



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF THE PRESIDENTIAL ADVISOR
ON WOMEN RIGHTS

Speech on the Launch of the Report on Discriminatory Laws Affecting Women and Girls

**REPORT TITLE: "Strengthening Gender Equality in
Law: Mapping Discriminatory
Laws Against Women and Girls in Kenya".**

DATE: 24th April 2024

VENUE: Fairmont the Norfolk Hotel, Nairobi

TIME: 9.00am to 12.30pm

Just Hellen Omondi

- Ms. Christine Agimba, Chairperson, Kenya Law Reform Commission
- Hon. Dr. Nancy Barasa, Lecturer Nairobi University
- Ms. Faith Mony, President, Law Society of Kenya
- **Esteemed Colleagues, activists for equal and all those who champion justice;**

On a light note ,,,,

I have noted everyone before me have pointed on time as a factor to speed up today's discussions , and my good friend teresa has gone ahead to point the presence of gvt as a factor to limit time ,

I can assure you PS Aurelia Rono and I are not in a hurry because we are here as part of our work and to serve this country

Dankun ,,,, said , we Change rules, change context and I add we must also change our attitude as a society towards women and girls ,,,,,, currently we are too cruel to children

Chair Ngec received me and she said " the war continues " i joked back and said ,that is the women's space ,,,,,,the question i have asked myself since I got into office is ""WHY ! why is women's space so volatile ? why is gender related issues that look and sound so easy to crack yet so difficult

allow me to give this story , when I got into into office , I had a set of visitors came to see me ""one set came to warn me that the space of women has its own people owners / cartels

another said YOu are too young to advise the presidentMy day one 1 in office a colleague asked me whether my work will be to make noise at H.E (I said yes ; good noise to deliver the women's agenda)

there was a whole set that came in to say they want me to shine ...this set i found very interesting because there's really nothing tonshine about on matters atrocities met against women and children ` its really a space that need dedication sacrifice and all hands on dec ,

another set , sat me down and said we are here we shall ensure you Deliver for women and girls ,you can all guess the set of visitors i have kept to date

Good morning ladies and gentlemen

- 1. "A strong woman stands for justice, fights for equality, and empowers others through the law." – Dr. Nancy Baraza gave me my first mic, and here I am today because she**

empowered me. So please join me in appreciating her. I am here because she gave me an opportunity as a student and I am forever grateful to you Dr. Baraza. Ladies and gentlemen we must carry others with us , we must make others to be better than us and that's why today I am so proud of LSK president Faith , she was in my first campaign team for LSK and she carried the fight to break the tie that a VP of LSK cannot be President .

2. I belong to the school of thought that laws are there to be reviewed and amended in line with the needs of the society at any given time. It is therefore my pleasure to join you today as we unveil this critical report that contributes to the work that my Office will reference to In ensuring within the women's rights space in Kenya.
3. The President's vision for Kenyan women is that they enjoy their rights to the fullest and that is why my office was created. Let us also note that for the first time in history, we have a stand alone Ministry of Gender thanks to this vision. The core mandate of my Office is to advise His Excellency the President on matters pertaining to Women Rights. Our Office further supports the coordination and adoption of the Women's Agenda across all sectors, as outlined in the Bottom Up Economic Transformation Agenda (BETA) plan and Women's Charter. We carry out our mandate within four key pillars - legal and social justice; leadership and democratic participation; women economic empowerment and investment; and research and data.
4. We define ourselves as difficult women not because we are rude but because we must be difficult to cause positive disruption if we must deliver the blueprint for women in this country .For instance, why do we still have national interviews and corporate

interviews where generic insensitive questions are asked: how old are you ,are you married ,how many years of marriage , how many children

5. The Courts especially the childrens court has become a play area tomtose children around .Why should it be a debate who should pay fees within the family set up !
- 6.
7. Looking at the report, I see that about 80% of the laws that have been reviewed are those that my Office has been tasked to look at and this makes our work much easier. I have a dedicated team looking at legal justice and I am therefore happy to make use of well researched reports for the many advisories that look into improving the status of women's rights in our nation.
8. The review of laws that has been done through this report, is one way of empowering the women through the law. I want to challenge us to go further. Let's look at emerging issues that might need reframing of laws or new laws. For example, the Technologically Facilitated GBV, Sextortion, Femicide, Obstetric Violence and many others.
9. My team and I have been traversing this country listening to women and girls, and taking note of the anecdotal evidence that sometimes misses in the research to make a case for certain changes. Speaking with widows, I have seen the issues raised under succession and inheritance and I acknowledge that we need a review. The beauty of women's right work is that no one can do it alone. That is why government, academia, civil society and development partners need to continuously work together for there to be meaningful change.

10. My office is more than willing to work with like minded institutions and am pleased that we have started conversations with Kenya Law Reform Commission, Law Society of Kenya and the Judiciary to review all laws pertaining to women and children. I therefore encourage that all the government agencies charged with the responsibility of reviewing, amending, drafting and advocacy come together and fast track the review process.
11. I have engaged with DATA 2x as I advocate within the government for the need for gender data. This is to help inform the change that is much needed not only in law but also in budgeting for development. You all agree with me that evidence based advocacy is what is needed to bring more people to the table so that we can make the change that is needed for the benefit of women and girls.
12. As a long-standing advocate of the High Court of Kenya, I am aware that Kenya has a strong legal framework and national policies. The biggest gap we have is implementation of these rules, laws and regulations. This is attributed to duty bearers not playing their role fully but also the fact that patriarchy is not asleep. We therefore cannot afford to sleep.
13. This is why my Office is intentional in spotlight areas that have long been neglected where women and girls are concerned. We are currently seeking to engage diverse stakeholders on matters of policy that require a shift. The just concluded Women in Procurement and Supply Chain Conference gave me an insight in what needs to be done and while it does not fit the law reform jacket, it speaks to areas that still have a policy gap that need reviewing. The Access to Government Procurement

Opportunities program requires strengthening to benefit more women economically.

14. I note the urgency of everything women and girl rights but I also note with joy that there is nothing impossible when we set our mind to it. We have an Executive that is keen to see women flourish economically as well as in leadership and therein lies our opportune moment to leave a legacy for those that come after us.
15. I again note with urgency the need for unpaid care domestic work to be recognised but I am happy that there is a policy underway; a time use survey finding the table and a bill in the senate. All these working together in modern day Kenya to begin the journey of recognising that '***There is no such thing as a woman who doesn't work. There is only a woman who isn't paid for her work.***'
16. I note with concern from today's report that a total of 9 laws or provisions must be repealed in whole or in part. 17 other laws must be revised or amended, and new laws must be enacted in 7 thematic areas to bring Kenya's legislative framework in line with its regional and international obligations on gender equality and women's empowerment.
17. I understand the scope of the study and the analysis conducted are focused on the key areas of discrimination against women and girls as articulated in the Convention on the Elimination of All Forms of Discrimination Against Women and the Maputo Protocol. The areas include marriage and family; succession and inheritance; political and public life; labor and employment;

sexual and reproductive health rights; sexual and gender-based violence and harassment; and nationality.

Esteemed Colleagues, Ladies and Gentlemen:

18. Imagine this report as a map, each entry a red flag marking a law that restricts a woman's right to choose her education, own property, or participate in public life. This map serves as a stark reminder of the challenges women face. It also validates that we are on the right path as an office in the journey that we have began.
19. As the women's servant in government, I urge us to work together to address the existing different standards for women and men in applying for a passport, choosing employment and recruitment processes, transferring nationality, participating in court proceedings, receiving inheritance, and deciding when and whom to marry, among others.
20. Kenya Law Reform Commission and stakeholders present, let us work together to strategically make the changes that need to be made. I commit to be the champion of women in the Executive. We need more players in Parliament that will help us shift things in the direction of women's rights and empowerment.
21. Let's leave here and do more for women and girls because in Africa we say, ***a woman is not done until she is done....*** and we are not done ladies and gentlemen...we are not yet done. So long as there is a widow sleeping out tonight because she has been disinherited, we have work to do. So long as a woman cannot enjoy rights as her male counterparts even in the work space, we still have work to do. So long as a woman and

a girl are discriminated against somewhere, we still have work to do.

22. Ladies and gentlemen let's get to work. We still have work to do! Allow me to stop here and declare the **"Strengthening Gender Equality in Law: Mapping Discriminatory Laws Against Women and Girls in Kenya"** report officially launched!

Hon. Harriette Chiggai
President's Advisor on Women Rights