The Clerk

PARLIAMENT
OF KENYA
LIBRARY

REPUBLIC OF KENYA

MINISTRY OF GENDER, SPORTS, CULTURE
AND SOCIAL SERVICES

Sessional Paper No. 5 of 2005

on

Gender Equality and Development

May, 2005

PRINTED BY THE GOVERNMENT PRINTER, NAIROBI

Sessional Paper No. 5 of 2005

on

Gender Equality and Development

APPRECIATION

The Ministry of Gender, Sports, Culture and Social Services, appreciates the Task Force Members and various organizations who were involved in preparation, review, up-dating of the Sessional Paper No. 5 of 2005 on Gender Equality and Development. We appreciate the financial support given by United Nations Development Fund for Women (UNIFEM) during the review and printing of this document.

TABLE OF CONTENTS

FOREWORD		v
(i)	ABBREVIATIONS AND ACRONYMS	vii
1.0	INTRODUCTION	1
2.0	POLICY CONTEXT	2
3.0	POLICY OBJECTIVE	3
4.0	THE MACRO ECONOMIC FRAMEWORK	4
5.0	SITUATION ANALYSIS OF GENDER EQUALITY AND DEVELOPMENT	6
5.1	The Economy	6
5.2	Poverty and Sustainable Livelihoods	9
5.3	Agriculture	11
5.4	Law and Justice	13
5.5	Political Participation and Decision Making	17
5.6	Education and Training	20
5.7	Health and Population	23
5.8	Environmental Sustainability	29
5.9	Peace, Security and Conflict Resolution	30
5.10	Media and Information Communication Technology	31
6.0	POLICY IMPLEMENTATION AND RESOURCE MOBILISATION FRAMEWORK	34
6.1	Institutional Structures	34
6.2	Department of Gender	34
6.3	Gender Divisions	35
6.4	National Commission on Gender and Development	36
6.5	Resource Mobilization	36
Annex	Task Force Members	38

FOREWORD

The Ministry of Gender, Sports, Culture and Social Services generated a document on national Policy on Gender and Development which was approved by the Government in 2000. This Sessional Paper provides the operational framework for implementing the Policy on Gender Equality and Development.

The Sessional Paper captures and re-iterates Government's commitment in revamping economic growth, raising productivity, facilitating private investment and alleviating unemployment while simultaneously addressing the socio-economic agenda and equality concerns. In this connection, the Sessional Paper underlines the linkages with other Government policies notably the Economic Recovery Strategy Paper (ERS) and recognizes that women and men have different needs, constraints, incentives and expectations regarding the outcomes and impact of development. To deal with gender related obstacles to growth, macro-economic models and resultant application of resources must focus on these gender dimensions. The Sessional Paper spells out the mandates of institutions responsible for implementation of programme namely: Gender Department, Gender Divisions and the National Commission on Gender and Development.

The overall objective of the Policy is to facilitate the mainstreaming of the needs and concerns of women, men, girls and boys in all sectors of development initiatives and driven by the focus by all population groups to participate in and benefit equally from the development process. In this regard the policy framework promotes a more cost-effective way of managing resources to ensure sustainable development.

Operationalisation of the framework is guided by strategies of implementing programmes within the sectors and prescribes implementation mechanisms in the following sectors: Macro-economic framework, Law and administration of Justice, Education, Health, Agriculture, Environment and Information Communication Technology.

The Sectoral Policies spelt out in the Sessional Paper have both short-term and long-term consequences. They aim at transforming the socio-cultural background of the Kenyan Society as well as decision-making and resource allocation mechanisms thereby triggering systems that will give rise to the most widespread development.

HON. OCHILO G.M. AYACKO, EGH, M.P.
MINISTER FOR GENDER, SPORTS, CULTURE & SOCIAL SERVICES

ABBREVIATIONS AND ACRONYMS

AIDS	-	Acquired-Immune Deficiency Syndrome
ART	-	Anti Retroviral Therapy
ARV	-	Anti Retroviral
ASAL	-	Arid and Semi-Arid Lands
BPFA	-	Beijing Platform for Action
CBOs	-	Community Based Organizations
CBS	-	Central Bureau of Statistics
CEDAW	-	Convention on the Elimination of all Forms of Discrimination Against Women
CRC	-	Convention on the Rights of the Child
CSOs	-	Civil Society Organizations
DOMC	-	Division of Malaria Control
DRH	-	Division of Reproductive Health
DPM	-	Directorate of Personnel Management
ERS	-	Economic Recovery Strategy
GAD	-	Gender and Development
GAR	-	Gross Admission Rate
GOK	-	Government of Kenya
GER	-	Gross Enrolment Rate
HIV	-	Human Immuno-Deficiency Virus
IEC	-	Information, Education and Communication
ITN	-	Insecticide Treated Nets
ILFS	-	Integrated Labour Force Survey
KCPE	-	Kenya Certificate of Primary Education
KDHS	-	Kenya Demographic Health Survey
KOGS	-	Kenya Obstetrics and Gynaecological Society
MCH&FP	-	Maternal, Child Health and Family Planning
MICS	-	Multi-Indicator Cluster Survey
MSE	-	Micro and Small-Scale Enterprises
MTEF		Medium Term Expenditure Framework
MTCT	-	Mother-to-Child Transmission
NASP		National HIV/AIDS Strategic Plan
NCGD	-	National Commission on Gender and Development
NFLS	-	Nairobi Forward Looking Strategies
NGOs	-	Non-Governmental Organizations
NPGD	-	National Policy on Gender and Development
PAC	-	Post-abortal Care
PFA	-	Platform for Action
PMTCT	-	Prevention of Mother to Child Transmission
PHC	-	Primary Health Care
PRSP	-	Poverty Reduction Strategy Paper
PTA	-	Parents-Teachers Association
STI	-	Sexually Transmitted Infections
TBAs	-	Traditional Birth Attendants
TSC	-	Teachers Service Commission
UN	-	United Nations
WCBO	-	Women's Community Based Organizations
WID	-	Women in Development

I.0 INTRODUCTION

PARLIAMENT OF KENYA LIBRARY

1. The Government of Kenya National Policy on Gender and Development (NPGP, 2000), spells out a policy approach of gender equality and empowerment. This Sessional Paper No. 5 of 2005 provides a framework for the operationalization of gender mainstreaming in policy, planning and programming in Kenya. As elaborated in the *National Policy on Gender and Development (NPGD)* 2000, the need for a national policy arose from the Government's realization that without a coherent and comprehensive overall framework for guiding gender mainstreaming within the different sectors and line ministries involved in development, enormous resources may continue to be misplaced.

2. This Sessional Paper recognizes that the socio-cultural attitudes held by women and men, together with their socialization, are of particular significance in determining the unequal status between women and men. It further recognizes that development initiatives impact differently on women and men and in turn women and men impact differently on the development process. The challenge Kenya faces today is how to create an enabling environment, and an unflagging commitment to taking the concrete steps needed to eliminate this inequality and which recognizes the roles and responsibilities of women and men in the development of the country.

3. The National Policy on Gender and Development and this Sessional Paper recognize that it is the right of women, men, girls and boys to participate and benefit equally from development initiatives. The Policy Framework recognizes that equality between women and men is a matter of human rights, development and a condition for social justice. This Sessional Paper therefore captures and reiterates Kenya's commitment to the Beijing Platform for Action (BPFA), the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) and Millennium Declaration and Millennium Development Goals (MDGs) for their potential as mutually supporting processes to advance gender equality.

4 In Kenya the conditions of women's lives are constrained by poverty; their work is often unpaid, underpaid or invisible. Existing laws and customs have often curtailed the capacity of women to make decisions over resources as well as limiting their ability to own them. The Task Force for the Review of the Laws Relating to Women appointed in 1993 has submitted its report to the Government for implementation.

5. The Policy Framework of the National Policy on Gender and Development recognizes Kenya's commitment to the advancement of

women as reflected in her signing and ratification of various regional instruments, treaties and International Conventions. These include the *1984 Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW), The Natrobi Forward Looking Strategies for the Advancement of Women (NFLS), 1985, the Beijing Platform for Action (BPFA), 1995, Millennium Development Goals (MDGs) and International Conference on Population and Development (ICPD) 1994 among others.*

2.0 POLICY CONTEXT

6. Kenya's participation in the first UN Conference on Women in 1975 in Mexico set in motion the process which led to the establishment of the Women's Bureau in the Ministry of Culture and Social Services in 1976. The Women's Bureau as a national machinery was mandated with the advancement of women including: policy formulation, implementation, monitoring and evaluation, co-ordination of Government initiatives and programmes for women, collection and analysis of gender disaggregated data and information, and support to and liaison with NGOs, women's organizations, and other stakeholders.

7. The government strengthened national machineries by establishing the National Commission on Gender and Development in November 2004 and by elevating the Women's Bureau into the Department of Gender in December 2004. These national machineries will support gender mainstreaming throughout government ministries. They will advise on the impact on women of all government policies, monitor the situation of women, help formulate policies and carry out strategies to eliminate discrimination on gender lines. The government has also undertaken policy commitments in the various National Development Plans that have adopted a gender perspective. The National Assembly adopted the motion for the implementation of the Beijing Platform for Action in November 1996, as well as legislative amendments such as free Primary Education, quota system for girls and re-entry of adolescent mothers back into school.

8. The Government's efforts have been complemented by the activities of various development partners, civil society organizations, the private sector, faith based organizations, women's community based organizations, self-help groups, other community based organizations, and non-state actors. However, these efforts have not been accompanied by commensurate improvements in the lives of women. The global economic crises, the sluggish performance of the national economy, made worse by Structural Adjustment Programmes (SAPS),

HIV/AIDs, corruption, debt burden, and unequal world trade policies have had a negative impact on the gains made in improving standards of living in general and the advancement of women in particular in the last two decades.

3.0 POLICY OBJECTIVE

9. The overall objective of the Policy is to ensure women's empowerment and the mainstreaming of needs and concerns of women, men, girls and boys in all sectors of development in the country so that they can participate and benefit equally from development initiatives.

10. The policy framework underlines the need to focus on empowerment strategies that not only demonstrate understanding of the essential linkages within sectors, but that also recognise that gender and development approach is cross-cutting and therefore programme strategies should incorporate equity as a goal and mechanisms to achieve gender balanced development through the removal of disparities between women and men.

11. Due emphasis is underscored especially on social, cultural, legal, economic and political factors that perpetuate inequalities. In the context of the Sessional Paper, Gender is defined as the socially constructed and culturally determined patterns of rights, duties, obligations and prerogatives assigned to women, men, girls and boys in households, communities and the society.

12. The framework reflects and builds upon past experiences and the commitment of the Government, Non-Governmental Organizations (NGOs), Community Based Organizations (CBOs), the private sector, faith based organizations and development partners. The framework also recognizes Kenya's commitment to the advancement of women as reflected in her signing and ratifying various international instruments. These include the 1984 Convention on Elimination of All Forms of Discrimination Against Women (CEDAW), the Nairobi Forward Looking Strategies (NFLS) of 1985, the Beijing Platform for Action (BPFA) 1995 and the Millenium Development Goals (2000).

13. Given this background, the Sessional Paper outlines a variety of policy prescriptions geared to raising economic growth, improving quality of life and enhancing equality between women and men.

4.0 THE MACRO ECONOMIC FRAMEWORK

14 The broad thrust of Kenya's macro-economic framework is to maintain economic stability, but within the context of structural reforms that will lead to wealth and employment creation aimed at poverty reduction. The approach that has been adopted is one of revamping growth, raising productivity, facilitating private investment and alleviating unemployment while simultaneously addressing the socio-economic agenda and equity concerns. The Economic Recovery Strategy (ERS) recognises that women and men have different needs, constraints, options, incentives and expectations regarding the outcomes and impact of macro-economic management. To deal with gender-related obstacles to growth, macro-economic models and the resultant application of resources must take cognizance of these gender dimensions.

The policy framework also recognizes that the draft constitution spells out the need for adoption of the goals of equality and equity towards achieving social justice. The draft constitution also re-affirms Kenya's commitment in achieving the universally agreed upon and development targets particularly stipulated in CEDAW, Beijing Platform for Action and Millennium Development Goals.

15. The measures towards economic recovery are driven by the need to achieve improved provision of health services, better infrastructural services and gainful employment. Employment creation is viewed as the most effective strategy for halting the increasing poverty. The guiding principle to wealth and employment creation being access to opportunities as the surest way of empowering Kenyans to be responsible for their own destiny.

16. In expending its revenue, the government recognizes that the benefits of economic growth may still not reach all people, particularly the most disadvantaged members of the population. Consistent with the governments' goal of fighting poverty, programmes for social sector interventions that are critical in addressing the problem will be enhanced. The pro-poor spending proposals particularly in health and education are important in reducing the state of inequality.

17. Other priority areas include the strengthening of reforms in public administration, rehabilitation and expansion of physical infrastructure and the development of human capital of the poor focusing on, amongst others, institutional reforms to enhance employment creation and the role of productivity measurement in the labour reward process.

18. The Government Development Strategy as incorporated in PRSP of 2001 embraces a gender-sensitive participatory poverty assessment. The challenge is to go beyond the engendered poverty diagnosis and introduce gender indicators in the macro-framework. This shall be done through a major paradigm shift in how the economy is perceived, such that the core work that women do in their households and communities and which supports all the other activities of the market economy is recognized and facilitated through the resource allocation mechanisms.

Current macro-economic models only take into account factors relating to the market economy (mainly formal sector) and the public sector. The home care economy which entirely utilizes women's labour is not factored into national accounts. By not fully accounting for the large informal sector and the time and energy that poor women invest in the home care economy, the macro-economic targets set cannot be realized efficiently.

Mobilizing domestic and external resources for public expenditure through a rational tax system and sustainable debt management and ensuring the efficient and effective use of resultant resources is provided for within the Medium Term Expenditure Framework (MTEF). This, together with other policy instruments enables effective implementation of various government programmes.

However in some cases, the good intentions of well designed programmes are never actualized in terms of gender-focused implementation. For instances, the Strategy for Revitalisation of Agriculture (SRA, 2004) acknowledges that women contribute 60% - 80% of labour in agricultural production but due to structural and institutional constraints, credit and extension service provision is skewed towards richer farmers with little benefit to poor women.

Internal resource mobilization has not been subjected to gender analysis especially on the possible revenue collecting measures might have on women and men of different socio-economic backgrounds. For instance VAT, import and export duties, as well as income tax, either enhance or undermine the capacity of different groups of women and men to participate and benefit from economic growth. This is mainly so because:

a. direct taxes impact not only on individuals as women and men, but also on the purchasing power of households.

b. indirect taxes have gender implications as women and men, girls

and boys consume different products and services to perform their different gender roles.

19. To incorporate the needs and expectations of the various gender groups, the macro-framework shall be refocused in the following way:

    a. Engendering tools shall be developed to realign policy instruments and budgets that will ensure that resource allocation and application leads to the achievement of gendered outputs and outcomes in the whole economy.

    b. In addition to integrating policies for eliminating gender gaps into all development initiatives, each programme or project targets shall be explicitly disaggregated by gender. This will ensure that implementers deliberately seek out the targeted proportions of women and men, girls and boys in service delivery.

    c. Sex disaggregated benefit incident analysis of key development programmes shall continuously be carried out to ensure gender equity in the outputs, outcomes and impact.

5.0 SITUATION ANALYSIS OF GENDER EQUALITY AND DEVELOPMENT

20. The sectoral policies put forward in this paper have in many cases long term consequences. They aim at transforming the socio-cultural background of the Kenya society as well as the decision making and resource allocation mechanisms, and channelling the dynamics thereby realised in directions that will give rise to the most widespread development.

5.1 The Economy

21. Kenya is emerging from a legacy of systematic institutional and legal gender imbalance as well as a weak gender mainstreaming capacity. Emerging economic analysis has produced clear evidence that there are significant differences between women and men, girls and boys in participation, mobility (within and between industries and sectors) and in distribution of benefits. There is growing evidence that gender responsive development strategies contribute significantly to economic growth and to equality objectives.

    This has generated demand for adoption of economic approaches that diversify creation of opportunities while widening and deepening distribution of generated benefits to women and men.

22. In Kenya, over 80% of women live in the rural areas where the majority are engaged in the farming of food and cash crops, livestock keeping and in agro-based income generating activities. In many areas of the country, male migration to urban areas and large-scale farms in search of paid employment has left women in charge of the management of small scale farming activities. It is estimated that women constitute over 70% of all employees in the agricultural sector. The majority are casual or seasonal employees with no security of tenure and no employment benefits such as housing, medical scheme or pension. Their wages are low and uncertain, and particularly those heading households, are classified as being among the poorest of the poor.

23. Participation of women in modern sector employment has risen gradually since independence from 12.2% in 1964 to 29.6% in 2003. However, this progress is unsatisfactory since clearly, women still constitute a minority among Kenyans employed in the modern sector. Statistics show that the participation of women in modern sector non-agricultural wage employment has improved but remains low. (In 1985, it was 19.2% rising to 30.7% in 2003). Although the rate of participation of women in urban areas in the labour force increased from 30% in 1985 to 54% in 1998/99, this has not translated into much gain as women are still subjected to low productivity, low pay and long hours of work. In addition, as was shown above, women are more at risk of unemployment than their male counterparts.

24. Women's efforts are fundamental in many other sectors of the economy. They contribute to domestic services including childcare, housework, firewood and water collection, and food preparation, for which no monetary rewards are received. Besides, they play major productive roles in business and community services within the informal sector. As had been established above, women as individuals or groups engage in micro and small-scale business oriented activities from which they realize some income. Only a few women are engaged in medium and large-scale enterprises.

25. The general participation of women in and contribution to the economy is under-rated. Social, economic and cultural factors make claims on their time. For instance, their multiple roles in reproduction, production and maintenance are extremely time consuming and exhausting. This affects the extent to which they can take advantage of new methods of production, information, knowledge and available skills. This limitation is compounded by the high drop-out rates and illiteracy among older women (over 35 years), which is a great hindrance to their self-reliance and ability to acquire knowledge. Their ability to acquire skills is associated with overburdening household chores, impacting negatively

on access to opportunities for gainful livelihoods. Major decisions influencing their participation in the economy are made without their being consulted, considered or involved.

26. The Government recognises that the quality of the country's labour force to a large extent depends on the capacity and performance of women as mothers and custodians of family health and welfare.

27. To enable women and men to have equal access to economic and employment opportunities, the Government will undertake and/or support appropriate action which will:

    a facilitate gender sensitization and empowering skills geared towards changing perceptions and traditions that perpetuate gender disparities;

    b review laws relating to impediments on access to and control of economic resources,

    c enhance measures that guarantee equity and fairness in access to employment opportunities, in both formal and informal sectors, and particularly develop and improve vocational and technical skills of the disadvantaged groups in the urban and rural areas;

    d re-orientate extension and outreach services to emphasize gender sensitivity and participatory planning to enhance their responsiveness to the needs of women, and in particular intensify existing programmes aimed at developing and introducing appropriate technologies and research findings targeted at the role of women in agriculture, food production, storage, processing and preparation;

    e encourage financial, supervisory and regulatory reforms with regard to credit that will benefit the micro, small and medium scale enterprises owned by women and men and create support services that particularly target low income women in trade promotion programmes;

    f develop indicators to monitor participation of women in economic development, including ensuring gender-neutral criteria in job remuneration and evaluation;

    g. facilitate entry of women and girls in non-traditional and emerging sectors of economic activities and trade such as e-commerce, information communication technology (ICT), commercial activities being outsourced by corporate restructuring, and

increased participation in cross-border and regional trade; and

h. Ensure adoption of budget engendering tools in national resource application and distribution mechanisms to improve access and equity and address existing disparities.

5.2 Poverty and Sustainable Livelihoods

28. Poverty can be defined in absolute and relative terms. Absolute poverty refers to inability to attain a minimum standard of living measured by a range of economic and social indicators such as house-hold incomes and expenditure per capita, health status, life expectancy, access to basic social services, infant mortality rate, nutritional status and literacy. It is manifested in hunger and chronic malnutrition, high levels of illiteracy, lack of sufficient income, and productive resources, increasing morbidity and mortality, homelessness, inadequate housing, and social discrimination. Relative poverty on the other hand compares the status of an individual to that of others.

29. According to the Welfare Monitoring Surveys, national absolute poverty increased from 44% to 52% between 1994 and 1997. The incidence of poverty in rural areas increased from 47% to 53% while urban poverty increased from 29% to 49% during the same period. The burden of poverty falls disproportionately on women. Over the same period, approximately 53% of Kenyan men in rural areas and 49% of men in urban areas lived below the poverty line. The corresponding statistics for females are higher i.e. 54% in rural and 63% and urban areas. Female members of poor house-holds are often worse off than male because of gender-based differences in the distribution of resources within the households. By 1998, the number of female headed households had grown to 32%, out of which 80% fell below poverty line. These trends and patterns are increasing, with women being dispropriationately represented among the nation's poor.

30. Poverty reduction strategies must therefore be gender responsive and promote gender equality. Full involvement of women in programmes design will be necessary to ensure programme implementation and also make the gender responsive policy sustainable.

31. Poverty permeates all sectors of the economy and carries critical implications for sustainable development. In environmental concerns, it is increasingly being recognized that environmental degradation is a major cause of poverty, and that women's and men's use of natural resources such as water, soil, food and forests play a major role in the environmental degradation. Men use non-wood forest products and also cut wood to sell or for building materials. Women's roles within

households and agriculture make them the daily managers of the environment, and this experience gives them profound knowledge of environmental conditions suitable for food crops, livestock, plants and ecological processes. Inspite of this critical role and the fact that women use small forest products, they often lack access to environmental resources even where they have ownership of land. The success of on-going and future efforts to halt the alarming rate of environmental degradation and destruction demands deliberate efforts to bring about fundamental changes in attitudes and practices and understand gender in relation to natural resource management. There should be particular recognition of vulnerability in relation to environmental degradation as well as their contribution to environmental management.

32. Poverty among women cannot therefore be isolated as a purely economic feature since its causes and effects are diverse. The political, legal, cultural, historical and other conditions that combine to create poverty must be considered. The basic objective of any development initiative is to enlarge people's choices by facilitating equal access to opportunities and ensuring that they are sustained so that both men and women are able to participate in and benefit from the development process.

33. To ensure gender equality for sustainable livelihood, the government needs to enhance equal access by women and men to productive resources and to economic opportunities, to shelter, and safe drinking water. Measures will also need to be undertaken to conserve the environment to eradicate feminisation of poverty. More specifically, the government will undertake and/or support appropriate action which will:

    a. promote more gender equality in distribution of productive assets, wealth and opportunities;

    b. ensure that the national budget mainstreams gender and embodies poverty relief programmes;

    c. increase women's and men's, girls' and boys' participation in macro-economic policy formulation and address the structural causes of poverty to achieve sustainable human development;

    d. create an enabling environment for women and men; girls and boys to participate in the conservation of the environment, management of water resources and development of appropriate housing;

e. provide appropriate infrastructure and technology to increase women's and men's and girls' and boys' incomes and promote household food security, particularly in the rural areas, and also encourage grassroots market-based co-operatives;

f. review policies and programmes to make them gender responsive - particularly those related to the informal sector, macro-economic stability and investment policies, in order to increase their impact on poverty reduction;

g. ensure that the committees and boards associated with housing development and allocation of housing loans and institutionalisation work in consultation with women and men in the design of new housing schemes;

h. intensify environmental conservation campaigns directed at women and men, girls and boys individually or in their groups and organisations, and that promote and support their conservation efforts in order to arrest deforestation and soil erosion and protect riverbeds, while at the same time supporting easier access to clean water, including rainwater harvesting and energy conservation;

i. engender public educational campaigns aimed at facilitating change from persistent cultural and traditional taboos and practices that are detrimental to sound environmental management;

j. enhance collection and analysis of gender disaggregated data in all sectors in order to monitor policies aimed at reducing gender inequalities and achieve poverty eradication;

k. ensure community mobilisation with a view to securing participation of women and men; girls and boys in poverty eradication plans and programmes.

5.3 Agriculture

34. The outcome of agricultural development should be to develop mechanisms to ensure efficient and effective utilization of available resources and the provision of opportunities for gainful livelihoods for women, men, girls and boys. It is notable that women take care of 60% to 80% of household and reproductive activities and agricultural production. However, under Kenya's partriachal system, men have greater advantage to the benefits of agricultural production.

35. Historically, agricultural production systems, including marketing, have assumed that factors of production including availability of land, capital and household labour will generate incomes and other benefits that

will trickle down to all members of communities. Likewise there is inadequate gender disaggregated data in this sector especially on decision making process on land use, representation in marketing outlets, and workload analysis in agricultural production.

36. Based on these observations, traditions in agricultural development are likely to affect women and men differently. An effective gender approach in designing and implementing agricultural programmes would take these differences into consideration focusing on equality and equity of outcomes rather than just equal treatment.

In view of this recurring situation, existing policies should be re-oriented to:

a. addressing all actors in the agricultural sector with a view to ensuring that infrastructural development in the sector, land use patterns, cash crop production as compared to food crops and availability of farm inputs take consideration of household compositions;

b. addressing issues in agriculture and rural development and mobilizing and utilizing the country's human (women, men, girls and boys) and physical resources;

c. accelerating agricultural production and improving food security. (There is need to re-examine mechanisms to remove obstacles on land use practices that allow gender discrimination to occur in the sector);

d. carrying out studies using gender-based variables that will give results that are specific to women's participation in the labour force;

e. incorporating gender issues in all proposed interventions at the community level through participatory approaches;

f. developing specific programmes within the grassroots for empowerment through provision of and access to credit, land, technology, market and information;

g. intensifying research in and adaptation of agricultural technology, including women's indigenous knowledge that increases the productive capacity of women without undue physical strain and exhaustion.

5.4 Law and Justice

Legal Provisions:

37. Chapter 5 (Section 70 – 86) of the Kenyan Constitution contains a bill of rights that stipulates the fundamental rights and freedoms of every individual Kenyan. These include: the right to life, liberty, security of person and property, the right to a fair trial, freedom of conscience, freedom of movement, freedom of association and assembly, freedom from inhuman treatment, freedom from slavery and freedom from being treated in any discriminatory manner.

38. However, a subsequent section (Section 82 (3) within this bill of rights that provides against discrimination does not provide against discrimination on the basis of sex. This omission has caused controversy over the interpretation of the section with the dominant opinion being that failure to refer to sex means that affording different treatment on grounds of sex is not discrimination at law. Indeed, the courts have found that this constitutional protection was not intended to apply to matters of personal and customary law such as adoption, marriage, divorce, burial and devolution of property on death. This is further complicated by socio-cultural norms, especially with respect to ownership of property, marriage and inheritance that favor men over women.

39. In response to this, the government in 1993 appointed a Task Force for the Review of Laws Relating to Women. The purpose of the Task Force was to review current laws, regulations, practices, customs and policies that impose constraints on equal enjoyment of rights of women in civil, political, socio-cultural life or related matters with a view to preparing legislation designed to remove inequalities on the basis of gender.

40. Further, the government has signed and ratified several international instruments that impact gender. Some progress has been made towards domestication of these instruments but gaps still remain that need to be addressed.

41. To guarantee the equality of Kenyan women and men before the law as provided for in the Constitution and under Kenya's obligations in international law, the government will:

    a. work to implement the recommendations of the Task Force for the Review of Laws Relating to Women;

b. enhance domestication of international instruments relating to the rights of women to which Kenya is a party by first moving to ratify those instruments it has not ratified;

c. undertake gender sensitive research into the laws of Kenya with a view to ensuring that their full intent and meaning as well as their impact is not discriminatory and that the same comply with international standards on gender equality and promote the status of both genders equally;

d. create a monitoring and evaluation system of gender-based discrimination in the law, as a matter of both the letter of the law and practice;

e. fully implement the establishment of family courts for the hearing of cases relating to matters of personal law; and

f. together with other stakeholders, develop and implement a multi media and advocacy campaign strategy aimed at changing social attitudes and customary practices that continue to bar women and girls from the benefits of existing laws with particular reference to customary and personal law.

Access to and Effective Participation of Women in Judicial Processes:

42. Access to, and effective participation for women in judicial processes continues to be a key challenge not only for women in Kenya but also for the justice system as a whole. The traditional male-female power imbalances, women's multiple roles and responsibilities in society, negative attitude towards the girl-child, the feminization of poverty and the fact that typically women are the victims of gender-specific crimes, such as incest, defilement, rape, trafficking and domestic violence are factors that combine to pose unique challenges for women's access to justice and the effective delivery of justice. The matter is further compounded by the fact that the courts are mostly located in urban centers and the court system in Kenya is alien and mystical to the lay person due to its colonial inheritance.

43. In order to ensure that women have access to, and are able to participate effectively in the judicial process, the government will:

a. develop innovative means of ensuring that the populace, particularly the rural and urban poor, are made aware of their rights and the mechanisms in place to ensure that they realize these rights;

b. ensure that the police stations and court facilities are accessible to rural populations;

c. create specifically targeted mechanisms and ways of supporting victims - particularly victims of gender-based offences - before, during and after judicial processes. Such means shall include engaging victim's advocates on their behalf and providing free legal aid and appropriate emergency, interim and long-term support;

d. build the capacity of legal practitioners, administrators, law enforcement officials, medical personnel and other actors on how to handle victims. This entails developing curricula and incorporating courses and in-service training of judges, legal practitioners, law-enforcement personnel, medical personnel, social workers, and other stakeholders on victims issues with special focus on victims of gender-based violence, women's human rights and gender discrimination;

e. develop and implement appropriate mechanisms to guarantee the safety and protection of victims before, during and after judicial processes; and

f. reform the police stations and court facilities to make them gender and victim-friendly. In this regard, support efforts to reform the police force in Kenya to make it more service-oriented and to encourage victims to come forward, including measures to create specific children and women's desks and units.

Gender-Based Violence:

44. Gender violence has remained a chronic issue of great concern in Kenya. Cases of rape, sexual assault and defilement are on the increase with the age of victims becoming lower without accompanying revision of the law to create harsher sentences. Furthermore, most acts of gender violence take place in the home, which poses special challenges for intervention by law enforcement personnel.

45. The need for an integrated and practical approach to combat violence against women that acknowledges that the problem is complex with social, legal, economic, health, cultural and political perspectives cannot be overemphasized. Such an approach requires a comprehensive, coordinated intervention framework that integrates all stakeholders and that considers the victim, the family, the perpetrator and the institutions that sustain and make violence possible.

46. In order to address this phenomenon, the government will:

a. take the lead in adopting and implementing the National Action Plan for an Integrated approach to Combating Violence Against Women;

b. spearhead the enactment of an appropriate domestic violence (family protection) bill and propose amendments to the Penal Code to ensure that domestic violence such as spousal violence (including marital rape) are criminal offences with appropriate sentences;

c. implement a nationwide practice in police stations of making it mandatory for police officers to record statements and follow-up on cases of domestic violence, incest, domestic violence, rape and trafficking in human beings and requiring them to provide regular updates on the same;

d. enhance and promote the collection and delivery of evidence for gender-based violence offences, particularly sexual offences, such as rape and incest through: (i) proposing appropriate amendments to the law; and (ii) acquiring appropriate facilities and equipment to enable both the police and court systems to use victim-friendly and modern means of investigations and adjudication such as forensic and DNA evidence, video conferencing, screens, voice disguising techniques, as well as having their cases heard in camera, as appropriate;

e. support other stakeholders that are already providing shelter to victims of domestic violence, rape and trafficking and set-up additional emergency safe-way houses targeted towards victims of domestic violence, rape and trafficking; and

f. promote and work in concert with local community efforts to use appropriate gender-sensitive, community-generated methods of conflict resolution.

Trafficking of Women and Children:

47. Trafficking of women and girls, both internally and externally, appears to be on the increase. Its causes are generally complex and interwoven. Factors that work together to contribute and facilitate it include: poverty; discrimination of women and children; traditional practices such as early childhood marriages; corruption; poor or lack of birth registration systems in hospitals; dispensaries and clinics; rural to urban migrations; demand for cheap labor, (including for factory, sweat

shop, farm, and household work); poor implementation and monitoring of labor laws; demand for organs and for children for adoption.

48. Most trafficked victims are women and children. Such victims generally suffer from neglect and egregious mistreatment as well as physical and emotional abuse that has both short-term and long-term implications, such as sexually transmitted diseases, including HIV/AIDS, unwanted pregnancies and damage to their reproduction organs.

49. Kenya has no specific legislation that comprehensively covers trafficking as a criminal act in accordance with the now widely accepted definition of trafficking contained in the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime (Hereinafter, The Protocol on Trafficking in Human Beings). Notably, Kenya is yet to sign the protocol on trafficking.

50. In order to respond to this phenomenon the Government of Kenya will:

    a. sign, ratify and domesticate the Protocol on Trafficking in Human beings;

    b. enact comprehensive legislation to combat trafficking in human beings;

    c. spearhead the development and implementation of a comprehensive action plan to combat trafficking in human beings. In this regard, it will work closely with other stakeholders.

5.5 Political Participation and Decision Making

51. Equal participation of women and men in decision making is needed to strengthen democracy. A democratic political culture offers opportunities for gender issues to be a shared concern for all citizens. The broader the political participation in democratic processes, the more enabling it is for the concerns of all Kenyans.

    Despite the fact that women account for slightly more than half of the total population and comprise a large voting population, they are still dismally under- represented in strategic decision-making institutions such as Parliament, Central Government and Local Authorities, Trade Unions, Co-operative Societies, Professional Bodies and grassroots-based institutions such as Land Boards.

52. Historical trends show a gradual increase in women's participation in politics and high-level decision-making. During the 2002 general elections, there were 64(6.1per cent) women contestants out of 1,055 Parliamentary candidates, as compared to 50 (5.7%) women

contestants out of 882 Parliamentary candidates in the 1997 General Elections and 19 (2.2%) out of 854 candidates in 1992. However, only 10(4.8%) of the 210 elected Members of Parliament in 2002 were women as compared to 4(1.9%) of 210 in 1997. In an attempt to raise the number of women in the National Assembly, political parties nominated additional women, which translated into 66.7% of nominated members of parliament in 2002 as compared to 41.7% in 1997.

Women's representation in local councils has increased from 2.7% in 1992 to 8.1% and 13.3% in 1997 and 2002 respectively.

53. There has been a remarkable improvement in women's representation in the Judiciary at various levels over the years. This has been more significant at magisterial level than at higher levels. Women formed 41.8% of District Magistrates, 40.3% of Senior/Resident Magistrates, 42.3 % of Senior/Principal Magistrates and 19.1% of High Court Judges in July 2003 as compared to 35.7%, 35.9%, 30% and 17.2% respectively in 1998. In July 2004, 41.8% lawyers registered by the High Court were women as compared 39.8% in 1999 (DPM Complement Statistics 2002).

54. In the civil service, the number of women in key positions has been small as compared to that of men. Women's representation in the civil service rose marginally from 22% in 1994 to 24% and 29.6% in 1998 and 2003 respectively. While at the lower level of the civil service the share of women has been in the range of 22-35%, at the middle rank level women represent about 10 - 15% and that the highest level (Job Group P and above), women are in the single digit bracket. According to Teachers Service Commission (TSC) statistics, women comprised 41.4% of 178,622 Primary School teachers in 2002 as compared to 43% of 186,612 in 1999. In Secondary schools, women comprised 35.2% out of 46,445 teachers in 2003 as compared to 35.3% out of 40,782 teachers in 1999.

55. In the year 2000, young adult women had begun to surpass men with respect to young adult literacy. In the age group of 15-24 years 80.7% of women were surveyed as functionally literate as compared to 79.8% of men. The reverse was the case for those over 35 years where 71% of men were literate as compared to only 50.8% in the case of women. (Multi-Indicator, Cluster Survey, 2002). In 2003, literate rate for males were 90.2% compared to 85.7% for females within age bracket of 15-24. For 35 years plus, the rate for males were 81.8% compared to 61.0% for females (KDHS 2003).

56. At the community level (both in pastoral and agricultural communities) women were traditionally not represented in decision-making bodies at village or clan councils of elders where all political and judicial decisions were made. The situation is changing gradually. Women have made better inroads in specific fora, including Parents Teachers Associations (PTAs), Self Help groups and Women's Community Based Organizations (WCBO) and Advisory Boards. The main objective of women CBOs is to engage in various social cultural and economic activities. WCBOs also provide opportunities for women to voice their views through their representatives at the community decision-making level. The number of registered women groups increased by 25.8% from 97,319 in 1998 to 127,954 in 2003. The membership increased from 3,900,548 in 1998 to 4,928,690 in 2003, while group contributions went up by 26.9% from Kshs. 381.8 million in 1998 to Kshs. 590.7 million in 2003. Women manage about 25% of Kenyan households both in rural and urban areas. This entails decision-making regarding productive resources, labour allocation and income among others.

57. Besides the numerical characteristics of political representation, there is the often equally important question of participation. Where such participation includes being consulted, there is need to introduce a variety of governance mechanisms that ensure accountability by decision makers to promote best governance practices including participatory management.

58. To attain gender parity in political participation and decision-making, the government will undertake and/or support appropriate action which will ensure women's equal access to and full participation in power structures and decision making by:

    a. institutionalising mechanisms to promote the appointment of women to high level decision-making positions with a view to achieving gender balance in various government bodies and committees and the Judiciary, among others, and adopt 50% of women/men each. A deliberate affirmative action will be embraced as a stop-gap measure;

    b. aiming at gender balance in the lists of national candidates for election or appointment to international, regional and local bodies, agencies and organizations, particularly for senior level posts and ensuring that selecting bodies have a gender-balanced composition;

c. encouraging NGOs, CBOs, co-operative societies, trade unions, professional bodies and the private sector to ensure higher representation and participation of women in decision-making.

d. taking deliberate steps to ensure that women get equal access to training opportunities, especially at technical, managerial and leadership levels;

e. creating awareness and promoting the active participation of women in political and decision-making processes at the grassroots level;

f. promoting gender-sensitive training for women and men to promote non-discriminatory working relationships; and

g. developing and implementing mechanisms to monitor women's access and participation in senior level political and decision-making processes.

5.6 Education and Training

59. The Government regards education as a basic right for all citizens and a prerequisite for economic and social development. At independence, there were 5,150 primary schools and 244 secondary schools. By the year 2003 the numbers had risen to 19,496 and 3,999 respectively. During that same period the ratio of girl to boy students had improved from 54 to 95 in primary and 42 to 93 in secondary. There were only 58 girls studying for degree courses in University of Nairobi (the only University) in 1966 compared to 23,445 in 2003/2004 in all public and private universities. This is an outcome of the concerted efforts of the government, communities, and other stakeholders. Despite this expansion, gender disparities in terms of access to education, retention in school, transition from one level of education to another and performance have persisted over the years. In addition, girls' schools are less well equipped and facilities are less girl friendly, especially in mixed schools both primary and secondary.

60. Access to education has experienced a downward trend in the Gross Admission Rate (GAR) and Gross Enrolment Rate (GER) in both primary and secondary schools. In 1989 Standard One intake was 135% (132% for girls and 138% for boys), declining to 114% in 1997 (111% for girls and 117% for boys) before rising marginally to 121% (118% for girls and 125% for boys) in 1999. The GER in both primary and secondary schools declined between 1989 and 1996 when it started going up again. At the national level, there seems to be near gender parity in education at the primary school level. For example in 2003, primary school GER stood at 103.9% (101.4% for girls and

106.4% for boys). However, gender gaps are still evident at the regional and district levels. Access to education, especially for girls is still a serious problem in ASAL areas as well as in poor rural and urban communities.

61. Available statistics on primary school completion rates shows that 42.6% of the pupils who enrolled in Standard 1 completed Standard 8 in 1995 compared to 56.9per cent who completed Standard 8 in the year 2002. In year 2003, the completion rates for girls stood at 53.2per cent compared to 60.3per cent for boys. The transition rates for girls from one level to another are lower than those of boys. Current statistics indicate that transition rates to secondary school stand at 43.6% (girls 42.7%, boys 44..4%) and from secondary to university stands at 6.9% (girls 5.1%, boys 8.4%).

In 1998/99, female students constituted 30% of the total number of university students in public institutions. By 2003/4 this percentage had only risen to 31.6%. In Private accredited universities however, females comprised 48.5% in 1998/99 as compared to 54.5% to 2003/4.

The number of students enrolled for part time university education has increased considerably in recent years, rising from 11,164 in 2000/2001 to 27,566 in 2003/2004 academic year.

The female part time students increased from 3,934 to 9,767 in the same period. Female part time students constitute 35.4 per cent in 2003/2004. Gender disparity is also evident in performance at all levels of education. As has been mentioned above, illiteracy among older women is another concern in the country. Although women have been highly motivated towards achieving literacy and continue to dominate adult literacy classes in most areas, literacy is still low amongst women compared to men.

In 1994, 23.4% of male and 55.3% female heads of households were illiterate. The latest statistics indicate that for those aged 15 years and over, 22.4% of male and 29% of females are illiterate compared to 11.9% of males and 21.5% of females in 2003.

62. Special education has provided persons with disability the opportunity to pursue education so as to be able to compete for employment opportunities with able bodied persons. However, most parents prefer to present for enrolment male children with disabilities as opposed to their female counterparts. This is due to socio-cultural beliefs which seek to give male children, as future heads of households, an opportunity to prepare for these roles. Furthermore, the training if girl

students and girls' consequential career choices are often biased by the same socio-cultural environment.

Even with the implementation of free Primary Education, some disadvantaged children would still not fit into the formal school system because they were over age. These children need to be accommodated within an appropriate system in the education sector.

63. Early Childhood Education forms the most important foundation for children's education. The gender gap at this level is not very wide, and is recorded at 49.2% for girls and 50.8% for boys. However, the teaching staff at this level is mainly female, denying the children the chance to interact with male teachers, an experience which is critical to growing up children.

64. The government has taken some measures to close the gender gap and promote the education of girls and women through appropriate policies and programmes. Those measures include: the government affirmative action at the university level (girls allowed to enter university with one point lower than boys); review of curriculum and teaching materials to ensure gender sensitivity; the re-entry back to school of adolescent mothers; enhanced bursary for girls education, ministerial task force on girls education and domestication of Education For All (EFA) document. All these continue to keep in the public agenda the issue of girls and women's education and to mainstream gender issues.

65. In order to enhance and sustain measures to eliminate gender disparities in access, retention, transition and performance in education, the government will undertake and/or support appropriate action which will:

a. target basic education programmes to disadvantaged groups in ASAL and poor rural and urban areas, with specific emphasis on girls and women;

b. restructure education programmes - including teacher training colleges, special education and technical training to make gender responsive curricula content, training and learning materials;

c strengthen existing bursary schemes to target needy boys and girls equally;

d. ensure enhanced capacity building of education personnel on gender responsive and innovative approaches to teaching;

e. guarantee adequate and appropriate gender responsive physical facilities including responsiveness to children with special needs;

f. establish monitoring and follow-up mechanisms for school dropouts and design appropriate measures to address their needs. This may include re-entry points for rehabilitated children, over age girls and boys who wish to pursue formal education and girls who have dropped out of school due to pregnancy;

g. improve collection, analysis, storage and dissemination of disaggregated data by age and gender in the education sector;

h. encourage community mobilisation and sensitisation in support of the girl child education as a basis for influencing socio-cultural and household dynamics to overcome the differential treatment of girls and boys;

i. encourage development of effective strategies for increased participation of girls in science and technical education;

j. reinvigorate the teaching on HIV/AIDS which currently threatens the lives of girls between 15 – 19 years and boys and girls between ages 20-24 years;

k. encourage the integration of functional literacy into all development programmes;

l. ensure quality and gender responsive education to guarantee a firm foundation for the population;

m. ensure teaching and learning of life skills and personality management geared towards empowerment of girls with right knowledge to take control of their lives and boys to accept human values and dignity and to shed off the macho image;

n. re-orient special education and vocational training towards the needs of girls with disabilities;

o. liaise with relevant ministries to ensure children with special needs are adequately taken care of.

5.7 Health and Population

66. The policies that the government has pursued over the years have had a positive impact on improving the health status of women, men and children. Available data show substantial improvements in the health status of Kenyans. However, despite these improvements, significant disparities still exist, especially in relation to women's reproductive health. Latest estimates indicate that there are 590 maternal deaths per 100,000 live births, while in 2003 maternal mortality rate was 414 per 100,000 live births. The high rates of maternal mortality are as a result of unsafe abortions, haemorrhage and resultant anaemia, and pregnancy

and child-birth related disorders. Other factors include inadequate access to health facilities and services, poverty and low social status.

67. Adolescent mothers are more likely to experience complications due to pregnancy and to face constraints in pursuing educational opportunities as compared to their peers who delay child bearing. Adolescent girls are biologically and psycho-socially more vulnerable than boys to sexual abuse, violence and prostitution. The proportion of teenage girls (age 15-19 years) who were either pregnant or already mothers was 23% in 2003. The reproductive health needs of adolescent girls and boys have not been adequately addressed.

68. Inadequate food intake by mothers during pregnancy and heavy manual work are some of the identified causes of low birth weight and poor maternal nutrition status which currently stand at 9% and 12% respectively. The nutritional status of the female child is affected by food practices in some communities which favour the male child and customs that bar women and girls from eating certain highly nutritious foods.

69. Despite significant demographic transition which saw the population growth decline from being among the highest in the world at 3.8% (1979) to 3.4% (1989) and 2.9 (1999), the continued high population growth has created huge pressure on the government to provide education, health care, transportation, employment opportunities and social amenities, posing serious developmental challenges. Rapid population growth has also led to high dependency and large and growing youthful population that needs basic services and employment opportunities. The urban total fertility rate in 1989 was 4.5 and 3.3 in 2003. Rural total fertility rates have fallen even more, from 7.1 in 1989 to 5.4 in 2003. This decline will reduce dependency and change the demand for basic services and employment opportunities in the medium term.

70. The HIV/AIDS epidemic poses the biggest health challenge of our time. Since 1990, rapid increase in HIV positive cases has been recorded. Although both men and women are affected, women are at greater risk than men due to illiteracy, cultural emphasis on reproduction, low economic status of women, deprivation, submissiveness, gender violence (including rape, incest, coerced sex with infected partner) and biological factors that make women more susceptible to heterosexual transmission. Women also tend to carry a greater burden than men in taking care of family members with HIV related illnesses, often without adequate knowledge of how to protect themselves. The situation is far worse when the woman is infected and has an HIV positive infant.

71. Although significant progress has been made in advancing the status of women, there still exists cultural practices which are prejudicial to the health of women and girls. Such practices include female circumcision and forced early marriages. According to recent statistics, 32% of Kenyan women aged between 15 and 49 years have undergone female circumcision. The proportion of circumcised women however increases steeply with age, suggesting a decline in the practice over the past two decades. Circumcision is also more common in rural areas and among women who have received less education and have not been exposed to other value systems. The practice of female circumcision encourages early marriage, thereby curtailing personal and educational advancement of girls.

72. Lack of gender disaggregated data, especially on outpatient morbidity and on access to health services has undermined targeted delivery of health services with regard to poor women and girls. The health status of women from birth, to adolescence and to adulthood, and especially in pregnancy and motherhood, is of particular relevance to the health status of our future generations

73. To achieve the highest attainable standard of health through addressing gender inequalities pertaining to access and use of basic health services and facilities at an affordable cost, the following objectives will be pursued:

    a Integration of gender-related health and population concerns into the overall socio-economic development framework, noting in particular the special health needs of women with disabilities and ageing women and men;

    b Strengthening of Primary Health Care (PHC) in general and Maternal, Child Health and Family Planning (MCH & FP) services in particular to ensure active participation of women and men in health care planning provision;

    c Expanding and strengthening community-based services and empowerment of communities to take care of their own health;

    d Increasing accessibility to appropriate health facilities and services, particularly in informal urban settlements, rural areas and ASAL areas, with emphasis on promoting positive healthy behaviour and ensuring better provision of services for the poor;

    e Promoting Information, Education and Communication (IEC) materials aimed at moulding the attitudes of women and men with

regard to personal and public health, including attitudes on family planning and harmful practices that discriminate against women;

f Disaggregating by gender all health and population data for targeted delivery of health services and improved policy making process;

g Reviewing health service delivery in general and provision of promotive/preventive services in particular, with a view to improving accessibility and decreasing time spent by women while waiting for services,

h Continuing creation of awareness and initiating programmes/activities which include community-based specific interventions on dangers of risky sexual behaviour, protective measures, prevention of mother-to-child HIV transmission and community-based care and support for people infected and affected by HIV/AIDS;

i Promotion and expansion of voluntary testing and counselling, especially for young girls who are at a much higher risk than boys to get HIV infection;

j Reviewing current legislation on maternity leave that prevents women from breastfeeding exclusively;

k Improving the attitude of health personnel towards women, including creating a women friendly environment in all health institutions;

l Addressing causes of inadequate nutritional-status of the girl-child, pregnant and lactating mothers and creating awareness on negative implications of the same to their health;

m Promoting women's health and safe motherhood through ante-natal, intra-natal and post-natal care programmes which should include the training and equipping of Traditional Birth Attendants (TBAs).

74. **Health Research that Focuses on Women.**

There is plenty of research done by post-graduate students in obstetrics and gynecology that is not published. However, a document developed by the Ministry of Health through the Division of Reproductive Health entitled "Research in Reproductive Health in Kenya:

"An Annotated Bibliography" shows the areas of research done during 2000-2004. They include:

i. 37 papers on Family Planning and Contraception

ii. 34 papers on safe motherhood

iii. 133 papers on STI, HIV/AIDS.

iv. 30 papers on gender issues especially in relation to the HIV/AIDS pandemic.

v. 51 papers on Reproductive Health of adolescents and young people.

vi. 8 papers on cancers of the reproductive system and infertility.

75. The Ministry of Health through the Division of Reproductive Health (DRH) published a report in February 2004 on Needs Assessment of obstetric fistula in Kenya which had four objectives:

i). Socio-cultural factors that contribute to the problem.

ii). The health seeking behaviour of those affected.

iii). Availability, and utilization of essential obstetric services.

iv). To make recommendations for prevention and management.

76. **Prevention of Mother to Child Transmission (PMCT) of HIV**

The prevention of new infection is one of the major themes adopted by the National HIV/AIDS Strategic Plan (NASP) covering the period 2000 to 2005. One intervention is PMCT. In Kenya, it has been estimated that 50-60,000 infants are infected with HIV every year due to mother to child transmission making PMCT a priority intervention. The National Reproductive Health Strategy 1997-2010 notes that the reproductive health problems brought about by the AIDS epidemic include:

a. Obstetric care of infected women;

b. Contraception for infected women;

c. Diagnosis and management of paediatric AIDS;

d. Safety of breastfeeding.

The 25th Kenya Obsterics and Gynaecological Society (KOGS) conference in the year 2000 was dedicated to HIV/AIDS, sexual and reproductive health. One of the most important outputs of this conference was eventual production of the 1st edition of *"Clinical Care Guidelines for the Management of HIV Infected Women and the Prevention of Mother to Child Transmission of HIV//AIDS in Kenya"*.

- **Mother to Child Transmission Plus (MTCT)**

MTCT plus is an intervention programme aimed at providing ongoing care to HIV infected women identified through the PMTCT programme, and to their families.

Malaria

77. Twenty million Kenyans – more than half the entire population – are regularly affected by the deadly malaria parasite. One hundred and seventy working days are lost each year as a result of the disease. The Ministry of Health, through the Division of Malaria Control (DOMC) developed the National Malaria Strategy: 2001-2010. The objective of the strategy is "to reduce the level of malaria illness by 30% by he year 2006, and to sustain that improved level of control to 2010. The strategy notes that pregnant women who get malaria suffer severe anaemia, have low birth weight babies, and run a high risk of death from the disease. An estimated 26,000 children die yearly from malaria infection (DOMC – April 2001).

78. The strategy therefore aims at promoting at all levels of the antenatal health services the effective case management of anaemia and malaria during pregnancy, as part of the efforts to strengthen the safe motherhood initiative. It also aims at promoting access to ITN services by pregnant women at all levels of the health sector.

Abortion

79. Existing laws in Kenya stipulate that abortion is illegal. However the law provides for exceptional circumstances, where the life of the mother is at risk. Ministry of Health has addressed the unsafe abortion which contributes significantly to he high maternal mortality rate and has undertaken to train and update health service providers on Post-abortal Care (PAC). Transfer of skills to lower cadres of staff (e.g clinical officers and nurses) has enabled the service to be available even at the Health Centre level.

HIV/AIDS

80. The government long-term policy and commitment to fight HIV/AIDS is expressed in the National Sessional Paper on HIV/AIDS in 1997 and the subsequent National HIV/AIDS Strategic Plan (NASP) 2001, which covers the period 2000-2005. The government declared HIV/AIDS a National disaster in 1999 and has more recently in 2002 declared "Total war against AIDS". The aim was to bring on board several other sectors in the fight against HIV/AIDS.

81. Currently, the country's prevalence is 7% (*Kenya Demographic Health Survey – (KDHS 2003).* This implies that there are currently 1.25 million Kenyans (children and adults) living with HIV/AIDS. About 15% (200,000) of the total have developed AIDS and require care and support. It notes that women are especially vulnerable to HIV infection for a variety of social and biological reasons. The Government intends to work with community agencies to provide for activities that reduce the risk of HIV infection, such as:

a. promoting basic education on human sexuality, HIV/AIDS and STDs;

b. encouraging activities for youth that may delay the onset of sexual activity;

c. harmonizing the age of consent, marriage and maturity to 18 years;

d. encouraging voluntary testing; and

e. empowering women's access to information and giving them economic and social recognition.

82. ARV Therapy (Accessibility)

According to the Kenyan National Clinical Manual for ARV providers: (April 2004 edition):

a. About 200,000 people (out of 1.5 million) infected with HIV are in need of ART;

b. Only 12,000 people had been on ARV, the majority of whom are managed in the private sector, by NGOs or faith based health facilities;

c. The GOK is committed to increasing access to ARV's as part of its wider "Declaration of Total War" on HIV/AIDS and has government hospitals in every province in Kenya;

d. Service providers are asked to ensure a continuous, sustainable supply of drugs.

5.8 Environmental Sustainability

83. Gender responsive policies are essential in ensuring that there is consistency in not only legislation as relates to Conventional Biological Diversity but also the institutionalization of effective protection and use of indigenous knowledge, innovations and practice of women's bio-diversity.

84. This should be coupled with development of programmes that advocate for environmental and natural resource management issues of concern to women, men, girls and boys, programmes that provide information that can contribute to resource management for environmental protection and conservation. There are certain environmental issues which have specific relevance to women-either the negative effects of these environmental concerns have disappropriate effect on female population, or women have special skills and knowledge in resolving environmental problems.

In subsistence economies, women are the major users of energy, for domestic use. The challenge in energy utilization is in developing and acquiring energy efficient stoves, and modernization of power systems.

In utilization of water sources, governments need to include women in the decision making process on policies, economic instruments and appropriate infrastructure to ensure access to adequate water.

85. To this effect, structural linkages between gender relations, poverty, environment and development should be established as well as integration of demographic and gender factors into environment impact assessments and other planning and decision making processes aimed at achieving sustainable development through:

a. relevant programmes which should be established to ensure that resource use methodologies are made accessiole and are turned into instruments of sustainable production;

b. promoting and replicating women's knowledge on resource utilization;

c. involving national and local women CBOs in environmental education and conservation projects,

d. creating awareness on use of pesticides and farm chemicals;

e. evaluating development policies and programmes in terms of environmental impact and the resulting gender differentials relating to access to and use of natural resources.

5.9 Peace, Security and Conflict Resolution

86. Due to political instability in the Lakes Region and the Horn of Africa, there has been an emerging trend of movement of people across borders, with Kenya being affected by refugees. This has had varied impact amongst which is the proliferation of small arms and over-stretching of the resource base, thereby giving rise to conflict between refugees and Kenyan citizens. Another phenomena of conflict is

associated with competition amongst communities for water resources. In the urban informal settlement areas, there is competition for space, thereby affecting infrastructure development and limiting access to basic social infrastructure.

87. The sources and consequences of conflicts combine to create conditions under which human development cannot meaningfully be achieved. Lack of development and peace is also characterized by lack of distributive justice in the socio-political system. Lack of security or instability renders development and poverty alleviation non-sustainable. This is compounded in situations where most of women in rural areas suffer from attendant problem of large families, poverty, illiteracy, lack of basic amenities such a health care services, water, shelter and sanitation.

88. To maintain peace and security, government will:

    a encourage communities under threat of conflicts to promote non-violent forms of conflict resolution and reduce the incidence of human rights abuse in conflict situations.

    b promote equal participation of women and men equal opportunities for women and men in all peace activities at all levels, particularly at the decision making levels.

    c integrate gender perspective in the resolution of armed or other conflicts and foreign occupation.

    d carry out research and identify innovative mechanisms for containing violence and for conflict resolution. The findings will be for public dissemination and for use by women, men, girls and boys.

5.10 Media and Information Technology

89. The media in Kenya is diverse, flourishing and competitive. Over the last few years, what used to be the domain of three dailies and a few magazines has become a field of mushrooming publications ranging from political and business weeklies to social, cultural and health magazines. Several of the political/economic publications came into being in the period just before and after the 1992 multi-party elections.

90. The electronic media, through radio and television, is increasingly becoming competitive, particularly with the recent licensing of several radio and television stations. Other channels of the media such as films and theatres are expanding slowly but nevertheless have a following. However, more recent video technology has taken the

interests of many people away from films and theatre, especially in the case of the middle class and the young generation.

91. The print and electronic media are powerful tools which create and change opinion, educate and socialise people. In Kenya, like in the rest of the developing world, the media has a role not just of entertaining and informing, but also of educating people on priority issues like democracy, health, human rights and sustainable development among others. While pursuing these values, the Kenyan press has been accused of neglecting and portraying women in a negative light, in essence falling into the trap of perpetuating some of the ill practices, attitudes and beliefs in the society.

92. The 1995 United National Conference on Women recognised the important role of the media in enhancing women's development and advancement. The recommendations of the Conference gave focus to the various issues including negative portrayal of women in the media, the ill presentation and representation of women in the media and in decision-making positions and the interventions required to help correct the situation.

93. Recent surveys and studies indicate that the media portrays women as passive and voiceless figures whose prominence only comes alive when associated with prominent spouses or in relation to them. A study done in 1991 on the images of women in Kenya's print media shows that women hardly make news on the front page and when they do, it is because of a scandal, a crime or because they happen to be victims. The study also shows that the coverage of women issues has improved considerably in terms of quantity, but the images of authoritative, strong women are still lacking. The images portrayed of women, especially in advertisements, are stereotypical. Women are often presented while performing their domestic roles or not at all.

94. In most media houses, particularly in the print media, women hardly form a third of the work force. They are also not in influential decision-making positions that determine what subjects or news are carried. Their numbers have increased in general in the last ten years, but in comparison to the male workforce, their numbers are insignificant. In the weekly and monthly magazines there are a couple of women editors, some of whom are at that level by virtue of being owners or co-owners of the magazines.

95. In the electronic media, an insignificant number of women are middle rank managers while the rest work as presenters and announcers and do not make decisions about the subject content of what they present. Editors tend to assign women to what seems to be softer or women

related subjects, which then curtails their advancement. The same attitudes have over the years seemed to favour male journalists who in comparison have had more access to training than female journalists. Although this is slowly changing to favour both, it has not been fast enough to expose media women to challenges that can enable them climb to leadership roles.

96. Historically, the promotion of the fourth channel (folk media) communication has been neglected although it has a great potential for dissemination of information for attitude change.

97. To increase the participation and influence of women in the media, information and technology communications sector and to promote gender sensitive and gender responsive portrayal of both women and men, girls and boys in the media, the following actions will be pursued:

    a Addressing existing policies and socio-cultural factors responsible for negative attitudes with a view to mainstreaming gender in the media;

    b Emphasizing the training and exposure of women and girls to ICT;

    c Strengthening ICT policy – a master plan of infrastructure development plan can be supported by detailed policies for administrative sectors, geographical areas, types of services, types of educational institutes and equal access for women and men, girls and boys.

    d Promoting gender balance in the appointment of advisory, management, regulatory or monitoring bodies, including those connected to the private, state or public media;

    e Encouraging and providing the means or incentives for the creative use of programmes in the national media for dissemination of information;

    f Promoting research and encouraging information, education and communication aimed at balanced portrayal of women and girls and their multiple roles;

    g Encouraging media houses to carry programmes that portray women positively and which are representative of present trends;

    h Involving the media and advertising agencies in the development of specific programmes to raise awareness on the various international instruments relating to the rights and advancement of women;

i Encouraging the participation of women in the development of professional guidelines and codes of conduct or other appropriate self-regulatory mechanisms to promote balanced and non-stereotyped portrayals of women by the media.

6.0 POLICY IMPLEMENTATION AND RESOURCE MOBILIZATION FRAMEWORK

6.1 Institutional Mechanisms

98. The Policy implementation process will be a collaborative effort between Government Ministries, Civil Society Organisations (CSOs), communities and other development partners. Monitoring and evaluation of the policy implementation will be a continuous process leading to periodic review of the same. The development and use of indicators will therefore be part of the implementation process.

99. The implementation of the proposed policy guidelines requires an institutional framework in which institutional structures are responsive to gender issues as well as being organized-with clear, guidelines mandates and adequate resource allocation. To date, institutions assigned the responsibility of Equality and Development include the Department of Gender, the National Commission on Gender and Development, line Ministries through Gender Divisions.

100. All ministries will establish Gender Divisions. The institutional responsibilities of an organization's coordination of Gender Equality and Development are enumerated as follows:

6.2 Department of Gender

101. It derives its mandate from Presidential Circular No.1 of September 2004 through which the Department was set up. The Department was elevated from the former Women's Bureau which was then a section of the Department of Social Services. Gender Department is assigned the responsibility of improving the efficiency and effective integration of gender dimensions in future policy formulation, planning and implementation. It is therefore, responsible for providing a technical base for gender mainstreaming through the national sectoral approach and implementation of recommendations of international conventions. Its key functions are:

a. Formulate and review gender responsive policies across all sectors for integration of women, men, girls and boys into the development process

b. Facilitate domestication and implementation of resolutions made at international and regional levels.

c. Co-ordinate and harmonize implementation of the National Policy on Gender and Development and other gender responsive interventions implemented by GOK, NGOs and other agencies.

d. Lobby and advocate for gender mainstreaming in the development process, and engendering of the national budget.

e. Promote the generation of gender disaggregated data/information on gender equality indicators.

6.2 Gender Divisions

102. The strategy of gender mainstreaming which aims at ensuring the incorporation of gender perspective into all government sectors requires sector specific institutional arrangements embedded within line ministries to be known as "Gender Divisions" to enable specific concrete actions to be undertaken. These actions include initiating plans, strategies, and allocating resources to strengthen a line ministry's role, performance, and effectiveness in implementing the National Development Plan, Economic Recovery Strategy, Millennium Development Goals and the Beijing Platform for Action within their specific sector.

The establishment of Gender Divisions builds on past initiatives by government to set up Focal Points and Units of Gender Issues in line ministries. Upgrading of the Women's Bureau into the Department of Gender and the creation of the National Commission on Gender and Development provides a strong framework and basis for facilitating gender mainstreaming through the creation of Gender Divisions.

103. Senior administrative and technical staff in all Government Ministries will identify gender concerns within their sectors and co-ordinate gender activities and responsibilities by doing the following:

a. Providing training and capacity building inputs to staff;

b. Developing concrete approaches, methods and tools for mainstreaming gender issues;

c. Developing indicators for gender mainstreaming on processes, outcomes and impacts of programmes;

d. Building new constituencies to deepen and sustain gender mainstreaming;

e. Establishing performance appraisal systems at the individual and departmental levels.

6.3 National Commission on Gender and Development

104. The National Gender Commission was established by an Act of Parliament in January 2004 and launched in November 2004. The Commission is an oversight body in terms of appraising performance of government institutions in regard to mainstreaming gender concerns. The Commission is mandated to:

a. participate in the formulation of national development policy;

b. liaise with the ministry responsible for matters relating to gender and exercise general supervision over the implementation of the national policy on gender and development;

c. institute proposals and to advise on the establishment and strengthening of institutional mechanisms which promote gender equity and equality in all spheres of life, and, in particular, access to and benefit from education, health care, nutrition, shelter, employment and control of economic and natural resources;

d. initiate legal reforms on issues affecting women in collaboration with the Attorney General's Chambers.

6.5 Resource Mobilization

105. Effective implementation of the National Policy on Gender and Development will require mobilisation of resources from all sources and across all sectors. Towards realisation of this goal, the government will ensure integration of a gender perspective in the budgetary process. The government will also aim at the provision of funding for specific programmes that will address gender inequalities. In this regard, the government will systematically review how women benefit from the public sector expenditures and adjust budgets accordingly to ensure equality of access by women, men, girls and boys.

106. The Government will provide budgetary allocation for the establishment and operationalisation of the National Commission on Gender and Development through the Ministry responsible for gender issues. While additional financing will be sought through bilateral and multilateral arrangements, the government will strive to provide a greater proportion of the required resources for the implementation of the Policy.

107. NGOs, CBOs, the private sector and other stakeholders will continue to be encouraged to support initiatives geared towards the implementation of the Policy. An enabling environment will be created for such organisations to mobilise resources to complement government efforts.

ANNEX

TASK FORCE MEMBERS

1. Naomy W. Wangai (Mrs),
   Director,
   Gender Department

2. Mary Wambua (Mrs),
   Deputy Director,
   Department of Gender

3. Mr. Justus Mutie
   Deputy Director,
   Department of Gender

4. Dr. Jacinta Muteshi,
   Chairperson,
   National Gender Commission,
   NAIROBI

5. Naigha Odero (Mrs),
   Programme Officer,
   Department of Gender

6. Mr. Peter Rutere,
   Senior Economist,
   Ministry of Gender, Sports, Culture & Social Services,
   NAIROBI

7. Charity Wachira (Mrs),
   Programme Officer,
   Department of Gender

8. Mr. Patrick Ndivo,
   Statistician,
   Department of Gender

9. Mary Kimathi, (Mrs.)
   Programme Officer,
   Department of Gender

10. Susan Munguti, (Mrs.)
    Programme Officer,
    Department of Gender

11. Dr. Helton Gilo,
    Ministry of Health,
    Reproductive Health,
    Afya House,
    NAIROBI

12. Mr. Josiah Munyua,
IT Unit/CPU,
Ministry of Gender, Sports, Culture & Social Services,
NAIROBI

13. Mrs Christine Mutua,
Kilimani Police,
NAIROBI

14. Prof. S. Khasiani,
Consultant,
Millenium Development Goals No. 3,
P.O. Box 30913-00100,
NAIROBI

15. Ms. Mumbi Njau,
Consultant Lawyer
P.O. Box 12290 – 00100,
NAIROBI

16. James John Mageria,
Executive Chairperson
Nairobi Heart and General Hospital Ltd.
P.O. Box 74240-00200
NAIROBI

17. Dr. Leah Wanjama,
Kenyatta University
NAIROBI

19. Ms. Leah Kariuki (Mrs.),
Kenya Institute of Education
Box 30231, Nairobi,
NAIROBI

18. Marguerite Otieno (Mrs.),
Personal Secretary,
Department of Gender

20. And others not named