



KENYA

Women, Business and the Law (WBL), in collaboration with the Global Financing Facility (GFF), has collected data on laws affecting women's and girls' access to sexual and reproductive health (SRH), as well as frameworks supporting their implementation. Data were collected through desk research and a questionnaire administered to country experts. The analysis is organized around five indicators. For each indicator, the legal framework is assessed based on domestic laws and regulations. The supportive framework is assessed based on instruments—such as national policies, strategies, and guidelines—that are currently in effect and support the implementation of these laws.

INDICATOR		WHAT DOES IT MEASURE?	
		<i>Legal Frameworks</i>	<i>Supportive Frameworks</i>
	SRH rights	Right to SRH; guaranteed access to free SRH services without discrimination	Existence and contents of an operational SRH policy or strategy
	Violence against women and girls (VAWG)	Prohibition of female genital mutilations (FGM)	Adoption of measures to eradicate FGM
	Family planning	Absence of legal restrictions on SRH services, such as the need for consent from a husband, male guardian, parent or third party	Family planning guidelines or protocols
	Comprehensive sexuality education (CSE)	Legal mandates for CSE in schools	Guidelines for delivery of CSE in schools
	Right to education	Girls' legal right to attend school during pregnancy and after childbirth	Policies to keep girls in school and allow pregnant and parenting students to attend school

LEGAL AND SUPPORTIVE FRAMEWORKS

Kenya has a comprehensive and defined framework for:

SRH RIGHTS

The legal right to SRH is guaranteed under the Constitution of Kenya.

The *Reproductive Health Policy 2022–2032* aims to ensure universal access to reproductive health services and sets out service delivery standards and health system requirements, including age-appropriate information and awareness for adolescents and young people.

The *Kenya Family Planning Costed Implementation Plan 2022–2032* complements the policy by setting priorities, investments, resources, and implementation arrangements to expand equitable access to quality and affordable family planning services.

VIOLENCE AGAINST WOMEN AND GIRLS

FGM, including cross-border FGM, is a criminal offense in Kenya. Individuals performing FGM can be liable to fines or face imprisonment of three years or more.

The government has established a *Gender-Based Violence Mitigation Directorate*, an *Anti-FGM Board* and published a *National Policy for the Eradication of Female Genital Mutilation*.

FAMILY PLANNING

No provisions in the law require women to obtain consent from their husband or male guardian, or adolescents to obtain parental or a legal guardian's consent to access SRH services. Similarly, the law does not require any third-party consent that may restrict access to SRH.

The *National Family Planning Guidelines for Service Providers* provide policy direction and guidance on the implementation of family planning services across the country.

RIGHT TO EDUCATION

The Ministry of Education's *Girls' Education Challenge Program* supports girls' school retention, while the *National Guidelines for School Re-Entry in Early Learning and Basic Education 2020* provide for the continued education and school re-entry of pregnant and parenting students.

POLICY OPPORTUNITIES

The data reveal gaps in Kenya's legal and supportive frameworks across the five indicators assessed. Strengthening these frameworks can help accelerate the country's progress toward gender equality and to improve health outcomes for women, children, and adolescents.

Kenya may wish to consider translating the following gaps into policy opportunities:

SRH RIGHTS

The law does not guarantee access to SRH services. Additionally, it does not prohibit discrimination in accessing SRH services based on sex or gender, age, or marital status.

VIOLENCE AGAINST WOMEN AND GIRLS

The law does not specifically criminalize parents or guardians for allowing their children to undergo FGM.

FAMILY PLANNING

The law does not guarantee access to SRH services in case practitioners raise conscientious objections.

COMPREHENSIVE SEXUALITY EDUCATION

The law does not mandate the provision of CSE in schools.

Guidelines for the delivery of CSE in schools have not been adopted.

RIGHT TO EDUCATION

The law does not explicitly guarantee the right of pregnant or parenting students to attend school.

WBL SRH LEGAL FRAMEWORKS DATA

	QUESTION	ANSWER	LEGAL BASIS
SRH Rights	1.1 Does the law provide for the right to sexual and reproductive health?	Yes	Constitution of Kenya, Art. 43(1)(a)
	1.2 Does the law guarantee access to sexual and reproductive health services?	No	No applicable provisions could be located
	1.2.1 If the answer to question 1.2 is Yes, does the law guarantee access to sexual and reproductive health services free of cost?	N/A	
	1.3 Does the law prohibit discrimination in access to sexual and reproductive health services based on sex/gender?	No	No applicable provisions could be located
	1.4 Does the law prohibit discrimination in access to sexual and reproductive health services based on age?	No	No applicable provisions could be located
	1.5 Does the law prohibit discrimination in access to sexual and reproductive health services based on marital status?	No	No applicable provisions could be located
VAWG	2.1 Does the law criminalize FGM?	Yes	Prohibition of Female Genital Mutilation Act, Sec. 19
	2.1.1 If the answer to question 2.1 is Yes, is the individual performing the FGM procedure criminally responsible?	Yes	Prohibition of Female Genital Mutilation Act, Sec. 29
	2.1.2 Is a parent or legal guardian criminally responsible for allowing FGM to be performed on a minor under their legal custody?	No	No applicable provisions could be located
	2.2 Does the law criminalize cross-border FGM?	Yes	Prohibition of Female Genital Mutilation Act, Sec. 21
Family Planning	3.1 Is the law free of provisions requiring a husband or male guardian to consent for a woman to access sexual and reproductive health services?	Yes	No applicable provisions could be located
	3.2. Is the law free of provisions requiring parental or a legal guardian's consent for an adolescent to access sexual and reproductive health services?	Yes	No applicable provisions could be located
	3.3 Is the law free of provisions requiring any other form of third-party consent to access sexual and reproductive health services?	Yes	No applicable provisions could be located
	3.4 Does the law guarantee sexual and reproductive service delivery in case practitioners raise conscientious objections?	No	No applicable provisions could be located
CSE	4.1 Does the law mandate comprehensive sexuality education (CSE) in schools?	No	No applicable provisions could be located
Right to Education	5.1 Does the law provide for the right of pregnant girls to attend school?	No	No applicable provisions could be located
	5.2 Does the law provide for the right of adolescent girls to attend school after childbirth?	No	No applicable provisions could be located

WBL SRH SUPPORTIVE FRAMEWORKS DATA

	QUESTION	ANSWER	SOURCE
SRH Rights	1.1 Has the government adopted a sexual and reproductive health policy or strategy?	Yes	Reproductive Health Policy 2022-2032; Kenya Family Planning Costed Implementation Plan 2022-2032
	1.1.1 If the answer to question 1.1 is Yes, does the policy or strategy include the provision of sexual and reproductive health services among its targets/strategic actions?	Yes	Reproductive Health Policy 2022-2032; Kenya Family Planning Costed Implementation Plan 2022-2032
	1.1.2 If the answer to question 1.1 is Yes, does the policy or strategy include awareness campaigns among its targets/strategic actions?	Yes	Kenya Family Planning Costed Implementation Plan 2022-2032
VAWG	2.1 Has the government adopted measures aimed at eradicating FGM?	Yes	Directorate of Gender-Based Violence Mitigation; Anti-FGM Board; National Policy for the Eradication of Female Genital Mutilation
Family Planning	3.1. Has the government published guidelines on family planning?	Yes	National Family Planning Guidelines for Service Providers
CSE	4.1 Has the government published guidelines for the delivery of CSE in schools?	No	Insufficient evidence located
Right to Education	5.1 Has the government adopted policies to keep girls in schools?	Yes	Girls' Education Challenge
	5.2 Has the government adopted policies to allow pregnant students to attend school?	Yes	National Guidelines for School Re-Entry in Early Learning and Basic Education 2020
	5.3 Has the government adopted policies to allow adolescent parenting students to attend school?	Yes	National Guidelines for School Re-Entry in Early Learning and Basic Education 2020

