

# Evaluating The Implementation of The Maputo Protocol in The Protection of Women's Rights in Kenya

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## ABSTRACT

*The Maputo Protocol is the most progressive provision specified by the African Nations regarding the importance of women's protection. The content of the protocol was agreed upon by the board of the African Union in Maputo, Mozambique, in July 2003. Entering twenty years of implementation in 2023, 44 of 55 governments of the African countries have committed to protecting women's rights based on the protocol's provisions. Kenya has only ratified the protocol since 2010, which is relatively new compared to the other African countries. This research aims to explain and evaluate the implementation of the Maputo Protocol in Kenya from its ratification in 2010 until the end of 2023. This research uses a qualitative method to gain a comprehensive understanding by analyzing any information from official documents, previous research, related journals, news reports, and other secondary sources. The results show a huge commitment from the government, agencies, institutions, and the Kenyan community to improve women's conditions by supporting the protocol's implementation. As a result, women's rights in the country have shown some progress in recent years. However, some problems related to gender inequality still exist and need to be the primary concern of the government and the people of Kenya.*

**Keywords:** *Maputo Protocol, Women's Rights, Kenya*

*Protokol Maputo merupakan aturan mengenai perlindungan perempuan yang berlaku di kawasan Afrika. Pemberlakuan protokol disepakati oleh negara-negara anggota African Union di Maputo, Mozambik, pada Juli tahun 2003. Memasuki dua puluh tahun implementasi Protokol Maputo pada tahun 2023, sebanyak 44 dari 55 negara Afrika telah menyatakan komitmennya untuk melindungi hak-hak perempuan sebagaimana yang diatur di dalam ketentuan protokol. Kenya merupakan salah satu negara yang baru meratifikasi Protokol Maputo pada tahun 2010. Penelitian ini bertujuan untuk menjelaskan dan mengevaluasi implementasi Protokol Maputo di Kenya sejak meratifikasi pada tahun 2010 sampai 2023. Penelitian ini menggunakan metodologi kualitatif dalam rangka memperoleh pemahaman komprehensif dengan menganalisis berbagai informasi terkait dari dokumen kenegaraan, penelitian sebelumnya, jurnal, berita, dan sumber-sumber sekunder lainnya. Secara umum, diketahui bahwa sejak meratifikasi Protokol Maputo, Kenya telah menunjukkan beberapa progres perlindungan hak asasi perempuan. Kendati demikian, berbagai permasalahan mengenai ketidaksetaraan gender masih terjadi dan patut mendapatkan perhatian serius dari pemerintah dan komunitas masyarakat di Kenya.*

**Kata-kata Kunci:** *Protokol Maputo, Perlindungan Perempuan, Kenya*

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Gender inequality and discrimination against women are still serious problems in developing countries, especially in Africa. Data from the African Gender Report (African Development Bank 2020) notes that only a few African countries have achieved good gender index scores – with values ranging from 0.70 to 0.90, including South Africa, Namibia, and Rwanda. Meanwhile, 51 other African countries have been declared to have low levels of gender equality ranging from 0.20-0.70. The assessment of the gender equality index is based on several indicators ranging from the level of gender-based violence, women's participation in employment, and aspects of women's health and education in Africa.

The awareness of the importance of improving gender equality has emerged in several African countries. At the regional level, a concrete manifestation of the commitment of African countries to improve gender equality and women's protection is the agreement on The Protocol of the African Charter on Human and Peoples Rights on the Rights of Women in Africa, or what is often called the Maputo Protocol in 2003. Since its implementation in the mid-2000s, the Maputo Protocol has significantly promoted women's rights protection in Africa continent. It reflects resistance to the stereotype that commonly prevails in African cultural identity that women have a lower status than men. Furthermore, the Maputo Protocol also represents the moral responsibility of both governments and the elements of African society in joint efforts to ensure the protection of women's human rights and create an equal social structure (WGDD of African Union Commission 2020).

Generally, the Maputo Protocol contains provisions regarding gender equality and the protection of women in Africa. Even though it was launched effectively in 2005, not all African Union member countries immediately ratified the Maputo Protocol document. Kenya is one of the African countries that initially agreed to the Maputo Protocol agreement but has only ratified it since 2010. Kenya is still classified as a country with a low level of gender equality, although it cannot be ranked among the most discriminatory countries in Africa. Based on the gender gap index data, which calculates women's participation in economic, political, educational, and health activities, Kenya recorded a fluctuating index value of 0.6-0.7 from the 2010s until the early

2020s. This achievement put Kenya in the fifteenth out of thirty-six Sub-Saharan African countries (Cowling 2023). These records show that, despite the progress achieved after ratification, Kenya is still categorized as a country that is not friendly to women's social and economic life.

This paper attempts to analyze a series of implementations of the principles and rules in the Maputo Protocol in Kenya. The government and local communities have taken a series of strategic actions that align with the basic principles of the Maputo Protocol. Starting with the creation of special legal regulations regarding the actions against gender discriminatory behavior, the formation of women's rights protection institutions, and various anti-discrimination action initiatives based on the role of local communities. As a result, although not very significant, there has been an improvement in some of Kenya's gender equality indicators in recent years. However, this does not mean that the complex problems of discrimination and gender inequality in Kenya have been resolved. There is still a need for greater commitment from the government and society to improve social order, creating a socio-economic system that prioritizes the principles of equality between men and women as mandated by the Maputo Protocol.

### **International Initiatives on Gender Discrimination and Inequality Issues**

Ireland (1978) explains that the international legal basis for protecting women's rights was contained in the Declaration of Human Rights at the United Nations General Assembly in 1948. The foundation of international law within the UN framework was then followed by a series of declarations and legal enactments related to the protection of human rights both in the international and regional scope. Some of them specifically regulate the importance of the state and the international community prioritizing the protection of women's rights, which is considered a vulnerable group. However, the availability of international legal instruments often contradicts their implementation. According to Ireland (1978), two of the biggest obstacles to realizing human and women's rights protection in the international realm are the

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doctrine of state sovereignty and the prevailing principle of non-intervention. Both are sources of inefficiency in international initiatives to enforce human rights and realize gender equality, along with limited opportunities for international elements to be involved in the governance of the country's domestic affairs. Therefore, the number of international cooperation frameworks and declarations related to protecting women's human rights is not directly proportional to their successful realization.

To understand the implementation of the Maputo Protocol as an instrument to realize gender equality in Kenya, this article at least refers to several previous related articles. The first is the work of Chinkin (1995), who explains that despite the high number of violations against women's human rights in various parts of the world, the international response to realizing gender equality is still not optimal. Apart from that, Chinkin (1995) views that the characteristics of the international legal system cause the inefficiency of international legal instruments regarding the protection of women. International law only plays a role in determining the state's obligations to increase efforts to protect women. However, the successful implementation of international mandates depends on the commitment of each authority at the national level and local communities, which is still relatively low. For example, the failure of the Convention on the Elimination of Discrimination Against Women (CEDAW) despite obtaining approval from more than 140 UN members. Most member countries failed to comply with the convention's provisions on the pretext that the agreement was non-binding, and the rules conflicted with local cultural and religious values (Chinkin 1995).

The work of Geng (2019) suggests that the Maputo Protocol connects the universality of women's human rights values and the local culture of local communities. In this regard, Geng (2019) views that from the beginning, the Maputo Protocol has been carried out to localize international principles regarding gender equality and the protection of women into the socio-cultural system of society in Africa. In contrast to other international provisions, which tend to impose universalization of the values of gender equality and women's human rights, contrasting them directly with local customs, the Maputo Protocol emphasizes the

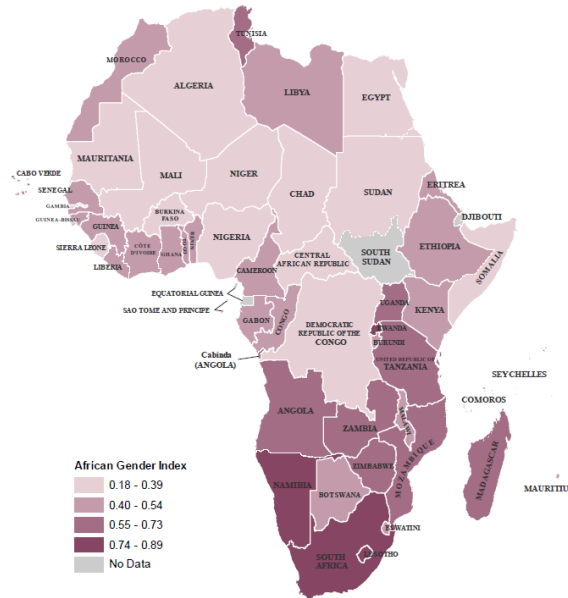
principle of inclusiveness. This means that all parties' involvement is needed in harmonizing protection policies for women. By emphasizing cultural diversity in society, prioritizing dialogue processes, and reform-oriented changes, the Maputo Protocol shows that prioritizing gender equality does not always contradict local cultural traditions (Geng 2019).

### **Gender Inequality in Africa and The Urgency of the Maputo Protocol**

Gender inequality and discrimination against women are complex social problems that occur in almost every African country. This condition is based on the reality of high levels of gender-based violence, low participation of women in the formal employment sector, and weak efforts to protect women's human rights. Based on data from the African Development Bank (AfDB 2020), the gender index for African countries was 0.20-0.80 in 2019, with an average value of 0.486. This figure was obtained based on an assessment of various indicators, including women's participation in the economic process, women's education level, access to health for women, and women's involvement in politics and governance. Only four of fifty-one countries achieve gender index scores in the good category in the range of 0.75-0.89, namely, South Africa, Rwanda, Cabo Verde, and Tunisia. Several other African countries are categorized at the middle level with gender indexes ranging from 0.55-0.73, while most others are classified as countries with deficient levels of gender equality ranging from 0.18-0.54. Therefore, it can be said that the ratio of countries with levels of gender inequality is still less than 15% of all African countries that are members of the African Union (Galal 2023).

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**Figure 1.**  
**Range of Gender Equality Index of African Countries**



*Source: African Development Bank (2020)*

Awareness of improving gender equality in Africa has emerged since the mid-1990s. The African government, organizations, and communities attempted to initiate a framework of rules, principles, and norms that could become women's protection regional instruments. This intention was then realized in 2003 with The Protocol to the African Charter on Human and People's Rights of Women in Africa or the Maputo Protocol by the African Union (AU). Initially, the Maputo Protocol only involved forty-two of fifty-one African countries, and only a dozen countries had ratified and implemented it domestically. However, eventually, other AU countries decided to join and ratify the provisions in force in the protocol. The existence of the Maputo Protocol in the regional realm requires elements of government and community communities in Africa to increase the protection of women's rights, eliminate significant acts of discrimination against women, and correct the acute gender inequality.

The Maputo Protocol explicitly mandates that all member countries fight discrimination against women through legislative, institutional, and other approaches. It outlines several strategic steps that countries can take to combat the problem of discrimination against women, namely: (1) integrating the principle of anti-discrimination against women into the constitution and other legal instruments; (2) establishing and implementing special regulations prohibiting all forms of discrimination against women; (3) integrating the principles of gender equality in every socio-economic policy taken; (4) taking positive and corrective steps towards acts of discrimination against women that still exist; (5) supporting local, national and regional initiatives aimed at eliminating all forms of discrimination against women. The protocol also accentuates the urgency of the government's commitment to modifying or even changing local and national socio-cultural regulations, which are considered to be contrary to the values of gender equality (African Union 2003).

Each article in the Maputo Protocol contains women's fundamental rights and a series of protection obligations for state government authorities. The fourth and fifth articles regulate resistance to acts of violence and exploitation of women. In this regard, each member country's government is obliged to establish and implement legal regulations that prohibit all forms of violence against women. Likewise, the eighth article of the Maputo Protocol affirms equal legal protection for women. In this case, the government must provide adequate legal protection for women from all levels of society. Several other articles also mention the importance of broad opportunities for African women to be involved in political activities and policy-making. Apart from that, opening up women's participation in employment is also seen as essential in realizing gender equality. Two other main elements of gender equality that cannot be excluded from this protocol are education and health. Every member must be able to ensure that all women in their countries have access to adequate health and primary education needs (African Union 2003).

The existence of a regional women's protection regime has become the basis for the emergence of various reform initiatives at the local and national levels. Many African countries have established

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anti-gender discrimination regulations and implemented specific policies regarding protection for women in line with the Maputo Protocol (Mutambasere & Budoo-Scholtz 2023). For example, the establishment of the Women's Act in 2010 by the governments of the Democratic Republic of Congo (DRC) and The Gambia – two countries considered to have acute gender inequality problems, was explicitly an embodiment of the domestication of the provisions of the Maputo Protocol. In addition, Eswatini has succeeded in enacting the Sexual Offenses and Domestic Violence Act in 2018 as a regulation prohibiting acts of rape, including forced sexual relations against women within marriage. Likewise, Burkina Faso and Ivory Coast have implemented a Penal Code which can criminalize rape and all forms of violence against women. The emergence of these local initiatives shows that the Maputo Protocol has at least become the basis for improving gender equality among African countries – although it does not immediately eliminate the problem of discrimination against women in Africa.

### **Gender Inequality and Women Discrimination in Kenya**

The achievement of the index value above actually shows that the problem of gender inequality and discrimination against women in Kenya is too complex to be resolved in a short time. The problems of high levels of violence against women, inadequate access to health and education for women, and limited participation of women in the economic and political fields have not been fully resolved in Kenya. Regarding the issue of gender-based violence (GBV), the latest National Demographic Health Survey data reports that 41% of women in Kenya admitted that they had experienced acts of physical and mental violence from their partners, some of which caused severe trauma (The Conversation 2021). The data also reveals that 42% of Kenyan women still consider acts of violence committed by husbands against wives to be normal in some situations. The dominance of this view proves that the mystification of traditional social and cultural norms, which places men as a higher creature than women in Kenyan society, is still vigorous. Furthermore, AUC-WGDD, UN Women, OHCHR, and UNFPA Report (2020) estimate that the COVID-19 pandemic has caused a significant increase in incidents of gender-based violence in Kenya



as an implication of the socio-economic crisis that is occurring. Moreover, women who are victims of physical, mental, and sexual violence do not receive adequate treatment as they should, either from the government or other social authorities.

One of the essential benchmarks in assessing a country's gender equality is the opportunities for women to participate in political affairs. In this regard, the 2010 amendment to the Kenyan constitution has established special regulations to encourage the involvement of women in state political activities. The provisions in the Kenyan constitution explicitly mandate that at least 2/3 or around 30% of all members of parliament at the national and local levels be women (Anyango et al. 2018). Implementing this regulation had indeed increased the number of women's participation in legislative politics. In 2013, the ratio of women's representation in the Kenyan parliament reached 18.5%, an increase from around 9.8% in previous years. However, the ratio of women's participation in the Kenyan parliament has never reached the target as mandated in the constitution. In the 2017 general election, the ratio only reached around 21%. This number increased slightly in 2022, of which 23% of the national parliament members are women (Cowling 2023). The level of women's representation is better in Kenyan local parliamentary politics. United Nations Women (2021) notes that the ratio of women in parliament in several regions of Kenya has been above 30% in recent years.

Another important indicator of gender equality is the availability of access to education and training for women and the openness of women's participation in the formal employment sector. Specifically in education, the AfDB report (2020) assesses Kenya's gender equality index score in the education sector as 0.93-1.1, or only lower than Namibia, Lesotho, and Tunisia, where more women participate in education than men. The significant progress of the education system in recent years does not indicate that education in Kenya has been completely free from problems of inequality and discrimination against women. Until now, the high level of gender equality in the primary and secondary education sectors has not been equal to the realization in higher education. The latest data from the local education ministry reveals that of the average

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30% of secondary-level students who successfully continue to the tertiary level, only two-thirds are women (Akala 2019). Apart from that, the tendency for women to drop out of school is still much higher than men. This condition is generally caused by poverty, but quite a few are also caused by socio-cultural doctrine issues that require women to take on household responsibilities from an early age.

Despite the government's commitment to improving the quality of the national health system in recent years, various women's health problems in Kenya have not been resolved to date. In the demographic health survey in Kenya (KDHS) conducted by United Nations Women in 2022, the number of women in Kenya who are covered by all types of health insurance is still relatively low (Kenya National Bureau of Statistic 2022). According to the data, only 39% of urban Kenyan women claimed to have health insurance. Meanwhile, in rural areas, it is estimated that the percentage is below 20%. Women's health problems in Kenya are also related to the high rate of pregnancy at a very young age. The same data notes that by 2022, around 15% of the total female population aged 15-19 years in Kenya have already experienced a pregnancy, of which 12% successfully gave birth and 1% experienced a miscarriage. Problems with women's health in Kenya then increase with the persistence of discriminatory behavior carried out by national and private health agencies against women. Research conducted by Ilinca et al. (2019) shows that there is still a high degree of inequality in access to health in Kenya. Wealthy groups of people tend to get adequate health care easily. On the other hand, poor women are the most vulnerable group in society that still doesn't have access to proper health care.

Women's participation in Kenya's economic and employment sectors is relatively high. Data shows that from 2011 to 2021, the percentage of women's involvement in the productive economy in Kenya was around 70%-72%. This means at least 70 out of 100 women in Kenya are absorbed into the workforce annually. This figure is slightly below the male employment ratio of around 75%-77% in the same period (Cowling 2023). Even though employment opportunities for women in Kenya are relatively open, in reality, most of the female workforce is engaged in the informal economy

sector with low incomes and limited social, economic, and health protection. Reflecting on data collected in 2011, only around 18% of Kenyan female workers worked in the formal sector with decent salaries and benefits. Meanwhile, as many as 77% of female workers aged 15-64 years in Kenya work as informal workers without clear socio-economic security. Specifically, in the urban non-agricultural economic sector, 66% of women are registered as informal workers. In comparison, the absorption rate of women in the formal sector only reaches 25% of the total female workforce (Gonzalez et al. 2014).

### **The Implementation of The Maputo Protocol's Gender Equality and Anti-Discrimination Principles in Kenya**

Kenya is one of the members of the African Union that has signed the Maputo Protocol since the beginning of the agreement. The Kenyan government considered that the basic principles and norms of the Maputo Protocol could become a regional instrument to resolve the acute problem of gender inequality in the entire African region. However, as the political dynamic happened, the government's initiative in signing the protocol has never received ratification approval from the dominant legislative political power. Therefore, the provisions in the Maputo Protocol cannot be implemented efficiently in Kenya. However, in October 2010, the ratification of the Maputo Protocol was successfully carried out in Kenya. Commitment to comply with the Maputo Protocol requires Kenyan authorities to strengthen regulations. Readjustments to the constitutional rules and implementation of special laws were carried out to optimize the protection of women's human rights and improve conditions of gender inequality.

In general, the Kenyan government has agreed to adopt all the substance of the rules contained in the Maputo Protocol with two exceptions. The first is related to the provisions of Article 10(3) of the protocol, which mandates the government to significantly reduce expenditure in the defense and security sector and then allocate it to promote women's empowerment. The government argues that reducing the budget was impossible amidst the current vulnerability of Kenya's national security and defense, especially

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due to the massive threat of terrorism. Secondly, Kenya also resists the provisions in Article 14(2)(c) of the protocol, which states the government's obligation to guarantee women's reproductive rights, including carrying out abortions. This rule was considered to be contrary to the provisions of the 2010 constitutional amendment, especially Article 26, which clearly states that abortion is a prohibited act (KNCHR 2021). This contradiction gave rise to pressure from domestic and international elements, who demanded that the Kenyan government consistently comply with all provisions in the protocol. The Kenya National Commission of Human Rights (KNCHR) has issued recommendations to the national government and legal institutions to immediately initiate the process of withdrawing objections to provisions 14(2)(c) of the Maputo Protocol (KNCHR 2021).

The Kenyan government has made a series of fundamental changes to the principles of the Maputo Protocol. In line with the ratification process, the government and the Kenyan parliament passed a constitutional amendment, ratified in August 2010. As a result, several constitution articles specifically contained provisions regarding the equality of women and men covering all areas of social life. Regarding basic human rights, Article 26 states that everyone has the right to a decent life, which no one can take away. Furthermore, Article 27 of the constitution regulates explicitly human rights equality, including anti-discrimination laws against women. It is stated in several points of the provisions that women and men have the right to obtain equal opportunities in the economic, political, and social fields. Therefore, the state government is prohibited from carrying out discriminatory actions that harm particular gender, racial, ethnic, and religious groups. To realize gender equality, the constitution also mandates the government to carry out legislative steps or a series of special actions, including launching programs specifically aimed at eliminating discriminatory cultures in the socio-economic life system of Kenyan society (Constitution of Kenya 2010).

The constitution has become the legal basis for various policy initiatives to eliminate discrimination against women in Kenya. Through the 2011 KNHCR Parliament Act, the government established the Kenya National Commission of Human Rights as

a special human rights institution, including protecting women's rights in Kenya. In general, KNHCR has the authority to carry out investigations of human rights violations, monitor actions for the enforcement of human rights, conduct education and training regarding the importance of protecting human rights, and hold human rights campaigns and advocacy together with other elements of society in Kenya (KNHCR 2021). Simultaneously, the Kenyan legislature passed the National Gender and Equality Commission (NGEC) Act. It intended to assist KNHCR's performance in promoting gender equality and the protection of women under the mandate of the Kenyan constitution (National Gender and Equality Commission 2011). Regarding monitoring the implementation of the Maputo Protocol, in 2021, the KNHCR issued demands to the government to eliminate resistance to complying with the protocol provision 14(2)(c). The KNHCR concluded that the rejection shows Kenya's low commitment to realizing equality for women compared to other African countries (KNHCR 2021).

The government's commitment to realizing the gender equality and women's empowerment agenda was then stated in the Kenya Vision 2030 sustainable development agenda. In 2012, the Kenyan Government included gender mainstreaming as one of Kenya's main goals for sustainable development. The scope of policy interventions launched to achieve this goal includes increasing institutional capacity at the regional level, implementing national development and gender policies, improving data collection systems and monitoring functions, and initiating other activities to increase public awareness (Kenya Vision n.d). The government is also transparent, opening up opportunities for regional and international elements to evaluate the protocol implementation in Kenya. In 2014, Oxfam issued an evaluation report on implementing the Maputo Protocol in Kenya based on three levels of assessment: basic, positive action, and good practice. It can be seen in the table below that among the eight implementation areas, four of which include equality and discrimination, elimination of GBV, inheritance, and economy and social welfare, had been classified at the good practice level. Meanwhile, women's protection in the areas of marriage, access to justice, and health and reproductive rights was still considered weak and needs to be improved. Overall,

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only the education domain was considered to be at the level of good practice. This means Kenya already has concrete national regulations and a high commitment to facilitating gender equality in education (Gonzalez et al. 2014).

**Table 1.**  
**Gender Equality Score Based on Maputo Protocol in Kenya**

Area of Protocol	Implementation Status
Equality and Discrimination	Positive Actions
Elimination of Violence Against Women	Positive Actions
Marriage Protection	Basic
Access to Justice	Basic
Education	Good Practice
Inheritance	Basic
Economic and Social Welfare Rights	Positive Actions
Health and Reproductive Rights	Basic

*Source: Gonzalez et al. (2014)*

The Maputo Protocol has encouraged legal reform and social regulations related to gender equality and women’s empowerment in Kenya. Kilonzo (2023) states that many new regulations in Kenya were passed following the ratification of protocols and constitutional amendments. Firstly, the Female Genital Mutilation Act of 2011 prohibits the practice of genital mutilation of women, which was previously still widespread among Kenyan social groups. Furthermore, the Community Land Act, which contains special regulations regarding the protection of women’s ownership of land and buildings, was passed in 2016 by the parliament. Another important regulation enacted is the Marriage Act and Matrimonial Property Act of 2014, which generally regulates women’s rights in a marriage bond. The existence of this law is considered to be able to eliminate abusive actions that are still rampantly committed by men against their partners. More importantly, the Kenyan parliament also succeeded in passing the Protection Against Domestic Violence Act in 2015, which emphasized the protection of women from acts of gender-based violence (GBV) and the

obligation to fulfill health rights for all women in Kenya (Kilonzo 2023). Previously, in 2014, responding to the continued rise in acts of gender-based violence, the Kenyan government published the National Policy for Prevention and Response to Gender-Based Violence (Ministry of Devolution and Planning 2014).

Following the protocol's obligations, Kenya is one of the few African Union countries that has provided an Initial Report on the Protocol to The African Charter on Human and People's Rights on The Rights of Women in Africa in 2020. The report generally conveys all efforts that the government has carried out with other institutional elements to create socio-economic conditions that better support women's lives in Kenya. It explained that Kenya's strategic realization is divided into two domains: establishing many new legal provisions regarding gender equality and creating an institutional framework (The Republic of Kenya 2021). Both strategic orientations are directly aimed at resolving the problem of gender inequality in all areas of Kenyan society. In the political realm, amendments to the Kenyan constitution allowed for greater participation by women in policymaking. The report also states that government intervention in the public and private spheres has been specifically aimed at providing facilities and protection for women. It began with the obligation for schools, offices, companies, and other private institutions to provide clean toilets and lactation rooms to facilitate women's needs. In addition, at a higher level, through the role of NGEK, the government has tried to push for the realization of gender equality and more significant protection of women workers in the economic and business domains (The Republic of Kenya 2021).

One of the crucial mandates of the Maputo Protocol is the eradication of all forms of sexual violence, which often targets women in Africa. The stipulation of a series of laws and regulations, including the Sexual Offenses Act, Prohibition of Genital Mutilation Act, Counter Trafficking Person Act, and Cybercrimes Act, initiated by the government to curb the violence against women in Kenya (The Republic of Kenya 2021). The Kenyan government has launched various strategic programs to improve the quality of women's health services, which have been implemented since 2012. Starting from the integration of the principle of equality in

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the health sector into the Kenya Vision 2030, the establishment of the Kenya Health Sector Policy (KHSP), the Community Health Policy Program, The Adolescent Sexual Reproductive Health Policy, and the implementation of The Menstrual Health Program (The Republic of Kenya 2021).

The implementation of the Maputo Protocol has produced positive implications in Kenya. However, this does not mean the protocol does not encounter challenges and shortcomings. Kinzilo (2023) states that at least five factors inhibit the protocol's realization in Kenya. Firstly, there is still resistance from the government and parliament to accept several principal provisions in the Maputo Protocol. Secondly, even though there have been efforts to make changes, manifestations of cultural practices contrary to the principles of gender equality and women's protection are still widespread among traditional communities in Kenya. Furthermore, the national government and local policymakers still failed to synergize the principles of the Maputo Protocol and the struggles of civil society movements. Fourth, there are still many progressive legal drafts and programs regarding gender equality that have not been successfully implemented due to deadlock in the political process. The final obstacle is that there is still no comprehensively integrated data related to gender. This series of issues should be used as a reflection of learning so that the principal objectives of the Maputo Protocol can be successfully realized in Kenya.

### **Conclusion**

Based on the explanation, it can be concluded that the Maputo Protocol as a regional instrument has encouraged a series of systemic changes to realize gender equality in Kenya. In line with the protocol ratification process, the government and parliament have amended the national constitution to comply with the protocol's provisions and principles. A reliable constitutional foundation has become the basis for initiating national strategic programs specifically aimed at improving the status of women. Since discrimination against female politicians is still high in the political sphere, the new rules regarding political parties require



a minimum quota for women's participation in each competing party. Likewise, in other social contexts, the practice of women's circumcision is still widespread, prompting the Kenyan government to establish a ban on acts of female genital mutilation shortly after the protocol was ratified. To encourage efficient enforcement of various anti-discrimination regulations, new institutions such as KNHCR and NGEN were formed as independent institutions to implement and supervise the implementation of women's protection and empowerment policies.

The Kenyan government's commitment to adopting the regional principles of the Maputo Protocol in the national realm has resulted in significant implications for efforts to improve the status of women in Kenya to date. Based on quantitative calculations, since the implementation of the protocol, the latest data shows that Kenya's gender equality index figure is relatively stable in the range of 0.70-0.75. These figures show that Kenya has a relatively lower level of gender equality than developing countries in northern and southern Africa. However, compared with central African countries, Kenya's achievement of gender equality deserves appreciation. Even though it is still considered successful, of course, there are still various problems that hinder the realization of efforts to eliminate discrimination against women in Kenya. In this case, there is a need for more significant commitment accompanied by the government's strategic steps and other Kenyan societal elements to implement the principles and provisions agreed upon in the Maputo Protocol.

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