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POSITION PAPER ON REPRODUCTIVE HEALTH JUSTICE AND POLICIES IN KENYA.

WHO WE ARE

Raise Your Voice Community-Based Organization (CBO) is a youth-led and youth-serving organization based in Nairobi and its environs. We advocate for the rights of adolescent girls and young women, especially those from marginalized communities, including sex workers, young mothers, queer youth, and young people living with HIV, to access comprehensive Sexual and Reproductive Health and Rights (SRHR) services and information. We challenge societal norms and beliefs that inhibit access to SRHR, focusing on empowerment, advocacy, capacity-building, and creating safe spaces for dialogue. Our work is grounded in evidence, intersectionality, and the lived realities of young people. We continue to lead grassroots advocacy, youth mobilization, and policy engagement to advance reproductive justice for all.

PREAMBLE

We, the youth of Nairobi, gathered on 15th October 2025 in Nairobi County, issue this statement in response to the high rates of unsafe abortions in Kenya, particularly in Nairobi, and affirm our recognition of reproductive justice as both a fundamental human right and a critical component of public health.

We acknowledge the continuing challenge of unsafe abortion in Kenya, which remains a major health and human rights concern. Despite the Constitution of Kenya (Articles 35, 43 (1), 53, 55) guaranteeing all Kenyans the right to information, the highest attainable standard of healthcare, including reproductive health, and access to education, many continue to face barriers to safe, dignified, and equitable access to these rights. Additionally, regional and international commitments particularly the Maputo Protocol and the ICPD Programme of Action access to safe abortion services continues to be highly restricted. Unsafe abortion remains a **major public health and human rights concern**.

According to the **Ministry of Health (2022)**, approximately **465,000 unsafe abortions occur annually in Kenya**, with about **13% of all maternal deaths** attributed to unsafe abortion complications. In **Nairobi County**, hospital-based data show that **nearly 2 in 5 maternal complications** treated in public hospitals are abortion-related, though many incidents go unreported due to **stigma, fear of arrest, and discrimination**.

We recognize that youth, especially young women and girls, are disproportionately affected by these restrictions. Stigma, misinformation, lack of adequate services, and inadequate health systems continue to deny them their reproductive rights, often jeopardizing their health and lives.

We therefore reaffirm our commitment to **reproductive justice that centers human dignity, bodily autonomy, and equality**, and to pushing for **county-level policy reforms** that translate constitutional and international commitments into reality.

OUR KEY CONCERNS

EXPRESSING DEEP CONCERN that Kenya's Penal Code (Sections 158-160) criminalizes abortion, directly contradicting the 2010 Constitution and international human rights instruments such as the Maputo Protocol and the ICPD Programme of Action. Counties, including Nairobi, face challenges implementing progressive reproductive policies due to this legal inconsistency. We urge MCAs to support the decriminalization of abortion at the county level and align local laws with the Constitution and international human rights instruments.

NOTING WITH CONCERN that deep-rooted cultural and religious stigma fosters silence, misinformation, and judgment against women seeking abortion. In addition, fear of social exclusion or judgment often deters individuals from seeking the healthcare services they need. We call upon MCAs to create a culture of understanding and compassion, ensuring that county policies reflect the realities of youth needs.

ALARMED by the limited funding and absence of county-level policy frameworks for abortion services hinder access. Notably, inadequate training, confidentiality breaches, and negative attitudes among healthcare providers contribute to the poor delivery of abortion and reproductive services. MCAs must prioritize adequate training for health personnel, support confidentiality policies, and push for the inclusion of abortion care within county health plans.

DISTURBED that the high cost of safe abortion services (KES 4,000-30,000) excludes young women, especially those from marginalized or low-income communities, from accessing care. We call upon counties to allocate subsidies for safe reproductive services, especially in underserved areas, to ensure equitable access for all women and girls.

CONCERNED by the information and awareness gaps on reproductive health services, including abortion care, perpetuates misinformation and increases health risks. The absence of Comprehensive Sexuality Education (CSE) in schools continues to leave youth without the knowledge they need for making informed reproductive health decisions. We urge counties to integrate CSE into school curricula, develop youth-friendly information hubs, and conduct awareness campaigns that challenge stigma and disinformation.

CONCERNED by the Anti-Rights Influence that continues to undermine public health and reproductive justice efforts. MCAs must take a strong stance in supporting youth rights to reproductive health and counter misinformation by engaging with stakeholders, including faith leaders and educators, constructively.

CONVINCED that access to comprehensive sexuality education leads to improved knowledge, informed decision making and better outcomes including increased condom use, decrease in multiple partners, increase in self-efficacy for HIV protection, favourable attitudes to safer sex and delays in initiation of first sexual intercourse.

OUR ASKS

- **We call upon** county governments and Members of County Assemblies (MCAs) to support the repeal of Penal Code Sections 158-160 to decriminalize abortion at both national and county levels, reform county Post-Abortion Care (PAC) frameworks to include safe, comprehensive, and preventive abortion care services, work with national stakeholders to remove Kenya's reservations on the Maputo Protocol and align all county laws with constitutional guarantees, and harmonize county-level laws, policies, and guidelines to ensure clarity, consistency, and effective implementation.
- **We urge** county governments to allocate dedicated public funding for safe abortion and reproductive health services, ensure the establishment of non-judgmental counseling and referral units in health facilities to provide emotional and medical support for women and girls seeking abortion, train healthcare providers in youth-friendly, ethical, and confidential abortion care, and review parental consent requirements to guarantee adolescents' access to reproductive health services without undue barriers.
- **We call for** the integration of Comprehensive Sexuality Education (CSE) into county-level school curricula to empower young people with accurate knowledge about reproductive health and rights, the establishment of accessible digital and community-based information hubs that provide factual and non-judgmental reproductive

health information, and the development and implementation of county-wide campaigns to combat stigma, misinformation, and disinformation surrounding reproductive health, including abortion.

- We urge counties to establish robust monitoring and evaluation systems to assess the availability and quality of reproductive health services including abortion care, strengthen health system accountability to ensure adherence to progressive reproductive health guidelines and ethical service delivery, and guarantee meaningful youth participation in the development, monitoring, and implementation of county reproductive health laws, policies, and programs.

OUR CALL TO ACTION

WE THEREFORE CALL UPON:

- We call upon County Governments to uphold the Constitution of Kenya (Article 26 (4) 35, 43(1), 53, and 55) by reforming local laws that criminalize abortion and hinder access to reproductive healthcare. Counties must ensure that reproductive health, including safe abortion and post-abortion care, is integrated into county health plans and budgets, with adequate funding, trained personnel, and youth-friendly services. County leaders should also promote public participation and ensure young people are meaningfully involved in developing reproductive health policies and programs.
- We urge the Ministry of Health to **allocate dedicated resources** for comprehensive reproductive healthcare, including safe abortion and post-abortion care, contraception, and CSE integration. The Ministry must **issue clear and progressive guidelines** on abortion care, strengthen **data collection systems** to track unsafe abortion cases, and **coordinate with counties** to ensure equitable and quality service delivery. National leadership and political commitment are essential to reduce preventable maternal deaths and uphold Kenya's international and constitutional obligations.
- We call upon MCAs to **champion reproductive health legislation** that upholds constitutional rights and ensures that county laws align with Kenya's international and national commitments. Specifically, we urge MCAs to:
 - i. **Uphold the right to access information** by advocating for **Comprehensive Sexuality Education (CSE)** at the county level, both in and out of school settings.
 - ii. **Push for the reversal** of the **National Reproductive Health Policy provision** that requires adolescents and young people under 21 years to seek **parental consent** when accessing reproductive health services and information, a requirement that violates youth autonomy, privacy, and rights under Article 35 and 43 of the Constitution.
 - iii. **Champion inclusive policy reforms and adequate budget allocations** for youth-friendly reproductive health programs.
 - iv. Ensure **oversight and accountability** in implementing health policies and protect young people's rights to accurate, age-appropriate, and non-judgmental reproductive health information and care.

