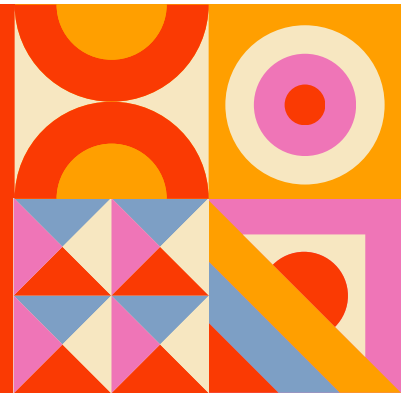


WHAT WOMEN IN KENYA WANT!

THE NATIONAL WOMEN'S ECONOMIC RECOVERY
MANIFESTO FOR WOMEN IN KENYA, 2022-2027



Introduction

The COVID 19 pandemic shattered the social, economic, and political fabric of society and this has created new urgency, and a need for re-prioritisation in achieving gender parity. Already, even before these disasters, women were disenfranchised by the dismal allocations for public services such as health care services, education, sanitation, shelter, and more. Moreover, women also take on a disparate share of unpaid care and domestic work, consequently limiting how much time they can spend in income-generating activities. In the midst of these crises, a long-term, inclusive, gender-responsive, and sustainable recovery programme is an urgent need. As the Republic of Kenya recently concluded its third election cycle under the 2010 Constitution, feminists and women's rights activists in Kenya are leveraging this process to call for the centering of women's economic justice and empowerment during the coming term.

The National Women's Economic Recovery Manifesto for Women in Kenya, which was developed by Akina Mama wa Afrika, CRAWN Trust, Mzalendo Trust, Badili Africa, Transparency International Kenya, National Trust Association, Collaborative Gender for Development, FEMNET, TISA, Young Professionals for Development, Violet Mbiti Foundation, University of Nairobi WEE Hub, African Youth Trust, and representatives from political parties, among others, through a deeply political and personal process of consultation, aims to document, and subsequently amplify, the economic justice related concerns and proposals of women in Kenya. The Manifesto is advanced at a time when women's rights organisations, feminists, and gender equality advocates are raising concerns about the slow progress being made towards consolidating and realising women's economic rights as enshrined in Chapter 43 of the Constitution of Kenya, 2010. It further highlights the limited investment in addressing the wide range of women's peculiar challenges and barriers to their economic, social, and political emancipation, and the systemic discrimination based on their gender, sex, age, ethnicity, class, and ability.

“These demands are to ensure that political leaders are accountable to women voters as they comprise the majority of all voters. Women are not simply ‘tools’ for propelling men into leadership positions. In a nutshell, the Manifesto holds political leaders accountable for how they treat women's concerns. It is time to make women's socio-economic demands clear and actionable.”

For a long time, many issues that women in Kenya contend with have been viewed as private issues, yet their reproductive health, lack of and/or limited access to and control of resources, lower pay for similar work done by men and unfair working conditions, unpaid care and domestic work that society has assigned to them, etc. are all political issues that need political interventions to generate transformative change. Women's contribution to the economy continues to be invisible and, in many fronts, unrecognised.

As we acknowledge the central role of power in creating discrimination and inequality, we also call for a shift in power to women as elected leaders and key actors in policy and decision-making spaces. The slow progress in legislating and enforcing the two-thirds gender rule is a good example of the gap in implementation. Article 27(8) of the Constitution of Kenya clearly dictates that the state shall take steps to ensure that not more than two thirds of members of all elective and appointive positions are of the same gender. The percentage of women in Kenya's parliament remains the lowest in East Africa, with women holding 21.8% of the seats.

Preamble

We, the women representatives from various organisations in Kenya assembled at the Consultative Dialogue for a National Women's Economic Recovery Manifesto in Nairobi on 6th May 2022, commit ourselves to ensuring that women's rights are upheld;

Recognising the contribution that women and women's rights organisations in Kenya have made and continue to make in fostering the creation of equal opportunities for all, in advocating for the rights of women as well as other marginalised groups of people, and the efforts that women are making to break the bias that is prevalent in our patriarchal society;

Recalling that the Constitution of the Republic of Kenya under Article 27(8) of the Constitution of Kenya provides that the state shall take steps to ensure that not more than two thirds of members of all elective and appointive positions are of the same gender;

Considering that Kenya is also signatory to a number of other international treaties such as the Maputo Protocol and CEDAW, and specialised institutions established under the authority of the United Nations to promote gender equality;

Acknowledging that gender equity is an integral part of Kenya's Vision 2030 and National Development Plan (NDP);

Commending the National Government and County Governments for supporting the provision of human and financial resources to gender justice;

Highlighting that more needs to be done to ensure gender justice is more contextualised and responsive to women issues; to reduce gender gaps in employment, training and education.

Resolve that following the discussions and interactions, we urge National Governments, County Governments and Development Partners to ensure the demands in this Manifesto are met.

The State of the Economy for Women in Kenya

The pursuit for women's liberation in public and private life is inseparable from the struggle for economic justice. The global gender gap index examined across 145 countries showed that the economic participation and opportunity sub index increased from 58.7% to 60.3%. Sub-Saharan Africa is sixth on the score and has bridged 67.9% of its gender gap. It will take 98 years to close the gender gap in this region at the present pace. Kenyan women make significant contributions to the economy as popular workers in various sectors thus contributing to the welfare of their families. Though these statistics show significant improvement, societal expectations, employment policies and the legal environment still hold women back in the world of work. A good example is when working mothers experience systematic drawbacks in perceived competence, pay and benefits. The Global Gap Index

reveals that Kenyan women on average earn 32% less than men and this pay parity may not be attained before 2069. This definitely means that a lot of women, especially those in popular economies, are unable to sufficiently provide for decent living especially with the current rate of inflation in Kenya at 7%. This consequently means that no money is set aside for investments, savings, emergencies and retirement. Nearly half of all Micro, Small and Medium Enterprises (MSMEs) are women-owned yet their businesses tend to be smaller, have less capital investment, less likely to grow compared to firms owned by men. According to The World Development Report released in 2019, women's businesses tend to face more bureaucratic barriers and tend to perceive tax administration, business registration and tax rates as greater constraints than their male counterparts do which tend to hinder their growth in business.

Kenya has mandatory minimum wage and no worker in Kenya can be paid less than the minimum rate of pay. The wage rate is informed by location, age and skill level. The lowest urban minimum wage is KES 15,120 (USD 130/EUR 124) following a 12% increase in May 2022. The increase was instigated by high inflation mainly driven by soaring fuel and food prices. While Kenya has some of the highest minimum wages in the East African region, a vast majority of the population does not benefit directly. This is because 80% of the Kenyan population are in the informal sector (also known as popular economies). Only 17% of workers are employed in the formal sector.

Access, ownership, and control of resources can accord power, voice and agency that enables those who have it to influence every facet of life, including who gets to participate legitimately in the decision-making processes of the day. The Constitution of Kenya (2010), the Land Acts (6/2012) and the Land Registration Act (3/2012), grant the right for anyone to own land either individually or in association with others. In addition to this, the Matrimonial Property Act of 2013 recognizes spouses as equal property owners and cushions women's right to land ownership during marriage, separation and divorce. Despite the efforts made to ensure equitable land ownership, less than 2% of the women in Kenya own land to date.

One major reason for this is the discriminatory customary laws which are still deeply socially rooted among many tribes in Kenya where customary norms apply. For most women, customary law is their only recourse and it overrides nondiscriminatory statute law to a great extent. The issue of women's property rights is still an uncertain area of judicial law where typical customary norms apply. This is a major setback for women since land is a vital collateral for business financing and for farming grounds in a predominantly agricultural economy. Women's lack of access to, control of and ownership of resources puts them at a great disadvantage and shrinks the number of choices available. This limits their autonomy and self-determination. Without resources, women and women-centred policies are cast to the periphery. In agriculture, for instance, women make up a significant contribution to the agricultural labour force. However, gender roles that determine access to information, resources, and ability to have full control of the land have resulted in women's contributions being relegated to "household food production and small-scale cash cropping with low levels of technology."

Financing for women's rights has also not been a big priority in Kenya, exemplified by limited budget allocations. Budget analyses show the distribution of most state resources geared towards military spending, infrastructural development, and debt servicing, to the detriment of social services like education and health which contribute greatly to women and girls' wellbeing, and at the expense of public services and infrastructure on which they depend the most. In 2020/2021 financial year, the government of Kenya allocated USD 2.79 million to gender based violence (GBV) and female genital mutilation (FGM) while working towards a minimum budget allocation of USD 5million. Women's human rights and the achievement of gender justice therefore remain largely unfinanced, such as in

the fields of sexual and reproductive services and social protections. An example is low numbers of women benefiting from social protection programmes; as per the Economic Survey 2020, of the 4.2 million persons registered with the National Social Security Fund (NSSF), only 28.7% are women. Furthermore, in situations of austerity, cuts are made to those same sectors, further marginalising women and girls. Little effort has been made towards the implementation of the post COVID-19 economic recovery strategies.

In Kenya, men tend to dominate in the formal sector while women, though often “invisible”, make huge contributions in agriculture and in popular economies. More than 75% women live in rural areas where their livelihoods are reliant on agriculture and smallholder farming. Women work longer hours (12.9 hours) as opposed to the (8.2hours) of work that men put in yet they earn less money. A majority of the time spent working is not remunerated due to multiple roles in the household, community and in the labour market.

In addressing this myriad of constraints, it is critical to eliminate structural barriers to women’s economic decision-making power by applying a feminist and intersectional approach in order to address women’s economic empowerment. As leaders discuss appropriate economic policies that will help the country build back better following the socio-economic impacts of COVID-19, there is a need for new economic models that work for everyone. Lessons from the implementation of the Structural Adjustment Programmes and their adverse impacts on women and other marginalised groups have revealed the need for adoption and promotion of an intersectional feminist approach in economic policy analyses and reforms.

Key Proposals

Following the discussions and interactions, we urge national and county governments, as well as development partners to ensure the following;

a) A legal and policy environment that promotes and monitors the economic justice and rights of women and protects women’s interests including access to decent work for all

Actualise and implement the two-thirds gender principle under Article 27(8) of the Constitution of Kenya, 2010. Domesticated, disseminate, and implement the National Gender Equality Commission guidelines on Gender Responsive Budgeting. Develop and implement policies that ensure all workplaces have clear grievance reporting and justice provision mechanisms.

Revise the workplace Occupation and Health Safety tools to capture reporting of Sexual and Gender Based Violence (SGBV) in protecting rights of women and vulnerable groups in the workplace.

Ratify, domesticate and implement the International Labour Organisation Convention 190 (C190) on Violence and Harassment in the Workplace with its Recommendation 206 which seeks to respect, promote and realise the right of everyone to be free from violence and harassment in the world of work in ‘all sectors, whether private or public, both in the formal and informal economy, and whether in urban or rural areas’ (Art 2(2)).

Specifically, promote and protect women’s labour rights, including advancing an egalitarian governance, fair and equal remuneration, and maternity policies including provision of flexible working hours and equal access to affordable health care at the workplace.

b) Resource mobilisation, allocation, and utilisation for gender justice

Adopt progressive and gender responsive tax systems that shift the tax burden away from consumption taxes which affect lower income earners, and especially women. Curb all existing loopholes that allow for tax revenue to be illicitly lost. This should include renegotiating Double Taxation Treaties, reviewing unfair tax incentives, and proactively participating in and influencing global tax making processes. Create tax incentive opportunities that target and seek to facilitate the informal sector. Conscious public investment towards universal, affordable, and accessible health care, education, and other social services, including gender responsive health services, menstrual care, SGBV, mental health, and comprehensive sexuality education.

Adopt and apply a gender and intersectional analysis in the process of debt acquisition, and management. This information can be useful in determining debt sustainability, negotiations for debt relief and or debt restructuring. Make the case for and support calls for debt cancellation by anchoring this call in implications that public debt has on women and other marginalised groups in Kenya; including how public debt undermines sovereignty, demobilises national tax revenues, and continues to systematically deplete state capacity to fund adequate public services for gender justice.

c) Reclaiming public services for women's economic justice, political participation, and wellbeing

Implement the National Gender Equality Commission guidelines on Gender Responsive Budgeting. Strengthen gender just and equitable resourcing for local and county governments. Support women-led and serving organisations to enhance their capacities on effective advocacy and gender justice accountability which play a crucial role in advocating for increased investment towards gender responsive public services. Increase investments to support human resource secondment at state agencies to ensure gender justice and equality is put at the forefront.

Provide a gender and intersectional analysis in the evaluation of the Manifesto of the government, the National Development Plan, and the Vision 2030 in the preparation of State of the Nation Addresses that analyse the progress made in addressing gender inequality and delivering women's economic justice for Women in Kenya.

d) Access to, control and ownership of resources for women

Reform laws and institutions to ensure women's ownership of land and their access to natural resources. Champion the leadership and agency of all women to participate and lead climate and environmental decision-making and governance. Adopt climate financing approaches that promote equitable funding for women-led climate change adaptation and mitigation initiatives, in particular, community based-solutions.

Review, harmonise, and update land laws to reflect women's rights on land including the Matrimonial Property Act and succession laws. Ensure customary laws are consistent with constitutional and statutory safeguards for women's land rights. Regulate businesses and investors that pollute the environment, forcefully displace, and adversely affect the environment and the health of rural communities, particularly women and children.

e) Recognise, reduce, remunerate, and redistribute unpaid care and domestic work

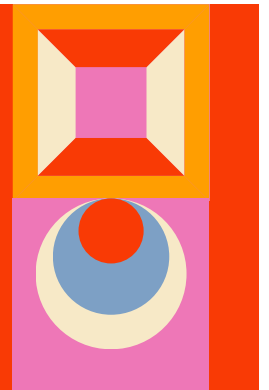
Prioritise budgetary investment for social and care infrastructure and frontline public sector workers, to increase access, affordability and availability of quality and accessible public services for women in all their diversities. Invest in data collection to measure the contribution of unpaid care work to Kenya's economy as a key subsidy, and or its role in limiting women's effective participation and productivity in the labour market. Further, sustain public investment in affordable and quality care services and infrastructure to enhance access to water and sanitation, electricity, health care facilities, childcare centres, and education centres. Create "high road" strategies in the care sector through appropriate government regulations, adequate public funding to decently remunerate care workers, and strategies that build on the common interests of care workers and care users in order to limit low pay, high labour turnover and low quality outcomes.

f) Accountability and transparency

Develop and strengthen monitoring, evaluation, and information on social categorization to enhance gender equity and justice using an intersectional approach by focusing on age, sex-disaggregated data, socio-economic status or class, geographical location, physical ability, among others. Enhance data collection, analysis and dissemination and use of women, gender and PWD segregated data to facilitate the design and implementation of gender transformative laws and policies. Adopt systems and structures with appropriate codes of conduct to prevent corruption and fraud and guarantee the management of disputes and complaints fairly. Ensure that financial and material resources mobilised in the name of women are put to the service of women in Kenya.

We offer thanks and appreciation to the team that tirelessly made this Manifesto a reality. We acknowledge and are grateful for the contribution and support of each and every one of you. We acknowledge that this work has been made possible by standing on the shoulders of countless fearless Kenyan women whose knowledge and wisdom continues to inspire us and keep the flame burning. We would also like to thank everyone who was available to contribute through the consultative process in developing this Manifesto. We are grateful for all your input.

In Solidarity!



Additional Resources

The documents listed here are highlighted to share resources on existing feminist thought and also acknowledges the manifesto is not exhaustive.

- [Charter of Feminist Principles for African Feminists](#)
- [African Feminist Post-COVID-19 Economic Recovery Statement](#)
- [Bailout Manifesto: From a Feminist Bailout to a Global Feminist Economic Recovery](#)
- Policy brief: [Nothing without Us: Exploring Opportunities to Advance Women and Youth's Political Leadership in Kenya's 2022 Elections](#)
- [In a triple crisis, what is Labor Day without a call for Social Protection?](#)
- Akina Mama wa Afrika (AMwA) urge for feminist economics alternatives for women, girls and gender-expansive persons: [Key message at the World Bank and the International Monetary Fund 2022 Spring meetings](#).
- Back to Normal is Not Enough – [2022 SDG Gender Index](#)
- [Feminist Economic Justice for People & Planet](#)
- [Feminist Proposals on Macroeconomic Policies needed for a COVID-19 Economic Recovery](#)
- [African Feminist Futures: Macroeconomic Pathways](#)
- [A Feminist Reading List on Care, Crisis, and Pandemics](#)
- [Beyond “Empowerment Lite”: Women’s Empowerment, Neoliberal Development and Global Justice](#) by Andrea Cornwall
- [Introducing our new Women’s Economic Empowerment Strategy](#)
- [Women’s Empowerment: What Works?](#)
- [Call for ratification and domestication of C-190 in Kenya](#)
- [The Public Versus Austerity: Why public sector wage bill constraints must end](#)