



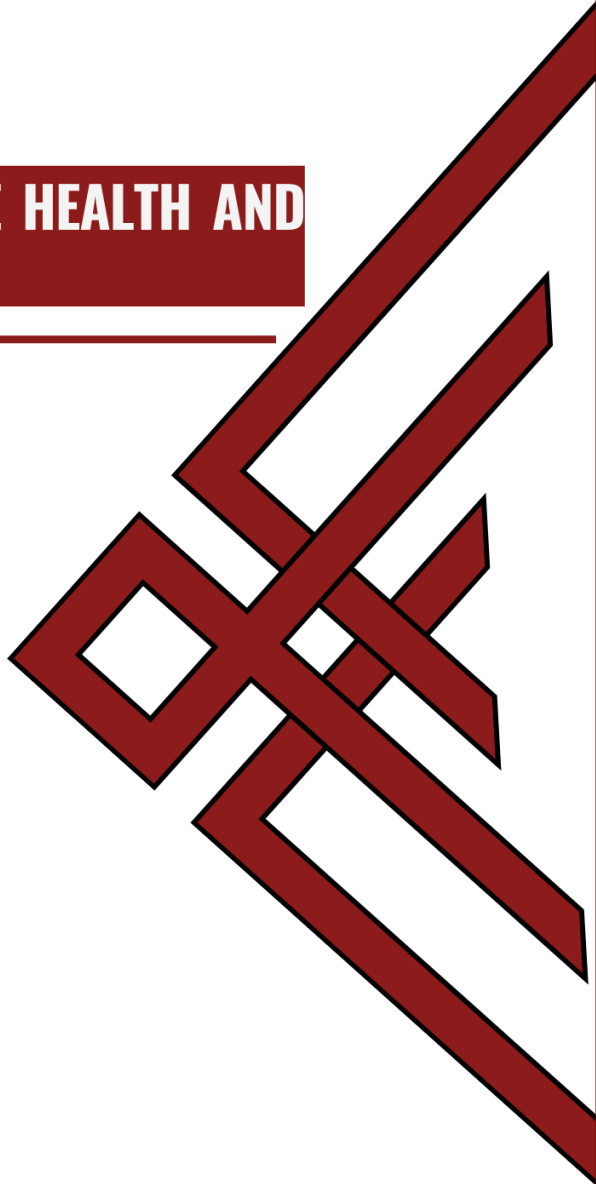
The African Women's
Development and
Communication Network

SEXUAL REPRODUCTIVE HEALTH AND RIGHTS AT A GLANCE

FACT SHEET



KENYA



AUGUST 2022

Overview of SRHR in Kenya

Kenya is committed that its citizens have the highest standard of health by 2030 through elimination of preventable maternal and newborn mortality, mother to child transmission of HIV, teenage pregnancies, new adolescents and youth infections of HIV. Kenya has put in place legislation to advance Sexual Reproduction and Health Rights (SRHR) as part of achieving universal health coverage. However, practice on the ground shows gaps in Kenya's SRHR. Lack of knowledge exists among women and girls about menstruation, contraception, safe abortion, sexual gender-based violence, reproductive rights, and Kenya's constitutional provisions on SRHR. Access to water and sanitation in Kenya has not been keeping pace with population growth, as only 58% of Kenyans have access to basic drinking water and 30% have access to basic sanitation currently affecting SRHR.

SRHR Legal and Policy Framework

- There are several international and regional human rights instruments that Kenya has ratified which address the obligations of the State on SRHR. Article 2(5) and (6) of the Constitution of Kenya 2010, provides that the general principles of international law shall form part of the laws of Kenya. This means that any treaty or convention that Kenya ratifies shall automatically form part of the national laws.
- Article 21 (4) of the Constitution imposes on the State the obligation to enact and implement legislation to fulfil its regional and international obligations to respect, promote and protect human rights and fundamental freedoms.
- The country subscribes to the 1995 Beijing Platform for Action SRHR provisions.
- The Convention on Elimination of all forms of Discrimination against Women (CEDAW) of 1979 provides for non-discrimination.
- The United Nations Declaration on the Elimination of Violence against Women (1993) provides against violence including sexual violence.
- Kenya subscribes to the International Conference on Population and Development's commitments of SRHR with renewed commitment made at the 25th anniversary of the conference.
- Kenya's Constitution (2010) and the Penal Code provide for promotion of SRHR in the country.
- SRHR is also provided for under the National Guidelines for quality obstetrics and perinatal care, Standards and Guidelines for reducing morbidity and mortality from unsafe abortion in Kenya, 2019 Guidelines on Management of Sexual Violence (2014) and Kenya's Sexual Offences Act (2018)¹.
- Kenya committed to the East and Southern African Ministerial and the Adolescent Sexual and Reproductive Health Policy to foster implementation of adolescent SRHR.
- Kenya outlawed FGM in 2011 and imposed tough penalties on perpetrators and those abetting the practice through the Prohibition of Female Genital Mutilation Act (2011).
- Kenya banned Child marriage in 1990 following the Convention on the Rights of the Child, a United Nations human rights treaty between nations to protect children against various types of abuse. Additionally, Kenya is a signatory to various laws that prohibit child marriage including the Children's Act of 2001, the Sexual Offences Act of 2006,

¹ World Health Organisation, 2022, Kenya Country Profile

and the Marriage Act of 2014, which explicitly prohibits the marriage of children under 18 and further criminalized this practice.

- The National Adolescent Sexual and Reproductive Health Policy aims to enhance SRH status of adolescents in Kenya and contribute towards realization of their full potential in national development.

Maternal Health

- Kenya's maternal mortality ratio is at 362 deaths per 100,000 live births¹.
- The main causes of maternal mortality in the country include haemorrhage (accounting to 25%); malaria, anaemia, HIV and AIDS (accounting to 20%), sepsis (15%); unsafe abortion (13%) and hypertension (12%)².
- Section 5(3) of Kenya's Health Act (2017) provides for free and compulsory maternity care³.
- Contraceptive Prevalence Rate, Modern Methods for Women Aged 15-24; Current Use Of Any Modern Method Of Contraception (Young Women); 15-24 is 9.3%⁴.
- In 2018, the annual cost of providing modern contraceptive and maternal and newborn health care services to women aged 15–19 in Kenya was US\$24 million.
- Obstetric haemorrhage and hypertensive disorders of pregnancy were the most common causes of maternal near miss (54% and 26%, respectively) and maternal death (57% and 21%, respectively).
- Pregnancies with abortive outcomes were the underlying cause of 12% of maternal deaths and 9% of maternal near misses.
- Despite efforts by the Kenyan government to invest in maternal health, maternal mortality has not declined significantly over the past 15 years.

Menstrual Health

- Kenya has a Menstrual Health Management Policy and Strategy 2019 to 2030.
- In Kenya, 65% of women and girls are unable to afford sanitary pads.
- A study by Dr Penelope revealed that in Kenya, 1 in 10 15-year-old girls was engaging in sexual activities to get money to pay for sanitary products.
- In 2017, the government declared through the amendment of the Education Act that schoolgirls will get free sanitary pads in Kenya.
- Only 50% of girls in Kenya freely discuss menstrual health at home and only 12% of girls are comfortable receiving information about menstrual health from their mother.
- Just 32% of rural schools in Kenya have a private place for girls to change their sanitary pads.
- High costs of production and distribution of sanitary pads limits accessibility of pads to only those who can afford.

HIV and AIDS⁵

- The Government of Kenya spent 890 million US dollars on HIV programmes in 2021.
- There are 890,000 women aged 15 and over living with HIV compared to 470,000 Men aged 15 and over living with HIV in Kenya.
- Women aged 15 to 49 HIV prevalence rate is at 5,4% compared to 2,6% of men in the same age group.
- Women aged 15 and over newly infected with HIV are 21,000 compared to 8,900 men aged 15 and over newly infected with HIV

- Deaths due to AIDS among women aged 15 and over are at 9,000 compared to 10,000 Deaths due to AIDS among men aged 15 and over.
- People living with HIV who know their status in Kenya are 1,300,000 and of these 1,100,000 are on ART.
- Coverage of ART for Women aged 15 and over receiving ART is at 82% compared to 74% coverage for men.

Gender Based Violence

- At least 40% of women in Kenya likely to face physical and or SGBV including lifetime physical and/or sexual intimate partner violence in their lifetime.
- In June 2021, the Government of Kenya made a valiant decision to end Gender-Based Violence (GBV) including sexual violence by 2026⁶.
- The Sexual Offences Act No. 3 that was revised in 2007 recognises males as victims of GBV⁷.
- One in three Kenyan females has experienced an episode of sexual violence before attaining age 18⁸.
- Between 39% and 47% of Kenyan women experience GBV in their lifetime- among the highest rates in the world⁹
- GBV towards pregnant women in Kenya is estimated to be 13.5%, a higher prevalence than that of many conditions normally screened for during pregnancy.
- Only about 1 in 10 men who have experienced physical violence since age 15 mentioning their current spouse as a perpetrator of physical violence¹⁰.
- Domestic Violence -38% of ever-married women have ever experienced physical violence compared to 9% of ever-married men. 14% of ever-married women have ever experienced sexual violence compared to 4% of ever-married men. 41% of ever-married women have ever experienced physical or sexual violence, while 11% of ever-married men have ever experience either form of violence from a partner¹¹.
- Among every-married woman, the most reported perpetrator of physical violence is the current husband or partner (57%) followed by the former husband/partner (24%).

Access to Safe Abortion

- Kenya has the Standard and Guidelines for reducing morbidity and mortality from unsafe abortion and there is need to create awareness and reduce stigma for access to safe abortion.
- Kenya's constitution eased access to abortions in 2010 but the procedure is extremely difficult to access at state hospitals. Some private health providers perform the procedure, for a fee of around 3,000-4,000 Kenyan shillings, on which many women and girls cannot afford even the pills that are used to curtail shorter-term pregnancies¹².
- In Kenya, about seven women and girls die every day due to unsafe abortions.
- More than 40% of pregnancies in Kenya are not planned to result in unwanted pregnancies and frequently unsafe abortion.
- Kenya's maternal mortality is the highest among women of peak reproductive (25-39) at about 6,000 deaths per year, and up to about 13% of deaths are associated with unsafe abortion.
- Restricted access to abortion disproportionately affects the poor who are often unable to support a child. There is a high number of fetuses and abandoned babies in the slums where there is little or no access to safe abortion.

- In Kenya, the unintended pregnancy rate declined 33% between 1990–1994 and 2015–2019. During the same period, the abortion rate remained fairly level. The share of unintended pregnancies ending in abortion rose from 24% to 38%.
- In Kenya in 2015–2019, there were a total of 2,380,000 pregnancies annually. Of these, 1,450,000 pregnancies were unintended and 551,000 ended in abortion. Abortion in Kenya is legal only to preserve the pregnant person's health.

Harmful Practices

- Despite the Prohibition of Female Genital Mutilation Act (2011), FGM remains rife in the country even when former President Uhuru Kenyatta's vowed to end the practice by 2023.
- In Kenya, 3% of girls under age 15 have undergone female genital mutilation (FGM).
- 21% of Kenyan women between the age of 15 and 49 have undergone FGM, which is an estimate of four million women across the country.
- The Kuria community has one of the highest rates of prevalence of FGM in Kenya, affecting 84% of women.
- FGM is still practiced widely in North-eastern Kenya and in certain ethnic groups.
- Most people in Kenya think FGM should stop, though opposition is most common among ethnic groups that still practice.
- Girls and women from rural areas, living in poor households, with less education or who identify as Muslim are at greater risk of FGM.
- Kenya has the 20th highest absolute number of child brides in the world, 23% of girls are married before the age of 18 and 4% are married before they even reach the age of 15.
- Child marriages differ across the country, Northern, Eastern and Coast regions have the highest prevalence rates.

Sexual Diversity

- Homosexual activity in Kenya is illegal. The Constitution's Article 162, 163 and 165 prohibits homosexuality and offender is punishable by from 5 to 14 years in prison. Decriminalization pending.
- Same-sex marriage in Kenya is not legal.
- In Kenya, there are no laws restricting the discussion or promotion of LGBTQ+ topics.
- Legal recognition of non-binary gender in Kenya is intersex only. Intersex people can now be identified with an I gender marker on their birth certificate in Kenya. Genital surgery on intersex babies is now punishable by a \$5000 fine.
- LGBT discrimination in Kenya has no protections. As homosexuality is currently illegal, discrimination against LGBT persons are legal.
- Same-sex couples or even homosexuals are not allowed to adopt in Kenya. Chapter 141, Section 158 of Kenya's The Children Act states: "An adoption order shall not be made if the applicant or, in the case of joint applicants, both or any of them [...] is a homosexual."

Adolescents and SRHR

- Almost 33% of Kenya's population consists of young people between 10 and 24 years of age¹³².
- The median age at first sexual intercourse in Kenya was 18.2 years for women and 17.6 years for men³.
- A number of factors have been associated with adolescent pregnancies. While many adolescents may choose to get pregnant, many pregnancies occur in the context of human rights violations such as child marriage, coerced sex or sexual abuse⁴.
- the Guttmacher Institute show that sexual and reproductive health services in Kenya fall short of meeting adolescents' needs.
- An estimated 665,000 young women aged 15–19 in Kenya are married or sexually active and want to avoid becoming pregnant in the next two years.
- More than half of this group (357,000 adolescents) have an unmet need for modern contraception because they either use no contraceptive method or use traditional methods.

Disability and SRHR

- According to Kenya's 2019 census, 2.2% of the population (0,9 million) live with some form of disability.
- Kenya ratified the Convention on the Rights of Persons with Disabilities (CRPD) on 19th May 2008 creating an obligation upon Kenya to respect, protect and fulfil the provisions in the Convention⁵.
- The National Health Implementation Plan provides a framework upon which PWD health issues can be addressed but this has to be matched by actual implementation.
- Women and girls with disabilities often face difficulties in accessing SRHR services in Kenya.
- Expectant mothers with physical disabilities are often unable to access healthcare due to limited infrastructure that is disability friendly.
- The Kenyan Network Advocating for the Rights of Women and Girls with Disabilities identified that the rights of women with disabilities are often violated including their sexual and reproductive health and rights.
- The National Guidelines for HIV Testing and Counselling in Kenya recognise that provisions should be made for persons with disabilities to access HIV Testing and Counselling (HTC) services in a manner that meets their specific needs.
- The 201 census demonstrates the progress Kenya is making towards disability inclusive data collection by integrating internationally comparable questions for identifying people with disabilities¹⁴.

² Kenya SRHR Alliance, Adolescents SRHR, 2019, accessed from [Adolescent SRHR? Ask 'CSA experts' - SRHR Alliance Kenya](#) on 19/09/22

³ Kenya Demographic Health Survey, 2014

⁴ UNFPA, Adolescents SRHR in Kenya, 2020

⁵ Kenya Human Rights Commission accessed from [Disability \(knchr.org\)](#) on 20/09/22

SRHR Indicators Table

SRHR Area	Indicators	Status 2022
Sexual and reproductive health	Existence of SRHR policies/guidelines	Yes
	Existence of laws and policies that allow adolescents to access SRH services without third party authorisation	Yes
	Provision of free menstrual ware	In schools
	Removal of Value Added Tax (VAT) on menstrual ware	Yes
	Basic drinking water status (%) ^{xv}	58%
	Access to basic sanitation (%)	87,07%
	Contraceptive prevalence rate amongst women aged 15-49 (%)	53%
	Unmet need for contraception amongst women aged 15-49 (%)	25%
	Females involved in decision-making for contraceptive use amongst women aged 15-49 (%)	62%
	Age of access to contraception	16
	Maternal Mortality Ratio (per 100,000)	342
	Antenatal Care Visits (At least one visit) %	94%
	Antenatal Care Visits (At least four visits) %	76%
	Skilled attendance at birth (per 100)	70
	Post natal care coverage %	52,9%
	Neonatal mortality (per 1 000)	20,5%
	Nursing and midwifery personnel per 10 000 of the population	2
	Universal Health Coverage	56%
Health expenditure as proportion of GDP	4,6%	
Adolescent SRHR	CSE curriculum that reflects international standards	Yes
	Age of access to contraceptives	16
	Legal age to consent to sex (M)	16
	Legal age to consent to sex (F)	16
	Adolescent fertility rate (births per 1000 women, 15–19 years of age).	71,98%
Safe unrestricted abortion	Legal status of abortion	Yes but usually inaccessible
	Post abortion national guidelines	Yes
	Contraception included in post abortion care	Yes
	Overall prevalence (%)	4%

SRHR Area	Indicators	Status 2022
HIV and AIDS ⁶	Women who are HIV positive as a % of total	64%
	Women aged 15 to 49 HIV prevalence rate	5,4%
	Men aged 15 to 49 HIV prevalence rate	2,6%
	HIV prevalence among young women (15-24)	2,1%
	HIV prevalence among young men (15-24)	1,2%
	Sex workers - HIV prevalence (%)	14%
	Sex workers - Condom use (%)	92%
	MSM - HIV prevalence (%)	2%
	MSM - Condom use (%)	62,8%
	Condom use at last high risk sex – women	40%
	Condom use at last high risk sex – men	44,5%
	Coverage of pregnant women who receive ARV for PMTCT (%)	91%
	Mother to child transmission rate	8,92%
	Comprehensive knowledge of HIV and AIDS	59,89%
	Knowledge about HIV prevention among young women aged 15-24	56,6%
	Knowledge about HIV prevention among young men aged 15-24	63,7%
	% of those living with AIDS who are on ARV treatment	78%
	Women aged 15 and over receiving ART	82%
	Men aged 15 and over receiving ART	74%
Children aged 0 to 14 receiving ART	59%	
GBV ⁷	Proportion (%) of women and girls aged 15-49 who experienced intimate partner violence (IPV) in the previous 12 months (2021)	25,1%
	Proportion (%) of ever-partnered women aged 15-49 years experiencing intimate partner physical and/or sexual violence at least once in their lifetime (2021)	25,4%
	Proportion (%) of women and girls aged 15 years and older subjected to physical and sexual violence by a partner in the previous 12 months (2021)	27,9%
	Proportion (%) of women aged 15-49 years experiencing physical and/ sexual violence perpetrated by someone other than an intimate partner at least once in their lifetime (1995–2021)	23%
	Laws on domestic violence	Yes
	Laws on sexual assault	Yes

⁶ UNAIDS, 2021, AIDS Info country data portal

⁷ Kenya Demographic Health Survey, 2014

SRHR Area	Indicators	Status 2022
	Human trafficking laws	Yes
	Sexual harassment laws	Yes
	Integrated approaches: national action plans	Yes
	Accessible, affordable and specialised services, including legal aid, to survivors of GBV	Yes
	Specialised facilities, including places of shelter and safety	Yes
	Comprehensive treatment, including post-exposure prophylaxis (PEP)	Yes
Harmful Practices	Minimum legal age of consent to marriage for women	18
	Minimum legal age of consent to marriage for men	18
	Exceptions for women	None
	Exceptions for men	None
	Female Genital Mutilation Prevalence	21%
	Percentage young women married by Age 18	23%
	Percentage young women married by Age 15	4%
Sexual diversity ⁸	Consensual same-sex acts decriminalised	No
	Protection from discrimination - Specific constitutional provisions	No
	Protection from discrimination - Broad protections	No
	Protection from discrimination - Employment	No
	Hate crimes/ aggravated circumstances	No
	Incitement to hatred/ violence	No
	Ban on conversion therapy	No
	Same sex marriages	No
	Civil unions	No
	Joint adoption of children	No
	Second parent adoption of children	No
	Changing sex/ gender markers	Nominally possible
	Name change	Nominally possible
	LGBTI organisations able to register	No
	LGBTI organisations able to operate freely	No

⁸ Equaldex, [LGBT Rights in Kenya | Equaldex](#)

References

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- ⁵ UNAIDS country fact sheets, 2021, [AIDSinfo | UNAIDS](https://aidsinfo.unaids.org/country-profiles/kenya)
- ⁶ EqualityNow, 2021, *Government of Kenya's Commitments to ending GBV*
- ⁷ Gender Violence Recovery Centre, 2022, Kenya GBV overview accessed from [» Facts about GBV \(gvrcenter.org\)](https://gvrcenter.org/kenya)
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- ¹² Karumba, T. (2021, October 1). *Abortion stigma a possible death sentence for Kenyan women*. Retrieved from <https://www.enca.com/news/abortion-stigma-possible-death-sentence-kenyan-women>
- ¹³ Guttmacher Institute, 2021, Kenya profile, [Kenya | Guttmacher Institute](https://www.guttmacher.org/country-profile/kenya)
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