of the Protocol.

ARTICLES 2, 8, 9 & 12 - EQUALITY/ NON-DISCRIMINATION

Article 2: Elimination of Discrimination against women

6. As indicated in Kenya's initial report, women's rights are guaranteed in the Constitution of Kenya in 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 state has continued to undertake policy, legislative and other interventions designed to redress any disadvantage suffered by individuals or groups due to past discrimination.
7. The Government has continued to ensure gender issues are integrated in policies, legislation, plans and programme through the gender mainstreaming approach which is anchored on the National Policy on Gender and Development, 2019 and implemented through a National Action Plan (2023-2027). The policy provides details of the overarching principles to be integrated into the National and County Government sectoral policies, practices and programmes for the achievement of equality and non-discrimination in all spheres of development.
8. Judiciary is also implementing its Gender Mainstreaming Policy whose main objective is to promote equal opportunities in recruitment, promotion and career advancement; eliminate gender-based discrimination against employees and customers; and enhance the capacity of the judiciary to undertake gender responsive planning, implementation and evaluation of policies, programs and projects.
9. Additionally, the Tourism's Workplace Policy on Gender Mainstreaming, 2021 has been developed to serve as a comprehensive framework for the achievement of gender equality and equity in the sector. The policy also identifies special measures to be undertaken to redress identified gender inequities and inequalities in the sector. Furthermore, a Gender Mainstreaming Committee has been established to steer the policy implementation.
10. Other initiatives include the Kenya 2 Equal initiative, launched jointly by the Federation of Kenya Employers (FKE) and the International Finance Corporation (IFC) aimed at closing the gender gap and promote equal opportunities for women in the labour market.
11. The period under review has also witnessed court cases on enforcement of laws to ensure equality before the law and protection of women against discrimination women. A case in point is the Constructive Dismissal Due to Sexual Harassment. CMK v Chandarana Supermarket Limited (Cause 13 of 2018)[2024] KEELRC 388 (KLR). The court awarded the claimant KSh. 500,000 as compensation for sexual harassment. Additionally, the claimant was entitled to three months' salary as compensation for the termination and the costs of the suit.

Article 8: Access to Justice and Equality before the Law

Concluding Observations: Consider amending Section 23 of the Sexual Offences Act, 2006, which limits prosecution of sexual harassment as it applies only to persons in positions of authority.

12. Access to justice and equal protection and benefit of the law are dominant provisions of the Constitution, related policies and legislations. Towards this end, measures to amend the Sexual Offences Act, 2006 have been initiated through the introduction of The Amendment Bill 2023. The principal objective of this Bill is to promote national public awareness of sexual offences. The Bill specifically mandates the Cabinet Secretary responsible for education to establish programs to safeguard, protect, and promote the right to education of victims of sexual offences, including victims of teenage pregnancies.
13. Furthermore, the Bill provides for the definition of a Cabinet Secretary in order to align the Act with the Constitution. The Bill does not have a provision to amend Section 23 of the Sexual Offences Act, however, this provision may be considered and incorporated, through public participation, as the Bill goes through the required legislative process.

Concluding Observations: Ensure that the implementation of Alternative Dispute Resolution Bill 2021 will strengthen the protection of women before the Law.

14. This Bill was introduced by a private member of the Senate as The Alternative Dispute Resolution Bill 2021 (Senate Bill No. 34 of 2021). The Bill, however, lapsed with the 12th Parliament and a new Senate was constituted following the general election of 2022. Despite this, Sessional Paper No. 2 of 2024 on the National Alternative Dispute Resolution Policy is currently under consideration by the National Assembly. The policy provides for collaboration with the Practice Area Committees (PACs), faith-based providers and other non-state actors to remove barriers to the use of Traditional Dispute Resolution Mechanisms (TDRMs) for vulnerable and special groups such as women, youth, and children, and any other elements that may make the mechanisms unavailable constitutionally.
15. The importance of Alternative Justice Systems (AJS) within the context of the constitution of Kenya in Article 159 (2) (c) has been recognized. The Judiciary has therefore developed and implemented the AJS Policy which seeks to promote the involvement of women in community-led dispute resolution processes; by recognizing women's roles as active participants rather than passive subjects. Eight (8) Alternative Justice Systems Ukumbi suites have been established and AJS Action Plans launched in four (4) counties integrating traditional and community-based conflict resolution mechanisms into formal justice systems.
16. It is also noteworthy that on 21st June 2022, the 1st Annual Alternative Justice Systems (AJS) Conference was held followed by the second and third one in 2023 and 2024 respectively. Through these conferences, convened by the National Steering Committee on the implementation of AJS (NaSci-AJS), Kenyans were educated on informal and traditional justice systems and the role they can play in enhancing access to justice, thereby easing the burden on formal courts.
17. In response to the full operationalization of the Legal Aid Act, 2016, and the provision of legal aid to indigent women, the government has continued to provide resources to facilitate full implementation of the Act.

The other measures taken on access to justice include the following:

18. The Mahakama Popote initiative, launched in October 2022, leverages on resources and ICT. Judicial officers with lower caseloads take up matters filed in courts with higher caseloads without physical travel to those stations (virtually). In the year 2022/2023, 6,469 cases were referred and 3,313 cases heard and determined, while in 2023/2024, a total of 7,665 cases in these courts were distributed caseloads, out of which 6,269 were resolved.

The Mahakama Popote and the 57 mobile courts established so far, have extended critical services to the underserved regions in the country and enhanced access to justice.

19. Experiences of court users in accessing court can differ based on gender. Gender statistics provide valuable insights, including indicators and benchmarks to assess progress and analyse underlying factors. The Judiciary has therefore been collecting gender disaggregated data of court users on litigants both plaintiffs and defendants to better inform policy development and programs to ensure a more inclusive and equitable environment for all court users.
20. In the financial year 2023/24, women comprised a third of all individual court users in superior courts as plaintiffs or defendants. However, the proportion of women applicants was higher in Employment and Labour Relations Court (ELRC) (49%) and Environment and Land Courts (ELC) (47%). At the High Court, women accounted for 11% of applicants out of which 12% constituted those accused in murder cases and 3% in anti-corruption cases. In the Magistracy, women represented 12 per cent of all individual court users, either as plaintiffs or defendants. They were the majority in civil matters, making up 64% of plaintiffs. In contrast, men dominated traffic offenses (98%), robbery cases (96%), and anti-corruption cases (77%). For children in conflict with law, boys constituted 88 per cent. At the Kadhis Courts, 39% of applicants were male, while women made up the majority in divorce (90%) and matrimonial causes (59%). Similarly, men comprised 61% of applicants at the Tribunals. ((State of the Judiciary and the Administration of Justice Annual Report (2023/2024).
21. Access to justice is also evident in other court decisions. An example is the declaration that out-of-court settlement agreements in sexual violence cases were unconstitutional. This is in the case of *W & Another v Omondi & 3 others* (Constitutional Petition E416 of 2021) [2023] KEHC 26907 (KLR). In this case, it was noted that Out-of-court settlement agreements in sexual offences resulting in the non-prosecution of those likely to be culpable had far-reaching effects on the victims. Apart from infringing on the victims' rights and fundamental freedoms guaranteed under Articles 27, 28 and 29(c) of the Constitution, such agreements contravened section 40 of the Sexual Offences Act and international instruments to which Kenya was a State Party (State of the Judiciary and the Administration of Justice Annual Report (2023/2024).

Best practices:

22. Some of the best practices in access to justice include the following:
 - a) Facilitating access to services: One of the courts in Kenya, Nyahururu Law Courts has adopted an innovative way of facilitating vulnerable groups access services at the court. The group which includes the elderly, nursing mothers, children, physically challenged and expert witnesses, are issued with express tickets and served on priority basis; and,
 - b) Child Protection and Management System: Kenya has a functional Child Protection and Management System which documents all cases of child protection. This data informs interventions and case management support on child protection in Kenya.
23. Various public education programmes continue to be undertaken such as Best Me Mentorship Clubs, counselling within schools as well as integration of human rights content into the curriculum. Teachers have also undergone training to serve as gender champions in schools, especially in addressing GBV in the sector. By 2023, the Best Me Mentorship program had reached over 20,000 youth across the country. Various surveys indicate 85 per cent of participants reported improved clarity in career goals, and approximately 60% of graduates had pursued further education or vocational training.

Additionally, over 300,000 youth had participated in various training programs since the inception of the National Youth Service (NYS) with reports indicating that approximately 70% of graduates secure employment or start their own businesses within six months of completion.

24. Further to this, in 2022, the International Association of Women Judges - Kenya Chapter launched the 'Kenya Judicial Bench Book on Labour Trafficking in Persons' to boost the fight against the exploitation associated with trafficking in persons. The Bench Book includes good judicial practices for managing Trafficking in Persons cases, thus ensuring that the law is administered effectively. This is crucial given that victims of trafficking are often in need of expeditious and cost-effective resolution of their disputes.
25. Within the judiciary, statistics indicate steady progress in closing of gender gaps. Women comprise over 44% of the Judiciary. At the leadership level, the offices of the Chief Justice, Attorney General, Deputy Chief Justice, Chief Registrar of the Judiciary, Principal Judge of the Employment and Labour Relations Court, Registrar of the Supreme Court, Registrar of the High Court, Registrar of the Environment and Land Court and Registrar of Tribunals, among other courts, are occupied by women. Additionally, there are 86 males against 91 female judges: 244 males against 298 female judicial officers (magistrates). Among the practising lawyers, 7,426 are male and 6,481 are females.

Applicability of the Constitutional provisions on equality and non-discrimination:

Examples of recent case laws include the following:

26. **Mitu-Bell Welfare Society vs Kenya Airports Authority & 2 others; Initiative for Strategic Litigation in Africa (Amicus Curiae) (Petition 3 of 2018) [2021] KESC 34 (KLR) (11 January 2021) (Judgement).** This is a case initially brought by the Mitu-Bell Welfare Society in September 2011, seeking declaratory relief and compensation for the eviction of over 15,000 people from land adjacent to the Wilson Airport in Nairobi. The Supreme Court overturned the 2016 judgement of the Court of Appeal and found in favour of displaced families. The Supreme Court affirmed the applicability of structural interdicts as part of the remedies that a court could fashion to remedy a violation of fundamental rights and freedoms. The Court held that under Article 23(3) of the Constitution, courts have the power to create orders that protect a right and prescribe appropriate rules and damages related to that right. Further, for a form of relief to be appropriate, it must be effective, sufficient and available to address the human rights violation. (<https://www.escri-net.org/caselaw/2021/mitu-bell-welfare-society-v-kenya-airports-authority-sc-petition-3-2018/>).
27. In **Ripples International v Attorney General & another; FIDA (Interested Party), Constitutional Petition E017 of 2021, [2022] KEHC 13210 (KLR), High Court of Kenya at Meru, September 29, 2022**, the High Court held that Sections 35 (1) (b), 36 (1) (b) and 39 (1) and (b) of the Law of Succession Act on intestate succession were declared unconstitutional for being discriminatory against women and girls.
28. There is notable progress on implementation of the constitution with regard to Article 20, which states that the court tribunal or other authority shall promote equality in interpreting the Bill of Rights. In this case, the Supreme Court in **Wamwere & 5 others v Attorney General (Petition 26, 34 & 35 of 2019 (Consolidated)) [2023] KESC 3 (KLR) (Constitutional and Human Rights) (27 January 2023) (Judgement)** held: 'In light of the dictate of Article 27(1) of the Constitution on equal protection and equal benefit of the law, we are inclined to the view that all victims of historical injustices must be treated equally and afforded an equal opportunity for redress'.

29. In **Mokaya vs Kithure Kindiki t/a Kithure Kindiki & Associates (Petition 62 of 2019) [2021] KEELRC 1 (KLR) (30 September 2021) (Judgement)**, the court issued remedies to an employee whose employment was terminated on account of pregnancy.
30. The above rulings are an achievement as it demonstrates the applicability of the constitutional provision of equality and non-discrimination by the courts. However, challenges still persist in access to justice, such as limited resources and interference by **Kangaroo Courts** whereby some communities/families want to solve cases, such as SGBV cases, on their own.

Article 9: Political participation and decision-making

Concluding Observations – Fast-track the adoption of the Representation of Special Interests Group Law (Amendment) Bill 2019, introduced in the National Assembly in July 2019, to give effect to Article 100 of the Constitution and promote the representation of women in Parliament:

31. The National Assembly Bill No. 52 of 2019, on Representation of the Special Interest Groups, lapsed with the twelfth (12th) Parliament following the general elections of 2022. The Bill was sponsored by a former Member of Parliament, and currently, the National Gender and Equality Commission in consultation with the Office of the Attorney General has initiated the process of reintroducing the Bill.

Concluding Observations: The Government to continue its efforts to improve the proportion of women in decision-making positions:

32. The Government has continued to implement various policies aimed at enhancing women's representation in decision-making. An example is through the Public Service Commission Diversity Policy 2016, aimed at promoting diversity in the public service workforce by ensuring public service institutions achieve a workforce that is representative of all citizens from diverse communities and equal opportunities to men, women, members of all ethnic groups, Persons with Disabilities (PWDs) and the youth.
33. In the financial year 2022/2023, an analysis of 390 Ministries, Departments and Agencies indicated that ninety two percent women of the public sector had complied with the not more than two thirds gender principle. A further analysis established that 37 percent on management positions (Job Group P and above) were women ([STATUS OF GENDER EQUALITY AND INCLUSION IN THE PUBLIC SECTOR.pdf](#)). Within the same period, 2.3% of public servants were persons with disabilities which however falls short of the 5% minimum requirement. Additionally, various Government ministries that have developed gender mainstreaming policies include Education, Tourism, Health, Public Service, the Judiciary and the Council of Governors.
34. Specific programmes continue to be implemented, such as the Women in Political Leadership course offered at the Kenya School of Government to equip women aspirants with leadership skills. The program has recorded a steady increase in enrollment, with over 200 women participating in the course annually. Approximately 70% of graduates have taken on leadership roles or engaged actively in political activities post-completion of the course.
35. Prior to the 2022, general elections, the establishment of the Early Warning and Response Centre and the Women Situation Room (EWER & WSR) in Isiolo (Eastern Region of Kenya) provided an enabling environment for women to campaign without fear of disruptions due to the deterrent mechanisms put in place. Furthermore, media engagement

programmes on women leadership and mentorship programmes in higher learning institutions have been undertaken.

Concluding Observations: Continue its efforts to amend the Constitution, in order to put in place mechanisms for achieving the two-thirds gender rule, and/or: adopt a specific legislation on the implementation of the two-thirds gender rule.

36. Kenya's Constitution does not explicitly provide for mechanisms to achieve gender quotas in the National Assembly. The County Governments Act (No. 17 of 2012) provides a framework for implementing the not more than two-thirds gender rule within county assemblies. As a result, the existence and implementation of the quota mechanisms has led to almost one-third women representation in the county assemblies. The two-thirds gender principle is yet to be implemented in Parliament and has been outstanding since 2010. Measures to find a solution towards the realization of the constitutional provision on gender are progressing.
37. The Presidential Memorandum to Parliament of 2022 which recommended an amendment to the Constitution of Kenya by proposing that the National Assembly and Senate spearhead the process after the Supreme Court in the Building Bridges Initiative (BBI) case affirmed that the Head of State lacks authority to initiate changes to the Constitution.
38. A National Dialogue Committee (NADCO) set up to facilitate a dialogue and consensus building recommending appropriate constitutional, legal and policy reforms on issues of concern to the people of Kenya presented its report to Parliament in December 2023. One of the key issues was the implementation of the two-thirds gender rule. The Committee took into account the work undertaken by a Multi-Sectoral Working Group on the realisation of the two-thirds gender principle and recommended two options for consideration.
39. Option 1 – Adopt the Principle under article 177 as follows (a): on the basis of proportional representation by use of party lists as provided for under article 90 (b) comprise candidates who stood for election with precedence being given to candidates who received the greatest number of votes. Option 2: Double the number of women seats from the counties to the national assembly from forty-seven (47) to ninety-four (94) while retaining the 290 elected from the constituencies and the twelve (12) nominated from the party lists. Use the top up list to address any shortage in the number of women in the national assembly that may arise from application of the formula.
40. The Multi-Sectoral Working Group (MSWG) established in 2023 on implementation of the two-thirds gender principle completed its final report detailing the proposed legislative instruments (Three Bills). The report was tabled in parliament and committed to the Departmental Committee on Justice and Legal Affairs for consideration. The framework recommends:
 - a) Constitutional amendments to provide for gender top up through party lists;
 - b) The Elections Act 2011 be amended to provide for submission of party lists that comply with the Two-Thirds Gender Principle;
 - c) The Political Parties Act 2011 be amended to provide for establishment of the Women Inclusion and Political Participation Fund for purposes of financing education and training, mentorship and capacity building, including support for women seeking elective positions; and,
 - d) The enactment of Equality Law and legislation to implement Article 100 of the Constitution.

41. The Working Group also drafted recommendations that require administrative action aimed at achieving gender equality and empowerment of women.
42. Women's participation leading up to the 2022 elections:
 - a) Out of the 16,100 candidates cleared for the 2022 polls, women represented 12.18 per cent (1,962 candidates);
 - b) Three (3) women were nominated as running mates out of the four presidential candidates;
 - c) 62 out of 266 deputy gubernatorial candidates were women, representing a 156 percent and a 94 percent increase, compared to 2017;
 - d) 45 out of 341 senatorial candidates and 216 out of the 2,132 candidates for National Assembly were women, representing a 114% percent and 61% percent increase respectively. One woman with a disability was nominated to the National Assembly; and,
 - e) 1,324 out of 12,997 candidates for MCA were women, a 66 percent increase since the last elections.
43. As a result, women's representation increased slightly to 23.3% in 2022 (29 elected from single constituencies) from 21% in 2017 (23 elected from single constituencies). At the County government level, out of the 47 County Governors, the number of women increased from 3 (3%) to 7 (15%) with Deputy Governors at 8 (17%). Women comprised 21 out of 67 senators (31.3% inclusive of the 3 elected women senators and 18 nominated). Additionally, in the Members of County Assemblies (MCAs), 718 out of 2166 (33%) seats are held by women.
44. In 2023, a new initiative dubbed the G7 Strategy, was launched by the seven elected female governors in Kenya. The strategy aims to increase women's representation in political decision-making by ensuring that 24 women governors are elected in 2027, as well as undertaking mentorship programmes for young women. The strategy is anchored around seven (7) pillars namely: Socio-economic development, good governance, Accountability and Access to Justice, Political and Institutional Strengthening.
45. Various initiatives have been achieved through the G7 strategy which include launch and commissioning of the Oncology Centre as well as an empowerment program for cancer patients in Kwale County, launch of the 20 million NAVCPD grant that will be allocated to the Saccos in 20 wards, to benefit the women and the youth. In addition to these initiatives, the G7 Advisory Council has been established to support the implementation of the strategy, by addressing barriers faced by women in leadership, and provide guidance to enhance their participation. The Government has strengthened the gender architecture in Kenya through the establishment of the Office of the Women's Rights Advisor, with the responsibility of advising the Head of State on matters pertaining to women's rights and empowerment. The Advisor further supports the coordination of the President's special projects and adoption of the women's agenda across all sectors, as outlined in the country's Bottom-up Economic Transformation Agenda (BETA) plan and Women's Charter. The Office has facilitated access to microfinance for women, impacting over 100,000 women across various counties, assisting them set up small businesses.

Addressing the challenges

46. Delay in the implementation of the two-third gender rule in Parliament (National Assembly) is acknowledged as one of the obstacles faced in enhancing women's leadership. There is a pending case at the High Court on whether to dissolve Parliament for failure to meet the two-third gender rule. However, it is anticipated that Parliament

will consider the report of the multi-sectoral working group and pass the proposed legislative measures.

Article 12: Right of Education and Training

47. The Constitution of Kenya provides that education is a social right for everyone, regardless of gender. Various laws and policies continue to be implemented which include:
- a) 100 Percent Transition Policy, 2018 which guarantees transition of all learners from one level of education to the next;
 - b) Basic Education Act, 2012 which ensures the rights of all children to free and compulsory education;
 - c) Re-entry policy, 2020 that seeks to promote readmission of learners who drop out of school due to varied reasons, including pregnancy;
 - d) Mentorship Policy for Early Learning and Basic Education, 2019 which provides for mentors and role models in schools, and guidance and counselling programs to promote retention; and,
 - e) The Model Gender Mainstreaming Policy for Technical and Vocational Education and Training (TVET), 2023 that addresses critical aspects of gender disparities, and provides a roadmap towards gender mainstreaming in TVETs.
48. The right to education continues to be realised through the following interventions:
- a) Introduction of Affirmative Action and reduction/lowering of cut-off points for degree programmes for female applicants, minority and marginalised groups as well as some specific programmes in Science, Technology, Engineering and Mathematics (STEM) courses. This intervention has contributed to the increase in gross enrolment by 8.20% from 2018/19 to 2021/22, as indicated in the National Education Sector Strategic Plan (NESSP) 2023-2027.
 - b) Scholarships offered by county governments among others which include Elimu Scholarship provided by the private sector such as: Mastercard Foundation, Wings to Fly, Kenya Commercial Bank with girls accounting for 55% of the beneficiaries.
 - c) School Feeding Programmes: hot day meals whereby in the 2021/2022 financial year, 2,257,963 pupils in Arid and Semi-Arid Lands (ASALs) and vulnerable regions benefited from the programme.
 - d) Free Sanitary towels programme to public schools. Reports of the Office of the Auditor General indicate that between the financial year 2011/12 to the 2021/22, the expenditure for the programme was Kshs. 3.5billion, reaching 12.5 million girls. During the 2023/24 financial year, the programme benefited 2,293,251 girls in public primary schools and junior secondary schools with a budget of 876 million.
 - e) The Kenya Primary Education Equity in Learning programme (KPEEL) aimed at reducing regional disparities in learning outcomes; improve the retention of girls in upper primary education. Through this programme, 17,484 girls and 16,616 boys received scholarships between 2023-2024. The program beneficiaries are needy and vulnerable girls and boys. Through the program, teachers are trained as gender champions to mentor beneficiaries at the school level. The beneficiaries also undertake regional mentorship forums with professionals. In a bid to strengthen systems for delivering equitable education outcomes, capacity building on gender responsive planning and budgeting has been undertaken for all the 47 county education directors in the country.

49. The government continues to undertake measures to protect women and girls from all forms of abuse, including sexual harassment in schools. Some of the measures include the enforcement of the Teachers' Code of Conduct and Ethics that prohibits sexual harassment in schools, establishment of 'Speak Out Boxes' within the schools to provide a channel where learners can express their needs/concerns anonymously and securing safe spaces such as the guidance and counselling rooms.

Addressing Challenges:

50. The COVID-19 pandemic adversely affected learning across the country, which necessitated the need for early preparedness in the event of such a crisis and other humanitarian disasters.

Best Practices:

51. Some of the best practices include: Continuous capacity building of teachers on gender sensitive pedagogy; Addressing gender stereotypes through gender responsive school curricula that encourages girls to venture into hitherto stereotypical fields; and Adoption of technology to help remove barriers to education occasioned by distance and other disruptions in the case of E-learning platforms.

ARTICLES 3, 4 and 5: PROTECTION OF WOMEN FROM VIOLENCE

Article 3: Right to Dignity

52. The Government of Kenya recognises the rights of women including right to self-development and has undertaken policy, legislative and programmatic measures. These rights are realized through implementation of; The Employment Act, which recognizes the importance of work-life balance by guaranteeing maternity leave and paternity leave, Refugees Act 2021, National Policy on Family Promotion and Protection, 2023, as well as the Kenya Policy on Social Protection, 2023.
53. The right to dignity has also been demonstrated by the Judiciary on measures taken to protect women from degradation. An example is the law case - Prof. Tatu Kamau case on FGM - **Constitutional Petition 244 of (2019) [2021], KEHC 450 (KLR) CRIMINAL CASE NO. 31 OF 2019 Republic vs - Naftali Njami Kinuthia - Femicide.**
54. Administrative measures have been taken through the development and enforcement of the Teachers Service Commission Code of Ethics, Public Service Officers Code of Ethics as well as the Government's 9-point agenda on women's rights under the Bottom-up Transformation Agenda. Enforcement of the Teachers Service Code of Ethics has been demonstrated through deregistration of 209 teachers due to various reasons including sexual misconduct.
55. The other programmes that are contributing towards the realisation of the rights to dignity include: Free sanitary towels distribution to all public schools in Kenya, introduction of GBV survivors Fund (Jasiri Fund) jointly initiated by civil society organisations namely CREAM, GROOTS and CCGD, the national Government affirmative Action funds that continue to give women, youth and persons with disabilities a life line and improvement of their well-being.

56. With regard to the National Budget Allocations, the annual national budget typically allocates funds for various socio-economic empowerment programs, which include:
 - a) Social Protection Programs: Approximately KSh.20 billion annually which encompasses cash transfer initiatives for vulnerable populations.
 - b) Women's Empowerment: Around KSh. 2 billion targeted for programs aimed at promoting women's economic empowerment and entrepreneurship.
 - c) Uwezo Fund: Approximately KSh. 1 billion disbursed to support women and youth groups with interest-free loans to promote entrepreneurship.
 - d) Inua Jamii Cash Transfer Program: Approximately KSh. 15 billion allocated for cash transfers aimed at older persons and persons with disabilities.

Article 4: Right to Life, Integrity, and Security of Person

Concluding Observations: Continue its efforts to allocate an adequate budget to ensure that the Protection against Domestic Violence Act is fully operationalised and implemented.

57. Allocation of budget is executed per program item. The operationalization of the Prevention Against Domestic Violence Act (PADV, 2015) is in the ambit of various entities, namely the Ministry of Gender, Office of Director of Public Prosecutions (ODPP), Judiciary and the National Police Service.

Concluding Observations: Ensure the effective implementation of the legislation on SGBV, such as the Protection against Domestic Violence Act 2015.

58. The PADV rules (2020) allow survivors or their representative to apply for protection orders and file a complaint against a suspected person. The Ministry in charge of gender is disseminating the PADV Act and rules at the local levels in collaboration with other stakeholders.

Concluding Observations: Operationalise the Legal Aid Act 2016 in a way which facilitates reparations and access of victims to the Trust Fund Regulations.

59. The Legal Aid Act gives effect to Articles 19(2), 48, 50(2) (g) and (h) of the Constitution to facilitate access to justice and social justice; to establish the National Legal Aid Service; to provide for legal aid, and for the funding of legal aid and for connected purposes. The National Legal Aid Service (NLAS) has been empowering communities and inmates with legal knowledge through the legal aid clinics.
60. The implementation of the National Action Plan (NAP) for Legal Aid (2017-2022) has resulted in the creation of the Legal Aid (General) Regulations 2022, with extensive outreach across 12 counties, including 7 marginalized areas. Since the enactment of the Legal Aid Act 2021, over 5.7 million people, including more than 5,000 prisoners, have received legal aid, and 10,055 additional individuals have been assisted via a toll-free line. The National Legal Aid Service (NLAS) is also working to operationalize the Legal Aid Fund through the development of the Legal Aid (Fund) Regulations 2024, currently undergoing public participation. Over 300 paralegals have been trained, and offices have been established in seven marginalized counties with support from partners. NLAS has resolved over 1,000 cases through Alternative Dispute Resolution in line with the 2020 Alternative Justice Policy, enhancing access to justice.
61. In 2021, Kenya launched the first ever Policare Policy for the National Police Service (NPS) integrated response to gender-based violence. This policy is intended to steer NPS in the establishment, management and operations of one-stop centres dubbed 'Policare' to provide comprehensive support services including legal, psychosocial support, police and health to survivors of Gender-Based Violence (GBV) at no cost.

62. At the county level, around 16 counties have developed GBV policies and legislation namely: Nairobi Vihiga, Homabay, Meru, Taita Taveta, Makueni, Embu, Nandi, Kakamega, Bungoma, Migori, Wajir, Nyeri, Kilifi, Kwale and Tharaka Nithi.
63. Appropriate measures have also been taken to facilitate reporting, protecting and assisting survivors and potential victims of Gender-based Violence. Both state and non-state actors have established Toll free lines examples of which include 1195, 116, 1198, 999/991, 08007200000, gender desks at Police stations, community structures such as GBV technical working groups, community policing, Talking boxes in schools and public places among other initiatives.
64. The reporting period has also witnessed the establishment of twelve (12) Sexual and Gender Based Violence (SGBV) Courts and guidelines for standardising the operations of the Courts also developed. The SGBV Courts have been renamed to Gender Justice Courts to promote a survivor centred approach to promote the resolution of SGBV cases, placing the rights, needs, dignity and well-being of survivors at the centre of all prevention and response measures.
65. The Government has continued to undertake public education on ending violations against women and girls through various activities such as: the 16 days of activism against GBV held annually, International Women's Day, International Day of Zero Tolerance of FGM, The day of the Girl Child, International Day of the Widows, International Day of the Youth, as well as the Legal Awareness Week used to extend legal literacy and awareness to members of the public.
66. The campaign to end Gender Based Violence including FGM and other harmful practices has also been boosted at the highest level of national leadership. In 2021, at the Generation Equality Forum, in Paris France, the Government of Kenya made twelve (12) concrete commitments on accelerating efforts to end GBV and FGM by the year 2026. The commitments are aimed at addressing the multi-faceted challenges posed by GBV and FGM, and are centred around legal and policy reforms, resource allocation, integration of services, research and data as well as collaboration and partnerships.
67. Under the GEF commitments framework, the Government in collaboration with stakeholders has achieved the following since 2021:
 - a) The National Policy on Prevention and Response 2014 was comprehensively reviewed;
 - b) Establishment of bi-lateral collaboration, strengthened budgetary allocation and engagement with non-state actors in order to achieve the Government's commitment to sustaining the allocation of USD 2.79 million to GBV and FGM and incrementally works towards a minimum budget allocation of USD 5 million for the subsequent financial years and institute an accountability framework for tracking expenditure;
 - c) Initiated Ratification of ILO C190 by developing the facilitation guidelines and training of gender champions to understand the convention's principles and objectives;
 - d) Strengthened the utilization of gender statistics in informing the design, scale-up and evaluation of FGM and GBV programming in the country. The KDHS 2022 report, has to an extent enhanced comprehensive gender specific data thereby facilitating a more informed evidence-based policy formulation, programme design as well as enhanced decision making and strategic planning. However, it is recognized that inadequate gender, age and disability disaggregated data are presented in the KDHS (2022) in particular on women with disabilities. It is however anticipated that in future, the report will display an intersectional analysis on data to allowing visualization of the violence encountered by girls and women with disabilities;

- e) Development of GBVRC and Safe Spaces guidelines and implementation of Protection Against Domestic Violence Act Rules to enhance access to justice. The waiver of P 3 form fee has also enhanced access to justice;
- f) Scaling up the National Police Service Integrated Response to GBV (Policare) and establishing Gender-Based Violence Recovery Centres (GBVRCs) and shelters in all 47 counties;
- g) Establishing a GBV survivors fund through a co-financing model in partnership with private sector, civil society and other stakeholders: A collaborative effort involving CSOs has led to the establishment of Jasiri Fund that provides substantial support for GBV survivors. A dignity pack has also been introduced by the government to alleviate the burdens faced by survivors and provide essential support for their well-being.
- h) With regard to GBV prevention and response in crisis situations such as the COVID-19 pandemic response, humanitarian contexts and electoral-related GBV: The Government has activated GBV Task Force, National and County GBV Working Groups, introduced the Triple Threat Framework and expanded utilization of ICT for Access to justice as mitigation to the heightened risks faced by the country and individuals during crisis situations. Various county governments also provided tele counsellors to support GBV helplines. In partnership with the Association of Physically Disabled – Kenya, the counties further utilized the existing helplines in order to reach PWD survivors and creating greater awareness on the available GBV support services;
- i) Establishment of a governance structure to guide execution of the national action on accelerating efforts to end GBV/FGM and other harmful practices by 2026. The multi-sectoral GEF Leadership structure, encompassing the National Advisory Committee, the National Steering Committee and the county-level leadership; and,
- j) Guidelines for the establishment of Safe and Protective Spaces for GBV survivors were also developed to set standards for organisations that respond to GBV. Civil Society Organizations operate 36 shelters in 13 counties (Nairobi, Kisumu, Mombasa, Kwale, Samburu, Kajiado, Murang'a, Laikipia, Kiambu, Nyeri, Meru, Machakos, and Makueni).

Addressing Challenges

68. The government is addressing challenges affecting implementation of various laws, policies, and programmes for protection of women against violence including discriminatory social cultural norms and practices. The government is also taking into consideration the need for strengthened partnerships and innovativeness to address inadequate resources for the establishment of Gender Violence Protection Centres, safe shelters as well as Policare centres.

Article 5: Elimination of Harmful Practices

Concluding Observations: Ensure the implementation of the Intergovernmental Gender Sector Working Group recommendations, to effectively address retrogressive cultural practices at county level, especially beading in the Samburu community.

69. The Gender Sector Working Group is operational at the National level and within the Counties with five thematic technical working groups. The GBV technical working group is active in all the counties. Through these mechanisms, there is continuous sensitization of the Samburu morans against FGM and child marriage. The KIOS Foundation (Finnish NGO Foundation for Human Rights) and Samburu Women Trust are amongst local organizations protecting girls from beading in the Samburu community.

Concluding Observations: Pursue its efforts to eradicate Female Genital Mutilation in specific contexts, such as Covid-19 Pandemic, and communities with high FGM prevalence.

70. The following measures have been taken:

- a) The Kenya Demographic and Health Survey (KDHS) 2022, captured FGM and GBV indicators in order to strengthen the utilization of gender statistics and inform evidence-based policy and programming;
- b) During the Financial Year 2021/2022, the Government allocated Kshs. 129M for GBV and Female Genital Mutilation (FGM) elimination with further allocation of Kshs. 120M as Counterpart funds for GBV prevention and response under the Kenya-Finland bilateral program for 2021-2024;
- c) Development and implementation of the national guidelines for engaging men and boys in FGM elimination through a joint programme between the Anti-FGM Board and Men End FGM Foundation;
- d) Efforts to eradicate FGM have been strengthened at the community level through County FGM steering committee in the 22 hotspot counties;
- e) The Anti-FGM Board upscaled sensitization programme targeting elders from hotspot counties. As a result, the elders as custodians of culture made declarations to abandon FGM in their communities, Examples include; Samburu, Kuria, Maasai among others.
- f) Under the Generation Equality Forum, Kenya committed to scale up financing for ending Gender Based Violence and Female Genital Mutilation by 2026 (*Details are provided under Article 4*); and,
- g) These efforts have contributed to the decline in FGM prevalence from 21% (KDHS, 2014) to 15% (KDHS, 2022) nationally among women of reproductive age.

Concluding Observations: Consider amending section 19 of the Prohibition of Female Genital Mutilation Act, to prohibit all practices of female genital mutilation, including all harmful procedures to the female genitalia for non-medical purposes (Type-IV FGM), as recommended by the High Court of Kenya in 2021.

71. FGM Type IV includes all other harmful procedures to the female genitalia for non-medical purposes, such as pricking, piercing, incising, scraping and cauterizing the genital area. Amendment of the Act, with regard to 'all harmful procedures' will be considered during the review of the Anti-FGM Act, 2011.
72. Kenya continues to undertake various measures to protect women and girls from harmful practices such as FGM, child, early and forced marriage, and widow inheritance, Sexual Exploitation and Abuse of girls including child labour that disproportionately affect girls.
73. On judicial measures, in the case of *Miriam Chebet v Republic [2021] eKLR*, The High Court affirmed the decision of the trial court that convicted and sentenced the appellant charged with the offense of failing to report the commission of Female Genital Mutilation contrary to Section 24 as read with Section 29 of the Prohibition of Female Genital Mutilation Act No. 2 of 2011.
74. Through concerted efforts of government and non - state actors including cultural gatekeepers to combat FGM and GBV, the sustained campaign has contributed to the decline of FGM. The positive outcomes can also be attributed to the National and County Gender Based Violence Working groups which bring together state and non-state actors implementing Anti-GBV programmes.
75. The campaign to end harmful practices including GBV has also enjoined men as allies, advocates, role models and change agents against harmful practices leading to the identification and training of 2,350 males in 22 FGM hot spot counties. The Anti-FGM

Board has also facilitate alternative rites of passage for the girls where 30,970 have been reached. Religious leaders and cultural elders have also been engaged in the campaign against FGM and around 1,430 identified as champions and opinion shapers (ICPD, 2022/23 Report).

76. Some of the lessons learnt is that engagement of male cultural, religious and political leaders as key stakeholders in the national action plan to end FGM. While FGM declined (KDHS 2022), one in four women have undergone the cut.

Addressing Challenges:

77. The government will continue to address the following:
- a) Deep-seated cultural and societal norms that hinder women's access to leadership positions and continue to perpetuate harmful practices such as Female Genital Mutilation (FGM) and contribute to the normalization of gender-based violence (GBV);
 - b) Unequal care burden where women disproportionately shoulder unpaid care work, limiting their time for education and productive work; and,
 - c) Limited data on the impact of interventions for marginalized groups like women with disabilities makes it difficult to assess their effectiveness and target support appropriately.

ARTICLES 6 AND 7: RIGHTS RELATED TO MARRIAGE

Concluding Observations - Kenya should ensure that judicial and non-judicial procedures that determine, in practice, the division of matrimonial property at the dissolution of marriage are not discriminatory against women.

78. The rights within marriage as stipulated in the protocol have been incorporated in the Constitution by guaranteeing equal rights in marriage and giving equal legal recognition in marriages including polygamous marriages. Moreover, the Marriage Act, 2014, Matrimonial Property Act, 2013 establishes that ownership of matrimonial property vests in the spouses according to the contribution of either spouse towards its acquisition and shall be divided between the spouses if they divorce or their marriage is otherwise dissolved.
79. Some of the recent jurisprudence include the case of **JOO v MBO; Federation of Women Lawyers (FIDA Kenya) & another (Amicus Curiae)** the Supreme Court elaborated that article 45(3) acts as a means of providing for equality as at the time of dissolution of marriage but such equality can only mean that each party is entitled to their fair share of matrimonial property and no more. Further the court established that equality does not mean the re-distribution of proprietary rights at the dissolution of a marriage. Neither does that provision lead to the assumption that spouses are automatically entitled to a 50% share by fact of being married.
80. In another case, in 2024, the High Court in Nakuru awarded a women full ownership rights to a commercial property she acquired during marriage. Ruling in favour of the woman, the court granted her sole ownership of the property. The court found out while the property was bought during her marriage, it was purchased through her efforts and funds.

ARTICLE 14: HEALTH AND REPRODUCTIVE RIGHTS

Concluding Observations: Kenya should lift the reservation on Article 14(2) (c) of the Maputo Protocol, since Article 26(4) of the Constitution permits abortion for the same reasons as the above-mentioned Article.

81. Kenya recognizes the importance of providing equitable and affordable healthcare at the highest affordable standards to all its citizens in accordance with the Constitution of Kenya. Article 43 (1) (a). As indicated in the initial report, Kenya maintains the reservation on Article 14 (c) of the Protocol. The grounds for abortion as stipulated in the Protocol are not fully aligned with the provisions of Kenya's Constitution.

Concluding Observations: Enact a comprehensive Reproductive Health Bill to promote and protect reproductive health rights at national and county levels.

82. The government has put in place various policy and legal frameworks aimed at enhancing access to health services as a critical component of women's empowerment, hinged on the Constitutional right to the highest attainable standard of health.
83. National Reproductive Health Policy 2022-2032 which seeks to reduce unmet family planning needs:
- a) Rationalize the provision of FP method mix and services; Decentralize FP service delivery at all levels of health care as per set norms and standards, specifically support informed initiation, correct use, refills and community distribution of self-care family planning methods; Ensure the safety and positive care experience for women and men accessing FP interventions; Mainstream HIV and STI prevention in every FP intervention at all levels of healthcare and for all clients; and,
 - b) Reduce the burden of reproductive tract infections (RTIs) and improved access to, and quality services; Ensure that STI prevention and control approaches contribute to HIV prevention.
84. The 6th edition of the National Family Planning Guidelines for Service Providers places more emphasis on improving access to quality FP services. The guidelines underline that reproductive and sexual health care, including FP information and services, is not only a key intervention for improving the health of women, men and children but also a human right.
85. The other insights are on the need to practice safer sex to reduce the risk for other infections as well, including disclosure of HIV status to sexual partners and consistent and correct condom use.
86. Kenya Health Policy (2014-2030) seeks to ensuring equity, people centeredness and participatory approach, efficiency, multi-sectoral approach and social accountability in delivery of health care services. The specific policy objective is to provide essential healthcare and includes ensuring access to comprehensive maternal, neonatal and reproductive health services.
87. Statistics indicate that 70% of sexually active unmarried women use any method of family planning; 59% use a modern method. The percentage of married women using modern contraceptives has steadily increased over time, from 32% in 2003 to 57% in 2022. Over the same period, the unmet need for family planning declined from 27% to 14%. Total fertility rate has declined from 3.9% in 2014 to 3.4% in 2022 (**KDHS 2022**). Percentage of people living with HIV who know their status - 96% - **UNAIDS - HIV, AIDS 2023 estimates**.

Best Practices:

88. Some of the best practices include the following:
- a) The government of Kenya has demonstrated its commitment to FP2030 through a number of initiatives such as increasing the budget allocation for family planning services, developing policies and guidelines to improve the quality of services and strengthening partnerships with both the public and private sector;

- b) Has integrated family planning into its national health policies, including the National Family Planning Costed Implementation Plan (2019-2024), which outlines the government's roadmap to enhance access to contraceptive services;
 - c) The government has increased budget allocations for family planning initiatives. For instance, in the 2021/2022 financial year, the government allocated approximately KSh. 2 billion for family planning services;
 - d) Use of Community Health Promoters to create awareness on the use of family planning and other reproductive health issues;
 - e) Use of community -based distributors of family planning to increase uptake of family planning at community level;
 - f) Use of the differentiated service deliver; HIV self-testing (HIVST); and,
 - g) Persons who undergo HIV testing and are found to be positive are encouraged to bring their partner(s) for HIV testing through index testing; partner/partner notification.
89. The government has continued to ensure that Universal Health Care (UHC) information is now available to women in rural areas. This has been achieved through outreaches services conducted in the community from link facility, continuous capacity building of health care workers on the different components of maternal health to improves quality of care. According to statistics, nearly all women (98%) age 15-49 with a live birth or still birth in the two years before the survey received antenatal care (ANC) from a skilled provider. Skilled birth attendance increased from 65% in 2014 – 88% in 2022 (KDHS 2022).
90. Overall, some of the gains achieved in reproductive health care countrywide can also be attributed to implementation of the Linda Mama Programme that was initiated in 2013. The programme,¹formerly Free Maternity Services goal was to 'achieve universal access to maternal and child health services and contribute to the country's progress towards education of maternal and child mortality. Furthermore, provisions of health services have been enhanced in different counties due sustained resources averaging 30% of the total county budget.
91. The government recognizes that some of the challenges faced can be addressed by exploring other avenues for sustained domestic financing to support family planning program, procurement of family planning commodities and equipment, hiring of human resource and to continuously capacity build the health care workers as well as improving public private partnership to UHC.

ARTICLES 13, 15, 16 & 17: ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Article 13 - Economic and Social Welfare Rights

Concluding Observations: Kenya should continue its efforts to strengthen the economic and social development of women in the country.

92. The Constitution provides progressive measures of transforming the social and economic structures making them more equitable based on the principles of macroeconomic stability; continuity in governance reforms; enhanced equity and wealth creation opportunities for the poor among others as set out in Kenya Vision 2030 as well as the Bottom-up Economic Transformation Agenda (BETA).

¹ Kiswahili for "protect the mother."

93. Kenya continues to strengthen economic and social development of women through various interventions. This is through implementation of existing policies: National Policy on Gender and Development 2019, Eradication of Female Genital Mutilation, 2019; the National Policy on Prevention of and Response to Gender Based Violence, 2014 (Revised 2021); In the period under review, A draft National Care Policy was developed as a framework for addressing care work aimed at recognizing, reducing and redistributing care and domestic work in all contexts. The Women Economic Empowerment Strategy (2021-2025) was also launched, as part of Kenya's broader commitment to achieving the UN Sustainable Development Goals, particularly Goal 5 on gender equality and empowerment of all women and girls.
94. The government has continued to improve the social welfare of women and girls through the economic empowerment programmes. These are four (4) affirmative action funds namely; Women Enterprise Fund, Uwezo Fund, Youth Enterprise Development Fund and National Government Affirmative Action Fund. The number of female beneficiaries more than doubled in the same period from 381, 000 to 920,000 in 2024. At the sub-national level, over 25 counties: Mombasa, Kwale, Kilifi, Tana River, Lamu, Garissa, Wajir, Isiolo, Meru, Tharaka Nithi, Kitui, Makueni, Kirinyaga, Kiambu, Turkana, Samburu, Transnzoia, Elgeyo Marakwet, Baringo, Bomet, Bungoma, Migori and Kisii have also set up similar empowerment programmes.
95. Social protection programmes including; Orphans and Vulnerable Children (OVCs), Older Persons Cash Transfer (OPCT), Persons with Severe Disabilities (PWSDs) and Hunger Safety Net Programme are being implemented. In the period under review, the government increased funding from Ksh 31 billion in 2021 to Ksh 33 billion in 2024. The number of female beneficiaries increased in the same period from 789.7 thousand to 817.4 thousand in 2024.
96. On the legislative front, The Employment Act, 2007 Cap 225 (Rev 2022) prohibits discrimination in employment. Sections 5 of The Employment Act is applicable to any worker including women who may be in the labour market, which expects employers among other things to; Promote equality of opportunity in employment in order to eliminate discrimination in employment and; to discourage discrimination directly or indirectly, against an employee or prospective employee or harass an employee or prospective employee on grounds of race, colour, sex, language, religion, political or other opinion, nationality, ethnic or social origin, disability. The Act also requires that an employer shall pay his employees equal remuneration for work of equal value.
97. The Judiciary as one of the arms of the government is obligated to comply with the two-thirds gender principle by promoting gender equality. Section 3(j) of the Judicial Service Act Cap 8A (Revised 2023) requires the Judicial Service Commission and Judiciary to promote gender equity. Section 10(2) of the Third Schedule of the Judicial Service Act Cap 8A (Revised 2023) requires the Judicial Service Commission to take into account gender consideration in the recommendations of Candidates for Appointments. The Judiciary has made significant strides in the implementation of two-thirds gender principle with the aspiration to attain (50:50) gender balance. As of 2021, women held about 30% of all judicial positions. Advocacy efforts have been made to close this gap towards achieving the two-thirds gender rule, including developing mentorship programs for women judges and lawyers.

98. The Employment Act is also the principal statute which addresses sexual harassment in the workplace. Towards this end, the Kenyan courts have given effect to Section 6 of the Act by awarding victims of sexual harassment at the workplace relatively significant damages.
99. **In P O v Board of Trustees, A F & 2 others [2014] eKLR, the Environment and Labour Relations Court, in finding that the Claimant had been sexually harassed, stated that sexual harassment is a form of discrimination. Further the court found that the sexual violence that the claimant had been subjected to and the subsequent termination of her contract of employment amounted to inhuman and degrading treatment. Ultimately the court awarded the claimant general damages of KES 3,000,000 for sexual harassment, unfair and wrongful termination in addition to the other monetary sums for dismissal without notice and one month's pay for the month she was terminated.**
100. In the matter **Ruth Wambui v. Kenya Commercial Bank Limited [2022] eKLR**, a **female** employee alleged harassment by a superior at KCB bank. The court ruled in favour of the employee, emphasising the need for organisations to maintain robust policies against sexual harassment – this case established a precedent for future disputes involving wrongful termination, emphasising that adherence to fair procedures is essential in employment relationships.
101. With regard to Persons with disabilities, the National Council for Persons with Disabilities (NCPWD) Career Portal, has continued to register qualified persons with disabilities seeking employment and linking them to potential employers. The portal has so far registered over 5,000 persons seeking employment and 400 employers.
102. Under Kenya's Long-Term Development Blueprint, Vision 2030 and its Medium-Term Plans, youth, women and persons living with disabilities have been empowered through Affirmative Action funds such as Youth Enterprise Development Fund (YEDF), Uwezo Fund, Women Enterprise Fund (WEF) and National Government Affirmative Action Fund (NGAAF) and reservation of at least thirty percent (30%) of the Government tenders through the Access to Government Procurement Opportunities (AGPO) initiative.
103. Thamini Fund under the Women Enterprise Fund is a special loan product that was introduced for widows in 2021 during the COVID 19 pandemic. It was disbursed through widow led groups as a group-based loan facility to provide widows equal opportunity to access interest free loans.
104. The Government of Kenya recognizes that Self Help Groups (SHGs) and Community Based Organizations are core to the empowerment of women. Towards this end, the number of registered groups has increased to over 225,000 thus facilitating uptake of the government affirmative funds.
105. The National Council for Persons with Disabilities (NCPWD) has continued to implement key programs that empower women with disabilities and their community by providing grants to finance their economic activities. These (SHGs) are formed by caregivers or by women with disabilities and are inclusive of men with disabilities, ensuring a comprehensive approach to empowerment and support.
106. On taxation laws, individuals earning monthly income below KES 24,000 are exempted from paying personal income tax. The Persons with Disabilities Act (2003) and The Persons with Disabilities (Income Tax Deductions and Exemptions) Order 2010 grants Income Tax Exemption for persons with disabilities on all remuneration gained from employment plus other types of taxable income under certification of the Kenya Revenue

Authority (KRA). The order provides that persons with disabilities who are in receipt of an income may apply to the Cabinet Secretary responsible for Finance for exemption from income tax and any other levies on such income.

107. The government is also implementing the social protection, the Social Protection Policy (2022) which among other things seeks to:

- a) Combine protective, preventive and promotional (including labour activation) measures, benefits and services;
- b) Promote productive economic activities, including for informal workers, while fostering the formalization of labour;
- c) Ensure coordination and coherence with other policies that enhance formal employment, income generation, education literacy, vocational training, skills, and employability; and,
- d) Promote secure work, entrepreneurship, and sustainable enterprises within a decent work framework.

108. On Child protection, the Children's Act, 2022 among other laws protect the rights and welfare of children. The Government has also undertaken the following measures:

- a) Developed Child Protection in Emergency Guidelines (CPiE) to support the coordination and supervision, of issues affecting children such as defilement, child labour, child trafficking and separation from families, amongst others in times of emergencies;
- b) Established Child Protection Centres (CPCs) to provide comprehensive services to victims of child abuse;
- c) Established twenty-three (23) Child Protection Units to handle cases involving children separately;
- d) Established a Child Protection Information Management System (CPIMS) to capture disaggregated data into thirty-six (36) different case categories including sex, disability, geographical location, family earning and parental status. The system has been rolled out in forty-seven (47) counties and is available through an open public portal access on childprotection.co.ke;
- e) Establishment of the toll free 24-hour Child Help Line 116 and 1195. Public awareness has been conducted on its existence;
- f) To further safeguard children, the Judiciary in Kenya ensures children matters are heard in the court chambers or in camera and prohibits participation of the public or press; and,
- g) Developed and launched an evidence-based gender transformative National Positive Parenting Programme in 2023. This Programme supports parents and caregivers and strengthens their capacity specifically their parenting knowledge, attitudes, skills, beliefs, behaviours and practices for the holistic development of children in Kenya.

Article 15: Right to Food Security

109. The Kenyan Constitution stipulates that: 'every person has the right to be free from hunger and to have adequate food of acceptable quality'. The government continues to undertake measures to provide women with means of producing nutritious food through various policies and programs that include the following:

- a) Agricultural Soil Management Policy, 2023 which recognizes that gender-based inequalities constrain agricultural growth and poverty reduction measures. The Policy therefore promotes appropriate gender friendly agricultural soil management

technologies, developing capacity of women in agricultural soil management and promotion of affordable and innovative products and packages in agricultural soil management for women;

- b) National Agricultural Mechanization Policy, 2024 promotes the development of gender sensitive agricultural mechanization technologies suitable to women;
- c) Kenya Agricultural Sector Extension Policy (KASEP) 2023 which seeks to strengthen extension services that are gender sensitive, promoting social inclusivity in agricultural extension, development and dissemination of gender-sensitive technologies and intervention;
- d) Agricultural Policy 2021, which recognizes agriculture extension and advisory services as an important avenue of sharing knowledge, technologies, and agricultural information and as a link between producers and other actors in the economy. The policy outlines the need for gender mainstreaming in provision of these services; and,
- e) Kenya Agri-Nutrition Implementation Strategy (2020-2025) among other objectives seeks the strategy is to increase availability, access and consumption of safe, diverse, and nutritious foods through agricultural production which results in increased diverse food availability at the household level, increased income, and women empowerment to engage in viable nutrition-sensitive agriculture through gender-balanced approaches.

110. Implementation of various promising programmes that support women at boosting food security include:

- a) Small Scale Irrigation and Value Addition Project and Drought Resilience and Sustainable Livelihoods has supported 213,000 farmers to establish kitchen gardens thus enhancing food security and nutrition;
- b) Kenya Climate Smart Agriculture Project has supported research and developed women friendly technologies and innovations. IT also supported 423,284 women with micro projects to enhance productivity, nutrition and livelihood diversification;
- c) Kenya Livestock Commercialization Project that is transforming rural livelihoods by supporting 110,000 women and youth from poor livestock and pastoral households with poultry, sheep, goats and beekeeping projects;
- d) Kenya Cereal Enhancement program- climate resilient agricultural livelihoods window which has supported 3,728 women farmers with agricultural inputs, technologies and services through the electronic voucher system to boost sustainable food production;
- e) The One Million Kitchen Garden Initiative implemented from 2020 has supported women to produce vegetables using appropriate technologies ensuring supply throughout the year;
- f) The National Government and County governments have invested in improvement of local markets infrastructure for proper handling and marketing of nutritious foods including at grassroots level;
- g) Establishment of Crèches at the markets to support women traders with childcare services; and,
- h) At the sub-national level, in Kirinyaga County, the Wezesha Economic Empowerment Programme focuses on diversification of agricultural activities aimed at increasing household incomes. The program supports farmer's groups. Majority of whom are women. Within the same counties, farmers SACCO's have been established in every ward to provide savings and loan facilities to farmers.

111. The government is also implementing policies and legislation aimed at ensuring access to clean drinking water. These include the Kenyan Water Act of 2016 and Sessional Paper No. 1 of 2021 on National Water Policy as well as National Water Master Plan 2030.
112. According to the KDHS, 2022, Seven (7) in every ten (10) citizens (68%) have access to safe drinking water. However, approximately 31.6 per cent of the population uses unimproved drinking water sources. A higher number (91%) of the urban population have access to improved drinking water sources, while (56%) of the rural population has access to improved drinking water sources. Despite the infrastructural progress in improving water access, only 33 per cent households have access to piped water.
113. On domestic fuel, the Kenya Energy Transition and Investment Plan (2023-2050) outlines how the country is to transition to clean energy including clean cooking. Some of these strategies include promotion of LPG, electric cooking, solar, improved cooking stoves, biogas and bio ethanol production and utilization. On Farm Forestry and Agroforestry, also supports availability of domestic fuel for food preparation that is easily accessible to women at household level.
114. Kenya has not attained self-sufficiency in food production due to some factors such as frequent droughts, floods and other climate change related challenges such as increased pests and diseases resulting in fluctuations in food production from both animal and plant sources. To address these challenges, the state will seek to enhance more targeted subsidy support to women farmers, undertake continuous research and provision of women friendly technologies and equipment to reduce workload and enhance food production.
115. With regard to land, various related laws that continue to be implemented include: The National Land Commission Act 2012, The Land Act 2012, The Land Registration Act 2012, among others. According to the KDHS, 2022, 5% of women own agricultural land, only 7% of women own non-agricultural land while 62% of women do not have a title deed for the agricultural land they own.
116. Some challenges experienced have to do with increased population which exerts pressure on available water sources, land fragmentation for real estate infringing on land available for agriculture.

Article 16: Right to Adequate Housing

Concluding Observations: Kenya should give special attention to women in its policies and initiatives to implement the right to housing in the country, as well as in the context of evictions and demolitions of homes.

117. The policy and legislative measure undertaken towards the realization of the rights of women to adequate house include:
 - a) National Housing Policy (Sessional Paper No. 3 of 2016) <https://www.housingandurban.go.ke/wp-content/uploads/2019/10/Updated-Sessional-Paper-No.3-of-2016-National-Housing-Policy.pdf>. The Policy, among other objectives recognizes that vulnerable groups include the poor, women, children, and persons with disabilities in difficult circumstances, the handicapped, the elderly and the displaced persons;
 - b) The National Slum Upgrading policy - Policy Statement No. 33 seeks to promote human rights mechanisms when enforcing evictions in slums and informal settlements;
 - c) Appropriate legislative measures undertaken on adequate housing within this period include the following; Affordable Housing Act, 2024. Section 49 (3) of the Act mandates the Affordable Housing Board to prioritize marginalized persons, vulnerable

groups, women, youth and persons with disabilities when determining allocations for affordable housing units; and,

- d) Draft Affordable Housing Regulations, 2024 were published in April 2024. Section 11 (a) of the Regulations obligate the Affordable Housing Board to ensure there is equitable access to diverse groups and persons in the construction, allocation, management and maintenance of the affordable housing projects.

118. According to the Kenya Demographic and Health Survey, 2022, thirty-three percent of women aged 15-49 own a house. 5% do so alone and 28% own it jointly with their spouse or partner or someone else. Among women who own a house, only 9% have a title deed or any other government-recognized document with their name on it; 73% do not have a title deed or any other government-recognized document. House ownership increases with age and is highest among women age 45–49 (63%). Women in rural areas (44%) are more likely to own a house than women in urban areas (17%), although women in urban areas are much more likely to have a title deed for the house they own than women in rural areas. House ownership among women increases with increasing wealth. Three percent of women in the lowest wealth quintile own a house and have their name on the ownership documents, as compared with 29% of women in the highest wealth quintile. (page 73-<https://dhsprogram.com/pubs/pdf/PR143/PR143.pdf>).

119. According to the Kenya Country Report on Progress in the Implementation of the New Urban Agenda, the Government of Kenya through the Affordable Housing programme has supported supply of housing units by Private Investors and 64% of Affordable Housing Project units have been sold to women including individual or joint ownership agreements.(page41) <https://housingandurban.go.ke/wp-content/uploads/2022/04/Kenya-New-Agenda-Report-Final.pdf>.

Some of the best practices on the rights to adequate housing by women include:

120. Affordable Housing Programme targeting 200,000 houses annually, a priority project in the Government Bottom-up Economic Transformation Agenda. The programme aims to facilitate production of affordable housing units and to improve the lives of people living in informal settlements- By December 2023, approximately 605 houses had been constructed with 45,512 houses are under construction- *Kenya's Third Voluntary National Review report on the Implementation of the Sustainable Development Goals*, available at page 81. Citizens can apply for affordable housing through the 'Boma Yangu' online platform <https://www.bomayangu.go.ke/>.

121. Kenya Informal Settlements Improvement Programme which aims to enhance access to basic services and improve tenure security in urban informal settlements in Kenya.

122. Establishment of Kenya Mortgage Refinance Company (KMRC) to support end user financing of Affordable Housing. This is an initiative of The National Treasury and World Bank that was established in 2019 to support the affordable housing agenda by providing secure, long-term loans to primary mortgage lenders including banks, microfinance banks and SACCOs to make mortgages cheaper for Kenyans. Studies show that men account for approximately 60 - 70% of mortgage borrowers. Women's access to mortgage financing is lower, often attributed to: lower average incomes, limited property ownership, and lack of collateral. Some reports indicate that women make up 30 - 40% of mortgage borrowers. However, these numbers vary significantly by region and urban versus rural populations.

123. Adoption of Appropriate Building Materials and Technology (ABMT) which refers to processes, materials, elements and tools that are compatible with the local socio-cultural,

economic as well as physical and ecological environment of an area. Essentially, the materials should be affordable, innovative, safe, environmentally friendly and with significant socio-economic multipliers. To address poverty, unemployment and affordability challenges among low- and middle-income communities, ABMT should ideally be decentralized, locally controlled, people-centred, labour-intensive, cost-effective and sustainable.

124. Promotion of the use of Interlocking Stabilized Soil Blocks (ISSB) technology due to its high appropriateness, local availability of soils, small scale application and potential to address poverty and housing affordability challenges facing the majority of Kenyans. When properly utilized, ISSB technology has the potential to reduce construction costs by up to 50%, create sustainable employment, transfer skills, conserve the environment and raise living standards.
125. Some of the challenges faced in housing are associated with high cost of housing and infrastructure development compared to available funding. Inadequate gender disaggregated data on home ownership, cultural stereotypes about women's rights to acquire, own and inherit land and property still continue to persist and delay in processing of land allocation/ownership documents.
126. The State seeks to address these challenges by exploring alternative sources of funding to supplement exchequer such as Public Private Partnerships (PPPs) and Joint Ventures in project financing. By doing so, the risks associated with dependency on exchequer funding will reduce.

Article 17: Right to positive cultural context

127. The right to positive cultural context is recognized in the constitution which states that culture is the foundation of the nation and as the cumulative civilization of the Kenyan people and nation. The Kenya Vision 2030 and the Governments Bottom-Up Economic Transformation Agenda and Fourth Medium Term Plan, accordingly, seek to build a just and a cohesive society with social equity in a clean and secure environment as outlined in pillar for the culture, arts and heritage sub-sector.
128. The rights continue to be realized through implementation of various laws, policies and programmes.
 - a) Kenya Cultural Centre Act Cap 218 (2012) - established institutional frameworks for coordination and promotion of cultural preservation;
 - b) National Museum of Kenya Act (2006) Revised 2012 - designed to especially apply to archaeology and palaeontology heritage, monuments and architectural works, tangible cultural sites, and natural heritage, and is silent on other forms of cultural heritage such as intangible cultural heritage and cultural intellectual property;
 - c) The Films and Stage Plays Act (2012) regulates the production, distribution, and exhibition of films and stage plays in Kenya. It sets standards for content, censorship, and licensing within the film and theatre industry;
 - d) The Kenya Heroes Act (2014) honours individuals who have made significant contributions to the nation's development, history, and culture. recognized in several categories:
 - i. National Heroes: who have contributed significantly to the liberation, independence, and development of Kenya;
 - ii. Local Heroes: who have made notable contributions at the community level, often in fields such as education, health, and social justice; and,

- iii. Heroes of the Struggle for Independence: who played crucial roles during the fight for independence and freedom.
 - e) Protection of Traditional Knowledge and Traditional Cultural Expressions Act (2016) aims to protect the traditional knowledge and cultural expressions of indigenous communities in Kenya.
- 129. Some of the strategies which the government has put in place to promote cultural preservation are establishment of cultural hubs which, include community culture centres, national art gallery cultural centres, art galleries at counties and art and craft markets such as Utamaduni craft, Maasai market, City market all in Nairobi and Mombasa curio market; and organizing conferences, music festivals and exhibitions for culture such, as cultural festivals.
- 130. Since the adoption of the Kenya Constitution 2010, some communities have realized important benefits that include:
 - a) Inspiring cultural activism among minority, indigenous and marginalized communities. This has increasingly amplified the voices of these groups to challenge the excesses of the state, county governments and the private sector. For example: in 2017, the Ogiek Community from Mau Forest successfully petitioned the Kenyan government at the African Court of Human and Political Rights (ACHPR). Their key arguments were hinged on claim of reparation for displacement from their ancestral habitats, which was an abuse of their social- cultural and livelihood rights;
 - b) Facilitating an interface between the culture experts, cultural practitioners and communities to co-design and implement protection, preservation, and promotional activities to meet the sociocultural and economic needs of communities;
 - c) Providing safe spaces for communities to discuss ethnic differences, especially in multi-ethnic settings. For example, in Lamu County, the numerous cultural festivals have brought together diverse communities to celebrate and showcase their cultural heritage and works of art;
 - d) Catalysing transformational change by providing tools for social mobilization for imparting new knowledge, promoting attitudinal change and adoption of best practices for empowerment of communities. For example, cultural heritage events and activities have platforms for human rights organizations and community-based groups to challenge the state against excesses such as extra judicial action in the fight against extremism and terrorism;
 - e) Contributing to revenue growth and investments in the counties; and,
 - f) There are best practices in the promotion of positive culture in Kenya, described such as Ushanga initiative which seeks to transform the traditional ornamental bead making by rural women from pastoral communities into a viable enterprise both at the national and international markets.
- 131. There is increased participation of the youth in the space of interface between culture, heritage, and technology. This can largely be attributed to the fact that technology is not only attractive to the young generation but also connects well when it provides a platform to transmit aspects of culture and heritage that appeal to both cognitive and affective dimensions of the youth.

Article 18: Right to a healthy and sustainable environment

- 132. The Constitution confers a right to every person, living in Kenya including women, the right to a clean and healthy environment (Article 42). Reports by Local NGOs such as the Green Belt Movement and WWF Kenya highlight successful projects where women

constitute a minimum of 40% of participants in local conservation efforts, including forest management and wildlife conservation. Case studies conducted on Community Forest Associations (CFAs) show that women's representation can reach up to 60% in some areas: areas with active women's groups and support from NGOs tend to have higher representation, as compared to regions with traditional patriarchal structures.

133. The Kenya Solar Market Survey (2021) reported growth in solar home systems and mini grids, supported by government incentives and partnerships with NGOs. Similarly, research into biogas production and waste-to-energy technologies has gained traction, addressing energy needs and waste management issues. Several local universities have collaborated with international research institutions to advance studies in renewable energy technologies, focusing on developing biogas systems, exploring new biomass technologies, and improving efficiency in solar panels.
134. The Kenyan startup ecosystem has seen the emergence of companies focused on clean energy solutions, such as solar energy providers and biogas developers. Notable influencers include M-KOPA, which offers solar home systems on a pay-as-you-go basis, and Solar Africa, providing solar solutions for businesses.
135. The Kenya Industrial Research and Development Institute (KIRDI) has been active in researching appropriate technologies for renewable energy, focusing on local manufacturing and sustainable energy solutions tailored to Kenyan needs. Kenya has received funding from international organisations, such as the World Bank and Green Climate Fund, to support renewable energy projects such as promoting clean energy technologies. Local and international banks offer green financing options, encouraging investments in renewable energy projects – including loans tailored for clean technology, energy efficiency upgrades, and solar installations.
136. The Government has taken certain measures to improve on waste management and safe disposal by revising the Sustainable Waste Management Act in 2022, as well as development of various Regulations such as: Environmental Management and Coordination (Waste Management) Regulations, 2023. Furthermore, Municipal authorities in urban areas have regulated waste disposal by licensing pre-qualified waste collectors who collect domestic waste from households and safely dispose of it in designated dumping sites.

Article 19: Right to Sustainable Development including the right to property; access to land and credit

The information is covered under other articles in this report.

ARTICLE 10: THE RIGHT TO PEACE

Concluding Observations: In light of all the efforts aiming to promote social development in the country, including for women, Kenya should consider lifting the reservation on Article 10-3 of the Maputo Protocol.

137. Kenya maintains its reservations on Article 10-3 of the Protocol requiring States Parties to take the necessary measures to reduce military expenditure significantly in favour of spending on social development in general, and the promotion of women in particular. That notwithstanding, the following measures have been taken:
 - a) Legislative Measures and Judicial Measures: Kenya has ratified the Geneva Conventions and Protocols which are part of International Humanitarian Law that protect the rights of women, children and non-combatants thus ensures the inclusion

of social protection services such as outreach programs during conflict;

- b) Administrative Measures: Kenya is actively involved in peacekeeping operations in the region including AMISOM and the Democratic Republic of Congo. Therefore, although the military expenditure is classified, these activities demonstrate the need for increased military budget;
- c) Collaborative Measures: In November 2022, Kenya committed to preventing Sexual Violence in Conflict Situations in collaboration with the British Army. In addition, Kenya has several Defence Cooperation Agreements aimed at tackling shared threats such as terrorism. During joint training, communities are assisted with projects and other technical support such as engineering projects, water drilling among others; and,
- d) Policy and Programmes: Kenya further continues to implement various policies which emphasize the promotion of implementation of the 2nd Kenya National Action Plan on UN Security Council Resolution 1325 on Women, Peace and Security and related resolutions. Various county governments are also supporting implementation of specific action plans on UNSCR 1325 in their regions.

138. As reported in the initial report, Kenya's initiatives on peace are anchored on the constitutional values of gender equality, inclusion and participation and aligned to the Sustainable Development Goals in particular Goal 5 on gender equality and 16 which seek to promote peaceful and inclusive societies for sustainable peace and development as well as the principles of article 10 of the protocol.
139. During the period under review, implementation of the UNSCR 1325 on women, peace and security, has been progressing. The Government of Kenya in collaboration with other stakeholders is currently implementing the Second-Generation National Action Plan on Women Peace and Security on the UNSCR 1325 (KNAP II) which builds on the first KNAP of 2016. The second (KNAP II (2020-2024) focuses on localization of women, peace and security at the county and community levels while contributing to the Sustainable Development Goals (SDG) five, on Gender Equality and 16 on Peace, Justice and Building Strong Institutions. The plan highlights the role women play in advancing peace and security and the vulnerability and mitigation strategies through its robust pillars (Participation, Protection, Prevention, Relief and Recovery) implementation structure and coordination mechanism.
140. Eight County Action Plans have been developed in Baringo, Kwale, Mandera, Marsabit, Mombasa, Kitui, Kilifi and Samburu while Turkana and Garissa are in the drafting phase. These plans indicate that they are tailored to the County and the proposed interventions are relevant to the context and needs. Samburu, for example, has outlined the challenges which include local conflicts which have led to the displacement of people with the youth and security actors being the most vulnerable.
141. Appropriate measures have also been taken to ensure women take part in national, regional and international peace building processes. Notably, as at 30th April 2023, out of the 423 UN peacekeeping personnel, that Kenya has contributed, 16.8% are female ranking the country 41st in the world. The majority of Kenya's peacekeeping personnel are deployed to the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO).
142. There is significant presence of women in the military and security sector with their appointment in critical positions which include; The National Security Advisor, Major General and Commander of the Kenya Airforce, Chief of Strategic Communications at Defence Headquarters, Chief of Legal Service at Defence Headquarters, Director of the International Peace Support Training Centre, Director of Examinations at the National

Defence University-Kenya among other key docket.

143. More importantly the Ministry of Defence stands out as one of the best examples in the KNAP I and II implementation by combining policy actions and administrative changes in its organizational structure. The Ministry developed a gender policy and initiated administrative reforms that opened space for the inclusion of women at senior levels:
- a) The number of female recruits/Cadets, increased from 321 in 2018 to 807 in 2021 while five (5) female officers were deployed into senior international leadership roles, thus strengthening the linkages between national and international leadership;
 - b) More women officers were accorded senior leadership training opportunities in 2020 while fourteen (14) female officers attended senior leadership courses, up from five (5) in 2019; and,
 - c) In addition to the inclusion of women in decision-making, the Ministry partnered with the National Drought Management Authority to offer alternative means of livelihood to pastoralist communities in northern Kenya. It is the only government actor that has been reporting on KNAP II achievements.
144. The Government recognizes the importance of increased participation of women in programmes for peace in building a culture of peace. Kenya's educational system known as the Competency Based Curriculum (CBC) aims to ensure that all learners acquire the knowledge and skills needed to promote sustainable development including peace education that encourages nonviolence and global awareness. An Advocacy initiative introduced in all the 47 counties aims at promoting peace through the relay peace torch. Additionally, in the interest of promoting appreciation of diversity, peaceful coexistence and dispute resolutions among students, Amani (Peace) Clubs have been established in over 621 schools and some of the achievements include translation of National Anthem to local languages.
145. Kisumu County has been working to enhance the prevention of conflict and all forms of violence against women, girls, and vulnerable groups, through gender-sensitive institutions, structural and social institutions. The active use of the Gender Sector Working Group as a collective to support the prevention of violence in Kisumu has largely contributed to these efforts. Through this mechanism, the County has developed a Gender-Based Violence Policy, established safe houses for women and girls and strengthening of women-led structures at the grassroots.
146. In Samburu, the County has demonstrated the value of partnerships in driving the peace agenda through efficient through strategic collaboration between the national and county government and non-state actors. The number of women joining the county budget cafes as a result of their involvement in the budget making process. Additionally, action plans on GRB, and GBV prevention and response have been incorporated in the County Integrated Development Plans (CIDP) and Annual Development Plan of the county.

Challenges and lessons learnt

147. Some of the challenges and lessons learnt include the following:
- a) Peace initiatives through the education curriculum need to be supported by sector wide interventions that address issues of peace and conflict;
 - b) The dynamic nature of conflict calls for continuous change in the approaches used. Since 2008 the programme has mainly been preoccupied with addressing inter-community conflicts but currently it is also engaged in countering violent extremism initiatives; and,
 - c) Children and young people have powerful messages on peace that need to be given expression.

148. By 2023, Kenya had over 500,000 registered refugees and asylum seekers, primarily from the Democratic Republic of Congo, Ethiopia, Somalia and South Sudan with the majority housed within the Dadaab Refugee Complex and Kakuma Refugee Camp. The estimates number is 300,000 IDPs in various designated camps and settlements across the country while many others settle in informal camps or integrate into local communities.
149. At both local and national levels, women's representation in peace committees generally is targeted to reach at least 30 per cent, on the basis of gender inclusivity. In many counties, efforts have been made to ensure women comprise 40-50% of peace committee members, particularly in areas affected by conflict. Key peace networks in Kenya include: County Peace Committees, Inter-Community Peace Committees, and Youth Peace Networks.

ARTICLE 11: PROTECTION OF WOMEN IN ARMED CONFLICTS

150. Kenya subscribes to major conventions that relate to the protection of women in armed conflict. Kenya has continued to internally experience disturbance through communal conflicts that are driven by various factors: competition for natural resources, manipulation of political and ethnic identities especially during election periods; unresolved historical grievances touching on marginalisation of communities including terrorism related to the existence of extremist militia groups.
151. Kenya has taken measures to strengthen the capacity of security sector institutions on human rights and prevention of sexual and gender-based violence and sexual exploitation and abuse. The Government continues to work in collaboration with the International Peace Support Training Centre to support the training of military, the police and civilians on prevention of conflict related SGBV.
152. The Centre collaborates with various organisations, including local NGOs, government bodies, and the United Nations, to reach a broader audience. Between 2020-2023, the emphasis has been on integrating gender perspectives into peacekeeping and security operations. Training sessions include 50-100 participants per course, with the aim of creating a multiplier effect, where trained personnel can further educate their peers and communities about SGBV prevention.
153. Kenya has no Child Soldiers. Prevention measures are in place through the relevant legislation and policies and elaborate statutory structures such as domestication of the African Charter on the Rights and Welfare of the Child through enactment and enforcement of the Children's Act, 2001 (rev.2022). Recruitment into the army in Kenya is restricted to those 18 years old and above.

Challenges

154. Challenges to be addressed include the following:
- a) Inadequate and inconsistent funding for Grassroots organizations working on women's local level peace building;
 - b) Ensuring women with disabilities in situations of armed conflict are adequately taken into consideration in policy and programming;
 - c) Inadequate presence of women at high levels of security structures of decision making to inform inclusiveness;
 - d) Digital threats are on the rise and have increased the spread of hate speech, misinformation about conflict prevention; and,
 - e) Poverty and inequality results in increased exposure to insecurity and the risk of experiencing violence and increases women's isolation, weakening their social networks hindering participation.

ARTICLES 20, 21, 22, 23, & 24 - RIGHTS OF SPECIALLY PROTECTED WOMEN'S GROUPS

155. The rights, needs and aspirations of special interest groups including widows are recognized and respected in the constitution. Article 56 provides that the state should put in place affirmative action programmes designed to ensure that minorities and marginalised groups participate and are represented in governance and other spheres of life; are provided special opportunities in education and economic fields; are provided special opportunities for access to education; develop their cultural values, languages and practices; and have reasonable access to water, health services and infrastructure. Article 100 advocates for promotion of representation of marginalized groups. The article states that parliament shall enact legislation to promote the representation in parliament of women; Persons with disabilities; youth; ethnic and other minorities; and marginalised communities.

Articles 20 – 21 Widows rights including inheritance:

Concluding Observations - Kenya should adopt measures to adequately protect the rights of widows, in line with the Maputo Protocol, especially those married under customary law and widows subject to cleansing in some rural areas

156. Appropriate legislative measures have been taken through The Law of Succession Section 29 which provides for the protection of a widow whether she was married, separated or divorced upon the death of the spouse. The Protection Against Domestic Violence Act 2015 establishes forced wife inheritance and widow cleansing as an offense in Section 3 of the Act. Additionally, registration of customary marriages in Kenya is governed by the Marriage (Customary Marriage) Rules, 2017, under the Marriage Act, 2014. These rules were affected on the 9th June 2017. This Notice made it compulsory to have all customary marriages registered giving further protections for women in customary marriages by bringing their relations into the purview of the law.

157. According to reports from the Kenya National Bureau of Statistics (KNBS), there has been an increase in the registration of customary marriages due to various campaigns aimed at promoting legal recognition and the benefits that come with it. Registration varies by region – with urban areas showing higher registration compared to rural areas, where traditional practices are more deeply rooted. The Ministry of Interior and Coordination of National Government reported that in 2022, about 30,000 customary marriages were officially registered. The 2022 Kenya Demographic and Health Survey (KDHS) also indicates that 43% of women aged 15-49 reported being in a marriage or union, with a significant proportion being customary marriages. Further, a survey conducted by the Institute of Economic Affairs in 2020 found that registration of customary marriages rose by 25% from 2015 to 2020. Additionally, the 2019 Kenya Population and Housing Census (KPHC) indicated that approximately 60% of marriages in Kenya were customary.

158. The government has also put in place programmes and initiatives that embrace the experiences faced by widows especially in addressing discrimination, loss of property and lack of access to justice. As part of the Government affirmative action funds, such as the Uwezo Fund and the Women Enterprise Fund, the government provides for extended loan repayment periods which are favourable for widows whose businesses may be affected by the loss of a partner. Under the Women Enterprise Fund, a special loan product for widows dubbed 'Thamini' was introduced in 2021.

159. Civil Society Organizations are also contributing to the widow's development agenda in the country. For example, Come Together Widows and Orphans and the Federation of Women Lawyers Kenya (FIDA-K) have championed widows' rights through: economic empowerment programmes and enabling widows to access funding for businesses, capacity building on table banking and promoting savings for sustainability. Widows have also been sensitized on their rights including inheritance rights; provision of legal support and enlightening widows on self-representation.

Article 22: Elderly women

160. The Constitution of Kenya recognizes older persons as distinct rights holders and obligates the State to take measures to ensure their rights are recognized; they participate in the affairs of the society; pursue their personal development; live in dignity and respect; are free from abuse; and receive reasonable care and assistance from their families and the State.

161. The following measures have been taken during the period under review:

- a) Ratification of the Protocol to the African Charter on Human and Peoples' Rights on The Rights of Older Persons in Africa in February 2020 without any reservations;
- b) The Older Persons Bill is in the process of finalization and upon enactment, will give effect to Article 57 of the Constitution and provide for the care and protection older persons in Kenya;
- c) Other measures include implementation of the National Policy on Older Persons and Ageing (2018). Towards this end a major expansion of the Older Persons Cash Transfer was undertaken, leading to the number of beneficiary households covered in all constituencies in Kenya. By 2023, approximately 1.3 million older persons were enrolled in the Inua Jamii program. Recent data indicates that about 60% of the beneficiaries are women approximately (780,000) while 520,000 are men, reflecting the demographic trend where women often live longer than men; and,
- d) Launch of the Kirinyaga County Rescue Centre for Older Persons in June 2021. The Centre has a capacity for 50 vulnerable older persons rescued from incidences of either abuse, neglect or abandonment in need of care, support and protection.

162. Some of the challenges being addressed for the realization of these rights include: Systemic discrimination based on age. Employment barriers, old age poverty, Insecurity, Neglect, Property dispute and land scarcity, Loneliness among others.

Article 23: Women with disabilities:

163. Implementation of the National Policy for Persons with Disabilities focuses on inclusion of persons living with disabilities in Kenya. Within the public service, interventions continue to be undertaken within the framework of the Disability Policy and Guidelines for the Public Service (2018). A National Plan of Action on the Rights of Persons with Disabilities 2015-2022 has also been developed.

164. Some of the initiatives undertaken within the context of the Persons with Disabilities Plan of Action include the following:

- a) Provision of Start-up capital to 360 beneficiaries, including women, to finance their own enterprises. Tools of the trade supplied to 1,000 skilled persons with disabilities to help them start their businesses;
- b) Financing Local Purchase Order (LPO) to 13 enterprises to conduct business with government agencies through the Access to Government Procurement Opportunities (AGPO);

- c) Availability of Sign language interpreters in public institutions. Government continued to train essential government staff on basic sign language to assist as interpreters at institutional levels. The National Council for Persons with Disabilities (NCPWD) has trained 3,500 individuals in basic sign language to bridge the communication gap and assist persons with disabilities in using sign language including women;
- d) Financial literacy for women with disabilities by supporting economic empowerment programs, which include providing business toolkits and offering capacity-building workshops;
- e) The NCPWD has awarded grants to 600 self-help groups, during financial year 2023/2024 including those led by women with disabilities. These grants support the advancement of joint projects with a particular focus on improving the economic opportunities for women with disabilities.
- f) Support has been provided to 57,878 individuals with severe disabilities through the cash transfer program. This program is designed for those who require 24-hour care and often involves their caregivers. Given the severity of their disabilities, these individuals are generally unable to engage in socio-economic activities independently;
- g) Over 1,000 young girls with disabilities have been supported in their education and training. Additionally, scholarships have been provided to 458 children from vulnerable families headed by persons with disabilities;
- h) To enhance the mobility and independence of women with disabilities, the Council has distributed a range of mobility devices to 4,621 persons with disabilities, including 2,200 women. These devices help increase independence, promote privacy, reduce gender-based violence, and improve access to opportunities for women with disabilities; and,
- i) A Career Portal has been established at the NCPWD where the Government has continued to register qualified persons with disabilities seeking employment and linking them to potential employers. The main goal of the portal is to provide equal career development to persons with disabilities. The portal has so far registered over 5,000 persons with disabilities and 400 employers.

165. The government identifies the following challenges that will continue to be addressed:

- a) Obstacles in accessing economic empowerment due to stigma and discrimination due to limited information on available government opportunities, such as the Affirmative Action Fund for Persons with Disabilities (AGPO);
- b) Inadequate specialized mobility devices and inaccessible built environments that further impedes their ability to seize opportunities; and,
- c) women with mental challenges, autism, acute cerebral palsy, down's syndrome and other developmental related disabilities, often face difficulties accessing economic opportunities due to the nature of their disability. As a result, they frequently depend on caregivers or carers, as they may struggle to make independent decisions or engage in economic activities on their own.

166. The government will therefore seek to address the challenges by enhancing awareness and information dissemination; improve accessibility and inclusivity; expand availability of assistive devices and services to ward levels of the county administration; support sign language and communication services; empower women with mental challenges, autism, cerebral palsy, down syndrome and other developmental related disabilities; foster inclusive policies and practices; and, advocate for the development and implementation of policies that promote economic empowerment and inclusivity for women with disabilities.

Article 24: Women in Distress

Concluding Observations: Adopt measures to protect the rights of women in prison, especially during the COVID-19 pandemic:

167. Kenya is committed to protecting the rights of women during crisis and emergencies including in other humanitarian disasters. During the COVID 19- pandemic, the Kenya Red Cross with the support of Government through the Department of Prisons fortified prison spaces from the threat of the pandemic. Materials for building quarantines were also provided and over 60,000 disinfectants were distributed.
168. The Policy on the Care of Children of incarcerated mothers was launched in 2022. The Policy provides guidance on prison service management and provision of quality care for children incarcerated with mothers. The Kenya Prisons are also implementing the United Nation Bangkok Rules which promote appropriate care for incarcerated mothers and their children.
169. In Kenya, there exists an initiative dubbed '*Crime si Poa*' (Crime is not worth it) through which women have an opportunity to produce and sell clothes and food items thus enabling prisoners to generate an income while incarcerated. Further, the Kenya Government maintains an open-door policy which enable stakeholders such as Faraja to provide supplementary institutional support while Clean Smart dedicates to social and healing support to women and children. The organization has provided resources to prisons, collecting and donating children supplies and providing caregiving training to mothers and prison guards.
170. Discrimination on the basis of pregnancy is outlawed in Kenya in Article 27(5) of the Constitution of Kenya and Section 5(3) of the Employment Act. In ***Miriti v Co-Operative Bank Kenya Limited (Cause 1215 of 2018) [2023] KEELRC2452 (KLR) (13 October 2023)*** (Judgment): The Employment and Labour Relations Court found that Cooperative Bank of Kenya wrongly dismissed Miriti for underperformance in 2017 without considering her health complications arising from her pregnancy.
171. The government has also developed The Bail and Bond Policy Guidelines which provide that detainees ought to enjoy their human rights. These rights include the right not to be subjected to any form of torture or degrading treatment. In particular, women should not be subjected to physical, sexual or psychological violence while in detention. Further, all prisoners are entitled to medical care according to their needs the daily average population of female prisoners reduced from 3,189 in 2022 to 2,915 in 2023.
172. With regard to mental wellness, it is estimated that up to 25% of outpatients and up to 40% of in-patients in health facilities suffer from mental conditions (*KNCHR: 2011*). The prevalence of mental disorders may also be attributed to the noted cases of suicide, homicides and violence at household level. The traumatic events such as accidents and disasters as well as violence and conflicts, for example the 2007 post-election violence and similar conflicts, have played a significant role in the development of post-traumatic disorders, anxiety and depression among those affected.
173. The Constitution of Kenya 2010, in Article 43. (1)(a) provides that, 'every person has the right to the highest attainable standard of health, which includes the right to healthcare services'. This necessarily includes mental health. The 65th World Health Assembly adopted Resolution WHA65.4 on the global burden of mental disorders and the need for a comprehensive coordinated response from the health and social sectors at country level. Subsequently, during the 66th World Health Assembly, Resolution WHA66.8 was adopted. It called on member states to develop comprehensive mental health action plans in line with the Global Comprehensive Mental Health Action Plan 2013-2020.

174. Policy and legal measures in place include:

- a) The Kenya Mental Health Policy 2015-2030 which provides for a framework for securing mental health systems reforms in Kenya.
- b) **Distress for Rent Act, 2012** officially Cap. 293 of the Laws of Kenya, provides legal provisions regarding the rights of landlords and tenants in relation to the recovery of rent arrears. Under **Section 16.**, the following goods and chattels shall be exempt from distress for rent—
 - i. Things delivered to a person exercising a public trade, to be carried, wrought, worked up or managed in the way of his trade;
 - ii. Things in actual use or occupation of the person distrained upon at the time of the distress; and,
 - iii. Wearing apparel and bedding of the persons whose goods and chattels are being distrained upon and the tools and implements of his trade to the total value of one hundred shillings.

CONCLUSION

175. Kenya's implementation of the Protocol to the African Charter on Human and Peoples Rights on the Rights of Women's Empowerment is on track. The Government will continue to accelerate implementation of the Protocol in compliance with its commitment and obligations to international and regional instruments that Kenya has ratified.