

STATUS OF WOMEN'S POLITICAL, ECONOMIC AND SOCIAL RIGHTS IN KENYA



FINAL
REPORT

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AUGUST 2023

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List of Abbreviations and Acronyms

| | |
|---------------|---|
| CAK | Communication Authority of Kenya |
| CAS | Chief Administrative Secretaries |
| CEDAW | Convention on Elimination of All Forms of Discrimination Against Women |
| COK | Constitution of Kenya (2010) |
| CRPD | Convention on the Rights of People with Disabilities |
| FAO | Food Agricultural Organization |
| FIDA | Federation of Women Lawyers Kenya |
| HPV | Human Papilloma Virus |
| ICCPR | International Covenant on Civil and Political Rights |
| ICMW | International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families |
| ICSECR | International Covenant on Social Economic and Cultural Rights |
| IEBC | Independent Electoral and Boundaries Commission |
| KDHS | Kenya Demographic Health Survey |
| KIIs | Key Informant Interviews |
| KNBS | Kenya National Bureau of Statistics |
| MCAs | Members of County Assemblies |
| NDI | National Democratic Institute |
| NEC | National Executive Council |
| NGC | National Governing Council |
| NSSF | National Social Security Fund |
| ORPP | Office of Registrar of Political Parties |
| PWDs | Persons with Disability |
| SDGs | Sustainable Development Goals |
| TVETs | Technical and Vocational Educational Training institutions |
| UDA | United Democratic Alliance |
| UDHR | Universal Declaration of Human Rights |
| UNDP | United Nation Development Programme |
| UNICEF | United Nation Children Education Fund |
| WHO | World Health Organization |
| WROs | Women Rights Organizations |

Executive Summary



The objective of the research was to inform on the current status of women's political, economic and social rights in Kenya. To try and uncover these issues, this assignment sought to reflect on the following key sections-Kenya's international commitments to political, economic and social rights for women, the constitutional and legislative provisions and commitments to political, economic and social rights for women in Kenya, the current state of enjoyment of political, economic and social rights for women in Kenya, the main challenges towards full enjoyment of these rights as well as the government commitments towards the challenges.

The study commenced with extensive literature review on the current status of women's political, economic and social rights in Kenya. In particular, the literature review covered the following areas; introduction, principles of gender equality and equity in Kenya, international and regional instruments governing gender equality, the constitutional provisions on gender equality, as well as national legislations and policies on the same subject matter.

In addition, the assignment entailed primary data collection to fill the gaps identified during the literature review. To this end, the primary data collection targeted Key Informant Interviews (KIIs) and consultative meetings with Women Rights Organizations (WROs) in order to have more insights on the current status of women's political, economic and social rights.

The study analyzed the social status/demographic characteristics of women using the sex disaggregated data as provided for by the latest Kenya National Bureau of statistics (KNBS) reports. In particular, some data was sourced from, Economic Surveys Report 2023 as well as Kenya Demographic Health Survey Report (KDHS) 2022. A descriptive analysis of this data was meant to inform on the current status of Women's Political, Economic and Social Rights in Kenya

As an independent state, Kenya is a member of the United Nations and by implication a party to various human rights instrument that expressly provide for non-discrimination against women and girls, gender equality, participation and empowerment. The central most of these instruments is the Universal Declaration of Human Rights of 1945. Other instruments include the Convention on Elimination of All Forms of Discrimination against Women (CEDAW), the International Covenant on Social Economic and Cultural Rights (ICESCR) among others. The need to fully reflect international human rights commitments into local governance played a major role in shaping the constitutional review debate in the early 2000s and the eventual promulgation of the current document in 2010.

The study observes that, Kenya has a very elaborate legal and policy framework to uphold and promote gender equality and empowerment of women. The Constitution of Kenya 2010 sets a very rich reservoir to draw from and even further develop corresponding legislation to deepen women rights in Kenya. A great deal of this work has been accomplished.

However, gaps still remain if the vision of fully empowered women enjoying equal opportunities with men is to be realized. The most notable gap is the failure of Parliament to enact a legislation to ensure enhanced representation of women as required under Article 100 and as a way to realize the two thirds gender rule as provided under article 81 of the constitution. The report also observes that even where laws have been put in place, there are challenges of implementation. The intentions of formulating laws to help women access better opportunities are well meaning but the intended benefits are less evident.

In terms of access to productive resources, women still find it harder to own land both for agricultural and non-agricultural purposes. The implication is that while women are the majority in the agricultural sector, they do not have legal rights to the agricultural produce. Further, they have no exercisable right to charge the land to secure finances to develop the land and improve productivity. Challenges for equity for women are multi-dimensional and can only be resolved if approached as such. Women living in the rural areas, with low levels of educational achievement and often with less incomes and wealth are more likely to accomplish less in life. They are also locked out of most opportunities.

Though many Kenyan societies have moved away from negative social norms that held women back, the effects of negative cultural practices and beliefs still hold women back. Norms around gender violence, women and property rights and political participation still hold sway.

Based on the emerging issues during the research, the report recommends the following-

Formulation of the two thirds gender rule- Parliament should move with haste and review the electoral system with a view to actualize Article 81 (b) of the constitution. Constitution of Kenya 2010 is almost 15 years old and this gap remains gaping. Three election cycles have been held without the realization of this aspiration. It would be a great achievement if the legislation is in place before the next electoral cycle.

Removal of structural barriers to women empowerment- the report observes that though opportunities from women to enjoy better opportunities exist, there are structural barriers like rural- urban divide, low education levels and poverty that hold women back. The government should put efforts to promote education for girls as it has been observed a great enabler to the enjoyment of other rights including political participation, property rights and even health rights. Alongside this should be tackling poverty with due regard to existing gender imbalances.

Confronting negative social norms and cultural practices- There should be concerted effort by the government and the civil society to help women confront and challenge social norms that hold them back. Educational and advocacy campaigns should help dismantle societal perceptions that women are less deserving of opportunities in leadership, property ownership and social service delivery. Even where positive legislation has been passed, the full effect will not be realized till the negative cultural norms that cemented to previous dispensation is confronted.

Deepening social protection programmes- Social protection programmes are a great intervention to provide amends on gender inequality in the short and the medium term. The government

should formulate and strengthen programmes to further promote education for girls and women, access to health and education services and raise the voice of women at the household and community level. Cash transfers to poor households could go a long way to allow girls remain in school and help women access nutritional food especially for young child and in pregnancy.

Strengthen political participation for women through political party Reform- Political parties should strengthen their space for women as candidates and wherever possible grant women preferential opportunities to view. While data indicates women constitute 49% of the political parties' membership, the marginal representation of women in elective positions is reflective of limited opportunities granted to them by the parties. Even as the country pushes for the two third gender rule, parties could offer respite to their female membership. In addition, there is need for concerted effort and multi-agency approach in enhancing women's right to political participation, this would include actors like ORPP, IEBC and CAK. It is evident that, out of total 90 registered political parties, only 5 are women led, this demonstrates a serious equality gap.

Women involvement in climate change action- research has indicated that women are more affected by the negative effects of climate change than men. This even more in poor countries like Kenya where climate change has resulted to adverse weather patterns, low food production, loss of livelihoods and girls dropping out of school. The report recommends that women should equally be represented in spaces and forums where the issue of climate change is discussed to introduce a more gender responsive approach to the climate emergency. In addition, there is need for bottom up approach by getting out of boardroom and conferences and go on the ground and create awareness on how women should participate in climate change and action initiatives

Opportunity cost for not implementing the policies and legislations on women rights. The study revealed that there are good policies and legislations in place with regards to women rights but there is lack of or limited political good will to implement the same. In this regard, there is need for further research and evidence based advocacy to understand what it would cost the country by not implementing these legal provisions on women rights.

1.0. Introduction

1.0. Introduction

As an independent state, Kenya is a member of the United Nations and by implication a party to various human rights instrument that expressly provide for non-discrimination against women and girls, gender equality, participation and empowerment. The central most of these instruments is the Universal Declaration of Human Rights of 1945. Other instruments include the Convention on Elimination of All Forms of Discrimination Against Women (CEDAW), the International Covenant on Social Economic and Cultural Rights (ICESCR) among others. The need to fully reflect international human rights commitments into local governance played a major role in shaping the constitutional review debate in the early 2000s and the eventual promulgation of the current document in August of 2010.

The promulgation of the Kenya Constitution 2010 makes calls for review and reform of the legal and policy frameworks for inclusion of women and marginalized groups in mainstream society. The marginalized groups include women, persons with disabilities, children, youth, elderly, minority and marginalized groups and communities, all of whom have for decades been excluded from Kenya's social-economic, cultural and political life. In this regard, the legislators should facilitate the formulation and enactment of statute law and subsidiary legislations characterized by the twin principles of equality and inclusion to the ends of improved legal framework and effective use of legal resources in Kenya's development agenda in which her citizenry (including the women and marginalized groups) has a stake on an equal basis with others.

The Constitution has various provisions on the equality and non-discrimination and gender empowerment. Key among these is the spirit behind Article 10 (b) which provides for equity, social justice, inclusiveness, non-discrimination and protection of the marginalized as part of national values and principles of governance. The rights of all previously excluded and marginalized groups therefore found a voice and space in the national governance discourse. Broadly, the right to non-discrimination is reflected under Article 27 that provides for non-discrimination of individuals and equal access to opportunities and services.

In the context of political participation, the Constitution aptly captures the right of all citizens to access information. This has particular interest on information held by state institutions and which may help women demand for accountability. To actualize this provision, Kenya has formulated the Access to Information Act (2016) and the corresponding regulations.

On social economic rights, the Constitution through Article 43 Provides for rights to health, housing, water and sanitation, food and social security. The duty of the government of Kenya on these social economic rights has to be however read within principle of progressive realization of rights as captured under the ICESCR. The general observation is that though states have a duty to deliver these rights to citizens, the evaluation of this progress is hinged on specific conditions like budgetary capacities. In this regard, this assignment will therefore be conducted within the realms of appreciation that there are acceptable limits within which the government may be constrained in the provision of the constitutional rights.

The Committee of Social Economic and Cultural rights have further deepened the discourse on state obligations by introducing two more concepts. First is the concept of '*minimum core obligations*'. The spirit here is that a state has a duty to ensure some minimums in regards to these rights are delivered. The second concept is '*non retrogression*'. The duty of the state here is to ensure the rights once guaranteed are not taken away in deliberate and avoidable circumstances.

The Constitution under Article 53 on the rights of the child further emphasizes the state duty to provide free and compulsory basic education, basic nutrition, shelter, healthcare among other rights. In the context of

a highly traditional society where child care is a gender role mainly left to women, these child rights reflect an almost obvious entitlement to women rights.

In terms of legislation, these rights are then captured under the children's Act (2022) and the Basic Education Act (2013). The place for minority rights is further cemented under Article 56 which requires the state to put measures to ensure affirmative action for marginalized and minority groups. Special measures are required for their inclusion in economic, educational and governance spheres. The assignment will seek to review the extent of progress on this count in terms of the special measures in place and their levels of effectiveness.

On political participation, the Constitution guarantees the rights of women based on the freedom of women as citizens to participate in political processes under Article 81(a). To further dilute the historical domination of men in the political sphere, Article 81 (b) requires that no more than 2/3 of elected public officials may be of either gender. This spirit is further encapsulated under the Article.

Broadly, Kenya has well developed constitutional and legislative frameworks to support the realization of women rights in the political, economic and social cultural spheres. The analysis in the assignment will therefore sought to enumerate on these and evaluate their level of effectiveness.

To try and uncover these issue, this assignment sought to reflect on the following key questions-

- What are Kenya's international commitments to political, economic and social rights for women?
- What are the constitutional and legislative commitments to political, economic and social rights for women in Kenya?
- What is the current state of enjoyment of political, economic and social rights for women in Kenya?
- What are the main challenges towards full enjoyment of these rights?
- What the government been doing to address challenges and what are the gaps?

2.0 Methodology and Scope of Work

The study commenced with extensive literature review on the current status of women's political, economic and social rights in Kenya. In particular, the literature review covered the following areas but not limited to; introduction, principles of gender equality and equity in Kenya, international and regional instruments governing gender equality, the constitutional provisions on gender equality, as well as national legislations and policies on the same subject matter. In addition, the assignment entailed primary data collection to fill the gaps identified during the literature review. To this end, the primary data collection targeted Key Informant Interviews (KIIs) and consultative meetings with Women Rights Organizations (WROs) in order to have more insights on the current status of women's political, economic and social rights. KIIs are usually, conducted with people who are well versed with subject matter, in this regard, KIIs were conducted with relevant Civil Society Organizations (CSOs) in Kenya. Notably, both KIIs and Consultative Meetings ensured participatory techniques to provide participants with an opportunity to give their views freely and in an open manner. Lastly, the primary data collection adhered to all ethical research considerations including confidentiality and anonymity.

2.1 Data Types and Sources

First and foremost, the study analyzed the social status/demographic characteristics of women using the sex disaggregated data as provided for by the latest Kenya National Bureau of statistics (KNBS) reports. In particular, some data was sourced from, Economic Surveys Report 2023 as well as Kenya Demographic Health Survey Report (KDHS) 2022. A descriptive analysis of this data was meant to inform on the current status of Women's Political, Economic and Social Rights in Kenya.

2.2 Scope of the Study

The study covered a wide range of women rights including- women participation in governance and political representation, women right to work and employment, women right to social security and protection, right to housing and ownership, right to education, right to health, women participation in climate change and action, right to clean and health environment, right to property and land ownership, women in digital spaces, right to enterprise ownership and financial services (e.g., credit services) among others, gender based violence and its implication to gender equality as well as inclusion of PWDs in political representation. The study focus was at the national level

3.0. The Principles of Gender Equality and Equity

Gender equality is a principle that seeks to grant men and women, boys and girls equal opportunities and access to and control of resources regardless of their gender. The foundation of the principle is the fact that men and women are equal in all counts and that there should not be real or perceived barriers to place unfavorable situations to either gender.

Gender equality as a human rights principle has been placed right from the proclamation of the United Nations Universal Declaration of human Rights, Article 1 of the Declaration aptly captures the spirit of equality as- *All human beings are born free and equal in dignity and rights...*

The principle of equality has further been emphasized by other human rights instruments. The key entry point has been non-discrimination. Articles 2 in the International Covenant on Civil and Political Rights (ICCPR) and Article 2 under International Covenant on Economic and Social Cultural Rights.

Each state party to the present covenant undertakes to respect and ensure to all individuals... without distinction of any kind such as race, colour sex, language religion, political and other opinion, national or social origin, property, birth or other status...

Gender equity principle emanates from the appreciation that the needs of men and women, boys and girls differ. Equity then seeks to grant men and women fairness and access to good, services, opportunities and resources based on their unique needs.

In most societies, women have been facing a lot of obstacles that prevent them from enjoying equal rights to men. Equity therefore carries with it the commitment to pursue fairness and respond to underlying gender discriminative laws, policies and practices. While the two principles are not in conflict or even competition, gender equity and equality have been used to emphasize different aspects of women empowerment.

The concept of equity has dominated the development discourse in the recent past. The concern is that large proportion of citizens is consistently treated to inferior opportunities in social, economic and political fields. This happens in favour of a small minority. On a gender perspective, men and boys would access far more opportunities in schooling, health services, property ownership and job opportunities. Additionally, even among the women, the issue of social exclusion is not evenly spread. Young women with little formal education, living in rural areas with low incomes face even lesser opportunities than their counterparts with at least post- secondary education, living and working in the urban areas.

The drive towards gender equity is based on the realization that women comprise of about 50% of global population but rarely command 50% of the available opportunities in the social, political and economic fields. From an economic perspective, locking out a significant part of the population from productive activities amounts to less than optimal utilization of the available human resources and therefore slows down economic development.

4.1. International Instruments, Treaties and Conventions

Various international instruments guide countries in the implementation of the Human Rights (HR) agenda. Notably, these instruments have a variety of formal title types, including, agreement, charter, convention, protocol and treaties, and all are signed exclusively between State parties, but with an overall aim of enhancing human rights and equality. Article 2 (6) of the Constitution provides that any treaty or convention ratified by Kenya shall form part of the law of Kenya. Article 132 (1) (C) iii requires the president to submit a report for debate to the National Assembly on the progress made in fulfilling the international obligations of the Republic. In addition, Kenya makes annual returns to all United Nation human rights mechanisms where it has made commitments. The following are some of the most notable commitment and progress made so far with regards to fulfilling the international obligations.

4.2 Progress Made in Fulfilling the International Obligations of the Republic

Universal Declaration on Human Rights (UDHR)- The overarching measure to guarantee this observance of the Declaration is the Constitution of Kenya 2010. The Constitution provides for the establishment of an independent judiciary as an arbiter on human rights concerns by individuals and institutions. The Constitution also provides for the following public human rights Institutions- Kenya National Commission of Human Rights (KNHC), National Gender and Equality Commission (NGEC) as well as Commission on Administrative Justice (CAJ)

In addition, The Constitution provides for civic oversight on human rights issues through non- governmental organizations and interested individuals. Lastly, the government has also been implementing the National Policy and Action Plan on Human Rights (2014) aimed at mainstreaming human right agenda in national development.

The International Covenant on Civil and Political Rights (ICCPR)- Through the implementation of the Constitution of Kenya, 2010, Kenya has made notable steps in the full realization of the stipulations of the Covenant. The most notable measure is the Supreme Court ruling on Petition No. 15 of 2015 as consolidated with petition No. 16 of 2015, Francis Kariuki Muruatetu and Wilson Thirimbu Mwangi Vs Republic of Kenya and 5 Others. This petition declared unconstitutional the mandatory nature of Section 204 of the Penal Code which provides that “any person convicted of murder shall be sentenced to death”. Following this development, a taskforce was put in place to set up mechanisms for resentencing of capital offenders as well as review legislative framework on death penalty

The International Covenant on Economic, Social and Cultural Rights (ICESCR)- The government made good progress in the actualization of this covenant. The progress has been along legislative and policy arena. On the legislative front, the government has formulated and has been implementing the following laws, the Health Act, 2017, Water Act, 2016, NSSF Act, 2013, Food, Drugs and Chemical Substances Act (Cap. 254), The Basic Education Act (No. 14 of 2013), Kenya Food and Drug Authority Bill, 2019 as well as the National Public Health Institute Bill, 2019

At the policy level, the government has put in place the following measures, the commitment to achieve Big four agenda that includes, Affordable housing, food security, universal health and manufacturing. This was captured under the Jubilee Party Manifesto with the government rolling out implementation after the 2013 elections.

On education and health sector, the government has shown commitment by providing compulsory free primary education and free day secondary school education as well as development of the draft social health insurance policy

On social protection, the government has rolled out the National Hunger Safety Net Programme (HNSP) aimed at the vulnerable populations including orphans, older persons and persons living with severe disabilities.

On actualizing affirmative action, the government has rolled out the Youth Enterprise and Development Fund (YEDF), Uwezo Fund, Women Enterprise Fund (WEF) and National Government Affirmative Action Fund (NGAAF) and reserving 30 percent of the Government tenders through the Access to Government Procurement Opportunities (AGPO) initiative.

The International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), The government has taken the following Measures-Put in place the National Cohesion and Integration Commission to promote cohesion between different individuals and groups, enacted Special Interest Groups Laws (Amendment) Bill, 2019 with the aim of giving effect to Article 100 of the Constitution that calls on Parliament to formulate laws to promote representation of special and marginalized groups. Lastly, the government has continued the implementation of equalization fund to counties marked as marginalized.

The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)-To actualize this convention, Article 25 of the Constitution that prohibits torture, the government has passed the Prevention of Torture Act, No.12 of 2017. Additionally, the government has revised the Penal Code, National Police Service Act, No. 11A of 2012; and Prisons Act Cap 90 to bring these laws in tandem with the Convention. Lastly, The Government has also put in place mechanisms to educate and sensitize law enforcement and other public officers on the absolute prohibition against torture and other cruel, inhuman and degrading treatment or punishment.

The United Nations Convention on the Rights of the Child (UNCRC)-The following laws have been formulated to capture the spirit of the convention and actualize its provisions-the Children's Act, 2001, Sexual Offences Act, 2006, Employment Act, 2007, Counter Trafficking in Persons Act, 2010, Basic Education Act, 2013. In addition, the government has introduced Non-legislative measures that include social protection targeting children including Cash Transfer for orphaned and vulnerable children (CT-OVC), establishment of Kenya Children's Assembly (KCA) to promote child participation and the formulation of the Kenya National Action Plan for Children 2015-2022. All these are clear commitments by the government on this convention

United Nations Convention on the Rights of Persons with Disabilities-The government has enacted the Persons with Disability Act, 2003. The Act seeks to promote the full participation of the persons with disabilities by outlawing any form of discrimination. The Act also establishes the National Council for Persons with

Disabilities (NCPDs) to drive the realization of the rights of the persons with disabilities.

The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)- The Government has put in place both policy and legislative measures to actualize the working of this convention. There are also administrative and judicial interventions towards full realization of the provisions and entitlements under the convention. The overarching mechanism is the Constitution of Kenya 2010 with its various provisions towards gender equality and the empowerment of women. At the legislation level, the government has put in place the following Acts of Parliament, National Gender and Equality Commission Act, 2011, Matrimonial Property Act, 2013, the Marriage Act, 2014, the Land Act, 2012, the Land Registration Act, 2012, Counter- Trafficking in Persons Act, 2010, the Prohibition of Female Genital Mutilation (FGM) Act, 2011, the Sexual Offences Act, 2006 (Rev. 2012), the Kenya Citizenship and Immigration Act, as well as the Review of the Law of Succession Act, 2010 (Rev. 2018).

At policy level, the government has put in place the following measures, the National Policy on Gender and Development, 2019, the National Policy on Eradication of Female Genital Mutilation, 2019, National Policy on Menstrual Hygiene, 2019, Access to Government Procurement Opportunity (AGPO) which seeks to guarantee at least 30% of public procurement to women, youth and persons with disability as well as efforts towards mainstreaming gender in public service through the actualization of the two thirds gender rule as provided for under Article 81 of the constitution.

The African Charter on Human and Peoples' Rights (ACHPR)- In 2018, the Government developed a legislative handbook on Principles of Equality and nondiscrimination to guide legislators at the National and County levels in formulating measures towards full realization of gender equality and inclusion of special interest groups in the society. Based on this, one can infer that, there is good progress by the government in terms of adhering to most of the international conventions and covenants through relevant good policies, legislations and initiatives. However, there could be lack of or limited political good will to implement the same.

4.3 Universal Declaration of Human Rights (UDHR)

Article I, of UDHR asserts that all human beings are born free and equal in dignity and rights. In this regard, they are endowed with reason and conscience and should act towards one another in a spirit of brotherhood. Article 2, requires entitlement to all the rights and freedoms set forth in this Declaration, regardless of race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, Article 17 (1) states that everyone has the right to own property alone as well as in association with others. Article 23 (1) requires everyone has the right to work, to free choice of employment, to just and favorable conditions of work and to protection against unemployment. Article 25 (1) states that everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control. Article 26 (1) asserts that, everyone has the right to education. In this regard, women should not be discriminated in terms of access to political, economic and social rights.

4.4 International Covenant on Economic and Social Rights (ICESR)

Article 1 (1) of this covenant asserts that all peoples have the right of self-determination, and by virtue of that right they have freedom to determine their political status and freely pursue their economic, social and cultural development. Article 7 of the same convention emphasizes on the need for the States Parties to recognize the right of everyone to the enjoyment of just and favorable conditions of work which ensure, in particular: (a) Remuneration which provides all workers, as a minimum, with: 3 (i) Fair wages and equal remuneration for work of equal value without distinction of any kind, in particular women being guaranteed conditions of work not inferior to those enjoyed by men, with equal pay for equal work; (ii) a decent living for themselves and their families in accordance with the provisions of the present Covenant; (b) Safe and healthy working conditions; (c) Equal opportunity for everyone to be promoted in his employment to an appropriate higher level, subject to no considerations other than those of seniority and competence; (d) Rest, leisure and reasonable limitation of working hours and periodic holidays with pay, as well as remuneration for public holidays. In this regards there is need for equality with regards to access to employment as well as other social services and opportunities.

4.5 International Covenant on Civil and Political Rights (ICCPR)

Article 1 (1) of this covenant asserts that all people have the right of self-determination, and by virtue of that right they are free to determine their political status and freely pursue their economic, social and cultural development. Article 2 (1) requires State parties of this covenant to ensure to all individuals within its territory and subject to its jurisdiction the rights as recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. In this regard, Article 3 requires the States Parties to ensure there is equal right of men and women to the enjoyment of all civil and political rights as set forth in the present Covenant. Despite these provisions there is notable inequalities between men and women with regards to political representation in Kenya.

4.6 Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)

Article 1 of this Convention defines “discrimination against women” as any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field. In this regard, Article 2 requires the States Parties to condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay develop a policy of eliminating discrimination against women and a men.

4.7 Convention on the Rights of the Child (CRC)

Article 1 of this convention defines a child as every human being below the age of eighteen years unless under the law applicable to the child. Article 2 (1) requires States Parties to respect and ensure the rights set forth in the Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status. It is on this premise, Article 2 of the convention requires States to take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members.

4.8 Convention Against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment (CAT)

Article 1 (1) defines torture as any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. In addition, Article 4 (1) requires the State Party to ensure that all acts of torture are offences under its criminal law, and Lastly, Article 4 (2) requires State Party to make these offences punishable by appropriate penalties which take into account their grave nature.

4.9 International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (ICMW)

Article 2 of this convention defines “migrant worker” as a person who is to be engaged, is engaged or has been engaged in a remunerated activity in a State of which he or she is not a national. Article 7 requires States Parties to undertake, in accordance with the international instruments concerning human rights, to respect and to ensure to all migrant workers and members of their families within their territory or subject to their jurisdiction the rights provided for in the present Convention without distinction of any kind such as to sex, race, colour, language, religion or conviction, political or other opinion, national, ethnic or social origin, nationality, age, economic position, property, marital status, birth or other status.

4.9.1 Convention on the Rights of People with Disabilities (CRPD)

The convention defines Persons with disabilities as those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others. Article 1 of this Convention makes call for promotion,

protection and ensuring the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity.

In a nutshell, Article 3, of the convention sets the following as the core principles of this convention: (a) Respect for inherent dignity, individual autonomy including the freedom to make one's own choices, and independence of persons; (b) Non-discrimination; (c) Full and effective participation and inclusion in society; (d) Respect for difference and acceptance of persons with disabilities as part of human diversity and humanity; (e) Equality of opportunity; (f) Accessibility;

(g) Equality between men and women; as well as (h) Respect for the evolving capacities of children with disabilities and respect for the right of children with disabilities to preserve their identities.

4.9.2 African Charter on Human and Peoples Rights

The charter requires member states to recognize the rights, duties and freedom as enshrined in the charter and adopt legislations and other measures to give effect to them. In particular, Article 2 states that every individual is entitled to the enjoyment of rights and freedom as recognized and guaranteed in the charter without distinction of any kind regardless of race, ethnic group, colour, sex, language, religion, political or opinion, national and social origin, fortune, birth or other status. Furthermore, Article 13 (1), requires that every citizen shall have the right to participate freely in the government of his country, either directly or through freely chosen representatives in accordance with the provision of the law, and Article 13 (2) that every citizen shall have the right of equal access to public service of his country.

5.1. The Constitution the Constitution of Kenya (2010)

The Constitution of Kenya (2010) has provisions committing the country to the principles of equality and non-discrimination. In order to give effect to the realization of the rights protected under Article 27 (right to equality and non-discrimination). The Constitution mandates the State under Article 27(6) to take legislative and other measures, including affirmative action programs and policies designed to redress any disadvantage suffered by individuals or groups because of past discrimination. The Preamble to the Constitution lists equality as one of the essential values upon which to base governance. This is given legal force and emphasis by Article 10 of the Constitution, which provides the national values and principles of governance.

5.2 Employment Act 2007

Article 5 (1) obligates the authorities to (a) promote equality of opportunity in employment in order to eliminate discrimination; and (b) to promote and guarantee equality of opportunity for a person who is a migrant worker or a member of the family of the migrant worker, lawfully within Kenya. Article 5 (2) requires employers to promote equal opportunity in employment and strive to eliminate discrimination in any employment policy or practice. Article 5 (3) states that no employer shall discriminate directly or indirectly, against an employee or prospective employee or harass an employee or prospective employee on grounds of (a) race, colour, sex, language, religion, political or other opinion, nationality, ethnic or social origin, disability, pregnancy, mental status or HIV status.

5.3 National Youth Employment Authority Act 2015

Article 33 (1) asserts that the Authority shall take all steps necessary to foster and maintain a good working relationship and cooperation with all prospective employers including those in the private and informal sectors. Article 38 (1), states that, through the Authority, encourage private and public institutions to employ Kenyans in all positions, including positions of leadership and management. Furthermore, Article 38 (2) obligates the State to come up with incentives to reward any private institution that employs Kenyans within six months of completion of their certificate or undergraduate studies, and who do not possess more than five years work experience. Lastly Article 38 (3) requires Government to take affirmative measures and actions designed to promote the employment of Kenyans in management and other levels of employment regardless of their years of experience.

5.4 Persons with Disabilities Act 2003

Article 11 of this Act, Asserts Government to take steps to the maximum of its available resources with a view to achieving the full realization of the rights of persons with disabilities set out in this Act. Article 12 (1) calls for nondiscrimination of person with a disability with regards to access to opportunities for suitable employment. Furthermore, Article 12 (1) states that a qualified employee with a disability shall be subject to the same terms and conditions of employment and the same compensation, privileges, benefits, fringe benefits, incentives or allowances as qualified able-bodied employees. Article 12 (3) requires an employee

with a disability to have tax exemption on all income accruing from his employment. Lastly, article 13, makes call for reservation of five per cent of all casual, emergency and contractual positions in employment in the public and private sectors for persons with disabilities.

5.5 Children Act 2001

Article 3 on the realization of the rights of the child requires Government to take steps to the maximum of its available resources with a view to achieving progressively the full realization of the rights of the child set out in this Part. Article 4 on best interests of the child in Article 4(1) states that every child shall have an inherent right to life and it shall be the responsibility of the Government and the family to ensure the survival and development of the child. Article 5 on Non-discrimination states that no child shall be subjected to discrimination on the ground of origin, sex, religion, creed, custom, language, opinion, conscience, colour, birth, social, political, economic or other status, race, disability, tribe, residence or local connection.

5.6 National Gender and Equality Commission Act

The Functions of the Commission includes (a) promotion of gender equality and freedom from discrimination in accordance with Article 27 of the Constitution; (b) monitor, facilitate and advise on the integration of the principles of equality and freedom from discrimination in all national and county policies, laws, and administrative regulations in all public and private institutions;

(c) act as the principal organ of the State in ensuring compliance with all treaties and conventions ratified by Kenya relating to issues of equality and freedom from discrimination and relating to special interest groups including minorities and marginalized persons, women, persons with disabilities, and children; and (d) co-ordinate and facilitate mainstreaming of issues of gender, persons with disability and other marginalized groups in national development and to advise the Government on all aspects thereof.

5.7 Basic Education Act (2013)

Article 1 requires compulsory primary and secondary education, in this regard every child for a parent who is a Kenya or who resides in Kenya, shall ensure that the child attends regularly as a pupil at a school or such other institution as may be authorized and prescribed by the Cabinet Secretary for purposes of physical, mental, intellectual or social development of the child.

5.8 Political Parties Act (2011)

In first schedule of this act, Article 1 on Code of Conduct for Political Parties states that Political parties shall, pursuant to Articles 91 and 92 of the Constitution and section 8 of this Act, subscribe and observe this code of conduct. Article 2 states that this code of conduct shall regulate the behavior of members and office holders of political parties, aspiring candidates, candidates and their supporters, promote good governance and eradicate political malpractices. Article 3 states that political competition and co-operation shall be regulated under this code of conduct on the basis of rule of law and universally accepted best practices and Article 4, that Political Parties shall, (a) promote policy alternatives responding to the interests, the concerns and the needs of the citizens of Kenya; (b) respect and uphold the democratic process as they compete for political power so as to implement their policies; and (c) promote consensus building in policy decision making on issues of national importance. Lastly, Article 5 requires Every political party to (a) respect the right of all persons to participate in the political process including youth, minorities and marginalized groups; (b) respect and promote gender equity and equality, human rights and fundamental freedoms; and (c) be tolerant and inclusive in all their political activities.

5.9 Electoral Code of Conduct 2011

In second schedule of this act, in Article 5 makes call for registered political parties, referendum committees, officials of political parties and referendum committees and candidates to subscribe to this Code. furthermore commit themselves to (a) adhere to the values and principles of the Constitution; (b) give wide publicity to this Code; (c) promote voter education campaigns; (d) condemn, avoid and take steps to prevent violence and intimidation; (e) instruct their candidates, office-bearers, agents, members and persons who support the political party of their obligations under this Code; (f) promote gender equality; (g) promote ethnic tolerance; (h) promote cultural diversity; (i) promote the fair representation of special interest groups; and (j) generally affirm the rights of all participants.

5.9.1. Social Assistance Act (2013)

Article 17 of this Act provides that Social assistance as right to persons in need. In this regard, Article 17 (1) requires the authority, to provide social assistance to persons in need. In doing so in Article 17 (2), the Minister shall, in consultation with the Authority determine and Gazette the categories from which persons with need are to be drawn. Notwithstanding subsection (2) persons in need shall include. (a) orphans and vulnerable children; (b) poor elderly persons; (c) unemployed persons; (d) persons disabled by acute chronic illnesses; (e) widows and widowers;

persons with disabilities; and (g) any other persons as may from time to time be determined by the Minister, in consultation with the Board.²¹ Other related national legislations and policies include the following.

- a. Sessional Paper No.3 on National Policy and Action Plan on Human Rights 2014
- b. National Policy on Older Persons and Aging 2009
- c. National Social Protection Policy 2011
- d. National Policy on Gender and Development and its Plan of Action for 2008–2012
- e. Sessional Paper No. 2 of 2006 on Gender, Equality and Development
- f. Policy Framework for Education and Training 2012
- g. National Special Needs Education Policy Framework 2009
- h. Kenya National Youth Policy 2006
- i. Kenya Universities and Colleges Central Placement Services: Placement Policy 2014
- j. National Food Security and Nutrition Policy 2011
- k. National Environment policy 2019

6.0 Right to Work and Employment

Access to decent jobs is very key in men and women's pursuit to better lives, public participation and agency in public affairs. Ideally, men and women should have equal access to job opportunities as long as they have the same set of skills and experience. However, there are societal gender norms that make it harder for women to access or retain jobs. Conversely, there are gender norms that make it easier for men to access job opportunities at the expense of women.

The Constitution of Kenya and the corresponding laws provide for non-discrimination on basis of gender in terms of access to job opportunities and all other labour rights. However, the challenge and the gap arises in the application of the spirit of the law in the context of historical marginalization of women. Even globally, there is an admission of a gap between the intended spirit of the law and its actual enforcement. Even with laws prohibiting discrimination in recruitment, promotion and working conditions, there are still differences between equality in law and equality in fact.

There is a huge connection between women's access to job opportunities and the gender norms on how women are viewed from the traditional Kenyan society. In a situation where women have been relegated to the home makers, the struggle to have them claim their space will take more than constitutional and legal interventions. Deliberate efforts to erode those negative social norms and build stronger equitable society based on principles of equality are vital.

According to the World Bank.²³ unequal power relations at home reflect to limited opportunities at the work place. Child care particularly denies women due access to job opportunities. It is upon leveling the play field to ensure having children does not mean women miss opportunities to realize their full potential at work. It is however notable that though gaps exist, Kenya has made strides in strengthening women participation in the job market especially the public sector. Article 231 (1) of the Constitution stipulates the values and principles of public service among them the issue of non-discrimination and gender equality. Further efforts have been made through the formulation of the Diversity Policy for the Public Service (2016)²⁴. The policy identifies gender inclusion as one of the dimensions of exclusions and through one of its 3 objective notes thus-

To provide strategies for ensuring an inclusive public service that takes care of the interests of diverse Kenyan communities including gender, ethnicity, youth, persons with disabilities, minority and marginalized groups.

During the elections campaigns in 2022, then Kenya Kwanza Presidential candidate (Currently President Ruto) made firm commitments to pursue gender equality and women empowerment. The commitments were captured under Women's charter signed in June 2022. Among other things, the President promised half of the cabinet seats will be reserved for women. He also promised to actualize the two thirds gender rule as required under section 81 of the Constitution. Other promises touched on elimination of Female Genital Mutilation (FGM), gender based violence and teenage pregnancies. While some of the promises are still work in progress, others have not been delivered. The charter provides a point of engagement between women rights institutions and the government as well as a reference point for future action.

"I want to commit that as UDA party leader, women will not be there to be seen. They will be there to be heard and to lead,"

Within the private sector, different corporate bodies have also formulated policies to curb gender discrimination and promote women participation in the labour force. With the support of UN Women, Kenya Private Sector Alliance formulated and launched a Gender Mainstreaming Policy for the private sector²⁵. The document aims at guiding the sector in promoting the right of women in the work place including access to jobs, workplace, sealing gender wage gap, sexual harassment among other objectives.

Even with all these efforts, data indicates there are still gaps in the full realization of women right access to equal opportunity in the work place. While 64.3% of the men are active in the labourforce, the proportion is lower at 62.6% among women for the active workforce between ages 15-64. Labour force participation among women is higher in the rural areas as compared to urban areas at 68.2% against 52.3%. The implication is that women are relegated to lower paying jobs in the rural areas as compared to men who dominate likely formal urban based economy jobs.

Table 1. Employment Rate by Age Group and Area of Residence, 2019

| Age Group | Rural | | Urban | | Total | |
|-----------|--------|------|--------|------|--------|------|
| | Female | Male | Female | Male | Female | Male |
| 15 - 64 | 68.2 | 63.9 | 52.3 | 65.1 | 62.6 | 64.3 |
| 15 - 19 | 18.7 | 18.5 | 12.5 | 11.3 | 17.0 | 16.8 |
| 20 - 24 | 62.2 | 54.3 | 40.6 | 48.9 | 53.2 | 52.3 |
| 25 - 29 | 78.8 | 75.3 | 56.9 | 72.5 | 69.0 | 74.0 |
| 30 - 34 | 84.5 | 82.1 | 64.7 | 80.0 | 76.6 | 81.2 |
| 35 - 39 | 86.4 | 84.9 | 69.4 | 82.4 | 79.7 | 83.9 |
| 40 - 44 | 88.3 | 86.2 | 71.0 | 82.9 | 82.4 | 85.0 |
| 45 - 49 | 90.0 | 88.2 | 71.9 | 84.0 | 84.7 | 86.8 |
| 50 - 54 | 90.3 | 88.7 | 70.8 | 83.5 | 85.1 | 87.0 |
| 55 - 59 | 91.2 | 90.5 | 67.4 | 81.8 | 86.0 | 88.1 |
| 60 - 64 | 89.7 | 89.9 | 56.1 | 71.8 | 83.6 | 85.9 |

Source: KNBS (2022): Women and Men in Kenya Facts and Figures

6.1.1 Women and Unpaid Work

One of the key concerns in the world of work in regard to gender relations is the unpaid labour by women. Due to cultural and social norms, women spend more time doing house and other domestic chores that goes unpaid. The implication is that though time is spent on these chores, there is no corresponding value attached to it. This in turn means women contribution in the national production is grossly underestimated. Spending more time in the domestic work may also mean women would not be as productive as men at the work place. Women may also tend to keep away from jobs that may prevent them from carrying out the domestic unpaid chores. This cements gender pays differentials and may reduce access to employment for women.

Data shows that women spend 5 times more time in providing primary care as men. Additionally, women spend almost 4 time more time on any care work per day as compared to men. While women put all the hours in the unpaid work, men spend about twice more hours in paid work than women. This gendered role allocation only serves to widen income and wealth differentials across the gender divide. Assuming the men

and women in question per household have almost the same level of education and skills, then it means men make better use of their investment in education as women underutilize the same as they handle domestic.

Table 2. Women and Men Participation in Unpaid Work

| Category | Women in Hours | Men in Hours | Remarks |
|----------------------------|----------------|--------------|--|
| Time Spent On Primary Care | 5 | 1 | Women spent an average of 5 hours a day on primary care compared to about 1 hour a day reported by men |
| Time Spent On Any Care | 11.1 | 2.9 | Women spent an average of 11 hours per day on any care compared to just 2.9 hours a day for men |
| Time Spent On Paid Work | 5.3 | 10.5 | Men spent almost double the time that women spent on paid work (10.5 vs. 5.3 hours per day respectively) |

Source: <https://oxfamlibrary.openrepository.com/bitstream/handle/10546/621179/bn-we-care-ucdw-kenya-130421-en.pdf?sequence=1>

6.1.2 Participation in selected decision making positions in the public service, 2020 and 2021

When it comes to positions of leadership, men dominated across all spheres of public service in the year 2020 and 2021. At the cabinet level, the threshold to respect the provisions of Article 27 (8) on the two-thirds gender representation for all elective and appointive positions has never been achieved. Men actually constituted about 66.7% of the cabinet against 33.3% women in 2021. This pattern is repeated for Chief Administrative Secretaries (CAS) and the Principal Secretaries (PS). The outlook is actually worse with the PS positions where women only held only 32% of the positions in 2021.

Article 152 (1) of the constitution, requires that the Cabinet to consists of (a) the President, (b) the Deputy President; and (c) the Attorney-General. In addition, it obligates that the cabinet should not have fewer than fourteen and not more than twenty-two Cabinet Secretaries. When it comes to positions of leadership, men dominated across all spheres of public service in the year 2020 and 2021.

It is worth noting that gender disparity in top government positions is not just an issue of fewer women holding big jobs. The deeper implication here is that there are fewer women around the table and forums where decisions like resource allocations and policy formulation are made. In instances where the voice of women is limited, it is likely the resultant policies will be blind to the needs and priorities of ordinary women. Additionally, presence of women in the leadership positions in the visible public service positions has spill over benefits as a motivator and role models for women and girls in the future, the opposite is true. Among the lower and middle level ranks of the executive, the situation is even more dire. The female County Commissioners only account for 12.8% of the total in the year 2021.

The Deputy Commissioner positions held by women are only 15%. What this may imply is that the most visible part of the executive at the local level bears a very male dominated face. This sends the wrong signals to the ordinary citizen on the commitment of the government to work towards gender equality and the empowerment of women. Even more concerning is that it is this lower and middle level public officers that break down government policies and programmes to the local level and citizenry for implementation. A male dominated environment creates a risk that government policies will be implemented from the basis of entrenched negative gender and other social norms.

Table 3. Top Appointments in the Executive by Gender 2020 and 2021

| No | Executive | 2020 | | | | 2021 | | | |
|----|----------------------------------|--------|-------|------------|----------|--------|-------|------------|----------|
| | | Female | Male | Female (%) | Male (%) | Female | Male | Female (%) | Male (%) |
| 1 | Cabinet Secretaries | 7 | 14 | 33.3 | 66.7 | 7 | 14 | 33.3 | 66.7 |
| 2 | Chief Administrative Secretaries | 11 | 25 | 31.0 | 69.0 | 10 | 21 | 32.0 | 68.0 |
| 4 | Principal Secretaries | 9 | 32 | 22.0 | 78.0 | 9 | 32 | 22.0 | 78.0 |
| 5 | Diplomatic Corps | 18 | 38 | 32.0 | 68.0 | 18 | 38 | 32.1 | 67.9 |
| 6 | County Commissioners | 7 | 40 | 15.0 | 85.0 | 6 | 41 | 12.8 | 87.2 |
| 7 | Deputy County Commissioners | 25 | 248 | 9.0 | 91.0 | 52 | 304 | 15.0 | 85.0 |
| 8 | Chiefs | 399 | 2,875 | 12.0 | 88.0 | 436 | 2,870 | 13.0 | 87.0 |
| 9 | Assistant chiefs | 1,593 | 6,206 | 20.0 | 80.0 | 1,714 | 6,335 | 21.0 | 79.0 |

Source: KNBS (2022): Women and Men in Kenya Facts and Figures

6.1.3 Judiciary Appointments, 2021 and 2021

The gender composition of the judiciary is fairly gender balance relative to the executive. This is a reflection of positive efforts towards women empowerment. Judiciary as an institution occupies a very key role in dispute resolution and interpretation of laws. In a country where property rights and succession disputes are very likely to end in court, a fairly gender balanced judiciary creates higher likelihood that women would access and enjoy property rights and that judicial decisions on the interpretation of the law is likely to be more gender sensitive. However, in terms of absolute numbers, the judiciary has limited staff and the fairer representation of women may not imply a significant number of women accessing public jobs.

Table 4. Judiciary Appointments, 2021 and 2021

| No | Executive Positions | 2020 | | | | 2021 | | | |
|----|------------------------|--------|------|------------|----------|--------|------|------------|----------|
| | | Female | Male | Female (%) | Male (%) | Female | Male | Female (%) | Male (%) |
| 1 | Supreme Court Judges | 2 | 4 | 33.0 | 67.0 | 3 | 4 | 43.0 | 57.0 |
| 2 | Court of Appeal Judges | 7 | 12 | 37.0 | 63.0 | 10 | 10 | 50.0 | 50.0 |
| 3 | High Court Judges | 58 | 69 | 46.0 | 54.0 | 65 | 82 | 44.0 | 56.0 |
| 4 | Magistrates | 252 | 222 | 53.0 | 47.0 | 257 | 226 | 53.0 | 47.0 |
| 5 | Kadhis | - | 52 | 0.0 | 100.0 | - | 52 | 0.0 | 100.0 |

Source: KNBS (2022): Women and Men in Kenya Facts and Figures

6.1.4 Cabinet Secretaries (CS Appointments) 2022 General Elections

There were twenty-one (21) line Ministries and one Prime Cabinet Secretary making a total of 22 Cabinet Secretaries. There were (7) females appointed to the National Government Cabinet up from six (6) appointed in 2017. This represents 31.8% of women in the cabinet against 68.2% of men. Later, this number changed after Alice Wahome MP for Kandara was appointed making a total number of women in the cabinet to be 8 translating to 36%. This proportion is still very low and contravenes various legal provisions on gender equality in leadership.

6.1.5 Principal Secretary (PS) 2022 General Elections

There were fifty-one (51) slots for Permanent Secretaries in the provisional list submitted to the National Assembly for vetting out of which 10 were women while 41 were men. This translates to 19.6% for women. This proportion is still very low and contravenes various legal provisions on gender equality in leadership.

6.2 Right to Social Security and Social Protection

Social protection refers to a set of policies and programmes by the government meant to support vulnerable members of the society to withstand challenges created by less equitable access to resources.

In Kenya different social protection schemes have been put in place with the view to support poor citizens afford lives that a reasonably comfortable way in the face of the different vulnerabilities that they face.

In terms of gender analysis for these schemes, the key questions would touch on whether men and women, boys and girls stand an equal chance to benefit. Globally, there has been an appreciation that the needs and priorities of men differ from that of women when it comes to social protection. This has created efforts towards gender responsive social protection approaches.

According to Food and Agricultural Organization (FAO) of the United Nations, social protection programmes need to reflect gender realities if they are to respond effectively to the societal challenges they mean to support 27. In the absence of strong gender sensitivity, FAO observes the schemes may even end up worsening the inequalities between men and women. Where the targeting favour men who already enjoy better opportunities, the women end up being doubly marginalized.

In a situation like Kenya, the use of household head as the key recipient of social protection support like cash transfers may deepen gender imbalances. Social norms identify men as the natural household head, the administrators have to therefore explore better strategies that does not use this simple gender norm to lock out vulnerable women.

The needs and priorities of women and men may differ. Cash transfers targeting families with children may have underlying challenges where the needs of the boys and girls are not well identified. In some countries, cash amounts are adjusted for gender to ensure the schemes do not end up deepening the disadvantages against girls.

For social protection targeting the elderly, there is likelihood that men have greater access than women if the programmes rely basically on official registration of persons and national identity. Rural poor women are less likely to have formal identity documentation compared to men.

For Hunger Safety Net Programme, data indicates women remained consistently as the major recipients of the grant as compared to men. Given the deep gender norms around women being homemakers this data is understandable. However, it is not possible to explain if the data explains gender sensitive targeting or if there were simply more women in the recipient areas.

Table 5. Disbursement of Funds for Hunger Safety Net Programme, 2018/19 - 2022/23

| Number of Beneficiary Households | | KSh Million | | | |
|----------------------------------|-------------------|-----------------|---------|-----------|-----------|
| Financial Year | Female Recipients | Male Recipients | Total | Allocated | Disbursed |
| 2018/19 | 88,494 | 56,578 | 145,072 | 3,848.3 | 3,605.3 |
| 2019/20 | 77,487 | 49,541 | 127,028 | 3,848.3 | 3,398.2 |
| 2020/21 | 81,570 | 52,152 | 133,722 | 4,396.6 | 3,413.1 |
| 2021/22* | 121,770 | 54,274 | 176,044 | 4,100.0 | 3,195.8 |
| 2022/23** | 121,163 | 86,232 | 207,395 | 5,400.0 | 4,557.1 |

Source: KNBS (2023): Economic Survey Report

6.3 Disbursement of Funds to Persons with Severe Disabilities, 2018/19 - 2022/23

The pattern on this fund has been consistently in favour of male care givers with number of male recipients being between 3 to 4 times higher than that of female caregivers. The official data does not explain why such huge differences; it is likely that the care giver under this programme is identified as the head of the household who in most cases are men.

The pattern of male caregivers contradicts the existing social norms where women are the primary caregivers in most Kenyan homes. The pattern could also point to cases of poor identification where more male persons with severe disabilities are registered as compared to females. Either way, there could be need to interrogate these patterns further.

Table 6. Disbursement of Funds to Persons with Severe Disabilities, 2018/19 - 2022/23

| Number of Caregivers ¹ | | Amount in KSh Million | | | |
|-----------------------------------|--------|-----------------------|--------|-----------|-----------|
| Financial Year | Female | Male | Total | Allocated | Disbursed |
| 2018/19 | 8,583 | 34,268 | 42,851 | 1,190 | 721.8 |
| 2019/20 | 6,817 | 27,159 | 33,976 | 1,190 | 816.6 |
| 2020/21 | 6,615 | 27,333 | 33,948 | 1,190 | 814.8 |
| 2021/22* | 8,664 | 28,359 | 37,023 | 1,128 | 864.5 |
| 2022/23** | 9,025 | 28,528 | 37,553 | 1,128 | 901.3 |

Source: KNBS (2023): Economic Survey Report * Provisional **Estimates ¹ Total number of caregivers is equivalent to the total number of beneficiaries' households

6.4 Disbursement of Funds to Orphans and Vulnerable Children, 2018/19- 2022/23

The total annual allocation to this programme has been about KSh. 7 billion in the last 5 years. The number of female care givers receiving the cash transfer on behalf of the children was consistently about four times that of males. This could be a reflection of the role women play as primary care givers in most households. The breakdown of the data according to gender may however mask the breakdown of the actual recipients. It can only be hoped that since this programme covers all eligible children that there are no underlying gender issues in terms of reaching and enlisting the beneficiaries and that boys and girls stand an equal chance.

Table 7. Disbursement of Funds to Orphans and Vulnerable Children, 2018/19- 2022/23

| Number of Caregivers ¹ | | Amount in KSh Million | | | |
|-----------------------------------|---------|-----------------------|---------|-----------|-----------|
| Financial Year | Female | Male | Total | Allocated | Disbursed |
| 2018/19 | 271,288 | 69,128 | 340,416 | 7,257.4 | 7,257.8 |
| 2019/20 | 234,761 | 59,820 | 294,581 | 7,065.1 | 7,065.5 |
| 2020/21 | 234,271 | 59,394 | 293,665 | 7,063.2 | 7,064.0 |
| 2021/22* | 222,229 | 56,716 | 278,945 | 7,930.7 | 6,666.5 |
| 2022/23** | 221,556 | 56,632 | 278,188 | 7,930.7 | 6,676.5 |

Source: KNBS (2023): Economic Survey Report *Provisional **Estimates ¹ Total number of caregivers is equivalent to the total number of beneficiary households

6.5 Disbursement of Funds to Older Persons, 2018/19-2022/23

The elderly person's cash transfer programmes is aimed for persons above 65 years and has been running since 2007. The life expectancy in Kenya for women is about 66 years compared to 60 years among men. It therefore would be expected that the programme would have more women than men enlisted as beneficiaries. However, the data points to differences that are substantially larger than the life expectancy differentials. A look at the 2018-2022 data for example indicates a ratio of 1:1.5 for women to men. Since in real life this kind of discrepancy cannot obtain, it can only be concluded that women have volunteered more to be enlisted as beneficiaries as compared to men.

Table 8. Disbursement of Funds to Older Persons, 2018/19 - 2022/23

| Number of Beneficiaries | | | Amount in KSh Million | | |
|-------------------------|---------|---------|-----------------------|-----------|-----------|
| Financial Year | Female | Male | Total | Allocated | Disbursed |
| 2018/19 | 487,289 | 310,122 | 797,411 | 17,930.8 | 18,201.2 |
| 2019/20 | 466,673 | 296,965 | 763,638 | 17,170.0 | 18,367.0 |
| 2020/21 | 467,362 | 296,191 | 763,553 | 18,343.5 | 18,325.3 |
| 2021/22* | 465,310 | 291,625 | 756,935 | 17,543.6 | 18,169.5 |
| 2022/23** | 465,167 | 291,318 | 756,485 | 17,543.6 | 17,944.1 |

Source: KNBS (2023): Economic Survey Report * Provisional ** Estimates

6.6 National Social Security Fund Annual Membership, Contributions and Benefits by Sex, 2018-2022

The issue of gender distribution on NSSF membership can best be viewed from the perspective of new employees. Since it is a compulsory contribution, the number of new entrants per year also reflects the number of formal jobs in that particular year. The gender differences on this count therefore generally imply the unequal opportunities for entry into the formal employment between men and women.

Data indicates that across the last 5 years, the number of women enrolling into the scheme as new employees was lower than that of men. Men consisted of roughly 60% of the new registered members across this period.

Since most NSSF members are drawn from the formal sector, it could as well imply that bulk of the women get absorbed in the informal sectors of the economy. This further points to entrenched gender pay differentials as majority men working in the formal sector are likely to earn more than majority women in the informal sector.

Table 9. National Social Security Fund Annual Membership, Contributions and Benefits by Sex, 2018-2022

| Category | 2018 | 2019 | 2020 | 2021 | 2022 * |
|----------------------------------|----------|----------|----------|----------|----------|
| Newly Registered Employers | 44,205 | 28,080 | 82,261 | 32,252 | 12,004 |
| Newly Registered Employees | | | | | |
| Female | 83,135 | 82,515 | 68,006 | 116,148 | 210,237 |
| Female | 83,135 | 82,515 | 68,006 | 116,148 | 210,237 |
| Male | 132,510 | 120,071 | 108,106 | 152,916 | 252,278 |
| Sub Total | 215,645 | 202,586 | 176,112 | 269,064 | 462,515 |
| New Registered Voluntary Members | | | | | |
| Female | 60,371 | 69,362 | 46,082 | 56,890 | 77,625 |
| Male | 99,421 | 107,473 | 66,498 | 80,796 | 97,942 |
| Sub Total | 159,792 | 176,835 | 112,580 | 137,686 | 175,567 |
| Total Registered Members | 375,437 | 379,421 | 288,692 | 406,750 | 638,082 |
| Contribution (KSh Million) | 14,044.3 | 15,102.4 | 14,732.6 | 15,685.3 | 16,865.7 |
| Benefits Paid (KSh Million) | 3,778.9 | 4,939.1 | 4,433.5 | 5,896.2 | 5,430.4 |

Source: KNBS (2023): Economic Survey Report * Provisional

6.7 Women Rights to Food

Right to food is clearly captured under Article 43 of the constitution of Kenya- *every person has the right to be free from hunger and to have adequate food of acceptable quality*. This right is emphasized again under article 53 on children rights thus- *every child has the right to basic nutrition, shelter and health care*. It is therefore clearly implied that the right to food is basic human right under the laws of Kenya.

However, it must be appreciated that the social economic rights guaranteed under the constitution of Kenya adopt the principle of progressive realization of rights as reflected in the UN Covenant on Economic Social Cultural Rights. The government is only obligated to grant this right 'to the maximum extent possible within the available resources'. The government can then only provide right to food as long as the resources are available.

The discourse on the right to food as regards women has several dimensions. First and the most immediate is for the right to food to women as human beings. However, there are other that require more focus. First traditional gender roles impose the duty to provide food to the household to the women. The bulk of the women in the rural Kenya are involved in subsistence farming on this count. But this introduces the issue of land and property rights. The concern here is the extent to which women can muster the responsibility to produce food in a situation where they do not own the land. How effectively can they claim the product if they have not effective claim on the land? This was supported by one of the KII respondent who noted- **"Based on the social norms dynamics women work on the land to produce food but they lack ownership power and control of the land and the returns in terms of produce"**

The other dimension of food rights for women is the specific needs for foods related to maternal and infant health. In studying this right, the concern is the proportion of women who can access such critical nutrition like iron, zinc, vitamin A and other micronutrients essential for the mother and child health. According to DHS 2022, 91% and 89% of pregnant mothers accessed Iron supplements in the urban and rural areas. The uptake of the supplements was 93.6% among women with post-secondary education against 79% among women with no formal education.

- Where food consumed within the household is to be sourced from the formal and informal market, then the issue of access to job opportunities arise. In a situation where men have more opportunities, then it is likely they have to rely on men for food provision. This of course has its own challenges as observed by one of the KII respondent- **"It will not be easy for a woman to feed their children if they rely on men to give them cash to buy food thus a challenge"**

Women's right to food is also closely related to right to social protection. Some of the protection programmes include direct food support to households. The design of these programmes would therefore have an implication of women's access to such support. Where the programmes involve cash transfers to families targeting the household, the issue of gender and food rights arises. Gender norms naturally place man as the head of the household with implications to the voice and agency for women on intra household consumption including on government supported cash transfer schemes.

6.8 Women Rights to Water and Sanitation

Right to clean and safe water is guaranteed under in the Constitution under article 43(d). Additionally, the right to sanitation is captured under article 43 (b) *thus- every person has the right to accessible and adequate housing and to reasonable standards of sanitation.*

The government has made investments in the water and sanitation sub sectors. Policy and legislative frameworks have also been formulated including the Water Act 2003. In the governance set up, the bulk of water and sanitation services are a devolved function with the national government being more present at the policy level.

In assessing water rights from a gender perspective, the approach employed should analyze the different aspects with a gender lens. On availability, the World Health Organization (WHO) put 20 liters of water per day as the minimum required to meet requirements for drinking, food preparations and personal hygiene. Fifty to a hundred liters are required to maintain basic levels of health and 7.5 liters per day for basic survival needs.

When availability is viewed from gender perspective, it implies the heavy burden on women to supply their households with this water. This is more the case in the rural areas where women have to walk long distances to fetch water. Long distances are related to loss of more productive economic activities that women would have pursuit within this time. Trekking long distances for water also exposes women and girls to the risk of sexual violence.

The second aspect of review is affordability. For most residents in the rural areas, water may be available for free from open sources including rivers and wells. But in the urban areas, access to water is mainly through individual house or shared taps or water kiosks. Both of these carry some monetary requirement for the household. Based on the gendered role for women on availing water, the burden of purchasing water may fall directly on them. At times the financial burden of paying for water may be at the expense of other household budget items including food and nutrition. Given that women are more likely to live in poverty than men, poor affordability for water would affect women more disproportionately than men. According to UNICEF, 59% of Kenyans have access to safe drinking water. The proportion of Kenyans with access to basic water is only 29%. It is also estimated that about 9.9 million Kenyans drink water from contaminated surface sources. Further, five million people practice open defecation.

Availability of clean water and access to proper sanitation reduces risk of water borne diseases especially to children. Where such is not available, women would bear the blunt of lost hours seeking for health services for children and drain to household income.

6.9 Women Access to Education in Kenya

Education has long been identified as a key social development sector in Kenya. At independence in 1963, promotion of education was identified as one of the three developmental objectives alongside poverty eradication and health promotion. Illiteracy, diseases and poverty were listed as the challenges that the newly independent country needed to confront urgently.

Over the decades, Kenya has invested heavily in the sector with primary, secondary schools being constructed and equipped. The country has also invested in the tertiary education in universities, colleges and other tertiary institutions. Education currently takes up about 20% of national annual budget. It remains the sector enjoying the highest allocation.

The issue of equity in education is central to the provision of education in Kenya. Education in Kenya is founded around eight goals. Goal number 5 is to promote social equality and responsibility²⁹. Under this goal, education provision seeks to *give all children varied and challenging opportunities for collective and corporate social services irrespective of gender, ability or geographical environment*. Further, the Medium Term Expenditure Framework^{2022/23-2024/25} further identifies equity as a key strategic goal of education. This is captured under the Education Sector Report 2021.³⁰ Under the Constitution 2010, the right to education is captured under Article 43 (f). The emphasis on gender equality in access to education is

provided under Article 10 as regards non- discrimination as a key principle in governance. Further, Article 53 (b) provides for the right to free and compulsory basic education for every child.

While the constitutional, legal and policy level commitment is very clear on the need to have equity and equality as a key feature in education, girl's education remains constrained in terms of enrollment, retention, transition and completion rates. **“Despite the fact that there are free primary and secondary education girls still lag behind as compared to boys in terms of enrollment, retention, transition and completion rates. In addition, parents face some challenges in paying small fee for food and accommodation in schools despite the free and compulsory education commitment by the government”** noted one of the KII respondent who spoke on this issue.

At primary school level, enrollment in grade one in 2018 has a consistent gender parity index of about 0.95. However, in later classes, this indicator turns in favour of girls. By class 8, the parity index is 1.00 in 2018. There could be a wide range of reasons why the observed drop out of boys than girls. The probability is that the early adolescence presents boys with risks such as child labour.

Table 10. Primary School Enrolment by Class and Sex, 2018 – 2022; in Number ('000)

| Class | 2018 | | 2019 | | 2020 | | 2021 | | 2022* | |
|------------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|
| | Boys | Girls | Boys | Girls | Boys | Girls | Boys | Girls | Boys | Girls |
| Grade 1 | 716.1 | 674.1 | 661.0 | 620.1 | 647.0 | 609.6 | 654.5 | 622.0 | 647.4 | 615.6 |
| Grade 2 | 704.9 | 663.9 | 658.2 | 618.9 | 669.4 | 623.7 | 672.5 | 635.6 | 666.8 | 650.7 |
| Grade 3 | 702.4 | 661.6 | 637.0 | 605.5 | 655.7 | 618.3 | 675.2 | 643.2 | 667.8 | 648.6 |
| Grade 4 | 703.4 | 674.4 | 665.8 | 635.6 | 641.2 | 605.4 | 658.3 | 626.7 | 659.0 | 642.9 |
| Grade 5 | 690.0 | 676.2 | 657.4 | 643.7 | 679.6 | 644.8 | 649.6 | 618.6 | 646.6 | 630.6 |
| Grade 6 | 678.5 | 663.8 | 650.4 | 645.4 | 666.1 | 649.3 | 687.4 | 660.8 | 665.6 | 649.8 |
| Standard 7 | 664.6 | 661.5 | 646.3 | 647.8 | 651.1 | 645.0 | 656.5 | 647.2 | 651.9 | 637.7 |
| Standard 8 | 504.3 | 502.8 | 529.7 | 549.2 | 581.3 | 582.5 | 589.4 | 587.6 | 643.1 | 640.1 |
| Total | 5,364.3 | 5,178.3 | 5,105.8 | 4,966.3 | 5,191.4 | 4,978.7 | 5,243.5 | 5,041.7 | 5,248.2 | 5,116.0 |

Source: KNBS (2023): Economic Survey Report *Provisional data

6.9.1 Enrolment in Secondary Schools by Class and Sex¹, 2018 – 2022('000)

Data on secondary school enrollment indicates a strong transition rates of about 90% for girls and boys to secondary school. However, there is a notable drop of the number of girls as they transition across the 4 years in secondary school. For example, for year 2020, the number of girls in form 4 was only 76% of the girls enrolled in form 1. There could be underlying causes of drop out along the transition path. The secondary school level for girls is very critical as it is normally the onset for puberty which may expose them to vulnerabilities like unplanned pregnancies, early and forced marriages as well as child labour.

The basic education system in Kenya consists of primary and secondary level education. Failure to complete the secondary school level greatly limits the opportunities for girls. It limits their likelihood of furthering into either university of technical courses. This would definitely push the girls to low paying menial labour or close them out of the formal labour market completely. This would serve to widen the gender inequalities and lay rich grounds for intergenerational poverty. Children born of poor mothers are most likely to live into poverty.

Table 11. Enrolment in Secondary Schools by Class and Sex¹, 2018 – 2022('000)

| Class | 2018 | | 2019 | | 2020 | | 2021 | | 2022* | |
|--------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|
| | Boys | Girls | Boys | Girls | Boys | Girls | Boys | Girls | Boys | Girls |
| Form 1 | 414.6 | 411.4 | 423.2 | 438.2 | 487.1 | 494.4 | 450.1 | 462.9 | 452.3 | 473.3 |
| Form 2 | 408.7 | 392.5 | 450.8 | 457.3 | 455.9 | 466.5 | 464.9 | 478.0 | 480.9 | 499.2 |
| Form 3 | 369.4 | 348.5 | 389.0 | 387.9 | 434.8 | 434.1 | 454.3 | 469.9 | 487.5 | 503.4 |
| Form 4 | 312.6 | 285.0 | 363.1 | 350.5 | 350.5 | 373.8 | 453.5 | 458.6 | 472.8 | 488.6 |
| Total | 1,505.3 | 1,437.4 | 1,626.1 | 1,634.0 | 1,751.5 | 1,768.9 | 1,822.7 | 1,869.3 | 1,893.5 | 1,964.6 |

Source: KNBS (2023): Economic Survey Report * Provisional ¹The data for 2020 is as at March 2020

Table 12. Number of Registered KCSE Special Needs Candidates by Type of Disability and Sex, 2018-2022

| Type of Disability | 2018 | | 2019 | | 2020 | | 2021 | | 2022* | |
|------------------------|------------|------------|------------|------------|--------------|------------|--------------|------------|--------------|------------|
| | Male | Female | Male | Female | Male | Female | Male | Female | Male | Female |
| Blind | 62 | 51 | 70 | 40 | 57 | 56 | 73 | 49 | 73 | 57 |
| Low Vision | 235 | 177 | 208 | 185 | 273 | 228 | 296 | 228 | 288 | 258 |
| Hearing Impairment | 274 | 187 | 262 | 256 | 312 | 251 | 301 | 311 | 374 | 295 |
| Physically Handicapped | 297 | 216 | 396 | 255 | 419 | 292 | 494 | 397 | 460 | 370 |
| Total | 868 | 631 | 936 | 736 | 1,061 | 827 | 1,164 | 985 | 1,195 | 980 |

Source: KNBS (2023): Economic Survey Report * Provisional 1 Physical handicap only in writing

6.9.2 Enrolment in TVET Institutions by Sex, 2018 – 2022

According to the Kenya Economic Survey report 2023 admissions to the Technical and Vocational Educational Training institutions (TVETs), remains dominated by male students.

Across the study years (2018-2023), male students comprised about 55% of all admissions. These colleges often provide marketable technical skills for the trainees who are easier to get absorbed into the job market. Male domination in the training furthers continuation of gender inequalities in access to job opportunities, income and wealth creation.

However, it can be observed that the proportion of female students have been rising from 41% in 2018 to 46% in 2022. If this trend continues, there is likelihood of attainment of gender parity in the TVETs training in the near future.

Table 13. Enrolment in TVET Institutions by Sex, 2018 – 2022

| Institution | 2018 | | 2019 | | 2020 | | 2021 | | 2022 | |
|-------------|--------------|--------------|--------------|--------------|----------------|----------------|--------------|--------------|--------------|--------------|
| | Male | Female | Male | Female | Male | Female | Male | Female | Male | Female |
| Sub Total | 44,508 (59%) | 30,838 (41%) | 60,234 (59%) | 41,844 (41%) | 50,126 (57.5%) | 36,989 (42.5%) | 58,526 (57%) | 44,183 (43%) | 61,121 (54%) | 52,492 (46%) |
| Total | 75,346 | 102,078 | 87,115 | 102,709 | 113,613 | | | | | |

Source. Authors computation based on Economic Survey Report 2023

At the university level, male students dominate the enrollment in public universities at about 60%. However, the proportion of female students has been rising across the years from 39% in 2019 to 41% in 2022. Since this is consistent rise, it can be deduced that the pattern will be sustained toward eventual gender parity.

With private universities, the proportion of male student enrollment has been about 53%. The outlook towards gender parity is therefore more positive here. Though the survey did not attribute this to any reason, it is probable the students in private universities are from upper income and wealth classes where negative gender norms against female education is much lower.

Table 14. University Enrolment¹ by Sex, 2019/20 – 2022/23

| Institution | 2019/20 | | 2020/21 | | 2021/22 | | 2022/23* | |
|----------------------|--------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|
| | Male | Female | Male | Female | Male | Female | Male | Female |
| Public Universities | 251,550 | 161,290 (39%) | 275,614 (61%) | 176,475 (39%) | 271,901 (60%) | 176,581 (40%) | 263,926 (59%) | 186,712 (41%) |
| Sub Total | 412,840 | | 452,089 | | 448,482 | | 450,638 | |
| Private Universities | 51,494 (53%) | 45,134 (47%) | 50,257 (53%) | 44,353 (47%) | 62,560 (55%) | 51,024 (45%) | 58,833 (53%) | 53,454 (47%) |
| Sub Total | 96,628 | | 94,610 | | 113,584 | | 112,287 | |
| Grand Total | 509,468 | 546,699 | 562,066 | 562,925 | | | | |

Source. Authors computation based on Economic survey report 2023

7.0 Women Access to Health in Kenya

Preference/ uptake of condoms among women is consistently lower than that of men. Implication here is that women are more exposed to HIV, STDs and other reproductive health challenges including unplanned pregnancies.

Social norms also seem to place women at a point of weaker power relations as regards limiting sexual intercourse to one uninfected person. Across the years, the proportion of women who are exercising agency over their sexual rights on this count has been lower than that of men. It could either be a reflection of lower access to information or weaker ability to assert their rights in the face of economically and socially dominant men. The same situation applies when it comes to using condoms and limiting sex to one uninfected partner.

According to KDHS 2022, there is statistical evidence that knowledge about HIV/ AIDS among women varies according to level of education, rural –urban divide and the wealth and income status. The level of awareness stands at 57.2% in the urban areas and 52.2% in the rural areas. Among women with no formal education, the awareness stands at 13.3% while among those with post-secondary school education, it is at 69.4%. Women in the highest wealth quintile have knowledge level at 57% while the same stands at 40.8% among women in the lowest wealth quintile.

Table 15. Percentage distribution of individuals with knowledge of HIV prevention female and male age 15 to 24

| Using condoms ¹ | Percentage with knowledge about HIV prevention ³ | | | |
|----------------------------|---|------|--------|------|
| | Female | Male | Female | Male |
| Residence | | | | |
| Urban | 82.4 | 86.1 | 57.2 | 63.3 |
| Rural | 77.4 | 81.7 | 52.2 | 51.2 |
| Education | | | | |
| No education | 37.1 | 58.7 | 13.3 | 13.8 |
| Primary | 73.1 | 75.5 | 42.9 | 38.3 |
| Secondary | 81.0 | 85.4 | 56.7 | 59.7 |
| More than secondary | 90.6 | 94.3 | 69.4 | 79.8 |
| Wealth quintile | | | | |
| Lowest | 69.6 | 75.0 | 40.8 | 44.9 |
| Second | 78.2 | 84.1 | 51.4 | 50.4 |
| Middle | 82.3 | 81.6 | 58.3 | 52.5 |
| Fourth | 81.2 | 86.1 | 60.5 | 61.7 |
| Highest | 83.5 | 88.8 | 57.0 | 67.4 |

Source: KNBS (2022): Kenya Demographic Healthy Survey

Note

1 Using condoms every time they have sexual intercourse

3 Knowledge about HIV prevention means knowing that consistent use of condoms during sexual intercourse and having just one uninfected faithful partner can reduce the chance of getting HIV, knowing that a healthy-looking person can have HIV, and rejecting two common misconceptions about transmission or prevention of HIV: HIV can be transmitted by mosquito bites and a person can become infected by sharing food with a person who has HIV

7.1 Ante natal care

Proper care during pregnancy and delivery is important for the health of both the mother and the baby. It is an important health seeking behavior that can assist medics to identify any possible pregnancy related challenge and respond on time. Additionally, ante natal sessions may also provide critical nutritional and other health advice to the pregnant mother. The number of ante natal visits that a pregnant woman makes is therefore a good indicator of a safe motherhood.

Maternal health as a right is guaranteed under Article 43 of the Constitution and reads in part.... Every person has the right to the highest attainable standard of health which includes right to health care services including reproductive health

Data indicates that among the urban women 74.1% pregnant mothers had at least 4 ante natal visits as recommended. This proportion falls to 61.5% among rural women. Across the education levels women with no formal education were least likely to make ante natal visit at only 49.1% as compared to 83.2% among women with post-secondary education. On a related count, 73.9% of pregnant women in the rural areas had taken preventive post-natal tetanus jab against 77% in the urban settings. Across the education levels, only 66.1% of women with no formal education had the jab as compared to 81.4% of women with post-secondary education.

Table 16. Women who had a live birth and/or a stillbirth in the 2 years preceding the survey

| Background characteristic | Percentage receiving antenatal care from a skilled provider ¹ | Percentage with 4+ ANC visits | Percentage who took any iron containing supplements during pregnancy | Percentage whose most recent live birth was protected against neonatal tetanus ³ | Number of women |
|--|--|-------------------------------|--|---|-----------------|
| Live birth | | | | | |
| mother's age at birth | | | | | |
| <20 | 97.0 | 57.1 | 86.3 | 67.9 | 891 |
| 20–34 | 98.4 | 68.7 | 91.4 | 77.2 | 5,074 |
| 35–49 | 95.8 | 59.9 | 86.8 | 69.7 | 882 |
| Residence | | | | | |
| Urban | 98.9 | 74.1 | 91.1 | 77.0 | 2,470 |
| Rural | 97.3 | 61.5 | 89.7 | 73.9 | 4,377 |
| Mother's education⁵ | | | | | |
| No education | 90.2 | 49.1 | 79.0 | 66.1 | 639 |
| Primary | 97.7 | 59.6 | 88.7 | 71.8 | 2,417 |
| Secondary | 99.1 | 67.8 | 92.5 | 77.0 | 2,473 |
| More than secondary | 99.6 | 83.2 | 93.6 | 81.4 | 1,239 |
| Stillbirths | | | | | |
| Total | 89.9 | 47.0 | 79.3 | na | 110 |
| Live Births And Stillbirths⁶ | | | | | |
| Total | 97.7 | 65.7 | 90.0 | na | 6,957 |

Source. KNBS (2022). Kenya Health Demographic Survey

7.2 Safe delivery

One of the key indicators of maternal health is the access to professional service of a medic at the point of delivery. This could be either in a facility or elsewhere. Additionally, having the delivery in a health facility is also a positive indication of accessibility of health services. The professional support by a medic provides an opportunity to respond to any emergency that may occur during the delivery.

Under the Linda Mama Programme, the government has been providing direct financial assistance to ensure safe deliveries. When delivering the 2021 State of the Nation Address, President Uhuru Kenyatta noted that all pregnant women are eligible for free maternity care. Each woman is allocated between Ksh. 2,500 and Ksh. 30,000 depending on the state of delivery. By 2021, the programme, it was noted had benefited 5.8 million women.

The proportion of mothers delivering in a health facility is an indicator of ease of access to these facilities. Additionally, it is also a measure of the availability of critical staff to support maternal health. The converse is true for locations where lower deliveries are registered at the facility level. Delivery at medical facilities also have additional benefits including easier birth registration and offering higher likelihood of follow up with child's immunization.

Investments in promoting maternal child health seem to be bearing fruit with positive indicators in key areas. But the urban rural divide is still a concern on the uptake of services. While more than 91.7% of the deliveries in urban areas were conducted in a health facility, the proportion falls to 77% in rural areas.

Across the counties, birth assisted by a skilled health provider has a lot of disparity. It is highest in Nairobi at 99%. This is followed by Counties in the high potential regions of Kiambu, Nyandarua and Kisumu at 98%. In the other extreme are Arid and Semi-Arid counties of Turkana at 53% Mandera, at 55%, Wajir and Samburu at 57% respectively.

Education for women seems to be a key determinant on their access and uptake of maternal health services. While the proportion of women with higher than secondary level education delivering under professional care was 99%, the figure falls to only 55% among women with no formal education.

Table 17. Live births and stillbirths in the 2 years preceding the survey

| Background characteristic | Percentage delivered by a skilled provider ¹ | Percentage delivered in a health facility | Number of births |
|--|---|---|------------------|
| mother's age at birth | | | |
| <20 | 88.1 | 83.8 | 920 |
| 20–34 | 90.2 | 83.1 | 5,274 |
| 35–49 | 85.2 | 76.0 | 907 |
| Residence | | | |
| Urban | 97.3 | 91.7 | 2,562 |
| Rural | 84.8 | 77.0 | 4,539 |
| Mother's education⁵ | | | |
| No education | 54.6 | 47.9 | 666 |
| Primary | 87.2 | 81.0 | 2,501 |
| Secondary | 95.2 | 89.5 | 2,570 |
| More than secondary | 99.1 | 88.1 | 1,281 |
| Stillbirths | | | |
| Total | 89.7 | 81.5 | 118 |
| Live Births And Stillbirths⁶ | | | |
| Total | 89.3 | 82.3 | 7,219 |

Source. KNBS (2022) Kenya Demographic Healthy Survey

Table 18. Live births in the 2 years preceding the survey per county

| No | County | Percentage delivered by a skilled provider ¹ |
|----|-----------|---|
| 1 | Nairobi | 99 |
| 2 | Kiambu | 98 |
| 3 | Nyandarua | 98 |
| 4 | Kisumu | 98 |
| 5 | Turkana | 53 |
| 6 | Mandera | 55 |
| 7 | Wajir | 57 |
| 8 | Samburu | 57 |

Source. KNBS (2022) Kenya Demographic Healthy Survey

7.3 Post Natal Care

In terms of post-natal care, the proportion of women who had a post-natal check during the first 2 days of birth was higher in the urban areas at 79% as compared to 68.8% in the rural areas. Only 50% of the mothers with no formal education sought post-natal care as compared to 77% of the mothers with secondary level education. The variable stood at 78.5% among mothers with more than secondary school education. This draws a strong correlation between health seeking behavior of mothers with their level education. It could also point to a likelihood that women with no formal education mainly reside in areas where post-natal care may not be easily available.

Table 19. Women who had a live birth and/or a stillbirth in the 2 years preceding the survey

| Background characteristic | Percentage with a postnatal check during the first 2 days after birth ⁴ | Number of women |
|--|--|-----------------|
| mother's age at birth | | |
| <20 | 71.9 | 891 |
| 20–34 | 73.5 | 5,074 |
| 35–49 | 67.4 | 882 |
| Residence | | |
| Urban | 79.0 | 2,470 |
| Rural | 68.8 | 4,377 |
| Mother's education ⁵ | | |
| No education | 50.2 | 639 |
| Primary | 70.7 | 2,417 |
| Secondary | 77.0 | 2,473 |
| More than secondary | 78.5 | 1,239 |
| Stillbirths | | |
| Total | 58.6 | 110 |
| Live Births And Stillbirths ⁶ | | |
| Total | 72.3 | 6,957 |

Source. KNBS (2022) Kenya Demographic Healthy Survey

7.4 Human Papilloma Virus and Related Cancers: Women and Men

Kenya has a population of 16.8 million women ages 15 years and older who are at risk of developing cervical cancer. For all types of cancer medics have identified late diagnosis as a key driver to death. With few facilities and opportunities for testing especially in the rural areas, women therefore stand a big risk of deaths related to cervical cancer. Cervical cancer is the 2nd most frequent cancer among women in Kenya and the second most frequent cancer among women of reproductive age between 15 and 44 years of age.

Table 20. Crude Incidence Rates of HPV-Related Cancers-Women and Men

| Category | Male | Female |
|----------------------|------|--------|
| Cervical cancer | - | 19.4 |
| Anal cancer | 0.22 | 0.54 |
| Vulva cancer | - | 0.58 |
| Vaginal cancer | - | 0.24 |
| Penile cancer | 0.18 | - |
| Oropharyngeal cancer | 0.18 | 0.07 |
| Oral cavity cancer | 1.46 | 1.36 |
| Laryngeal cancer | 1.26 | 0.27 |

Source: HPV Information Centre (2023): Human Papillomavirus and Related Cancers, Fact Sheet 2023

The high proportion of women being diagnosed and dying of cancer is a real concern. Given the high costs of private care and the fact that most financial family resources are in the hands of men, women are more likely to miss medical care than men.

It is also important to note that whereas there has been a lot of public awareness on early testing, this information may not easily reach rural poor women especially those with low formal education.

7.5 Women Participation in Governance and Political Representation

Kenya is party to various regional and global instruments that seek to uphold and promote gender equality and women empowerment. Notable agreements include the 1995 United Nations World Conference in Beijing that offered a platform for action, pressing states to put strategies in place to promote women's equal and full participation in leadership. Further, the 1945 United Nations charter affirmed gender equality as a development agenda with reinforcement from the current 2030 Sustainable Development Goals (SDGs), especially its third resolution on gender parity and women emancipation.

Kenya is also party to the UN covenant on International Civil and Political Rights whose key thrust is Article 2 on non-discrimination. As state party, Kenya commits to ensure all citizens including women fully enjoy their political rights including right to form or join a political movement/ party, vie and be voted for and vote in national elections. This is further emphasized through Kenya's commitment to the Sustainable Development Goal 5 on gender equality and empowerment of women.

Despite Kenya's national and international commitment to women's empowerment, it has regionally performed dismally in promoting women political participation and representation, notwithstanding being the leading economy in the East African region. Gender inequality is still prevalent in Kenya as the country is ranked at position 134 out of 162 countries evaluated globally in the 2018 Gender Inequality Index.

The Constitution has very rich provisions regarding women participation in leadership. Under Article 10, the Constitution, equity, inclusiveness, equality non-discrimination and protection of the marginalized are identified as among the national values and principles. Put into practice in the context of gender equality, this would imply that all governance spaces must provide for requisite representation of women in the leadership spheres. This principle is further elucidated under Article 27 of the Constitution. Article 27 (1) notes- *Every person is equal before the law and has the right to equal protection and equal benefit of the law. On elective and appointive positions, the Article states under sub article (8) ...the state shall take legislative and other measures to implement the principle that not more than two thirds of members of elective or appointive bodies shall be of the same gender.* These provisions constitute the strongest constitutional foundation for the claim on gender equity and equality in the public service.

Under Article 81, the electoral system is expected to guarantee all citizens the right to exercise their political rights. This article places the electoral management bodies with the responsibility to remove all barriers and obstacles that may prevent women from fully exercising their election related rights. Further, the article requires that not more than two thirds of members of an elective body should be of the same gender. In the Kenyan context where women have been disadvantaged, this article grants women guaranteed access to claim and occupy at least a third of all elected offices.

Parliament is required under article 100 to pass an appropriate law to support the realization of the provisions under article 81. However, different attempts to pass this particular law have not been successful. Ideally, the political system should provide guarantees and mechanisms for women to vie and win elective positions. In

the absence of this, the political parties have been appointing women especially at the County level to match up to the not more than two thirds gender principle as provided for in Article 177 (b). While nominations help boost the number of women to the required level, they have their own shortcomings in the sense that, the rules guiding the nomination may not be as inclusive as direct election. Elective positions for women would also provide more independence in political decision making as compared to representatives that have been nominated by their parties.

At the regional level, Kenya performs poorly compared to the East African peer countries of Rwanda, Uganda and Tanzania. According to the Global gender Gap report, Kenya has an index of 0.708 as compared to Rwanda with a score of 0.794. The index Gender Gap Index measures gender parity globally on four counts of economic opportunities, education, health and political leadership.

Table 21. The Global Gender Gap Index Rankings by Region: 2023 Political Empowerment

| No | Country | Rank | Score (0–1) |
|----|----------|------|-------------|
| 1 | Rwanda | 12 | 0.794 |
| 2 | Kenya | 77 | 0.708 |
| 3 | Uganda | 78 | 0.706 |
| 4 | Tanzania | 48 | 0.740 |

Source: World Economic Forum. The Global Gender Gap Index 2023 rankings

Table 22. Women Representatives in National Assembly (1963-2007)

| Election Year | Elected Women | Appointed Women | Women in Parliament (%) |
|---------------|---------------|-----------------|-------------------------|
| 1963 | 0 | 0 | 0 |
| 1969 | 1 | 1 | 1.2 |
| 1974 | 4 | 2 | 3.5 |
| 1979 | 5 | 1 | 2.9 |
| 1983 | 2 | 1 | 2.7 |
| 1988 | 2 | 0 | 1.1 |
| 1992 | 6 | 1 | 3 |
| 1997 | 4 | 5 | 1.4 |
| 2002 | 10 | 8 | 7.1 |
| 2007 | 16 | 6 | 8.9 |

Source: Kenyatta G. N. (2023): The Political Participation of Women in Kenya

Historically, the space for women in elective positions has been very restricted since independence. The situation improved after 2010 passage of the Constitution. When it comes to presenting themselves for elections, fewer women do as compare to men. In 2013 for example 11,720 of the total candidates for all the elective seats were men while women were 971 only translating to 8%. This only improved slightly with women constituting 9% during the 2017 elections.

Table 23. Women Participation in 2013 And 2017 General Election, No of All Candidates All Positions

| Year | 2013 | % | 2017 | % |
|-------|--------|-----|--------|-----|
| Men | 11,720 | 92 | 13,242 | 91 |
| Women | 971 | 8 | 1259 | 9 |
| Total | 12,691 | 100 | 14,501 | 100 |

Source, NDI and FIDA Kenya (2018), A Gender Analysis of the 2017 Kenya General Elections

Table 24. Women as A Percent of Elected Seats 2013/2017

| Elective Position | 2013 | 2017 |
|-------------------|------|------|
| President | 0.0% | 0.0% |
| Governor | 0.0% | 6.4% |
| Senator | 0.0% | 6.4% |
| MNAs | 5.5% | 7.9% |
| MCAs | 5.7% | 6.6% |

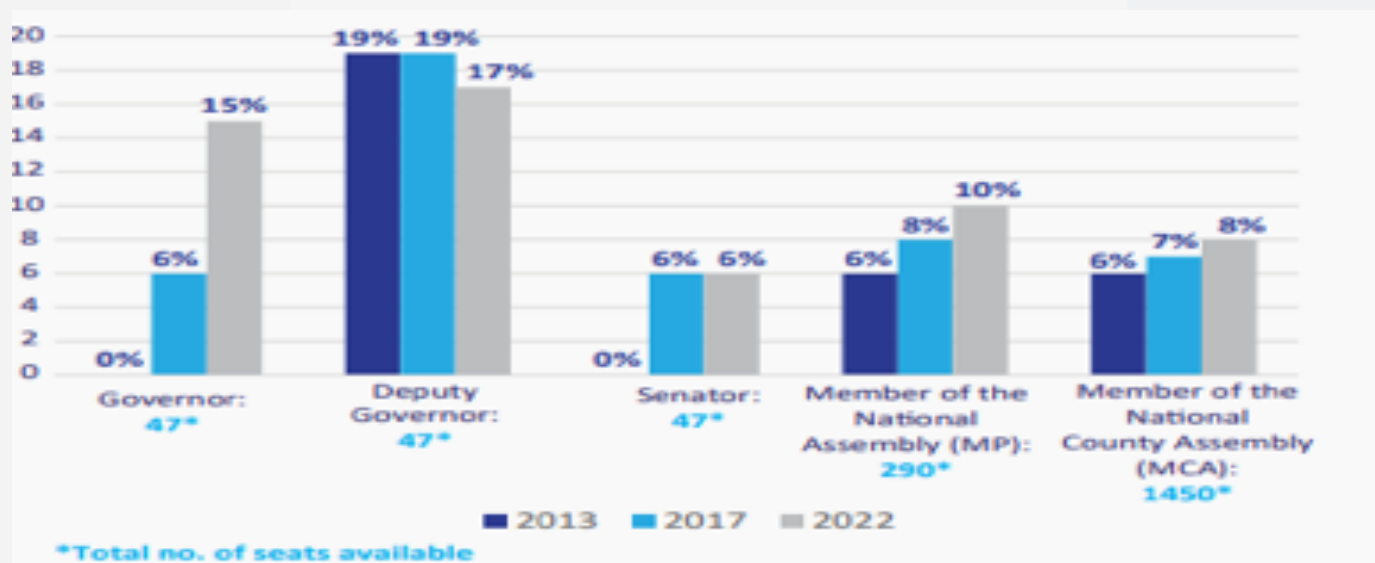
Source, NDI and FIDA Kenya (2018), A Gender Analysis of the 2017 Kenya General Elections

According to Fardaus Ara (2019) a mix of factors serves as barriers to women full participation in political processes. These barriers include gendered family responsibilities, low access to financial resources, real or potential political violence and negative societal perceptions of women in leadership. This position is emphasized by the UNDP in its analysis of the election in Mozambique. The report notes that as candidates, women face societal pressure as competitive politics is generally viewed as a man’s arena. Women are also victims of gender based violence both physical and psychological. Political parties which in most cases are male dominated also have issues nominating women as candidates. This situation in Mozambique generally obtains in almost all lower and middle income countries including Kenya.

On social norms, it could as well mean that the perceptions of women in leadership may work against them in a double sided way. First, men may be viewed as natural leaders and therefore lock out women in elective positions. Secondly, the practice of electioneering may involve aggressive vote hunting and even in some instances violent action. All these is not associated with traditionally accepted norms on women behavior. One respondent mentioned- **“Based on our cultural factors women have a role to play at home thus they are not able to participate in political campaigns which are mostly held at night. This is due to patriarchal nature of our society that need to be addressed in a holistic approach”**

On a general perspective, the number of women presenting themselves as candidates and winning various elective positions has been rising. The most instructive change has been on the position of the Governor where in 2013, no female Governor was elected. In 2017, 3 were elected translating to 6%. This proportion rose to 7 Governors (15%) in 2022 elections. Though the numbers still remain low, the rise is commendable and there is hope the momentum will be maintained into future elections. This situation on the office bearers for the Senate stagnated at 3 elected women last two elections. For the National Assembly, the number of female elected members has been rising from 16 in 2013 to 23 in 2017 and 29 in 2022. This has been a steady rise of 6%, 8% and 10% respectively. The elected members of local assemblies (MCAs) have also been on a steady though slow rise of 1% point across the three past elections. In 2013, 82 female MCAs were elected, this rose to 96 in 2017 and 115 in 2022

Table 25. Percentage Change Across the Three Elections, Representation of Elected Women



Source: UN Women (2022), A Summary Analysis of Women’s Performance in Kenya’s 2022 Election

Table 26. Analysis of gazetted female candidates versus those elected in the post-2010 Constitution elections. Governor

| Year | Gazetted women candidates | Elected women |
|------|---------------------------|---------------|
| 2013 | 6 | 0 |
| 2017 | 9 | 3 |
| 2022 | 22 | 7 |

Source: UN Women (2022), A Summary Analysis of Women's Performance in Kenya's 2022 Election

Table 27. Analysis of gazetted female candidates versus those elected in the post-2010 Constitution elections. Senator

| Year | Gazetted women candidates | Elected women |
|------|---------------------------|---------------|
| 2013 | 17 | 0 |
| 2017 | 20 | 3 |
| 2022 | 44 | 3 |

Source: UN Women (2022), A Summary Analysis of Women's Performance in Kenya's 2022 Election

Table 28. Analysis of gazetted female candidates versus those elected in the post-2010 Constitution elections. Member of the National Assembly (MP)

| Year | Gazetted women candidates | Elected women |
|------|---------------------------|---------------|
| 2013 | 129 | 16 |
| 2017 | 131 | 23 |
| 2022 | 207 | 29 |

Source: UN Women (2022), A Summary Analysis of Women's Performance in Kenya's 2022 Election

Table 29. Analysis of gazetted female candidates versus those elected in the post-2010 Constitution elections. County Woman Member of the National Assembly (Woman Rep)

| Year | Gazetted women candidates 3 | Elected women |
|------|-----------------------------|---------------|
| 2013 | 0 | 47 |
| 2017 | 0 | 47 |
| 2022 | 359 | 47 |

Source: UN Women (2022), A Summary Analysis of Women's Performance in Kenya's 2022 Election 3. There is no data on the gazetted number of Women Representative candidates for 2013 and 2017

Table 30. Analysis of gazetted female candidates versus those elected in the post-2010 Constitution elections. Member of the County Assembly (MCA)

| Year | Gazetted women candidates | Elected women |
|------|---------------------------|---------------|
| 2013 | 623 | 82 |
| 2017 | 900 | 96 |
| 2022 | 1136 | 115 |

Source: UN Women (2022), A Summary Analysis of Women's Performance in Kenya's 2022 Election

It is instructive to note that the National Assembly in Kenya occupies a very central position in policy making. Budget, one of the most important policy documents is reviewed and passed in the National Assembly. Given the centrality of budgeting in service delivery it implies that without critical mass of women in the National Assembly, there is risk that, budgeting may not be gender sensitive enough to aptly deliver on the needs and priorities of women. The National Assembly is also key in law formulation. Laws

that may have huge implications on gender relations, service delivery, property rights would require ample gender lens during formulation. A national Assembly with less proportionate representation of women therefore poses a risk of being gender blind.

Table 31. Elected and Nominated Members of the National Assembly 2022 General Elections

| Criteria | Male | Female | Total | Percentage (%) of Women |
|--------------------------|------------|-----------|------------|-------------------------|
| Elected Member | 262 | 28 | 290 | 9.6 |
| Nominated Member | 6 | 6 | 12 | 50 |
| Affirmative Action Seats | 0 | 47 | 47 | 100 |
| Speaker | 1 | 0 | 1 | 0 |
| Total | 269 | 81 | 350 | 23 |

Source: CRAWN Trust (2022): An Audit of Inclusivity for Women and Marginalized Groups in Governance in Kenya Outcome of the 2022 General Elections

11.1.2 Elected and Nominated Members of the Senate 2022 General Elections

Just like in the National Assembly, women representation in the Senate is quite low. Out of total 68 members, only 3 are elected. This represents a dismal 4% In total, the Senate has 21 women representing 31% of the total. The Senate has the responsibility of playing oversight over the county governments. Given that Counties are central in service delivery in health, water and agriculture, this oversight role becomes very close to the interest of women based on their gendered roles in childcare, home making and subsistence food production. A weak voice of women in the Senate is likely to imply weaker service delivery in these key sectors as women would be expected to take more interest in the effectiveness of services in sectors that are key to their womenfolk constituency.

Table 32. Elected and Nominated Members of the Senate 2022 General Elections

| Criteria | Male | Female | Total | Percentage (%) of Women |
|------------------|-----------|-----------|-----------|-------------------------|
| Elected Member | 44 | 3 | 47 | 6 |
| Nominated Member | 2 | 18 | 20 | 90 |
| Speaker | 1 | 0 | 1 | 0 |
| Total | 47 | 21 | 68 | 31 |

Source: CRAWN Trust (2022): An Audit of Inclusivity for Women and Marginalized Groups in Governance in Kenya Outcome of the 2022 General Elections

7.6 Elected County Governors by Gender 2022 General Elections

While it is an improvement from last election, the number of elected female Governors still remains low. A County Governor is a position attached to huge devolution resources. Fewer women Governors means less control of national and county resources by women. Additionally, according to the 4th Schedule of the Constitution of Kenya 2010, Counties are responsible for health provision, water services, agriculture and early childhood development education. All these services are very core to upholding of women's social economic rights.

On health, the service is almost fully devolved with the exception of referral hospitals and health policy. It therefore follows that most of the challenges facing the country on maternal health, infant and child health are in the ambit of County health services. A strong women leadership at the county level may serve to amplify the priorities of women and ensure health service provision is more gender responsive to the needs of women and children.

Just like in health, water provision is key to achievement of women's gendered roles. It has been established that a good number of girls drop out of school to take care of house chores including fetching water. An efficient and effective service delivery in the sector may therefore have complimentary benefits to girls' retention and completion rates in school.

However, this may not be realized in situations where the leadership is male dominated and may not grant due regard to such a sector in terms of allocation and efficient management of financial resources. Women leadership at the County is therefore very central though the current situation does not provide enough representation going by the limited number of elected women Governors.

Table 33. Elected County Governors by Gender 2022 General Elections

| Gender | Frequency | Percentage (%) |
|--------|-----------|----------------|
| Male | 39 | 85 |
| Female | 8 | 15 |
| Total | 47 | 100 |

Source: CRAWN Trust (2022): An Audit of Inclusivity for Women and Marginalized Groups in Governance in Kenya Outcome of the 2022 General Elections

7.7 Total Number and Percentage (%) of women representation in all 47 County Assemblies; 2022 General Elections

The ward is the lowest echelon of elective position in Kenya. Data indicates that even at this level, women representation is weak. Women only make up 7.9% of the elected Ward Representatives. However, this proportion is boosted to 28% once the nominated women are accounted for. Since 2013, County assemblies consistently rely on nomination of women to achieve the not more than two thirds gender principle threshold. It would be expected that at the lower level, women would find it easier to vie and win political seats since the amount of resources needed are much lower. However, it would also mean social norms that mitigate against women leadership and political participation are strongest at this level.

Table 34. Total Number and Percentage (%) of women representation in all 47 County Assemblies; 2022 General Elections

| Criteria | Male | Female | Total | Percentage (%) of Women |
|-----------|------|--------|-------|-------------------------|
| Elected | 1335 | 115 | 1450 | 7.9% |
| Nominated | 307 | 538 | 845 | 63.66 |
| Total | 1642 | 653 | 2295 | 28% |

Source: CRAWN Trust (2022): An Audit of Inclusivity for Women and Marginalized Groups in Governance in Kenya Outcome of the 2022 General Elections

7.8 Women Membership in Political Parties in Kenya

Overall, women constitute 49% of total membership of political parties in Kenya. United Democratic Alliance (UDA) has the highest proportion of women membership at 59% with NARC-Kenya and KANU with lowest at 44% and 43% respectively. However, the real question that this data should raise is why women would still struggle to win elective political positions even in this reality that of near parity in membership and therefore control of political party decision making and direction.

Table 35. Women Membership in Political Parties in Kenya

| Party name | % Men | % Women |
|--------------------------------|-------|---------|
| NARC-KENYA | 56 | 44 |
| Wiper Democratic Movement | 52 | 48 |
| United Democratic Alliance UDA | 51 | 59 |
| Orange Democratic Movement | 53 | 47 |
| Jubilee Party | 51 | 49 |
| Communist Party | 49 | 51 |
| KANU | 57 | 43 |
| ANC | 49 | 51 |
| Tujibebe Party | 48 | 52 |

Source. Office of Registrar of Political Parties

7.9. Women Rights to Property Rights and Land Ownership

Kenya is majorly an agricultural country with majority population living in the rural areas engaging in farming both for commercial and subsistence purposes. With regard to gender, most of the subsistence farming is in the hands of women. It therefore follows that access and right to food is strongly attached to land ownership.

Article 24 on rights and fundamental freedoms, in 24. (1) states that a right or fundamental freedom in the Bill of Rights shall not be limited except by law, and then only to the extent that the limitation is reasonable and justifiable in an open and democratic society based on human dignity, equality and freedom, taking into account all relevant factors, including (a) the nature of the right or fundamental freedom; (b) the importance of the purpose of the limitation; (c) the nature and extent of the limitation; (d) the need to ensure that the enjoyment of rights and fundamental freedoms by any individual does not prejudice the rights and fundamental freedoms of others; and (e) the relation between the limitation and its purpose and whether there are less restrictive means to achieve the purpose.

Article 40 on Protection of right to property in 40 (1) Subject to Article 65, every person has the right, either individually or in association with others, to acquire and own property, (a) of any description; and (b) in any part of Kenya. (2) Parliament shall not enact a law that permits the State or any person, (a) to arbitrarily deprive a person of property of any description or of any interest in, or right over, any property of any description; or (b) to limit, or in any way restrict the enjoyment of any right under this Article on the basis of any of the grounds specified or contemplated in Article 27 (4). (3) The State shall not deprive a person of property of any description, or of any interest in, or right over, property of any description, unless the deprivation

(a) results from an acquisition of land or an interest in land or a conversion of an interest in land, or title to land, in accordance with Chapter Five; or (b) is for a public purpose or in the public interest and is carried out in accordance with this Constitution and any Act of Parliament that (i) requires prompt payment in full, of just compensation to the person; and (ii) allows any person who has an interest in, or right over, that property a right of access to a court of law.

Furthermore, Article 60. (1) states that Land in Kenya shall be held, used and managed in a manner that is equitable, efficient, productive and sustainable, and in accordance with the following principles— (a) equitable access to land; (b) security of land rights; (c) sustainable and productive management of land resources; (d) transparent and cost effective administration of land; (e) sound conservation and protection of ecologically sensitive areas; (f) elimination of gender discrimination in law, customs and practices related to land and property in land; and (g) encouragement of communities to settle land disputes through recognized local community initiatives consistent with this Constitution.

In addition, Article 61. (1) requires that all land in Kenya belongs to the people of Kenya collectively as a nation, as communities and as individuals. This is further emphasized under Article 62 (2) that states that Public land shall vest in and be held by a county government in trust for the people resident in the county, and shall be administered on their behalf by the National Land Commission, if it is classified under.

Article 63 on Community land in 63 (1) asserts that Community land shall vest in and be held by communities identified on the basis of ethnicity, culture or similar community of interest. And

(2) Community land shall consists of (a) land lawfully registered in the name of group representatives under the provisions of any law, (b) land lawfully transferred to a specific community by any process of law, and (c) any other land declared to be community land by an Act of Parliament.

Article 64 on private land asserts that private land shall consist of (a) registered land held by any person under any freehold tenure; (b) land held by any person under leasehold tenure; and (c) any other land declared private land under an Act of Parliament.

Women's access and ownership of land is strongly attached to access to food and nutrition, sustainable development and gender equality and empowerment. Obstacles that prevent women from owning land greatly contribute to unequal power relations at family and community level and continued social exclusion for women.

Social cultural norms place familial leadership to men which then bestows a near automatic land ownership and inheritance rights to men and boys. The resultant effect is that women remain active producers of food and cash crops on land that they cannot claim title. This situation deepens women's continued lack of economic power.

Land ownership also has strong relationship with access to financial inclusion. Many financial institutions would require collateral for borrowers to access loan products. Without a legal claim to land, women cannot therefore use family land to access loans. The medium and long term implications is that women remain capital constrained therefore deepening gender inequality.

There have been notable efforts in the recent years to change this negative state of affairs. Under the Constitution of Kenya 2010, the Bill of rights calls for equal treatment of all persons under the law. Under Article 20, every person is guaranteed the enjoyment of all fundamental rights which in this case includes right of women in the ownership of land. Under the National Land Policy (2009), the government is required to grant due regard to land rights of unmarried daughters. Article 40 of the Constitution guarantees every person the right to acquire and own property either as an individual or in association with others.

Chapter 5 of the Constitution on land and environment further cements the right of all persons including women to acquire and own land. Particular clauses under Article 60 require land to be held, used and managed in an equitable manner. Sub Article (f) specifically mentions the issue of eliminating gender discrimination on land ownership with special mention of negative social cultural norms.

This goes a long way to deconstruct the social norms that placed sons as the only due and automatic heirs of land. Under Chapter 4 on land and environment, the right for women to own land is clearly reflected through the provisions of Article 60 (f)- *Elimination of gender discrimination in law, customs and practices related to land and property*

The Constitution has also sought to define the extent of the application of customary laws in regards to women's right to land. Under Article 2(4) any law such as customary law that is inconsistent with the provisions of the Constitution (including denying women right to property) is declared null.

The land Act (2012) clearly defines matrimonial home as any land that is owned or leased by one or both parties in a marriage and requires a matrimonial consent for such land to be charged. Marriage here is comprehensively defined to include even customary marriage. This particular clause in our law greatly cements women's claim to land and takes away the unfaltering control by the male spouses as hitherto existed.

The Matrimonial Property Act further cements the rights of women in the ownership of property including land under section 4 that spells out equal status of men and women in a marriage. Equitable claim to matrimonial property including land is emphasized under Article 58 of the Constitution which requires Parliament to pass legislation to govern on this aspect.

Section 8 of this act further espouses on the issue of joint ownership of property in a polygamous marriage. Here, the issue of each spouse's contribution is introduced. While this section may be interpreted differently depending on the person's interests, it goes a long way to defend the rights of women who would normally have their claim to property greatly eroded upon the husband's decision to take in another wife.

Perhaps what remains contentious is how a woman's contribution can be fairly determined especially in situations where it may be non- monetary. By the very fact that women find it harder to enter the formal work place or businesses, their contribution in acquisition and development of joint matrimonial property may be harder to quantify.

As regards inheritance rights for Muslim families, the Constitution under Article 170 grants leeway for the parties to resort to Kadhi's court to resolve any differing claim to ownership. The Article is however clear on the stipulation that this is on two conditions, one- that all the parties profess the Muslim faith and two, submit to the jurisdiction of the Kadhi's court.

8.0 Women's House and Land Ownership in Kenya by Marital Status

According to data from KDHS 2022 there is a very strong relationship between house ownership and marriage status³⁴. House ownership is lowest among the never married women at only 1.1% of them owning houses. Among the married, slightly more than half (52.6%) own houses either alone or jointly with spouse/ partner. Among the widowed, about 65.2% own houses. The safe assumption here is that the rest 35% never owned houses even before being widowed. But it is also likely that a certain portion of the widows lost their house ownership status upon getting bereaved. This however is a matter of conjecture since it is not captured in the research exercise for compilation of Demography Health Survey (DHS) report 2022.

Among the separated or divorced women, only 14% own houses. This is quite a low proportion given that more than half of the married claim house ownership. Assuming economic status has nothing to do with divorce or separation, the proportion here is too low. It can only be assumed the separation or divorce robs

women their right to claim over house ownership. The implication here is that even with very beneficial clauses in the succession Act and the Matrimonial Property Act, women still face challenges of actualizing housing rights in the event of collapse of the marriage arrangement.

Ownership of agricultural land is similarly lower among the never married at only 1.7%. For the married, the proportion is 38.4%. The implication here is that more than 62% of the married women do not have a direct and automatic claim to agricultural land. Given the centrality of agriculture as the main economic activity in Kenya, this would mean majority women especially those in the rural areas are engaged in production where they do not own the land on which they practice production. This definitely has an implication on whether they can also effectively claim ownership of the agricultural crops or domestic animals thereof.

It is on non-agricultural land where women claim to land is lowest. In total, only 6.7% women own non-agricultural land. Most non-agricultural land could be commercial land most in urban areas. This is land valued higher than rural land devoted to farming. This land could also easily be converted in financial resources either by erecting buildings, leasing, selling or simply charging it with a financial institution. This creates a picture of deep rooted economic inequality.

Table 36. Women's House and Land Ownership in Kenya by Marital Status

| | Never Married | Married | Windowed | Divorced or separated | Total |
|---------------------------------|---------------|---------|----------|-----------------------|-------|
| House ownership | 1.8% | 52.6% | 65.2% | 14% | 32.8% |
| Agricultural Land ownership | 1.7% | 38.4% | 48.6% | 10.7% | 24.8% |
| Non Agricultural land ownership | 1.1% | 10.2% | 11.5% | 4.1% | 6.7% |

Source: KDHS 2022

8.1 Women Participation in The Digital Space

Ownership of mobile telephone in Kenya generally is higher than her peers in Africa. The gender gap in ownership stands at 6% in favour of men. This could reflect higher access to financial resources for men. However, it is notable that the gap is much better compared to Ethiopia where is 27% and Senegal at 13%.

In terms of access to internet, the gender gap is huge at 34%. With most businesses going online, this has a huge implication on the extent to which women can take advantage of the endless opportunities in the ecommerce. Additionally, the huge gap also implies less access to information for women since increasingly become a source of information.

Table 37. Male and female mobile ownership, by country Percentage of total adult population

| No | Country | Male % | Female % | Gender Gap |
|----|----------|--------|----------|------------|
| 1 | Egypt | 83% | 81% | 2% |
| 2 | Ethiopia | 75% | 55% | 27% |
| 3 | Ghana | 92% | 86% | 7% |
| 4 | Kenya | 93% | 88% | 6% |
| 5 | Nigeria | 91% | 86% | 5% |
| 6 | Senegal | 89% | 77% | 13% |

Source. GSMA (2023). The Mobile Gender Gap Report

Table 38. Male and female mobile internet adoption, by country Percentage of total adult population

| No | Country | Male % | Female % | Gender Gap |
|----|----------|--------|----------|------------|
| 1 | Egypt | 65% | 57% | 12% |
| 2 | Ethiopia | 22% | 10% | 57% |
| 3 | Ghana | 61% | 45% | 26% |
| 4 | Kenya | 59% | 39% | 34% |
| 5 | Nigeria | 56% | 34% | 38% |
| 6 | Senegal | 72% | 57% | 20% |

Source. GSMA (2023). The Mobile Gender Gap Report

8.2 Gender Based violence and its Implication to Equality

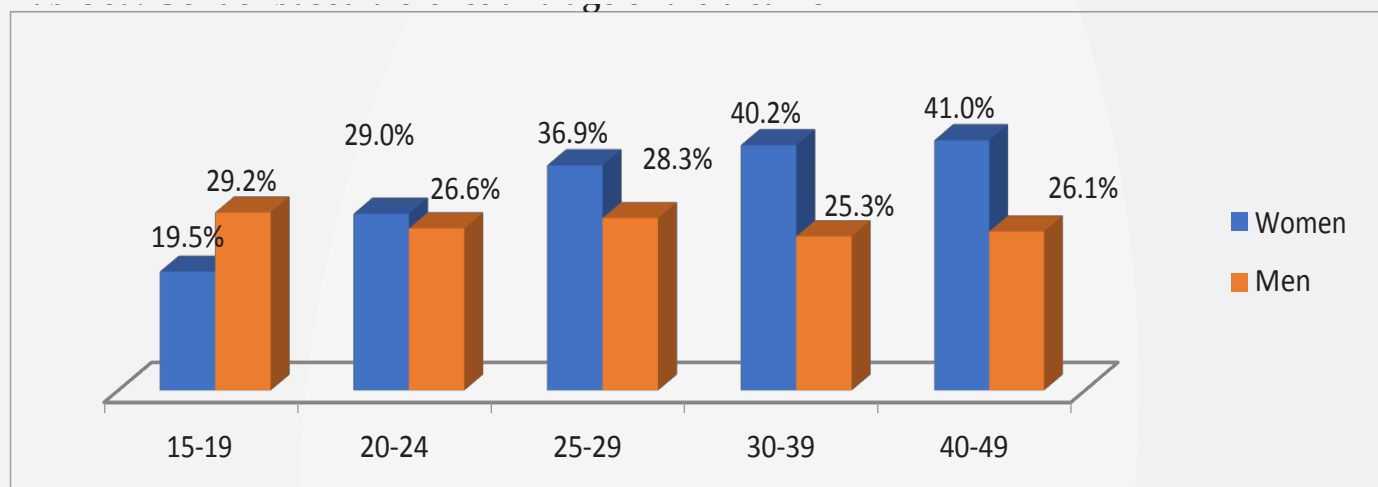
UN Women defines gender based violence as harmful acts directed at individual or a group of individuals based on their gender. The root causes are gender inequality, abuse of power and harmful social norms. While men are also victims of gender based violence, women are more susceptible. On the same count, Violence against women and girls is defined as any act of gender-based violence that results in, or is likely to result in, physical, sexual or mental harm or suffering to women and girls, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life.

In Kenya, the issue of gender based violence is deep rooted both in the current and past. The key roots of the violence identified in the UN Women definition are a present and real. First, on gender inequality, men have traditionally dominated women in almost all spheres of life. This domination is likely to result to a degree of psychological belief among men (and probably some women) that men are naturally superior. Closely related to this is the likelihood of men abusing their power to perpetrate violence against women. This could be economic, or physical power. Lastly, most traditional African societies have social norms that unequivocally place men as more superior to women, require women's acceptance of their place and in the end fuel and accept gender based violence.

According to data, gender based violence is consistently higher in women than men in all age groups between 24 and 49 years of age. It is only for girls and women between age 15-19 that gender based violence experiences are lower than that among men at 19.5% against 29.2% respectively.

Between the ages 30-49, women experience gender based violence way too high than their male counterparts. The difference is a whole 15% points. Though there are no reasons brought forward, it is most likely that this could be happening around married couples under the challenges of parenting and domestic home management. At this age group, it is also likely that women become more assertive in challenging gender norms something that is likely to trigger violent responses from men in their lives.

Table 39. Gender based violence and age of the victims

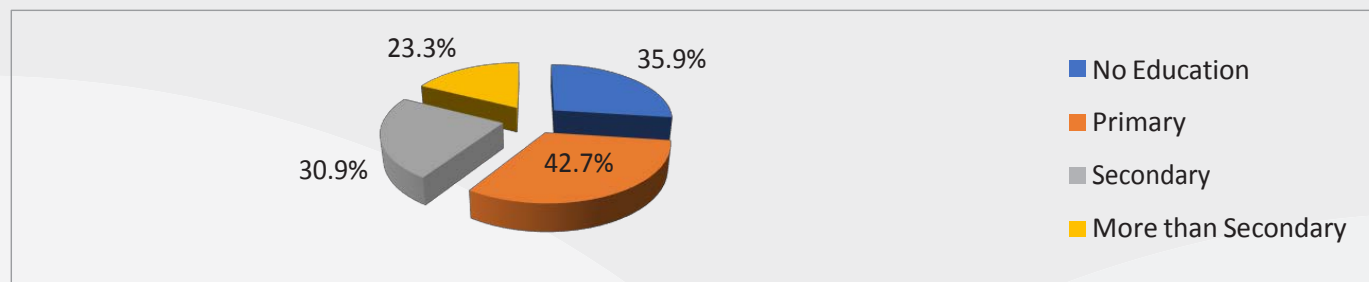


Source: Authors computation from the KDHS 2022.

It is clearly discernible from the data that the likelihood of a woman experiencing gender based violence in Kenya is strongly correlated to their level of education. The risk goes lower as the subjects attain higher levels of education. Those with only Primary level of education are at 42.7% risk. This falls to 30.9% risk level for those with secondary school level of education and falls further to 23.3% for women with post-secondary level education.

Various reasons can be used to explain this. First, it is likely that as women get more educated, they get more assertive in resisting tendencies by men to inflict any form of gender based violence on them. Secondly, it is also possible more educated women have more choices in life and therefore are better placed to make decisions that would help them avert gender based violence. It could also mean that more educated women are likely to pair up with equally educated men who have managed to acquire enough knowledge to resist and challenge societal norms that expose women to gender based violence.

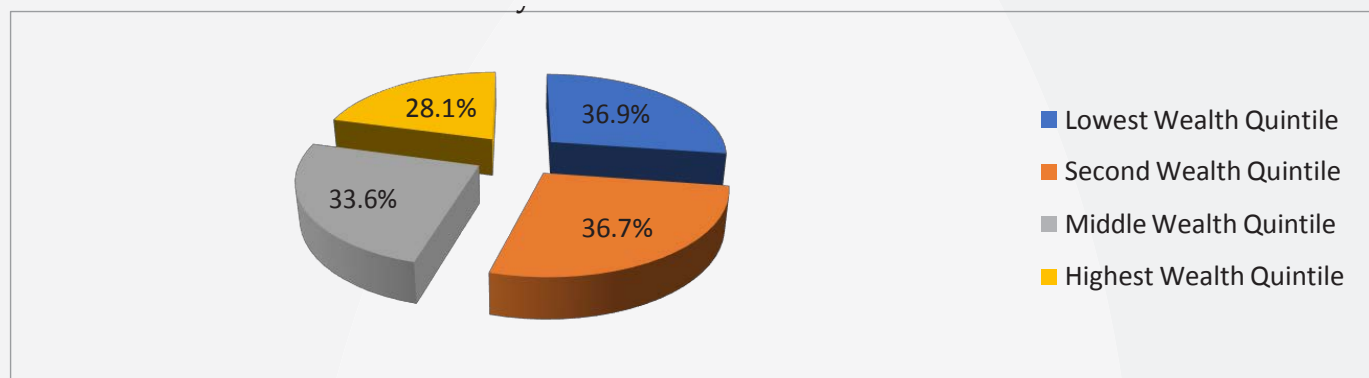
Table 40. Gender violence and the level education of the woman



Source: Authors computation from the KDHS 2022.

The level of woman’s wealth or economic class also determines the likelihood of encountering gender based violence. Women at the lowest quintile of wealth face the highest risk at 36.9% as compared to the richest quintile at 28.1%. Across the quintiles, the probability of gender violence falls within rising economic power. Just like in education, a wealthier woman has more choices, some of which can help her evade/ avert the risk of gender based violence. Access to information is also likely to be more among the rich echelons and therefore more likely to avert the risk. Among the poorer classes, the women are more likely to be living in more traditional settings where societal norms including those that support gender based violence are still respected.

Table 41. Gender based violence by economic classifications



Source: Authors computation from the KDHS 2022.

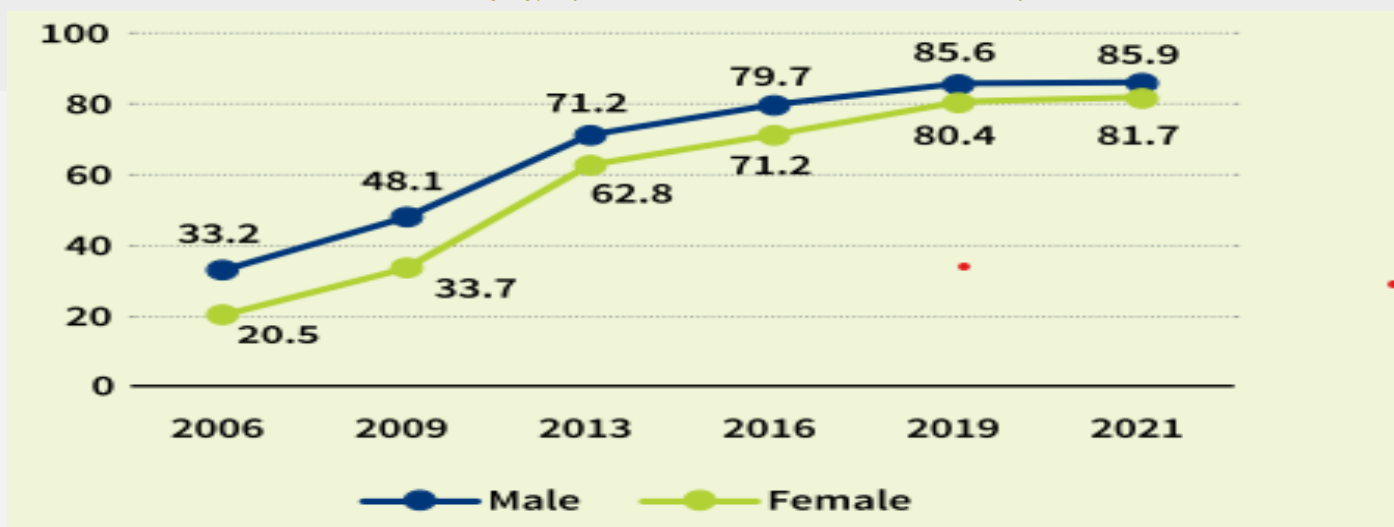
8.3 Women Access to Financial Services in Kenya

The World Bank defines financial inclusion as a situation where individuals and business can access appropriate and affordable financial product and services that meets their needs. In the Kenyan situation regard to this would point the ease with which men and women would access services provided by different financial institutions. Such would include banks, saving societies, building societies, cooperative societies, mobile money transfers among others.

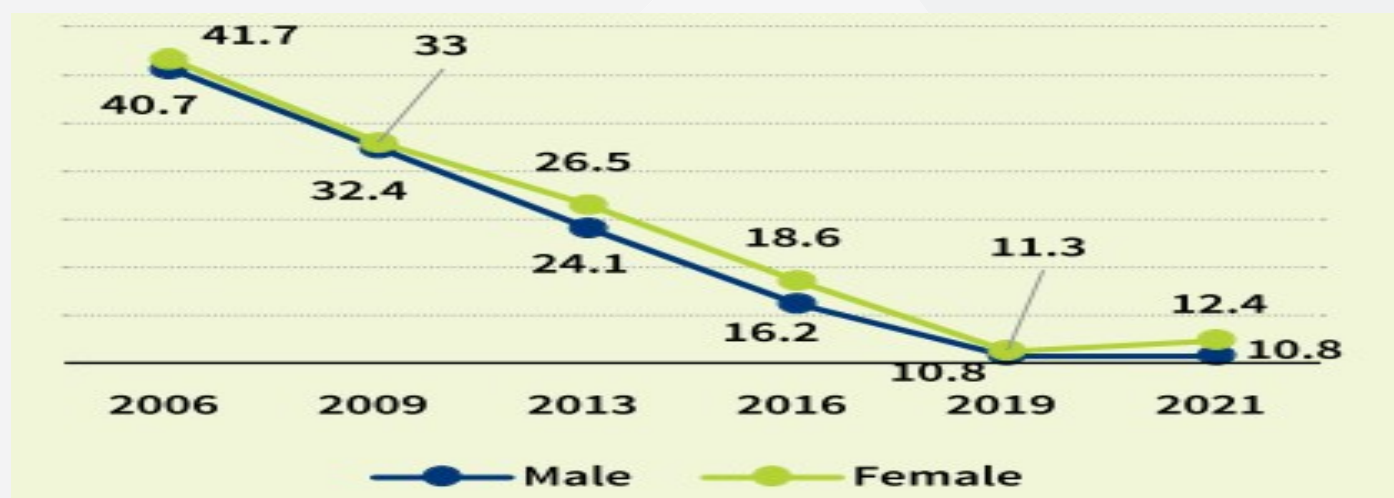
According to Fin access household survey 2021 conducted by the Kenya National Bureau of Statistics, there has been a steady rise of proportion of Kenyans who access formal financial services between year 2006 and 2021. Within this period however, the proportion of women has been lower than that of men. The encouraging bit is that the gap has been converging over the years. In 2006 and 2009, the gender gap was 12.7 and 14.4% respectively. This gap fell to 5.2% in 2019 than 4.2% in 2021.

Financial exclusion has generally been falling across the years for both men and women. In year 2006, it was 41.7% and 40.7% among women and men respectively. By 2019, the level of exclusion had fallen to 11.3% for women and 10.8% for men. In terms of exclusion however, the differences between men and women has not been significant across the years.

Table 42. Trend in Access to Financial Services by Type of Service Provider, 2016 and 2019, male and female



Source: Fin access household survey 2021



Source: Fin access household survey 2021

Data on specific access to financial services indicates that the most accessible mode of financial access is the mobile money transfer services. A total of 76% women and 83% men have access to this platform. When it comes to formal bank accounts, 34% women have active banks accounts as compared to 48% men in 2019. Among all types of financial services providers however, it is only for informal groups (Chamas) where the level of access is higher among women than men at 37% and 31% respectively. This is understandable given that women dominate the small scale informal economy with the formal economy being in the hands of men. It is probably true also that the level of interpersonal trust among women is higher therefore the strong tendency to utilize informal financial services among friend's neighbors and associates. Access to financial resources by women remain much lower than that of men.

Table 43. Proportion of Individuals Who Access Financial Services by Type of Service Provider, 2016 and 2019 On Women

| No | Financial service provider | 2016 | | 2019 | |
|----|----------------------------|--------|------|--------|------|
| | | Female | Male | Female | Male |
| 1 | Bank | 31 | 47 | 34 | 48 |
| 2 | Insurance (including NHIF) | 17 | 30 | 25 | 38 |
| 3 | Mobile money | 68 | 76 | 76 | 83 |
| 4 | MFI's | 5 | 3 | 2 | 2 |
| 5 | SACCOs | 10 | 17 | 9 | 14 |
| 6 | Informal group | 51 | 31 | 37 | 23 |
| 7 | Pension | - | - | 7 | 8 |
| 8 | Digital Apps Loans | - | - | 8 | 17 |

Source: KNBS (2022): Women and Men in Kenya Facts and Figures

8.4 Women Rights to climate Change, Action and Health Environment

Women and climate change

Climate change remains one of the greatest challenges facing humanity. The effects have been unpredictable weather patterns including floods, elongated droughts, heat waves and snowing. The effects of these changes have been numerous and devastating. The horn of Africa region has for example recently experienced one of the most serious droughts leading to massive crop failures and death of livestock.

Among countries and regions, the effects of climate change differ. The sub-Sahara Africa region including Kenya is more devastated by the effects than other regions round the globe. The region also suffers from serious weakness to mitigate against the effects of climate change. The implication is that countries like Kenya are more prone to the phenomenon while at the same time has little capacity to shield the population from the ill effects.

Across gender, women are more susceptible to the effects of climate change due to social cultural normal around land ownership, gender roles and wealth and income inequality. According to UN Women, climate change is never gender neutral; it affects women more than men. Women experience more devastating effects of climate change than men. This ends up deepening the existing inequalities.

Women constitute majority of the world's poor and rely more on natural resources that get affected by climate change. Women have gender attached roles to look for food, water and firewood, all derived directly from natural resources. When there is severe drought, water sources diminish forcing women to spend more time fetching the commodity or in some cases girls dropping out of school to help fill the domestic labour gap.

Women are also mainly employed in the agricultural sector in the rural areas. When vagaries of weather including droughts and floods, affect the sector, women are more disproportionately affected through layoffs, food shortages and displacement.

There is a lot of action plans and responses aimed at mitigating the effects and responding to climate change. Due to the historical marginalization of women in the public arena, women may not have their voice well in these forums and therefore lose out in the opportunities that may arise. This position was well amplified by one of the respondents who noted- "Climate change that leads to water scarcity affects women more than men, thus women need to be involved in climate change and action decision making spaces"

United Nations Development Programme also notes that though a third of women's employment worldwide is in agriculture, they only own 12.6% of the agricultural land. This lopsided ownership means that when governments respond with aid to mitigate against climate change, women only receive 10% of the share.

Climate change has also been observed that climate change is a major driver to inter communal conflicts leading to displacements. Such displacements rob women access to housing rights, human dignity and expose them sexual violence like rape and defilement.

18.0. Nominated and Elected Leaders with Disabilities

The Constitution has clearly provided for the inclusion of minorities in all echelons of public leadership and governance, Article 10 of the constitution identifies inclusiveness and equality as part of the national values and principles of governance. More specifically, Article 54(2) requires the state to work towards progressive realization of the principle to ensure at least 5% inclusion of persons with disabilities in public elective and appointive offices. This is further emphasized under Article 81 (c) that obligates the electoral system to ensure fair representation of persons with disabilities.

For elective positions, people with disabilities still have major challenges winning seats. Out of 1,948 elective positions, only 3 persons with disabilities were elected by 2020. This is a huge underrepresentation contrary to the existing legal provisions.

It should be appreciated that people with disabilities face overlapping challenges and vulnerabilities that would push them from competing on an equal footing with their counterparts without disabilities. Access to education for the persons with disabilities is challenging. In the long term, this locks them from job opportunities which in turn denies them the resources and exposure that would allow them to run a successful political campaign.

Persons with disabilities would also likely suffer from negative social norms that would make them less likely to win positions in elective leadership. Data indicates that out of 45 persons with disabilities serving in elective institutions by 2020, only 3 were elected. The rest 42 were nominated. This reflects to a paltry 7%, a very

low figure for a country with various constitutional and legislative commitments on inclusiveness. However, looking at the nominations, there is a positive light in terms of gender representation. Out of the 42 nominated persons, 24 (57%) are women. This helps respond to gender and disability inclusiveness at the same time.

Table 44. No of Nominated and Elected Leaders with Disabilities by 2020

| Party | Category | Nominated | | Elected | | Total |
|--------------|----------|-----------|-----------|----------|----------|-----------|
| | | Males | Female | Males | Female | |
| Jubilee | MCAs | 5 | 12 | 0 | 0 | 17 |
| | MPs | 1 | 0 | 0 | 1 | 2 |
| | Senators | 1 | 0 | 0 | 0 | 1 |
| ODM | MCAs | 4 | 5 | 0 | 0 | 9 |
| | MPs | 0 | 1 | 1 | 0 | 2 |
| | Senators | 0 | 1 | 0 | 0 | 1 |
| Wiper | MCAs | 2 | 3 | 0 | 0 | 5 |
| | WR | 0 | 0 | 0 | 1 | 1 |
| KANU | MCAs | 3 | 0 | 0 | 0 | 3 |
| ANC | MCAs | 1 | 1 | 0 | 0 | 2 |
| PPK | MCAs | 0 | 1 | 0 | 0 | 1 |
| MCC | MCAs | 1 | 0 | 0 | 0 | 1 |
| TOTAL | | 18 | 24 | 1 | 2 | 45 |

Source. WFD (2020). The State of Political Inclusion of Persons with Disability (PWDs) within Political parties in Kenya

Table 45. Representation of PWDs in the political party's decision making organs

| Party | Representation of PWD in the NEC |
|--------|--|
| JP | 4 officials of PWD league in the NEC 1 (NDC) County chairpersons of National Governing Council (NGC) |
| ODM | Secretary for PWDs among the national party officials 1 PWD (ODM Disability League) as part of NEC 2 PWDs from each county in the NDC NGC has no provision for PWDs |
| FORD-K | 1 PWD in the NEC |
| WDM-K | 2 PWDs in NEC |
| ANC | 1 in Amani Council (formerly NEC) |
| MCC | 1 PWD in the NEC |
| KANU | 1 PWD in the NEC |
| GCK | 1 PWD in the NEC |

PPK ·1 PWD in the NEC Source. WFD (2020). The State of Political Inclusion of Persons with Disability (PWDs) within Political parties in Kenya

19.1 Conclusion and Recommendations

Kenya has a very elaborate legal and policy framework to uphold and promote gender equality and empowerment of women. The Constitution of Kenya 2010 sets a very rich reservoir to draw from and even further develop corresponding legislation to deepen women rights in Kenya. A great deal of this work has been accomplished.

However, gaps still remain if the vision of fully empowered women enjoying equal opportunities with men is to be realized. The most notable gap is the failure of Parliament to enact a legislation to ensure enhanced representation of women as required under Article 100 and as a way to realize the two thirds gender rule as provided under article 81 of the constitution.

The report also observes that even where laws have been put in place, there are challenges of implementation. The intentions of formulating laws to help women access better opportunities are well meaning but the intended benefits are less evident.

In terms of access to productive resources, women still find it harder to own land both for agricultural and non-agricultural purposes. The implication is that while women are the majority in the agricultural sector, they do not have legal rights to the agricultural produce. Further, they have no exercisable right to charge the land to secure finances to develop the land and improve productivity.

Challenges for equity for women are multi-dimensional and can only be resolved if approached as such. Women living in the rural areas, with low levels of educational achievement and often with less incomes and wealth are more likely to accomplish less in life. They are also locked out of most opportunities.

Though many Kenyan societies have moved away from negative social norms that held women back, the effects of negative cultural practices and beliefs still hold women back. Norms around gender violence, women and property rights and political participation still hold sway.

The report recommends the following-

Formulation of the two thirds gender rule- Parliament should move with haste and review the electoral system with a view to actualize section 81 of the constitution. Constitution of Kenya 2010 is almost 15 years old and this gap remains gaping. Three election cycles have been held without the realization of this aspiration. It would be a great achievement if the legislation is in place before the next electoral cycle.

Removal of structural barriers to women empowerment- the report observes that though opportunities from women to enjoy better opportunities exist, there are structural barriers like rural- urban divide, low education levels and poverty that hold women back. The government should put efforts to promote education for girls as it has been observed a great enabler to the enjoyment of other rights including political participation, property rights and even health rights. Alongside this should be tackling poverty with due regard to existing gender imbalances.

Confronting negative social norms and cultural practices- There should be concerted effort by the government and the civil society to help women confront and challenge social norms that hold them back. Educational and advocacy campaigns should help dismantle societal perceptions that women are less deserving of opportunities in leadership, property ownership and social service delivery. Even where positive legislation has been passed, the full effect will not be realized till the negative cultural norms that cemented to previous dispensation is confronted.

Deepening social protection programmes- Social protection programmes are a great intervention to provide amends on gender inequality in the short and the medium term. The government should formulate and strengthen programmes to further promote education for girls and women, access to health and education services and raise the voice of women at the household and community level. Cash transfers to poor households could go a long way to allow girls remain in school and help women access nutritional food especially for young child and in pregnancy.

Strengthen political participation for women through political party Reform-Political parties should strengthen their space for women as candidates and wherever possible grant women preferential opportunities to view. While data indicates women constitute 49% of the political parties' membership, the marginal representation of women in elective positions is reflective of limited opportunities granted to them by the parties. Even as the country pushes for the two third gender rule, parties could offer respite to their female membership. In addition, there is need for concerted effort and multi-agency approach in enhancing women right to political participation, this would include actors like ORPP, IEBC and CAK. It is evident that, out of total 90 registered political parties, only 5 are women led, this demonstrates a serious equality gap.

OneKII pointed out Women involvement in climate change action- research has indicated that women are more affected by the negative effects of climate change than men. This even more in poor countries like Kenya where climate change has resulted to adverse weather patterns, low food production, loss of livelihoods and girls dropping out of school. The report recommends that women should equally be represented in spaces and forums where the issue of climate change is discussed to introduce a more gender responsive approach to the climate emergency. In addition, there is need for bottom up approach by getting out of boardroom and conferences and go on the ground and create awareness on how women should participate in climate change and action initiatives

Opportunity cost for not implementing the policies and legislations on women rights. The study revealed that there are good policies and legislations in place with regards to women rights but there is lack of or limited political good will to implement the same. In this regard, there is need for further research and evidence based advocacy to understand what it would cost the country by not implementing these legal provisions on women rights.

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