

REPUBLIC OF KENYA



THE PRESIDENCY
MINISTRY OF DEVOLUTION AND PLANNING

*Review of the implementation of the Beijing
Platform for Action*

Beijing +20: Kenya's Report

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List of Abbreviations and Acronyms

ACHPR	African Charter on Human and People’s Rights
ASAL	Arid and semi-arid lands
CAT	Convention against Torture

CDF	Constituency Development Fund
CEDAW	Convention on the Elimination of all forms of Discrimination against Women
CIC	Commission on the Implementation of the Constitution
CPPMU	Central Planning and Monitoring Unit
CRC	Convention on the Rights of the Child
CWES	Constituency Women’s Enterprise Fund
ECDE	Early Childhood Development on Education
FDSE	Free Day Secondary Education
FGM	Female Genital Mutilation
FIS	Financial Intermediaries Partners
FPE	Free Primary Education
GBV	Gender Based Violence
GDP	Gross Domestic Product
GER	Gross Enrolment Rate
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
IDP	Internally Displaced Person
KCPE	Kenya Certificate of Primary Education
KCSE	Kenya Certificate of Secondary Education
KDHS	Kenya Demographic and Health Survey
KEWOPA	Kenya Women Parliamentary Association
KNCHR	Kenya National Commission on Human Rights
LATF	Local Authority Transfer Fund
MCA	Member of County Assembly
MDG	Millennium Development Goals
MTP	Medium Term Plan
NaCAF	National Committee for the Abandonment of Female Genital Mutilation
NALEAP	National Legal Aid and Awareness Program
NGEC	National Gender and Equality Commission
PWD	Person’s with Disability
PMTCT	Prevention of Mother to Child Transmission
SACCOs	Savings and Credit Cooperative Society
SGBV	Sexual and Gender Based Violence
SMT	Science Maths and Technology
SOA	Sexual Offences Act
SOPs	Standard Operating Procedures
UNSCR	United Nations Security Council Resolutions
VAW	Violence against Women
WEF	Women Enterprise Fund

SECTION ONE

1 Achievements and challenges in promoting Gender Equality and Women’s Empowerment since 1995

1.1 Overview

Kenya has made tremendous progress in realizing gender equality since the adoption of the Beijing Declaration and Platform for Action in 1995. The Government of Kenya recognizes that the empowerment of women is critical in alleviating poverty, hunger, disease and stimulating development. The 20 years following the Beijing Platform have witnessed remarkable expansion of rights protection systems with specific advances related to many of the Platform's objectives. Notably the enactment of the Constitution of Kenya 2010 marked an important milestone for women's empowerment, Gender Equality and Human Rights in Kenya.

Gender Equality is one of the key principles upon which the Constitution is to be implemented, outlines gender equality as one of the key principles. Particular advances are noted in poverty reduction, education and women in decision making. These achievements are attributed to the strong commitment demonstrated by the highest level of leadership in the country. His Excellency the President of the Republic of Kenya has clearly stated that he will take charge of gender mainstreaming across all sectors by locating the national gender machinery within his office. Major achievements in the promotion of gender equality and the empowerment of women are highlighted as follows:

1.2 Establishment of socio-economic programmes

In an effort to **eradicate poverty and improve the economic status of women** the Government has put in place a number of measures aimed at empowering women and increasing their participation in the country's development in all sectors. With regard to women, poverty and the economy, significant strides have been made in improving the economic status of women. In particular the Government has established catalytic funds such as the **Women's Enterprise Fund, the Youth Enterprise Fund and the Uwezo Fund** among others, which have enabled women to access funds for starting or growing their business ventures without burdensome conditions. These initiatives are anchored in Vision 2030 which is the Government's development blue print that aims to transform Kenya into a newly industrializing middle income country providing a high quality of life to its citizens by 2030 in a clean and secure environment. The first and second Medium Term Plans for the years 2008-2012 and 2013-2017 respectively highlight gender mainstreaming and the empowerment of women as key priorities in order to ensure equality between men and women in access to economic, social and political opportunities.

1.3 Constitutional and legal frameworks for the protection and promotion of women's human rights

The Constitution of Kenya 2010 is the single most important step in entrenching gender equality in Kenya's political and economic agenda. The Constitution of Kenya 2010 which has been lauded as being one of the most progressive in the world **prohibits discrimination on the basis of among other things, sex, pregnancy and marital status**. The Constitution recognizes **economic and social rights including the right to property, housing, a clean environment, health and education** among others. The full implementation of the **affirmative action principle** in line with **Article 27 (8) of the Constitution** will go a long way in ensuring full realization of gender equality in Kenya. The Constitution also allows Kenyan women to confer citizenship upon their foreign husbands and children. Women can no longer lose their citizenship through marriage or upon dissolution of marriage.

Legislative and policy measures include the adoption of the **National Land Policy** which recognizes women's rights to own property and the enactment of the Gender laws which include the **Matrimonial Property Act, 2013 and the Marriage Act 2014**. In particular the Matrimonial Property Act, 2013 safeguards women's property rights during and upon dissolution of the marriage. **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. **The Kenya Citizenship and Migration Act, 2011** provides for dual citizenship (section 8) and for the first time, married women can confer citizenship to their foreign husbands (section 11).

In Education, there has been a steady increase in the enrolment of children in ECDE. In some instances for example 2006, 2007, and 2008, the number of girls enrolled in ECDE programmes surpassed that of boys. This shows that as a result of the Government's efforts to improve ECDE programmes, more girls are attaining early childhood education, unlike in the past. Similar increases have been recorded at primary school levels. It is noted that retention rate for girls dropped between 2007 and 2008. That could be attributed to the post-election violence which displaced many people, including school children from their homes and schools. However, equality in the rate of transition between girls and boys is yet to be attained. Analysis of secondary school enrolment by gender data indicates that girls join secondary school at increasingly large numbers. However, as they move up the academic ladder from Form 1 (9th Grade) to Form four (12th grade), their number reduces. This means that although many girls join high school, only a proportion of them manage to complete.

With Regards to women in power and decision-making, the number of women participating in elective politics has increased in every election but, this has not significantly increased the number of women getting elected to decision-making positions. For example in 1998 out of 222 members of Parliament only 4 women were elected while 5 were nominated. In the 2003 elections, 12 women were elected to Parliament while 6 were nominated. In the election held

in 2007, 18 women were elected to Parliament while 4 were nominated.¹ Following the 2013 elections **the number of women MPs increased to 86**; 16 elected from single member constituencies, 47 County representatives, 5 nominated members and 18 nominated senators. Although Kenya became a multiparty state in 1992 the marginal increase in the number of women in Parliament during the period shows that, the electoral system did not take into account the gender dimension and thus women's right to political participation was not realized in this period. However, as the numbers of women in Parliament increased gradually, female MPs began to sponsor key legislative and policy changes in favour of women, including the following;

- i. The Children Act, 2001: provides a framework for the protection of children harmful practices including female genital mutilation and early and forced marriage
- ii. The Sexual Offences Act, 2006: provides a comprehensive framework for the protection of women and girls from sexual violence. It incorporates a wide range of offences such as the rape of men, sexual harassment, gang rape, child sex tourism, and child pornography amongst others.
- iii. The Employment Act of 2007, which addresses key issues of gender equity including gender discriminative practices in the socio-economic sphere leading to an increase in maternity leave to three months and two weeks paternity leave for men.
- iv. The Counter Trafficking in Persons Act 2010: For the first time in Kenya, trafficking in persons is legally defined and recognized as a distinct crime with a 30 year jail term or fine of 30 million Kenyan Shillings (USD344,828)).
- v. The Prohibition of Female Genital Mutilation Act 2011: Prohibits the practice of female genital mutilation and safeguards against violation of a person's mental or physical integrity.
- vi. The passing into law of the Political Parties Act which address key issues of gender equitable representation and requires that one third of political parties' office bearers should be of opposite gender.
- vii. Also attributed to female MPs have been a notable paradigm shift in the gender responsive direction that Parliamentary debates have taken, some of which have resulted in gender sensitive policies that may advance the Gender Agenda. These include: the Sessional Paper No. 2 of 2006 on Gender Equality and Development, National Land Policy, National Reproductive and Health Policy, Gender Policy in Education of 2007 and the National Policy for the Abandonment of Female Genital Mutilation of 2008- 2012 and the tax waivers for Sanitary Towels and baby diapers;
- viii. Furthermore several individual women political leaders are cited as role models who have made significant contribution to women's advancement but are also recognized globally.

¹ Electoral Commission of Kenya, 2008

- ix. Under the old system before the passing of the Constitution of Kenya 2010, there were 3 women Ministers in 2003 out of a total of 22 Ministers. In 2008, there were 7 women Ministers out of a total of 44 Ministers. The number of permanent secretaries and ambassadors representing Kenya abroad increased from 3 and 7 to 6 and 11, respectively over the same period. The current Cabinet has 6 women Cabinet Secretaries out of 18.

With regards to **institutional mechanisms for the advancement of women**, the Ministry of Gender, Sports, Culture and Social Services was established in 2003. This marked the beginning of a focused consideration of the situation and status of women and their participation in various spheres of life on the country. Under the auspices of the Ministry of Gender, Sports, Culture and Social Services, the *Sessional Paper No. 5 of 2005 on Gender Equality and Development*, also known as the Gender Policy, was passed.

From 2007, the Ministry of Gender, Children and Social Development became the mechanism for the promotion and protection of children's rights, gender mainstreaming and the implementation of international agreements that address gender equality. The Ministry's Strategic Plan guided its prioritized work of mainstreaming gender into all development process, engendering the national budget, promoting generation of sex disaggregated data as well as guiding interventions, and enhancing collaboration and partnership with stakeholders for sustainable development. The Ministry has since been replaced by the Gender Directorate in the Ministry of Devolution and Planning under the Presidency in 2013. The mandate of the Directorate includes overall coordination of gender mainstreaming in national development, formulation, review and management of gender related policies, negotiations, domestication and reporting on gender related international and regional treaties and promotion of equitable socio-economic development between men and women.

Progress made through the former Ministry of Gender, Children and Social Development, and the National Gender and Development Commission as well as other institutions created under the ministry includes:

- i. Development of a National Plan of Action to Implement the Gender Policy (2008 – 2012);
- ii. Development of a National Plan of Action for the Abandonment of Female Genital Mutilation (2008-2012), which established a functional National Committee for the Abandonment of FGM/C (NaCAF) and Secretariat with strong support from civil society and development partners;
- iii. Formulation of the National Policy for the abandonment of FGM/C;
- iv. Initiatives to protect girls and women from abuses, such as female genital mutilation (FGM) and early marriage.

- v. Mainstreaming gender in government ministries through provision of gender indicators in all performance contracts signed by Cabinet Secretaries and heads of government parastatals.
- vi. Deployment of gender officers to all government ministries.
- vii. Formulation of a draft National Policy on Gender Based Violence Prevention and Response

The National Commission on Gender and Development was established in 2004 with core functions to: support gender mainstreaming in all government ministries, advise on the impact of all government policies on women, monitor the situation of women, help formulate policies and implement strategies to eliminate gender-based discrimination. Following the enactment of the Constitution in 2010 the **National Gender and Equality Commission (NGEC)** was established in 2011. This is an independent Constitutional Commission with full powers as conferred under Chapter 15 of the Constitution.

1.4 Human rights of women

Kenya has a good record as far as human rights treaty ratification is concerned. Kenya has ratified seven of the nine main global human rights instruments. Kenya ratified the 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), ratified on 24th August 1984; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), and the Convention on the Rights of the Child (CRC), ratified on 30th July 1990. (At the time Kenya ratified these conventions, the country was operating under the old constitution which made her a dualistic state. This means that whenever Kenya ratified an international law it did not become operational immediately but required enabling legislation to enable it to operate in the country²).

Within the Africa Region, 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 (in 2005) and thus accepted the jurisdiction of the African Court for Human Rights albeit without accepting its jurisdiction on individual complaints. 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).

²Third periodic report submitted by Kenya to the Human Rights Council, doc. CCPR/C/KEN/3, 13 February 2011 para. 24.

Challenges and Recommendations

Despite the above mentioned achievements, Gender Equality and Women's Empowerment are yet to fully translate into tangible benefits for the majority of women in Kenya, particularly those living in the rural areas.

- i. Poverty continues to limit women's participation in development. Initiatives such as the Women Enterprise Fund and Youth Enterprise Development Fund need to be scaled up to enable more women to access these catalytic funds.
- ii. Women's political participation is curtailed due to male dominance in political parties. Political parties should be encouraged to involve women in their decision making organs.
- iii. Another observable challenge is with regard to cultural attitudes and practices. There are concerted efforts by the Government and Civil Society Organizations to eliminate harmful traditional practices, these needs to be stepped up particularly at the county level.
- iv. There is limited involvement of men in the campaign against all forms of Gender Based Violence. This requires deliberate efforts to involve men in the fight against GBV by identifying change champions.
- v. The media continues to stereotype and objectify women. More Government interventions are needed to remove stereotypes against women in the media.
- vi. There is limited involvement of women in the development of policies and programs on environment and climate change. More needs to be done to involve women in policy making and environmental conservation in order to reduce the effects of human activity on climate change.
- vii. Limited access to sex disaggregated data to inform policy and decision making. There should be a deliberate policy to disaggregate all Government data by sex and age.
- viii. Although Kenya now prides itself as having one of the most progressive constitutions in the world, the challenge remains in ensuring that women's gains are implemented. Above all, the most pressing need and recommendation is to enact legislation envisaged by the Supreme Court's Advisory Opinion to give full effect and provide a mechanism for actualization of the two-thirds rule in elective bodies (Parliament). There is need to continuously and meticulously monitor compliance with the two-thirds gender rule of representation in elective and appointive positions. Other laws especially those relating to women's rights need to be enforced.

SECTION TWO

2 Progress in the implementation of the twelve critical areas of concern of the Beijing Platform for Action since 2009.

2.1 WOMEN, THE ECONOMY AND POVERTY

The Kenyan economy has been growing at an average of 3.8% per annum for the last decade. In 2013 the economy grew at 5%³. This fairly modest performance can be attributed to exogenous shocks such as the current global economic recession and oil price spikes as well as internal factors including the post- election violence of 2007/2008, unreliable rainfall patterns leading to reduced agricultural productivity, weak economic fundamentals and limited natural resources⁴. Recent challenges such as the on-going threats of terrorism and the cost of implementing the new constitution also add to an already precarious situation. However, in line with Vision 2030

³ Retrieved from Kenya National Bureau of Statistics, Facts and Figures 2013

⁴ Kenya Economic Update Edition No. 8 2013, Time to Shift Gears; accelerating growth and poverty reduction in the new Kenya. World Bank

the government is steadily working towards the achievement of middle income economic status by 2030.

In both rural and urban areas, absolute poverty is higher among women than men at 50% and 46.2% respectively thus poverty in Kenya continues to wear a female face. The reasons for this include socio-cultural barriers, patriarchal land inheritance systems, low literacy levels among women, the care burden on women and harmful traditional practices. Female-headed households are poorer than those headed by their male counterparts and men have higher employment and business opportunities than women.

There is an increasing recognition of the significant role that women play in the economy and the Government is taking deliberate steps to ensure women’s effective participation in the country’s economy.

INDUSTRY	2009		2011		2012*	
	Male	Female	male	Female	male	Female
Agriculture and Forestry ..	263.9	79.9	265.8	80.1	232.9	116
Mining and Quarrying ..	5.1	3.5	5.2	3.6	7.9	1.2
Manufacturing	229.2	41.1	230.8	44.9	212.3	65.6
Electricity and Water ..	16.9	3.4	17.1	3.6	16.2	5.5
Building and Construction	92.5	8.7	93.2	15.8	102.6	15.2
Trade, Restaurants and Hotels	166.3	60.5	167.4	71.2	192	58.4
Transport and Communications	119.6	31.8	120.5	36.9	125.2	37.6
Finance, Insurance, Real Estate and Business Services ..	74.6	26.4	75.1	32.2	79.5	22.9
Community, Social and Personal	500.0	335.7	503.5	360.8	489.0	351.9
TOTAL	1430	607.9	1468.1	591	1457.6	674.3

Figure 1: Wage Employment (KNBS)

Measures taken by the Government

Strategic Objective 1: Review, adopt and maintain macro-economic policies and development strategies that address the needs and efforts of women in poverty

Kenya’s development blueprint Vision 2030 and the Mid Term Plan prioritizes Gender Equality and Women’s Empowerment. In this regard the Government has put in place the following measures;

- i. The Women Enterprise Fund (WEF) established in 2007 is 100% Government funded. The Fund which is a flagship project under Kenya's Vision 2030 provides a holistic integrated approach to addressing the challenges women face in starting or expanding their enterprises especially with regard to lack of capital, low financial literacy, accessibility to markets, decent work spaces and linkages with big enterprises. The Fund has also enabled several beneficiaries to access micro-finance credit and other financial services. The Fund demonstrates Kenya Government's commitment to the realization of the 3rd MDG by allocating specific resources targeted at reducing gender and socio-economic imbalances and promoting gender equality and women's empowerment. The Government of Kenya through the Treasury has to date allocated Kshs 4.5 billion (USD 50.6 Million). These funds have benefitted 864,920 women who have borrowed over Kshs. 4.5 billion (USD 50.6 Million) whilst over 404,800 have been trained on business management skills, sensitization and registration of 52 Savings and Credit Co-operatives (SACCOs), use of mobile phone loan repayment, partnership with private-public non state actors. The loan repayments have been impressive at 89% group loan and 99.8% through financial intermediaries. The Fund has been successful in promoting women empowerment and gender equality by reducing barriers and impediments that hinder access to financial services. It has enhanced women's capabilities through financial literacy as well as ensuring active participation of women in socio-economic development of the country and positive growth among women owned enterprises. The Women Enterprise Fund as a model of moving women from poverty to gainful economic activities has been recipient of the 2011 MDG Award by the MDGs Trust Fund. The Women Enterprise Fund has been devolved to all the 290 constituencies and there is an officer in each of the constituencies.

- ii. The UWEZO (Ability) Fund which was established in 2014 is another milestone by Government aimed at empowering youth and women and persons with disabilities by providing interest-free loans as start-up capital for small and micro business of varying amounts not exceeding Kshs. 500,000 (USD 5682). The fund will enable the beneficiaries to take advantage of the 30% government procurement preference for youth, women and persons with disability. Kshs 500 Million (USD 5.682) is used for capacity building of groups to equip recipients with skills and market linkages necessary to manage group enterprises. The fund adopts a hybrid concept of the table banking and revolving funds, designed to ensure that women, youth and persons with disabilities are able to employ available resources for credit, while similarly promoting and sustaining a savings culture. Total funds set aside for this is Kshs 6 billion (USD 68.18 million). The National Assembly approved a House Committee's amendments to the Uwezo Fund Regulations which will see the Sh. 6 billion funds turned into a revolving fund.

- iii. The Youth Enterprise Development Fund (YEDF) is a Government initiative that seeks to ensure access to credit facilities by young women and men in Kenya to enable them establish businesses and earn income to improve their lives. The Fund was established in 2006 with the aim of reducing unemployment among the youth (both women and men) who account for 61% of the unemployed in Kenya. The Fund's strategic focus is on enterprise development as a key strategy for increasing economic opportunities for and participation by the youth in nation building. The Fund has so far been advanced to more young women than men.
- iv. In addition to this, the Social Protection Fund which facilitates access credit and cash transfer on flexible terms has also been put in place. The Fund was established in a bid to attain a meaningful and better quality of life of poor and vulnerable individuals by transferring a monthly stipend to the poor and vulnerable households with older citizens of 65 years and above. Other Social Protection interventions include Orphans and Vulnerable Children cash transfers and to residents of urban informal settlements. Devolved funds have been instituted to ensure equal distribution of national resources.
- v. The Government has also introduced the 30% affirmative action policy for women, youth and persons with disabilities in public procurement. Under this provision, women, youth and persons with disability are given preference for 30% of public procurement tenders thus accelerating achievement of MDG 3 by facilitating ease in accessing previously male monopolized economic activity space. There is currently a Bill before Parliament which seeks to entrench this practice into law. Once it is enacted into law it will be implemented at the national and devolved level.

Strategic Objective 2: Revise laws and administrative practices in order to ensure women's equal rights and access to economic resources

- i. Under the Constitution of Kenya 2010 the Government is implementing the affirmative action principle in employment in the Public Sector- where not more than 2/3 of appointive positions should be of the same gender⁵. This has resulted in more women occupying management positions as demonstrated in the section on Women in Power and Decision Making.
- ii. At the policy level, the Government enacted the Employment Act 2007 which prohibits termination of employment on basis of pregnancy, extends maternity leave from 2 to 3 months with full pay (exclusive of annual and sick leave), outlaws discrimination on basis

⁵Article 27 (8) Of the Constitution

of training, promotion, terms and conditions of employment, provides for equal pay for work of equal value, prohibits sexual harassment and provides for 2 weeks paternity leave.

- iii. Adoption of the National Land Policy which recognizes the role of women in land matters. It proposes review of succession, matrimonial property and other related laws to ensure gender equity and the enactment of specific legislation governing division of matrimonial property to replace the English Married Women's Property Act of 1882. It provides for the protection of the rights of widows, widowers and divorcees through enactment of law on co-ownership of matrimonial property. The National Land Policy requires appropriate legal measures to ensure that men and women are entitled to equal rights to land and land-based resources during marriage, upon dissolution of marriage, and after death, and development of mechanisms to curb selling and mortgaging of family land without the involvement of spouses.
- iv. Access to Government Procurement Opportunities (AGPO) -The Government has prioritized Access to Government Procurement Opportunities (AGPO) for women youth and persons with disability. In this regard, the Government has drafted the Access to Government Procurement Opportunities (AGPO) Bill that is before Parliament.

Strategic Objective 3: Provide business services, training and access to markets

- i. Establishment of "Huduma" (service) centers to bring essential services closer to the people. The Government has set up service centers that bring together a multiplicity of services offered by different government departments under one roof. This enables women to register their businesses and obtain their licenses in a timely manner.
- ii. Reduction of tax on fertilizers and other agricultural inputs. This has great benefit for poor women who form the majority of those involved in food production.
- iii. Expansion of ICT services- Fiber Optic Cables and increased use of social media leading to increased connectivity and access to information. This means that women can take advantage of the information available on the internet to start or expand their businesses. This is particularly useful for young unemployed graduates who have been able to tap into the wealth of information on the internet and link up with international markets. Internet connectivity is now available in all major counties at affordable rates.
- iv. The Government in partnership with the private sector conducts training on entrepreneurship, book keeping and basic business administration to enable those who qualify for the different catalytic funds to set up or improve their businesses.
- v. Government investment in the infrastructure, not just for major highways but for roads in the Counties has eased transportation of goods to markets especially in the rural areas.

Challenges

- i. Women are under-represented in critical employment sectors. This can be attributed to factors that curtail women’s mobility in the labor market, particularly where domestic responsibilities cannot be easily combined with specific economic activity. There is continued dialogue amongst Government and civil society in finding creative ways that infuse “work-family” balance into the public service culture and practice as well as advanced discourse to explore ways of computing women’s contribution to the care economy.
- ii. Men form 70% of formal employment while women only occupy 30% of the employment positions. The unemployment situation therefore takes a gender and age dimension.
- iii. Poverty among women- Poverty is another factor that hinders women from equal participation in economic development and employment.
- iv. Unpaid and unrecognized work of women – women constitute majority of the labor force in family and commercial farms in Kenya. For example, women continue to mitigate and respond to disease challenges at the community level by providing community and home-based care. However these contributions have continued to go unrecognized due to the manner in which GDP is calculated.
- v. Under-representation of Women in Devolved Funds Committees- There is insufficient representation of women in management committees of devolved funds whose main objective is poverty eradication such as in the Constituency Development Fund (CDF) Fund and LATF (Local Authority Transfer Fund).

2.2 EDUCATION AND TRAINING OF WOMEN

The Government of Kenya has implemented a number of measures aimed at ensuring equal access to education between women, boys and girls in this reporting period.

Strategic objective 1: Ensure equal access to education

Kenya has a policy and legal framework for advancement of equality between men women, girls and boys in education at all levels.

Legislative development: The right to education without discrimination is enshrined in the Constitution of Kenya 2010. In addition, Kenya’s **Education Act 2010**, further articulates the right to education for all Kenyans and sets a broad framework for the attainment of the right to education. The Act addresses obstacles to education. The right to education is also articulated in Children’s Act, as well as several other Acts of parliament.

Policy Development- Kenya has a comprehensive national policy on education with the overall goal of *achieving education for all by the year 2015*. **The Education Policy 2007** articulates the

government's commitment to ensuring the same conditions for access to studies and the same conditions for achievement of diplomas in educational establishments. The policy aims at providing **every Kenyan, without any discrimination**, with basic quality education and training which includes 2 years of pre-primary, 8 years of primary and 4 years of secondary/technical education. The policy aims at realization of universal access to basic education and training to ensure equitable access to education and training for all children, noting the importance of education in the lives of boys and girls as well as men and women. The policy also seeks to ensure that education and training embrace equity issues, such as equal opportunity for all in access, retention, transition and completion,ⁱ and to eliminate gender and regional disparities at all levels of education by 2015.ⁱⁱ

Affirmative Action in Education: in order to meet policy objectives, especially those related to equity and equality in education, the government supports affirmative action in provision of education at all levels. This comprises: providing support to poor and disadvantaged students through secondary school bursaries, providing support to targeted boarding schools in arid and semi-arid areas and other deserving areas, especially for girls, **ensuring the re-entry of girls who drop out of school** due to pregnancy and early/forced marriages as well as sensitizing stakeholders and communities to discard socio-cultural practices that prohibit effective participation of girls and boys in secondary school education and enforce legislation against the violation of children's rights.

The government has set aside funds to provide **sanitary towels** for girls in poor and marginalized areas as the lack of sanitary towels among poor girl was identified as one of the obstacles to girl child education since such girls would be forced to stay away from school during their monthly periods.

Strategic Objective 2: Eradicate Illiteracy among women

Gender Policy in Education: As mentioned above, the Ministry of Education Science and Technology developed a Gender Policy in Education that addresses central issues related to gender and education. The policy aims at ensuring that girls and boys, men and women participate equally in the learning and management of education at all levels.

Many positive measures have been put in place by the government to enhance women's access to education. These include: **free primary education in 2003 and, from 2008, subsidized secondary school education.** These positive measures have led to: increased enrolment of girls in pre-school programmes, increased enrolment of girls in primary schools, increased primary school completion rate, increased school retention rate, increased rate of transition of girls from primary to secondary schools and from secondary schools to colleges and universities and increased entry of girls into employment.

Primary school Gross Enrolment Rate (GER) and Net Enrolment Rate (NER), 2009-2013 grew steadily. For example in the Kenya Certificate of Primary Education (KCPE) examinations, the number of candidates grew by 3.4 per cent from 811,930 in 2012 to 839,759 in 2013. The number of female candidates rose by 4.3 per cent from 396,310 in 2012 to 413,390 in 2013 compared to an increase of 2.6 per cent for the male candidates. This shows that as a result of implementation of Education Act and Education policy, the education sector in Kenya has seen an increase in the rate of transition of girls from primary schools to secondary schools.

Primary Teachers: There was an increase of 4.9 per cent in the total number of teachers in public primary schools from **191,034 in 2012 to 199,686 in 2013.** The increase can be attributed to recruitment of teachers in the year 2012/2013. The upgrading of teachers who had completed degree and diploma courses resulted in a significant **increase in the number of graduate teachers from 6,865 in 2012 to 19,273 in 2013 with the number of female graduate teachers overtaking their male graduate teachers.**⁶

There has been progress in access to high schools—More girls are now able to access higher education. Secondary school Gross Enrolment Rate (GER) has been on an upward trend since 2009. The GER increased from 49.3 per cent in 2012 to 56.2 per cent in 2013 and the Net Enrolment Rate (NER) for secondary schools increased by 6.4 percentage units to stand at 39.5 per cent in 2013. Expansion of NER in secondary schools may be attributed to the Free Day Secondary Education (FDSE) in addition to increase in the number of schools as well as to efforts to remove obstacles, such as early and unwanted pregnancies and return to school programmes for girls who conceive while in school.⁷

Progress in Completion of Secondary School by girls: Increase has been attained in the number of girls enrolled in secondary school and in their secondary school completion rate. In the Kenya Certificate of Secondary Education (KCSE) for example, the number of KCSE candidates increased by 3.0 per cent from 432,443 in 2012 to 445,520 in 2013. **The number of female candidates grew by 4.6 per cent to 202,539 in 2013 compared to an increase of 1.7 per cent for the number of male candidates.** However, the total number of girls is still lower. In addition; there are still a considerable number of girls who drop out, which means that obstacles to girls' education have not been totally eliminated.

⁶Economic Survey 2014, Kenya National Bureau of Statistics

⁷Economic Survey 2014, Kenya National Bureau of Statistics

STUDENT ENROLMENT BY TYPE OF EDUCATIONAL AND TRAINING INSTITUTION AND SEX, 2009 - 2012

	2009		2010		2011		2012	
	Boys	Girls	Boys	Girls	Boys	Girls	Boys	Girls
Enrolment in Primary School '000	4,509.4	4,322.0	4,751.9	4,629.3	4,977.7	4,880.2	5,014.1	4,956.8
Enrolment in Secondary School "	787.9	684.7	885.5	767.8	948.7	819.0	1,019.0	895.8
Enrolment in Universities ¹ "	110.3	67.4	107.7	69.9	117.7	80.6	135.4	105.1
Enrolment in Other Institutions ² "	55.1	52.2	56.4	54.7	68.5	65.3	92.5	66.0

1 Includes students in National Universities and Private accredited Universities

2 Includes students in Teacher Training Colleges, Polytechnics, Technical Schools & Institutions of Science & Technology

Figure 2: Student Enrolment (KNBS)

Secondary School Teachers: The number of secondary school teachers for the period 2009 to 2013 also increased. The total number of public secondary school teachers increased by 1.8 per cent from 64,338 in 2012 to 65,494 in 2013. This was mainly due to the replacement of teachers who had exited. Female graduate teachers increased by 3.3 per cent from 19,731 in 2012 to 20,378 in 2013 compared to an increase of 1.0 per cent for the number of male graduate teachers. The number of trained secondary school teachers increased by 1.9 per cent while that of untrained secondary school teachers declined by 31.4 per cent from 229 in 2012 to 157 in 2013.⁸

University Education: The overall university student enrolment increased by 34.9 per cent from 240,551 in 2012/13 to 324,560 in 2013/14. The increase is attributable to higher enrolment levels in the public universities following the introduction of new courses in addition to upgrading of university colleges. **Women student enrolment rose by 25.0 per cent to 131,375 in 2013/14 while male student enrolment increased by 42.6 per cent from 135,436 in 2012/13 to 193,185 in 2013/14.** During the same period, enrolment at public universities increased by 41.3 per cent from 195,528 in 2012/13 to 276,349 in 2013/14. Enrolment in private universities increased by 7.1 per cent from 45,023 in 2012/13 to 48,211 in 2013/14. The above data shows that the number of women enrolled in public and private universities has shown slight increases but parity in university education between men and women is yet to be attained at all levels in Kenya.

Some colleges and universities, like Kenyatta University have established day care services for students who give birth while in university. This allows the student to continue with their education instead of the student taking study leave to deliver and take care of their babies. Other colleges and universities are encouraged to establish these facilities.

⁸Economic Survey 2014, Kenya National Bureau of Statistics

Strategic objective 3: Improve women's access to vocational training, science and technology, and continuing education

The Government of Kenya has taken several steps mentioned below to ensure that gender parity is improved by: **providing opportunities for girls to enhance knowledge and skills in Information and Communication Technology (ICT) by equipping schools with computers;** Capacity building of Science, Mathematics and Technology (SMT) teachers in subject content knowledge and use of gender-responsive pedagogy; sensitizing girls and boys, parents, communities, teachers, PTAs, SMCs, BOGs and educational managers, so as to change beliefs and attitudes about females' ability in Science, Mathematics and Technology (SMT); engendering the curriculum and increasing access to gender-responsive Science, Mathematics and Technology (SMT) facilities, equipment and text books, especially for girls; implementing affirmative action for qualified females in admissions to Science, Mathematics and Technology (SMT), Technical, Industrial, Vocational and Entrepreneurship Training (TIVET) and university programmes by instituting gender-responsive, subsidized bridging courses/pre-tertiary SMT programmes to enable girls and women meet admission requirements, and provide scholarships and bursaries for needy students, particularly girls pursuing SMT-based programmes; building girls' confidence in Science, Mathematics and Technology (SMT) through implementation of programmes, such as mentorship, role modelling, science camps / clinics and career guidance; mobilizing resources for SMT programmes and research with special focus on women and girls issues in SMT; and lobbying for increased recognition and reward of women scientists and technologists by society and the labour market; institutionalizing gender-responsive monitoring, evaluation and accountability mechanisms for SMT programmes improvement, progress and impact assessment.

Strategic objective 4: Develop non-discriminatory education and training

Access to the same curricula: *The Ministry of Education has developed a Career Guide Book 2007 for schools as basic instructional material on careers, career choices and career requirements for all male and female students including children with special needs. The Career Guide Book presents a list of careers that guides selection and requirements for further training. It indicates, for example, the required combination of subjects for a particular career and leaves it up to both male and female candidates to work towards attaining the requirements for careers of their choices.*

Strategic objective 5: Allocate sufficient resources for and monitor the implementation of educational reforms

Sustained allocation of resources to the education sector: The Government has sustained allocation of resources to the education sector, to ensure that education and training embrace equity issues, such as equal opportunity for all in access, retention, transition and completion,ⁱⁱⁱ and to eliminate gender and regional disparities at all levels of education by 2015. In the 2014 budget, the Education Ministry has been allocated 27.3% of the National Budget which is the largest sector budget.

Development of an Education Sector Support Programme, 2010-2015 after successfully implementing the 2005 – 2010 programmes. The government has developed an education sector support programme to provide a comprehensive framework for implementation of programmes and activities in order to meet Education Policy goals and objectives. Some of the measures in the Education Policy that have led to success in the education sector include:

- i. Expanding education opportunities in Arid and Semi-Arid Lands and, establishment of low cost boarding schools has enabled more children from pastoralist communities to attend school.
- ii. Schools infrastructure improvement programmes including constructing more classrooms and dormitories.
- iii. School instructional materials have been engendered to remove stereotypes that depict women as only capable of taking up careers like nursing while men take up engineering and medical courses.
- iv. Provision of free education capitation grants to non-formal education schools. Due to demand for education after the introduction of FPE, many schools owed privately emerged in the informal settlements and absorbed children who would otherwise have missed education.
- v. School health, nutrition and feeding programmes. This has served as an incentive for children from very poor families to attend school.
- vi. Provision of Constituency Bursaries to the needy has enabled a smooth transition to secondary school and tertiary institutions for children from poor families.
- vii. Establishment of Education Management Information System (EMIS) for data collection to inform decision making.
- viii. Provision of grants for laboratory equipment. More girls are now able to learn Science and technical subjects as all schools can now be able to equip their laboratories. Previously most girls schools did not have well-equipped laboratories.
- ix. The Government sanitary towels programme. This programme was initiated in 2011 to benefit disadvantaged primary and secondary school girls in ASAL, slum and belts of poverty regions across the country.
- x. Child friendly schools initiative like clubs and extra curricula activities motivate girls to perform better and assist in identifying talented children.

- xi. With regard to Special Education, the government has set up a grant for purchase of learning materials for children with special needs. As a result, assessment of children with special needs has improved. Schools are now encouraged to provide an inclusive setting for children with special needs. There is an increase in the training of teachers in these areas to cater for children with special needs in hearing, visual, mental or physical challenges.

Strategic objective 6: Promote lifelong education and training for girls and women

Lifelong education and training: There has been progress on women’s access to lifelong education outside of primary, secondary and tertiary education. There are diverse non formal education and training opportunities available to women, but both the offer and the need for such courses are insufficiently documented to draw conclusions on progress. Both formal and non-formal education programmes are provided by both governmental and non-governmental institutions which offer a variety of courses including courses on literacy, life skills or rural development.

Challenges

- i. The information above shows that there are more girls joining schools at the primary level, but at transition to high school and beyond, the number considerably reduces. This is due to a number of obstacles including early pregnancies leading to school dropout, and forced early marriages.
- ii. Harmful cultural practices that affect girls disproportionately such as early and forced marriages, Female Genital Mutilation, Gender Based Violence and negative cultural stereotypes. In some areas, child labour is a challenge mainly in agricultural areas where children are withdrawn from schools to pick tea, coffee and even khat (miraa), fishing zones, as well as tourist zones along the coastal region of the country which keeps children away from schools. .
- iii. With regard to teacher training, there are increasing numbers of women joining the teaching profession at the primary school level. However, there are a lower numbers of women joining secondary school teacher colleges and universities.

2.3 WOMEN AND HEALTH

The health sector in Kenya is guided both by the Constitution of Kenya 2010 and Vision 2030 by implementing a human rights based approach to health and maximizing the health contribution

to the country's development. The Kenya Health Policy 2012-2030 aims at attaining the highest standard of health in a manner responsive to population needs through supporting the provision of equitable, affordable and quality healthcare at the highest attainable standard to all Kenyans.⁹

Despite the advances made by Kenya in overcoming some development challenges, maternal and child health in Kenya remains a challenge. According to the KDHS 2008/09, Kenya's **maternal mortality rate is currently 488 out of 100,000 live births**. There are regional variations in the maternal mortality rate. Statistics indicate that 43.8% of births in Kenya were attended by skilled personnel in 2011¹⁰.

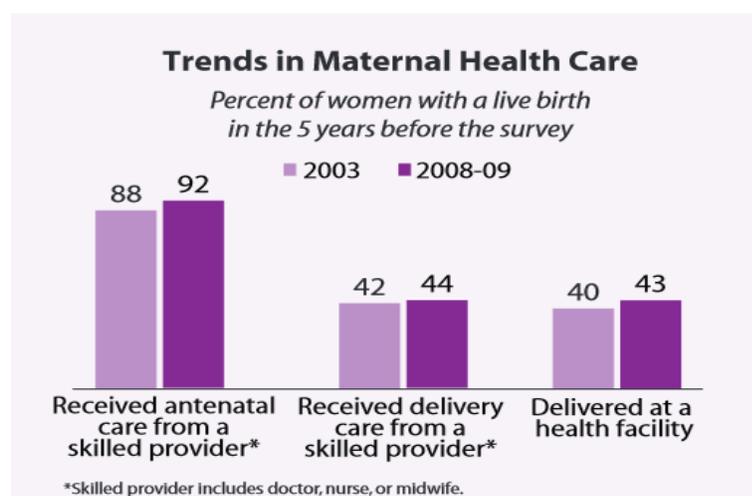


Figure 3: Trends in Maternal Health Care, KDHS

According to the KDHS 2009 the contraceptive prevalence rate is 46% against the MDG target of 56% in 2015. The unmet need for family planning exists in roughly a quarter of all married women. HIV/AIDS still poses one of the greatest challenges in Kenya. HIV prevalence is largely highest among women at 8% as compared to that of men at 4.3%. Other key affected groups include sex workers, injecting drug users and MSM.

The 2008/09 KDHS indicates significant improvement in HIV prevention. About 40% of males and 57% of females had been tested. In 2009 72% of pregnant HIV infected women received ARVs to reduce the risk of mother to child transmission while 45% of infants born to HIV infected mothers receive ARV therapy.

Government Initiatives

⁹ Kenya Health Sector Strategic and Investment Plan 2013-2017

¹⁰ ibid

The Government has put in place a number of policies and strategies to address the women and health issues:

Strategic Objective 1: Increase women's access through the life cycle to appropriate affordable and quality healthcare, information and related services

Policy measures

- i. The development of the Kenya Health Policy 2012-2030 which identifies maternal health as one of the key challenges.
- ii. The Kenya Essential Package for Health has been updated to include health education on GBV.
- iii. Training and follow-up of health care workers including community midwives in skilled care during pregnancy, child birth and thereafter launch of the maternal and neo-natal health roadmap on maternal health in 2010. This has triggered sustained responses to wards assuring reproductive health commodity security.
- iv. Kenya has adopted the African Union campaign on Accelerated Reduction of Maternal Mortality.
- v. Alignment of various policy documents including the National Reproductive Health Strategy 2009-2015, and the national family planning guidelines.
- vi. The second MTP places more emphasis on primary healthcare, access to clean water and better management of communicable diseases.
- vii. The operationalization of the devolved government enables constant interventions to specifically target the drivers of maternal health at the county level.
- viii. Developed a Family Planning Costed Implementation Plan so as to be able to budget effectively for Family Planning services
- ix. Developed a Community Health Workers Training package. These health workers play a key role in conducting awareness on health issues in rural areas.
- x. National Reproductive Health and HIV integrated Strategic Plan.
- xi. Creation of the Anti-FGM Board to conduct awareness, coordinate FGM activities and advise the Government on matters relating to FGM.
- xii. The Plan of Action for Kenya's Adolescent Reproductive Health and Development Policy 2005-2015 recognizes that information and sex education is important for adolescents and they need accurate appropriate information to make informed choices, enjoy healthy and positive lifestyles and avoid undesired consequences like unwanted pregnancy and STIs. The availability of youth friendly services has made this possible.

Strategic Objective 2: Strengthened preventive programmes that promote women's health

The Government has put in place the following preventive measures to promote women's health;

- i. Developed the Cervical Cancer Control Strategic Plan.
- ii. Developed the National Guidelines for prevention and management of cervical and breast cancer.
- iii. Undertaken Pilot provision of HPV to ten year old girls.
- iv. Conducted mass immunization against tetanus in women of reproductive age 15 – 49 yrs in high endemic regions.
- v. Introduced Output Based Approach which is a voucher system for the poor to access quality services in some health facilities, including free maternity services.
- vi. Developed National Guidelines for the Management of SGBV.
- vii. Formulated the Sessional Paper No.3 of 2012, on Population Policy for National Development which is a rights based policy designed to guide service delivery, accessibility, affordability and quality of care.
- viii. Introduced free maternal healthcare services which has resulted in an increase in deliveries in hospitals since 2013.
- ix. Kenya's First Lady has spearheaded a campaign dubbed Beyond Zero campaign against HIV and promotion of maternal and new born healthcare.
- x. Introduction of comprehensive PMTCT targeting mothers and their spouses by providing voluntary counselling and testing. This has resulted in an increase of women tested for HIV/AIDS from 50.4% to 78%.

Civil Society Organizations Initiatives

Civil Society Organizations have complemented the work of Government through the following;

- i. Specialized hospitals e.g. Nairobi Women's Hospital which has a Gender Violence Recovery Centre and screens women for cervical cancer and breast cancer.
- ii. Promotion of water and sanitation programs in rural areas has helped reduce waterborne diseases.
- iii. Awareness creation on HIV/AIDS in schools and women's groups.

Challenges

- i. Devolving health services to the County level has faced teething problems which the Government is addressing.
- ii. Inadequate healthcare personnel, equipment and medical supplies. The current Doctor to patient ratio is 1:500 : the Government is addressing this through various programmes

- iii. Inequality in health seeking behavior of men and women (men are left out in reproductive health interventions).

2.4 WOMEN IN POWER AND DECISION-MAKING

Strategic objective 1: Take measures to ensure women's equal access to and full participation in power structures and decision-making

Constitution and Legislative development: There has been remarkable positive constitutional development. The Constitution of Kenya 2010 is explicit in its provision that **“not more than two-thirds of the members of elective public bodies shall be of the same gender”** and elevate women’s representation in the National Assembly and County Assemblies. Articles 27 (3), (4), (6) and (8) as read together with Article 81(b), 96, 97, 98, 177(1) (b), 116 and Article 125 provide *inter alia* that not more than two thirds of the membership of any elective or appointive bodies shall be of the same gender- which include the National Assembly, Senate and the County Assemblies. In addition, the Constitution guarantees the recruitment and appointment of women to the highest echelons of public service by outlawing the occupancy of office in any public organization by more than two-thirds of either gender (Government of Kenya, 2010). Further, the Constitution promotes non-discrimination on the basis of gender as a critical step in eliminating gender prejudice and male hegemony.

The Constitution provides that the Senate consists of 47 members each elected by the registered voters of the counties; 16 women members nominated by political parties according to their proportion of members of the Senate; 2 members of the youth, 1 man and 1 woman as well as 2 persons with disabilities, 1 man and 1 woman. In addition the Constitution provides that 12 members (men and women) nominated by parliamentary political parties according to their proportion of members of the National Assembly to represent special interests including the youth, persons with disabilities and workers. This provision of the Constitution has been implemented and has seen an increase in the number of Women in Parliament.

Under the Constitution of Kenya 2010, Kenya combines the plurality system in which electors vote for one candidate in single-member constituencies, and the candidate who wins the most votes is elected, with a party-list system, in which political parties submit a list with names to be picked in proportion to the number of seats won by the party. With regard to the Senate, the party list system is designed to increase the number of women in the senate by 18 so as to be more gender representative and inclusive.

Although the Constitution was passed in August 2010, at the end of 2012, just before the elections of March 2013, the Attorney General filed a constitutional Reference¹¹ in which he sought the Supreme Court’s advisory opinion on whether the “not more than two- third gender principle” was applicable to the National Assembly and the Senate in the March 4th general elections. **The Supreme Court ruled that it would be impractical to implement the Constitutional principle of “not more than two-thirds gender proportions rule as stipulated in the constitution under article 81 (b) as Parliament and various political entities had not prepared themselves adequately.** The Chief Justice however gave a dissenting opinion stating that the rule was for immediate application. In the dissenting opinion, the Chief Justice stated that equality envisaged by the Constitution is “substantive, and involves undertaking certain measures, including affirmative action, to reverse negative positions that have been taken by society. He observed that where such negative exclusions pertain to political and civil rights, the measures undertaken are immediate and not progressive”.¹²

In order to implement the Supreme Court ruling, a **Working Group** consisting of the National Gender and Equality Commission, the Gender Directorate in the Ministry of Devolution and Planning, Attorney General’s Office, Commission on the Implementation of the Constitution (CIC), FIDA Kenya among others has been established. The Working Group is in the process of **developing a framework for the implementation of the 2/3 constitutional provision.** It is anticipated that the affirmative action law will be in place by August 2015.

The presence of increased numbers of women in parliament has seen several key legislative changes made in favour of women. These include:

- i. Counter-Trafficking in Persons Act, 2010 - This Act prevents, suppresses and punishes trafficking in persons, especially women and children, and provides for various offences aimed at eliminating sexual exploitation.
- ii. Prohibition of Female Genital Mutilation Act, 2011 -The Act makes it illegal to practice female circumcision, procure the services of a circumciser, or send somebody out of the country to undergo female genital mutilation. The Act provides for the constitution of an Anti-FGM Board, which is now in place to coordinate implementation activities to accelerate abandonment of FGM
- iii. The Breast Milk Substitutes (Regulation and Control) Act 2012
- iv. Treaty Making and Ratification Act 2012
- v. The Marriage Act 2014
- vi. The Matrimonial Property Act 2013

¹¹The Supreme Court of Kenya at Nairobi *Advisory Opinion No. 2 of 2012* [2012] eKLR; In The Matter of an Application for Advisory Opinion under [*Several Articles*] of the Constitution of Kenya and in the Matter of the Principle of Gender Representation in the National Assembly and the Senate.

¹²*Advisory Opinion No. 2 of 2012* [2012] eKLR Para 11.7

- vii. In addition there has been increased focus on gender issues in the Parliament including Gender Responsive Budgeting.

Strategic objective 2: Increase women's capacity to participate in decision-making and leadership

The Political Parties Act 2011 was legislated after the passing of the Constitution of Kenya 2010. It provides a legal framework for participation of men and women in formation and management of political parties and in participation in all voting conducted at party levels regardless of sex. It also provides that every political party shall among other requirements “respect and promote human rights and fundamental freedoms, and gender equality and equity”.¹³ It is noteworthy that although political parties are required to respect and promote gender equality and equity, there is no penalty for non-compliance with this provision of the law. Political parties have generally failed to ensure women’s equal participation. This was particularly evident in the March 2013 General Elections. Although the Elections Act 2010 went through several amendments just before the March 2013 elections, none of the amendments sought to deal with the potential crisis of failing to meet the Constitutional gender threshold.

Progress in nomination and election of women to political offices: The period witnessed *increased election and nomination of women to political offices, on average women hold only 38% of national political party positions*¹⁴. The Constitution of Kenya guarantees the right of every person in Kenya to be elected to political office and to participate in decision-making, subject to set qualifications, such as age and education, which apply to both men and women. On this basis, women have been encouraged to participate in the political life of the country and there has been an appreciable increase in the number of women contesting National and County elections. This has resulted in an increased number of elected and nominated women parliamentarians. Four out of twelve nominated members of Parliament are women.

Progress in women’s participation in Parliament: In Kenya’s first elections under the new Constitution, more women entered the National Assembly. However, in the 290 single member constituencies where women and men competed for the same seats, only 16 women were elected to the National Assembly. On the other hand, 47 women were elected to the National Assembly from the forty-seven counties constituting “women only” constituency. With regard to the Senate, no woman was elected directly from any of the 47 Counties, in open competition although several women contested for the positions. However 18 women entered the Senate through proportional representation by way of women only party lists.

¹³ The Constitution of Kenya 2010 Article 91(1) (f); Political Parties Act

¹⁴ FIDA Report, Women’s Participation in Political Parties in Kenya

Progress in women's participation at the County Assemblies: Similar increases have been witnessed in women's participation at the County levels, whose elections are usually held at the same time as parliamentary and presidential elections. Women elected to the County Assemblies constituted 6.1 percent. In the County assemblies, out of the 1,450 county assembly members, 736 are women. This means the affirmative action principle has been fully realized at the County level, due to clear provisions in the Constitution on how to achieve this, unlike the case of the National Assembly and the Senate, where the Constitution is not as explicit.

Progress in women's participation at the Cabinet: There has been marked progress in the representation of women in key Cabinet positions -The number of women Cabinet Secretaries in Kenya's Cabinet has increased. **Women Cabinet Secretaries and Principal Secretaries constituted 33.3 per cent and 26.9 per cent respectively.** Women hold the positions of Cabinet Secretaries for Devolution and Planning, Defence, Land and Urban Development, Environment and Natural Resources, Foreign Affairs and International Trade, East African Community as well as Trade and Tourism.

Progress In women's participation at the Judiciary: The Deputy Chief Justice and the Chief Registrar of the Judiciary are women. The number of women magistrates increased from 174 in 2012 to 218 out of a total of 486 in 2014. The number of women judges increased from 44 in 2012 to 48 out of a total of 126 Judges in 2014. This means that the gender threshold has been met in the highest levels of the judiciary. The women judges formed the Kenya Women Judges Association (1993) to promote the professional development and welfare of their members.

Progress in women's participation in Constitutional National Commissions: Women are at the helm of 4 the key National Commissions - The chairpersons of Kenya National Commission on Human Rights, the Chairperson of the Gender and Equality Commission, the Chairperson of the Salaries and Remuneration Commission and the Budget Controller. Women also occupy the positions of the Vice Chairpersons of the Commission on the Implementation of the Constitution, the National Land Commission and Public Service Commission. **Women form not less than one third of the members of the entire constitutional and Statutory Commissions.**

Progress in women's participation as County Commissioners: Women County Commissioners constitute 36.2 per cent of the total County Commissioners appointed by the President. These figures indicate that there has been a marked increase in the appointment of women to decision-making positions in Kenya's government and that the official goal of a minimum of 33 per cent representation of women is progressively being attained in many key positions.

Establishment of Kenya Women Parliamentary Associations (KEWOPA) in 2001: During the 8th Parliament, Female members of the National Assembly formed an association known as the

Kenya Women Parliamentary Association. Female senators in the 11th Parliament have also joined the association. This is a powerful platform for increased women's participation in politics, the civil service and other top-ranking bodies. KEWOPA endeavours to make purposeful outreach for men to support women's progress in the area of representation as well as to secure economic empowerment to enable more women to come forward and express their interests in decision-making positions, especially in politics.

Women's increased participation in Non-Government organizations is part of progress so far realized. There has been an increase in women's participation in Civil Society Organizations, including Non-Government organizations (NGOs) and Faith-Based organizations where they participate in the implementation of measures and actions to address various problems facing the Kenyan society, including HIV and AIDS.

A changed cultural attitude towards women's participation in politics has occurred in Kenya. Another key development witnessed in the current reporting period is a cultural transformation, or, as more popularly referred to, a cultural revolution in perceptions, attitudes, beliefs and practices in relation to women's participation in the political life of the country. This is demonstrated by the election of women in a few constituencies that were previously dominated by men particularly in Central and Rift Valley regions of Kenya.

Challenges

- i. Even though the Constitution provides for representation of women in all appointive and elective positions through the "not more than two thirds" provision, implementation has presented challenges especially with regard to election of women in the Parliament and Senate.
- ii. Political parties in Kenya are still predominantly owned by men and they do not nominate women in large numbers to vie for political positions.

2.5 VIOLENCE AGAINST WOMEN

Violence against women is a global phenomenon rooted in the unequal power relations between men and women. It occurs to women in all communities regardless of their age, race, social or economic status. Violence against women has far reaching health, psychological, social, legal and economic consequences including loss of life and limb, mental illness, low self-esteem and loss of productivity.

Despite sustained campaigns coupled with a sound legal framework, violence against women has remained a challenge in Kenya. The table below depicts some of the crimes relating to Violence against women which are still classified by the Police as “Offences against Morality.”

Persons Reported to Police to have Committed Offences against Morality and Other Offences against Persons by Gender, 2007 – 2012

	2007			2008			2009			2010			2011			2012*		
	Male	Female	Total	Male	Female	Total	Male	Female	Total	Male	Female	Total	Male	Female	Total	Male	Female	Total
Against morality																		
a) Rape	1,149	2	1,151	812	222	1,034	939	4	943	561	138	699	1,024	27	1,051	839	44	883
b) Defilement	1,779	3	1,782	1,396	232	1,628	2,234	51	2,285	2,202	606	2,808	3,272	80	3,352	3,082	135	3,217
c) Incest	158	10	168	85	15	100	181	4	185	326	37	363	241	6	247	286	22	308
d)Un-natural offences sodomy	147	0	147	113	8	121	126	0	126	88	4	92	127	3	130	111	3	114
e) Bestiality	10	1	11	21	1	22	9	0	9	17	32	49	10	0	10	47	3	50
f) Indecent assault	138	0	138	133	19	152	120	3	123	101	11	112	135	2	137	173	82	255
g) Abduction	104	8	112	49	12	61	87	6	93	71	33	104	72	13	85	102	12	114
h) Bigamy	7	1	8	4	4	8	12	1	13	6	3	9	21	0	21	3	56	3
Sub total	3,492	25	3,517	2,613	513	3,126	3,708	69	3,777	3,372	864	4,236	4,902	131	5,033	4,643	357	5,000
Other offences against persons						0												
a) Assault	10,454	2862	13,316	9,414	2,518	11,932	11,700	3,093	14,793	8,710	3,074	11,784	13,929	2,210	16,139	11,182	3,292	14,474
b) Creating disturbance	4,781	1064	5,845	3,921	827	4,748	5,024	1,102	6,126	5,014	2,107	7,121	5,593	732	6,325	4,253	1,367	5,620
c) Affray(scuffle)	387	258	645	298	138	436	306	228	534	1000	325	1,325	596	177	773	484	231	715
Sub total	15,622	4184	19,806	13,633	3,483	17,116	17,030	4,423	21,453	14,724	5,506	20,230	20,118	3,119	23,237	15,919	4,890	20,809

* Provisional

Figure 4: Committed Offences against Morality and other Offences, Facts and Figures 2012

Strategic Objective 1: Take integrated measures to eliminate violence against women

Measures taken by the Government to combat Violence against Women

- i. Article 27 of the Constitution provides for Equality and Freedom from discrimination, including discrimination on the ground of sex, pregnancy, marital status among other things.
- ii. Vision 2030 which is the government’s development blueprint recognizes gender violence as a vice that needs to be tackled.
- iii. Enactment of the Sexual Offences Act 2006, Counter- Trafficking in Persons Act 2010 and the Prohibition of Female Genital Mutilation Act 2011. These laws deal with specific forms of violence against women.
- iv. The Prevention of Domestic Violence Bill 2014 is currently before parliament for debate.

- v. Repeal of Section 38 of the Sexual Offences Act which provided for unreasonable punishment for people making false reports relating to sexual offences. This provision served as an obstacle to reporting cases of sexual offences.
- vi. Development of the draft National Policy on Prevention and Response to Gender Based Violence.
- vii. The Directorate of Gender and the National Gender and Equality Commission are charged with the responsibility of monitoring the implementation of gender provisions in the constitution and other laws in all Government ministries.
- viii. Appointment of special prosecutors for cases of sexual violence.
- ix. Establishment of the Task Force on the Implementation of the Sexual Offence Act. This task force was established in 2006 and it has since undertaken the following initiatives towards effective implementation of the Act:
 - x. Development of multi-sectoral Standard Operating Procedures (SOPs) setting out the roles and responsibilities of each stakeholder in the prevention and response to sexual and gender based violence.
 - xi. Conducted an audit of laws, policies and practices relating to sexual violence in order to inform, amendments, modifications or repeal of provisions of the Act
 - xii. Development of a draft National Policy and Framework for implementation of the SOA.
 - xiii. In collaboration with the Rules Committee of the Judiciary, developed rules and procedures to guide judges and magistrates in implementing the protective provisions of the Act.
 - xiv. Developed a manual for the treatment and rehabilitation of sex offenders.
 - xv. Conducted countrywide public awareness campaigns on the SOA.
 - xvi. Conducted multi-sectoral training for different stakeholders on the SOA.
- xvii. The Government has established Gender Based Violence Recovery centers in the largest public hospitals in Kenyatta National Hospital, Mombasa, Nakuru, Kisumu and Eldoret.
- xviii. Development of National Guidelines for the Management of the Sexual Violence by the Ministry of Health and relevant stakeholders.
- xix. The Government now provides Post Exposure Prophylaxis and Emergency contraception to victims of sexual violence who report to health facilities.
- xx. The Judiciary Training Institute has collaborated with various NGOs to conduct trainings for judges and magistrates on the SOA, violence against women and human rights.
- xxi. The Government has established Gender Desks at almost all police stations.
- xxii. Development of National Framework on Gender Based Violence together with the Plan of action for its implementation.
- xxiii. Establishment of the National Gender Based Violence Working Group.
- xxiv. Establishment of the National Steering Committee on Counter Trafficking in Persons in 2012.

- xxv. Establishment of a National Child Protection Committee to strengthen Kenya's child protection system.
- xxvi. Development of a National Plan of Action on Counter Trafficking in persons.
- xxvii. Development of a GBV Workplace Policy within Ministries, Departments and Agencies.

Measures taken by Civil Society Organizations

- i. Nairobi Women's Hospital established the first Gender Violence Recovery Center (2001). Since then the Government has established Centers in Nairobi, Kisumu, Nakuru and Eldoret.
- ii. Provision of legal aid services to victims of VAW.
- iii. Provision of psychosocial services to victims of VAW.
- iv. Public awareness campaigns on violence against women.
- v. Training of police officers, magistrates and judges on Gender Based Violence.
- vi. Provision of shelter for victims of Sexual and Gender Based Violence.
- vii. Conducting research on GBV trends.
- viii. Monitoring the implementation of the Sexual Offences Act, regional and international treaties on VAW.
- ix. Policy and legislative advocacy on VAW.
- x. Collaboration with Council of Elders in cases involving violence against women, particularly in relation to harmful traditional practices like FGM.

Challenges

- i. Insufficient resources for addressing GBV.
- ii. Persistence of harmful traditional practices.
- iii. Lack of adequate sex-disaggregated data on GBV.
- iv. Inadequate infrastructure for addressing GBV for example DNA laboratories and Gender Violence Recovery Centres.
- v. Cases involving Trafficking in Persons, Sexual Offences and offences relating to FGM are difficult to prosecute as they often involve close relatives.

2.6 WOMEN AND ARMED CONFLICT

Among the conflicts that Kenya has witnessed are resource- based conflicts, politically instigated, ethnic conflicts as well as conflicts arising from cattle-rustling and border conflicts. Armed conflict has profoundly different impacts on women, girls, boys and men. Existing

gender inequalities may be exacerbated while changing gender roles in times of crisis can create new additional disparities¹⁵.

During conflict's men account for the largest number of combatants or perpetrators while women and children comprise the largest segment of victims. The abuse of women in armed conflict is rooted in a global culture of discrimination that denies women equal status with men. During conflict situations women and children form the majority of displaced persons. Women have traditionally played an important role in resolving conflicts. Women's role in peace processes include organizing peace meetings, providing early warning information to their communities and supporting those who have been injured by helping them access health services. At the national level, the women's presented a memorandum to Kofi Anan who was leading the peace negotiations after the post-election violence in Kenya. One of the recommendations they made was the adoption of UN Security Council Resolution 1325 to ensure women's participation in the peace and reconciliation process. This resulted in the involvement of women in the Kenya National Dialogue and Reconciliation process.

Strategic Objective 1: Increase the participation of women in conflict resolution and decision making levels to protect women living in conflict situations and foreign occupation

The Government has taken the following steps to promote the participation of women in peace processes:

- i. Developed the Kenya National Action Plan for implementation of UN Security Council Resolution 1325 and 1820 to address the socio-economic and political aspects of peace and security. The goal is to mainstream UNSCR 1325 and 1820 into national development, diplomacy, gender conflict prevention, conflict resolution, peace, security and reconciliation strategies and ensure implementation of existing commitments by Government, promote Gender Equality and women's participation in leadership in public affairs at all levels.
- ii. The appointment of women Cabinet Secretaries to the strategic ministries of Defense, Foreign Affairs and Devolution and Planning. Their presence in these strategic ministries has renewed the momentum for the implementation of UNSCR 1325.
- iii. Formation of the National Steering Committee on Peace Building and Conflict Management. Over 880 Peace Committees were trained on peace building and the UNSCR 1325 to ensure that women's perspectives were taken into account in peace building efforts.

¹⁵ Women and Armed Conflict: from Victims to Activists Deborah Eade & Morna Macleod

- iv. The National Police Service Act provides for gender considerations in the staffing of its officers.
- v. Establishment of the Kenya Association of Women in Policing (KWAP) in 2013. The aim of the Association is to champion the rights of women police officers, promote gender equality and professional growth of women in the service.

Strategic Objective 2: Reduce excessive military expenditure and control availability of arms

- i. Periodic disarmament exercises among the communities in some parts of Kenya who frequently engage in conflict.
- ii. The establishment of Kenya National Focal point on Small Arms and Light Weapons that enhances the disarmament programmes.

Strategic Objective 3: Promote non-violent forms of conflict resolutions and reduce the incidence of human rights abuse in conflict situations

- i. Development of an Internally Displacement Policy
- ii. Establishment of the Truth, Justice and Reconciliation Commission to address historical injustices, including those involving women.
- iii. Adopting the National Land Policy which elaborates the necessary land reforms that need to take place in order to minimize land conflicts.
- iv. Establishment of the Land Reform Commission to oversee land reforms.
- v. Instituting police reforms in order to boost security and provide for necessary checks and balances.
- vi. The establishment of the Centre for Refugee Affairs
- vii. The formation of Peace Building and Conflict Management Committees.
- viii. The establishment of Independent Police Oversight Authority, which is tasked with oversight of police functions, including complaints against the police by members of the public.
- ix. The establishment of the Sexual and Gender Based Violence Offences Division in the office of the Director of Public Prosecutions to manage and prosecute cases of Gender Based Violence.
- x. Establishment of the Witness Protection Agency.

The Government's efforts have been complemented by Civil Society Organizations which have carried out countrywide peace campaign, engaged in capacity building on conflict management for warring communities and provided humanitarian assistance as well as psychosocial support

to victims of conflict. In addition Civil Society organizations have undertaken the Campaigns to promote peace.

Challenges

- i. Under -representation of women in the security sector.
- ii. Proliferation of small arms and light weapons due to Kenya's porous borders with neighboring conflict prone countries.

2.7 INSTITUTIONAL MECHANISM FOR THE ADVANCEMENT OF WOMEN

Strategic objective 1: Create or strengthen national machineries and other governmental bodies.

The Government has taken several measures specifically intended for the advancement of women.

The Directorate of Gender: the Directorate of Gender in the Ministry of Devolution and Planning which is under the Presidency is responsible for overall coordination of gender mainstreaming in national development, formulation, review and management of gender related policies, negotiations, domestication and reporting on gender related international and regional treaties and promotion of equitable socio-economic development between men and women.

To fulfil its mandate the Directorate collaborates with partners and stakeholders including Government Ministries, Departments and Agencies, CSOs, Development Partners, Parliament, universities and private institutions. Under this structure, the Gender Officers have been deployed to all Ministries and are situated in Central Project Planning and Monitoring Units (CPPMU) to provide technical guidance on gender mainstreaming. It is intended that this will result in gender concerns being addressed in all sectors in a harmonized and co-ordinated manner and that it will promote harmonized reporting. At the devolved level, Youth Officers at the County and sub-county levels are responsible for coordinating gender mainstreaming and women's empowerment.

The National Gender and Equality Commission (NGEC) is an independent Constitutional Commission with full powers as conferred under Chapter 15 of the Constitution. The mandate of the National Gender and Equality Commission include monitoring, facilitating and advising on the **integration of the principles of equality and freedom from discrimination in all national and county policies, laws, and administrative regulations** in public and private institutions; acting as the principal organ of the State in ensuring compliance with all treaties and conventions ratified by Kenya relating to issues of equality and freedom from

discrimination and relating to special interest groups including minorities and marginalized persons, women, persons with disabilities, and children; co-coordinating and facilitating mainstreaming of other marginalised groups in national development and to advise the Government on all aspects thereof; as well as monitoring, facilitating and advising on the development of affirmative action implementation policies as contemplated in the Constitution.

Kenya National Commission on Human Rights has the mandate to protect and promote respect for human rights, gender equality and equity and develop a culture of human rights in Kenya. Further the Commission has the power to investigate complaints of abuse of power, unfair treatment, manifest injustice or unlawful, oppressive, unfair or unresponsive official conduct, and report on complaints investigated and take corrective action.

The Commission on Administrative Justice (Office of the Ombudsman) established through an Act of Parliament in 2011 has prioritized women, children and the youth in its initiatives aimed at enforcing administrative justice and promoting constitutional values. The Commission engages in public interest litigation in matters that advance women's rights and constitutional provisions related to gender equality.

Strategic objective 2: Integrate gender perspectives in legislation, public policies, programmes and projects

Constitutional, Legislative and Policy Framework: Article 10 of the Constitution of Kenya 2010 recognizes equality and non-discrimination as some of the national values and principles of governance which should guide all state organs, state officers and all persons whenever they interpret the constitution, any law or government policy.

Policy and institutional framework: The National Gender and Development Policy **currently under review** is the government's Policy on gender equality and development. The policy, recognizes gender inequalities as well as factors contributing to the unequal status of men and women and sets out the government's commitment to address the inequalities. The Policy forms a part of the government's commitment to address women's concerns as expressed in the international human rights instruments ratified by the country.

The overall objective of the Policy is to ensure women's empowerment and mainstreaming of their needs and concerns in all sectors of development in the country so that they can participate and benefit equally from development initiatives and opportunities. In the introductory section of the Policy, the government articulates its commitment to advance the status of women as stated in CEDAW and other international instruments. The Policy underlines

the need to focus on empowerment strategies that not only demonstrates understanding of the essential linkages within sectors, but also recognizes that the gender and development approach is cross-cutting. Programme strategies should incorporate equality as a goal and mechanism to achieve gender-balanced development through the removal of disparities between women and men.

Strategic objective 3: Generate and disseminate gender-disaggregated data and information for planning and evaluation

- i. The government through the national gender machinery in collaboration with the Kenya National Bureau of Statistics produces a Gender Data Sheet every two years. The Data Sheet contains sex-disaggregated data in all sectors.
- ii. The National Gender and Equality Commission in collaboration with the Directorate of Gender has in 2013 designed a Reporting Tool that is used by the Public Sector to report on Quarterly and Annual basis Gender Mainstreaming and Freedom from Discrimination activities. The tool captures among other things: continuous gender training and sensitization of employees on gender mainstreaming; baseline and benchmark on compliance level with the 2/3 gender representation policy on appointments, employment and promotions in the Public Service as per the Constitution; baseline and benchmarks measuring progress of the number of women-led, youth-led and PWDs-led enterprises accessing 30% public procurement tender opportunities; proportion of ministerial sectorial plans subjected to sex disaggregated benefit incidence analysis as well as development and implementation of the ministerial policy in line with the National Gender and Development Policy to guide the gender mainstreaming activities. The data is collected on a quarterly and annual basis and submitted to the NGEC and the Directorate of Gender and is to be used for National Planning.
- iii. Training on Human Rights conducted by the Kenya Women Judges Association in collaboration with CSOs.
- iv. Establishment of the Kenya Women Police Association has promoted awareness on human rights among female police officers
- v. Increased number of women serving in Parliamentary Committees. Six out of 28 Committees have women chairpersons.

Challenges

- i. Funding for Gender mainstreaming work is inadequate.
- ii. The Counties having been established only in 2013, there is still inadequate capacity to integrate gender perspectives in legislation, policies, planning and budgeting at the County level.

2.8 HUMAN RIGHTS OF WOMEN

Strategic objective 1: Promote and protect the human rights of women, through the full implementation of all human rights instruments, especially the Convention on the Elimination of All Forms of Discrimination against Women

Since August 2010 Kenya has a new constitution that makes international law a source of the country's laws. By virtue of the provisions of the Constitution of Kenya 2010, Kenya became a monist state. The Constitution provides that the "general rules of international law shall form part of the laws of Kenya" and further that "Any Treaty or Convention ratified by Kenya shall form part of the law of Kenya under this Constitution." However the Constitution also states that "The State shall enact and implement legislation to fulfil its international obligations in respect of human rights and fundamental freedoms."

In compliance with CEDAW, the social rights protected in the Constitution of Kenya 2010 includes the right to equality before the law and equal protection; the right to marry and found a family; the rights for children (status as minors, nationality, registration and name); the rights of the older persons, the rights of persons with disabilities and the rights of the marginalized and minorities, the rights for members of religious, ethnic or linguistic minorities, to enjoy their culture, practice their religion and use their language.

Strategic objective 2: Ensure equality and non-discrimination under the law and in practice

Constitutional development: The Constitution in the preamble recognizes the aspirations of all Kenyans to equality among other values. The National values and principles of governance include principles of equality, equity, non-discrimination and protection of the marginalized. The constitution also guarantees equal rights of women and men, equal treatment and equal opportunities in political, economic, cultural and social spheres. Further the constitution requires state organs and public officers to take measures, including affirmative action to address past systemic discrimination suffered by vulnerable groups including women. The constitution also guarantees equal citizenship rights. These provisions are in line with the Convention on the Elimination of all forms of Discrimination against Women.

The Constitution Kenya (2010) is very progressive with regards to the rights of women. Article 27 guarantees equality and freedom from discrimination. The Article provides that "women and men have the right to equal treatment, including the right to equal opportunities in political, economic, cultural and social spheres". The Article also mandates Kenya's parliament to take

legislative measures to address discrimination suffered by persons or groups in the past. Women constitute one of the groups that suffered discrimination socially, economically and politically. Most importantly, the Article creates an obligation for Kenya to take legislative and other measures to implement the principle that not more than two-thirds of the members of elective or appointive bodies shall be of the same gender.

With regard to political rights of women, the Constitution of Kenya 2010 reserves some seats for women in the National Assembly, Senate and County Assembly, and provides that membership of any gender in elective and appointive public bodies shall not be more than two thirds¹⁶ In addition the constitution guarantees representation of women in public bodies by providing for equal access by women and men in public service to opportunities for appointment, training and advancement at all levels of public service. With regard to the family the constitution guarantees equal rights of women and men at the time of marriage, during the marriage and at the dissolution of the marriage.

Strategic objective 3: Achieve legal literacy

Measures are currently being taken to provide legal information on rights. Already human rights are taught in some learning institutions as well as informally under public civic education programmes. The measures taken so far are limited in scope and resources. The government's efforts in advancing legal literacy are complemented by Non-Governmental Organizations. Some areas in the country have been served however, as a result of limited resources; the situation of women in relation to legal literacy has remained low.

The National Legal Aid and Awareness Programme (NALEAP) was introduced by the Government in late 2007 in an effort to provide Kenyans with free legal aid, free legal education and training and support to para-legal staff in urban and rural areas. The Programme which is still being implemented on a pilot basis, is intended to be expanded to other regions of the country beyond the six where pilot programmes are currently being implemented. Issues that concern women which are already being addressed through the programme include: domestic violence, matrimonial property disputes, divorce and separation, discrimination against women in employment as a result of their reproductive functions, eviction from the matrimonial home upon husbands' deaths and disputes arising from cultural restrictions on women's access to land and other resources. In order to adequately address such issues, a Women and Family Division has been established in NALEAP.

Legal literacy measures by Government: Other successful measures taken by the Government to achieve legal literacy include:

- i. The Government in collaboration with development partners established a robust civic education program known as Uraia in 2006 prior to the general elections in 2007.
- ii. Development of IEC materials – popular version of Constitution
- iii. Judiciary Open Days
- iv. Mobile Courts in marginalized areas
- v. Public awareness forums by the Commission on Administrative Justice.
- vi. Establishment of Court Users Committees which facilitate coordination among justice sector players.

Legal literacy measures by Civil Society Organizations: The measures taken by the Government which are complemented by Civil Society Organizations include: Legal literacy-advocacy, development and dissemination of Information Education and Communication (IEC) materials, training of paralegals within the community, and training on self-representation.

Challenges

- i. Limited knowledge of human rights as well as inadequate understanding of the human rights approach particularly amongst grassroots women remains a formidable challenge.

2.9 WOMEN AND THE MEDIA

The media in Kenya is diverse and largely free following the liberalization of the airwaves and entry into the market of private and vernacular radio stations. According to the Media Council Annual Status Report 2012, there are 301 radio stations categorized as being “on air”, 6 daily newspapers, 11 weekly newspapers and 20 monthly magazines. Kenya has more than 15 television stations available in major towns across Kenya. The Kenya Broadcasting Corporation is the only Government owned broadcasting station.

Kenya recognizes the importance of international and regional treaties touching on the promotion of gender equality in the media such as the Convention on the Elimination of all forms of Discrimination against Women (CEDAW) and the Nairobi Forward Looking Strategy (NFLS).

Strategic Objective 1: Increase the participation and access of women to expression and decision-making through the media and new technology and communication

The enactment of the Media Council Act which promotes and safeguards media freedoms in the country establishes the Media Council's Commission. In order to ensure that there is gender parity in the media, the Act provides for the National Gender and Equality Commission as one of the members of the selection panel for the Media Council. The Act further entrenches the rule that not more than two thirds of the members of the Complaints Commission of the Council shall be of the same gender.

Strategic Objective 2: Promote balanced and non-stereotyped portrayal of women in the media

The Government has taken deliberate measures to ensure that women are portrayed positively in Kenya by passing the Media Council Act which contains a **Code of Conduct for journalists that calls for objectivity and fairness in portrayal of women and children**. Increasingly the electronic media has improved its coverage of children by respecting their privacy

The Government efforts have been complemented by women media organizations which conduct trainings and provide scholarships for women journalists to enable them compete for jobs on an equal footing with men.

Challenges

- i. Gender sensitive reporting by the media remains a challenge

2.10 WOMEN AND THE ENVIRONMENT

The Government of Kenya recognizes that women constitute the majority of beneficiaries of improved and better environmental management and their inclusion in decision-making is important. Policies on the management of water resources and all forms of energy therefore have a strong bearing on women in both rural and urban areas. As consumers, producers, managers and caretakers of their families, the Government recognizes the role of women in ensuring sustainable development.

Policy and legislative measures

The Government has put in place legislative and policy measures to safeguard the environment and ensure women's participation in environmental matters;

Strategic Objective 1: Involve women actively in decision making at all levels

- i. The introduction of gender quotas for women in Water Management Boards. This means that women will be in a position to decide matters about water which are very important to women and which has great implications on their quality of life.
- ii. The Forest Act provides for involvement of women and youth in the management of forest resources.

Strategic Objective 2: Integrate gender concerns and perspectives in politics and programmes for sustainable development.

- I. The Government has put in place the Kenya National Environmental Policy 2013 which provides a framework for an integrated approach to planning and sustainable management of the environment in the country.
- II. Gender has been mainstreamed in the environmental policy as there is clear recognition that women play a critical role in the management of the environment. The policy mandates the government to provide incentives to attract the under-represented gender and other vulnerable groups into environmental management.
- III. The Government has been promoting the establishment of water resource users associations by communities to assist in self-regulation of water utilization and to develop innovative community based methods and technologies for water harvesting, to address gender issues with a gender focus as water scarcity affects women and girls in both rural and urban areas more than men and boys. It is also aimed at mainstreaming girls in all aspects of society by making fundamental changes in four key areas namely opportunity, empowerment, capabilities and vulnerabilities.
- IV. The Government has taken specific policy measures to correct gender gaps in access to and control over resources. This has been done through the enactment of Sessional Paper No 3 of 2009 on the National Land Policy; the Environment and Land Court Act, 2011; the Land Act 2012; the Land Registration Act, 2012; and National Land Commission Act, 2012 all which have positive gender components. Measures to strengthen local level mechanisms for sustainable land rights administration and management have also been developed.

Strategic Objective 3: Strengthen or establish mechanisms at the national, regional and international levels to assess the impact of development and environmental policies on women.

- i. The Constitution of Kenya, 2010 has been hailed as a green Constitution as it embodies elaborate provisions aimed at environmental conservation and sustainable development. The Constitution recognizes the right to a clean and healthy environment.

- ii. Vision 2030 which is the government's development blue print recognizes the need to have a clean, secure and sustainable environment by 2030. Programmes aimed at achieving this include increasing forest cover, lessening environment related diseases and rehabilitating the 5 main water catchment areas which include Mt. Kenya, Aberdares, Mt Elgon and Mau Escarpment. The policy also aims at securing the wildlife corridors and migratory routes.
- iii. There is increased investment in infrastructure which entails provision of facilities and delivery of basic services essential to both women and men such as water, sanitation, energy and transport which have the opportunity to alter economic activity and women's livelihoods.
- iv. Establishment of a committee to save the Mau Forest which is one of the largest water catchment areas
- v. Implementation of the Rural Electrification Programme which is aimed at reducing reliance on wood fuel and boosting local agriculture based industries
- vi. The Water Reform Programme has created opportunities to increase access to safe drinking water in rural areas.
- vii. The Mining Bill and Water Bill are currently before Parliament for debate and the Kenya Women Parliamentary Association is reviewing them to ensure that gender issues are mainstreamed.
- viii. In order to promote environmental sustainability, three centers of excellence have been established where gender concerns are taken into account. For example studies will be conducted on how to integrate women's indigenous knowledge of the environment into environmental conservation efforts and environmental policies and laws.
- ix. The Government has been implementing a Rural Electrification Programme for some time now and in 2013 rural electrification rose by 18.5%, this has a significant impact on environmental conservation efforts by women as the number of those relying on wood fuel will drop.
- x. As a way of bringing the much needed visibility to environmental conservation as a pre-requisite to the sustainable development, Her Excellency the First Lady of Kenya, has spearheaded environmental campaigns seeking to conserve the environment as well as addressing the human/wildlife conflict.

Government efforts are complemented by a number of Civil Society Organizations and individual actors. For example the work of the **late Professor Wangare Mathai, the 2004 winner of the Nobel Peace Prize**. Through her organization, the Green Belt Movement she contributed to environmental conservation through planting of over 51 million trees countywide. She is also responsible for promoting the conservation of Uhuru Park and Karura Forest in Nairobi. Furthermore, there are various research and Civil Society Organizations

throughout the country focusing on climate change adaptation, environment and social justice as well as natural resources which complement the Government efforts.

Challenges

- i. Poverty keeps most women pre-occupied with the quest for survival leaving them with very little time to attend forums or awareness campaigns aimed at educating them on better environmental management and how to improve their socio-economic status.
- ii. The lack of adequate data and information for researchers, planners, policymakers and the general public on climate change and its effects.
- iii. Women continue to be under-represented in many forums in decision-making on the environment and climate change, including a low number of women in the ranks of top management of the environment and energy sector parastatals as well as Community Forest Associations.
- iv. Government policies, laws and regulations that address climate change are currently segmented in various sectoral laws.
- v. Slow implementation of the Forest Management Plan due to the absence of Forest Management Agreements.

2.11 THE GIRL-CHILD

Most of the information relating to the girl-child has been captured under critical area on **Education and training of Women.**

Strategic objective 1: Eliminate all forms of discrimination against the girl-child

In order to address discrimination against the girl –child the Government has put the following measures in place:

Legislative Framework: Kenya has a strong legislative framework on the rights of the child which domesticates and incorporates the provisions of the United Nations Convention of the Rights of Children (UN CRC) and the African Charter on the Rights and Welfare of the Child (ACRWC). Kenya has therefore fully integrated the Children’s Convention into the domestic legislation and policy that is currently being implemented.

The Constitution is specific to children, this marks a great progress for the country as children’s rights were not mentioned in the previous constitution. Chapter four of the Constitution of Kenya - the Bill of Rights states that “the State shall enact and implement legislation to fulfil its international obligations in respect of human rights and fundamental freedoms”.

The Constitution Article 53 (1) (b) gives every child the right to free and compulsory basic education.

The Children Act established statutory structures, including the National Council for Children's Services (NCCS), whose mandate is to exercise general supervision and control over the planning, financing and coordination of child rights and welfare activities and to advise the Government on all aspects thereof. In 2011, the council developed the Children's Protection System Framework and prepared the draft of the National Children Policy (NCP).

Strategic objective 2: Eliminate negative cultural attitudes and practices against girls.

The Constitution outlaws harmful traditional practices. The government has taken concrete measures to eliminate harmful traditional practices such as Female Genital Mutilation (FGM) and early marriage which affect the girl child negatively.

The Children Act established statutory structures, including the National Council for Children's Services (NCCS), whose mandate is to exercise general supervision and control over the planning, financing and coordination of child rights and welfare activities and to advise the Government on all aspects thereof. In 2011, the Council developed the Children's Protection System Framework and prepared the draft of the National Children Policy (NCP).

Strategic objective 3: Promote and protect the rights of the girl-child and increase awareness of her needs and potential

Vision 2030 identifies gender concerns and thus seeks to prioritise equity in power and resource distribution between the sexes. With regard to girls, the Vision seeks to do this by improving access to opportunities, health services, education services, housing and justice particularly girls among the disadvantaged groups, persons with disabilities, people living in arid and semi-arid lands (ASA'S) etc, as well as minimizing vulnerabilities through prohibition of harmful cultural practices such as Female Genital Mutilation/Cutting (FGM/C), increasing school enrolment for girls and children from nomadic communities and poor rural and slum communities, attaining gender parity and fairness in the delivery of justice including up scaling training for people with disabilities and special needs.

Since 2013 the government has been setting aside funds for the provision of sanitary towels for girls in schools from poor and marginal areas.

The Area Advisory Councils (AACs) under the National Council for Children's Services (NCCS), there have the responsibility to protect the rights and welfare of children in their jurisdictions, supervise and regulate planning, financing and coordination of children's welfare programmes, mobilize resources and facilitate funding, promote and create public awareness on child rights and child protection and facilitate partnership, linkages and networking.

Strategic objective 4: Eliminate discrimination against girls in education, skills development and training

The Constitution of Kenya 2010 ushered a new era for child rights by making special provisions for children.

The education policy prohibits dismissal of girls from school on the basis of pregnancy and prohibits repetition of classes by students on the basis of performance. Other efforts include development of specific policies and programmes to address specific rights, such as, the provision of free and compulsory primary education, and the Cash Transfer Programme to assist orphans and vulnerable children among others.

Strategic objective 5: Eliminate discrimination against girls in health and nutrition

The Constitution Article 53 (1) (c) guarantees every child the right to basic nutrition, shelter and health care.

Strategic objective 6: Eliminate the economic exploitation of child labour and protect young girls at work

The Employment Act, 2007 is child and gender friendly and outlaws discrimination and exploitation.

The National Council for Children's Services (NCCS), and the Area Advisory Councils (AACs) oversee the implementation of laws and policies that protect children from violence and exploitation and ensure response in the best interests of the child when violations occur. In addition the bodies ensure regular information on both prevalence and knowledge of child protection issues; services and responses that are effectively regulated, including accreditation and licensing of care providers; adequate and appropriate resource allocation; effective regulation including standards; monitoring and evaluation; a committed workforce with relevant competencies and mandates; and opportunities for children to express their views and be involved. The Children's Department in the Ministry of Labour, Social Security and Services has designed programmes to address issues of child labour and exploitation.

Strategic objective 7: Eradicate violence against the girl-child

Legal and administrative measures against violence against the girl child and FGM/C: The Government has taken several legal and administrative measures in order to eliminate violence against the girl child and FGM/C. Some of the government efforts towards militating against violence against the girl child include among others:

Anti-FGM Act which criminalizes FGM. The government has also put in place appropriate policies and established anti- FGM Board to specifically address the practice. The country's experience with legal measures against FGM/C however indicates that legislation alone is not sufficient to eliminate the practice and a multi-sectoral approach is necessary. The Government in collaboration with various partners has devised methods devoted to education, community dialogues, engaging the youth, religious and traditional, including other measures such as promotion of girls' education to in order to eliminate the practice.

Strategic objective 8: Promote the girl-child's awareness of and participation in social, economic and political life

The work of the Government is complemented by the work of other non-state actors such as UNICEF, Cradle, FIDA Kenya and the Girl Child Network among others. These organizations complement the work that the Government is doing in Education to ensure girl-child's awareness of and participation in social, economic and political life.

Strategic objective 9: Strengthen the role of the family in improving the status of the girl-child

Article 53 of the Constitution gives both parents equal responsibility in caring for and protecting their children. There are consultations to introduce family education in Kenyan schools. This would have the potential to properly educate boys and girl on upholding human dignity, acceptable family roles and responsibilities. Faith based organizations taking measures by introducing teachings on the family in their religious programmes.

Challenges

Despite the efforts being made by the government to address challenges encountered by the girl child in Kenya, there are many communities in which the girl child still discrimination. The girl child still faces the dangers of early/forced marriage as well as gender based violence. The government is addressing the above challenges holistically and has prioritized gender mainstreaming by strengthening national gender machinery by locating it in the strategic Ministry of Devolution and Planning under the Presidency to assure concerted interventions to address the challenges encountered by the girl child. The Gender Directorate has prioritized sectoral collection and sound analysis of sex- disaggregated data to understand the dimensions of inequality between girls and boys as well as women and men and the root causes of gender based challenges.

SECTION THREE

3 Data and statistics

	2009	2010	2011	2012	2013*
Enrolment					
Boys.....	967,544	1,100,890	1,175,530	1,199,041	1,230,593
Girls.....	946,678	1,092,181	1,194,518	1,206,464	1,235,012
TO TAL.....	1,914,222	2,193,071	2,370,049	2,405,504	2,465,605
Number of Trained Teachers					
Male.....	10,346	10,553	10,658	13,450	13,854
Female.....	61,234	62,459	64,957	67,076	69,960
Sub Total.....	71,580	73,012	75,615	80,526	83,814
Number of Untrained Teachers					
Male.....	5,345	5,356	5,372	4,342	3,430
Female.....	16,030	16,062	16,158	15,021	13,818
Sub Total.....	21,375	21,418	21,530	19,363	17,248
TO TAL.....	92,955	94,429	97,146	99,889	101,062

Figure 5: Pupil Enrolment and Teacher Numbers in ECD Centers (KNBS)

Pre -Primary Education: Table 1 shows pupil enrolment and number of teachers in Early Childhood Development (ECD) centers from 2009 to 2013. The total enrolment in pre-primary schools rose by 2.5 per cent from 2,405,504 in 2012 to 2,465,605 in 2013 with more girls enrolled than boys.

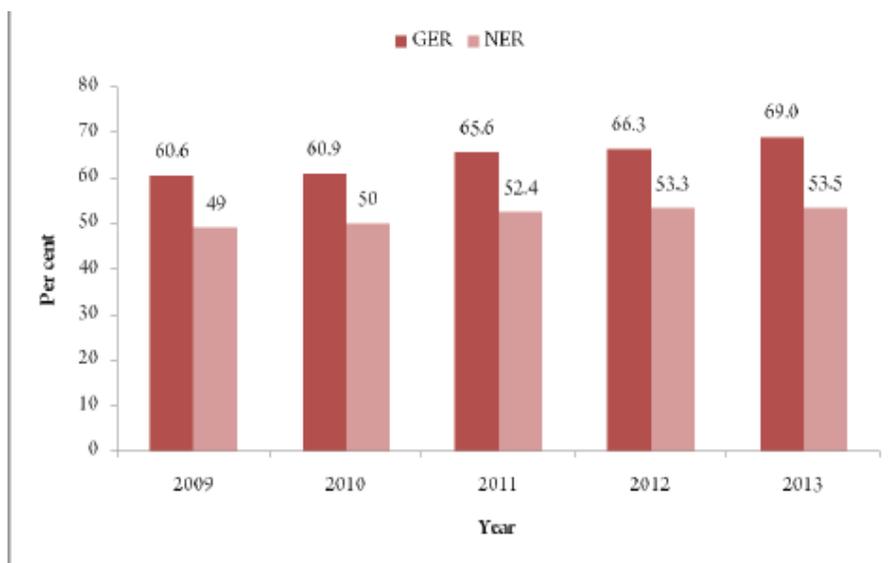


Figure 6: GER

The total number of ECD teachers increased by 1.2 per cent from 99,889 in 2012 to 101,062 in 2013. The number of trained ECD teachers increased from 80,526 in 2012 to 83,814 in 2013, while that of untrained teachers continued to decline.

In 2013, the Pupil Teacher Ratio in ECD remained at the 2012 level of 24:1. The Gross Enrolment Rate (GER) increased from 66.3 per cent in 2012 to 69.0 per cent in 2013 while the Net Enrolment Rate (NER) grew marginally from 53.3 per cent in 2012 to 53.5 per cent in the review period. This suggests low participation level at Pre-primary education. Enrolment in pre-primary education as depicted by the trend in GER for the last five years remains far below the set Education For All (EFA) target of 80.0 per cent. However, devolution of pre-primary education to counties is expected to increase the enrolment rates.

Primary Education: Primary school enrolment by class and sex for the period 2009 to 2013 is shown in Table The total enrolment in both public and private schools rose by 2.0 per cent from 10.0 million in 2012 to 10.2 million in 2013, with 8.1 million enrolled in public schools. Enrolment in Standard one increased by 1.8 per cent to 1,568.5 thousand in 2013 with enrolment of boys and girls increasing by 2.6 per cent and 0.7 per cent respectively.

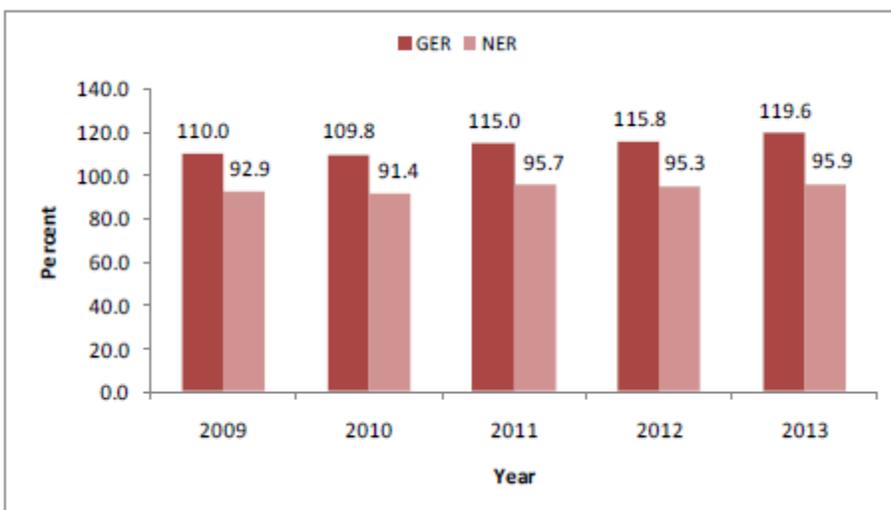


Figure 7: Primary school GER

Secondary Education: Enrolment in secondary schools by class and sex from 2009 to 2013 is presented in Table The total enrolment in both public and private secondary schools increased by 10.5 per cent from 1.9 million in 2012 to 2.1 million in 2013. Total enrolment of boys rose by 10.7 per cent while that of girls increased by 9.0 per cent. The retention rate at secondary school level declined from 92.4 per cent in 2012 to 90.0 per cent in 2013. The retention rate for girls was 88.0 per cent compared to the boys rate of 92.0 percent.

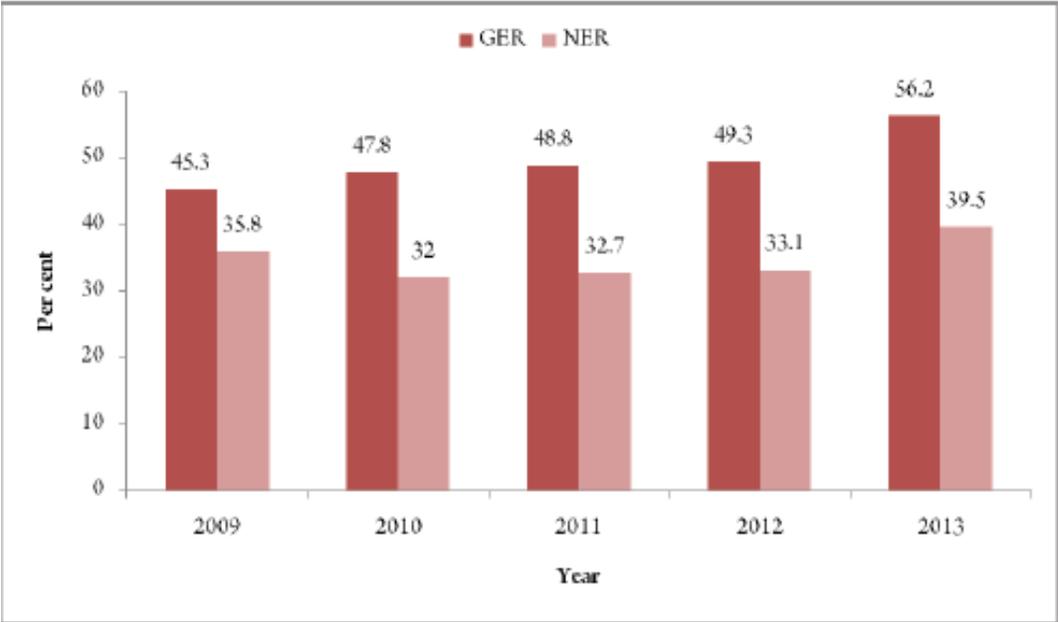


Figure 8: Secondary School Gross Enrolment Rate (GER) and Net Enrolment Rate (NER), Economic Survey 2014

Table 1: Teacher Trainees Enrolment by Year and Sex, Economic Survey 2014

TYPE OF INSTITUTION/ CERTIFICATION	2009		2010		2011		2012		2013*	
	Male	Female								
Public primary (P1)										
1st Year.....	4,121	4,313	4,579	4,763	4,372	4,444	4,403	4,497	5,249	5,435
2nd Year.....	4,260	3,944	4,233	4,175	4,579	4,763	4,365	4,402	4,967	5,357
Sub Total.....	8,381	8,257	8,812	8,938	8,951	9,207	8,768	8,899	10,216	10,792
Private primary (P1).....	3,453	4,231	4,353	4,287	4,918	4,844	5,342	5,943	6,997	7,392
Total P1.....	7,684		8,640		9,762		11,285		14,389	
SUB TOTAL.....	11,834	12,488	13,165	13,225	13,869	14,051	14,110	14,842	17,213	18,184
Diploma¹										
1st Year.....	365	322	460	328	338	206	422	245	313	265
2nd Year.....	445	198	361	311	344	231	332	205	250	297
3rd Year.....	385	287	441	175	345	187	343	230	256	290
SUB TOTAL.....	1,195	807	1,262	814	1,027	624	1,097	680	819	852
TOTAL.....	13,029	13,295	14,427	14,039	14,896	14,675	15,207	15,522	18,032	19,036
GRAND TOTAL.....	26,324		28,466		29,571		30,729		37,068	

Source: Ministry of Education, Science and Technology

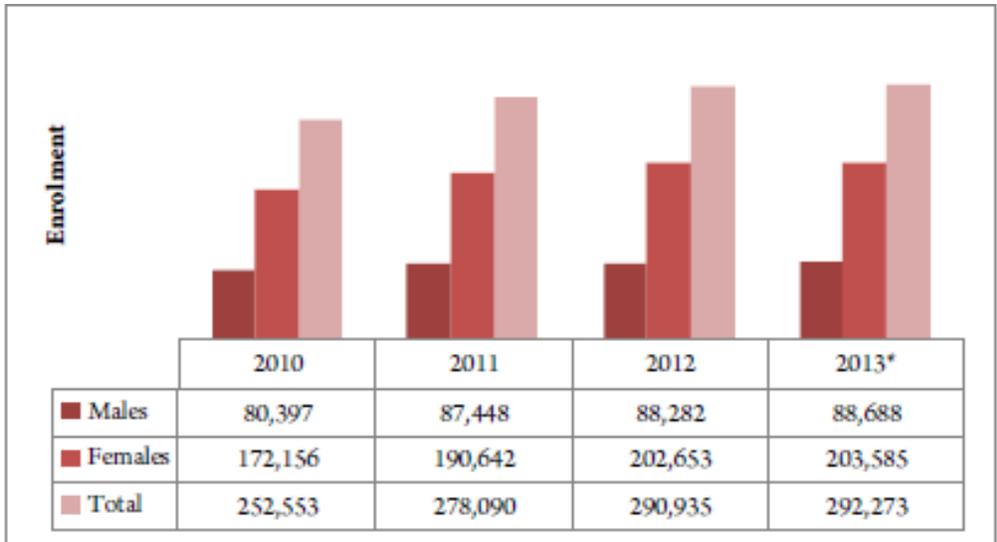
Table 2: Student Enrolment in Technical Institutions by Sex, Economic Survey 2014

INSTITUTION	2009		2010		2011		2012		2013*	
	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female
Technical University of Kenya¹.....	2,642	1,156	2,904	1,357	2,360	4,512	1,698	1,024	4,814	2,607
Technical University of Mombasa¹.....	3,518	2,152	2,041	3,276	3,558	1,794	2,190	1,150	3,048	1,506
Kisumu Polytechnic.....	2,276	1,472	1,798	781	1,990	936	2,256	1,136	2,223	1,267
Eldoret Polytechnic.....	1,949	1,302	1,903	1,718	3,132	2,145	2,730	1,669	3,081	1,949
Sub Total.....	10,385	6,082	8,646	7,132	11,040	9,387	8,874	4,979	13,166	7,329
Other TVET Institutions										
Technical Training Institutes.....	12,514	9,923	12,908	9,970	16,719	13,255	16,263	12,505	18,936	15,407
Institutes of Technology.....	5,920	4,813	6,035	4,858	10,179	8,607	11,890	6,126	13,020	8,582
Sub Total.....	18,434	14,736	18,943	14,829	26,898	21,862	28,153	18,631	31,956	23,989
Youth Polytechnics.....	13,222	18,122	14,384	18,720	15,648	19,338	40,233	26,821	42,942	28,627
TOTAL.....	42,041	38,940	41,973	40,680	53,586	50,587	77,260	50,431	88,064	59,945
GRAND TOTAL.....		80,981		82,653		104,173		127,691		148,009

Source: Ministry of Education, Science & Technology

* Provisional

¹ Diploma and Certificate courses only



Source: Ministry of Education, Science and Technology

*Provisional

Figure 9: Adult Education Enrolment by Sex (KNBS)

Table 3: Student Enrolment1 by Sex in Universities, Economic Survey 2014

INSTITUTION	Number							
	2010/11		2011/12		2012/13		2013/14*	
	Male	Female	Male	Female	Male	Female	Male	Female
Public Universities								
Nairobi	31,237	18,127	27,084	17,219	30,710	20,185	38,693	25,376
Kenyaatta.....	18,739	13,795	21,328	15,892	25,633	31,559	37,758	32,248
Moi.....	11,963	9,143	14,124	11,409	17,372	14,273	12,477	9,579
Egerton.....	6,095	4,453	7,050	5,095	4,577	3,101	7,044	4,896
Jomo Kenya (JKUAT).....	6,677	2,713	9,818	4,119	19,048	9,870	19,729	10,847
Maseno.....	3,400	1,927	2,809	1,742	3,953	2,159	3,922	2,247
Masinde Muliro.....	4,142	2,320	10,958	6,402	6,295	3,901	5,606	3,445
Technical University of Kenya.....	850	135	187	642	405	135	5,102	1,915
Technical University of Mombasa.....	2,828	1,226	1,000	1,038	1,828	524	3,993	1,050
Chuka.....							7,318	2,663
Karatina.....							2,700	2,014
Kisii.....							913	531
Meru.....							2,001	903
Multi Media.....							697	331
South Eastern.....							1,988	1,037
Jaramogi Oginga Odinga.....							1,259	771
Laikipia.....							857	574
University of Eldoret.....							8,059	4,507
Kabanga.....							1,004	681
Dedan Kimathi.....							675	246
Pwani.....							2,666	1,591
Masai Mara.....							2,585	1,851
SUB-TOTAL.....	85,931	53,839	94,358	63,558	109,821	85,707	167,046	109,303
Private Universities								
Private Accredited.....	17,564	13,763	18,864	14,575	20,788	16,884	21,113	18,895
Private Unaccredited.....	4,228	2,292	4,478	2,427	4,827	2,524	5,026	3,177
SUB-TOTAL.....	21,793	16,055	23,342	17,002	25,615	19,408	26,139	22,072
TOTAL.....	107,724	69,894	117,700	80,560	135,436	105,115	193,185	131,375
GRAND TOTAL.....	177,618		198,260		240,551		324,560	

Source: Individual Universities

Women in Decision-Making: The implementation of the constitution has resulted to an increase in the number of women who have been elected to participate in politics and high-level decision-making.

Table 4: Women Participation in Key Decision making position (KNBS)

Categories	2012				2013*			
	F	M	Total	(%) F	F	M	Total	(%) F
Ministers/Cabinet Secretaries.....	6	36	42	14.3	6	12	18	33.3
National Assembly.....	22	200	222	9.9	69	281	350	19.7
Permanent/Principal secretaries.....	7	37	44	15.9	7	19	26	26.9
Diplomatic Corps.....	14	53	67	20.9	15	48	63	23.8
Senators.....	0	0	0	0	18	49	67	26.9
Governors.....	0	0	0	0	0	47	47	0
Deputy Governors.....	0	0	0	0	9	38	47	19.2
County commissioners.....	16	31	47	34	17	30	47	36.2
Sub-County Commissioners.....	28	262	290	9.7	31	264	295	10.5
Deputy secretaries.....	42	107	149	28.2	49	121	170	28.8
Supreme court.....	1	5	6	16.7	2	5	7	28.6
Court of appeal judges.....	8	19	27	29.6	8	18	26	30.8
High court judge ¹	35	45	80	43.7	35	51	86	40.7
Magistrates.....	174	281	455	38.2	182	228	410	44.4
Kadhis.....	0	18	18	0	0	18	18	0
Chiefs.....	96	2,483	2,579	3.7	98	2,492	2,590	3.8
Assistant Chiefs.....	458	5,438	5,896	7.8	471	5,415	5,886	8
Lawyers.....	2,274	3,897	6,171	36.8	2,430	4,040	6,470	37.6
Councillors/MCA.....	393	2,093	2,486	15.8	88	1,362	1,450	6.1

Source: Various

* Provisional

Table 5: Pulling Apart Facts And Figures on Inequality in Kenya

Wealth Group	Percent distribution of persons employed (main occupations)							
	Professional/Technical Managerial		Sales and services		Unskilled manual		Agriculture	
	Male	Female	Male	Female	Male	Female	Male	Female
Lowest	0.8	0.8	9.9	20.6	15.2	4.3	69.0	2.3
Second	5.5	2.1	10.5	19.6	19.7	6.7	60.9	68.9
Middle	5.2	3.5	12.0	20.7	18.7	7.4	55.9	64.7
Fourth	10.5	7.2	13.5	27.1	21.9	5.9	44.4	51.2
Highest	18.0	14.1	30.7	37.3	26.8	10.6	8.6	9.5

Source: 2003, Kenya Demographic and Health Survey

Table 6: Medical Personnel, Kenya Facts and Figures 2013

	NUMBER OF REGISTERED MEDICAL PERSONNEL, 2009-2012				Numbers
	2009	2010	2011	2012*	
Doctors	6,897	7,129	7,549	8,092	
Dentists	1,004	898	930	985	
Pharmacists	2,249	2,337	2,432	2,532	
Registered nurses	15,948	29,678	31,719	35,148	
Health institutions	6,696	7,111	8,006	8,375	

	REGISTERED HEALTHCARE PERSONNEL PER 100,000 POPULATION, 2009-2012				Numbers
	2009	2010	2011	2012*	
Doctors	17	18	19	19	
Dentists	3	2	2	2	
Pharmacists	7	8	8	6	
Bsc Nursing	2	2	3	4	
Registered Nurses	40	75	83	83	
Enrolled Nurses	81	86	87	63	

Table 7: Firearms and Ammunitions Recovered, Kenya Facts and Figures 2013

FIREARMS AND AMMUNITIONS RECOVERED/SURRENDERED, 2009-2012

Firearms/Ammunition			Number			
			2009	2010	2011	2012
Firearms	Recovered	Rifles	121	162	164	122
		Pistols	128	80	102	97
		Toy Pistols	174	10	38	17
	Total	423	252	304	236	
	Surrendered	Rifles	163	-	26	11
		Pistols	-	-	0	0
Toy Pistols		-	1,064	38	0	
Total	163	1,064	64	11		
Ammunition	Recovered		110,047	38,127	16,288	12,768
	Surrendered		4,480	3,373	100	56
	Total		114,527	41,500	16,388	12,824

Source: Kenya Police Department

* Provisional

Table 8: Transition rates from primary to secondary

Primary to secondary transition rate, 2002-2011		
Year in Std 8	Year in Form 1	Transition rate
2002	2003	46.4
2003	2004	45.8
2004	2005	56.0
2005	2006	57.3
2006	2007	59.6
2007	2008	59.9
2008	2009	64.1
2009	2010	66.9
2010	2011	72.5
2011	2012	73.3

SECTION FOUR

4 Emerging priorities

Key priorities for action over the next three to five years for accelerating implementation of the Beijing Declaration and Platform for Action and the outcomes of the twenty-third special session of the General Assembly, and subsequent intergovernmental agreements for the achievement of gender equality and the empowerment of women at the national level.

Kenya remains committed to the implementation of the BPFA and follow up processes. The key priorities area for action over the next three to five years will focus on the following.

- Safe guarding the gains for women in the Constitution. Kenya's has a robust Constitution with significant gains for women and efforts will be made to monitor and ensure that these gains for are realized. The acceleration of the implementation of the commitments made to the BPFA and outcome of the twenty-third special session of the UN General Assembly (2000) will be anchored on the Constitution as well as Kenya vision 2030 and the Second Medium Term Plan (2013-2017) where gender equality and women's empowerment has been prioritized in line with Kenya's commitments to international and regional obligations on gender.

Other areas of priority:

- Financing for gender equality by strengthening gender responsive mechanisms for gender budgeting
- Through the Kenya National Bureau of Statistics, promote the production, collection and use of sex disaggregated data to inform policy and programming
- Strengthen mechanisms for prevention and response to Gender Based Violence by through multi-sectoral approaches
- Address the problem of women's and girls' disproportionate share of unpaid work, particularly unpaid care work; women's access to decent work, gender wage gap
- Take measures to address women and girls access to quality and affordable health care including sexual and reproductive health services

Kenya's priorities and recommendations to strengthen gender equality and the empowerment of women in the current discussions on Sustainable Development Goals and the post-2015 development agenda

As a country, Kenya stands for and supports the call for a stand-alone goal on gender equality and the empowerment of women as well as the mainstreaming of gender in all the other goals in the post 2015 development agenda. Kenya further supports the following priorities which have also been identified in the African region:

The role of women in environment and climate change for sustainable development: Climate change challenges affect everyone including women. This needs to be addressed within the context of the valuable knowledge and expertise women possess which can be utilized to stop, adapt and mitigate the risks associated with climate change. There is a need for an integrated approach to sustainable development that recognizes the link between poverty, the environment and gender equality based on the human rights framework and incorporation principles of inclusiveness, accountability and good governance.

Natural resources: This should be addressed within the context of mining and exploitation of natural resources against the cost to sustainability of the environment, farming practices and pastoralism. It is important that the conflicts arising over these resources be mitigated and women's rights must be respected. Women are the key providers of food crops and their input must be enhanced by recognizing the value of small holder farmers and pastoralists in providing food for their communities and country.

Women's Leadership: The exclusion of women from leadership and decision making has led to inequality and skewed policies which have increased women's marginalization, poverty and insecurity. Their participation in leadership and decision making in social, economic and political spheres is crucial in ensuring good governance and accountability.

Poverty and inequality: Poverty and inequality are strongly related and therefore policies that reduce inequality should be encouraged. The situation of poverty is multifaceted and the poverty of women and girls is linked with other things such as violation of human dignity, powerlessness, discrimination, marginalization from decision making, deprivation, violence and insecurity. The development agenda should recognize the resourcefulness, creativity and dignity as addressing the challenges that women and girls face.

Food Sovereignty: Women are the primary food producers and nutrition care givers in Kenya and Africa as a whole. Therefore, they should have equal access to productive resources such as

land, indigenous seeds and water in order to effectively deal with hunger and malnutrition in the continent. Policies aiming to sustain access to healthy, nutritious and affordable food for rural families and communities should be promoted.

Economic Development and the burden of unpaid care work: The economic value of care and women access to social services, skills enhancement, credit and economic resources should given greater attention.

Education: Kenya and other countries across the globe have made great achievements in education. However, discrimination, lower retention rates, underrepresentation at secondary and tertiary levels are some of the challenges women and girls are facing in education leading to reduced economic opportunities, poorer health and increased poverty and marginalization. Therefore, the problem of quality education need to be looked into with a view to availing it at all levels through policies and interventions that remove structural barriers.

Peace and Security: Cyclical violence, resource based and ethnic based conflict, natural humanitarian emergencies, sexual violence as a tactic of warfare and climate change are deepening the vulnerability of women and girls. Therefore, the development agenda should recognize the contribution of women and girls in preventing, mitigating and responding to conflict and insecurity and priority should be given to women's and girls' access to social services and psycho-social support and care encompassing both physical and mental health.

Violence Against Women and Girls: Violence impacts on the health, dignity and economic productivity of women and girl and is compounded by the stigma associated with it. Violence against women and girls is becoming a crisis and socio-cultural practices that perpetuate inequality must be challenged as this violence impacts on their health, dignity and economic productivity. It is notable the MDGS did not address violence against women and Kenya recommends that the post 2015 agenda should have VAW indicators and focus on: ending violence against women and girls; reinforcing the right of women and girls to fully share in decision making in households and communities; strengthening justice, prosecution and reconciliation mechanisms to address violence against women and girls; and ensuring access to legal aid, service delivery and justice.

Migration and Human Trafficking: Migrating women and children are particularly vulnerable and the post 2015 agenda should encourage policies that provide greater security and create

development alternatives to refugees and migrant communities and prosecute trafficking networks.

Women's Health: Maternal mortality calls for urgent action to address access to reproductive health and rights, protection against cultural practices and quality maternal health services.

Financing and Institutional Arrangements: The development agenda must include Gender Responsive Budgeting and the restructuring of the financial sector to ensure that credit goes to real investment and is accessible to small and medium enterprises especially in areas dominated by women. In addition, the post-2015 development framework should be financed through strengthened domestic resource mobilization and should be fully integrated in the financing of the implementation of the normative framework that seek to promote gender equality and women's empowerment.

Sex disaggregated data: Several indicators to monitor the Millennium Development Goals are not disaggregated by sex, age and other factors and therefore do not provide sufficient information about the situation of women and girls throughout their life cycle. The importance of strengthening data collection, analysis, monitoring and evaluation in the post 2015 agenda is critical.

Monitoring and Accountability: The post-2015 development agenda presents a unique opportunity to address data gaps in key areas such as women's land ownership, time use and violence against women and to do this there is the need to strengthen the current statistical systems. Strong accountability mechanisms must also be put in place to hold governments and private sector accountable for gender equality and women's rights.

5 CONCLUSION

Kenya has made great strides in the implementation of the Beijing Platform for Action. The legal and policy framework has been under continuous review since 1995, culminating in the

promulgation of the new Constitution in 2010. The government has also put in place various policies and institutional arrangements towards the realization of gender equality and the empowerment of women so as to ensure sustainable development. The challenge remains in monitoring the implementation of these laws and policies so that the gains made so far are not eroded. It is also important to ensure that the improved legal and policy environment translates to real and tangible gains for women of all walks of life through their participation and constant engagement.

ⁱ*Sessional Paper No. 1 of 2005 on A Policy Framework for Education, Training and Research*, at 14 & 27.

ⁱⁱ*Sessional Paper No. 1 of 2005 on A Policy Framework for Education, Training and Research* at 29.

ⁱⁱⁱ*Sessional Paper No. 1 of 2005 on A Policy Framework for Education, Training and Research*, at 14 & 27.

Annex 1: Information on the process of preparing the national review report, Government departments, institutions and other stakeholders consultations involved

The report of the republic of Kenya on the implementation of the Beijing Declaration and Platform for Action + 20 was prepared under the auspices of the Ministry of Devolution and Planning through the Directorate of Gender. The report was prepared through a consultative and inclusive process in the spirit of Kenya's Constitution which requires public participation and in such processes. The Gender Directorate in collaboration with UN Women prepared a concept note which clearly set out the road map for preparing the report. A technical team comprising Government representatives, civil society, and development partners was convened to guide the process. The team was made up of the Directorate of Gender, the Millennium Development Goals Unit in the Ministry of Devolution and Planning, National Gender and Equality Commission, FIDA – Kenya, Civil Society Advisory Group, FEMNET, the Kenya Women Parliamentary Association and UN Women.

With the support of the UN Women, a consultant was recruited to work with the technical team in preparing the report. The relevant reports and statistic were gathered and collated and a draft report prepared by the Consultant which was reviewed by the technical team. To ensure national ownership of the report, a 2 days stakeholder's forum was convened where extensive discussions were held on the 12 critical areas of the BPF. Participation at the forum were drawn from National and County Government, Constitutional Commissions, Government agencies, Academia, civil society, parliamentarians and development partners. Through the consultations and guided by the reporting guidelines provided by UNECA, useful information was gathered and incorporated in the report. The report was further reviewed and refined by the Consultant in collaboration with the Directorate and UN Women.

The key Government Ministries, departments, agencies, civil society organizations, institutions and UN agencies involved in the preparation of this report are listed as follows:

Government Ministries, Department and agencies

- Ministry of Devolution and Planning
- The National Treasury

-
- Ministry of Health
 - Ministry of Labour, Social Security and Services
 - Ministry of Agriculture, Fisheries and Livestock Development
 - Ministry of Education, Science and Technology
 - Ministry of Interior and Coordination of National Government
 - Ministry of Environment, Water and Natural Resources
 - Office of the Attorney General and Department of Justice
 - Women Enterprise Fund
 - UWEZO Oversight Board
 - Anti-Female Genital Mutilation Board
 - National Gender and Equality Commission
 - Commission on Administrative Justice

Academia

- University of Nairobi
- Kenyatta University
- Kenya College of Accountancy

Civil Society

- FIDA – Kenya
- CRAWN Trust
- GROOTS Kenya
- AAWORD
- Women’s Empowerment Link

UN agencies

- UN Women
- UNFPA

Parliament

Kenya Women Parliamentary Association

Members of County Assemblies

Women Members from County Assemblies

Annex 2: A list of policies, strategies, action plans and publications, and their links**1. Legislations**

- The Constitution of Kenya 2010
- The Matrimonial Property Act, 2013
- The Marriage Act, 2014
- The Kenya Citizenship and Immigration Act, 2011

-
- Counter Trafficking in Persons Act, 2010
 - The Prohibition of Female Genital Mutilation Act, 2011
 - Employment Act, 2007
 - Sexual Offences Act, 2006
 - Children’s Act, 2001
 - The National Gender and Equality Commission Act, 2011

The above can be accessed at: www.kenyalaw.org

2. Policies and National Documents

- Kenya Vision 2030
- Medium Term Plan 2013 – 2017

The above can be accessed at: www.devolutionplanning.go.ke

- Kenya Demographic and Health Survey 2008/09
- Economic Survey 2013

The above can be accessed at: www.knbs.or.ke

- Sessional Paper No.3 of 2012 on Population Policy for National Development:
- Kenya Adolescent Reproductive and Development Policy

The above can be accessed at: <http://ncpd-ke.org>

- Gender Policy in Education of 2007 : www.education.go.ke

- National Land Policy : www.housing.go.ke

- National Framework on Gender Based Violence: www.ngeckkenya.org

- National Plan of Action to Aid the Implementation of the National Framework Towards Prevention and Response to Gender Based Violence in Kenya: www.ngeckkenya.org