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on

NATIONAL POLICY ON GENDER AND DEVELOPMENT

Towards creating a just, fair and transformed society free from gender based discrimination in all spheres of life practices

OCTOBER 2019

FOREWORD

The Constitution of Kenya contains important commitments to gender equality and women's empowerment and provides the National Values and Principles that bind all Kenyans in implementing public policies including those that relate to the marginalized groups. To effectively implement these constitutional provisions, it is necessary to formulate a comprehensive National Gender and Development Policy.

The policy formulation process was undertaken through a consultative approach that involved participation of a wide range of stakeholders, including Ministries, Departments and Agencies (MDA), Parliament (the National Assembly and Senate), Faith Based Organizations, Civil Society Organizations, Private Sector, academia among other stakeholders. This policy is aligned to the Constitution in particular the Bill of Rights and subsidiary legislations; National and County Government systems and their respective mandates, Kenya Vision 2030, Medium Term Plan III (MTP III), the Governments 'Big Four' Agenda (Universal Health Care, Food Security, Affordable Housing and Manufacturing), international and regional gender treaties that Kenya has ratified as well as emerging issues.

The goal of the policy is to "achieve gender equality and women's empowerment in national development so as to enhance participation of women and men, boys and girls, vulnerable and marginalized groups for the attainment of sustainable development". The policy sets, legislative and administrative measures to address the existing gaps in the realization of gender equality and women's empowerment.

To ensure that gender equality and women's empowerment is integrated into sectoral policies, planning and programmes, the policy identifies key thematic areas, namely: labour and employment, education, health, land, housing, agriculture, environment and natural resources, peace and security, governance, power and decision making, information and communications technologies, respect for the human rights, Sexual and Gender Based Violence; the girl child and the boy child, intersectional discrimination, media and access to justice. The policy recognizes that achievement of gender equality and women's empowerment requires the concerted effort of all actors. In this respect, the policy calls upon the National and County Governments, Constitutional Commissions and Independent Offices, Faith Based Organizations (FBOs) and Civil Society Organizations (CSOs) and the private sector to work together in ensuring its implementation. Partnership with development partners will complement national efforts in this noble cause.

I urge all stakeholders to join me in ensuring the full implementation of this policy to achieve gender equality in Kenya.

Prof. Margaret Kobia, Ph.D, MGH
Cabinet Secretary, Ministry of Public Service, Youth and Gender

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I thank the staff, of the Ministry of Public Service, Youth and Gender, and especially the State Department for Gender for their dedication and tireless effort in ensuring the completion of this policy.

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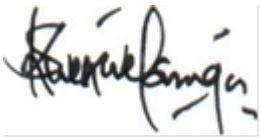
Above all, I wish to sincerely thank Prof. Margaret Kobia, PhD, MGH, the Cabinet Secretary, Ministry for Public Service, Youth and Gender for her leadership and guidance.



Hon. Safina Kwekwe Tsungu
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ABBREVIATIONS AND ACRONYMS

ACHPR	African Charter on Human and Peoples' Rights
ADR	Alternative Dispute Resolution
AGPO	Access to Government Procurement Opportunities
ANC	Antenatal Care
ARH & D	Adolescent and Reproductive Health and Development
ASAL	Arid and Semi-Arid Lands
CAT	Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment
CEDAW	Convention on the Elimination of all Forms of Discrimination Against Women
CG	County Government
CRC	Convention on the Rights of the Child
CSOs	Civil Society Organizations
FBOs	Faith Based Organizations
FGM	Female Genital Mutilation
GAD	Gender and Development
GBV	Gender Based Violence
GDP	Gross Domestic Product
GEWE	Gender Equality and Women's Empowerment
GOK	Government of Kenya
HIV&AIDS	Human Immuno Virus & Acquired Immune Deficiency Syndrome
ICCPR	International Covenant on Civil and Political Rights
ICERD	The International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICPD	International Conference on Population and Development
ICT	Information Communication Technologies
IDLO	International Law and Development Organization
IDUs	Injecting Drug Users
IGRTC	Intergovernmental Relations Technical Committee
IPV	Intimate Partner Violence
KDHS	Kenya Demographic and Health Survey
KNBS	Kenya National Bureau of Statistics
KV2030	Kenya Vision 2030
M & E	Monitoring and Evaluation
MDGs	Millennium Development Goals
MODP	Ministry of Devolution and Planning
MOEST	Ministry of Education Science and Technology
MOPSYG	Ministry of Public Service, Youth and Gender
NALEAP	National Legal Aid and Awareness Programme

NGEC	National Gender and Equality Commission
NG	National Government
NGOs	Non-Governmental Organisations
NIMES	National Integrated Monitoring and Evaluation System
NSAs	Non-State Actors
NPGAD	National Policy on Gender and Development
PTSD	Post-Traumatic Stress Disorder
PWDs	Persons with Disabilities
SDGs	Sustainable Development Goals
SGBV	Sexual and Gender Based Violence
SPF	Social Protection Fund
STEM	Science, Technology, Engineering and Mathematics
STIs	Sexually Transmitted Infections
TB	Tuberculosis
UNICEF	United Nations Children's Fund
UN	United Nations
WEF	Women Enterprise Fund
WHO	World Health Organisation
WID	Women in Development
YEDF	Youth Enterprise Development Fund

CHAPTER ONE

INTRODUCTION

1.1 Introduction

The Constitution of Kenya creates a platform for gender equality and non-discrimination. It also provides a fresh impetus for a national policy to chart a roadmap for the attainment of the constitutional provisions. Article 10 of the Constitution is on the National Values and Principles of governance. It highlights such principles as equality, equity, inclusiveness and non-discrimination. These principles provide an anchorage for gender equality. Further, Article 27 (1) provides that every person is equal before the law and has the right to equal protection and benefit; Article 27 (3) provides that women and men have the right to equal treatment including the right to equal opportunities in political, social, economic and cultural spheres. The Constitution also outlaws discrimination on any basis including, pregnancy, race, sex, marital status, health, ethnicity or social origin, colour, age, disability, religion, conscience, belief, culture, dress, language or birth in Article 27 (4). To realize these ideals, the Constitution in Article 27 (6) requires the government to take legislative and other measures including affirmative action to redress disadvantages suffered by individuals and groups because of past discrimination. Article 27 (8) requires that not more than two thirds of the members of elective or appointive bodies are of the same gender.

The State Department for Gender in the Ministry of Public Service, Youth and Gender is responsible for promoting gender equality and empowerment of women in Kenya. One of its key responsibilities is to promote the development and review of gender policies and legislation. The Department has developed this National Gender and Development Policy as a review of the Gender Policy adopted by the cabinet in 2000. The policy outlines the national agenda for gender equality and how Kenya intends to realise these ideals. It details the overarching principles, which will be adopted and integrated into the National and County Government sectoral policies, practices and programmes and by all state and non-state actors. It specifically takes cognizance of the following:

a) The values and principles set out in the Constitution;
b) Pieces of legislation aligned to the Constitution;
c) The National and County governments with varied functions that should contribute to gender equality;
d) Kenya Vision 2030 and the Third Medium Term Plan;
e) The 'Big Four' Agenda: Universal Health Care, Food Security, Affordable Housing and Manufacturing;

f) International and regional treaties on gender equality that Kenya has ratified such as the Convention on the Elimination of all forms of

Discrimination Against Women (CEDAW) and the Maputo Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa;

g) Agenda 2063 of the African Union titled 'the Africa We Want' seeking among other things to build inclusive and accountable states and institutions;

h) Lessons learnt from the implementation of the Millennium Development Goals (MDGs) specifically Goals 1 (Eradication of Extreme Poverty and Hunger); 3 (Promotion of Gender Equality and Women's empowerment) and 5 (Improvement of Maternal Health); and,

i) The Sustainable Development Goals under the 2030 Agenda for Sustainable Development adopted by the United Nations in September 2015 specifically Goals 1 (No Poverty) 2 (Zero Hunger); 5 (Gender Equality); 6 (Clean Water and Sanitation); 10 (Reduced Inequalities); and 16 (Peace, Justice and Strong institutions).

1.2 Rationale for the National Policy on Gender and Development

The first National Policy on Gender and Development (NPGAD) was adopted in 2000. The policy provided a legitimate point of reference for addressing gender inequalities at all levels of government and by all stakeholders. It further provided an avenue for gender mainstreaming across all sectors in order to generate efficient and equitable development outcomes.

Many achievements including the requirement for gender representation and mainstreaming gender considerations across all sectors were made under this policy. The pace at which these achievements and other measures aimed at gender equality were realized was however not in keeping with the expectations. It is within this context and the Constitutional requirements for equality and non-discrimination that the revision of the policy became necessary. The Constitution is express on its gender equality provisions and aspirations. Article 2(6)) obliges the Government to implement the obligations of the international treaties it has ratified. This position has been further elaborated through the Treaty Making and Ratification Act, 2012. Further, the two-tier government under the Constitution is a basis for re-tooling the gender policy to ensure that it guides the activities of both levels of Government. The policy recognizes the country's commitment to the African Union Development Agenda 2063 and the United Nations Global Agenda 2030.

Finally, the creation of the State Department for Gender Affairs in the Ministry of Public Service, Youth and Gender Affairs with the mandate to evaluate and review gender policy provides the anchorage for this policy.

1.3 The Problem

Despite a progressive Constitution that promotes gender equality and women' s empowerment, gender inequality remains a key issue of concern in Kenya. The patriarchal social order supported by statutory, religious and customary laws and practices; and the administrative and procedural mechanisms for accessing rights have continued to hamper the goal of attaining gender equality and women's empowerment. Progressive provisions in law have not delivered gender equality in

practice raising the need to develop a policy that addresses the variety of manifestations of gender discrimination and inequality.

1.4 Policy Context

The Government of Kenya has since independence put in place programmatic, policy, legislative and administrative measures towards realization of gender equality and women's empowerment including supportive institutional frameworks. The Declaration of the UN Women's Decade in 1975 led to the establishment of the Women's Bureau as the first single most important National Machinery for the advancement of women rights in Kenya. This was an acknowledgement of women as a population category with special needs that required special attention. The functions and responsibilities of the Bureau, according to the Cabinet Memorandum 78 (b) included: policy formulation, implementation and evaluation, co-ordination of all Government initiatives and programmes for women, collection and analysis of data and information required for the design, monitoring and evaluation of policies and projects for women and support to liaise with NGO projects and women organisations. This broad and comprehensive mandate clearly reflects the government's commitment to the advancement of women.

Kenya hosted the United Nations Third World Conference on Women in 1985 which evaluated the progress made during UN Decade for Women and devised a new course of action for the advancement of women. The result was the Nairobi Forward Looking Strategies, which provided a blueprint for action linking the promotion and maintenance of peace to the eradication of violence against women throughout the broad spectrum of society. Member states were also urged to take constitutional and legal steps to eliminate all forms of discrimination against women, and tailor national strategies to facilitate the participation of women in an effort to promote peace and development. Within this context, Kenya has taken steps in ratifying international treaties and regional conventions on gender equality and participating in forums where gender equality is canvassed. The National Gender and Equality Commission was also established to support the realization of gender equality.

1.5 Policy Review Process

A review of the National Policy on Gender and Development of 2000 was undertaken in order to align it to the new legal framework including the Constitution of Kenya. Following the re-organization of government in 2013 the process of reviewing the Policy was taken over by the Ministry of Devolution and Planning under the Directorate of Gender Affairs. The finalization was done by the Ministry of Public Service, Youth and Gender Affairs, specifically the State Department for Gender Affairs following the Executive Order of May 2015 and Executive Order of June, 2018. The review aimed at integrating gender issues emerging from significant national development blueprints such as Kenya Vision 2030, its Second Medium (2013-2017) and Third Medium Term Plan (2018-2022). This Policy includes contributions from a range of stakeholders, State and non-State Actors, Gender Officers from National Government Ministries, the County governments, State Corporations, the private sector and programme staff from Civil Society Organizations (CSOs) and members of Community Based Organizations (CBOs).

1.5.1 International Legal Frameworks and Initiatives

Kenya has ratified seven of the nine main global human rights instruments: International Covenant on Civil and Political Rights ("ICCPR") and the International Covenant on Economic, Social and Cultural Rights ("ICESCR"), the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment (CAT), and the Convention on the Rights of the Child (CRC) which all have gender equality imperatives as a state obligation. Kenya has also been party to other international initiatives that have drawn attention to the need for gender equality such as the Vienna Declaration on Human Rights, the Beijing Platform for Action, the International Conference on Population and Development (ICPD), the Millennium Declaration and Millennium Development Goals (MDGs) and the Sustainable Development Goals (SDGs). All these treaties and initiatives have influenced the National Policy on Gender and Development.

The fifth SDG is a stand-alone development goal on gender equality and women's empowerment is characterised by the following targets:

Table 1 : Sustainable Development Goal 5 Targets

GOAL 5: Achieve gender equality and empower all women and girls	
Target 5.1	End all forms of discrimination against women and girls everywhere
Target 5.2	Eliminate all forms of violence against women and girls in the public and private spheres, including trafficking, sexual and other types of exploitation
Target 5.3	Eliminate harmful practices, such as child, early and forced marriage and Female Genital Mutilation
Target 5.4	Recognize and value unpaid care and domestic work through the provision of public services, infrastructure and social protection policies and the promotion of shared responsibility within the household and the family as nationally appropriate
Target 5.5	Ensure women's full and effective participation and equal opportunities for leadership at all levels of decision-making including political, economic and public life
Target 5.6	Ensure universal access to sexual and reproductive health and reproductive rights as agreed in accordance with the Programme of Action of the International Conference on Population and Development, the Beijing Platform for Action and the outcome documents of their review conferences

1.5.2 Regional Legal Frameworks

Regionally, Kenya has ratified the African Charter on Human and Peoples' Rights, and the Protocol to the African Charter on Human and Peoples' Rights on the Establishment of an African Court on Human and Peoples' Rights (2005). Kenya has

also ratified the Convention governing Specific Aspects of Refugee Problems in Africa, the African Charter on the Rights and Welfare of the Child and the Maputo Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa albeit with reservations on article 10 (3) and 14 (c).[1] Other regional instruments that Kenya has adopted include the African Union Agenda 2063 and the Solemn Declaration on Gender Equality in Africa.

1.5.3 National Policies and Legislation

This policy builds on the National Policy for Gender and Development of 2000, and Sessional Paper No. 2 of 2006 on Gender Equality and Development which envisaged women empowerment and mainstreaming the needs of women, men, girls and boys in all sectors of development in Kenya so that they can participate and benefit equally from development initiatives. Kenya's National Development plans such as Kenya's Economic Recovery Strategy for Wealth Creation (2003-2007), Kenya Vision 2030 and the Medium-Term Plans 2008-2012, 2013-2017 and 2018-2022 have also recognized that women should have equal access to opportunities and assets with men for the purpose of sustainable development.

In addition, gender-aware policies such as the National Land Policy (2009) which recognizes women's rights to own property on an equal basis with men; the National Policy for Prevention and Response to Gender Based Violence; and the National Policy for the Abandonment of Female Genital Mutilation have been adopted.

The Parliament has legislated laws to implement the Constitutional provisions for gender equality. These include the Matrimonial Property Act, 2013 which safeguards women's property rights during and upon dissolution of the marriage; the Marriage Act, 2014 that gives effect to constitutional provisions on equality between parties to a marriage; and the Land Act and Land Registration Acts which secure women's rights to land. Revision of the Succession Act Cap 160 is also at an advanced stage and is expected to address gender issues in succession. Similarly, the Counter-Trafficking in Persons Act, 2010, the Prohibition of Female Genital Mutilation (FGM) Act, 2011 and the Sexual Offences Act, 2006 outlaw specific forms of violence against women and the girl child. Thus, Kenya has ratified and domesticated on both its international and regional obligations on protecting the rights of women and the girl child. Additionally, the Kenya Citizenship and Immigration Act, 2011 provides for dual citizenship. Married women can now confer citizenship to their husbands from foreign countries, a break from the past where only men could confer such status to their wives.

1.6 National Institutional Anchorage of the Policy

The mandate of the State Department of Gender is drawn from the Constitution of Kenya and Executive Order of June, 2018.The State Department for Gender is responsible for:

[1] Article 10(3) States Parties shall take the necessary measures to reduce military expenditure significantly in favour of spending on social development in general, and the promotion of women in particular. Article 14(c) protect the reproductive rights of women by authorizing medical abortion in cases of sexual assault, rape, incest, and where the continued pregnancy endangers the mental and physical health of the mother or the life of the mother or the foetus.

a) Gender Policy Management;

b) Special Programmes for Women Empowerment;

c) Gender Mainstreaming in Ministries, Departments and Agencies (MDAs);

d) Community Mobilization;

e) Domestication of International Treaties and Conventions on Gender; and,

f) Policy and Programmes on Gender Violence.

While there has been emphasis by the Kenyan Government on promoting gender equality in all aspects of its activities, evaluations point to clear gaps in promoting gender equality such as disparities in education and economic opportunities, representation, participation, and adequate access to health. These emerging developmental issues present new opportunities and challenges in the pursuit of gender equality and women's empowerment. To this end, this policy has been designed to guide and ensure that all planning, programming, budgeting and implementation of development programmes include a gender perspective. This applies to programmes atNational and County level. The priority areas of focus are: improved livelihoods, promotion and protection of human rights, participation in decision-making and governance, recognition of gender and promotion of women empowerment in macro-economic management among others.

1.7 The Scope of the National Gender and Development Policy

The Policy will apply specifically and directly to all Government Ministries, Independent Bodies, Quasi-autonomous entities, and Departments and Agencies both at the national and county levels of government. It is also expected that the principles, strategies and approaches in the policy shall also apply to the, private sector and civil society.

This Policy aims at achieving equality of opportunity and outcomes with respect to access to and control of national and county resources and services; and equality of treatment that meets the specific and distinct needs of different categories of women and men. Special programmes and the commitment of additional resources will be required to achieve these outcomes.

Although this Policy is concerned with all categories and aspects of gender, special focus will be on the empowerment of women who are currently the marginalized gender. The policy identifies a set of factors that will act as indicators for measuring the implementation and effectiveness of the gender and development agenda. If concerted efforts are made and adequate resources are allocated to the processes of institutionalizing gender equality and the empowerment of women as proposed in this policy, the result will be a fairer and transformed society in which women and men will benefit in the following ways:

a) Equality of treatment and Freedom from Discrimination as provided for under Article 27 of the Constitution;
b) Equality in the political, social, economic and cultural development spheres for women and men;
c) Respect for the human rights of women, men, boys and girls;

d) Respect for provisions on equality in the Bill of Rights in civil, administrative and judicial regulations and procedures and customary, cultural and religious practices;
e) Enforcement of statutory, religious and customary laws within the framework of this policy and the Constitution; and,
f) Duty bearers at the National and County levels of Government will be equipped with relevant gender responsive requirements for planning, budgeting and implementing development programmes.

CHAPTER TWO

SITUATION ANALYSIS AND KEY ISSUES

2.1 Introduction

This section provides a broad sectoral overview of the critical issues which impact on Kenya's progress towards gender equality. The situational analysis focuses on key development sectors that are thematically sequenced along the Beijing Platform for Action and gender related treaties and conventions. This policy has also been aligned with current development blueprints. A range of gender-related challenges and problems have been identified in each thematic area and key issues identified.

2.2 Thematic Areas and Key Issues

2.2.1 Poverty

Poverty is now defined to include not only lack of material or monetary resources but also the structural and systemic factors that impact on people's capabilities, opportunities and agency in political, social and economic spheres.[2] Poverty has taken a gender dimension in Kenya where women are poorer than men according to the various Economic Surveys. This is exemplified by the fact that men by far outnumber women in various categories of basic human development indicators as indicated by UNICEF (2016).[3]

The causes of poverty are structural and systemic and hinge on the social organization that relegates women to a position of lesser power over resources, decision making in the management of national affairs and access to opportunities. Poverty makes it difficult for women to realize rights in areas such as politics, decision- making, education, health, the economy and access to justice even when these are provided for in the law.

Since the 2006/2007 financial year, the government initiated the social protection programmes. Available disaggregated data for 2016/17 of Cash transfer for Orphans and Vulnerable children (CT-OVC) of the beneficiaries 21% were females, 56.5% for Hunger Safety Net Programme (HSNP) while 58.1% of Older Persons Cash Transfer

[2] UN Economic Commission for Africa, Africa Gender Development Index 2011.

[3] UNICEF 'Statistics' http://www.unicef.org/infobycountry/kenya_statistics.html

(OPCT) and 24.1% and 15.2% of People with Severe Disability (PwSD-CT World Food Programme-Cash Transfer (WFP-CT) beneficiaries were women.

Key issues:

a) Implementing gender responsive poverty eradication initiatives;
b) Adequate representation of women in key development management committees of national and devolved funds;
c) Capacity building women targeted for specific Affirmative Action funds and Access to Government Procurement Opportunities (AGPO); and,
d) Eradicating cultural practices that limit women's access to resources and assets.

2.2.2 Access to Labour and the Economy

Kenyan women largely make a real but invisible contribution to the economy because their contribution to the GDP through the informal sector is not recognized. Women economic activity is largely concentrated in subsistence agriculture and the informal business sector, while men tend to dominate in the formal sector as illustrated in Table 2 below. On average, women work longer hours (12.9 hours) compared to men (8.2 hours) yet they earn less because most of these hours are taken by unremunerated work[4] despite contribution to mainstream economic activities.

The majority of women in Kenya are in the informal sector thus making their contribution to the national economy not fully appreciated. According to Kenya Economic Survey 2018, women play a critical role in the agriculture sector (especially family farming) and the informal business sector, while men tend to dominate in the formal sector. In wage employment, the proportion of women's participation increased from 37% in 2008 in 29% in 2010 to 40% in 2014 and declined again to 37% in 2018. Wage employment in the agriculture sector increased from 23% in 2010 to 37% in 2018. The same trend is observed in the manufacturing, wholesale and the financial sector where proportion of women stands at 20%, 27% and 38% respectively.

[4] Amanda Ellis et al *Gender and Economic Growth in Kenya: Unleashing the Power of Women* (2007) xxiii

Table 2: Wage Employment in Modern Sector, 2009 to 2018

Year	Modern	Agriculture	Manufacturing	Wholesale	Finance and Insurance
2010	29	23	14	27	
2011	32	23	16	30	
2012	37	38	29	26	
2013	37	36	28	25	
2014	40	34	18	25	
2015	37	34	17	23	
2016	34	33	16	23	
2017	37	33	16	23	37
2018	37	37	20	27	38

Source: Various Kenya Economic Surveys

Key issues:

a) Gender inequalities in the job market with percentage of women in the formal employment in Kenya accounting for about 30 per cent;
b) Women working in poorly paid jobs in the largely unregulated informal sector worsened by most women working in family owned and home-based businesses where their work is subsumed into unpaid domestic labour;
c) Macro-economic and sectoral policies are not gender responsive;
d) Women and youth lack collateral including land ownership that restricts their access to credit; and,
e) Balancing the social and economic roles which hinders women's effective participation in entrepreneurship.

2.2.3 Access to Education

Education is a fundamental right under Article 43 of the Constitution. Articles 53, 54 and 55 of the Constitution emphasize the primacy of the right to education for the youth, persons with disabilities and children. Article 56 emphasizes the need for affirmative action for marginalized groups such as women, girl-children and marginalized communities such as those living in the arid and semi-arid areas of Kenya (ASAL).

Enrolment of both boys and girls in primary and secondary schools has been increasing from 2009 to 2018 and is almost at per with 49.1% and 47.3% of girls accounting for total enrolment rates respectively. Females also account for 41.3% of university (public and private) in enrolment while 43% of females were enrolled to technical and TVET institutions. In adult education female learners accounted for 69.2%. Performance of girls has shown remarkable improvements especially in

secondary schools over the years since 2013. However, only in 2016 majority of girls (58.9%) scored better than boys at the highest grade of A. Generally, girls have scored high marks but averagely boys have always performed better.

Key Issues:

a) Weak mechanisms for coordination and cooperation between national and county governments in the provision of education;
b) Low transition rate among the boys and girls to secondary school and institutions of higher learning;
c) Boys and girls drop out of school to assume household headship roles in the absence parents;
d) Prevalence of child labour;
e) Socio-cultural practices such as Female Genital Mutilation (FGM), defilement; unwanted pregnancies and child marriages humper girls' education;
f) Absenteeism and retention of girls in school; and,
g) Emerging issues such as betting, misuse of mobile phones and cyber space.

2.2.4 Access to Health Care

The right to health is provided for under Article 43 of the Constitution. This includes the right to reproductive health care. It also provides that a person shall not be denied the right to emergency health care. In the Kenyan context, a major barrier for women to the achievement of the highest attainable standard of health is inequality, inaccessibility, unacceptability and unaffordability of quality health services both between men and women and among women in different geographical regions, social classes and indigenous and ethnic groups. For instance, life expectancy at birth in Kenya dropped from 57.5 years in 1990 to 51.8 years in 2000 but rose to 66.7 years by 2015 and 67.3 years in 2018 growing at an average annual rate of 0.41 %.[5] Female life expectancy increased from 69.1 years in 2015 to 69.9 years in 2018 growing at an average annual rate of 0.35%.

Maternal mortality has shown some improvements, as per Kenya Demographic and Health Survey (KDHS) 2014 the ratio stood at 362 deaths per 100,000 live births compared to a high ratio of 488 deaths per 100,000 in the 2008-09 KDHS. The prevalence of HIV has been higher among women compared to men. Statistics indicate that more than half (58.4%) of the infected were women in 2000. In 2017, the National adult HIV prevalence rate had reduced and was estimated at 4.9% with prevalence higher among women (5.2%) than men (4.5%).

Key Issues:

a) Maternal mortality remains high in Kenya, but has shown a decline from 488 deaths per 100,000 live births in 2008 to 362 deaths per 100,000 live births in 2014 nationwide with regional disparities;
b) The proportion of registered medical personnel per thousand population rose to 368 in 2018 from 355 in 2017 which is below the WHO recommended

[5] WHO, 2018 World Health Statistics

average[6]; c) Women are still burdened with preventable diseases, such as HIV/AIDS, malaria and tuberculosis (TB);

d) Outdated cultural practices such as 'wife inheritance', which exacerbate the spread of HIV/AIDS;
e) Expectant mothers are prone to malaria due to poverty and limited access to sleeping nets;
f) Women have borne the greatest brunt of TB infections[7] and maternal mortality is still high.[8]; and,
g) Mental health as an aspect of health, which is not given as much emphasis as other health conditions, and yet 'there is no health without mental health'. There are specific links between mental health and women's reproductive health and sexual and gender-based violence.

2.2.5 Land, Housing and Agriculture

Land is critical to the economic, social and cultural development of Kenya. It is a key factor of production and lack of access to land affects the enjoyment of other rights. Culture and traditions continue to support male inheritance of family land while the implementation of gender sensitive family laws is slow. There is conflict between constitutional and international provisions on gender equality vis-à-vis customary practices that discriminate against women in relation to land ownership and inheritance. Women are also not sufficiently represented in institutions that deal with land and their rights under communal ownership are not defined making it easy for men to dispose of family land without consulting women. Few women have land registered in their names and the lack of financial resources restricts their entry into the land market. Only eight percent of women own a house alone and 7 percent own land alone. Forty-two percent own a house and 39 percent of women own land (alone, jointly, or both) (KDHS, 2014).

Without secure rights to land, women's participation in and benefit from land uses such as agriculture is inhibited. Yet women provide up to 75% of agricultural labour. They produce food crops for domestic consumption and provide labour for commercial farming where they are paid a pittance. Women also have less access to modern farming technology. The situation is compounded by the delineation of agriculture as a function of the county government necessitating coordination and cooperation between the national and county governments through the Intergovernmental Relations Act, 2012. Lack of secure rights to land also impacts on housing rights for women.

The rights of married women and widows have not been secured in practice. The Constitution however specifically provides for the rights of women to the matrimonial home and the protection of the rights of dependents of deceased persons holding interests in land including spouses in actual occupation of the land in Article 68. This was to forestall a situation where women were left homeless upon divorce or in the event of the death of their spouses when relatives of the deceased grabbed the property from the widow. The Constitution also specifically provides for equitable access to land, security of land rights and elimination of gender

[6] Economics Survey 2016

[7] Economic Survey 2016

[8] Economic Survey 2018

discrimination in law, customs and practices related to land and property among the principles of land policy.

The National Land Policy, 2009 also seeks to protect the land rights of women and other vulnerable groups. While the Land Registration Act, 2012 provides for joint spousal registration of land and joint spousal consent in dealings with land, the Land Law Amendments, 2016 deleted the provision in the Act that provided for the recognition of spousal rights over matrimonial property and land as overriding rights over any registered land. This affects women's rights to the matrimonial property.

Article 43 of the Constitution provides for the right to accessible and adequate housing with Article 21 requiring the Government to take appropriate measures including the setting of standards to ensure that this right is achieved. The Government has initiated the process of developing the National Slum Upgrading and Prevention Policy which is guided by The National Housing Policy, 2004, the National Land Policy, 2009, the Constitution, and Kenya Vision 2030.

Key issues:

a) Secure land rights for women affect to enable their participation in and benefit from agriculture through legislation; and,

b) Harmonize land laws.

2.2.6 Environment and Natural Resources

Access to and control over environmental resources is gender biased. Men are the main actors in the management of renewable and non-renewable natural resources such as forests, wildlife, minerals and natural gas. This has significant implications on the Gross Domestic Product and the livelihoods of Kenyans dependent on the environment and natural resources. The Nation should engage in sustainable development that takes into account the interests of Kenya within and across generations by ensuring that the resources are not polluted, inequitably allocated or diminished.

The Constitution in Article 42 guarantees the right to a clean and healthy environment. Articles 69-72 further provide for obligations in respect of the environment, enforcement of environmental rights, and protection and exploration of natural resources. These provisions are replicated in Kenya Vision 2030, the National Environment Policy, 2013 and the Environment Management and Coordination Act, 1999 among others. Kenya is also party to Multilateral Environmental Agreements that underscore sustainable development and equitable access to environmental resources thus raising the obligation to factor gender considerations in the management of the environment and natural resources at the national level.

Climate change was identified in the UNDP Human Development Report, 2011 as a threat amplifier meaning that those already marginalized on account of gender would be more marginalized by climate change impacts. Climate change continues to threaten livelihoods in low human development index nations and will worsen the most lingering environmental threats such as deforestation, water scarcity and land degradation.

Women in developing countries such as Kenya are particularly vulnerable to climate change because they are highly dependent on local natural resources for their

livelihood. Women charged with securing water, food and fuel for cooking and heating face the greatest challenges. Women also experience unequal access to resources and decision-making processes over the resources, with limited mobility in rural areas. It is thus important to identify gender-sensitive strategies that respond to these crises for women. Research indicates that people's limited access to resources, restricted rights and muted voice in shaping decisions makes them highly vulnerable to climate change.[9]

Kenya has a huge clean water deficit and the demand for clean and safe water is increasing phenomenally. The burden of sourcing for, ferrying, and distributing water for domestic use has been largely left to women, thus providing yet another ground for subordinating and marginalizing women and girls. The right to water provided for in Article 43 of the Constitution requires that water be accessible, affordable and of good quality. Gender related uses of water are not prioritised and because of the gender division of labour, women and girls miss the opportunity to attend school and to participate in income generating activities in the search for water. In Kenya, the poor living in informal settlements pay more for water than the rich and the poor and vulnerable are the most impacted by water scarcity and poor sanitation. Effective reforms in this sector shall give women and girls more leverage in education and opportunity to engage in gainful employment. Given that water resource management is a function of the National Government while water service provision is a function of the County Government, coordination and cooperation between the two levels of Government must be actualized through the Inter-governmental Relations Act, 2012 to make the right to water a reality.

Key issues:

a) Have women well represented in decision-making processes over the environment and natural resources;
b) Factor women's input into climate change adaptation and mitigation strategies;
c) Capacity build women on the negative effects of deforestation to be able to contribute towards sustainable natural resource management and climate change mitigation and adaptation;
d) Reduce gender disparity in access to natural resources;
e) Provide affordable clean water to reduce health risks related to poor quality of water; and,
f) Provide gender-disaggregated data on the impacts of environmental and natural resources' degradation and climate change.

2.2.7 Peace and Security

Kenya is directly and indirectly affected by conflicts. Being in the Greater Horn of Africa, Kenya has hosted refugees from war torn countries for many years and internally, has had political conflicts such as the 2007/2008 Post-Election Violence. Men and women are affected by conflict in diverse ways. Men are usually the combatants while women either play support roles or are casualties of the conflict.

[9] Human Development Report, 2013

Sexual and Gender-Based Violence is exacerbated by armed conflicts and redress is difficult.

Several initiatives have been undertaken in Kenya to deal with gender in situations of armed conflicts. For example, the United Nations Security Council Resolution 1325 (UNSCR 1325) on women, peace and security has been made operational through the Kenya National Action Plan (KNAP). The KNAP recognises the centrality of women's contribution to conflict prevention and resolution, peace keeping and peace building as well as their inclusion. It also recognizes the value of women's contribution to peace and conflict management processes towards achieving sustainable peace. Northern Kenya is a case in point where women spearheaded the Wajir peace process and this has been showcased globally as a best practice of a community-led peace initiative. Kenya has enacted the International Crimes Act, 2008, which domesticates international criminal principles as provided for under articles 5, 6, 7 and 8 of the Rome Statute of the International Criminal Court. This provides a mechanism of redressing crimes committed against women in times of armed conflicts that can be handled by the law courts.

Efforts have been made to ensure women participate in peace processes. Kenya has seen an increase in the number of women in Kenya's district peace committees (DPCs) from 14% in 2014 to 29% in 2017. 45% of the counties in Kenya have met the threshold set by the constitution on women representation.

Key issues:

a) Involvement of women in peace and security matters;
b) Minimise women exposure to disproportionately risks in conflict situations;
c) Implement the Kenya National Action Plan on UNSCR Res. 1325/1820 adopted in 2016;
d) Prosecute perpetrators and perpetuators of violence during internal political conflict;
e) Increase the institutional capacity of security agencies to deal with Gender Based Violence; and,
f) Enable adequate representation of women in decision making positions among security agencies dealing with peace and security matters.

2.2.8 Governance, Power and Decision-Making

Governance is the bedrock of efficient, effective, transparent and sustainable delivery of services. Having more women participating in governance and in positions of power and decision-making would ensure that women are actively involved and make their contribution. While women comprise more than half of Kenya's population, they lag behind in governance, power, decision-making and elective politics. Men have dominated the Kenyan Parliament over the years and this adversely affects women involvement in decision making processes. It is noteworthy that women's representation in the National Assembly has been increasing at a slow rate from 8.1% in 2002 t0 10% in 2007 and 19.8% in 2013. did not change radically in 2013 despite the provision of a gender quota through the forty-seven (47) seats reserved for women representatives at County level. Nevertheless, remarkable progress has been made in the appointment of women in senior leadership positions

in the Executive, Legislature, Judiciary and private sector. Remarkably since the August 2017 general election, there are improvements on the number of women in the National Assembly
(21.8%), the Senate (26.9%), Governors (6.4%) and in the County Assemblies (30.5%). The remarkable improvements realized in County Assembles is as a result of the constitutional framework that obligates political parties to nominate women so as to attain the Two-Thirds Gender Principle.

Key issues:

a) Enact laws for the realisation of the Two-Thirds Gender Principle in elective positions; and,
b) Provide a formula or replicate Article 177 of the Constitution for the National Assembly and Senate.

2.2.9 Information and Communications Technologies (ICT)

In a fast-changing world, the power of Information Communications Technology (ICT) cannot be underestimated. This is true, especially, with the emergence of Internet communication, e-commerce, e-governance, and e-education among other contemporary applications of ICT. Information Communication Technologies can be powerful instruments for advancing economic and social development through the creation of new economic activities, employment opportunities, improvements in health-care delivery and the enhancement of networking, participation and advocacy within society. ICT has the potential to improve interaction between Governments and citizens, thus fostering transparency.

International Telecommunications Union Resolution 70 on 'Mainstreaming a gender perspective in ICT and promotion of gender equality and the empowerment of women recognizes that ICTs are tools through which gender equality and women empowerment can be advanced and are integral to the creation of societies in which both women and men can substantively contribute and participate.

Challenges still exist in women's access to ICT despite the exponential increase in the use of wireless communications and the Internet in Kenya as evidenced by the use of laptops, mobile phones, tablets, and television among other technological gadgets. Cultural and social attitudes are often unfavourable to women's participation in the fields of science and technology, limiting their opportunities in ICT.

Key issues:

a) Capacity build the society to transform traditional, cultural and social attitudes to enable the participation of women in science and technology to increase access to opportunities in ICT; and,
b) Encourage women participate in mathematics, science and technology as fields of study.

2.2.10 Respect of Human Rights for All

The Constitution provides for equality, non-discrimination and a raft of civil, political, economic and social rights in the Bill of Rights premised on the fact that human rights are inalienable, interdependent and applicable to all human beings and their

enjoyment is a basic requirement and standard for the enjoyment of life. These constitutional provisions domesticate the international and regional ratified legal instruments and commitments that women rights are human rights.

Key issues:

a) Full implementation of the Bill of Rights; and,
b) Encouragement and capacity building of Women Rights' defenders.

2.2.11 Sexual and Gender Based Violence (SGBV)

Sexual and Gender Based Violence (SGBV) is based on socially ascribed gender differences between men and women which define power relations between men and women regarding who makes decisions and who owns resources. SGBV affects women; girls, men and boys but women and girls are disproportionately affected.

Gender Based Violence leads to a violation of many other rights. For instance, sexual violence often leads to a violation of the right to health (in the event that a woman is infected with a sexually transmitted disease, for instance through rape) as well as the right to reproductive health care. Moreover, social economic rights to necessities such as housing, water and sanitation are affected when a woman is denied access to financial resources as a means of punishment. In some instances, the right to freedom of movement is also curtailed, as is women's access to employment and education.

All forms of SGBV are a major cause of mental health problems to the respective persons affected. Emotional abuse causes as much harm as physical and sexual abuse while it is not reported to the police or recognized by the survivors. Itis a major cause of mental health.

According to the Economic Survey, 2017, reported offences against morality (including: rape, defilement, incest, sodomy, bestiality, indecent assault, abduction and bigamy) increased from 4,809 in 2012, to 5,184 in 2014 and 6,228 in 2016. In Kenya 45% of women and 44% of men age 15-49 have experienced physical violence since the age of 15 (KDHS, 2014). Studies have also reported higher rates of Post-Traumatic Stress Disorder (PTSD) and depression among survivors of intimate partner violence (IPV) compared to those not exposed. 80% of the women who had reported rape, stalking and physical abuse by an intimate partner were found to have symptoms of PTSD.

The national prevalence of FGM stands at 21% compared to 27% in 2008/9, and 32% in 2003. Thirteen percent (13.6%) of adolescent girls and 0.7% of adolescent boys between the ages of 15-19 years are married (KDHS, 2014). However, in spite of the steady decline nationally, FGM prevalence still remains very high amongst some communities such as the Somali at 94%, Samburu 86%, Kisii 84%, and Maasai at 78%.

Implementation of the Sexual Offences Act, 2006 has been very slow because of the evidence requirements and court processes and procedures which take time leading to many survivors getting tired and dropping the cases.

Key issues:

a) Kenya has numerous pieces of legislations, policies and programmes promoting response and prevention to SGBV;
b) Various initiatives have been taken to deal with Sexual and Gender Based Violence in Kenya including the establishment of Gender Desks in police stations, capacity building on SGBV supporting toll free SGBV hotlines and, increased advocacy against SGBV;
c) Improve Government administrative and health facilities evidence preservation technologies for use during prosecution;
d) Increased sensitisation and capacity building of the National Police Service, strengthening of the Gender Desks at Police stations to facilitate reporting of SGBV;
e) Encourage use of Alternative Dispute Resolution mechanisms for the prevention of Sexual and Gender-Based Violence;
f) Improve Government support in providing support services such as shelters for GBV survivors;
g) Engage with women and men engaged in sex work and Injecting Drug Users (IDUs) to minimise vulnerability to GBV;
h) Provide a Minimum Benefits Package under Universal Health Care to enable GBV survivors to get health services; and,
i) Research on SGBV to identify underlying and systemic causes and the best ways of addressing them.

2.2.12 Access to Justice

Access to justice is critical for the realization of the right to equality and nondiscrimination. The Constitution obligates the State to ensure access to justice for all persons and any fee required should be reasonable so as not to impede access to justice. Access to justice can be hindered by cost, inadequate forums and the procedures and processes of dispute resolution. Notwithstanding the constitutional provisions, discrimination, inequality and violation of rights is still prevalent due to physical, technical and financial barriers. The challenge presented by inaccessibility of justice is that most women find themselves the subject of injustice at the hands of a patriarchal society where disinheritance and SGBV are prevalent. Most Kenyans prefer to seek redress through alternative or traditional dispute resolution mechanisms rather than the formal court system. These alternative mechanisms of justice are often faster, more accessible and cost effective. The Constitution has taken cognizance of this reality and provides for the promotion of alternative forms of dispute resolution. The challenge is ensuring these alternative mechanisms of justice meet a certain minimum standard and do not violate human rights.

Key issues:

a) Lower the cost of litigation;
b) Increase access to legal services and justice;
c) Reduce case backlog due to heavy caseload, unnecessary adjournments and corruption; and,

d) Develop and implement a comprehensive framework for institutionalising Alternative Dispute Resolution.

2.2.13 The Girl Child and Boy Child

The girl child is discriminated against from the earliest stages of life, through her childhood and into adulthood. In some communities' girls are exposed to female genital mutilation, child marriages, sexual abuse, and sexual exploitation. Due to the entrenched social-cultural and religious attitudes, girls are often treated as inferior and are socialised to consider themselves of less value compared to men. This leads to a lifetime marginalisation of girls.

Statistics indicate that girls in rural areas are more likely to be married by the time they turn 18 years, than their peers who live in urban areas. Early marriage is common in Kilifi, Busia, Kisumu and most parts of North Eastern Kenya. Dropout rates stand at 10.6% for boys and 12.3% for girls indicating that girls are more likely to drop out of school than boys where parents, schools and even some policy makers do not value the education of the girl child. There is an urgent need to ensure that the interests of the girl child are considered.

Key issues:

a) Improve the implementation of The Children Act, 2001;
b) Remove gender bias in the school curriculum, educational materials and practices, improve teacher attitude and classroom interactions; and,
c) Develop structures and programmes for role modelling and mentorship for both girls and boys.

2.2.14 Intersectional Discrimination

Gender can encapsulate many intersecting identities. There are women who are young, old, living with disability and members of marginalized communities. The gender identity in these circumstances intersects with other inequalities amplifying the impact on the woman. This raises the intra-categorical complexity of inter-sectionality to demonstrate the inadequacy of programmatic interventions for these target groups. Kenya's Constitution captures the collective Kenyan spirit in recognizing the aspirations of all Kenyans for a Government based on the essential values, which include human rights, equality and freedom.

Article 27 (4) of the Constitution lists grounds for legal action on discrimination on the basis of race, sex, pregnancy, marital status, health status, ethnic or social origin, colour, age, disability, religion, conscience, belief, culture, dress, language or birth. Gender intersects with each of these inequalities creating a 'matrix of domination' for women which may be more overwhelming than for men because of women's limited access to opportunities, agency and capacity to negotiate and move between different intersections as the situation demands. The National Land Policy recognizes the possibility of intersectional discrimination for women in pastoral communities and proposes that the rights of women in pastoral areas should be recognized and protected. The isolation of the girl child as needing special attention is also an example of the recognition of intersectional discrimination based on age and gender.

Key issues:

a) Inadequate programmatic interventions to address intersectional discrimination; and,
b) Women's limited access to opportunities, agency and capacity to negotiate and move between different intersections.

2.2.15 The Media

Of the many influences on how we view women and men, media are the most pervasive and most powerful. Woven throughout our daily lives, media ingrains messages into our consciousness at every turn. The convergence of different forms of media; radio, broadcast and print facilitated by information communication technologies makes this phenomenon difficult to ignore. All forms of media communicate images of the sexes, many of which perpetuate unrealistic, stereotype and limited perceptions. Three themes describe how media represent gender. First, women are underrepresented, which falsely implies that men are the cultural standard and women are unimportant or invisible. Second, women and men are portrayed in stereotypical ways that reflect and sustain socially endorsed views of gender. Third, depictions of relationships between women and men emphasize traditional roles and normalize violence against women.[10]There is also an increase in female news anchors, radio presenters and newspaper reporters, which brings women to the fore in this sector.

Key issues:

a) Increased women access to media content and decision-making positions in the media industry to minimise gender stereotypes;
b) Censure the media content to ensure it does not perpetuate gender stereotypes, anti-social behaviour or encourage SGBV;
c) Encourage objective reporting on gender issues in development and politics;
d) Socialization has led to lack of interest by women in technical production aspects of media and as a result, women technicians are a minority in the media industry; and,
e) Decree the realisation of the Two-Thirds Gender Principle in appointments, promotion and assignments and tasks in the media industry such that women broadcasters deal with programmes on family, health, nutrition and the "heavier" discussions on politics, economy or general community affairs just as men do.

2.2.16. Institutional Mechanisms for the advancement of Gender Equality and Empowerment of Women

National mechanisms and institutions for the promotion of gender and empowerment of women are critical for the promotion of gender equality and

[10] Julia T. Wood *Gendered Lives: Communication, Gender, and Culture* (1994) 231-244.

women's empowerment. The Beijing Platform for Action and the Convention on the Elimination of all Forms of discrimination cals on member states to strengthen the effectiveness of national institutions by placing them the highest political level with adequate staffing and requisite resources. The national machineries for the promotion of Gender Equality are faced with limited financial and human resources and over lapping mandates with some institutions that promote human rights. The linkages among the institutions including the county government is not fully developed thus hampering effectiveness torwards the full realization of gender equality.

Key issues

a) Limited financial and human resources;
b) Overlaps in the mandates of the various institutions; and
c) Unclear linkages among the institutional mechanisms including the County Governments.

CHAPTER THREE

POLICY GOAL, OBJECTIVES AND PRINCIPLES

3.1 Introduction

The policy framework is geared towards ensuring gender equality and women empowerment in the social, economic, political and cultural spheres as envisaged in the Constitution. The framework will endeavour to establish and strengthen Affirmative Action efforts aimed at reducing gender inequalities and geographical disparities in the distribution of natural resources and access to productive resources such as land, labour, finances, information and technology. The development of this policy is influenced by international and national instruments for GEWE that emphasize gender mainstreaming as the key strategy for the achieving development. It is also informed by the constitutional dispensation and transformation, the socio-economic environment and other national orientations.

Kenya Vision 2030, the Medium-Term Plans (MTPs) and the 'Big Four' agenda form the basis for the preparation of sectoral annual work plans and budgets at both the national and county levels, hence the main guiding tools in the formulation of this policy. Other considerations include the situation analysis, stakeholder engagements and lessons learnt from the 2000 policy.

3.2 Policy Goal

The overall goal of this policy is to achieve gender equality by creating a just society where women, men, boys and girls have equal access to opportunities in the political, economic, cultural and social spheres of life."

3.3 Objectives

Objectives of the Policy are to:

a) Facilitate implementation of the Constitution and domesticate the international and regional obligations and commitments that promote gender equality and freedom from discrimination;
b) Provide a framework to integrate and mainstream gender into the National and County Government development planning and budgeting as well as resultant policies, programmes and plans including those of non-state actors;
c) Promote and support the rights-based approach when dealing with gender related matters; and,
d) Define institutional framework and performance indicators for effective tracking, monitoring, evaluation and reporting implementation of gender equality and women empowerment.

3.4 Guiding Principles

This policy in recognition of differences, diversities and inequalities among women, men, boys and girls is guided by the following principles most of which are derived from and recognize the supremacy of the Constitution:

a) Sharing and devolution of power;
b) Equality, equity and non-discrimination;

c) Recognition of differences, diversities and inequalities among women and men;
d) Respect of the rule of law;
e) The inseparability of public and private spheres of life;
f) Inter-sectionalist and multiple discrimination;
g) Public participation, consultation and co-operation;
h) Transparency and accountability;
i) Sustainable development and inclusive growth; and
j) Protection, inclusion and integration of the marginalized and special interest groups.

3.5 Policy Approach

The following approaches will be used in realizing the objectives of this Policy:

a) Gender mainstreaming and integration in all planned interventions;
b) Affirmative Action to ensure that temporary special measures are used to address past gender inequalities and injustices;
c) Empowerment of women, men, boys and girls to facilitate equality, equity and non-discrimination;
d) Involvement of men in addressing gender issues;
e) Institutional and human capacity building;
f) Gender responsive development planning budgeting; and,
g) Generating data and indicators that are disaggregated by sex, age and disability.

3.6 Policy Outcomes

The anticipated outcome of this policy as enshrined in the Constitution include:

a) Equality and economic empowerment will be achieved;
b) Diversity of all Kenyans will be acknowledged and respected;
c) Women men, boys and girls will have equal rights and access to education, health, housing, employment, and other services and resources;
d) Women and men will have equality of opportunity to participate in decision making and to contribute to the political, social, economic and cultural development agenda;
e) Promotion of equal rights at the time of, during and on the dissolution of the marriage for spouses; and,
f) Sexual and Gender based Violence will abate and men, women, boys and girls will live with dignity.

CHAPTER FOUR

POLICY PRIORITY ACTIONS

4.1 Introduction

This chapter outlines the policy priority areas the Ministry in charge of Gender Affairs will oversee and implement through the institutional arrangements discussed in the next chapter. The policy commitments are anchored on the policy objectives stated in the previous chapter developed out of the situational analysis, the policy context and achievements made. Policy actions taken on each priority area are expected to guide national gender mainstreaming efforts and ultimately lead to gender equality and women empowerment.

Kenya's commitment to gender equality requires that the views, needs, interests and rights of women, girls, men and boys and those of the special interest groups, shape the development agenda to ensure that all participate in and benefit equally for development. To achieve its goal of inclusive growth and attain Sustainable Development[11], Kenya must address the disparities between women and men and different social groups. In order for this to be realized, it will be necessary to mainstream gender in the identified key sectors.

This chapter therefore outlines the specific policy priority areas and the policy actions and their respective commitments. To achieve the policy objectives, an action plan will be developed separately specifying key result areas and the implementing institutions and indicative budgets assigned.

4.2 Legal framework

Strengthen normative, legal, policy and administrative frameworks for gender equality and women's empowerment at all levels.

Policy Actions

a) Develop and implement national guidelines for mainstreaming gender and standards for measuring compliance to gender mainstreaming in all sectors at all levels;
b) Support review and amendment of relevant laws to conform to the constitution and national guidelines and standards on gender;
c) Enact and enforce legislation to comply with the 'not more than two thirds gender principle';
d) Strengthen capacity of institutions charged with the responsibility of implementing and monitoring gender-related interventions; and,
e) Enact legislation to enhance women participation in economic, social and political spaces in both public and private spheres.

[11] Sustainable Development Goals
(SDG) 1 (elimination of absolute poverty and reduction of poverty by half) or SDG 5 (gender equality and empowerment of women and girls) by 2030. By working towards SDG 10 on reducing inequality (within and between countries) and SDG 16 (promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels),

4.3 Poverty eradication

Ensure equal opportunities and reduce inequalities of outcome, including by eliminating discriminatory laws, policies and practices and promoting appropriate legislation, policies and action. Empower women and men to have access to and control over economic opportunities and resources.

Policy Actions

a) Increase and strengthen access to credit opportunities for women and all other special interest groups through affirmative action initiatives;
b) Enforce women's representation and participation in management committees of national and devolved funds initiatives, development projects and programmes;
c) Promote implementation of constitutional economic and social rights protecting the family;
d) Review and enforce implementation of appropriate social protection systems and measures to ensure that all women and men, girls and boys in particular the poor and the vulnerable, have equal rights to economic resources, as well as access to basic services, ownership and control over land and other forms of property, inheritance, natural resources, appropriate new technology and financial services;
e) Ensure significant mobilization of resources from a variety of sources, including through enhanced development cooperation, in order to provide adequate and predictable means for the country, to implement programmes and policies to end poverty in all its dimensions; and,
f) Enhance and intensively promote the social, economic and political inclusion of all, irrespective of age, sex, disability, race, ethnicity, origin, religion, economic or other status.

4.4 Labour and the Economy

Eliminate discrimination in access to employment, promotion and training including equal remuneration to enhance income security for men and women.

Policy Actions

a) Strengthen and review the legal and administrative framework for labour administration to integrate women in hitherto non-traditional trades i.e. construction, mining, infrastructure development, among others;
b) Enhance compliance to the 'not more than two thirds' gender principle in recruitment, appointment and promotion of women and men in all spheres for greater inclusion and visibility;
c) Implement labour policies that support minimum wage guidelines, regulations on work hours, and protection for trade union and collective bargaining rights, particularly for women to close the differences in access to economic opportunities, earnings and productivity gaps;
d) Recognize unpaid care (for children, older persons, the sick, and persons with disabilities) and domestic work to ensure shared responsibility within the house and invest in social services and infrastructure provision and social protection policies to reduce the burden on women;

e) Establish a database on employment records of women and men in formal and informal sectors to track, evaluate and improve employment conditions for all particularly women;
f) Review skills development programmes and projects and target them at increasing decent employment for all particularly women;
g) Build capacities of women's entrepreneurial skills linked with start-up capital; and,
h) Regulate job security for women and men on maternity/paternity leave and ensure safety and protection of women in informal sector including women with disabilities.

4.5 Education

Enhance and sustain measures to eliminate gender disparities in access to, retention, transition, performance and quality in education for women, men, girls and boys.

Policy Actions

a) Ensure equal participation of qualified women and men in leadership and decision-making positions in the education sector at national and county levels;
b) Adopt and strengthen measures to increase access to and retention of girls and boys in public education at all levels;
c) intensify civic education programmes on FGM and other harmful cultural practices that inhibit access to education for girls;
d) Promote mentorship programmes in schools and sensitize households to encourage girls to take up STEM related careers;
e) Provide personal and menstrual hygiene information, standard facilities and allocate a budget for the provision of sanitary towels to girls and clean toilets for girls and boys in schools;
f) Promote accountability on utilization of bursary funds available for vulnerable girls and boys and institutionalize direct support for orphans and children with severe disabilities in school;
g) Enhance school attendance by putting in place measures to address gender-based violence, sexual harassment, safety and protection in schools; and,
h) Review and enforce re-entry policies for pregnant school girls to enable them to complete their education.

4.6 Culture and behavioural change

Promote new attitudes, values and behaviour and a culture of respect for women and men, boys and girls Policy Actions

a) Integrate gender equality and social inclusion in all curricula at all levels of learning;
b) Develop and implement a gender and social inclusion capacity building and awareness raising programme; and,
c) Establish gender and social inclusion platforms.

4.7 Access to Health Care

Facilitate affordable, accessible, acceptable and quality health care services including reproductive health care, emergency services, family planning, HIV and AIDS service for women and men, girls and boys.

Policy Actions

a) Strengthen the universal healthcare insurance scheme and enhance its coverage to provide comprehensive and integrated preventive, curative and rehabilitative health services for all;
b) Dedicate additional funds of the budgetary allocation of the national budget to gender equality to enhance service delivery of health care;
c) Enforce the implementation of school health programmes in all schools;
d) Enforce targeted implementation of existing health and nutrition programmes to benefit vulnerable women and girls;
e) Strengthen efforts to reduce maternal mortality and new HIV and AIDs infections among women and girls; and,
f) Regularly review programmes targeted at women and girls (water, sanitation and hygiene - WASH) and recommend improvements.

4.8 Land, Housing and Agriculture

Implement measures to overcome barriers inhibiting women's access to and control of productive resources e.g. land ownership, housing and agriculture.

Policy Actions

a) Implement existing Constitutional reforms and a relevant legal framework that ensure equitable access to land and other natural resources particularly for women for agricultural use, housing and other productivity ventures;
b) Enhance extension services and avail agricultural information and appropriate technologies to particularly benefit vulnerable women in agricultural practices;
c) Facilitate and enhance adoption of engendered climate processes, smart inputs and out markets, to ensure that agricultural and other livelihood practices are climate resilient; and,
d) Enhance women's participation in fisheries sector and the blue economy.

4.9 Environment and Natural Resources

Ensure a clean, secure and sustainable environment

Policy Actions

a) Develop and review environment, and other natural resources (including forests, water, mining, petroleum and energy) management laws, policies and programmes to ensure gender and equity compliance;
b) Ensure availability of water for multiple use to women taking into account the gender division of labour that defines women's domestic and productive activities in the household;

c) Ensure women participate in and benefit equitably from investments in various natural resources development initiatives;
d) Build capacities of development agencies in gender mainstreaming into environment and climate change laws, policies and programmes and ensure that women, men, girls and boys participate in and contribute to and benefit from climate resilient programmes and projects; and,
e) Support interventions aimed at equitable participation of women, men, girls and boys in the sustainable utilization of natural resources for economic benefits including opportunities for carbon trading.

4.10 Peace and Security

Integrate and mainstream gender perspectives in peace and security processes for a stable and secure environment for all.

Policy Actions

a) Promote gender mainstreaming in management of conflict situations including prevention and mitigation measures;
b) Promote and engender the design, capacity building, implementation, monitoring and evaluation of peace-building initiatives;
c) Ensure equitable representation of men and women in conflict prevention and peace building programmes; and,
d) Promote implementation of the Kenya National Action Plan on UNSCR 1325 on Women, Peace and Security and related resolutions.

4.11 Governance, Power and Decision-Making

Ensure equitable and meaningful participation and representation of women and men in governance, power and decision-making positions in public and private sectors.

Policy Actions

a) Initiate legislation to give effect to the constitutional principle that not more than two thirds of members of appointive and elective positions shall be of the same gender;
b) Ensure that political parties support women's participation in political processes and promote gender equality;
c) Support effective collaboration of state and non-state actors to build the capacity of women to participate and engage in competitive politics, leadership and governance; and,
d) Support and encourage active and meaningful participation of women in political and decision-making processes from the grassroots level.

4.12 Information, Communication and Technology (ICT)

Harness ICT as a tool for broader strategies and programmes to create opportunities for empowerment of women and men.

Policy Actions

a) Collect and disseminate gender data on ICT access and use to inform policy and decision making;
b) Identify, promote and document good practices and lessons learned to bridge the gender divide in the use of ICT;

c) Promote inclusion of ICT and STEM education in mid-level tertiary institutions; and,
d) Promote the roll out of operational digital villages/ICT hubs and 'biashara centres' across the 47 counties to ensure access to ICT services by men and women.

4.13 Respect for the human rights of all

Promote the respect for civil, political, economic and social rights of all.

Policy Actions

a) Enforce constitutional and legislative provisions for the realization of civil, political, economic and social rights of all Kenyans;
b) Ensure the implementation of all international human rights treaties that Kenya has ratified paying special attention to those on gender equality; and,
c) Provide mechanisms for the protection of the human rights defenders.

4.14 Intersectional Discrimination

Put in place measures to ensure that gender is considered in dealing with other forms of inequalities.

Policy Actions

a) Support evidence-based generation of data on the extent, effects and implications of different inequalities presented by intersectional and multiple discrimination;
b) Ensure compliance with constitutional and legal provisions against discrimination; and,
c) Develop targeted measures to address intersectional and multiple inequalities.

4.15 Sexual and Gender based Violence

Eliminate sexual and gender-based violence (SGBV) against women and men, girls and boys in both public and private spheres.

Policy Actions

a) Ensure enforcement of SGBV related laws and policies;
b) Promote and establish safe spaces and shelters for SGBV survivors at national and county levels;
c) Promote advocacy and education programmes with a view to changing attitudes and culture that contributes to the acceptance and tolerance of SGBV;
d) Develop and strengthen the capacity of relevant institutions to undertake effective and timely investigations and prosecution of SGBV related offences;
e) Undertake research to identify underlying and systemic causes of SGBV and provide appropriate response measures for mitigation; and,
f) Promote male involvement in managing and responding to SGBV.

4.16 The Girl Child and the Boy Child

Enhance the respect and promotion of children's rights for girls and boys.

Policy Actions

a) Eliminate all forms of discrimination, negative attitudes and practices that prejudice the girl child and the boy child;
b) Eliminate structural constraints that hinder the realization of the rights of boys and girl;
c) Support women and men to work with children and youth to break down persistent gender stereotypes, taking into account the rights of the child and the responsibilities, rights and duties of parents; and,
d) Support appropriate age sex education for boys and girls with parental involvement and emphasize on their respective responsibilities regarding their sexuality and fertility.

4.17 The Media

Ensure the increased participation and visibility of men and women in media and communications sector.

Policy Actions

a) Promote capacity building and training in leadership, management and gender reporting within the media and enforce gender responsive approach in the relevant educational curricula;
b) Ensure enhanced access to media information through local media channels to eliminate stereotyping;
c) Support media houses to develop a gender perspective in their programme content and reporting;
d) Work with the media to voice women's views and perspectives on matters such as economic, health, politics, security and terrorism;
e) Build the capacity of women to work in the technical production aspects of media;
f) Strengthen adult education programmes to increase literacy levels for access to varied media content; and,
g) Create awareness on the national guidelines and standards on gender equality and women empowerment; and,
h) Establish an awards and recognition system for individuals and institutions that have attained high gender equality standards and best practices.

4.18 Access to Justice

Ensure equitable access to justice for men and women.

Policy Actions

a) Ensure gender considerations are incorporated in the National Legal Aid Service;
b) Facilitate and develop simplified court procedures and processes to enhance access to justice;
c) Strengthen coordination among justice sector stakeholders to deliver justice expeditiously;
d) Ensure adequate holding facilities for offenders taking gender into consideration; and,

e) Develop and implement gender responsive policy and guidelines for the justice sector.

4.19 Institutional Mechanisms for the Advancement of Gender Equality and Women Empowerment

Strengthen the State Department responsible for gender with a clear coordination role and deploy the requisite resources to enable it, in collaboration with other national, county and non-state actors; to advance gender equality in all sectors and at all levels in Kenya.

Policy Actions

a) Support the definition of the mandate and functional responsibilities of different actors to avoid duplication, which can lead to competition between institutions and gaps in interventions hampering the realisation of gender equality;
b) Dedicate resources in the national budget for effective delivery of State Department for Gender Affairs mandate.
c) Provide a mechanism within the Inter-governmental Relations Act, 2012 for cooperation and collaboration between the State Department responsible for gender and county level Departments responsible for gender for a coordinated approach;
d) Empower the Department to oversee the implementation of gender equality provisions in Article 27 of the Constitution;
e) Encourage collaboration with and between civil society groups supportive of gender equality so as to effectively address any gaps in the implementation of gender equality agenda; and,
f) Locate the Department at the highest echelons of decision-making to enable it to influence Government policy.

CHAPTER FIVE

INSTITUTIONAL AND IMPLEMENTATIONFRAMEWORK

5.1 Introduction

This chapter presents the institutional and implementation framework for implementing the National Gender and Development Policy. The institutions identified will facilitate integration and mainstreaming of gender concerns as part of their mandates in implementing the policy. Implementation of the policy will thus take a multi-sectoral approach cutting across both the state and non-state actors at all levels. The Ministry in charge of Gender Affairs will take the leading role of coordinating all the other players in the country so as to enhance harmony and avoid duplication. Along with the policy a National Action Plan for implementing the policy will be developed in collaboration with key stakeholders. The action plan will provide clear roles and responsibilities as well as targets and timelines for each actor, among other key requirements.

There is need to institutionalize and strengthen gender units in all sectors, include gender in performance contracts for all MCDAs, build capacity for all gender units and direct all MDAs to customize this Gender Policy to their sectors. The policy recognizes the need for coordination and collaborative efforts to ensure its effective implementation.

5.2 Implementation Framework

Different aspects of the policy will be implemented by various actors including Ministries, Counties, Departments and Agencies (MCDAs), Constitutional Commissions and Independent Offices in collaboration with the private sector, Civil Society Organizations, Faith Based Organizations, among other key actors. Development partners will be engaged at various levels to support implementation of the policy. The table below specifies some of the key institutions identified in the different sectors and their specific the roles;

Table 8: Matrix of actors and their respective roles

INSTITUTIONS	ROLES AND RESPONSIBILITIES IN IMPLEMENTATION OF THE POLICY
Ministry in Charge of Gender Affairs	• Promote gender equality and women empowerment and the full participation of women, men, girls and boys in social, economic, cultural and political spheres at all levels in both public and private spheres;

INSTITUTIONS	ROLES AND RESPONSIBILITIES IN IMPLEMENTATION OF THE POLICY
	• Spearhead policy formulation, development, implementation and reviews, and ensure budgets, plans and programmes are gender responsive;

	• Coordinate reporting on international and regional treaties and obligations on gender, participate in related fora and implementation of outcomes and recommendations; • Facilitate coordination of gender mainstreaming efforts and networking for effective implementation of the policy at all levels in all sectors; • Coordinate socio-economic empowerment of women, build skills on entrepreneurship and facilitate networking and linkages to markets; • Oversee elimination of Sexual and Gender Based Violence (SGBV) and coordinate inclusion of women in peace and security efforts; • Coordinate implementation of the sanitary towels project; • Develop the National Action Plan for implementing the policy; • Support County Governments to prepare County Gender Action Plans and guide on the reporting mechanisms for gender outcomes; • Develop guidelines and standards on gender equality and women empowerment to enhance compliance to equality and non-discrimination principles; • Provide technical guidance and backstopping to other institutions and sectors to promote gender analysis and planning; • Coordinate and co-chair the Gender Sector Working Group and Technical Gender Working Groups to track and take stock of the efforts being made towards achieving GEWE; • Establish a Gender Management System and collect, store, regularly update and disseminate gender data; • Carry out research on various gender related matters in collaboration with the academia and other institutions; • Facilitate and coordinate Gender Focal points in MDAs;

INSTITUTIONS	ROLES AND RESPONSIBILITIES IN IMPLEMENTATION OF THE POLICY

	• Develop an M&E Framework for GEWE and gender specific indicators to facilitate tracking, reporting and accurate reporting; • Strengthen collaboration and linkages between state and non-state actors and facilitate networking with development partners; and, • Overall coordination of actors implementing the policy.
National Treasury/Controller of Budgets/Auditor General	• Ensure gender issues are adopted in the entire budget cycle and are mainstreamed in all aspects of the national and county financing, accounting and related processes; • Enforce compliance with the national gender responsive budgeting guidelines; • Ensure that women, men, girls and boys are equally targeted in economic planning and development; • Avail adequate budgetary resources to the Ministry in charge of Gender Affairs and other MCDAs to implement actions outlined in the policy; • Undertake gender audits of sector budgets and expenditures; • Establish a gender award scheme for recognizing best performers; Resource mobilization for GEWE activities; and, • Issue gender budget statements.
Attorney General's Office and Kenya Law Reform Commission	• Support and advice MCDAs in drafting necessary legislation to implement the policy and key constitutional provisions; • Amend laws that contravene the equality and nondiscrimination constitutional provisions; • Make proposals on other legislative and law reforms in support of the policy implementation; and, • Implementation and overseeing the National Legal Aid Service.
Other line Ministries, Counties, Departments and Agencies (MCDAs)	• Develop, review and implement sector specific policies to integrate gender in their budget processes, plans and programmes; • Coordinate implementation of the policy components in their respective MCDAs; • Enforce compliance with the national gender equality guidelines and standards; • Mainstream gender in training curricula at all levels and institute gender sector specific capacity building programmes;

INSTITUTIONS	ROLES AND RESPONSIBILITIES IN IMPLEMENTATION OF THE POLICY
	• Enforce measures to implement gender friendly terms of recruitment, promotion and training to comply with equality and non-discrimination principles;

	• Facilitate communication of efforts on sectoral gender activities and achievements; and, • Collect sector specific sex disaggregated data.
County Governments	• Integrate national standards and gender indicators in County Integrated Development Plans (CIDPs); • Formulate and ensure implementation of county specific gender policies; • Develop and implement County Gender Action Plans; • Ensure allocation of adequate resources for implementation of gender equality and women's empowerment programs; • Ensure gender responsive budgeting is adopted in the budget cycle; • Identify and implement programmes targeting gender equality and women's empowerment; • Collect, collate and disseminate county gender data; and, • Report on policy implementation and county gender activities.
National Gender and Equality Commission	• Promote gender equality and freedom from discrimination; • Monitor all aspects relating to equality and nondiscrimination in Ministries, Counties, Departments and Agencies including the private sector; • Continuously undertake gender audits and act as the principal organ of the state in ensuring compliance with the constitutional provisions; • Ensure equality and freedom from discrimination relating to special interest groups including minorities and marginalized persons, women, persons with disabilities and children; and, • Investigate complaints relating to gender appropriate action.

Public Service Commission of Kenya (PSCK), Teachers Service Commission (TSC), Judicial Service Commission (JSC), County Public Service Boards (CPSBs) and County Assemblies Service Boards	• Integrate the constitutional gender equality and nondiscrimination principles and develop frameworks for human resource recruitment, training and promotion in line with this policy; • Integrate the 'not more than 2/3 gender principle' in recruitment, training and promotions; • Collect data on human resource capacity and report on outcomes; and, Facilitate establishment of gender focal points.

INSTITUTIONS	ROLES AND RESPONSIBILITIES IN IMPLEMENTATION OF THE POLICY
Other Constitutional and Independent Commissions	• Enforce compliance with the constitutional gender equality and non-discrimination provisions; • Examine any law, policy, culture, tradition, usage, custom or plan which is likely to impair equal opportunities and gender equal opportunities and gender equality to persons in enjoyment of human rights; • Safeguard the rights of all Kenyans, particularly the rights of women and girls; • Implement the gender policy in line with their respective mandates; and, • Undertake gender audits as per their mandates.
Parliament and County Assemblies	• Enact relevant laws to promote gender equality and non-discrimination principles; • Enhance compliance to the 'not more than 2/3 gender principle' in all sectors at all levels; • Ensure national and county budgetary processes are gender responsive; • Undertake investigations and report on non-compliance to the equality and non-discrimination principles; and, • Ensure compliance to equality and non-discrimination principles in approving development projects.
Judiciary	• Enhance access to justice for women, men, girls and boys; • Integrate the constitutional principles on equality and non-discrimination in adjudicating disputes; and, • Integrate the not more than 2/3 gender principle in their sectors;

	• In liaison with key stakeholders leverage legal aid services; and, • Support vulnerable groups to access justice.
Office of the Director of Public Prosecutions (ODPP)	• Ensure effective prosecution of cases relating to gender equality and discrimination; • Prosecute criminal cases that contravene the provisions of this policy; • Formulate prosecution policies in line with this policy; and, • Strengthen the special unit and its structures for handling and prosecuting cases of SGBV.
Kenya National Bureau of Statistics (KNBS)	• Collect national and county sex disaggregated data and gender statistics on GEWE for planning and project implementation in all sectors; • In collaboration with Ministry in charge of Gender Affairs, build capacities on statistical literacy, establish

INSTITUTIONS	ROLES AND RESPONSIBILITIES IN IMPLEMENTATION OF THE POLICY
	a database for gender data and produce the men and women booklets and gender fact sheets; and, • Integrate gender in all its policies, plans and programme.
Civil Society Organizations and Faith Based Organizations	• Continuously advocate for gender mainstreaming in all spheres at all levels; • Advocate for budgetary provisions in the national and county budgets to cater for the needs of the poor, vulnerable groups and the marginalized in society particularly women and children; • Collaborate with Government to sensitize the public on this policy; • Support the Ministry in charge of Gender Affairs in reporting on implementation of policies, plans and programmes; • In collaboration with Ministry in charge of Gender Affairs, identify target areas for research; • Conduct awareness and civic education to popularize this policy; • Offer platforms for effective dissemination of information and education;

	• Participate in Gender Sector Working Group and Technical Working Groups and national planning and budgetary processes; • Develop and implement programmes that address key gender intervention areas; • Translate the policy into organizational policies, programmes and activities; and, • Provide legal services to the vulnerable groups.
Private Sector	• Ensure gender mainstreaming in corporate policies; • Mobilise and release resources to support programmes aimed at gender awareness creation and mainstreaming; • Provide incentives and support to women entrepreneurs; • Institute and implement affirmative action measures; and, • Support Corporate Social Responsibility programmes.
Political parties	• Promote gender mainstreaming in all political parties, structures, activities and systems; • Ensure affirmative action measures in party structures, processes and mechanisms to implement the 'not more than two thirds principles'; • Ensure women effectively participate in political party activities;

INSTITUTIONS	ROLES AND RESPONSIBILITIES IN IMPLEMENTATION OF THE POLICY
	• Ensure adequate resources allocation to political party and women leagues; and, • Ensure that all political parties comply with the constitutional affirmative principles.
Research and Academic Institutions	• Identify information sources and contribute to the Ministry in charge of Gender Affairs gender research agenda; • Soliciting and evaluating research proposals on identified areas of interest; • Collaborate with mandated agencies to gather sex disaggregated data to support planning and analysis; • Design training and educational programmes on GEWE; • Generate evidence to inform policy and decision making;

	• Conduct research on emerging gender issues to inform policy and planning; and, • Integrate gender into learning curricula.
Media	• Collaborate with Ministry in charge of Gender Affairs on GEWE matters; • Publicize, inform and educate the public about the policy; • Promote positive coverage of women in the media and eliminate gender stereotypes; • Create awareness about GEWE; • Build capacity for gender sensitive research and reporting; • Expose cases of SGBV; • Support media houses to develop a gender perspective in their programme content and reporting; and, • Enhance and promote capacity of women in media to work in the technical production aspects of media.
Development Partners	• Facilitate mobilisation of resources to support implementation of the policy; • Establish appropriate institutions and donor coordination mechanisms for ensuring gender responsiveness of development cooperation; • Provide technical and financial resources for gender mainstreaming; • Support provision of incentives for good practices in gender mainstreaming in all sectors at all levels; and, • Provide funding support for gender programmes to reduce gender gaps and disparities in development.
INSTITUTIONS	**ROLES AND RESPONSIBILITIES IN IMPLEMENTATION OF THE POLICY**
Councils of Elders/ Traditional Groups.	• Create awareness of practices, customs, traditions and cultures that undermine equal opportunity efforts in society; • Guide communities and other organisations on what is culturally acceptable or unacceptable; and; • Collaborate with MCDAs, CSOs, FBOs and the private sector to sensitise and advocate for social and attitude change towards GEWE.

Individuals and Communities	• Participation in awareness raising activities; • Reporting incidences of gender discrimination and SGBV; • Promote positive attitudes towards gender and development; and, • Comply with the laws that protect dignity of persons and communities, including the use of social media.

5.3 Resource mobilization

The successful implementation of this policy will require adequate financial, human and technical resources to ensure effective and efficient implementation for desired policy outcomes. Funding will be sought from the National Treasury driven by the annual budgetary provisions. Additional support will be sought from development partners and Non-State Actors. The strategies include:

a) Budgetary allocation from the National Treasury;
b) Partnerships through bilateral agreements and support by other international development and grants agencies;
c) Support by Regional Development partners such as the African Development Bank;
d) Partnerships with Corporate Social Responsibility (CSR) in Kenya;
e) Partnerships with Faith based Organisations, Civil society Organisations, private sector institutions and other funding agencies for specific projects; and,
f) Fundraising activities.

CHAPTER 6: MONITORING AND EVALUATION

6.1 Introduction

Monitoring and evaluation (M&E) shall be an essential strategy in the implementation of the National Policy on Gender and Development. This will ensure that results frameworks on each policy action detailing outputs, outcomes, impacts and key actors shall be developed to facilitate annual plans and development planning processes in all sector at all levels. The M&E processes will follow a strategic implementation plan that will be put in place for each component of the policy commitments. The M&E strategy will involve quarterly and annual updates.

6.2 Monitoring and Evaluation

Establish a monitoring and evaluation mechanism to ensure the policy objectives are monitored, tracked and evaluated Policy Actions

a) Develop and implement monitoring and evaluation tools and performance indicators that are integrated in the annual plans and development planning processes at the two levels of Government; and,
b) Develop and institutionalize tools for effective monitoring and evaluation.

6.3 Research and Documentation

Enhance the collection, collation and analysis of sex disaggregated data to inform policies, planning and decision-making Policy Actions

Monitoring and evaluation components aiming at:

a) Researching issues of Gender Equality and Women Empowerment;
b) Establish a gender management database to be updated regularly and include disaggregated data as a minimum standard;
c) Develop and implement National Guidelines on Collection, Collation and Analysis of Sex Disaggregated Data;
d) Strengthen capacity to the develop and use of the national guidelines on collection, collation and analysis of sex disaggregated data;
e) Assessing all programs to ascertain whether they meet the policy targets and aspirations of GEWE; and,

f) Evaluating whether implemented programs have had positive impacts on target beneficiaries.

6.4 Reporting

Policy Action

a) Produce quarterly and annual progress reports in a consultative manner;
b) Facilitate timely reporting, decision making and direction on progress of implementation at both levels of Government; and,
c) Initiate, harmonization of reporting on gender equality.

6.5 Policy Review

This Policy will be reviewed after every five years or any such other period as may be determined by the Ministry responsible for gender affairs.

GLOSSARY OF TERMS

This section presents the key terminologies for GEWE as used based on the practices and lessons learnt and documented in Kenya and around the world.

Table 9: Glossary of Terms

TERMINOLOGIES	OPERATIONAL MEANINGS
Access to Justice	The ability of any person, regardless of gender, income or status etc. to use the legal system to advocate for themselves and their interests or opportunity to seek and obtain justice when one's rights have been violated.
Capacity Building	A conceptual approach to social or personal development that focuses on understanding the obstacles that inhibit people, Governments, international organizations and non-governmental organizations from realizing their development goals while enhancing the abilities that will allow them to achieve measurable and sustainable results. It involves the creation of an enabling environment with appropriate policy and legal frameworks; institutional development, including community participation (of women in particular); and human resources development.
Climate Change	A change in global or regional climate patterns, in particular a change apparent from the mid to late 20th century onwards and attributed largely to the increased levels of atmospheric carbon dioxide produced by the use of fossil fuels.
Empowerment	The process of "conscientisation" which builds critical analytical skills for an individual to gain self-confidence in order to take control of her or his life. Empowerment of women is an essential process in the transformation of gender relations because it addresses the structural and underlying causes of subordination and discrimination.
Equality of Opportunity	A fundamental human right embedded in the Constitution of Kenya**.** This Gender Policy Framework aims towards the achievement of equality of opportunity, in access to and sharing of employment opportunities, services and resources as well as in equality of treatment by employers and service providers.
Equality of Treatment	Meeting the specific and distinct needs of different social categories of women and men. This can often involve special programmes and the commitment of additional resources, for example in the case of women and men with disabilities. Equality of treatment does not mean treating all men and all women in exactly the same way (i.e. in a gender blind fashion) as this would only serve to perpetuate existing disparities.
Gender and Development (GAD)	A planning process which is based on an analysis of the different situations and needs of women and men. It aims at creating gender equity and equality between women and men. A gender and development perspective recognises the importance of the relations between women and men.
Gender Awareness	Refers to a state of knowledge of the differences in roles and relations of women and men and how this results in differences in power relations, status, privileges and needs.

TERMINOLOGIES	OPERATIONAL MEANINGS
Gender Disaggregated Data	Information about socially defined roles and activities of women and men in any social or economic activity; it is information that is collected and analysed separately on females and males and typically involves asking the "who" questions for instance in an agricultural household survey: who provides labour, who makes the decisions, who owns and controls the land and other resources.
Gender Equality	A situation where women and men have equal conditions for realizing their full human rights and potential; are able to contribute equally to national political, economic, social and cultural development; and benefit equally from the results. The concept of Gender Equality, as used in this policy framework, takes into account women's existing subordinate positions within social relations and aims at the restructuring of society so as to eradicate male domination. Therefore, equality is understood to include both formal equality and substantive equality; not merely simple equality to men.
Gender Equity	Refers to the fair and just distribution of all means of opportunities and resources between women and men.
Gender Identity	Refers to how someone feels about and expresses her or his gender and gender roles for instance how she or he chooses her clothing, behaviour, and personal appearance.
Gender Issues	These do arise when the relationships between women and men, their roles, privileges, status and positions are identified and analysed. Gender issues arise where inequalities and inequities are shown to exist between people purely on the basis of their being female or male. The fact that gender and gender differences are socially constructed is itself a primary issue to deal with.
Gender Mainstreaming	The process of assessing the implications for women and men of any planned action, including legislation, policies or programs, in all areas and at all levels. It is a strategy for making women's as well as men's concerns and experiences an integral dimension of the design, implementation, monitoring and evaluation of policies and programs in all political, economic and societal spheres so that women and men benefit equally and inequality is not perpetuated.
Gender Responsive Budget	This is a fiscal-based mechanism for ensuring greater consistency between economic goals of a country and social commitments in as far as engendering gender equality is concerned.
Gender Responsive	A planning process in which programmes and policy actions are developed to deal with and counteract problems which arise out of socially constructed differences between women and men.

TERMINOLOGIES	OPERATIONAL MEANINGS
Gender Roles/Dynamics	These are sets of societal norms dictating the types of behaviours which are generally considered acceptable, appropriate, or desirable for people based on their actual or perceived sex or sexuality and are usually cantered on conceptions of femininity and masculinity.
Gender Sensitive	Refers to the state of knowledge of the socially constructed differences between women and men, including differences in their needs, as well as to the use of such knowledge to identify and understand the problems arising from such differences and to act purposefully to address them.
Gender Stereotypes	These are widely accepted judgment or bias regarding a person or group even though it is overly simplified. They include the following: a. Domestic behaviours — For example, caring for children is often considered best done by women and girls, while household repairs are often considered best done by men. b. Occupations - For example, until very recently most nurses and secretaries were usually women, and most doctors and construction workers were usually men. c. Personality traits - For example, women are often expected to be passive and submissive, while men are usually expected to be self-confident and aggressive. d. Physical appearance - For example, women are expected to be petite and graceful, while men are expected to be tall and broad-shouldered.
Gender	The social roles allocated respectively to women and to men in particular societies and at particular times. Such roles, and the differences between them, are conditioned by a variety of political, economic, ideological and cultural factors and are characterized in most societies by unequal power relations. Gender is distinguished from sex which is biologically determined.

Governance	This is the exercise of political, economic and administrative authority to manage a nation's affairs. It is the complex mechanisms, processes, relationships and institutions through which citizens and groups articulate their interests, exercise their rights and obligations and mediate their differences.
Human Rights Based Approach	It is an approach that focuses on the promotion and protection of human rights. It identifies right-holders and their entitlements and corresponding duty bearers and their obligations and works towards strengthening the capacities of rights-holders to make their claims of duty bearers to meet their obligations.
Intersectionality	The interconnected nature of social categorizations such as race, class, and gender as they apply to a given individual or group, regarded as creating overlapping and interdependent systems of discrimination or disadvantage.
Reproductive Health Care	This refers to medical services that enable men and women to be informed of and to have access to safe, effective, affordable and acceptable methods of birth control; also access to appropriate health care services of sexual, reproductive medicine and implementation of health education programs related to child-birth or birth control.
Women Empowerment	This is the enhancement of women's state and stature in the society by integrating gender equality and equity into poverty reduction, democratic governance, crisis prevention and recovery, and environment and sustainable development.
Poverty	Is defined as deprivation of wellbeing or welfare. Poverty has many dimensions ranging from material wellbeing (basic needs of life like nutrition, good health, shelter and education to lack of human rights, citizenship or social networks). In addition, cultural values, beliefs or attitude may place some people at disadvantaged position while lack of political voice or physical insecurity can impoverish others. Economic factors such as low income, lack of assets, access to markets or public services can lead into poverty.
Practical Gender Needs	The needs identified to help women and men cope better in their existing subordinate positions. Practical needs are related largely to issues of welfare and do not challenge the existing gender division of labour or to women's subordinate positions in society.
Project	The design of an implementation strategy of a plan of action geared towards achieving a particular goal.
Programme	A systematic action-oriented design of a plan of action towards achieving a particular goal.

Sexual and Gender Based Violence	Any harmful act that is perpetrated against a person against their will and that is based on socially ascribed differences between males and females and that results in, or is likely in physical, sexual or psychological harm or suffering for women, girls, boys and men including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life and include the economic and social harmful caused by such violence, both long term and short term.
Social inclusion	The process of improving the conditions of disadvantaged individuals and most vulnerable groups - such as women, youth, minorities among others.
Strategic Gender Needs	The needs which are identified as necessary to transform the existing unequal relations between women and men. Addressing women's strategic gender needs expedites women's empowerment and facilitates the fundamental social transformation necessary for establishment of gender equality.
Substantive Equality	Refers to a stage of real equality underpinned by equality of opportunity, access and treatment between women and men strengthening of managerial systems.

ANNEX 1: POLICY IMPLEMENTATION MATRIX

Below is the implementation matrix for this Policy.

Objectives	Policy Actions	Indicators	Duty Bearers Actors	Time Frame in Years				
				Y 1	Y 2	Y 3	Y4	Y5
Objective 1: Facilitate implementation of the Constitution and domesticate the international and regional obligations and commitments that promote gender equality and freedom from discrimination.	Enact legislation and develop regulations to implement the Constitutional provision on the two thirds gender principle	Legislation/ Regulations	Ministry in charge of gender affairs KLRC NGEC Parliament AG					
	Enact legislation to guide implementati o n of this policy for national and County Governments	National and County laws	KLRC AG NGEC Parliament County Assemblies Ministry in charge of gender affairs					
	Support amendment of laws in line with the review	Amended relevant laws	KLRC AG MCDAs Parliament Ministry in charge of gender affairs					
	Generate Bills necessary to effectively implement gender equality provisions in the Constitution and in international and regional commitments	No of legislations enacted	KLRC AG Parliament Ministry in charge of gender affairs					

Objectives	Policy Actions	Indicators	Duty Bearers Actors	Time Frame in Years				
				Y1	Y2	Y3	Y4	Y5
	Develop and gazette regulations for all laws relating to gender equality and social inclusion	Gazetted regulations	Relevant Ministries					
Objective 2: Provide a framework to integrate and mainstream gendered approach into the national and county's development planning and budgeting as well as resultant policies, programmes and plans.	Develop national guidelines and standards for mainstreaming gender in all sectors and at the two levels of Government	National Guidelines and Standards for Mainstreaming Gender	Ministry in charge of gender affairs					
	Dedicate adequate resources to gender equality	Financial resources available for gender equality initiatives	Treasury Parliamen t					
	Establish inter-sectoral forum to spearhead gender mainstreamin g in MCDAs	No. of Intersectoral Fora established	Ministry in charge of gender affairs MCDAs					
	Establish intergovernmen tal mechanism to coordinate gender mainstreamin g at the National and County Government levels	Intergovernme ntal mechanism established	IGRTC, MDAs CoG Ministry in charge of gender affairs					

Objectives	Policy Actions	Indicators	Duty Bearers Actors	Time Frame in Years				
				Y1	Y2	Y3	Y4	Y5
	Provide support to agencies responsible for gender mainstreamin g	Gender mainstreaming agencies resourced	Ministry in charge of gender affairs CG MDAs					
Objective 3: Promote and support the rights-based approach when dealing with gender related matters.	Develop and implement a National Gender Action Plan for the Gender Policy	National Gender and Development Action Plan	Ministry in charge of gender affairs CG NGEC MDAs Non-state actors					
	Develop and implement national guidelines and standards on gender equality and social inclusions	National Guidelines and Standards	Ministry in charge of gender affairs Parliament NGEC MDAs					
	Establish, resource and support a national civic education and public awareness campaigns on gender equality	Civic education units % of budget allocated to civic education and awareness campaigns on gender equality	Ministry in charge of gender affairs CG MDAs NSAs ALL					
	Review educational curricula to integrate the study of gender equality	Reviewed curricula % coverage of gender issues in curricula at all levels	MOEST CG Ministry in charge of gender affairs NGEC Teacher Training					

Objectives	Policy	Indicators	Duty	Time Frame in Years

	Actions		Bearers Actors	Y1	Y2	Y3	Y4	Y5
			Colleges Universities					
	Integrate gender awareness components into all programmes training teachers & trainers in education institutions	No of programmes integrating gender awareness						
Objective 4: Define institutional framework and performance indicators for effective tracking, monitoring, evaluation and reporting implementation of gender equality and women empowerment.	Establish an interagency body to review existing laws, policies and regulations relating to gender equality and social inclusion	No of counties and MDAs with gender policies						
	Establish mechanisms for coordinating, adoption and monitoring implementation of the Gender Policy	Mechanism established						
	Develop integrated constitutional and other gender indicators to	Indicators developed	Ministry in charge of gender affairs CG MDAs NGEC					

Objectives	Policy Actions	Indicators	Duty Bearers Actors	Time Frame in Years				
				Y1	Y2	Y3	Y4	Y5
	guide gender data collection	Guidelines	KNBS					

	Establish guidelines for the collection, analysis and collation of gender disaggregated data	No of Counties & MDAs collecting gender disaggregated data						
	Establish, resource and support data collection units in counties & MDAs	Data collection units No of Counties & MDAs collecting gender disaggregated data	Ministry in charge of gender affairs CG MDAs KNBS					
	Establish a Framework at national and county levels for purposes of reporting on gender equality intervention in diverse sectors	Reporting Framework	Ministry in charge of gender affairs CG MDAs Non-State Actors					
	Design and implement a framework for monitoring and evaluating the extent to which Kenya is meeting the international, regional and	M&E Framework Quarterly and Annual reports	Ministry in charge of gender affairs CG MDAs Non -State Actors					

Objectives	**Policy Actions**	**Indicators**	**Duty Bearers Actors**	**Time Frame in Years**				
				Y1	**Y2**	**Y3**	**Y4**	**Y5**

	constitutional commitments on gender equality and social inclusion							
	Establish a monitoring and evaluation secretariat to oversee the implementation of the Policy	M & E Secretariat	Ministry in charge of gender affairs NGEC					
	Develop and execute a monitoring and evaluation tool for the Policy	M& E tool	Ministry in charge of gender affairs NGEC					
	Develop and support implementation of a checklist of minimum requirements under each national gender guidelines and standards	Checklist No of Counties, MDAs, private sector actors using the checklist	Ministry in charge of gender affairs MDAs CG NGEC Non-State Actors					
	Design and implement a framework for monitoring the effectiveness of the national guidelines and standards at the two levels of Government	Monitoring reports	Ministry in charge of gender affairs CoG NGEC MDAs Non-State Actors					

Objectives	Policy Actions	Indicators	Duty Bearers Actors	Time Frame in Years				
				Y1	Y2	Y3	Y4	Y5
	Sustainability Strategy Eg. Gender Sector TOT Teams Develop A training Manual Pilot Training Manual Validate Training Manual Implement Training Manual Gender Policy Compliance Awards							
	Technical working Group for Policy Review and / or Developing New Policies							