



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

OPENING REMARKS DURING THE ROUNDTABLE MEETING TO DISSEMINATE THE REPORT ON DISCRIMINATORY LAWS AFFECTING WOMEN AND GIRLS

TOPIC: “The role of the Office of Presidential Advisor on Women Rights in Ensuring Equality and Equity for Women and Girls”.

DATE: 23rd October, 2024

VENUE: Fairmont the Norfolk Hotel, Nairobi

TIME: 8.00am to 1.00pm

- Hon. Veronica Maina, Senator, Kenya Parliament
- Mr. Dan Bazira, Deputy Country Representative, UN Women Kenya;
- Ms. Christine Agimba, Chairperson, Kenya Law Reform Commission;
- Dr. Mary Gaturu, Commissioner Kenya Law Reform Commission;

Esteemed guests, Ladies and Gentlemen;

Good morning!

1. On 24th April, 2024 I joined you here in launching the “**Strengthening Gender Equality in Law: Mapping Discriminatory Laws Against Women and Girls in Kenya**” report. It indicated that a total of nine (9) laws or provisions needed to be repealed in whole or in part. Seventeen (17) other laws were earmarked for revision or amendment.
2. The report also recommended the need to enact new laws in seven (7) thematic areas to bring Kenya’s legislative framework in line with its regional

and international obligations on gender equality and women's empowerment.

3. I am happy to be here today for the dissemination of the Report's key findings and recommendations, plus participate in discussions with key stakeholders to better understand the gaps and issues identified for reform in the Report.
4. My office was set up specifically to address women's rights matters. We exist to advise the President and advocate for women's rights within the Government and across the board, ensuring coordination across Government agencies and the implementation of both the Women's Charter and the Bottom-Up Economic Transformation Agenda (BETA).
5. My Office has conducted a comprehensive review of this Report. The scope of the Report study and the analysis conducted 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 (CEDAW) and the Maputo Protocol.
6. On **Marriage and Family**, your report indicated that discriminatory provisions exist around consent in marriage, particularly under customary and religious laws, such as in Muslim family law, where women may have fewer rights regarding choice and consent.
7. At the same time, it noted that women often face challenges in acquiring an equal share of matrimonial property due to cultural norms and legal provisions that do not fully protect their property rights during or after a marriage.
8. In this regard, my Office, in collaboration with relevant stakeholders, will spearhead legal reforms to address discriminatory practices related to consent, matrimonial property, and parental responsibility. By working closely with legal bodies such as the Kenya Law Reform Commission (KLRC), the Office will advocate for the review of marriage and family laws to align them with the Constitution and international human rights standards.
9. On **Succession and Inheritance**, the gaps identified were that women and girls are often excluded from inheriting family property under customary laws, which favor male heirs. These discriminatory practices persist despite constitutional provisions guaranteeing equality. The report also highlighted

that certain customary laws disinherit women, particularly widows, and daughters, from property ownership when a man dies without leaving a will.

10. To ensure that women and girls are not excluded from inheritance under customary laws, my Office will collaborate with the Judiciary and policymakers to push for reforms in succession laws. The Office will champion the rights of women to inherit property and work to eliminate discriminatory customary practices.
11. On **Sexual and Reproductive Health Rights**, the lack of comprehensive legislation on sexual and reproductive health, including maternity care, despite constitutional provisions ensuring health rights, must be addressed. My Office recommends advocacy for comprehensive legal frameworks supporting health rights.
12. Allow me to mention here the positive step by our Government in introducing wider and inclusive health insurance for all Kenyans under the newly-introduced Social Health Insurance Fund. For the first time ever, those in the informal sector and vulnerable groups are comprehensively covered.
13. Other areas recommended for review include political and public life; labor and employment; sexual and gender-based violence; and nationality.
14. There is an urgent need to review and reform all these laws to align with constitutional and international standards. Addressing these legal gaps is crucial for achieving gender equality and empowering women and girls to fully enjoy their rights and freedoms.
15. We acknowledge that Kenya has made significant strides in advancing women's rights. At this point, allow me to commend the Judiciary for launching five (5) additional SGBV courts in 2023 across the country to specifically deal with SGBV cases. The courts were opened in Siaya, Kisumu, Kibera and Makadara law courts, the latter two being in Nairobi.
16. The first ever SGBV court was launched at Shanzu Law Courts in April, 2022. The Chief Justice Martha Koome directed the courts to implement the 'no adjournment policy' when it comes to SGBV cases amid concern that 56% of adjournment of such cases was occasioned by external parties, for the reason that witnesses or parties fail to turn up to the courts. Bravo Madam Chief Justice!

17. Sexual and Gender-Based Violence (GBV) still remains a pervasive problem in Kenya, with women and girls disproportionately affected. According to the 2022 Kenya National Bureau of Statistics Survey (KNBS), 34% of Kenyan women have experienced physical violence since age 15, with 16% facing it in 2021.
18. To truly protect and empower women and girls, it is imperative to address the shortcomings in our legal system and prioritize reforms that promote gender equality and protect women's rights. This is with specific reference to the laws relating to family, marriage and divorce, matrimonial property, succession and inheritance.
19. We need to strengthen law enforcement mechanisms to ensure prompt investigation and prosecution of perpetrators. Other measures include increasing the number of specialized courts and robust support services for survivors of gender-based violence. These include shelters, counseling services and legal aid.
20. Targeted public awareness and education initiatives about the Constitutional rights to Equality and Freedom from Discrimination enshrined in **Article 27(1)** and to Economic and Social rights in **Article 43(1)** must also be undertaken countrywide for the message to reach far and wide.
21. My Office has been doing a lot of work with women especially widows and has noted that despite legal reforms in the lands sector, women continue to face challenges in owning, inheriting, and using land.
22. We all know that women's access to land is a critical determinant of their economic empowerment and security. In this regard, there is an urgent need for us to strengthen laws and policies that guarantee women's land rights. This includes securing women ownership and granting them equal rights to inheritance even in traditional land tenure systems.

Ladies and Gentlemen;

23. Kenya, being a patriarchal and culturally diverse society, is awash with repugnant and harmful practices that unfortunately gain centre-stage immediately the household father/husband passes away. Wife inheritance, dispossession of hard-earned family property and discrimination by local communities follows, negatively impacting widows.

24. In collaboration with key stakeholders, extending legal aid and support services to these widows and all other women facing land disputes, becomes a priority.
25. Women's economic empowerment is essential for achieving gender equality and social justice. There is therefore need to address gender-based discrimination in the workplace through laws and policies that promote equal pay, opportunities for advancement, and protection from sexual harassment.
26. When it comes to business, let us support women-owned businesses through granting them access to affordable finance, training, and markets.

Ladies and Gentlemen;

27. Women's participation in political decision-making cannot be gainsaid due to its importance in ensuring their needs and concerns are addressed. Subsequently the Government, in the Women's Charter and the Bottom-Up Economic Transformation Agenda, prioritizes the two-thirds gender rule.
28. In support of this commitment to the women of Kenya, we must implement measures to increase women's representation in elected offices, Government and decision-making bodies. For those considering elective offices, let us speedily address political violence against women, including intimidation and harassment.
29. We can effectively handle this through promoting political education and leadership training for women. We must also undertake impactful voter education and awareness campaigns to encourage women's participation in elections.

In Conclusion, Ladies and Gentlemen;

30. The proposed reforms contained in the Report need enactment, the work needs to go beyond the dissemination.
31. A multi-agency team is therefore required to come together and begin the review and implementation process of the proposals contained therein. My Office is ready and willing to host and coordinate the process.
32. The realization of women's and girls' rights is not only a moral imperative, but also a fundamental condition for the progress and development of our

nation. By prioritizing legal reforms in the areas I have discussed today, we will create a more just, equitable, and inclusive society for all.

33. Let us commit to working together to build a Kenya where women and girls can live their lives free from fear, discrimination, and oppression.

Thank you.

Hon. Harriette Chiggai

President's Advisor on Women Rights