

## COMMUNIQUE' ON ROUNDTABLE DISCUSSION ON THE GAINS AND CHALLENGES IN PROMOTING WOMEN'S AND GIRLS' RIGHTS IN KENYA

26 MARCH 2021

The Kenyan Section of the International Commission of Jurists (ICJ Kenya), in collaboration with the Konrad Adenauer Stiftung (KAS) Regional Program for Anglophone Sub-Saharan Africa, jointly convened a roundtable discussion on March 23, 2021, to discuss the gains and challenges of promoting women's right in Kenya.

The Roundtable was among the series of advocacy initiatives intended to mark the 2021 International Women's Day (IWD) celebrations throughout March. The theme for this year's IWD campaign is "Choose to Challenge" - #ChooseToChallenge.

ICJ Kenya, KAS, and the Federation of Women Lawyers (FIDA Kenya) join the global rallying call 'to challenge and call out gender bias and inequality in Kenya and the region.

The panelists and participants were drawn from diverse fields representing development partners, civil society, the Bench, regional partners, academia, and the general public. The deliberations were followed on social media platforms and online streaming services.

The discussions centered on the content of a publication authored by a young Kenyan feminist, Idza Luhumyo, and published by KAS titled 'Women and Girls: Know your Rights' available on <https://online.flippingbook.com/view/836185/>;

The Roundtable was informed by the need to evaluate the practical impact of legal and policy framework on girls' and women's lives, which have been undermined by weak implementation and a lack of gender-responsive policies and resource allocation.

### **The panellists and participants acknowledged and noted THAT:**

1. Women continue to face many violations despite the existence of laws, policies, and groundbreaking jurisprudence affirming their rights.
2. While women constitute more than half of the human population in the 21st Century, they still face discrimination based on their gender.
3. There is a need for further advocacy to promote women's and girls' rights to influence positive change and achieve full equality.
4. Women, girls, and citizens must be equipped with the essential tools of knowledge and awareness of rights captured in Kenya's progressive 2010 Constitution.
5. The Kenyan Judiciary has achieved significant milestones towards ensuring gender equality. The panel appreciated that courts need to continue precedent-setting decisions and move the judiciary progressively towards equality.
6. African countries have promoted gender equality through their Constitutions and have recognised the need for affirmative action and equality in elective and appointive positions.

7. Sexual and Gender-Based Violence (SGBV) and Femicide continue to be an issue of concern in Kenya. On paper, Kenyans are aware that specific actions are wrong, but the SGBV cases have been on the rise, and thus, progressive activism is required around the issues.
8. Women face several barriers to the enjoyment of their rights, including cost and accessibility of justice, making it a tertiary issue.
9. While gender equality mainstreaming continues, cultural stereotypes that are retrogressive still plague decision-making in Kenya.
10. There is more that needs to be done in women and leadership. While the Constitution advocates for the two-thirds gender rule, women seeking elective positions contend with politically motivated violence against candidates running for public office. There is a need to address glaring legislative and policy gaps exposed through implementation, required to realise women's rights.
11. Lack of political will remains an obvious barrier in realising gender equality and women's rights in Kenya. While the judiciary and the legislature have done their part, political will is lacking to operationalise the policies that have been put in place, i.e., Dignity packs.
12. The African Commission on Human and People's Rights has set excellent normative standards that breathe life to the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa ( the Maputo Protocol).
13. However, there is a lack of commitment by State parties to the Maputo Protocol in submitting reports that can be reviewed by the African Commission on Human and People's Rights to assess the extent to which States are implementing gender equality.

**Therefore, in the view of the foregoing, ICJ Kenya calls upon:**

**A. The Executive to:**

- i. Include human rights and gender equality discourse as part of the learning curriculum in schools right from the elementary and primary level;
- ii. Effectively resource the criminal justice system to deal with SGBV, Intimate Partner Violence (IPV), and femicide cases, among other crimes targeting women;
- iii. Reaffirm its commitment to fully implement the Maputo protocol by timely reporting to the African Commission on Human and People's Rights.

**B. The Witness Protection Agency to:**

- i. Lead the development of safe homes for women and girls who are victims of SGBV and other crimes;
- ii. Provide protection and psychosocial support to victims and witnesses of SGBV and other crimes targeting women and girls.

**C. The Judiciary to:**

- i. Advancing progressive jurisprudence that safeguards women's and girls' rights, particularly on affirmative action, SGBV, and reproductive rights;
- ii. Entrenching the gender agenda through continuous training curriculum for Judicial Officers and Judges administered through the Judiciary Training Institute (JTI) ;
- iii. Scale-up representation in the judiciary by increasing the number of women in the judiciary, and particularly in leadership.



**D. Civil Society Organizations including the Law Society of Kenya to;**

- i. Increase awareness creation and knowledge building efforts to strengthen the capacity of women and girls to articulate their rights;
- ii. Work towards enhancing the electoral space for women and leadership and support women with aspirations to run for elective office with the necessary tools and knowledge;
- iii. Support the judges and judicial officers by sharing knowledge and jurisprudence from other countries to enable them to write progressive and inclusive decisions that can positively shape society;
- iv. Strengthen partnerships and combine efforts to promote the rights of women and gender equality;
- v. Leverage on the reservations of the Maputo Protocol by Kenya as opportunities for strategic advocacy towards key duty bearers with a bid to lift the reservations;
- vi. Engage with key stakeholders towards developing the African Union Convention on Prevention of Violence against Women;
- vii. Develop strategies to advance further the gains that have been made in Kenya to promote gender equality.

**E. ICJ Kenya commits and undertakes to:**

- i. Continue with the crucial constitutional discourse on the rights of women and girls to ensure that more gains on gender equality;
- ii. Collaborate with other civil society organisations to review the State report submitted to the African Commission on Human and People's Rights and bolster regional campaigns that promote girls' and women's rights;
- iii. Continue to support the full implementation of the Constitution to ensure gender equality.

**Signed**



Kelvin Mogeni  
Chairman  
ICJ Kenya