

REPUBLIC OF KENYA



**NATIONAL
GENDER AND DEVELOPMENT
POLICY**

NOVEMBER 2000

MINISTRY OF GENDER, SPORTS, CULTURE AND SOCIAL SERVICES

1. INTRODUCTION

1.1 Gender Country Profile

The UN Decade for the Advancement of Women, proclaimed in 1975, set in motion a process which led to the increased awareness of women's contributions not only to the sustenance but also to the development process. However, this recognition has not been accompanied by equal improvement in the lives of women. The global economic crises, the sluggish performance of the national economy, made worse by *Structural Adjustment Programmes* (SAPs), have had a negative impact on the gains made in improving standards of living in general and advancement of women in particular, in the last two decades. Increases in the prices of basic commodities and expenditure cutbacks in crucial sectors such as education and health have further eroded these gains. In this context, women have had to bear greater share of responsibility of caring for their families.

The declining economic performance, poverty and erosion of cultural values have also resulted in increased incidence of crime and violence against women. Since 1963, national and sectoral policies have had different impacts on Kenyan women and men, and more often than not have overlooked gender concerns. The *National Policy on Gender and Development* provides a basis for the Government to underscore its commitment to advancing the status of women. The Government of Kenya is determined to address any existing imbalances through policy formulation and implementation taking into account different needs and skills of men and women. The need for the Policy has arisen out of the Government's recognition that development policies do not affect Kenyans uniformly. Differences invariably arise on the basis of age, cultural practices and beliefs among others.

The *National Policy on Gender and Development* is consistent with the Government's efforts of spurring economic growth and thereby reducing poverty and unemployment, by considering the needs and aspirations of all Kenyan men, women, boys and girls across economic, social and cultural lines. The policy is also consistent with the Government's commitment to implementing the National Plan of Action based on the Beijing Platform for Action (PFA). Significantly, the KANU manifesto, and the manifestos of other political parties also address the issue of how a gender perspective can be incorporated into the national development of this country.

The Government's position is reflected in its commitment to the various International conventions to which Kenya is a signatory. These include the 1984 *Convention on the Elimination of all forms of Discrimination Against Women* (CEDAW) and the *Nairobi Forward Looking Strategies* for the advancement of women (NFLS). The *National Policy on Gender and Development* proposes concrete steps including putting in place institutional mechanisms for the implementation, monitoring and evaluation of the Policy.

1.2 The Historical Perspective

Since independence, the Kenya Government has demonstrated concern for the welfare and special needs of women. This concern led to the establishment of the *Women's Bureau* in the Ministry of Culture and Social Services in 1976 as the national machinery for the advancement of women. This was an acknowledgement of women as a population category with special

needs that require particular attention. Within the same Ministry, *The Community Based Nutrition Programme* complemented the *Women's Bureau* by implementing strategies that were aimed at strengthening the roles of women within the family with particular attention to the status and welfare of young children.

The functions and responsibilities of the Bureau, according to the Cabinet Memorandum 78 (b) include: policy formulation, implementation and evaluation; co-ordination of all Government initiatives and programmes for women; collection and analysis of data and information required for the design, monitoring and evaluation of policies and projects for women; and support to and liaison with NGO projects and women's organisations. This broad and comprehensive mandate clearly reflects the government's commitment to the advancement of women.

As the Government machinery responsible for co-ordinating gender activities, the Women's Bureau has over the years undertaken a number of activities in an attempt to ensure gender responsive policy formulation and implementation of programmes. Some of the activities include development of a training manual for sensitisation of stakeholders on gender issues; strengthening the capacity of women groups for socio-economic development; establishment of Units of Gender Issues (UGIs) or strengthening of such units, in key sectors; establishment of a gender disaggregated database; setting up a resource centre; conducting gender based studies; developing and disseminating the National Action Plan for Implementation of the Beijing Declaration and Platform for Action; participating in review and formulation of sectoral policies; and participating in the task force set up by the Government for the review of laws relating to women.

Other Government Ministries also set up special units that were aimed at addressing women issues and subsequently gender concerns in their respective sectors. The Ministry of Education and Human Resources Development had a department of women's education that was essentially a home economics unit. This unit has been transformed into a gender focal point and has launched a task force that has formulated an action plan for mainstreaming gender in the education sector. The Ministry of Agriculture addresses women's concerns in agriculture and food production through the home economics division. It has recently introduced a clear gender and development strategy with a specific unit for implementation. The Ministry of Health addresses gender concerns through the Primary Health Care Programme. It also has a network of Maternal Child Health and Family Planning services (MCH/FP). Other line ministries have set focal points geared towards mainstreaming gender issues in their programmes and policies.

It is therefore envisaged that the *National Gender and Development Policy* will provide a framework for advancement of women and an approach that would lead to greater efficiency in resource allocation and utilisation to ensure empowerment of women.

1.3 Evolving Social Systems in Kenya

Gender relations in Kenya have been moulded by a combination of factors that draw from the influence of various traditions, customs and cultural practices, levels of education and awareness, economic development and emerging patterns of social organisation, besides legislation. The socio-cultural attitudes held by both men and women, the socialisation processes and women's perception of their own status, roles and rights are of particular significance in determining the status of women. Since young children are socialised by women at a very early age, they can change their attitudes or perpetuate negative perceptions.

According to the past four population censuses, women constitute slightly more than half of the Kenyan population. The population is also composed of over forty communities who have diverse socio-cultural traditions, norms and practices. However, despite their cultural diversities and differences, there exists a strong similarity in regard to their perception of women. Women are perceived to be dependent on men and the roles accorded to men carry a higher status compared to those of women. This means that men have more rights and privileges than women. This situation is further compounded by negative portrayal of women by the media.

The challenge Kenya faces today is how to create an enabling environment which recognises the potential roles and responsibilities of women and men in the development of the country and utilise strategies that will address the socio-cultural barriers that have contributed to gender disparities and inability of women to realise their full potential.

In recent years, Kenya has witnessed a rising trend in the number of female-headed households. Male migration, single motherhood, widowhood, divorce and separation all combine to make up a national average of 25% of female headed households. Female headed households in both rural and urban areas have been identified as being among the poorest of the poor. If this category is not directly targeted by planners and policy makers in terms of distribution of national resources, it means that 25% of Kenya's households will continue to live below the poverty line.

1.4 The Need for Gender and Development Policy

The need for a national policy on *Gender and Development* arose from the Government's realisation that without a coherent and comprehensive overall framework for guiding the different sectors and agencies involved in development, tremendous resources may continue to be lost unless the thrust of mainstream development directly addresses gender concerns.

It is now recognised that development initiatives impact differently on men and women in the development process. Whereas the planning and policy making processes recognise that it is the right of men and women to participate and benefit equally from development initiatives, this has often not been the case. The Policy, therefore, recognises that traditional development theories have not facilitated the participation of women in strategic areas and positions of power and influence because they are based on traditional assumptions of the roles and

responsibilities of women and men. The approach also recognises that without quality gender disaggregated data, the planning and programming process cannot be efficient and productive.

The Policy further recognises that it is the right of men, women, boys and girls to participate in and benefit from development and other initiatives. It is a policy that will help Kenya meet its development goals and establish women and men- friendly institutions. The policy advocates for new departures and strategies that are aimed at ensuring greater participation of men and women and equal access to development resources and distribution of the benefits. It promotes a more cost-effective way of managing resources and ensuring sustainable development. This will ensure better targeting of marginalised groups and their integration into mainstream of development.

The Policy asserts the need to focus on empowerment strategies that not only demonstrate understanding of the essential linkages between the reproductive and productive roles of women, but also recognise the need to adopt equity as a goal and its achievement through the removal of any existing disparities between men and women. It highlights the social, cultural, economic and political factors that perpetuate inequalities in access to and control of development resources and benefits. It propose strategies that will ensure that resources are available and that structures are in place to addresses specific needs and skills of men and women.

The national focus on industrialisation by the year 2020 as stipulated in the current National Development Plan (1997-2001) and the Sessional Paper No. 2 of 1997 on Industrial Transformation by the Year 2020 focuses on accelerated economic growth and employment creation. This will not be achieved if the government does not take into consideration the fact that greater participation of women in the industrialisation process and in the labour market will facilitate access to resources and accruing benefits at family, community and national level.

The Policy reflects and builds upon past experiences and commitment of the Government, NGOs, religious organisations, donor communities and especially the women themselves to the need for such a policy. They are inspired by valuable experiences of Women in Development (WID) activities undertaken during and after the United Nations Women's Decade, 1975 - 1985. The issues raised demonstrate a willingness to learn from the past, by assuming new strategies aimed at accelerating the process of mainstreaming gender in all sectors and levels of development.

1.5 Overall Policy Objective

The overall objective of the Gender and Development Policy is to facilitate the mainstreaming of the needs and concerns of men and women in all areas in the development process in the country.

The *Policy's* concerns cover the following critical areas:

- i. The Economy;
- ii. Poverty and Sustainable Livelihoods;

- iii. Law;
- iv. Political Participation and Decision- Making;
- v. Education and Training;
- vi. Health and Population;
- vii. The Media;
- viii. Policy Implementation Framework and Resource Mobilisation.

2. THE ECONOMY

2.1 Situation Analysis

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

It is estimated that women head 38 % of agricultural operations in Kenya. However, in many areas of the country, social and cultural constraints persist that hinder their participation and inclusion in decision-making at the family, community and institutional levels. Major decisions affecting women's participation in agriculture and food production are therefore made without their participation. Furthermore, the development and introduction of agricultural technology are frequently done without the involvement of and consultation with women. Some technologies have increased the workload of women, especially when such technologies are targeted at men's roles in agriculture. The development of technologies relevant to the roles of women in agricultural production and food processing has significantly lagged behind.

Traditional and social practices also deny many women the right to property ownership. This puts women at a disadvantage in seeking access to credit, agricultural inputs, marketing outlets and the opportunities accruing from membership of agricultural co-operatives. In most cases, access to credit, training and improved production techniques is linked to access to land ownership. Women cannot therefore qualify for any credit that is tied up with collateral requirements, which are often based on a land title deed.

Furthermore, traditional and social practices governing land and livestock ownership, access and control over resources and benefits accruing from agricultural production, severely limit women's capacity for increasing production. In addition, their multiple roles in reproduction, maintenance and production constitute heavy workloads and place serious limitations on their time. This affects the extent to which they can take advantage of new agricultural methods, information, knowledge and available skills through agricultural and livestock extension networks or the media. This limitation is compounded by the high rate of illiteracy among women in the rural areas, which is a great hindrance to their self-reliance and ability to acquire knowledge. Consequently, their capacity for absorbing and adopting new ideas is also affected

Women's involvement in cash crop production remains unrecognised because of the administrative arrangements governing this area of production where the title holder is the one officially recognised by a board or co-operatives through which benefits of agricultural production are channelled. In order to encourage intensive farming and increased productivity, Kenya has established a broad network of agricultural and livestock extension services for reaching out to small-scale farmers. Such services often fail to reach women farmers, especially

poor farmers because of the way they are targeted and organised with 'leading farmers' hosting agricultural demonstrations. The timing and location of such demonstrations may also not take into consideration the multiple roles of women and the demands such roles make on women's time. Although the Government has tried to facilitate an increase in the training of women as extension officers in agriculture, the majority of such officers are still men. Experience in Kenya and elsewhere shows that female officers are more acceptable as advisers to women farmers.

Many women's groups are engaged in agricultural and livestock development activities such as co-operative farming, horticulture, food processing and marketing, zero-grazing, goat keeping and bee keeping. The structure of women's groups in Kenya, therefore, provides a viable channel for out-reach by the Government and other development agencies. At the same time, it provides a mutually supportive environment for women's education and awareness creation. For these reasons, agricultural and other extension officers should be seen to maximise the potential of the women's groups in their out-reach activities.

Agriculture and livestock production are closely related to such issues as water development and the management of the environment, energy and other natural resources. Effective co-ordination and collaboration between sectoral Ministries to enhance women's roles is generally lacking. This trend results in the absence of a coherent approach to develop essential sectoral linkages that can support the multiple roles of women.

The paucity of women in scientific and agricultural studies manifests itself in the insignificant number of women scientists engaged in agricultural research. Lack of awareness and focus on gender issues in agriculture and livestock development also leads to gender blind research which in turn leads to lack of accurate information on, and assessment of women's contribution. In addition, there are no deliberate and reliable mechanisms for disseminating research findings to women farmers as a specific important development category. It is often assumed that information aimed at the general public or farmers generally will reach women. The establishment of reliable channels of communication with women remains a big challenge in agriculture as in all other development sectors.

Women in the urban areas participate in wage and informal employment to a larger extent than rural women. Participation of women in modern sector employment has been rising gradually since independence (12.2 per cent in 1964 to about 21 per cent in 1990), this progress is unsatisfactory since clearly, women still constitute a minority among Kenyans employed in the modern sector. Statistics show that the participation of women in modern sector wage employment is still under 30%.

The situation of urban and peri-urban dwellers is no better, given the higher cost of living and the lack of access to land for growing foodstuff. Although the rate of participation of urban women in the labour force increased from 30 % in 1985 to 56 % in 1995, this has not translated into much gain as women still suffer from low productivity, low pay and long hours of work. In addition, women are more at risk of unemployment than their male counterparts. In 1986, the rate of unemployment was 11.7 (9.3 for males and 16.5 for women).

Factors that hinder the advancement of women in the labour force, particularly in wage employment in the formal sectors, require specific attention. For example, Employment Act

(1997) discriminates against women by restricting the employment of women between the hours of 6.30 p.m. and 6.30 a.m. in an industrial undertaking and also restricts the employment of women in underground work in a mine.

The Sessional Paper No. 1 of 1986 on *Renewed Economic Growth for Sustainable Development*, and the Report of the Presidential Committee on Employment (1991) emphasise the importance and potential of the micro and small-scale enterprise development sector (Jua Kali) for future job creation opportunities and for raising incomes. Next to agriculture, this sector gives the majority of women an opportunity to be engaged in cottage industries that entail making handicrafts, dressmaking and baking, among others. Women in this sector also engage in retail trade, petty trading and hawking of farm produce, household utensils, and second-hand clothes.

Although in the past, support for this sector came mainly from Non-Governmental Organisations, the current Government policy on employment is aimed at removing all barriers facing the sector to promote its growth. Towards this end, the Government has identified constraints that women face in the informal sector and gone further to incorporate strategies for tackling them.

The Government recognises that the quality of the country's labour force to a large extent depends on the capacity and performance of women as mothers and custodians of family health and welfare. Their capacities and performance are in turn dependent on the attention paid to their employment opportunities and status in employment.

2.2 Policy Objectives and Recommendations

2.2.1 General Policy Objective

To enable men and women to have equal access to economic and employment opportunities.

2.2.2 Specific objectives

- a. Facilitate review of laws that hinder women's access to and control over economic resources. Undertake gender sensitization geared towards changing customs and traditions that perpetuate the same hindrances;
- b. Enhance measures that guarantee equity and fairness in access to employment opportunities, in both formal and informal sectors;
- c. Develop and improve vocational and technical skills of the disadvantaged groups, notably the unemployed youth, the disabled women, poor urban and rural women and street dwellers, for improved access to employment opportunities;
- d. Re-orientate extension services to emphasise gender sensitisation and participatory planning to enhance their responsiveness to the needs of women;

- e. Intensify existing programmes aimed at developing and introducing appropriate technologies targeted at the role of women in agriculture, food production, storage, processing, and preparation;
- f. Promote gender responsive agricultural research and dissemination of agricultural research findings;
- g. Develop indicators to monitor participation of women in economic development;

2.2.3 Recommendations

- i. Implement the findings of the Task Force reviewing Laws on Women;
 - (i) Strengthen policies and programmes that enhance women’s vital role in food production and food security;
 - (iii) Target equally men and women with comprehensive and efficient extension and outreach services;
 - (iv) Intensify community mobilisation efforts with a view to encouraging men and women to engage in off-farm, self help activities including Micro and Small scale Enterprises (MSE);
 - (v) Promote and strengthen micro-enterprises, new small businesses, and co-operative enterprises and ensure equal representation of men and women;
 - (vi) Create non-discriminatory support services, including investment funds for women’s businesses, and target women, particularly low-income women, in trade promotion programmes;
 - (vii) Encourage financial supervisory and regulatory reforms with regard to credit that will benefit the micro, small, and medium-scale enterprises owned by men and women;
 - (viii) Take measures to ensure equal access to ongoing training in the workplace, and give incentives to enterprises to expand the number of vocational and training centres that provide training for women in non-traditional areas;

3. POVERTY AND SUSTAINABLE LIVELIHOODS

3.1 Situation Analysis

Poverty is now recognised as a major threat to a very significant section of Kenyan households with serious implications on the security and economic stability of the country. By definition, poverty is multi-dimensional including shortage of income and deprivation in access to basic social services (education, health and water), food security, shelter, credit and employment. It can be defined in absolute and relative terms. Absolute poverty refers to inability to attain a minimum standard of living measured by a range of economic and social indicators such as household incomes and expenditure per capita, health status, life expectancy, access to basic social services, infant mortality rate, nutritional status and literacy. It therefore manifests in hunger and chronic malnutrition, high levels of illiteracy, lack of sufficient income and productive resources, increasing morbidity and mortality, homelessness, inadequate housing, and social discrimination. Relative poverty on the other hand compares the status of an individual to that of the neighbours.

According to the Welfare Monitoring Survey of 1994, the incidence of poverty in Kenya was 47% in the rural areas and 29% in the urban areas. The absolute poverty line was Ksh 980 per month for the rural areas, and Ksh 1490 per month for the urban areas. The weight of poverty falls disproportionately on women. Female members of poor households are often worse off than male members because of gender-based differences in the distribution of resources within the family. In rural areas, female-headed households tend to be among the poorest. Of the households in Kenya, women head 25%. This trend is increasing due to a combination of factors. Thus, the percentage of women among the rural poor increased from 47 % in 1982 to 53 % in the 1990s.

Women's experience of poverty may be different and more acute than that of men because of gender-based forms of exclusion leading to their unequal access to economic opportunities. Women receive a disproportionately small share of credit from formal banking institutions, as the delivery systems do not take into account women's specific needs and their common characteristics. Due to their little experience in dealing with formal financial institutions, women tend to have smaller businesses and are less likely to own land or other assets as collateral. Women also receive a much lower average wage than men do because they are mainly concentrated in the agricultural sector and in the informal sector where the rate of and potential for growth are relatively low. In the industrial and private sector, the majority of women are concentrated in the unskilled and semi-skilled categories. Thus, they have limited access to the opportunities and benefits of economic development.

Furthermore, the traditional male-female power imbalance makes it harder for women to own land and other assets, obtain adequate education and employment and move physically and socially to take advantage of economic opportunities. Although women provide a crucial support base for the rural and urban economies, both in the labour force and in the household, their work remains unpaid, unrecognised and undervalued in economic terms due to the focus on quantifiable macro-economic measures such as gross domestic product (GDP), investment and employment.

Poverty amongst women cannot, therefore, be isolated as a purely economic feature since its causes and effects are so diverse. The political, legal, social, cultural and historical conditions that combine to create poverty must be considered. The basic objective of any type of development is to enlarge people's choices by facilitating equal access to opportunities, for all men and women in society, and ensuring that such opportunities and empowerment of people are sustained so that they are able to participate in and benefit from the development process. Critical issues to address in this case include shelter, water, energy and the environment.

The issue of housing has assumed significance in Kenya with the increase in the number of homeless people and the rising state of degradation in housing conditions especially in urban slums and rural squatter settlements. The situation is persistently aggravated by the high rate of population growth, deteriorating household incomes and the rise in unemployment. Women shoulder most of the problems associated with inadequate shelter and infra-structural development in both rural and urban areas. In most parts of the country, women are involved in actual construction of shelter and in its upkeep. In Nairobi and a few other parts of Kenya, women's groups engage in shelter-related projects such as, co-operative acquisition of plots and the manufacture of low-cost building materials, both for sale and for construction of members' houses. Poor female heads of households as sole shelter providers are greatly disadvantaged. In urban areas, they constitute a large proportion of slum dwellers.

The Government recognises that environmental degradation is a major cause of poverty. In this regard, it is also noted that women play a major role in the management of natural resources such as water, soil, food and forests. Their dominant roles within the household and in agriculture make them the daily managers of the living environment. Because of their roles and experiences, women have profound knowledge of the local environment including the food crops, livestock, plants and ecological processes around them. The success of on going and any new efforts to halt the alarming rate of environmental degradation and destruction demands the deliberate awareness creation to bring about fundamental changes in attitudes and practices. This is because proper management of resources is intimately related to socio-cultural attitudes and practices. Consequently, it is important to recognise women's contribution to environmental management and their potential usefulness as a major force for sustainable development. This is important since women are normally the first victims of environmental degradation.

Kenyan women have been quick in recognising the relationship between their roles and the environment. In many parts of the country, they have responded to environment-related issues by transforming their traditional organisations into specific action-oriented groups to cope with new realities. In these groups, they mobilise resources in the form of labour, time and know-how, for soil conservation, tree planting and afforestation purposes.

3.2 Policy Objectives and Recommendations

3.2.1 General Policy Objective

To remove obstacles to women's access to and control over productive assets, wealth and economic opportunities, shelter, safe drinking water, and promote measures for conserving the environment.

3.2.2 Specific Objectives

- a. Enhance collection of gender disaggregated data in order to monitor policies aimed at reducing gender inequalities and achieving poverty eradication;
- b. Ensure that the national budget which is the key economic policy instrument of the Government, has the potential of enabling the state to meet the needs of the poorest, most of who are women;
- c. Promote more equitable distribution of productive assets, wealth and opportunities;
- d. Increase women's participation in macro-economic policy formulation and address the structural causes of poverty to achieve men and women-based sustainable development;
- e. Ensure that public expenditure promotes women's economic opportunities and equal access to productive resources;
- f. Create an enabling environment for women to participate in the conservation of the environment, management of water resources and development of appropriate housing.

3.2.3 Recommendations

- i. Review, from a gender perspective, all the public investment programmes to ensure that women and men are explicitly targeted. Build gender-mainstreaming capacity in public investment programmes;
- ii. Develop and implement anti-poverty programmes that improve access to food in the case of women living in abject poverty;
- iii. Provide appropriate infrastructure and technology to increase women's incomes and promote household food security, particularly in the rural areas. In addition, encourage market-based co-operatives;
- iv. Develop conceptual and practical methodologies for incorporating gender perspectives into all aspects of the economic policy-making process;
- v. Increase the support given to the small-scale entrepreneurs, particularly because they create jobs and training opportunities for the poor families;

- vi. Review policies and programmes, particularly those related to the informal sector and to the area of macro-economic stability and investment policies, that do not target women to find out how they will impact on poverty and inequality particularly from the point of view of women;
- vii. Continue to undertake research into low-cost shelter development and ensure women's access to such housing;
- viii. Undertake a regular survey to take stock of the housing situation to determine the nature and extent of such constraints with a view to eliminating them, and use the survey information as reliable gender- based data on ownership of shelter and capacity for acquisition;
- ix. Encourage women to join housing co-operatives and promote the activities of existing groups;
- x. Identify and support loan schemes such as the African Housing Fund to cater for the specific needs of the poor, especially women;
- xi. Ensure the inclusion of women in the Committees and Boards associated with housing development and allocation of housing loans. Consultation with women in connection with the design of new housing schemes will also be institutionalised;
- xii. Invest in comprehensive and effective human priority concerns, that include safe drinking water, and environmental conservation;
- xiii. Promote the development of energy saving *jikos* that are accessible and affordable to all the families, especially women, and support research into alternative sources of energy;
- xiv. Accelerate current efforts aimed at providing clean water within 3 km of every home, and continue with efforts directed at improving water sources and encouraging effective harvesting of rainwater;
- xv. Intensify public education campaigns directed at women individually, in their groups and organisations, and promote and support their conservation efforts in order to arrest deforestation, conserve water, promote soil conservation, and protect riverbeds;
- xvi. Encourage public educational campaigns aimed at facilitating change from persistent cultural and traditional taboos and practices that are detrimental to sound environmental management.
- xvii. Ensure the involvement of women in all stages of environmental and water projects and incorporate their training in environmental management.

4. LAW

4.1 Situation Analysis

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

Section 70 of the Constitution outlaws any discrimination against the enjoyment of the above rights and freedoms on grounds of race, tribe, place of origin or residence or other local connection, political opinions, colour, creed or sex. Under Section 82(4)(5), discriminatory laws can not be passed with respect to matters affecting areas of fundamental interest to women. However discrimination is evident in the application of some sections of the Constitution such as Family Law (adoption, marriage, divorce, burial); Succession and Property, matters of Personal Law and application of Customary Law.

The Government in 1993 appointed a Task Force for the Review of Laws Relating to Women, to review current laws, regulations, practices, customs and policies that impose constraints on equal enjoyment of rights by women in civil, political, social cultural life or related matters with a view to preparing legislation designed to remove or limit the inequalities referred to.

Universal legal aid to Kenyan citizens is inadequate and the cost of hiring legal services is exorbitant. This means that the rights of majority of Kenyans who cannot afford litigation fees continue to be violated.

The Government has ratified several conventions that impact on gender. The most important of these are the CEDAW, which was ratified in 1984, the Beijing Declaration and Platform for Action and the Convention on the Rights of the Child. Progress has been made towards domestication of these conventions but gaps still remain and need to be addressed.

Historically, there are five recognised forms of marriage in Kenya, that is Christian Marriage, Civil Marriage, Hindu Marriage, Islamic Marriage and African Marriage. The legal consequences of these marriages depend on the form of marriage. The diversity of marriage laws create a number of practical problems such as:

- Legal limitations in addressing inter-racial and inter-religious marriages;
- Difficulties in ascertaining the existence of marriages due to the diversity of marriage registers;
- Complexity in processing matrimonial disputes and in ascertaining the law applicable in specific cases.

The complexities associated with marriage laws often have a negative impact on the marriage rights of Kenyan women. African Customary law, for example, recognises initiation and

puberty as acceptable requirements for marriage. It does not require issuance of a certificate. Such loopholes in the law subject many girls to early or forced marriages, which denies them the opportunity to advance in their education and the most basic human right of choice and self-determination.

The Citizenship Act allows Kenyan men to automatically bequeath citizenship upon marriage, the right that is not enjoyed by women. Given that Kenya does not allow dual citizenship, and that some countries today do not recognise citizenship by birth, there is an increasing danger that children born outside of Kenya to Kenyan mothers may be rendered stateless if their fathers die before attaining citizenship.

The Succession Act, 1981 stipulates that women may inherit property as dependants of the deceased. Socio-cultural norms in some communities prohibit this, especially where such property is land. The simultaneous existence and application of customary, religious and statutory law leads to confusion as regards family custody and maintenance of children.

The Vagrancy Act has been used to harass unaccompanied women after certain hours. The presumption is that they are loitering for purposes of prostitution

Violence against women is a serious problem, which takes many forms, namely psychological and physical, verbal and economic. Cases of rape, assault and defilement are on the increase with the age of the victim getting lower over the years without accompanying harsher sentences to act as a deterrence. Most acts of violence against women take place in the home, which sometime makes it difficult for the law enforcement personnel to intervene.

4.2 Policy Objectives and Recommendations

4.2.1 General Policy Objective

To guarantee Kenyan men and women equality before the law, as provided for in the Constitution and under the obligations of the Kenyan State in international law.

4.2.2 Specific Objectives

- a. To address areas of Personal Law, Law of Succession (1981) and any other law that discriminates against women;
- b. Ensure protection of men and women against all forms of violence;
- c. Promote gender sensitive research into the laws of Kenya and ensure legal literacy amongst men and women.

4.2.3 Recommendations

- i. Implement recommendations of the Task Force for the Review of Laws Relating to Women;

- ii. Review all overlapping Family Laws with a view to harmonising them;
- iii. Review and harmonise the Adoption Act, the Births and Deaths Registration Act, and the Guardianship of Infants Act; and the Law of Domicile Act; the Legitimacy Act, Citizenship Act and any other provision or regulation in any law that may appear to be discriminatory against both males and females on grounds of sex;
- iv. Amend the Penal Code in order to make wife beating and other gender related crimes a criminal offence;
- v. Ensure that victims of sexual offences have the right to have their cases heard in camera and create family courts for the hearing of cases of rape, incest defilement in which the complainant is a child;
- vi. Sensitise legal practitioners, administrators and other law enforcement officials in the handling of cases of violence;
- vii. Train all law enforcement agents to be able to assist women victims of crime, and in particular women victims of violence. This would entail incorporating a course on violence against women into law degree and police training courses;
- viii. Set up safe shelters for victims of domestic violence to support the police and other socio-cultural entities in their work. Disseminate information on the assistance available to women and families who are victims of violence;
- ix. Ensure that women with disabilities have access to information and services in the area of violence against women;
- x. Organise, support and fund community-based education and training campaigns to raise awareness about violence against women as a violation of women's enjoyment of their human rights, and mobilise local communities to use appropriate gender-sensitive traditional and innovative methods of conflict resolution;
- xi. Take special measures to eliminate violence against women, particularly violence against those in vulnerable situations such as young women, refugees and internally displaced women, and women with disabilities;
- xii. Undertake multi-media advocacy campaigns aimed at changing social attitudes and customary practices that continue to bar women and girls from the benefits of existing laws with particular reference to the law of succession;
- xiii. Provide information on matters concerning loan application and tendering;
- xiv. Provide and intensify gender sensitive human rights education and training for public officials including the police;
- xv. Carry out gender sensitive research into the Laws of Kenya;

- xvi. Disseminate and popularise the CEDAW provisions with the aim of institutionalising it for monitoring discrimination based on gender;
- xvii. Undertake public legal literacy programme by utilising all reliable channels of communication, including the media, women’s organisations, adult literacy education programmes and chiefs’ barazas;
- xviii. Grant women equal rights with men with respect to the nationality of their children.

5. POLITICAL PARTICIPATION AND DECISION MAKING

5.1 Situation Analysis

The Government of Kenya recognises the tremendous contribution made by men and women in the political development of the country since independence. Despite the fact that women account for slightly more than half of the total population and comprise a large voting population, they are still inadequately represented in strategic decision-making institutions such as Parliament, Central Government and Local Authorities, Trade Unions, Co-operative Societies, Professional Bodies and grassroots-based institutions such as Land Boards.

Although women have made an immense contribution to the socio-economic and cultural development of the country, their peripheral position in political participation and decision-making is very much influenced by patriarchal system, which assumed that men represent women.

The Government is committed to promoting participation of women in leadership positions. Historical trends show a gradual increase in women's participation in politics and high level decision-making. Statistical trends regarding women’s political participation since independence show a modest increase in the number of women elected to Parliament. With the re-introduction of a multi-party system in 1992 an accelerated trend of women political participation has been observed. There were 5.7 per cent of women that contested in 1997 General Elections in comparison with 2.2 per cent in 1992 general elections. Unfortunately, only 1.9 per cent made it to Parliament in comparison with 3.2 per cent in 1992. In order to bridge the gender gap in the National Assembly, KANU and other Political Parties nominated 41.7 per cent of women comparing with 8.3 per cent in 1992.

TABLE 5.1 MEMBERSHIP OF THE KENYA NATIONAL ASSEMBLY BY YEAR OF ELECTION, CANDIDATES AND SEX - 1969-1997.

YEAR OF ELECTION	NO. OF CANDIDATES	ELECTED MEMBERS	NOMINATED MEMBERS

	TOTAL	%WOMEN	TOTAL	% WOMEN	TOTAL	%WOME N
1969	606	0.66	155	0.7	12	8.3
1974	739	1.49	157	3.2	12	16.7
1979	747	1.34	158	1.9	12	8.3
1983	727	0.96	158	0.6	12	16.7
1988	852	1.41	188	1.1	12	8.3
1992	854	2.23	188	3.2	12	8.3
1997	882	5.70	210	1.9	12	33.3
1998	882	5.70	210	1.9	12	41.7

Source: Electoral Commission, Jan 1998.

As regards to women participation in the leadership of Local Authorities, there is an encouraging positive trend. Whereas women constituted 2.1 per cent of the elected Councillors in 1986 and 2.7 per cent in 1992, currently they occupy 8.1 per cent of the elected positions in Local Authorities.

TABLE 5.2 LOCAL AUTHORITIES MEMBERSHIP BY SEX AND TYPE OF AUTHORITY (1986,1992 AND 1997).

TYPE OF AUTHORITY	1986		1992		1997	
	TOTAL	%WOMEN	TOTAL	%WOMEN	TOTAL	%WOMEN
County Council.	631	1.7	1029	2.3	2455	8.2
Municipal	215	3.3	354	4.2	596	8.7
City Council.	-	-	55	7.3	69	10.1
Town Council	125	2.0	398	1.8	572	7.1
Total	971	2.1	1836	2.7	3692	8.1

Source: Electoral Commission, Jan, 1998

The representation of women in the Trade Unions Movement has been low, a factor that is closely linked to the low participation of women in wage employment (28.7% in 1997). This is in spite of the steady increase over the years of female membership in such trade unions as Kenya Shoe and Leather Union, Union of Domestic and Allied Workers and the Kenya Union of Teachers (KNUT) which stands at 20-45 per cent. Representation of women in other trade unions is low which is a reflection of historical aspect of male domination in professions such as engineering, quarry and mining.

There has been a remarkable improvement in women's representation in the Judiciary over the years and at various levels. This has been more significant at magisterial level than at higher levels. In 1994, women formed 41.3 % District Magistrates I, 31.7 % of Senior Resident Magistrates, 37.5 % of Principal Magistrates and 13 % of High Court Judges. In the same year, 37.6 % lawyers registered by the High Court were women.

At the community level (both in pastoral and agricultural communities) women were traditionally not represented in decision-making bodies at village or clan councils of elders where all political and judicial decisions were made. The situation is changing gradually. Women have made a lot of inroads through various fora, including Parents Teachers Associations (PTA), Self Help and Women's Groups, and Advisory Boards. Although the main objective of the women groups is to engage in various economic activities, more often than not women voice their views through their representatives at the community decision making level. Currently there are over 90,000 women groups in the country with a membership of 3,900,548 members and their paid up contribution standing at Ksh.381, 800,000. Women manage about

25% of Kenyan households both in rural and urban areas. This entails decision-making regarding productive resources, labour allocation and income among others.

As regards to the civil service, since independence the number of women in key positions has been small as compared to that of men. In 1994 there were 23 per cent women in the civil service. While at the lower level of the civil service the share of women has been in the range of 22-35 per cent, at the middle rank level women represent about 10-15 per cent and at the highest level (Job Group P and above), women are in the single digit bracket.

There has been a positive trend in women participation in administration. Currently there are 23.1 per cent women in administration in comparison with 21.4 per cent in 1992. There are 6.1 per cent of women ambassadors in comparison with 3.1 per cent in 1992. The figure of women Deputy Secretaries has gone up significantly from 4.5 per cent in 1992 to 15.8 per cent in 1998.

TABLE 5.3 DISTRIBUTION OF SENIOR ADMINISTRATIVE POSTS IN GOVERNMENT BY TYPE OF POST, 1992 1994 AND 1998

RANK	1992		1994		OCT. 1998	
	TOTAL	%WOME N	TOTAL	%WOME N	TOTAL	%WOME N
PS	38	5.3	30	6.7	30	13.3
Ambassadors	32	3.1	33	3.0	33	6.1
Deputy Secretary	89	4.5	77	1.3	82	15.8
Under Secretary	192	12.5	193	14.0	197	17.4
S.Ass.Secretary	139	23.0	143	26.6	155	27.1
Ass.Secretary I	118	29.7	69	31.9	85	32.9
Ass. Secretary III	66	45.5	82	39.0	98	38.8
TOTAL	706	21.4	665	21.8	768	23.1

Source: Directorate of Personnel Management

Despite the low participation of women in the above structures, the government fully recognises that women's increased participation in decision-making positions in the Government, NGOs, Private Sector and Legislative Bodies will help to re-define priorities regarding gender-specific concerns, values and experiences.

5.2 Policy Objectives and Recommendations

5.2.1 General Policy Objectives

To enhance gender parity in political participation and decision - making.

5.2.2 Specific Objectives

- a. To strengthen and promote increased and equitable participation by Kenyan women in the electoral and decision-making process at all levels;
- b. Promote principles of transparency and good governance;
- c. Develop a monitoring framework to measure the level of participation of women in the political and decision making process.

5.2.3. Recommendations

- (i) Encourage and enhance appointment of qualified and experienced women to high level decision-making positions with a view to achieving gender balance in various government bodies, committees, the Civil Service including Administration and Judiciary, among others;
- (ii) Encourage political parties to consciously promote the participation of women with a view to attracting men and women with a view to increasing their representation in the political process;
- (iii) Encourage NGOs, co-operative societies, trade unions, professional bodies and the private sector to achieve equal representation and participation of women in decision making;
- (iv) Take deliberate steps to ensure that women get equal access to training opportunities and ensure that more women get training at technical and managerial levels;
- (v) Create awareness and encourage active participation of women in political and decision making process at the grassroots level;
- (vi) Increase the participation of women, including women entrepreneurs, in advisory boards and other fora so that women can contribute to the formulation and review of various policies and programmes;

6. EDUCATION AND TRAINING

6.1 Situation Analysis

The Government regards education as a basic right for all citizens and a prerequisite for economic and social development. It therefore has 'Education for All' as one of its major goals.

The education sector expanded tremendously over the years due to the concerted Government, NGOs and community (Harambee) efforts. Whereas primary school enrolment increased from 0.9 million at independence to 5.9 million in 1998, secondary school enrolment rose from 30,120 to 680,000 and university enrolment went up from 412 in 1965 to 40,000 over the same period.

Despite this expansion, gender disparities in terms of access to education, retention in school, transition from one level of education to the other and performance have become more pronounced over the years. Access to education has been affected by a downward trend in the Gross Admission Rate (GAR) in primary schools and Gross Enrolment Rate (GER) in both primary and secondary schools. In 1989 the standard one intake was 132.5% (132.1% for girls and 138.45 for boys) and in 1997 it had declined to 114.0 % where that of girls was 111.0% and boys 117.1%. The GER in both primary and secondary schools declined from 1989 until 1996 when it started going up again.

At the national level there seems to be near parity in education for girls and boys at the primary school level. As shown in the 1998 statistics, primary school GER stood at 88.8%. Girls registered 88.2% and boys 89.3%. Gender gaps are still evident at the regional and district level. In North Eastern Province, for example, GER for girls is 16.8% while that of boys is 32.0%. Access to education, especially for girls, is still crucial in ASAL areas as well as in poor rural and urban communities.

Available statistics indicate that over 50 % of school children either drop out or repeat before completing the primary school cycle. Only 46.1% of the pupils who were admitted in standard 1 in 1990 completed standard 8 in 1997. Completion rate for girls stood at 45.8% while that of boys was 46.3 % in the same year. The low retention rate is an issue of concern.

The transition rates for girls from Primary to Secondary and then to University are lower than that of boys. Current statistics indicate that transition rates to secondary school stand at 44.9% (girls 44.5%, boys 45.3%) and from secondary to University stands at 6%. Female students constitute only 29% of the total number of University students.

Gender disparity is also evident in performance at all levels of education. Out of 446,539 pupils who sat for the 1998 KCPE only 198,329 got admitted to secondary schools. Girls constituted 47.6% of the number admitted. Although the 8-4-4 curriculum offers same subjects for girls and boys, most girls' schools are not well equipped or staffed to offer science and technical subjects. This trend has denied girls the opportunity to pursue certain courses at tertiary level of education. It has also contributed to the low participation of girls and women in science and technical professions in the country.

Women are inadequately represented in the Ministry of Education and Human Resource Development's personnel as well in the teaching force. Available statistics from the Ministry for

1998 indicate that women constitute only 7.7% of top level management position (Job Group P-T), 15.8% of middle level management (Group J-L) and 42.9% of low level cadre. Teachers Service Commission (TSC) records for January 1998 indicate that women form 40.5% and 38% of primary and secondary school teachers. All these show a considerable gender disparity in the Ministry in terms of numbers, positions-held, benefits and influence, among others.

High rate of illiteracy among women is another concern in the country. Although women have been highly motivated towards achieving literacy and continue to dominate literacy classes in most areas, illiterate women still outnumber illiterate men. In 1994, 23.4% of male and 55.3% of female heads of households were illiterate.

In terms of technical training, Kenya, Mombasa and Eldoret Polytechnics and over 20 Technical Training Institutes continue to enrol several students to pursue certificate, ordinary and higher diplomas. The numbers have been rising with 8,658 students enrolled in the three Polytechnics in 1997. In terms of Technical Training Institutes the numbers dropped from 10,340 in 1996 to 8,553 in 1997. Female representation in these institutions has lagged behind that of males, over the years.

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

6.2 Policy Objectives and Recommendations

6.2.1 General Policy Objective

To enhance and sustain measures to eliminate gender disparities in access, retention, transition and performance in education for both boys and girls.

6.2.2 Specific Objectives

- a. Address the specific problems of enrolment, retention, transition, and performance of the girl child in the education system;
- b. Promote the participation of women in education sector management, curriculum development and education counselling;
- c. Promote and support alternative systems of basic education in collaboration with civil society organisations;
- d. Ensure that literacy and post literacy materials are gender responsive and easily available to learners;
- e. Enhance the enrolment and retention of women in technical training institutions;

- f. Improve participation of the disabled girl child in both special and vocational training.

6.2.3 Recommendations

- a. Target basic education programmes at the disadvantaged groups in ASAL and poor rural and urban areas, with specific emphasis on women;
- b. Ensure that education programmes including special education and technical training are more gender responsive in curricula, training and learning materials;
- c. Strengthen existing bursary scheme to target needy boys and girls equally;
- d. Establish a monitoring and follow up mechanism for school drop outs;
- e. Improve collection, analysis and dissemination of data disaggregated by age and gender in the sector;
- f. Encourage community mobilisation and sensitisation in support of the girl child as a basis for influencing socio-cultural and household dynamics to overcome the differential treatment of girls and boys;
- g. Encourage development of effective strategies for increased participation of girls in science and technical education;
- h. Encourage the integration of functional literacy into all development programmes;
- i. Increase the use of all available and affordable media to support adult education and basic literacy;
- j. Produce innovative and cost-effective literacy and post-literacy materials aimed at ensuring that literacy skills are acquired and retained;
- k. Re-orient the special education and vocational training towards the needs of the disabled girls;
- l. Encourage deliberate action to promote or appoint qualified women to decision - making positions or position of power and influence in the Education Sector;

7. HEALTH AND POPULATION

7.1 Situation Analysis

Good health is a prerequisite for effective socio-economic development. The Government is therefore committed to the provision of health services and facilities across the country. The health care delivery in Kenya has been guided by the principle of providing health services within easy reach of Kenyans and placing emphasis on preventive, promotive and rehabilitative services without ignoring curative services.

The country's population is considered by the Government and other stakeholders as the most valuable resource. Despite significant demographic transition which saw the population growth decline from being among the highest in the world at 3.8% (1979) to 3.4% (1989), the still high population growth has created huge pressure on the Government to provide education, health care, transportation, employment opportunities, social amenities, posing serious developmental challenges for the future. Rapid population growth has also led to high dependency and large and growing youthful population that needs basic services and creation of employment. Since women constitute more than half of the population, their health and reproductive needs cannot be ignored if equitable development and provision of services is to be achieved.

The policies that the Government has pursued over the years have had positive impact on improving the health status of men, women and children. Available indicators show substantial improvements in the health status of Kenyans.

Table 7.1 National Health/Demographic Indicators

INDICATORS		1962	1969	1979	1989	1993	1998
Life Expectancy at Birth	AV.	46.3	49.1	55.5	59.5	61.1	59.3
	F.	49.8	51.2	56.9	61.4	63.2	60.9
	M.	42.7	46.9	54.1	57.6	59.0	57.6
Infant Mortality Rate	AV.	126	119	104	74	62.6	70.7
	F.	116	109	94	64	58.6	66.8
	M.	136	129	114	84	66.6	74.5
Under Five Mortality Rate	AV.	211	167	150	105	93.2	105.2
	F.	201	157	140	95	89.3	102.6
	M.	221	177	160	115	97.1	107.8
Maternal Mortality Rate		226	204	168	225	365	365-590
Crude Birth Rate (CDR)		50	50	52	48	44	34.6
Crude Birth Rate (CDR)		20	17	14	11	10	11
Total Fertility Rate		6.8	7.6	7.9	6.7	5.4	4.7

Contraceptive Prevalence Rate		4.8	7.0	17	26.9	32.7	39
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SOURCE: Kenya Demographic and Health Survey (Various Years)
Situation Analysis of Children and Women in Kenya (Various Years)
Kenya Population Census (1962 - 1989)

NOTE: Life Expectancy is declining due to HIV/AIDS Pandemic

Despite these improvements, significant disparities still exist, especially in relation to women's reproductive health. According to the 1998 Demographic and Health Survey, on the average, women in their twenties have given birth to almost three children; women in their late thirties have had over 5 children; and women currently at the end of their child bearing years have had nearly 7 children. Out of the 6.9 children ever born to women aged 45-49, only 5.8 survived.

Nearly one in four children (23 %) are born at an interval of less than 24 months. This means that children born too soon after the previous birth are at increased risk of poor health. Rapid child bearing therefore threatens maternal health. Women of childbearing age are also exposed to dangers of dying due to complications during pregnancy and childbirth. Current estimates indicate that maternal deaths represent 27 per cent of all women of 15-49 years of age or 590 maternal deaths per 100,000 live births. High rates of maternal mortality are a result of unsafe abortion, haemorrhage and resultant anaemia, pregnancy and childbirth related disorders. Other factors include inadequate access to health facilities and services, poverty and low social status.

Traditional marriage practices combined with the process of rapid social change bring about a significant increase in the rate of adolescent fertility. Adolescent mothers are more likely to experience complications due to pregnancy and more constrained to pursue educational opportunities in comparison with their peers who delay child bearing. In Kenya, the proportion of teenage girls (age 15-19) who are either pregnant or already mothers is 21 %. The reproductive health needs of adolescent girls and boys have not been adequately addressed. Adolescent girls are biologically and psychosocially more vulnerable than boys to sexual abuse, violence and prostitution.

Knowledge of modern methods of contraception has increased over the years and currently stands at 96 % for women aged 15-49 and 98 % for men aged 15-54. Despite this, only 39 % of married women and 46 % of sexually active unmarried women use any method of family planning, thus exposing themselves to the unwanted pregnancies and various sexually transmitted infections.

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

The value of breast-feeding is well recognised in Kenya and the implementation of the National Policy on Infant Feeding Practices (1990) is aimed at encouraging mothers to exclusively breastfeed their babies for the first four months. Currently, only 28 per cent of children under two months and 17 per cent of children under four months of age are fed on breast milk only. This is because:

- Most mothers do not believe that breast feeding alone is adequate;
- Mothers working away from their babies cannot exclusively breastfeed unless they stop working, or are allowed to operate flexible working hours.
- The majority of women are self-employed; some are the sole breadwinners for their families. This does not allow them unlimited access to their babies for breast-feeding. The provision of paid maternity leave for those in paid employment is of course helpful, but it applies to only a tiny percentage of mothers in the country.

The AIDS pandemic poses the biggest health challenge of our time. Since 1990 rapid increase in HIV positive cases has been recorded. Although both men and women are affected, women are at greater risk than men due to illiteracy, cultural emphasis on reproduction, economic deprivation, submissiveness and biological factors making them more susceptible to heterosexual transmission. Women carry greater burden than men through taking care of family members with HIV related illnesses. The situation is far much worse when the woman is infected and has an HIV positive infant.

The crucial role of women as providers and promoters of family and community health has been well acknowledged in various Government documents. Women actively participate and often manage several activities that affect the health and well being of their families. Women constitute a major labour force in agricultural sector, hence occupy an important position in provision of food security and adequate nutrition. Women are also largely responsible for fetching water and fuelwood, thus placing them in an important position to ensure availability of safe drinking water, and household food security.

The heavy workloads of women pose danger to their health and well being. Due to the multiple roles women play in household chores they have to walk long distances, carry heavy loads on their backs and heads and get exposed on a daily basis to smoking fires and hazards of agricultural chemicals.

Kenya still has harmful traditional practices and taboos that are clearly detrimental to the health of women and girls. Female circumcision is perhaps the most persistent custom whose health consequences are well documented. There is also traditional practice of widow inheritance, which is a crucial agent for spreading HIV infection.

Lack of fully disaggregated data, especially on outpatient morbidity and on access to health services has undermined targeted delivery of health services with regard to poor women and girls.

The health status of women from birth, adolescence to adulthood and especially in pregnancy and motherhood is of particular relevance to the health status of our future generations.

7.2 Policy Objectives and Recommendation

7.2.1 General Policy Objectives

To achieve the highest attainable standard of health for both men and women through addressing gender inequalities pertaining to access and use of basic health services and facilities at an affordable cost.

7.2.2 Specific Objectives

- a. Strengthen Primary Health Care (PHC) in general and Maternal, Child Health and Family Planning (MCH & FP) services in particular to ensure active participation of men and women in health care planning and provision;
- b. Expand and strengthen community-based services and empower communities to take care of their own health;
- c. Integrate gender-related health and population concerns into the overall socio-economic development framework, especially in education, agriculture, commerce, industry, environment, water and Micro and Small Scale Enterprise development;
- d. Increase accessibility to appropriate health facilities and services, particularly in informal urban settlements, rural areas, arid and semi-arid areas with emphasis on promoting healthy behaviour and ensuring better provision of services for the poor;
- e. Encourage a gender-balanced approach in the intakes to universities and colleges;
- f. Dissagregated on gender basis all health and population data for targeted delivery of health services and improved policy making process;
- g. Promote Information, Education and Communication (IEC) activities aimed at moulding the attitudes of men and women with regard to personal and public health, including use of family planning and harmful practices that discriminate against women;
- h. Enhance HIV/AIDS awareness programmes with special emphasis to the vulnerability of women.

7.2.3 Recommendations

- i. Review health service delivery in general and provision of promotive/preventive services in particular with a view to improving accessibility and time spent by women while waiting for services;

- ii. Promote active participation of men and women in Primary Health Care activities, including the Bamako Initiative and other community-based initiatives aimed at empowering communities to take care of their own health;
- iii. Promote inter-sectoral collaboration, and initiate various inter-sectoral programmes especially at the Divisional level and below in order to provide health and population services and ease women's work load as per the needs identified by particular communities;
- iv. Intensify IEC activities and programmes; involve women's group networks in mass media to increase outreach programmes for men and women on various issues relating to their health. This will include *inter alia* information dissemination on the importance of family planning in general and child spacing in particular, taboos and harmful traditional practices that impact negatively on health of women and girls;
- v. Promote adolescent health and accessibility to family planning services by youth, incorporate this aspect into all health and family planning programmes;
- vi. Continue creating awareness and initiate programmes/activities, including community-based specific interventions on dangers of risky sexual behaviour, protective measures, prevention of mother-to-child HIV transmission and community-based care and support for people infected and affected by AIDS;
- vii. Review current legislation on maternity leave that prohibits women from breastfeeding exclusively up to four months;
- viii. Address causes of inadequate nutritional-status of children, pregnant and lactating mothers and create awareness on negative implications to their health;
- ix. Carry out research and initiate appropriate activities to narrow the gap between knowledge and practice of family planning;
- x. Dissaggregate all health related data taking into account the reproductive rights of women, their rights to family planning services and importance of proper management of abortions;
- xi. Address special health needs of the women in general and ageing women and women with disabilities in particular.

8. THE MEDIA

8.1 Situation Analysis

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

The electronic media, through radio and television, is increasingly becoming competitive, particularly with the recent licensing of several radio and television stations. Other channels of the media such as films and theatre are slowly expanding but nevertheless have a following. However, more recent video technology has taken over the interests of many people away from films and theatre, especially in the case of the middle class and younger generation.

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

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

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

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

In the electronic media, an insignificant number of women are middle rank managers while the rest work as presenters and announcers and do not make decisions about the subject content of what they present. Editors tend to assign women to what seem to be softer or women related subjects, which then curtails their advancement. The same attitudes have over the years seemed to favour male journalists who in comparison have had more access to training than female journalists. Although this is slowly changing to favour both, it has not been fast enough to expose media women to challenges that can enable them to take leadership roles.

Historically the promotion of the forth channel (fork-media) communication has been neglected although it has a great potential for dissemination of the information for attitude change.

8.2. Policy Objectives, and Recommendations

8.2.1 General Policy Objective

To increase the participation of women in the media and communications sector and promote gender sensitive portrayal of both men and women in the media.

8.2.2 Specific Objectives

- a. Address existing policies and social-cultural factors responsible for negative attitudes with a view to mainstreaming a gender perspective in the media;
- b. Promote gender balance in the appointment to advisory, management, regulatory or monitoring bodies, including those connected to the private, State or public media.
- c. Encourage and provide the means or incentives for the creative use of programmes in the national media including the folk media for the dissemination of information on various cultural forms of indigenous people, and the development of social and educational issues, within the framework of national law.
- d. Encourage the media to highlight and lobby for gender equality in society.
- e. Emphasize the training and exposure of women to technologies of communication;
- f. Promote a balanced and non-stereotyped portrayal of women in the media.

8.2.3 Recommendations

- (i) Promote research and encourage information, education and communication aimed a balanced portrayal of women and girls and their multiple roles;
- (ii) Encourage media houses to develop a gender perspective on all issues of concern to the society;
- (iii) Encourage media houses to carry programmes that portray women positively and which are representative of the present trends.

- (iv) Involve the media and advertising agencies to develop specific programmes to raise awareness of the Platform for Action and its implementation.
- (v) Encourage the participation of women in the development of professional guidelines and codes of conduct or other appropriate self-regulatory mechanisms to promote balanced and non-stereotyped portrayals of women by the media.
- (vi) Increase women's participation in decision-making at all levels of the media, including monitoring, to ensure that women's needs are appropriately presented.
- (vii) Train women in gender relations, management skills, communication technology and journalistic professional skills to ensure their full participation.
- (viii) Offer awards to individuals or media organisations, which accurately and objectively pursue the women's endeavours, particularly with regard to the implementation of the National Action Plan.
- (ix) Facilitate the compilation of a directory of women media experts.

9. POLICY IMPLEMENTATION FRAMEWORK AND RESOURCE MOBILIZATION

9.1 Overview

The Gender and Development Policy calls for empowering both men and women to be equal partners in development. It focuses on the elimination of existing disparities between the two genders. It also advocates for an affirmative action to address gender disparities. The underlying goal of the policy is to re-focus national socio-economic endeavors so that women and men, boys and girls can realise their full potential and can contribute effectively towards achievement of the national goals.

Positive changes in gender relations advocate for a re-orientation of traditional views held about the roles of men and women in the family, at work and public life. The gender balanced formulation and implementation of various development policies therefore calls for thorough understanding of gender concerns and of how the process of development has a differential impact on men and women. It also calls for an awareness of how to undertake gender balanced planning and programming, how to integrate desirable gender responsive interventions at all stages of projects cycle, and how to monitor and evaluate development programmes for their gender sensitivity. Training and sensitisation of decision-makers, planners and programme officers, from GoK, NGOs, Donors and communities, assumes great importance.

In addition, successful implementation of Gender and Development policy will require a comprehensive co-ordination and monitoring mechanism, co-operation and support of all stakeholders and at all levels.

9.2 Institutional Framework

The Policy implementation process will be a collaborative effort between GoK Ministries, NGOs, Research Institutions, Religious Organisations, communities and other development partners. Monitoring and evaluation in general and development of monitoring indicators in particular will be part and parcel of the implementation process. The best mainstreaming mechanism for the successful implementation of the *National Gender and Development Policy* is through partnership of all the stakeholders. Given the uniqueness of this *Policy*, and the need to have a versatile and integrated institutional arrangement to oversee its implementation, the following institutions should be established.

9.2.1 Parliamentary Committee on Gender and Development

The *Committee on Gender and Development* (CGD) will address issues of gender relations. Its mandate will be to ensure gender-balanced approach in legislature, national and sectoral budgets and other issues as may be brought to the National Assembly for discussion and approval

9.2.2 National Gender and Development Commission

The Government will establish a *National Gender and Development Commission* (NGDC), within the Ministry of Home Affairs, Heritage and Sports. The Commission will report to the Minister

and will have a broad mandate to co-ordinate and facilitate gender mainstreaming national development. Membership to the *Commission* will be drawn from various institutions, including line Ministries, NGOs, private sector, institutions of higher learning, religious bodies and other representatives of the civil society (not more than 18 members altogether). The *Commission* will have a fairly independent and autonomous status and members will be appointed for a period of three years.:

The specific Terms of Reference (TOR) of the commission will be;

1. Promote public information, education and communication on gender issues.
2. Recommend to the Government and other stakeholders specific actions/activities, including affirmative action, where necessary in order to promote gender equality at all levels and all spheres of life.
3. Carry out monitoring and evaluation and commission research, where necessary, of policies, programmes, socio-cultural practices and performance of the legal system in order to identify gender imbalances, if any, and come up with possible remedies/solutions.
4. Ensure adequate representation and articulation of gender issues at regional and international level.
5. Constitute subject-specific sub-committees when and if required.
6. Provide guidance to the National Secretariat for speedy and efficient implementation of gender related issues and activities.
7. Establish and maintain close liaison with the Parliamentary Committee on Gender and Development.

9.2.3 National Gender and Development Secretariat (NGDS)

The Women's Bureau in the Department of Social Services which is currently the National Machinery for the Advancement of Women will be restructured and upgraded so as to perform the functions of the Secretariat to the Commission more effectively. Particular attention will be paid to the professionalism and experience of the staff of the Secretariat for effective liaison with other professionals and technical personnel in the GoK Ministries, NGOs, Parastatals, and the Private Sector.

The National Gender and Development Secretariat (NGDS) will integrate and amplify gender issues in programmes relating to youth, disabled, destitute, malnourished children through various divisions in Department of Social Services. In addition, closer co-operation will be established with the Division of Community Development for the purpose of better integration of gender issues in socio-economic activities at the grassroots level. New avenues will be explored for integrating gender concerns into the policies and programmes of other

Departments of the Ministry namely, Prisons, Children, Culture, Sports and Kenya National Library Services.

The specific Terms of Reference (TOR) of the Secretariat will be:

- a. To ensure that all policy formulation and reviews, action plans, and other major national planning exercises apply a gender responsive planning approach;
- b. To monitor, in liaison with other stakeholders, the progress made towards achieving gender responsive national socio- development targets;
- c. To provide technical guidance and advisory support to other institutions in their gender mainstreaming efforts;
- d. To co-ordinate the production, dissemination and utilisation of gender statistics needed for the design, monitoring and evaluation of policies, projects and practices for national development planning;
- e. To promote social mobilisation required for gender awareness and national information sharing;
- f. To strengthen mechanisms for co-ordination of initiatives by NGOs, CBOs and women's groups and promote gender sensitive Participatory Learning and Action (PLA) in community and group mobilisation.
- g. Ensure effective liaison and co-ordination of gender issues at the regional and international fora;
- h. Establish and maintain a comprehensive resource centre, produce regular reports on the status of women and timely disseminate information;
- i. Facilitate co-ordination with Units Gender Issues in various Ministries for better gender integration at a sectoral level.

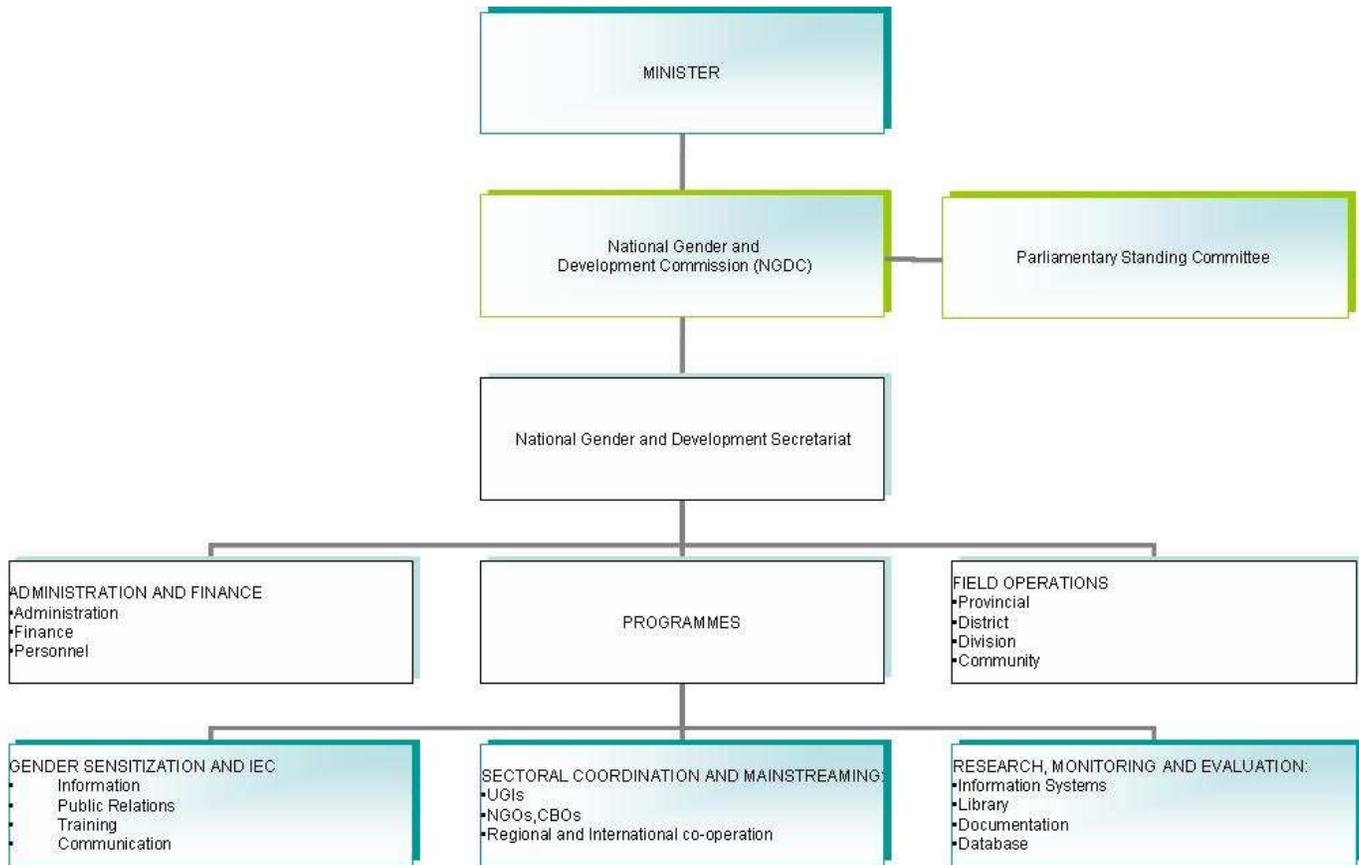
9.2.4 Units of Gender Issues (UGIs)

The *National Gender and Development Secretariat* will strengthen existing *UGIs* in all Government Ministries and facilitate the establishment in other Ministries. The *UGIs* will be responsible for overseeing the effective mainstreaming of gender in sectoral among the following functions;

- Ensure that gender issues are considered in sectoral policies, projects and programmes.
- Integrate gender considerations into various implementation plans and routinely report on the progress made.

- Establish and maintain sectoral gender disaggregated data base and enhance the existing ones.
- Monitor and evaluate sectoral projects and programmes with a view to assessing for their gender implications.
- Initiate and co-ordinate gender training to ensure integration of gender issues in all aspects of work.

Organizational Chart



9.3 Resource Mobilisation

The earlier initiatives for promoting the status of women were ineffective due to insufficient financial and human resources. The Women's Bureau and Gender Focal Points were set up with very small budgetary allocations for development. Full and effective implementation of the Gender and Development Policy will require mobilisation of resources from all sources and across all sectors. Towards realisation of this goal, the Government will ensure integration of gender perspectives in all its budgetary decisions on policies and programmes for engendering of the budgetary process. The Government will also aim at the provision of funding for specific programmes that will address gender inequalities. In this regard, the Government will systematically review how women benefit from the public sector expenditures and adjust budgets accordingly to ensure equality of access by both genders.

The Government will provide budgetary allocation for establishment of the *National Gender and Development Commission*, and the Secretariat which will include institutional, human, technical and financial resources. As much as additional financing will be sought through bilateral and multilateral arrangements, the Government will strive to provide a greater proportion of the required resources for the implementation of this Policy.

Non-Governmental Organisations, the private sector, women groups and the civil society will continue to be encouraged to support these initiatives. An enabling environment will be created for such organisations to mobilise resources for complementing government efforts.