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**KENYA'S INTRODUCTORY STATEMENT DURING  
THE PRESENTATION OF THE 5<sup>TH</sup> AND 6<sup>TH</sup>  
COMBINED REPORT ON THE CONVENTION  
ON THE ELIMINATION OF ALL FORMS OF  
DISCRIMINATION AGAINST WOMEN (CEDAW)**

TO THE

39<sup>TH</sup> SESSION OF THE UNITED NATIONS  
COMMITTEE ON CEDAW

*PRESENTED BY*

**HON. ALICEN CHELAITE, MP.**  
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Chairperson,

Allow me to begin by congratulating you for being elected to chair the 39<sup>th</sup> Session of the Committee on the Elimination of all Forms of Discrimination Against Women (CEDAW). It is indeed a great honor and privilege for me to lead Kenya's delegation and to share with you how Kenya has continued to fulfill her commitment to implement the provisions of the Convention.

Chairperson,

Kenya ratified CEDAW in 1984 and has since remained faithful to its obligations by submitting periodic reports as set out in the Convention. I wish to inform this Committee that, while preparing the 5<sup>th</sup> and 6<sup>th</sup> report, Kenya adhered to the reporting preparation guidelines that are outlined in the Convention. In recognition of the significant role of other actors in the implementation of CEDAW, the government of Kenya ensured the participation of Non Governmental organizations, civil society and community based organizations therefore making the process all-inclusive and truly representative of the situation in Kenya and a true reflection of initiatives undertaken to eliminate all forms of discrimination against women.

Chairperson,

There are many gains which have been made since Kenya presented its 3<sup>rd</sup> and 4<sup>th</sup> report. Considerable efforts have been made to implement several measures to address discrimination against women and girls. The Kenya's 5<sup>th</sup> and 6<sup>th</sup> combined report on CEDAW contains legislative, policy, administrative and programmatic measures undertaken within the context of the Convention. It further highlights the gaps and challenges faced in implementing the provisions of CEDAW.

Chairperson,

The government has taken steps to ensure that gender issues are addressed systematically. This has been made possible through Parliament's approval of Sessional Paper No. 2 of 2006 on Gender Equality and Development which provides a comprehensive framework for gender responsive programming. Currently a Plan of Action for the implementation of the Gender and Development Policy is being finalized.

The government recognizes the need for effective National institutions and mechanisms for the advancement of women. These institutions and mechanisms include the Ministry of Gender, Sports, Culture & Social

Services, Department of Gender and Social Services and National Commission on Gender and Development. The Government has embarked on the process of strengthening these institutions and mechanisms by, among others, deploying and recruiting additional professional staff and plans to equip the existing ones with the appropriate gender mainstreaming skills.

To this effect, I am pleased to report that a Gender Secretary has been appointed whose duties and responsibilities include:

- ◆ Formulating, planning, reviewing and implementing Gender responsive Social Development policies and programmes,
- ◆ Facilitating Gender mainstreaming in the public and private sector,
- ◆ Promoting the production of sex disaggregated data.
- ◆ Facilitating domestication and implementation of resolutions made at International and regional engagements;
- ◆ Coordinating and harmonizing implementation of the National Policy on Gender and development;
- ◆ Providing overall guidance on the Departmental Programmes on Community Development, Community support Capacity Programme, Social Welfare and Persons with Disabilities.

I am also pleased to report the on-going appointment of Gender officers at senior levels in Government ministries and parastatals to facilitate gender mainstreaming in their sectors. We consider this initiative as a significant step towards the promotion of Gender Equality and women's empowerment.

Chairperson,

As mentioned in Kenya's periodic reports, gender equality under the Constitution remains a challenge. Significant progress had been made on equality between women and men in the Proposed New Constitution that Kenyans voted against in the referendum held in November 2005. The provisions relating to advancement of women and gender equality were, however, not controversial. The provisions were comprehensive and reflected the CEDAW principles. However, the government has re-initiated constitutional reform discussions and through minimum amendments, it is expected that the provisions of CEDAW will be addressed.

Meanwhile, as an alternative strategy for legislative reforms envisaged to enhance compliance with the provisions of CEDAW, the government through the Kenya Law Reform Commission has undertaken a comprehensive review of marriage laws, gender equality and Affirmative

Action laws to address issues of equality between women and men. These legal reforms are contained in several bills to be tabled in parliament.

The bills include the Equality Bill of 2007 which captures the definition of discrimination in accordance with Article 1 of CEDAW. The Employment Bill of 2007 currently pending debate in parliament, outlaws discrimination on the basis of race, colour, sex, language, religion, political, nationality, ethnic, social origin, disability, pregnancy, mental or HIV status.

Chairperson,

The Government through a consultative process is developing a National Policy and Action Plan on Human Rights whose output will be a public document that will form Kenya's comprehensive policy on human rights. This initiative is based on the recognition that lasting improvements in human rights promotion and protection especially for women and other vulnerable members of society rests with the government. The policy is also a demonstration of the stated desire of the government to establish Kenya as a human rights state.

Chairperson,

Through the efforts of the judiciary, statutory forms on inheritance matters have now been lifted from the Succession Act making them easily available to widows and orphans thus enabling them to petition courts for grants of letters of administration, access their deceased husband's or parent's estates and properties respectively, without using lawyers. In addition, the government has been offering free legal clinics especially to women with inheritance problems. The Cabinet has also approved the implementation of a legal aid scheme for the poor and vulnerable members of society in order to enhance their access to justice. Since women constitute the majority poor, they will benefit from a strengthened Legal Aid Scheme.

Chairperson,

The government of Kenya recognizes that the participation of women in key leadership positions contributes significantly to development. As noted in our report, there has been increased representation of women in appointive positions with most national institutions now having a one third women's representation provision enacted in their constitutive legislation. The most notable measure is the directive by the President of the Republic of Kenya that 30% of all appointments, recruitment, promotions and training should be reserved for women. This provision which will be raised to 50% is expected to ensure gender parity in decision-making.

Chairperson,

Similarly, deliberate efforts have also been made to increase women representation in the judiciary as well as the diplomatic corps, from 9 to 12 (judges) and from 7 to 11 (ambassadors) from 2003 to 2007 respectively.

At parliamentary level the current number of women members of parliament is 18, which is the highest in the history of Kenya. Of these, 2 women head key ministries: Justice and Constitutional Affairs and Ministry of Health while 6 hold the positions of Assistant Minister.

Chairperson,

With respect to gender violence which is noted to be on the increase in Kenya, the government has taken concrete measures to address this problem. These include

- establishment of the first police station that specifically deals with women and children who are victims of violence,
- setting up of gender desks in every police station in the districts through out the country and
- training of law enforcement officers on gender issues and human rights.

Of significance is the Sexual Offences Act, 2006 which provides definitions of sexual offences, prevention and protection of all persons from harmful sexual acts. In this regard, a multi-sectoral task force comprising key government ministries and civil society has been appointed to prepare and recommend a national policy and guidelines for the implementation and administration of the Act for the purpose of securing accessible and uniform treatment of sexual offenders.

It is also important to note that during the opening of the 9<sup>th</sup> Session of Parliament, the Head of State specifically mentioned the Domestic Violence (Family Protection) Bill as a priority in order to address violence against women.

Chairperson,

As stated in our periodic report, the Children's Act, 2001 outlaws Female Genital Mutilation (FGM) and early marriage. Enforcement of the Act has however been faced with challenges some of which are social and cultural in nature. Statistics show that perpetrators of violence are mainly family

members or relatives most of whom are the breadwinners. Many victims are therefore unwilling to have them arrested due to the anticipated negative social and economic implications.

As a result the government has initiated some measures through the provincial administration to ensure the arrest of perpetrators of FGM and early marriage. There are other strategies which include involvement of communities to find their own solutions to curb the practice. An example is the Intergenerational Dialogue Approach being piloted in 5 districts which involves discussions between elders and the youth on the practice of FGM.

There are other efforts from NGOs, community based organizations and faith based organizations who have continued to supplement government's efforts to end FGM. These have produced training programmes, developed educational materials and conducted awareness raising campaigns aimed at different target groups such as practicing community, health professionals, the police and the media. There are other training programmes that target traditional circumcisers to enable them become change agents in their communities and orient them to engage in alternative income generating activities.

As indicated in our periodic report, the Inter-ministerial Committee on FGM that has been set up by government will also ensure that efforts to curb the practice are approached multi-sectorally and systematically. A national situation analysis on FGM has already been undertaken whose findings and recommendations will guide future programming on the practice.

Chairperson,

The free primary education introduced by government in 2003 has brought significant changes in the sector. I can confidently state that Kenya has virtually achieved gender parity in primary school enrolment at the national level. According to the National Economic Survey of 2007, enrollment at primary school stood at 51.1% for boys and 48.9% for girls in 2006 compared to 51.3% and 48.7% in 2003 respectively. In order to progressively ensure access to secondary and post secondary school, the Higher Education Loans Board has been providing loans and bursaries for needy and disadvantaged children. Besides, a Gender and Education Policy has been formulated in recognition of the need to eliminate gender disparities and enhance gender equality. The Policy further seeks to address enrolment of children with special needs which is still very low especially for girls.

Adult Education has also been given special emphasis with a view to eradicating illiteracy and promoting life long learning among adults and out of school youth. The Kenya National Adult Literacy Survey Report of 2007 indicates that gender disparities exist with 58.9% women compared to 64.1% men with minimum mastery levels. This concern is being pursued through the Millennium Development Goals (MDGs) and Education For All (EFA) targets on literacy which aim at improving literacy levels by 50% and achieve gender parity by 2015.

Chairperson,

As regards employment, the Employment Bill which I earlier mentioned provides for equal remuneration of women and men for work of equal value. There is also a draft Sessional paper on Employment Policy which proposes a comprehensive strategy to address unemployment by promoting full, productive and decent employment. At the same time, strict enforcement of the Sexual Offences Act 2006 and the Public Officer Ethics Act 2003 will ensure that sexual harassment at the workplace is a thing of the past.

Chairperson,

In order to address issues pertaining to credit, the government through the Ministry of Labour has been mobilizing, sensitizing and training women to give them a better chance of accessing funds from microfinance institutions. Similarly, the Inter-ministerial Committee on Grants to self-help groups in the Ministry of Gender, Sports, Culture and Social Services has been significantly contributing to women's economic empowerment. The Women Enterprise and Development Fund that was conceived in December 2006 by the Government, is a strategic move towards addressing poverty alleviation through social-economic empowerment of women. In this regard, the government has set aside an initial Kshs 1 billion in the 2007/2008 financial year for the fund. The fund will facilitate enterprises and development initiatives among women through a revolving loan disbursement.

Chairperson,

As noted in our earlier reports, Kenya has neither ratified the Optional Protocol on CEDAW nor any other optional protocols. In seeking to ensure ratification of the protocols, the government established an inter-agency committee in January 2005 to consult on the implications of ratifying optional protocols to international instruments. A stakeholders forum has



been scheduled for October 2007 to deliberate and make recommendations on the issue.

The government of Kenya also appreciates the importance of amending Article 20 (i) of CEDAW. I wish to inform you that a Cabinet Memorandum has been prepared recommending the amendment of this article to enable the Committee to meet more frequently and effectively fulfill its duties similarly, the Attorney General has also advised on the same.

Chairperson,

To conclude, I wish to assure you that the government of Kenya will take all the necessary measures to ensure that the following four bills are enacted:

- The Domestic Violence(Family Protection) Bill
- Matrimonial Property Bill
- Equality Bill
- Affirmative Action Bill

Concerted efforts will also be made to ensure intensive enforcement of the existing laws such as the Children's Act, 2001, the Sexual Offences Act, 2006 and the Public Officers Ethics Act, 2003. By doing this it will be possible to identify further gaps and challenges faced in the implementation of the laws so that the appropriate interventions can be put in place. The government will further embrace the Concluding Comments arising out of this 39<sup>th</sup> Session of the CEDAW Committee and endeavour to ensure they are speedily acted on, in the spirit of enhancing implementation of the Convention.

Thank you!

