

Social Institutions and Gender Index

Kenya

SIGI Country Profile

6 October 2025

SIGI Country Profiles are produced by the OECD Development Centre. Commended and supported by Italy's G7 presidency, these SIGI Country Profiles for Africa focus on violence against women and women's economic empowerment.

The information and analysis contained in this profile are based on data from the fifth edition of the Social Institutions and Gender Index (SIGI) published in March 2023. The cut-off date for legal data is 31 August 2022; the cut-off date for quantitative data is 1 January 2023.

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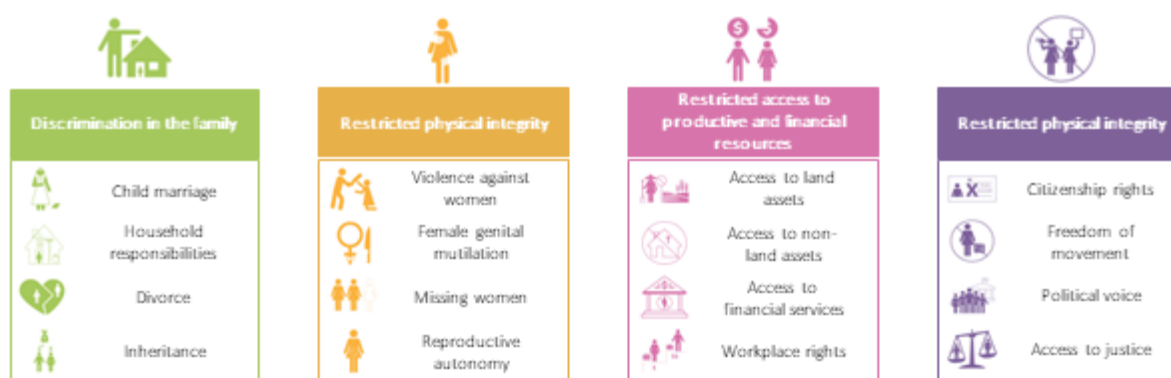
Foreword

The SIGI 2023 profile for Kenya provides a comprehensive overview of the state of gender equality in the country with a focus on violence against women and women's economic empowerment, as measured by the OECD's Social Institutions and Gender Index (SIGI). The fifth edition of the SIGI, released in 2023, assesses 140 countries based on the level of gender-based discrimination in their social institutions. These discriminatory social institutions encompass both formal and informal laws, as well as social norms and practices that restrict women's and girls' access to rights, justice, empowerment opportunities and resources, thereby undermining their agency and authority.

Specifically, the SIGI measures gender-based discrimination across four dimensions covering the major socio-economic areas that affect women and girls throughout their lifetime:

- The **"Discrimination in the family"** dimension captures social institutions that limit women's decision-making power and weaken their status in the household and the family.
- The **"Restricted physical integrity"** dimension captures social institutions that increase women's and girls' vulnerability to multiple forms of violence and limit their control over their reproductive autonomy.
- The **"Restricted access to productive and financial resources"** dimension captures social institutions that limit women's economic opportunities and rights.
- The **"Restricted civil liberties"** dimension captures social institutions restricting women's access to, and participation and voice in, the public and political spheres.

Figure 1. Conceptual framework of the fifth edition of the SIGI

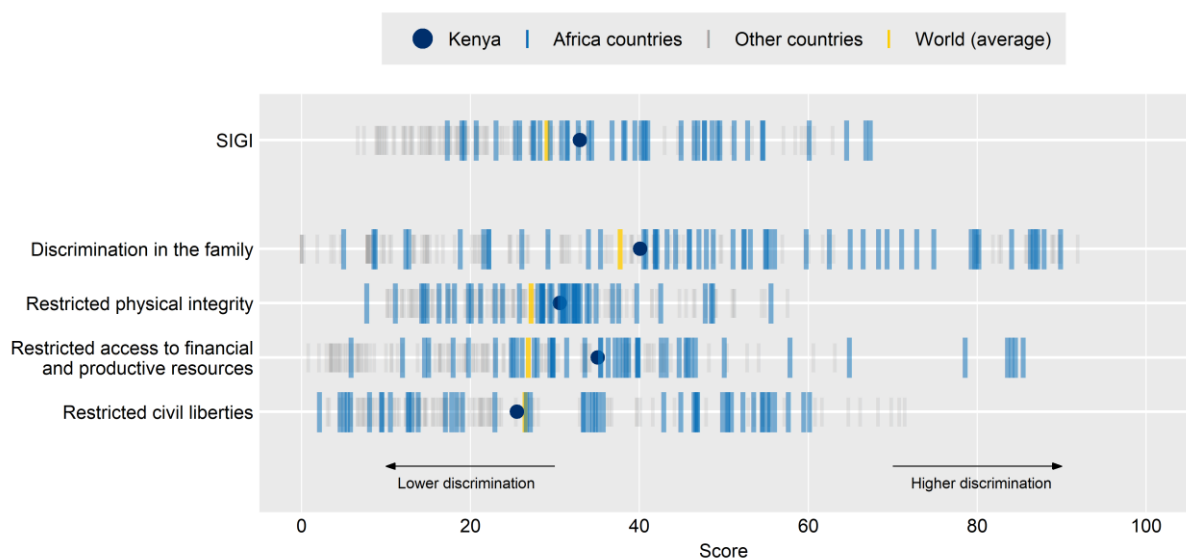


Each dimension builds on four indicators which, in turn, build on one to three variables depending on data availability (Figure 1). When there are no data gaps, each indicator includes one legal variable, one attitudinal variable and one practice variable. Levels of discrimination in the SIGI and its dimensions are assessed based on scores as follow: very low [0-20]; low [20-30]; medium [30-40]; high [40-50]; and very high [50-100].

The state of gender equality in Kenya

Overall, Kenya was among those countries classified as having medium levels of gender discrimination based on the SIGI 2023 score (33). For comparison, the average score in the Africa region is 40 while the global average is 29. Across the SIGI's four dimensions, the SIGI score shows lower discrimination in "Restricted civil liberties" (25) and "Restricted physical integrity" (31) and higher levels of discrimination in "Restricted access to productive and financial resources" (35) and "Discrimination in the family" (40).

Figure 2. SIGI and dimension scores for Kenya, 2023



Note: Scores range from 0 to 100, with 0 indicating no discrimination and 100 indicating absolute discrimination. The Africa region covers Algeria, Angola, Benin, Botswana, Burkina Faso, Burundi, Cabo Verde, Cameroon, Central African Republic, Chad, Comoros, Congo, Cote d'Ivoire, Djibouti, DRC, Egypt, Equatorial Guinea, Eritrea, Eswatini, Ethiopia, Gabon, the Gambia, Ghana, Guinea, Guinea-Bissau, Kenya, Lesotho, Liberia, Libya, Madagascar, Malawi, Mali, Mauritania, Mauritius, Morocco, Mozambique, Namibia, Niger, Nigeria, Rwanda, Sao Tome and Principe, Senegal, Seychelles, Sierra Leone, Somalia, South Africa, South Sudan, Sudan, Tanzania, Togo, Tunisia, Uganda, Zambia and Zimbabwe.

Source: OECD (2023), "Social Institutions and Gender Index (Edition 2023)", *OECD International Development Statistics* (database), <https://doi.org/10.1787/33beb96e-en>.

Positive highlights and significant challenges



Positive highlights

- The Sexual Offences (Amendment) Act of 2023 is currently under review in the Kenyan Parliament. The bill aims to update the 2006 Sexual Offences Act, spreading greater public awareness on this issue and implementing new protections for victims of sexual offences.
- The statutory legal frameworks governing several SIGI indicators – such as child marriage, household responsibilities, access to financial services, citizenship rights, and access to justice – are gender equal.
- In Kenya, access to decision-making power in the economic sphere has become increasingly more gender equal. Women account for 50% of workers in managerial positions and 46% of house owners in the country.



Significant challenges

- Kenya's legislation on sexual violence and rape is fairly restrictive and the prevalence of social tolerance of intimate partner violence is relatively high.
- Informal, religious and customary laws adhered by different parts of the population remain relatively prevalent in Kenya, potentially undermining the gender-equal statutory laws that are set in place.
- Challenges persist in achieving greater women's economic empowerment. The legal frameworks governing inheritance, land, and non-land assets sets different provisions for the rights of men and women.

Summary of results for Kenya

Discrimination in the family	Unit	Value	Regional Value
Laws on child marriage	Score	25	50.9
Girl child marriage rate ¹	%	12	18.7
Boy child marriage rate ¹	%	0.6	1.8
Laws on household responsibilities	Score	0	52.3
Share of the population that agrees or strongly agrees that 'if a woman earns more than her husband, it is a problem'	%	53.3	53.1
Share of the population that agrees or strongly agrees that 'when a mother works 'for' pay, the children will suffer'	%	22.6	54.6
Female-to-male ratio of time spent on unpaid care and domestic work	Ratio	-	4.1
Number of hours spent by men on unpaid care and domestic work in a 24-hour period	Hours	-	1.1
Number of hours spent by women on unpaid care and domestic work in a 24-hour period	Hours	-	4.4
Laws on divorce	Score	50	57.9
Laws on inheritance	Score	75	51.9
Restricted physical integrity	Unit	Value	Regional Value
Laws on violence against women	Score	50	53.7
Share of women who consider a husband to be justified in hitting or beating his wife under certain circumstances	%	50.4	37.2
Lifetime intimate-partner violence rate ²	%	38	32.8
12-month intimate-partner violence rate ²	%	21.4	17
Laws on female genital mutilation	Score	25	28.7
Share of the female population who has heard about female genital mutilation and think the practice should continue	%	7.5	26.7
Prevalence of female genital mutilation (% of women aged 15-49 years who have undergone FGM)	%	21	40.5
Boy-to-girl ratio at birth (natural = 105) ³	Ratio	101.3	102.7
Laws on reproductive autonomy	Score	75	58.8
Unmet needs for family planning ⁴	%	13.9	19.7
Restricted access to productive and financial resources	Unit	Value	Regional Value
Laws on land assets	Score	50	36.1
Share of women among landowners	%	46	38.1
Laws on non-land assets	Score	50	29.2
Share of women among house owners	%	45.8	40.3
Laws on financial assets	Score	0	16.2
Share of women among bank account owners	%	44.9	41.6
Laws on workplace rights	Score	50	73.1
Share of the population declaring that 'when jobs are scarce, men should have more right to a job than women'	%	36.8	55.4
Share of the population declaring that 'men make better business executives than women do'	%	32.2	55.7
Share of women among managers	%	49.6	32.8
Share of firms with a woman as top manager	%	18.1	13.8
Restricted civil liberties	Unit	Value	Regional Value
Laws on citizenship rights	Score	0	42.1
Laws on political voice	Score	25	25
Share of the population declaring that 'men make better political leaders than women do'	%	42.2	62.4
Share of women in Parliament (lower chamber)	%	23.4	25.4
Laws on freedom of movement	Score	75	17.6
Share of women among those who declare not feeling safe walking alone at night in the city or area where they live	%	59.9	56.8
Laws on access to justice	Score	0	23.1
Share of women among those who declare not having confidence in the judicial system and courts of their country	%	45.1	47.3

Note: Scores of legal variables range from 0 to 100, with 0 indicating no discrimination and 100 indicating absolute discrimination.

¹ % of girls/boys aged 15-19 years who have been or are still married, divorced, widowed or in an informal union.

² % of ever-partnered women and girls who have experienced physical and/or sexual violence by a current or former intimate partner during their lifetime/over the previous 12 months. Population base for lifetime IPV: 15-49 years. Population base for 12-month IPV: 15 years and older.

³ A natural boy-to-girl sex ratio at birth is generally estimated to be below 105. A ratio exceeding 105 implies the existence of more boys aged 0-4 than one would expect, indicating a potential phenomenon of son preference resulting in the systemic elimination of new-born girls.

⁴ % of married or in-union women of reproductive age who want to either stop or delay childbearing but are not using any contraception method.

Source: OECD Development Centre/OECD (2023), "Gender, Institutions and Development Database", <https://doi.org/10.1787/7b0af638-en>.

Social and institutional determinants of violence against women and girls

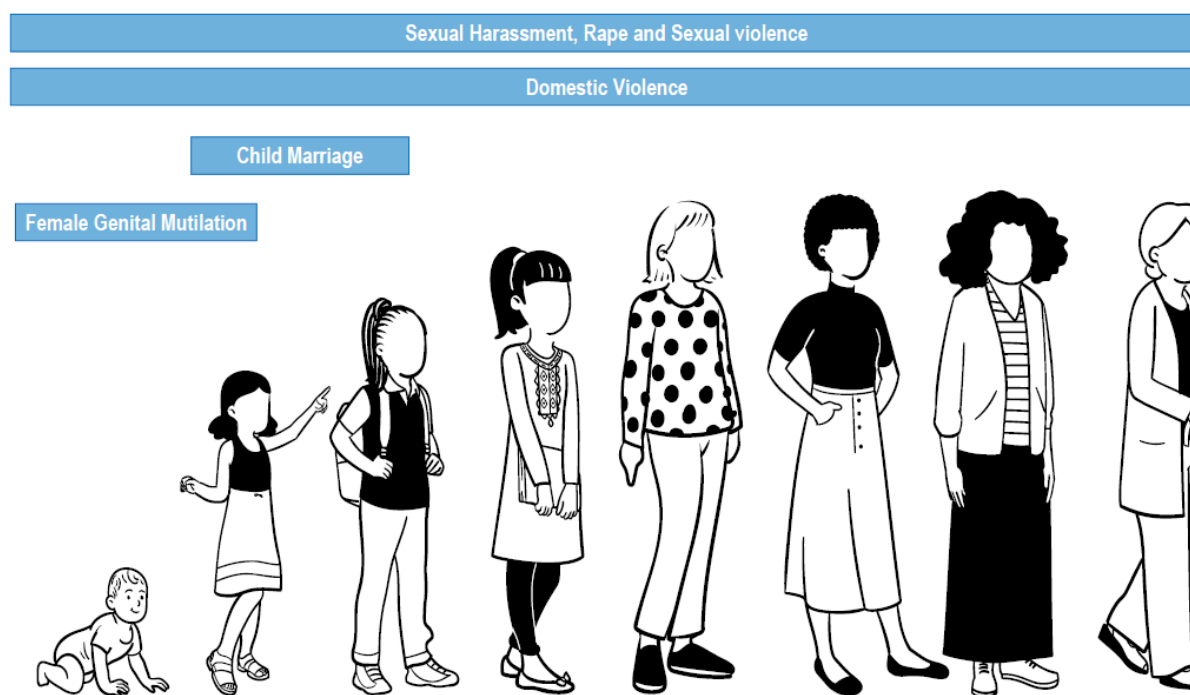
Violence against women is a global pandemic, with disastrous effects on girls' and women's health and well-being. Moreover, violence against women is rarely an isolated incidence, but often part of patterns of abuse sustained by deeply entrenched but harmful social norms and gender stereotypes.¹ As such, it is more than an interpersonal issue - it is a wider societal problem with consequences on countries' development and welfare.

The United Nations define violence against women as wide range of harmful acts that are rooted in unequal power relations between men and women and that result in - or are likely to result in - physical, sexual or mental harm or suffering to women.² At the global level, the Declaration on the Elimination of Violence against Women (CEDAW) adopted by the UN General Assembly in 1979 and particularly the General recommendation No. 35 of 2017 recognise the importance of ending gender-based violence against women. In Africa, the Maputo Protocol³ calls on state parties to eliminate all forms of discrimination against women and adopt the needed measures to end and prevent violence against women. The SIGI adopts a life-cycle approach to violence against women and girls covering several types of violence (see Figure 3). This section assesses how social norms and legal frameworks determine girls' and women's risk of being subjected to any of these types of violence.

¹ OECD (2023), Breaking the Cycle of Gender-based Violence: Translating Evidence into Action for Victim/Survivor-centred Governance, OECD Publishing, Paris, <https://doi.org/10.1787/b133e75c-en>.

² United Nations (1993), Declaration on the Elimination of Violence against Women proclaimed by General Assembly resolution 48/104 of 20 December 1993, United Nations, New York, https://www.un.org/en/genocideprevention/documents/atrocitycrimes/Doc.21_declaration%20elimination%20vaw.pdf.

³ African Union (2003), Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa, 2nd Ordinary Session of the Assembly of the Union, Maputo, <http://www.ohchr.org/Documents/Issues/Women/WG/ProtocolontheRightsofWomen.pdf>.

Figure 3. Violence against women and girls is a lifelong continuum

Source: Authors' own elaboration based on OECD (2023), <https://doi.org/10.1787/33beb96e-en>.

Violence against women

Practices and social norms related to violence against women

Violence against women remains a major concern in Kenya. Based on the latest available data in 2023, 38% of women aged 15-49 have experienced physical and/or sexual violence by a current or former partner at least once during their lifetime, and 21% of women aged more than 15 have experienced such violence at least once over the last 12 months.⁴

These levels of intimate-partner violence are rooted in its widespread social acceptance. Based on the latest available data in 2023, 50% of women aged 15-49 think that it is justified for a husband to hit or beat his wife under certain circumstances, such as burning the food, arguing with the spouse, going out without telling him, neglecting the children, or refusing to have sex. In comparison, 28% of women hold these discriminatory attitudes worldwide, and 37% across Africa – based on countries for which data are available.

Legal frameworks concerning violence against women

Despite the adoption of several laws on specific types of violence against women, Kenya does not possess a comprehensive law prohibiting all types of violence against women. Articles 3, 7, 10 and 24 of the Sexual Offences Act⁵ defines rape as occurring if the penetration is not consensual, if consent was obtained by coercion, false pretence, fraud, force, or by threats or intimidation of any kind, or if the person was not capable of giving consent. However, the provisions also state that proof of penetration is required in order

⁴ This indicator corresponds to SDG indicator 5.2.1

⁵ Republic of Kenya (2006), "Law No. 3 of 2006 Sexual Offences Act, as amended in 2018".

to recognise rape. Moreover, Article 43.5 of the same Act stipulates that intentional and unlawful penetration is not considered rape and is not a criminal offence when the perpetrator and victim are legally married to each other. Sexual harassment is prohibited as per Article 3(g) of the Protection Against Domestic Violence Act⁶, Article 23 of the Sexual Offences Act and Articles 5(3) and 6 of the Employment Act⁷, and the Computer Misuse and Cybercrimes Act⁸. Coverage includes workplaces, educational establishments and the internet, but does not explicitly extend to sexual harassment in public spaces.

Question	Answer	Assessment
Is there a law specifically addressing violence against women?	No	!
If there is a specific law addressing violence against women, are there specific provisions for investigation, prosecution and punishment of the perpetrator?	NA	NA
If there is a specific law addressing violence against women, are there specific provisions for protection and support services for victims/survivors?	NA	NA
Does the law include reduced penalties in case of so-called "honour crimes"?	No	✓
Domestic violence		
Is domestic violence a criminal offence?	Yes	✓
Does domestic violence legislation cover physical abuse?	Yes	✓
Does domestic violence legislation cover sexual abuse?	Yes	✓
Does domestic violence legislation cover psychological abuse?	Yes	✓
Does domestic violence legislation cover economic abuse?	Yes	✓
Are there any exceptions included in informal laws (traditional, religious, and/or customary rules/laws) that reduce penalties for domestic violence?	No	✓
Rape		
Is rape a criminal offence?	Yes	✓
Is the legal definition of rape based on lack of consent?	Yes	✓
If the legal definition of rape is based on lack of consent, does this require proof of physical force?	No	✓
If the legal definition of rape is based on lack of consent, does this require proof of penetration?	Yes	!
Does the legal definition of rape include marital rape?	No	!
Does the law permit the reduction or removal of legal punishment if the perpetrator marries the victim?	No	✓
Sexual harassment		
Does the law prohibit sexual harassment?	Yes	✓
Does the law on sexual harassment include criminal penalties?	Yes	✓
Do legal protections from sexual harassment apply in the workplace?	Yes	✓
Do legal protections from sexual harassment apply in educational establishments?	Yes	✓
Do legal protections from sexual harassment apply in public spaces?	No	!
Do legal protections from sexual harassment apply online / on the internet?	Yes	✓

Note: Cut-off date for the legal data is 31 August 2022.

Source: OECD Development Centre/OECD (2023), *SIGI 2023 Legal Survey*, <https://oe.cd/sigi-dashboard>.

Child marriage

Practices related to child marriage

Child marriage remains a concern in Kenya, primarily affecting girls. Based on the latest available data in 2023, 12% of girls aged 15-19 were or are still married, divorced, widowed or in an informal union, compared to 1% of boys. In addition, 23% of women aged 20-24 were married or in a union before the age of 18,⁹ compared to a world average of 26% and an average of 31% in Africa – based on countries for which data are available.

⁶ Republic of Kenya (2015), "Protection Against Domestic Violence Act".

⁷ Republic of Kenya (2007), "Employment Act as amended in 2022".

⁸ Republic of Kenya (2018), "Computer Misuse and Cybercrimes Act".

⁹ This indicator corresponds to SDG indicator 5.3.1.

Legal frameworks concerning child marriage

While the statutory laws set 18 years as the minimum legal age for men and women, evidence shows that informal laws, to which certain parts of the population adhere to, allow or encourage child marriage in some cases.

Question	Answer	Assessment
What is the legal age of marriage for men?	18	✓
What is the legal age of marriage for women?	18	✓
Are there legal exceptions to the legal age of marriage that allow women and men under the legal age of marriage to marry with the consent of parent and/or legal guardian?	No	✓
Are there legal exceptions to the legal age of marriage that allow women and men under the legal age of marriage to marry with the consent of judge or court?	No	✓
Are there legal exceptions to the legal age of marriage that allow women and men under the legal age of marriage to marry with the consent of another person or institution?	No	✓
Does the legal age of marriage apply to all groups of women?	Yes	✓
Are there informal laws (customary, traditional or religious laws/rules) that allow or encourage the early marriage of girls?	Yes	!

Note: Cut-off date for the legal data is 31 August 2022.

Source: OECD Development Centre/OECD (2023), *SIGI 2023 Legal Survey*, <https://oe.cd/sigi-dashboard>.

Female genital mutilation and cutting (FGM/C)

Practices and social norms related to FGM/C

Female genital mutilation and cutting (FGM/C) is traditionally concentrated in a limited number of countries that have been well-identified and documented by international organisations at the forefront of the fight against this harmful practice. Yet, evidence highlights that FGM/C takes place across all regions, among indigenous and/or diaspora communities originating from countries where FGM/C is known to be common. In some contexts, girls are taken across national borders to undergo FGM/C in a country where the legislation against the practice is either non-existent or less strict.¹⁰

Based on the latest available data in 2023, female genital mutilation and cutting (FGM/C) remains present in Kenya, with 21% of women aged 15-49 who have undergone the practice. Moreover, 8% of women think that the practice of FGM/C should continue.

Legal frameworks concerning FGM/C

Articles 19-25 of the Prohibition of Female Genital Mutilation Act¹¹, allows to prosecute acts of FGM/C on narrow grounds, namely under acts of female genital mutilation, excision and infibulation.

Question	Answer	Assessment
Does the law criminalise FGM/C on broad or narrow grounds?	Yes	✓
Does the law criminalise FGM/C on narrow grounds only?	Yes	✓
Are there informal laws (customary, traditional or religious laws) that allow or encourage FGM/C?	Yes	!
Does the law take precedence over informal laws (customary, traditional or religious laws) that allow, condone or prescribe FGM?	Yes	✓

¹⁰ Equality Now, End FGM European Network and US End FGM/C Network (2020), *Female Genital Mutilation/Cutting: A Call For A Global Response*, <https://www.equalitynow.org/resource/female-genital-mutilation-cutting-a-call-for-a-global-response/>.

¹¹ Republic of Kenya (2011), "Prohibition of Female Genital Mutilation Act".

Note: The SIGI methodology assesses laws on FGM/C according to two scenarios: (1) criminalisation on narrow grounds includes laws that contain criminal penalties for acts of “female genital mutilation”, “permanent altering/removal of external genitalia”, “female circumcision”, “excision”, “infibulation” and “genital mutilation”; (2) criminalisation on broad grounds includes “mutilation”, “harming of a person’s organs”, “serious bodily injury” and “bodily injury/hurt/assault.” The presence of informal laws that allow or encourage FGM/C is proxied by the existence of nationally representative data on FGM/C or the existence of indirect estimates (usually used in countries where FGM/C is mainly practiced by diaspora communities), small-scale studies, or anecdotal evidence and media reports as reported by Equality Now, the End FGM European Network and the US End FGM/C Network in 2020.

Source: OECD Development Centre/OECD (2023), *SIGI 2023 Legal Survey*, <https://oe.cd/sigi-dashboard>, and Equality Now, End FGM European Network and US End FGM/C Network (2020), *Female Genital Mutilation/Cutting: A Call For A Global Response*, <https://www.equalitynow.org/resource/female-genital-mutilation-cutting-a-call-for-a-global-response/>.

Social and institutional determinants of women's economic empowerment

Women's economic empowerment is a cornerstone of gender equality and a critical driver of sustainable development. It enables women to participate in, contribute to, and benefit from economic growth, thereby reducing income inequality, boosting productivity, and fostering innovation (UN Women, 2018)¹² (Equality Now, 2020)¹³. As such, advancing women's economic empowerment is essential to realising the 2030 Agenda for Sustainable Development and building resilient, inclusive societies. Beyond structural factors, social and institutional determinants hold an important sway on women's economic empowerment - including their access to resources and economic opportunities. This section offers insights to what extent social norms and legal frameworks support or restrict women's economic empowerment in Kenya, providing detailed information on the following SIGI indicators: Inheritance; Access to land assets; Access to non-land assets; Access to financial services; and Workplace rights.

Inheritance

Legal frameworks concerning inheritance rights

Articles 36 of the Law of Succession Act of Kenya¹⁴ states that if the surviving spouse is a widow, the "life interest shall be determined upon her re-marriage to any person." This means that women's right to inheritance is conditioned upon their decision to remarry, which is a requirement that does not exist for men. Furthermore, the Succession Act does not apply equally to all groups of women when dealing with agricultural land, its crops and livestock in the districts listed in section 32 of this Act. In such districts, the law or custom applicable to the community or tribe of the deceased shall apply. For persons of the Muslim faith who recognise the authority of the Kadhi courts, it is the Muslim law of inheritance that will apply before this court and not the Law of Succession Act.

Question	Answer	Assessment
Do daughters and sons have the same rights to inherit?	Yes	✓
Do female and male surviving spouses have the same rights to inherit?	No	!
Regarding inheritance rights of daughters, does the law apply to all groups of women?	No	!

¹² UN Women (2018), Facts and Figures: Economic Empowerment, <https://www.unwomen.org/en/what-we-do/economic-empowerment/facts-and-figures>.

¹³ Equality Now, End FGM European Network and US End FGM/C Network (2020), Female Genital Mutilation/Cutting: A Call For A Global Response, <https://www.equalitynow.org/resource/female-genital-mutilation-cutting-a-call-for-a-global-response/>.

¹⁴ Republic of Kenya (1972), "Law of Succession Act as amended in 2021".

Question	Answer	Assessment
Regarding inheritance rights of female surviving spouses, does the law apply to all groups of women?	No	!
Are there informal laws (customary, traditional or religious laws/rules) that create different rights or abilities between sons and daughters when it comes to inheritance?	Yes	!
Are there informal laws (customary, traditional or religious laws/rules) that create different rights or abilities between male and female surviving spouses when it comes to inheritance?	Yes	!

Note: Cut-off date for the legal data is 31 August 2022.

Source: OECD Development Centre/OECD (2023), *SIGI 2023 Legal Survey*, <https://oe.cd/sigi-dashboard>.

Access to land assets

Practices related to women's access to secure land assets

In Kenya, women's land ownership is common, although inferior to that of men. Based on the latest available data in 2023, 39% of women are landowners, compared to 47% of men. This translates in women accounting for 46% of landowners in the country. Across Africa, an average of 43% of men and 26% of women are landowners, with women representing 38% of landowners in the region.

Legal frameworks concerning women's access to land assets

Legislation governing land assets does not apply to all groups of women. Articles 3, 8, and 11 of the Matrimonial Property Act¹⁵ stipulate that a person who professes the Islamic faith may be governed by Islamic law in all matters relating to matrimonial property. Matrimonial property rights differ between men and women in polygamous marriages, as men will always be guaranteed a share of the property while women will only have this right depending on when the property was acquired (before or after the man married his other wives). The matrimonial property rights will also differ depending on the communities concerned as, when deciding the sharing of matrimonial property, customary community law relating to divorce or dissolution of marriage must be taken into account.

Question	Answer	Assessment
Does the law provide married women with the same rights as married men to own land?	Yes	✓
Does the law provide married women with the same rights as married men to use land?	Yes	✓
Does the law provide unmarried women with the same rights as unmarried men to own land?	Yes	✓
Does the law provide unmarried women with the same rights as unmarried men to use land?	Yes	✓
Regarding land, does the law apply to all groups of women?	No	!
Are there informal laws (customary, religious or traditional laws/rules) that create different rights or abilities between men and women when it comes to the ownership or use of land assets?	Yes	!

Note: Cut-off date for the legal data is 31 August 2022.

Source: OECD Development Centre/OECD (2023), *SIGI 2023 Legal Survey*, <https://oe.cd/sigi-dashboard>.

Access to non-land assets

Practices related to women's secure access to non-land assets

In Kenya, women's house ownership is common, although inferior to that of men. Based on the latest available data in 2023, 42% of women own a house, compared to 51% of men. This translates in women accounting for only 46% of house owners in the country. Across Africa, an average of 45% of men and 29% of women are homeowners, with women representing 40% of homeowners in the region.

¹⁵ Republic of Kenya (2013), "Matrimonial Property Act".

Legal frameworks concerning women's access to non-land assets

Legislation governing property and non-land assets does not apply to all groups of women. Article 8 of the Matrimonial Property Act¹⁶ stipulates that a person who professes the Islamic faith may be governed by Islamic law in all matters relating to matrimonial property. Matrimonial property rights differ between men and women in polygamous marriages, as men will always be guaranteed a share of the property while women will only have this right depending on when the property was acquired (before or after the man married his other wives). The matrimonial property rights will also differ depending on the communities concerned as, when deciding the sharing of matrimonial property, customary community law relating to divorce or dissolution of marriage must be taken into account.

Question	Answer	Assessment
Does the law provide married women with the same rights as married men to own property and other non-land assets?	Yes	✓
Does the law provide married women with the same rights as married men to use property and other non-land assets?	Yes	✓
Does the law provide unmarried women with the same rights as unmarried men to own property and other non-land assets?	Yes	✓
Does the law provide unmarried women with the same rights as unmarried men to use property and other non-land assets?	Yes	✓
Regarding property and other non-land assets, does the law apply to all groups of women?	No	!
Are there informal laws (customary, religious or traditional laws/rules) that create different rights or abilities between men and women when it comes to the ownership or use of non-land assets?	Yes	!

Note: Cut-off date for the legal data is 31 August 2022.

Source: OECD Development Centre/OECD (2023), *SIGI 2023 Legal Survey*, <https://oe.cd/sigi-dashboard>.

Access to financial services

Practices related to women's access to formal financial services

Gender imbalances in terms of access to financial services remain an issue in Kenya, and the overall access of the population is low. Based on the latest available data in 2023, 45% of women have a bank account at a financial institution, compared to 57% of men. This translates into women accounting for 45% of bank account holders. In comparison, at the global level, 67% of women have a bank account, compared to 72% of men. Across Africa, on average, 28% of women have a bank account, compared to 39% of men, translating into women accounting for 42% of bank account holders.

Legal frameworks concerning women's access to financial services

The legal frameworks governing access to financial services grant women and men equal rights.

Question	Answer	Assessment
Does the law provide women with the same rights as men to open a bank account at a formal financial institution?	Yes	✓
Does the law require married women to obtain the signature and authority of their husband to open a bank account at a formal financial institution?	No	✓
Does the law provide women with the same rights as men to obtain credit?	Yes	✓
Regarding access to formal financial services, does the law apply to all groups of women (regardless of race, ethnicity, caste, etc.)?	Yes	✓
Are there informal laws (customary, religious, or traditional laws/rules) that create different rights or abilities between men and women when it comes to opening a bank account?	No	✓
Are there informal laws (customary, religious, or traditional laws/rules) that create different rights or abilities between men and women when it comes to obtaining credit?	No	✓

Note: Cut-off date for the legal data is 31 August 2022.

¹⁶ Republic of Kenya (2013), "Matrimonial Property Act".

Source: OECD Development Centre/OECD (2023), *SIGI 2023 Legal Survey*, <https://oe.cd/sigi-dashboard>.

Workplace rights

Practices and social norms related to women's workplace rights

Women remain somewhat excluded from positions with decision-making power in the economic sphere. As per the latest available date in 2023, women account for 50% of employees in a managerial position,¹⁷ compared to a world average of 25% and an average of 33% in Africa – based on countries for which data are available. Only 18% of companies in the country are headed by women.

These gender gaps are upheld by discriminatory social norms that establish men as the main breadwinners and more fit to hold leadership positions. Based on the latest available data in 2023, 32% of the population in Kenya believes that men make better business executives than women, compared to a world average of 42% and an average of 56% in Africa. Likewise, 37% of the population agrees that when jobs are scarce, men should have more right to a job than women. In comparison, 45% of the population holds these discriminatory attitudes worldwide, and 55% of the people across Africa – based on countries for which data are available.

Legal frameworks concerning women's workplace rights

While the Employment Act¹⁸, provides for 3 months of paid maternity leave and 2 weeks of paid paternity leave, no paid parental leave is available. Additionally, although the Employment Act provides women the legal right to take a paid job and register a business without the permission of their husband, Articles 91.(1) and 91.(3) stipulates that terms and conditions of employment of women may be differentiated according to locality, occupation and circumstances of the women, thus allowing for the possibility that the law may not apply to all groups of women equally.

Question	Answer	Assessment
Does the law prohibit discrimination in employment on the basis of sex?	Yes	✓
Does the law mandate equal remuneration for work of equal value?	Yes	✓
Does the law prohibit women from entering certain professions?	No	✓
Does the law allow women to work the same night hours as men?	Yes	✓
Does the law mandate paid maternity leave?	Yes	✓
Does the law mandate paid paternity leave?	Yes	✓
Does the law mandate paid parental leave?	No	!
Does the law require women to have permission from their husband or legal guardian to take a paid job?	No	✓
Does the law require women to have permission from their husband or legal guardian to register a business?	No	✓
Regarding women's legal right to take a paid job or work and/or register a business, does the law apply to all groups of women (regardless of race, ethnicity caste, etc.)?	No	!
Are there informal laws (customary, religious, or traditional laws/rules) that create different rights or abilities between men and women when it comes to entering certain professions?	No	✓
Are there informal laws (customary, religious, or traditional laws/rules) that require women to have the permission from their husband or legal guardian to take a paid job?	No	✓
Are there informal laws (customary, religious, or traditional laws/rules) that require women to have the permission from their husband or legal guardian to register a business?	No	✓

Note: Cut-off date for the legal data is 31 August 2022.

Source: OECD Development Centre/OECD (2023), *SIGI 2023 Legal Survey*, <https://oe.cd/sigi-dashboard>.

¹⁷ This indicator corresponds to SDG indicator 5.2.2

¹⁸ Republic of Kenya (2007), "Employment Act as amended in 2022".