

Kenya

WBL 2.0 legal frameworks score	WBL 2.0 supportive frameworks score	WBL 2.0 expert opinions score
70.0	45.0	60.6

Women, Business and the Law 2024 (WBL 2024) identifies barriers for women's economic empowerment in three areas: women's legal rights, policy instruments designed to support the implementation of these rights, and how these rights are realized in practice. For that purpose, three new *Women, Business and the Law 2.0* indexes are presented for ten indicators: (1) legal frameworks, (2) supportive frameworks, and (3) expert opinions. For the WBL 2.0 legal frameworks index, 40 questions are scored across the ten indicators for 190 economies. For the WBL 2.0 supportive frameworks index, 30 questions are scored across the ten indicators for 190 economies. Overall economy level legal and supportive frameworks scores are then calculated by taking the average of each indicator, with 100 representing the highest possible score. The WBL 2.0 expert opinions index is created for a total of 164 economies. Expert opinion scores are not available for 26 economies due to an insufficient number of responses received from those economies during data collection. Individual responses at the economy level for 15 expert opinions questions across the ten indicators are scored by taking the median value of all responses per question. The economy level expert opinions index is equal to the simple unweighted average of the ten indicator scores.

For Kenya, data refer to the legal frameworks, supportive frameworks, and expert opinions that are applicable to the main business city (Nairobi). The scores for Kenya are shown in the table below.

Women, Business and the Law 2024 2.0 indicator scores

										
WBL 2.0	Safety	Mobility	Workplace	Pay	Marriage	Parenthood	Childcare	Entrepreneurship	Assets	Pension
Legal frameworks score	50.0	100.0	50.0	100.0	100.0	50.0	25.0	75.0	75.0	75.0
Supportive frameworks score	25.0	66.7	33.3	50.0	66.7	33.3	25.0	66.7	33.3	50.0
Expert opinions score	25.0	75.0	50.0	25.0	75.0	81.3	25.0	75.0	75.0	100.0

In summary, the **WBL 2.0 legal frameworks score** for Kenya (70.0 out of 100.0) is higher than the global average (64.2) and higher than the Sub-Saharan Africa regional average (57.4). When it comes to constraints on freedom of movement, laws affecting women's pay and constraints related to marriage, Kenya obtains a perfect score (100.0 out of 100.0). As an example, one of the lowest scores for Kenya is on the indicator measuring laws affecting childcare. To improve on the Childcare indicator, Kenya may wish to consider introducing legislation on any form of support to families for childcare services, putting in place legislation on any form of support to non-state childcare providers and adopting legislation on quality standards for the provision of childcare services in center-based settings.

The **WBL 2.0 supportive frameworks score** for Kenya (45.0 out of 100.0) is higher than the global average (39.5) and higher than the Sub-Saharan Africa regional average (24.5). Kenya does not attain a perfect score on any of the WBL 2.0 supportive frameworks indicators. There is room for improvement across all ten indicators. As an example, one of the lowest scores for Kenya is on the indicator measuring supportive frameworks affecting women's safety. To improve on the Safety

indicator, Kenya may wish to consider developing comprehensive mechanisms to address violence against women, putting in place special procedures for cases of sexual harassment, designating a government entity responsible for the monitoring and implementation of national services and plans and programmes addressing violence against women.

The **WBL 2.0 expert opinions score** for Kenya (60.6 out of 100.0) is lower than the global average (65.7) and higher than the Sub-Saharan Africa regional average (54.6). When it comes to expert opinions on women's pensions, Kenya obtains a perfect score (100.0 out of 100.0). As an example, one of the lowest scores for Kenya is on the indicator measuring expert opinions on women's safety.

WBL 2.0 legal frameworks data

QUESTION	ANSWER	LEGAL BASIS
Safety		
Does the law address child marriage?	Yes	The Marriage Act, 2014, Secs. 4, 11(a) and 87; Children's Act, Secs.14 and 20
Does the law address sexual harassment?	Yes	Sexual Offences Act, 2006, Sec. 23; Kenya Information and Communications Act, Art. 29; Computer Misuse and Cybercrimes Act, Arts. 27 and 45; Employment Act, Sec. 6
Does the law address domestic violence?	No	No applicable provisions could be located
Does the law address femicide?	No	No applicable provisions could be located
Mobility		
Can a woman choose where to live in the same way as a man?	Yes	No restrictions could be located
Can a woman travel internationally in the same way as a man?	Yes	Constitution of Kenya, Art. 12(1)(b); Kenya Citizenship and Immigration Act, Arts. 24(1) and 27
Can a woman travel outside her home in the same way as a man?	Yes	No restrictions could be located
Do a woman and a man have equal rights to confer citizenship on their spouses and their children?	Yes	Constitution of Kenya, Arts. 14 and 15(1)
Workplace		
Can a woman get a job in the same way as a man?	Yes	No restrictions could be located
Does the law explicitly prohibit discrimination in recruitment based on marital status, parental status, and age?	No	No applicable provisions could be located
Does the law prohibit discrimination in employment based on gender?	Yes	Employment Act, Sec. 5(3)(a)
Does the law allow employees to request flexible work?	No	No applicable provisions could be located
Pay		
Does the law mandate equal remuneration for work of equal value?	Yes	Employment Act, Sec. 5(5)
Can a woman work at night in the same way as a man?	Yes	No restrictions could be located
Can a woman work in a job deemed dangerous in the same way as a man?	Yes	No restrictions could be located
Can a woman work in an industrial job in the same way as a man?	Yes	No restrictions could be located
Marriage		
Is the law free of legal provisions that require a married woman to obey her husband?	Yes	Marriage Act, Art. 3(2)
Can a woman be "head of household" or "head of family" in the same way as a man?	Yes	Marriage Act, Art. 3(2)
Can a woman obtain a judgment of divorce in the same way as a man?	Yes	No restrictions could be located
Does a woman have the same rights to remarry as a man?	Yes	No restrictions could be located
Parenthood		
Is paid leave of at least 14 weeks available to mothers?	No	Employment Act, Sec. 29(1)

Are leave benefits for mothers paid solely by the government?	No	Employment Act, Sec. 29
Is paid leave available to fathers?	Yes	Employment Act, Sec. 29(8)
Is dismissal of pregnant workers prohibited?	Yes	Employment Act, Secs. 45(4) and 46(a)
Childcare		
Does the law establish the provision of center-based childcare services?	Yes	Nairobi City County Childcare Facilities Act 2017, Sec. 2
Does the law establish any form of support for families for childcare services?	No	No applicable provisions could be located
Does the law establish any form of support for nonstate childcare providers?	No	No applicable provisions could be located
Does the law establish quality standards for the provision of center-based childcare services?	No	No applicable provisions could be located
Entrepreneurship		
Can a woman undertake entrepreneurial activities in the same way as a man?	No	No applicable provisions could be located
Does the law prohibit discrimination in access to credit based on gender?	Yes	Banking Act, Sec. 33(4); Prudential Guidelines 2013, Sec. 3.2.1
Does the law prescribe a gender quota for corporate boards?	Yes	Constitution, Art. 27(8); Capital Markets Act, Guideline 2
Does the law include gender-sensitive procurement provisions for public procurement processes?	Yes	Constitution, Art. 227; Public Procurement and Asset Disposal Act, Arts. 2, 3, 7, 33(f) and 53(6)
Assets		
Do a woman and a man have equal administrative power and ownership rights to immovable property, including land?	Yes	Matrimonial Property Act, Sec. 4(a), 12 and 13; Land Act, Art. 4
Do sons and daughters have equal rights to inherit assets?	Yes	Law of Succession Act, Art. 35(5)
Do male and female surviving spouses have equal rights to inherit assets?	No	Law of Succession Act, Art. 36(1) (C)
Does the law provide for the valuation of nonmonetary contributions?	Yes	Matrimonial Property Act, Secs. 2 and 7
Pension		
Are the ages at which a woman and a man can retire with full pension benefits the same?	Yes	National Social Security Fund Act, Secs. 2 and 36
Are the ages at which a woman and a man can retire with partial pension benefits the same?	Yes	No applicable provisions could be located
Is the mandatory retirement age for a woman and a man the same?	Yes	No applicable provisions could be located
Are periods of absence due to childcare accounted for in pension benefits?	No	No applicable provisions could be located

WBL 2.0 supportive frameworks data

QUESTION	ANSWER	SOURCE
Safety		
Has the government developed comprehensive mechanisms to address violence against women?	No	Insufficient evidence located
Are special procedures in place for cases of sexual harassment?	No	Insufficient evidence located
Is a government entity responsible for monitoring and implementing national services, plans and programs addressing violence against women?	No	Insufficient evidence located
Is an annual budgetary allocation devoted to violence against women risk mitigation, prevention, and response programs?	Yes	The National Treasury of Kenya
Mobility		
Are passport application processes the same for a woman and a man?	Yes	Passport application procedures

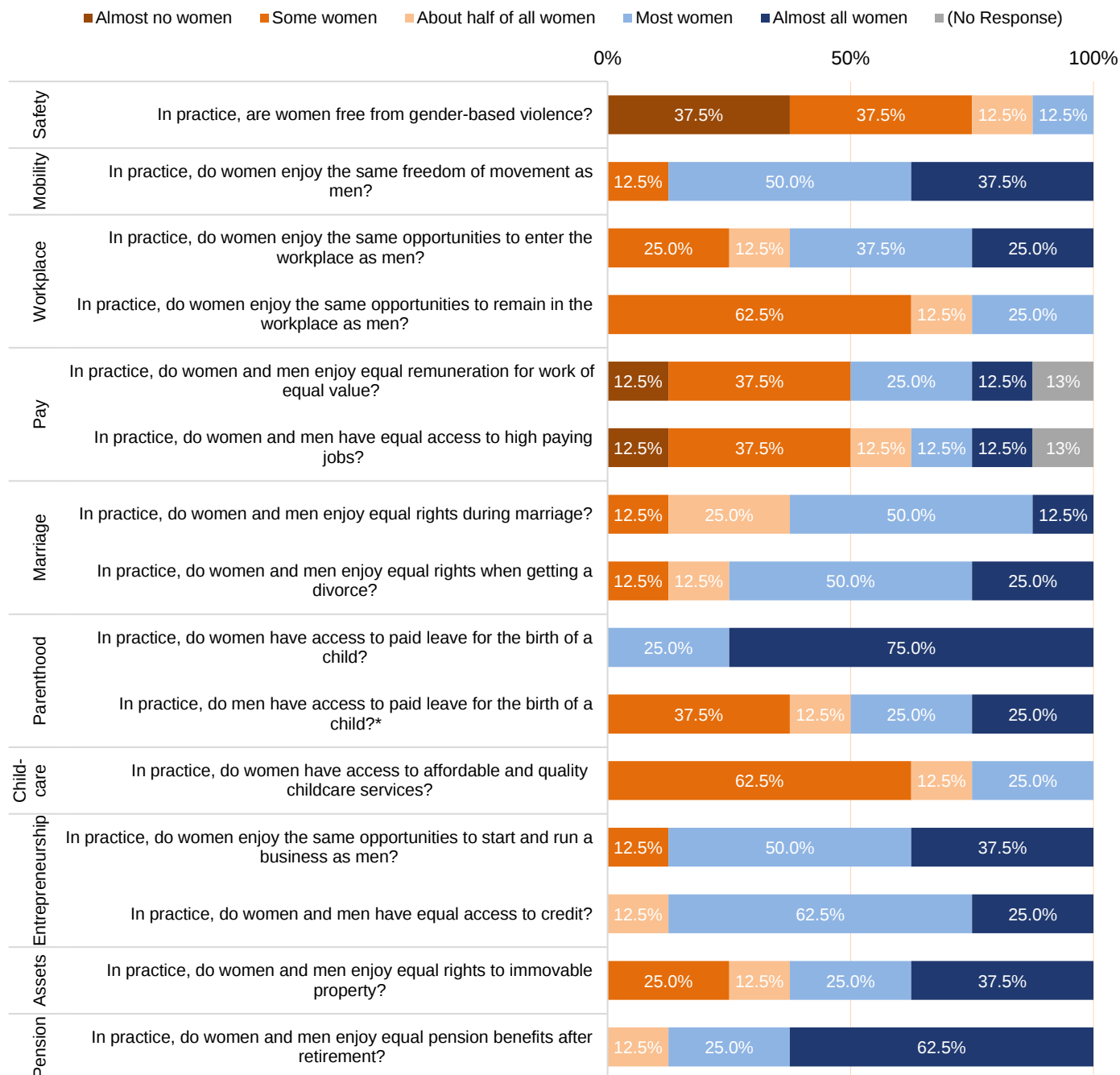
Are the application processes for official identity documents the same for a woman and a man?	Yes	ID application procedures
Does a current policy or plan explicitly consider the specific mobility needs of women in public transportation?	No	Insufficient evidence located
Workplace		
Does a specialized body receive complaints about gender discrimination in employment?	Yes	National Gender and Equality Commission Act, Art. 8
Has the government published guidelines on nondiscrimination based on gender in recruitment?	No	Insufficient evidence located
Has the government published guidelines on flexible work arrangements?	No	Insufficient evidence located
Pay		
Are pay transparency measures or enforcement mechanisms in place to address the pay gap?	No	Insufficient evidence located
Have sex-disaggregated data on employment in different industries or sectors been published?	Yes	Kenya National Bureau of Statistics: 2022-Women and Men Facts and Figures
Marriage		
Is there a fast-track process or procedure for family law disputes?	No	Insufficient evidence located
Are there specialized family courts?	Yes	Family Courts
Is legal aid available for family law disputes?	Yes	National Legal Aid Service
Parenthood		
Is it possible to apply for maternity benefits through a single government application process?	No	Insufficient evidence located
Are incentives in place to encourage fathers to take paternity leave on the birth of a child?	No	Insufficient evidence located
Have sex-disaggregated data on unpaid care work been published?	Yes	Kenya National Bureau of Statistics: Kenya Continuous Household Survey 2021
Childcare		
Is there a publicly available registry or database of childcare providers?	Yes	Official Website of Nairobi City County
Is there a clearly outlined application procedure to request financial support from the government for childcare services by parents?	No	Insufficient evidence located
Is there a clearly outlined application procedure to request financial support from the government for childcare services by nonstate childcare providers?	No	Insufficient evidence located
Has the government published any reports on the quality of childcare services?	No	Insufficient evidence located
Entrepreneurship		
Have sex-disaggregated data on business activities, entrepreneurship, or women-owned businesses been published?	No	Insufficient evidence located
Are government-led programs supporting female entrepreneurs providing access to finance and training, coaching, or business development?	Yes	Agpo; Women Enterprise Fund (WEF); Hustler Fund
Does a current national government plan or strategy focus on women's access to financial services?	Yes	National Payments Systems Strategy (2022-2025)
Assets		
Are mechanisms or incentives in place to encourage women to register immovable property (including joint titling)?	Yes	The Matrimonial Properties Act, Art. 14; Land Registration Act, Art. 93; Step by step registration guidelines
Are awareness measures in place to improve women's access to information about marital and inheritance rights?	No	Insufficient evidence located
Have anonymized sex-disaggregated data on property ownership been published?	No	Insufficient evidence located
Pension		
Are incentives in place to increase women's retirement benefits?	No	Insufficient evidence located

Is a procedure in place for pension beneficiaries to challenge the decisions of the competent authority regarding their benefits?

Yes

National Social Security Fund Act, Sec. 53; Retirement Benefits Act, Sec. 47

WBL 2.0 distribution of expert opinion responses



*Note: The response options for the second Parenthood question above are formatted as almost no men, some men, about half of all men, most men, almost all men.