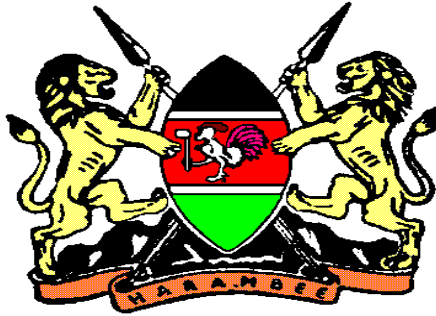


REPUBLIC OF KENYA



STATEMENT

BY

**SICILY K. KARIUKI (MRS.), EGH
CABINET SECRETARY
MINISTRY OF PUBLIC SERVICE, YOUTH AND GENDER
AFFAIRS**

ON

**THE OCCASION OF CONSIDERATION OF KENYA'S 8TH
PERIODIC REPORT**

**AT THE 68TH SESSION OF THE CONVENTION ON THE
ELIMINATION OF ALL FORMS OF DISCRIMINATION
AGAINST WOMEN**

THURSDAY 2ND NOVEMBER, 2017

NAIROBI, UNITED NATIONS HQS, GIGIRI, NAIROBI

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

It gives me great pleasure to participate in the 68th 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 the 8th Report and which I will address a little later, are intended to ensure that gender issues are incorporated into the National Development Planning Process.

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 achievement of gender equality and empowerment of women.

Chairperson,

Kenya's Constitutional values and principles of governance, which include equality, equity, respect for human dignity, inclusiveness and non-discrimination, continue to be the county's anchor and campus for realization of gender equality. They continue to inspire legislative, policy and programmes to meet the goal of equality.

Chairperson,

I am happy to report that since the country made its last Report to this distinguished Committee, though faced with various challenges, the country's endeavour to realize the right to equal opportunities in political, social, economic and cultural spheres for men and women, girls and boys has been remarkable and remains on course.

The country continues to put in place measures to eradicate all forms of discrimination against women. In this regard, the government of Kenya has initiated several affirmative measures to redress any disadvantage suffered by women due to past discrimination. More specifically, the country, as demonstrated I will outline, has put in place various legislative and other measures to ensure achievement of gender equality.

Chairperson,

In terms of taking legislative measures to ensure gender equality and women's empowerment, I am happy to report that over the last six years, various laws for implementing gender equality and inclusion have been enacted. These include:

- The National Gender and Equality Commission Act, 2011;
- The Matrimonial Property Act, 2013;
- The Marriage Act, 2014;
- The Protection from Domestic Violence Act, 2015;

- The Land Act, 2012 ;
- The Land Registration Act;
- Counter-Trafficking Act - No. 8 of 2010;
- The Prohibition of Female Genital Mutilation (FGM) Act; 2011;
- Amendment of the Sexual Offences Act; 2006;
- The Kenya Citizenship and Immigration Act - NO. 12 of 2011;
- The Kenya National Human rights Act, 2012 which is mandated to promote and protect the human rights and fundamental freedoms of all;
- Fair administrative action Act – Act no 4 of 2015, whose mandate is to ensure fair administrative Action for all;
- The Treaty Making and Ratification Act no. 45 of 2012 which ensures domestication of international Treaties.

The country, through the Kenya Law Reform commission, is reviewing of the Law of Succession Act. Suggestions for amendments to this Legislation which are meant to align the law to the Constitution of Kenya, are contained in the Miscellaneous Amendment Act of 2016 and they are pending legislation.

Chairperson,

I am also pleased to report that Kenya has witnessed unprecedented transformation in women's political participation since the promulgation of the constitution 2010 despite many challenges. There has been encouraging increase of the number of women in elective positions. In the recently concluded general elections held on 8th August 2017, the Country achieved its first female Governors (3) out of 47, 23 Female Members Parliament Elected out of 210, 5 Senators out of 47 and 47 Women representatives which is unprecedented. At county level only 98 women were elected out of a possible 1450. The country acknowledges that this is not optimal but efforts towards improvement are on course given that in the 2013 election, not a single woman was elected Governor or Senator.

Chairperson,

Programmatically, the Government has strengthened the National Gender Machineries. For the first time in the history of Kenya, a fully-fledged Department of Gender Affairs, that is well resourced both financially and staffing has been established.

Crucial measures have been taken to mainstream gender in National Development. These include:

- The inclusion of gender mainstreaming in the performance contracting process in all Government Agencies. This has strengthened accountability on gender equality across the public service.
- The Government is also undertaking capacity building on gender statistics for Statistical officers, planning officers and

gender officers both at National and County levels to enhance collection, collation and analysis of sex disaggregated data.

Chairperson,

- The Government takes the Sustainable Development Goals (SDGs) seriously. We have embarked on institutionalization of the (SDGs) through the adoption a Cabinet Memorandum that directs all Government Ministries, Departments and agencies to mainstream the goals in all policy, planning and budgeting processes. This will ultimately ensure that no one is left behind towards the realization the 2030 agenda on sustainable development.
- More importantly, Kenya has undertaken a baseline survey on gender related sustainable development goals aimed at verifying progress, towards achieving the SDGs. The survey was also intended to establish the extent to which the SDGs converge with Kenya's own development objectives as set out in the Kenya Vision 2030, Kenya's Development Blue print that is implemented through five year medium term plans.
- On economic empowerment of women, we firmly believe that Women's economic empowerment including women's right to decent work, full and productive employment is a critical means of implementing SDG 5 and the targets, as vital enablers of women's economic empowerment in the changing world of work.
- We have therefore continued to strengthen our Affirmative Action funds: Women Enterprise Fund, UWEZO (Ability Fund), Youth

Development Fund as well as the Access to Government Procurement Opportunities. We have endeavored to increase outreach and facilitated access by women to these life changing initiatives.

- Under the highest leadership of Kenya, the Government led initiative on the 30% government procurement enterprises continues to transform the lives of women, youth and persons living with disability. Through this unique opportunity, 15000 people, majority of who are women have benefited from tenders worth **USD40 million**.
- On another front, in March this year, the Government in partnership with UN agencies launched a 4 year joint programme.

The initiative seeks to:

- accelerate efforts to prevent Gender Based Violence;
 - strengthen protection of Gender-Based Violence survivors;
 - ensure expeditious prosecution of GBV cases;
 - establish and implement strong sustainable programmes that are well resourced; and implemented through partnership with non-state actors, development partners, county and national government through strong coordination mechanisms at national and county level.
- On the 11th of October 2016, the National Assembly approved Sessional Paper No. 1 of 2015 on the National Policy on Elimination of Child Labour. Kenya has also launched the African Union Campaign on ending marriage and a strategy for eliminating the practice is being developed.

Chairperson,

Kenya recognizes the fact that successful implementation and operationalization of the Constitution is necessary for the achievement of gender equity and equality.

In this regard, Kenya has recently reviewed the National Gender and Development Policy whose goal is to achieve gender equality and women's empowerment for the attainment of sustainable development.

The policy is informed by the Constitution of Kenya, CEDAW, various Acts of Parliament and government policy documents and reports. The reviewed Policy marks an important step in demonstrating Kenya's commitment to give effect to gender equality and women's empowerment provisions of the Constitution which Kenyan women struggled to achieve for many years.

Chairperson,

The Policy is premised on the following principles:

- a. Equality and non-discrimination;
- b. Recognition of differences and inequalities among women and men;
- c. Respect for human rights of all;
- d. The inseparability of Public and private spheres of life;
- e. Equity/substantive equality;
- f. Inter-sectionality and multiple forms of discrimination;
- g. Consultation and Co-operation;
- h. Participation; and
- i. Accountability

Chairperson,

The Policy is pending cabinet approval and its adoption and operationalisation will ensure comprehensive policy and legislative approach towards achievement of gender equality. Given that the Policy identifies indicators for measuring its effectiveness, the Government will make a concerted effort to allocate adequate resources to the processes of institutionalizing gender equality along the policy objectives.

It is envisioned that the outcome of implementing the policy will lead to a fairer and transformed society in which women and men will benefit in the following ways:

- a. Equality as enshrined in the Constitution and enjoyment of rights contained in the Bill of Rights in the Constitution 2010 will be realized.
- b. Women and men will have equal rights and access to education, health, housing, employment, natural resources and other services and resources.
- c. Women and men will have equality of opportunity to participate in and to contribute to the political, social, economic and cultural development of Kenya.
- d. Every Kenyan's rights will be seen and respected as human rights.
- e. Respect for provisions on equality in the Bill of Rights in civil, administrative and judicial regulations and procedures and customary, cultural and religious practices.
- f. Enforcement of statutory, religious and customary laws within the framework of this policy and the Constitution;

- g. Set standards and strengthen institutions advancing gender equality and women's empowerment at the National and County Government levels; and

Kenya also developed the National Equality Policy in 2016 which is pending adoption by the Cabinet. The policy seeks to give effect to the realization of the equality provisions in our Constitution.

The Government has also factored resources in the current government budget to develop specific action plans for implementation of these policies at the National and County levels.

Chairperson,

With the promulgation of the Kenya constitution in 2010, Kenya was transformed into a two tier government (National and County Governments). It is worth noting therefore, that at the County level, the devolved government system has also embraced a policy that is founded on human dignity, equity, social justice, inclusiveness, equality, human rights, non-discrimination and protection of the marginalized.

The Policy spells out ways of engaging women in various spheres of influence including equal sharing of natural resources for marginalized communities.

Chairperson,

Kenya has made commendable progress although some challenges remain. Even with a robust legal framework, promoting equality and non-discrimination, gender inequality power imbalance between men and women, boys and girls has persisted.

For instance, although the country took a commendable step to enact the Marriage Act, 2014 and the Matrimonial Property Act, 2013, both these Acts contain some challenging provisions which negate the good spirit of these laws and our Constitution.

The patriarchal nature of our society influenced some of these negative provisions contained in the Marriage and Matrimonial property laws. These include aspects such as polygamy and inability to attain gender equality in the distribution of matrimonial property.

Chairperson,

Another significant challenge that we face is that the number of women in appointive positions remains below the constitutional threshold. Indeed as reported by the United Nations Development Programme (2016), the inequality index between men and women is 0.565 for Kenya, which is quite high.

This implies that women and girls are still discriminated against in areas of health, education, political representation, labour market to mention but a few. However, the policy and programmatic measures I have alluded to are geared towards redressing these challenges.

Chairperson,

Our greatest challenge, however, has been our unsuccessful efforts to enact legislation for the realization of the not more than two thirds gender principle in the constitution.

This has not been possible despite clear provisions of Article 27 (8)5 and 81(b)6 of Kenyan Constitution, and the Supreme Court's Advisory of 2015 on how to achieve the principle.

The government has made efforts to realize the principle but due to the culture of patriarchy and male dominance, the Parliament has been unable to enact the necessary legislation.

However, the Government of Kenya is determined to put in place mechanisms to tackle negative patriarchal attitudes in parliament in order to ensure enactment of legislation for realization of the not more than two thirds gender representation in Parliament is during this parliamentary term.

Besides, the Government has developed and is implementing a National Strategy to enhance representation of women in leadership

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, though not optimal, are significant, judged against the country's historical record. We must not lose sight of the fact that the realization of gender equality and empowerment of women is a process and that to-date, no country in the world has fully achieved gender equality

My delegation is convinced that with your support, we can achieve our collective goal to accelerate gender equality and enhance women's empowerment in social, political, economic and cultural spheres.

We believe that the noble goal to attain gender equality and women's empowerment lies on constructive dialogue with CEDAW Committee. This will enable us identify and address continuing challenges and opportunities that will strengthen our efforts as a country, to fully deliver on the Convention.

We look forward to constructive interaction and the Concluding Observations that will arise from this engagement.

Chairperson, I assure you of the cooperation of my team of experts. We value your contributions.

Thank you for your attention.