



KENYA

STATEMENT

BY

HON. DR. NAOMI SHABAN, EGH, MP,
MINISTER FOR GENDER, CHILDREN AND
SOCIAL DEVELOPMENT

ON

THE OCCASION OF CONSIDERATION OF KENYA'S 7TH
PERIODIC REPORT

AT THE 48TH SESSION OF THE CONVENTION ON THE
ELIMINATION OF ALL FORMS OF DISCRIMINATION
AGAINST WOMEN

WEDNESDAY 19TH JANUARY, 2011

GENEVA, SWITZERLAND.

**Chairperson,
CEDAW Committee Members,
Excellencies,
Distinguished Delegates,**

It gives me great pleasure to participate in the 48th Session of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).

Chairperson,

Kenya attaches great importance to the Convention since its ratification in 1984. We are fully committed to continued acceleration of gender equality, promotion and protection of the rights of women and girls at all levels. Ultimately, our gender mainstreaming programmes, highlighted in our 7th Report and which I will address a little later, are intended to ensure that gender issues are incorporated into the National Development Planning.

My delegation which is composed of experts in various areas of interest looks forward to an interactive dialogue on Kenya's progress, the challenges and our aspirations, as we continue to work towards the empowerment of women.

Chairperson,

As you are aware, a number of developments have taken place in Kenya over the last three years. We have had our difficulties. Nevertheless, there have been significant milestones that are a matter of great pride to our nation. On 4th August, 2010, Kenyans voted overwhelmingly in support of the new Constitution by 68%. It was consequently promulgated on 27th August, 2010. The Constitution ushers in a new political dispensation which has generated great optimism among the population and which underlies the Government's commitment.

Chairperson,

My Government has embarked in earnest on the implementation of the new Constitution. We expect it to dramatically change the political, cultural and socio-economic landscape of the country and in particular, the lives of women. The Constitution addresses the historical injustices and inequities experienced by women.

The Bill of Rights in the Constitution captures the values and principles of the Universal Declaration of Human Rights including:

- **Equality;**
- **Non-discrimination;**
- **Equity;**
- **Human dignity; and**
- **Social justice.**

All these are directive principles of state policy. Further provisions include socio-economic and cultural rights in conformity with the International Covenant on Economic, Social and Cultural Rights. There are provisions for civil and political rights in accordance with the International Covenant on Civil and Political Rights as well as solidarity rights including the right to a clean and healthy environment thereby embracing all three generations of rights.

Chairperson,

More fundamentally, our new Constitution embraces all the principles of CEDAW. It is a progressive, comprehensive and all-encompassing document. It expands while guaranteeing the nation's commitment to gender equality, through provisions that counter customary law restrictions on the individual rights and the fundamental freedoms of women that were the hallmark of the old constitutional order.

Chairperson,

Distinguished Members of the CEDAW Committee,

Very soon, Parliament will take measures including affirmative action programmes and policies to redress disadvantages suffered by individuals in the past. Legislative measures will also be undertaken to ensure that representation in all elective and appointive bodies are not more than two thirds of the same gender. These provisions are already being observed in the various Commissions being established.

A case in point, is the composition of the Constitution Implementation Commission, Revenue Allocation Commission and Judicial Service Commission, all sworn in January, 2011. The Commissions are crucial to the implementation of the new Constitution. More specifically, the Chairs and Vice Chairs of Commissions shall not be of the same gender. The Constitution further guarantees representation for women by reserving seats for them in the Senate, National and County Assemblies as well as in other County executive structures.

Chairperson,

Kenyan women have experienced discrimination through the delay in enactment of crucial gender bills which have been in and out of parliament. However, these Bills will be reintroduced in parliament because the new Constitution underpins them.

The government has generated several bills which are due to be considered by parliament. These are:

- **Marriage Bill;**
- **Matrimonial Property Bill;**
- **Family Protection Bill. (Domestic Violence)**
- **Equal Opportunities Bill**

All these Bills are the product of the collective efforts of stakeholders such as the Kenyan Federation of Women Lawyers, Kenya Human Rights Commission, the International Commission of Jurists, Kituo Cha Sheria, State Law Office **KEWOPA**, **Ministry of Gender, Children and Social Development, Ministry of Justice,**

National Cohesion and Constitutional Affairs, Kenya Law Reform Commission, Gender Commission, the National Legal Aid Programme and the general public.

- **The National Gender and Development Bill** which will elevate the existing gender commission to an independent constitutional Commission.
- **The Kenya National Human Rights Bill** for the promotion and protection of human rights and fundamental freedoms for all.
- **The Ombudsman Bill** for fair administrative action for all.

Chairperson,

A matter of great concern to Kenyan women has been the unequal treatment on issues of nationality. The new Constitution not only allows Kenyan women to confer citizenship upon their foreign husbands and children, but for the first time, allows dual citizenship. Further, women will no longer lose their citizenship through marriage or upon dissolution of marriage.

In Addition, the Constitution guarantees non-discrimination with regard to all laws including personal laws in the areas of marriage, divorce, adoption, burial and succession by stating clearly that **“every person is equal before the law and has the right to equal protection and benefit of the law.”**

Chairperson,

I'm pleased to report that CEDAW has been domesticated under the new Constitution. Under Article 2(6) **“any treaty or convention ratified by Kenya shall form part of the Law of Kenya.”** In the same vein, Article 21 (4) states that **“the state shall enact and implement legislation to fulfill its international obligations in respect of human rights and fundamental freedoms.”**

In furtherance of this provision, the government has, through the Kenya Law Reform Commission, drafted the Domestication of International Treaties Bill. This is a testimony to our commitment to honour our international obligations.

It is our conviction that all the developments highlighted will give a new impetus to gender equality work and the attainment of women's empowerment.

Chairperson,

I would now like to take this opportunity to touch briefly on some of the measures the Government has taken in the economic sphere:

- **The Women's Enterprise Fund was established in 2007** to facilitate women's access to credit as well as to empower them economically. The Fund continues to transform the lives of grass roots women. It addresses their challenges in accessing credit, capital, markets and entrepreneurial skills.
- **The Social Protection Fund was set up in 2009** targeting men and women in extremely poor households. It is piloted in 44 districts.

- **Orphans and Vulnerable Children Programme** provides financial support to poor and vulnerable households with orphans
- **The Youth Enterprise Fund**, established in 2006 is another initiative targeting and empowering youth aged between 18-35 years.
- **The National Development Fund for Persons with Disabilities** provides funds for entrepreneurial skills.
- **Economic Stimulus Programme** to revamp the economy following the post election violence has provided funds in the following areas;
 - Health Infrastructure which received 60 Million USD.
 - Education infrastructure which received 97million USD
 - Fish farming which received 21 Mil USD
 - Fresh produce market which received 26 Mil USD
 - Employment of 7,350 health workers in medical facilities throughout the country; and
 - Employment of 17, 960 teachers

As regards **education**, the introduction of free primary education has significantly increased the enrollment of girls at the primary school level. Gender parity has been achieved at the national level. The removal of tuition fees at secondary school level has made education more accessible and affordable. As a result, the proportion of students in institutions of higher learning has increased. In addition the Constitution guarantees compulsory and free basic education.

With regard to health, a number of interventions have contributed to the increase of life expectancy. The number of women being attended to by skilled medical personnel have increased from 39% in 2006 to 43.8% in 2008/2009.

Significant progress has been made in combating HIV/AIDS through the development of the National HIV/AIDS Strategic Plans. There has been an increase in the number of facilities providing care and treatment services. This has led to an increase in the number of women getting tested and receiving services. The National Aids Control Council now has grassroots presence. This has resulted in improved HIV/AIDS awareness and prevention. Most medical services have comprehensive care centers for treatment and care. The latest data shows that HIV/AIDS prevalence rate in the country has reduced from 14% in 1999 to 2010 6.3%. With the new robust Strategic Plan III, we hope to further reduce the prevalence rate.

Chairperson,

Kenya has developed a National Framework Towards Response and Prevention of Gender-Based Violence (GBV) aimed at addressing the problem of violence against women. Concrete measures undertaken have contributed to the reduction of GBV Cases in Kenya. These measures include:

- Establishment of Gender Desks in Police Stations
- Capacity building of Law enforcement officers
- Sensitization of communities on prevention and response to Gender Violence
- Education of the public on Gender Based Violence especially during the 16 Days of Activism
- Development of Information, Education and Communication materials as campaign tools

A number of major hospitals have established Gender Based Violence Recovery Centres where treatment, psycho-social support and referral services are provided.

The following three main legal and constitutional frameworks are in place to deal with gender based violence in Kenya:

- **Article 29 of the Constitution** which guarantees the right to freedom and security of persons including the right not to be subjected to any form of violence either from public or private sources.
 - **The Counter Trafficking In Persons Act, 2010** addresses the problem of human trafficking. The Act will help protect the vulnerable and assist the survivors.
-
- **The Sexual Offences Act 2006** is already being implemented by the courts.

Chairperson,

In Government, my Ministry has the leadership role on gender and women's issues. I believe minimum, effective gender mainstreaming can ensure that all policy formulation and implementation does not have negative effects on stakeholders (those affected by policies) according to their gender. My Ministry is therefore the national women's machinery mandated to coordinate gender mainstreaming in the national development process at all levels. To deliver on this mandate, the Ministry has established gender focal points in all public sector institutions to facilitate gender mainstreaming in sector specific programmes at all levels.

Chairperson,

Members of the CEDAW Committee,

Excellencies,

Distinguished Ladies and Gentlemen,

Finally, I would like once again, to reiterate Kenya's commitment to the Convention on the Elimination of all Forms of Discrimination Against Women. Our continued commitment to complying with the reporting mechanisms, procedures and the application of the Convention at the national level is unequivocal. The interventions I have outlined may seem little steps, however, if you judge them against the historical record, they represent significant progress. We must not lose sight of the fact that the realization of gender equality and empowerment of women is a process.

My delegation is convinced that if each and everyone of us here works in partnership to address our concerns we can attain our collective goal to accelerate gender equality and protect the rights of women at all levels. The key to our progress in attainment gender equality and women's empowerment lies on constructive dialogue with CEDAW Committee to identify and address continuing challenges.

We look forward to constructive interaction. I assure you of the cooperation of my team of experts. We value your contribution.

Thank you for your attention.

Asanteni Sana