



**Convention on the Elimination
of All Forms of Discrimination
against Women**

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**Committee on the Elimination of Discrimination
against Women**

Pre-session working group

Thirty-ninth session

23 July-10 August 2007

**List of issues and questions with regard to the consideration
of periodic reports**

Kenya

1. The pre-session working group examined the combined fifth and sixth periodic report of Kenya (CEDAW/C/KEN/6).

General

2. The report refers to three consultative meetings held between representatives of the Government and civil society in the process of preparing the report (para. 1). Please explain which Government departments were involved in the preparation of the report and whether it was adopted by the Cabinet and presented to Parliament before its submission to the Committee.

3. The Committee requested the wide dissemination in Kenya of the concluding comments on its combined third and fourth periodic report.¹ Please provide information about what has been done in response to that request.

**Constitutional and legislative issues, and national machinery for the
advancement of women**

4. The report notes that the Kenyan constitutional reform process would have addressed the question of constitutional equality for women, but that the proposed new constitution was rejected in a national referendum on 21 November 2005. Please indicate the particular issues and concerns raised by Kenyan society with regard to provisions relating to the equality of men and women of the proposed new constitution, and how the Government intends to address them.

¹ See *Official Records of the General Assembly, Fifty-eighth Session, Supplement No. 38* (A/58/38), part one, chap. IV, sect. B, para. 230.

5. Please further indicate whether the Government intends to reinstate a constitutional reform process and what alternative strategies for legislative reforms are envisaged to enhance de jure compliance with provisions of the Convention. In particular, please indicate whether there are any plans to incorporate a definition of discrimination against women in accordance with article 1 of the Convention in a law, for example an equality bill as referred to in paragraph 17 and again in paragraph 28.

6. The report draws attention to the backlog of pending bills in Parliament. Please indicate what measures the Government has taken, or intends to take, to work with Parliament so that high priority is placed on the passage of bills pertaining to gender equality. Please also indicate which of the various bills pertaining to equality between women and men mentioned in the report (for example those mentioned in paras. 28, 30, 36, and 84) the Government has introduced, or intends to introduce or resubmit, to Parliament by order of priority. Please provide further concrete time frames envisaged for the enactment of these various pieces of legislation.

7. The report notes that customary laws in respect of property rights and inheritance disadvantage women (para. 10). While the Law of Succession Act has tried to redress these imbalances, it is subject to qualifications. The report indicates that the judiciary has applied the principle of equality in succession in a number of cases, and examples are provided (para. 12). Please provide an assessment of the impact of these cases in relation to women's ability in general to assert equal rights in this field. What measures have been taken, including awareness and information campaigns, to ensure that women know the provisions of the Succession Act and of cases decided by the Judiciary that support gender equality?

8. The report refers to the National Commission on Gender and Development and its role in advancing gender equality (see in particular paras. 18, 19, 34-37 and 60). Please provide an assessment of the impact of the work of the Commission, and the results achieved since its establishment in 2004, as well as an assessment of how possible weaknesses and shortcomings in its functioning are being remedied. Please also provide an update on the establishment of gender divisions in line ministries (para. 20).

9. The report indicates (paras. 18 and 33) that the Government is in the process of developing a five-year plan of action for implementation of the National Policy on Gender and Development. Please indicate the status of the plan, in particular whether it has been completed, its major objectives and strategies, financial resources or technical assistance provided by the international community for its implementation, and the results that may already have been achieved in this regard. Please further indicate the monitoring and evaluation mechanisms that are in place for the plan. Please also explain the content and purpose of sessional paper No. 5 on gender equality and development (paras. 29, 33 and 35) and its relationship to the National Policy and plan of action.

Stereotypes and education

10. In its previous concluding comments, the Committee requested the State party to increase its effort to create awareness in society about the need to change stereotypical attitudes and discriminatory behaviour towards women and girls. The report discusses measures taken in response to this request (paras. 55-63). Please provide further information about the impact of measures taken. Please indicate

whether a comprehensive strategy with specific goals, timelines and monitoring mechanisms aimed at eliminating stereotypical attitudes is in place.

11. The report provides information about the legal framework and practical steps taken to eliminate the practice of female genital mutilation (see also the Committee's recommendation in its previous concluding comments),² yet the report also indicates that such practices continue to persist. Kindly provide information on the overall strategy of the Government to eliminate female genital mutilation. Please provide further information on the role of high-ranking public officials, including members of Parliament and the Government, in providing leadership towards ending this practice and also provide yearly statistics for the past five years to indicate the recorded number of female genital mutilation incidences among girls and adult women.

12. The report provides statistical data, including trends, in the field of education. The report is silent, however, on any education policy in place in the State party, including goals and targets with regard to girls' and women's education at all levels, a time frame for their achievement and results achieved so far. Please provide such information.

13. The report indicates challenges in implementation of free and compulsory primary education, including a shortage of teachers in some areas (para. 105). How is the Government addressing this and other challenges, and what are the results achieved?

14. The report draws attention to the persistence of early and forced marriages. Please indicate how such marriages affect the ability of girls to continue their education. The response should include information about girl dropouts and teenage pregnancy rates, as well as measures that enable pregnant girls and young mothers to continue their schooling, in urban and rural areas.

Violence against women

15. In its previous concluding comments, the Committee urged the State party to accord priority attention to the adoption of comprehensive measures to address violence against women and girls. Please provide an update on the recently enacted Sexual Offences Bill and its implementation. Please also provide an update on the number of cases and convictions under the Public Officers Ethics Act 2003.

16. The report refers to the national survey on violence against women conducted in 2002 (para. 191). Please provide information about the findings of this study and the impact it had on legislative, policy and programme development. Please also indicate any follow-up measures in place to regularly collect data on all forms of violence against women, including from police records, service providers and the courts.

17. Kindly provide an update on the status and overall policy goals of the trafficking bill (para. 84) and the Sexual Offences Bill (para. 132).

² Ibid., paras. 213 and 214.

Participation in political and public life

18. In its previous concluding comments, the Committee recommended that the State party take measures to increase the number of women in decision-making positions. The report indicates one of the continuing challenges that is faced by Kenya is in the area of increasing women's representation in such national decision-making institutions as the Parliament (para. 88). Please indicate whether a policy is in place, with targets and timetables for their achievement, including the use of temporary special measures in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendations Nos. 23 and 25, to achieve equal participation of women and men at all levels, including in Parliament, at senior Government levels and local levels.

19. The report indicates the remarkable improvement in women's representation in the judiciary. Please indicate the reasons for this success and whether there are any lessons learned that could be applied to other areas for reaching enhanced representation of women.

Employment, poverty and rural women

20. The report contains very limited information concerning the provisions of article 11 of the Convention. Please provide information on progress in implementation of article 11 since the consideration of the previous report in such areas as women's equal remuneration, including benefits and equal pay for work of equal value; social security and retirement benefits; impact of pregnancy or maternity leave, or of marital status on the situation of women's employment; and availability of maternity leave. Kindly provide this information disaggregated by public and private sector achievements, if possible.

21. The report refers to the Economic Recovery Strategy for Wealth and Employment Creation 2003-2007 (paras. 31 and 116). Please indicate how this strategy and the Government's efforts to achieve the Millennium Development Goals integrate a gender perspective and contribute to the implementation of the Convention. Please also give an assessment of the results achieved so far for women in the implementation of the Strategy.

22. The report is silent on women's poverty levels. Please provide updated information on women's poverty levels, including trends over time, and data disaggregated by urban and rural women.

23. The report indicates that the national average of women holding title to land is 5 per cent (para. 134) and further states that women form roughly 70 per cent of employees in the agricultural sector (para. 140). The report also points to a lack of awareness about women's property rights. It notes that a draft national land policy is being finalized (para. 142). Please provide an update on this policy, how it will enhance women's rights to hold land and property, and how its effective implementation will be monitored. Please also indicate whether the policy addresses the plight of female agricultural sector employees.

24. Please provide further information about access to credit by rural women.

Health

25. The report provides data on maternal and infant mortality rates, showing deterioration in recent years (table 17). The report also indicates efforts to progressively reduce the rates for maternal mortality (para. 122). Please provide more recent data on maternal and infant mortality rates and indicate in particular whether goals for reducing maternal mortality rates are being met.

26. The report indicates that the HIV/AIDS epidemic continues to pose the biggest health challenge (para. 130) and that the HIV/AIDS prevalence rate is higher in women than men (ratio of 1.9:1 in 2003). Please indicate whether a comprehensive plan to combat HIV/AIDS is in place, including any specific measures to enhance women's capacity to protect themselves against infection.

Refugee women

27. The report does not provide any information on the situation of women and girl refugees in the country. Please provide such information, in particular the economic and social situation of women and girl refugees, and measures in place to support them. Has the Government received any assistance for such women from the United Nations system or other donors?

Marriage and family relations

28. The Committee, in its previous concluding comments, had expressed its concern about legislative provisions, customary laws and practices that discriminate against women in areas such as marriage and divorce.³ What steps has the Government taken in response to the Committee's previous concluding comments to eliminate all discriminatory laws, practices and traditions in order to ensure women's equality with men in marriage and divorce?

Optional Protocol and amendment of article 20, paragraph 1, of the Convention

29. Please indicate any progress made with respect to the ratification of, or accession to, the Optional Protocol, as well as acceptance of the amendment of article 20, paragraph 1, of the Convention pertaining to the Committee's meeting time.

³ Ibid., para. 207.