



Economics Students Association of Kenya (KESA)

Position Paper on Implementing a Stand-Alone Law for Femicide

Authors

1. Gladwell Watiri
2. Hope Toria
3. Nuria Martin
4. Nzia Ndolo
5. Spencer Muhonja

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Executive Summary

Femicide, defined as the gender-motivated killing of women and girls, has become an urgent national crisis in Kenya, with cases rising sharply in recent years. Despite growing public concern, Kenya still lacks a stand-alone law that recognizes and punishes femicide as a distinct offence. This gap in our legal framework, forces femicide to be treated as ordinary homicide, masking its gendered drivers and preventing the justice system from acknowledging the unique patterns, motives, and risks that make these killings fundamentally different. Evidence from the Africa Data Hub's Silencing Women database confirms the scale of the crisis, having documented more than 930 killings of women between 2016 and 2024, with 2024 being the worst year recorded. Yet, the true numbers remain unknown because Kenya does not maintain an official femicide database.

Femicide in Kenya is highly driven by intimate partner violence, patriarchal norms, gender inequality, economic dependency, and social silence, with 75% of perpetrators being intimate partners or close family members. Most victims have been murdered in private spaces such as their homes, unlike men, who more often die in contexts like cattle rustling, communal violence, or mob justice. These patterns show that women face a fundamentally different type of threat rooted in gender: they are dying just because they are women. However, current legal frameworks, including the Constitution, the Penal Code, and the Protection Against Domestic Violence Act, do not recognize gender-motivated killing as a specific crime, resulting in misclassification of cases, weak investigations and reduced charges. Investigations are often slow and mishandled and many cases collapse due to poor evidence handling, witness intimidation, or gender-biased stereotypes.

This paper argues that Kenya urgently needs a stand-alone Femicide Prevention and Punishment Act to close these gaps and transform the country's response. The proposed law would introduce a clear legal definition of femicide, incorporate gender-motivation as a central element of investigation and prosecution, and establish specialized investigation units and fast-track courts. It would also mandate a national femicide database, strengthen witness protection, ensure digital dignity and privacy for victims, and create early-intervention systems through risk-assessment protocols. Beyond legal reforms, the Act would promote nationwide awareness campaigns, community reporting structures, and expanded economic and social support for women at risk.

A dedicated femicide law is not merely a legal reform but a societal commitment to protecting women and girls. By reframing femicide as a human rights violation rather than a private or domestic issue, Kenya can challenge harmful social norms, reduce impunity, and build a coordinated system capable of preventing gender-based killings. Effective implementation through institutional strengthening, multi-sectoral collaboration, and accountable state action will enable Kenya to meaningfully reduce femicide and uphold its constitutional promise of equality, safety, and dignity for all women and girls.

Keywords:

- Femicide
- Gender-based violence (GBV)
- Gender-motivated killings
- Violence against women
- Women's rights
- Human rights
- Gender inequality
- Intimate partner violence
- Kenya
- Femicide law
- Criminal justice reform

Background Context

Definition:

1. [Femicide](#): The intentional killing of a girl or a woman because of her gender.
2. [Femicide](#) is driven by discrimination against women and girls, unequal power relations, gender stereotypes or harmful norms

These definitions all identify the targeted killing of females.

Femicide goes far beyond the legal idea of “murder.” It reflects the high inequalities shaping the lives of women in Kenya, inequalities that show up in power dynamics, expectations of obedience, and the belief that men have a right to control women. Cases across Kenya, from university students to women in relationships, show a clear pattern: femicide is often the final, deadly outcome of societal norms that devalue women and tolerate violence.

This follows the cases of girls being murdered for refusing to participate in harmful cultural practices such as early marriages. In other cases, girls may die as a result of their participation in harmful cultural practices, such as dying from female genital mutilation. Additionally, women have also been targeted for murder, given community objections to women inheriting property or women owning land. Old women in Kenya are susceptible to being labelled as witches and being killed as a result.

Statement of the Problem

Femicide is a documented and escalating crisis in Kenya, yet the country lacks a single law that recognises, defines, or prosecutes it as a distinct crime. Despite clear evidence of its prevalence seen in rising killings of women and girls, existing legal frameworks such as the Penal Code (Cap 63) and the Protection Against Domestic Violence Act (Cap 151) remain either vague, silent, or too weak to address the gendered nature and power dynamics unique to these killings. Without a legal definition, stated elements of the offence, or clear evidentiary requirements, the justice system continues to treat femicide as ordinary murder or manslaughter. This misclassification conceals the gendered motivations behind the killings, prevents meaningful data collection, and ultimately denies victims and families the justice they deserve.

The absence of a dedicated femicide law has real and severe consequences. Cases are routinely mishandled, overlooked, or dismissed, while perpetrators benefit from systemic gaps that enable impunity. Survivors and families face long, traumatic legal processes, with investigations often collapsing due to weak charges, poor

evidence handling, witness intimidation, and harmful gender stereotypes. Meanwhile, women and girls continue to face heightened risk in private and intimate environments without sufficient state protection. Without urgent reform, Kenya will continue to respond to femicide with inadequate tools, leaving a growing number of women unprotected and a society increasingly normalising gender-based killings.

Proposed Solutions

Kenya needs a stand-alone femicide law that would fundamentally change how we respond to this crisis. By naming femicide explicitly, the law would require police, prosecutors, and judges to recognize gender as a central factor in these killings. It would also make it possible to build accurate national data, something Kenya currently lacks, so that policymakers can actually measure trends and identify high-risk groups.

Training offered to law enforcers on how to handle femicide cases are also very important. If our law enforcers do not understand all the elements of femicide, the depth of the issue, how to protect women exhibiting early signs and women's safety as a whole, then this crisis will only ever scale upwards, compromising the safety of women in their homes and with their loved ones.

Another effective measure would be to have a public database of sexual offenders and perpetrators available to everyone. Once identified, they are not to be allowed to work with or be around areas where women live or work. This enables women to walk around in their own safe spaces and feel safe. Additionally, this incentivises perpetrators not to engage in these acts, as it would limit available jobs to them and even the social stigma that comes with it.

Civic education for children and adults, plays a critical role in this process. Culturally, there are harmful gender norms and misogynistic aspects in our daily lives that propel femicide. Beating these normalised, harmful beliefs requires more than just prosecutions. The civic society should be educated on the dangers, the early signs and how to identify these cases. This would improve our data collection as well. This also builds an environment where victims of assault or harassment can come forward and trust the system to protect them, they won't need to die in silence. Civic education would also help shift public attitudes by clearly stating that these killings are not private matters or romantic misunderstandings but violations of women's rights.

All these measures, coupled with the stand-alone law, would strengthen prevention. It could mandate early risk assessments when women report threats, enforce protective orders more effectively, and require universities to create safety systems for students. A femicide law would hold perpetrators fully accountable.

It would close the legal loopholes that allow many offenders to escape with lesser charges and ensure that courts treat gender-motivated killings with the seriousness they deserve. The law would send a powerful message: that women's lives are protected, valued, and recognized under Kenyan law.

Arguments and Benefits

Relationship-driven violence is one of the strongest patterns behind femicide in Kenya. Abuse often begins subtly through monitoring movement, restricting friendships, and demanding obedience before escalating into threats and physical aggression. The killing of 20-year-old university student Rita Waeni showed how quickly this escalation can become fatal. She met someone she trusted, entered a short-stay apartment, and was later found brutally murdered. A stand-alone femicide law would have recognised early-warning indicators such as digital stalking, prior threats, and controlling behaviors, allowing authorities to intervene before violence escalated rather than responding only after harm has already occurred.

Patriarchal norms and harmful cultural practices fuel many of the gender-motivated killings across the country. In 2024 alone, [170 women were killed](#) by men close to them, marking the highest number recorded so far. Research shows that about 70% of these killings stem from men asserting [control over women's](#) choices, movements, and independence. Violence often erupts when women refuse advances, leave relationships, or assert autonomy, especially among young women aged 18–35, who form the majority of victims. A dedicated femicide law would classify these murders as gender-motivated crimes rooted in inequality, guide investigators to look for signs of coercion and entitlement, mandate tougher penalties, and shift responsibility from victims to state institutions required to act on early red flags.

Economic hardship has intensified vulnerability among young women and students. UN Women warned in December 2024 that rising unemployment and lack of financial support have pushed many women into dependence on partners or acquaintances who later become violent. According to the same report, limited financial stability prevents victims from leaving unsafe environments, leading to cases where violence escalates into femicide because the victim has nowhere else to go. A femicide law would ensure access to financial assistance, emergency shelters, and enforceable protection orders, giving women a safe path to exit dangerous situations and pursue justice without economic restraints.

Silence, stigma, and social blame further enable femicide to occur. Many women who face threats, harassment, or manipulation do not report it because of shame, fear of judgment, or pressure to “keep the family together.” This silence shields perpetrators and normalizes violence. Even public outcry has been met with resistance: peaceful protests by women and human-rights activists demanding accountability were met

with tear gas and arrests, a move widely criticized as a suppression of legitimate calls for justice. A stand-alone femicide law would protect survivors and protestors, require transparent reporting of gender-based killings, and establish femicide as a national concern rather than a private matter.

Weaknesses within Kenya's justice system have also contributed to rising femicide cases. Investigations are slow, evidence is often mishandled, and suspects sometimes evade justice due to technicalities or claims of insufficient evidence. These gaps allow perpetrators to exploit delays and inconsistencies, leaving families without closure. A dedicated femicide law would introduce strict investigative procedures, faster timelines, and clear protocols for handling gender-motivated killings, ensuring that cases are not dismissed or downgraded and that perpetrators cannot slip through procedural loopholes.

Position

Kenya urgently needs a stand-alone Femicide Prevention and Punishment Act because femicide is not simply a subtype of homicide; it is a gender-motivated pattern of killing that requires legal recognition, specialised investigation, and targeted prevention. Existing laws, while valuable, are too general and lack the clarity, evidentiary standards, operational procedures, and preventive obligations needed to address killings driven by gendered power, coercive control, sexual violence, cultural practices, and discrimination. A dedicated Act would fill this gap by clearly defining femicide, outlining its elements, guiding investigations, protecting survivors and witnesses, generating reliable data, and compelling state institutions to act before violence escalates into fatality. Such legislation would not only strengthen prosecution but also shift Kenya's response from reactive punishment to proactive prevention, signalling a national commitment to protecting women and girls from gender-motivated killings.

Addressing Objections

It is also argued that femicide is no different from homicide, and that new legal frameworks are not required or necessary. However, the law of homicide does not address gender-specific motivations or patterns. Therefore, it is often the case that the most important evidence related to gender, such as coercive control, cyber-stalking, sexual violence, degrading violence, or deaths related to harmful cultural practices, is overlooked or uncollected. It is also argued that the Constitution, Penal Code, and Protection of Women Against Domestic Violence Act are adequate, but none of these laws define femicide or provide for the necessary investigative, evidence, and preventive measures to address this crime. This leads to misattribution, lack of data, and the failure of prosecutions and cases related to private, relationship-based violence, which do not easily fit into the traditional homicide box. A separate Act will address this issue by providing clarity,

improving enforcement, and ensuring that gender-based killings are addressed in their own right and not forced into a square peg and round hole box.

Another common counterargument claims that femicide is overstated because more men are killed overall. This comparison fails to acknowledge that men and women face completely different threat environments. Men are often killed in public spaces through communal conflict, cattle rustling, gang-related incidents, or mob justice, while women are disproportionately killed in private settings by people they know or trust. Femicide reflects not simply a count of deaths but the gendered motives behind them. Recognising femicide does not diminish the importance of male homicide victims; instead, it allows both forms of violence to be addressed appropriately and effectively within their distinct contexts. A femicide law enhances precision and improves prevention across the entire justice system by ensuring that resources are allocated according to identifiable patterns rather than assumptions.

A further critique suggests that a femicide law would be unenforceable or would fail in court due to weak evidence, especially when violence happens behind closed doors. This challenge highlights the need for a specialized law rather than proving its futility. A well-designed Act can set clear investigative standards, define admissible forms of evidence including prior threats, digital trails, witness statements, and expert testimony on coercive control and establish mandatory timelines to prevent delays and case collapses. Other jurisdictions have successfully operationalized gender-motivated offences by providing clear protocols, capacity building, and dedicated units; Kenya can do the same by embedding training, resources, and accountability directly into the legislation.

Some countries have implemented the stand-alone law but it hasn't reduced the scale, why would we be any different? This is a valid argument, [Mexico](#) is a case study of such an outcome. However, it is important to recognise that the work doesn't end at implementing the law alone. That is only the first step in this fight. The law communicates to the public that this is a serious and urgent matter, contrary to popular belief. The next step is on our judicial system working tirelessly to ensure that the law prevails. Additionally, the government should invest in this by providing enough funding to champion for this worthy cause.

Finally, some critics argue that a femicide law unfairly targets men. This is inaccurate and reflects a misunderstanding of how the law works. A femicide law prosecutes acts and motives, not genders. Anyone, male or female, can be charged if they kill a woman for gender-based reasons. In fact, cases involving harmful cultural practices, such as female genital mutilation or killings driven by inheritance disputes, demonstrate that women can also be perpetrators or accomplices. A well-crafted Act would include explicit non-

discrimination clauses to reassure the public that prosecutions are based solely on conduct and motive, ensuring fairness while holding all perpetrators equally accountable.

Call to Action

Adopting a stand-alone Femicide Act is therefore not only necessary but also practical, enforceable, and aligned with constitutional rights of dignity, equality, and life. It equips Kenya with the legal tools to recognize gender-motivated killings, intervene earlier, prosecute more effectively, and protect vulnerable women and girls who are currently left invisible within general homicide statistics. By grounding the law in clear definitions, robust procedures, survivor-centred protections, and accountability measures, Kenya can dismantle the misconceptions held by critics and build a justice system that responds to the true nature of femicide rather than the assumptions that have allowed it to persist. The escalation of femicide reflects the systemic failure within our country, most especially our legal framework. The gaps in prevention, prosecution and public accountability need to be address if we are to actualise the change that we want to see. This policy paper calls upon:

- **Parliament** to implement comprehensive femicide legislation that clearly defines and criminalises femicide.
- **The National Treasury** to allocate sufficient funding for prevention, survivors' support systems, data infrastructure and training of our law enforcers on how to handle femicide cases.
- **The Judiciary** to strengthen enforcement mechanisms that are centred on ensuring justice for any victims.
- **County Governments** all across Kenya, to ensure any such atrocities are not allowed to thrive and fester in our society. To ensure the constitutional right to safety of women, is upheld.

KESA Research Family

kesa.research@outlook.com

admin@kesakenya.org

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