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## Reflections of Gender Mainstreaming Policies on Sectoral Development in Kenya: A Retrospection Review Since 2010

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### Abstract

Efforts to mainstream a gender perspective in global public policy have been prompted by the proliferation of transnational networking among women's movements. The government of Kenya on her part has expressed her intention to attain gender equality through gender mainstreaming policies as enshrined in the 2010 Constitution. The aim of this paper is to examine how gender policies have worked since 2010 in both government and non-government sectors in light of devolution. The study objectives include: (i) explore how gender policies are working in both government and non government sectors, (ii) establish how gender policies have achieved equity and egalitarianism, and, (iii) examine how the three arms of government have allowed gender policies to flourish. The paper will use both primary and secondary data sources to investigate the operations of gender equity policies. Respondents will be selected using both random and purposive sampling techniques; particularly those in policy positions. In analyzing data, descriptive and inferential statistics will be employed and the results obtained will inform policy makers. The study will use gender and feminist theories to examine the tensions in government in the process of empowering women and vulnerable groups. The research results will indicate if gender mainstreaming is a theoretical issue or it is an inclusive reality from a cross-cultural and national perspective. The paper will create opportunities for the way forward.

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**Key words:** gender; mainstreaming; equality; feminism; constitution.

## **1. Introduction**

Gender mainstreaming is not a new strategy; it is emphasized in the Beijing Platform for Action and builds on years of previous experiences in trying to bring gender perspectives to the centre of attention in policies. Accordingly, gender mainstreaming is the public policy concept of assessing the different implications for women and men of any planned policy action, including legislation and programs, in all areas and levels. Mainstreaming essentially offers a pluralistic approach that values the diversity among both women and men. [1].

Mainstreaming a gender perspective is the process of assessing the implications for women and men of any planned action, including legislation, policies or programmes, in all areas and at all levels [2]. It is a strategy for making women's as well as men's concerns and experiences an integral dimension of the design, implementation, monitoring and evaluation of policies and programmes in all political, economic and societal spheres so that women and men benefit equally and inequality is not perpetuated. The ultimate goal is to achieve gender equality.

Mainstreaming a gender perspective involves a strategy for making the concerns and experiences of women as well as of men an integral part of the design, implementation, monitoring and evaluation of policies and programmes in all political, economic and societal spheres, so that women and men benefit equally, and inequality is not perpetuated. The ultimate goal of mainstreaming is to achieve gender equality [3].

Mainstreaming includes gender-specific activities and affirmative action, whenever women or men are in a particularly disadvantageous position [4]. Gender-specific interventions can target women exclusively, men and women together, or only men, to enable them to participate in and benefit equally from development efforts. These are necessary temporary measures designed to combat the direct and indirect consequences of past discrimination. The United Nations began acknowledging the importance of gender mainstreaming, as a tool towards achieving gender equality in the mid-1990s, as outlined in the Beijing Platform for Action and the Report from the Secretary General to the Economic and Social Council. UN Women describes mainstreaming as including, “ensuring that gender perspectives and attention to the goal of gender equality are central to all activities—policy development, research, advocacy/ dialogue, legislation, resource allocation, and planning, implementation and monitoring of programmes and projects”. October 2000, the UN Security Council passed Resolution 1325, which called for an enhanced female participation in the prevention, management and resolution of conflict.

A study carried out claims that transformative effect of gender mainstreaming was minimal and its application has led to contradictory results [5]. It opened important opportunities for specific policies in new policy areas, whereas in some other it diluted positive action. She also claims that, at least as of 2003, gender mainstreaming had failed to affect core policy areas or radically transform policy processes within the European Institutions

Although it has not been difficult to encourage the adoption of the vocabulary of mainstreaming, there is little

evidence of monitoring or follow-up. A consistent problem for all the organizations that adopted gender mainstreaming is the translation of the commitment into action. Progress is variable and there are signs of gender mainstreaming fatigue within the UN, caused by a lack of adequate training and support. A review of gender mainstreaming policies implemented under the UNDP, World Bank, and ILO found inadequate budgeting for the gender components of projects, insufficient development of analytical skills, poor supervision of the implementation of gender components and a general lack of political commitment both within the organization and at the country level (UNDP, Country evaluation:

Evaluators of gender issues claim that mainstreaming gender does not end in simply increasing the number of women within a specific institution. It is about changing social consciousness, so the effects of a policy for both women and men are truly analyzed before they are implemented. While it is necessary for feminists to engage with mainstream institutions, the ability of gender mainstreaming to deconstruct the imbedded masculinization of institutions varies depending on the characteristics of the policy, the political nature of the institution, and the depth of the movement. Women have the least presence in senior management in listed companies. In 2011, only four listed companies (3.2%) had a woman chairing the board of directors. As at last autumn, no Finnish listed company had a woman as a CEO, and in the past there have only been a handful in all. Gender equality should be more strongly promoted not only in board appointments but in senior management too [6].

Grant Thornton International Business Report (2013) [7] notes that Women in senior management: are setting the stage for growth 2004 (19%), 2007 (24%), 2009 (24%), 2011 (20%), 2012( 21%), 2013 (24%) ) The report realized a global shift in the number of women at the top of the business world and examines ways to make this growth permanent and parity possible. Key findings from the survey include: • women holding 24% of senior management roles globally, a three point increase over the previous year, there has been a sharp rise in China, with 51% of senior management positions held by women, compared to 25% last year, • the proportion of businesses employing women as CEOs has risen from 9% to 14%, • education and talent management may work in tandem with flexible work arrangements, which 67% of respondents offer, to increase the number of women in top leadership, • just 19% of board roles around the world are held by women, although quotas have been put into place around the globe to increase women's participation in boards, 55% of respondents oppose such quota.

Women's career development in senior management in central government has been supported with concrete action, and as a result the percentage of women in these positions has increased in the 2000s. In 2010, 28% of higher-level government posts were held by women. However, this is still a low figure considering how large a percentage of all central government civil servants are women and how high their educational attainment is. Indeed, women's advancement to senior positions must be actively promoted for instance by continuing to implement t Women are underrepresented in almost all relevant decision-making bodies in our societies, including our national parliaments. For example, in national parliaments across the European Union, slightly less than one in four members of parliament are women (24 %).<sup>7</sup> Data such as these strongly suggest that although the existing legislation was a significant step in a right direction, a more proactive approach is needed to get the EU and its Member States to the final goal of sex equality.

The Kenya 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. Poverty reduction will provide the broad framework within which strategic actions to achieve gender equality will be taken and due account will be given to the critical areas of action for women's empowerment elaborated in the Dakar and Beijing Platform of Actions [ 9].

The Ministry of Gender, Children and Social Development will provide policy direction, implement and coordinate gender mainstreaming as a strategy for attaining gender equity and equality within all the other Ministries and public bodies. The department recognizes that inequitable gender relations cannot be addressed by focusing on women in isolation. The practical needs and strategic interests of both women and men have to be considered, as do the opportunities and constraints emanating from the local, national, regional and international context in which they live. This policy assures a minimum package for quality assurance in promoting gender equality work to support and guide the design, implementation, monitoring and evaluation processes within the Ministry, line ministries and state corporations [10].

The economy determines many of the opportunities available for people to improve their standard of living. Social Scientists have linked economic policy and development as affecting gender equality [11]. The correlation established between economy and equality argues that a higher economic level is usually followed by increased education, democracy and greater gender equality. [12 ] Gender inequalities have continued to be pervasive and persistent across many dimensions of life, from domestic households to social institutions to the economy. In most developing countries such as Kenya, gender inequalities have been manifested in terms of disparities in basic rights, in access to and control of resources, in employment and earnings, and in political voice [13].

In Kenya, Gender Mainstreaming has continued to be a challenge at both national and community levels despite efforts put in place by the Government. Assessments undertaken in the past indicate that gender mainstreaming in the public, NGO and private sectors has been weak both at national and community levels. Various factors have contributed to this shortcoming , key among them being lack of an effective monitoring. The paper seeks to reflect on Developments of gender mainstreaming policies on sectoral development in Kenya: retrospection since 2010

## **2. Statement of the problem**

Despite the promise of a new constitution, arguably, East Africa's most progressive or liberal constitution, Kenya still has the lowest level of women representation in key places of decision making and could face a serious constitutional crisis, if it does not find a suitable mechanism for effecting several constitutions provisions on gender equity and representation, especially on parliamentary representation. Several articles of the Constitution of Kenya, 2010, including but by no means limited to Articles 27(3), 27(6), 81(b), 177(b) and 197, stands out as key markers of the Women's Caucus victory in Kenya's quest for gender equality and equity in representation at the two distinct but independent levels of government in Kenya: National and County. Whereas Article 27 (3) states unequivocally that 'women and men have the right to equal treatment,

including the right to equal opportunities in political, economic, cultural and social spheres', it is the other articles namely, Article 27(6) and 81 (b), arguably, a clumsy compromise between the largely male dominated and patriarchal Parliamentary Select Committee and the Committee of Experts, the two main midwives of Kenya's constitution making process, which could derail the Kenyan women's quest for gender equity in representation.

Article 27 (3) states that 'the state shall take legislative and other measures including affirmative action programmes and policies to redress any disadvantage suffered by individuals or groups because of past discrimination', while Article 81 (b) states that 'not more than 2/3 of members of elective public bodies shall be of the same gender' and Article 177 (b) and 197 states 'that gender principles must apply in County Assemblies and the County Executive Committee', the two midwives of Kenya's constitution merely postponed the dilemma of women's representation, instead of spelling out how to effect these provisions. The paper seeks to explore how gender policies are working in both government and non government sectors, (ii) establish how gender policies have achieved equity and egalitarianism, and, (iii) examine how the three arms of government have allowed gender policies to flourish.

### **3. Methodology**

The Republic of Kenya is a country in Eastern Africa, with a population of approximately 41.61 million people. It lies on the equator and is bordered by Ethiopia (North), Somalia (East), Tanzania (South), Uganda (West), and Sudan (Northwest), with the Indian Ocean running along the southeast border. It has an extension of 582,646 sq. km. The country is named after Mount Kenya - before 1920, the area now known as Kenya was known as the British East Africa Protectorate. Kenya is a diverse nation of 42 distinct ethnic groups. Official languages are Swahili and English and the currency is Kenyan Shilling. The paper used secondary data sources to investigate the operations of gender mainstreaming and equality and equity policies.

The main documents used are government policy papers respondents will be selected using both random and purposive sampling techniques; The overall goal is to strengthen gender equality work in the Ministry of Gender, Children and Social Development by establishing a clear vision around delivering its services, policies, procedures and practices based on equality between women and men. Ultimately this policy will work towards ensuring gender equality and women's empowerment and mainstreaming of needs and concerns of women, men, girls and boys in all sectors of development in the country so that they can participate and benefit equally from development initiatives

### **4. Major reflections**

The findings of this review are discussed under the following study objectives:

(i) Explore how gender policies are working in both government and non government sectors, (ii) Establish how gender policies have achieved equity and egalitarianism, and,

(iii) Examine how the three arms of government have allowed gender policies to flourish.

The gender gains provided for in the Constitution of Kenya provide a beginning point for Kenya in providing a legal backing for ensuring equal enjoyment by women and men of socially valued goods, opportunities, resources and rewards.

#### ***4.1. Explore how gender policies are working in both government and non government sectors in Kenya***

Policy Influencing Actors within the civil society

In Kenya, the period for the review of any policy is usually between 5 – 10 years. The approach the Gender Machinery is employing for Policy Development Kenya is currently reviewing a number of gender policies in order to be consistent with the Constitution. Brainstorming and all inclusive consultative process is..

The new Constitution of Kenya has made a major step towards ensuring gender equity in major decision making organs. This is an important step because historically in Kenya, women have always been under-represented in decision making at major levels of governance. It is important to note that even though these provisions don't give a fifty-fifty gender balance, a considerable representation of both gender and especially of women has been guaranteed in the key decision making organs at different levels of leadership and governance thus:-

- In the new Constitution, the National Assembly is an important decision making organ of the country. It determines national revenue allocation, appropriates funds for expenditure by the national government, and exercises oversight for national revenue and its expenditure (Article 95). The National Assembly also acts as a check-control for the executive and exercises oversight of State organs (Article 95 (5)). It is therefore a very important decision making organ of the country that has to be engendered for the overall realization of gender empowerment and gender equality. In the composition of the national assembly, 47 seats have been reserved for women elected by registered voters from the 47 counties (Article 97 (b)). Even though this provision is not comprehensive, the 47 assured elected women through the counties coupled by the women who will have been elected through the single member constituencies will provide a platform for the advancement of women needs and voice at the national assembly.
- The Senate is another important decision making organ at the county level. According to Article 96, the Senate is tasked with roles such as representing the counties, protecting the interests of the counties and their governments, legislating on county issues, determining national revenue allocation and oversight among counties and participation in the oversight of State Officers by considering and determining any resolution to remove the President or Deputy President from office. At this level, there is an assured provision of 16 women who will be nominated through the political parties represented in the Senate. There is also a provision for an additional 2 women to represent the youth and persons living with disabilities respectively.
- The electoral system mandates that not more than two-thirds of the members of elective public bodies shall be of the same gender (Article 81 (b)). Furthermore, Article 232 (1) accords adequate and equal opportunities for both men and women in the appointment, training and advancement at all levels of public service unlike in the past when women were sidelined.

- Article 81 (e), women are protected from acts of inequalities that tend to limit their participation in running for elective posts. The Constitution maintains a one third requirement for either gender in elective bodies giving women of Kenya at least one third minimum in elective bodies. In Article 91 (f), political parties are required to respect and promote human rights and fundamental freedoms, and gender equality and equity. In the past, women who are willing to run for elective posts have suffered violence, intimidation, improper influence or corruption to hinder them from running for elective posts. This has partially contributed to the low representation of women in decision making organs at the constituency or city/town council levels. The provisions of Article 81 will go a long way in creating an environment that encourages equal participation for men and women willing to run for these elective posts.
- The establishment of a Kenya National Human Rights and Equality Commission enhances the framework for the promotion of gender equality and equity and in coordinating gender mainstreaming in national development (Article 59).
- The State has also been limited in terms of discriminating any person on any ground such as race, sex, pregnancy, marital status, health status, ethnic or social origin, color, dress, language or birth (Article 27 (5)). In Article 27 (6), therefore, affirmative action measures through programmes and policies are important in breaking the historical injustices that women have faced. Affirmative action policies and programmes will also go a long way in bridging the poverty gap between men and women.
- The new Constitution guarantees equal citizenship rights with the assurance that neither gender will be deprived of that right upon marriage or dissolution of marriage (Article 13). In addition, women can now transfer citizenship to their children whether born in foreign countries or born to foreign fathers (Article 14 (1)). This is a major shift compared with the former Constitution, which limited women from transferring citizenship to their children born to foreign fathers. In Article 45 (3), parties to a marriage are entitled to equal rights at the time of the marriage, during the marriage and at the dissolution of the marriage. This will ensure equal rights of women and men to jointly own property with their spouse during the duration of the marriage.
- Article 43 of the new Constitution provides the right for both men women to access basic needs such as highest attainable standard of health (which includes reproductive health care), adequate housing and reasonable standard of housing, adequate food of acceptable quality, clean and adequate water, social security, and education. These basic needs are major underlying tenets for the attainment of gender equality and empowerment.
- Women constitute 38.4 per cent of those in the public service. Although this meets the mandatory requirement of 30%, a lot of these are in the lower job groups that are not considered decision making levels.
- With specific reference to IFAD's programmatic work, gender mainstreaming is defined as "the process by which reducing the gaps in development opportunities between women and men and working towards equality between them become an integral part of the organization's strategy, policies and operations, and the focus of continued efforts to achieve excellence. Thus gender mainstreaming is fully reflected, along with other core priorities, in the mindset of IFAD's leadership and staff, its values, resource allocations, operating norms and procedures, performance measurements, accountabilities, competencies, and its learning and improvement processes" [14].

#### **4.2 Establish how gender policies have achieved equity and egalitarianism**

- ‘Egalitarianism’ A philosophical thought system that emphasizes equality and equal treatment across gender, religion, economic status and political beliefs. One of the major tenets of egalitarianism is that all people are fundamentally equal. Achieving gender equity is critical to sustainable development. In all societies women and men’s roles are socially constructed, but all too frequently gender-based disparities exist that disadvantage women; this impedes their development and hence that of humankind.
- Despite decades of effort, overall progress in improving women’s lives has been inconsistent. Moreover, environmental benefits and burdens affecting human capabilities are inequitably distributed. Women are still underrepresented in all levels of government and other decision-making arenas, whether at work or, for many, at home. Such lack of power is linked to higher levels of female poverty, especially in rural areas of developing countries where women are responsible for 60–80 per cent of food production as well as fuel and water provision yet have little access or control over natural assets such as land, water and ecological conditions that create opportunities for a better life [15].
- The National Gender and Equality Commission is mandated, among others : promotion of gender equality and freedom from discrimination in accordance with Article 27 of the Constitution; monitoring , facilitation and advises on the integration of the principles of equality and freedom from discrimination in all national and county policies, laws, and administrative regulations in all public and private institutions; acts 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-ordinates and facilitates mainstreaming of issues of gender, persons with disability and other marginalised groups in national development and to advise the Government on all aspects thereof; and monitors, facilitates and advises on the development of affirmative action implementation policies as contemplated in the Constitution.
- In 2013, UNDP advanced the gender equality and women’s objectives outlined in the first gender equality strategy in each of its thematic areas: poverty reduction and achieving the Millennium Development Goals; democratic governance; crisis prevention and recovery; and environment and sustainable development. [15].
- While there has been substantial progress towards achieving the Millennium Development Goals globally (not least in reducing the numbers of people living in extreme poverty, achieving gender parity in primary school enrolment and increasing access to anti-retroviral treatment), results are more uneven when disaggregated by sex and reviewed at national and sub national levels. For example, women still make up the majority of those living in extreme poverty, and HIV infection rates among young women are still twice as high as they are among young men.
- With two years remaining to the 2015 target date for the Millennium Development Goals, UNDP continued in 2013 to focus efforts on accelerating progress towards meeting the Goals throughout its programming areas. Evidence shows that all the ‘off-track’ Goals have a strong gender-related component, and their lack of progress is correlated to both ongoing gender-based discrimination and women’s limited empowerment.



Based on that recognition, gender equality continues to be a central focus of the MDG Acceleration Framework. Denmark will continue to work with civil society organizations and support rights holders in support Kenya’s implementation of recommendations from UPR in claiming their rights – including gender equality and participation in decision making.

- Kenya’s Second Medium Term Plan 2013 – 2017 is geared towards supporting citizens and civil society organizations as rights holders in claiming their rights – including gender equality indicators.
- ‘Transforming Kenya: Pathway to devolution, socio-economic development, equity and national unity ‘has developed a network to Improve livelihoods of all Women, Youth and Vulnerable Groups and to enhance their capacity and opportunities
- Danida has for decades been a major partner in promotion of gender equality that runs as a cross cutting issue in all interventions. Danida has provided core support to the Federation of Women Lawyers (FIDA) and the UN Gender and Governance Programme (GGP). With Danida support. FIDA has played a leading role in policy advocacy and in mobilizing national and community women groups to ensure that gender equality measures are included in legislation and government policy. The far-reaching gender equality provisions in the 2010 Constitution can be credited to their work, which they have continued by monitoring the implementation of the constitutional requirement of not more than 2/3rds of either gender in public organizations. Through the GGP programme Danida has empowered female aspirants and encouraged women’s participation in the last General Elections. As the not more than 2/3rds of one gender rule is being implemented, an increased number of women representatives have entered the political sphere providing a momentum for more gender focused and sensitive policies as well as gender mainstreaming throughout the public sector [15].

**4.3 Overview of Progress towards the MDGs in Kenya**

- Eliminate gender disparity in primary and secondary education, preferably by 2005, and in all levels of education, no later than 2015

	<u>previous</u>	<u>current</u>
• Ratio of girls to boys in primary school	1.020 % (2002)	- 0.98 % (2011)
Ratio of girls to boys in secondary school	0.886 % (2002)	- 0.86 % (2011)
Ratio of girls to boys in tertiary education	0.962 % (2002)	- 0.94 % (2011)

Share of women in wage Employment in the non agricultural and education 30.6 % (2000) -31.9 % (2011)

In a study conducted among teachers it was found that 48.4% of the respondents said that teachers at secondary school level treated male and female students equally, 20.9% felt that girls were discriminated against by teachers. 74.7% of the respondents said that teachers encouraged females to ask questions in class, with 37% of the respondents stating that there existed measures to encourage girls’ performance in Sciences and Mathematics. At primary school level, 59.3% of the respondents felt that teachers treated females and males equally while 40.7% felt that females and males were not treated equally. This is against 51.6% who felt that teachers did not treat females and males equally at secondary level. The analysis further revealed that perception of gender discrimination seemed to increase from primary to secondary school. This implied that there is need to address this challenge from primary school level through

secondary to the middle level colleges and universities. In this endeavor, teachers should be targeted through awareness and training [16].

- Socio-cultural orientations in societies that inculcate gender differences in performance. Boys and girls undergo different cultural orientations regarding birth ceremonies and later on division of labour in productive and domestic chores, based on gender stereotyped art facts such as clothes and toys, games and play within the context of the overall preparation and skills training for adult roles.
- Cognitive styles that characterize gender performance in learning mathematics and science subjects. This has to do with the mismatch characterizing success or failure in mathematics and science subjects, i.e. between reflective and impulsive, holist and serial list styles as well as between field-dependence and field-independence with regard to styles of thinking and learning [17].
- The HIV/AIDS scourge. This pandemic has led to increased school dropouts, especially for girls who are faced with increased domestic responsibilities when family members are ailing or succumb to the pandemic. The overall effect has been reduction of opportunities for further learning and skills development, in many cases skewed against girls.
- Gender-insensitive policies: The policies in question are seen to be either ambivalent or permissive to discontinuation of girls from school as seen, for example, in the cases of teenage pregnancies, which cause girls to drop out of school and perhaps not given a chance to resume studies after baby delivery. In some cases the public attitudes are themselves punitive and not conducive to creation of opportunities to allow the post-teenage mothers to go back to school.
- Poverty issues: These should be addressed as they generally impede access to education. Girls are more affected than boys in situations where choices have to be made on whether to take boys.
- Reference [17] reports that all the major commercial banks in Kenya now have at least one financial credit or mortgage product targeting women, and that the government has initiated several schemes to enable women to obtain credit, including microcredit. Kenya is ranked 46 out of 86 in the 2012 Social Institutions and Gender Index while it was ranked 57 out of 102 in the 2009 Social Institutions and Gender Index. The country's Gender Inequality Index score is 0.627 (130<sup>th</sup> out of 146 countries). Kenya is placed 99<sup>th</sup> in the 2011 Global Gender Gap Index, with a score of 0.6493.

#### ***4.4 Examine how the three arms of government have allowed gender policies to flourish***

- Gender inequalities have continued to be pervasive and persistent across many dimensions of life, from domestic households to social institutions to the economy. In most developing countries such as Kenya, gender inequalities have been manifested in terms of disparities in basic rights, in access to and control of resources, in employment and earnings, and in political voice.[18] The new Constitution of Kenya guarantees the right to equality for both men and women. Equality under Article 27 (2) is defined to include the full and equal enjoyment of all rights and fundamental freedoms. Article 27 (3) asserts that women and men have the right to equal treatment, including the right to equal opportunities in political, economic, cultural and social spheres. Furthermore, the scope within which women and men are protected from violence has been widened to include the private spheres (Article 29).

## The Judicial arm

The judiciary is an important arm of government that interprets and applies the law in the name of the Sovereign or State; it also provides a mechanism for the dispute resolution [19]. In the new Constitution, judicial authority is vested in and exercised by the courts and tribunals (Article 159 (1)). During the process of recruiting Judicial Officer (Magistrates and Judges), the Judiciary through the Judicial Service Commission is guided by the principles of competitiveness, transparency and promotion of gender equality. This will give an equal opportunity of participation to both men and women.

The Judiciary is also an area that has seen an increase in women with female judges and magistrate's currently 119 out of a total of 345. The new constitution promises more involvement of women in the Judiciary. It also secures gender equality in many other areas including fundamental freedoms, health and education [20].

Gender mainstreaming on elections in Kenya is poorly depicted [21]. A recent study on elections leaves hanging questions. How many women got elected as governors-Zero? How many were elected as senators-Zero just because of the fact that there was a slot for women representatives (a position exclusively for women- maybe if men were allowed to vie for those we would not have missed a man woman rep). the study notes that Kenya still has a long way to go in terms of mainstreaming gender in electioneering.

## Legislative arm

The Kenyan government is charged to take legislative measures such as affirmative action programmes and policies designed to redress any disadvantages suffered by individuals or groups because of past systematic discrimination. Feminist and women's groups are amongst the most active, particularly in policy influencing. Four Kenyan civil organisations formed a coalition and established the national campaign for "Safeguarding the Gains of Women in the Draft Constitution" aimed at mainstreaming social justice, gender mainstreaming and gender equality in the language and mechanisms of the review process and in the final constitution. An important element of this process was the coalition's commitment to women's solidarity across diversities and the negotiation of the ethnic tensions, conflict and competition for resources that permeate the Kenyan society, including civil society organisations [22].

Civil Society/ Non-Governmental Organizations (including women's groups and gender advocates, activists, specialists and experts and other organized groups) assist in training and capacity building programs, awareness creation, sensitization and dissemination, lobbying and sourcing funds for implementation, monitor and assist in evaluating implementation and also act as the voice of the women. Women's political representation in leadership in Kenya is below the global average, despite improvements in the recent election, triggered by the 2010 Constitution [22]. In 2010, the Kenyan parliament had 10 per cent women representation. Currently it has 15 per cent, one of the lowest incidences in the Eastern African region. Women occupy 87 of the 416 seats of the newly-established National Assembly and Senate chambers. Women occupy 6 of 16 positions of the Kenyan cabinet (meeting the one-third minimum constitutional requirement) and lead important ministries: defence, of foreign affairs, devolution and planning, land, housing and urban development, East African affairs,

commerce and tourism, environment, and water and national resources. Women occupy 7 of 26 cabinet principal secretaries' positions (below the constitutionally mandated one-third minimum).

#### Executive arm

The executive arm of the government has women only from the post of assistant ministers and below and it has not changed much in the new constitution as gender allocations have not been rectified. In general, the constitution guarantees greater representation of women in various levels of government thereby contributing to the third millennium goal that advocates for the promotion of gender equality and empowerment of women [19]. The "civil society scene" is characterised by increased voice and protest and negative memories of past repression and violence. Kenyan civil society groups are actively engaged in the political life of the country and media is considered vibrant and active. The Ministry of Gender, Children and Social Development has in conjunction with Kenya's National Bureau of Statistics (KNBS) undertaken number of key initiatives aimed at informing planning and budgeting processes in a manner that will ensure they address the status of women and girls in the social, political and economic spheres:

Creation of a Gender department within the KNBS: This department has been tasked with generating gender statistics in support of broad-based and targeted development programs and initiatives. This department has been analyzing and disaggregating the Kenya Population and Housing Census data by sex. The department also works with the ministry of Gender, Children and Social Development in compiling data towards the Africa Gender Development Index which looks at a broad range of quantitative and qualitative data under three blocks-social, political and economic. The ministry of Gender, Children and Social Development has with support from KNBS, developed a data sheet which contains gender-specific statistics and data disaggregated by sex at the level of administrative districts, i.e. population of persons of child-bearing age, of the youth and elderly persons; households by the sex of the household head, life expectancy, mean age at first marriage; under-5 mortality rates, primary school gross enrolment, primary to secondary transition rates, labour force participation rates, membership of cooperative societies; households with access to safe drinking water by sex of household head among others. In addition to tracking progress these statistics are helpful in identifying problem areas for targeted interventions [23].

#### ***4.5 Production of the Bi-annual Reports on Affirmative Action on employment and Recruitment of women in the Public Service***

The ministry of Gender, Children and Social Development has also since 2008, been compiling data on all government agencies and local authorities in line with a Presidential Decree issued on the Recruitment and promotion of women in the public sector, to ensure that women constitute at least 30 per cent of all appointments, recruitments and promotions. Women constitute 25.3 per cent of persons in job group P and above (senior assistant directors in ministries and above); they constitute 41.5 per cent of those in job group J-N (mid-level management) and 36.9 per cent of those in job group H and below (support staff). In total, women constitute 38.4 per cent of those in the public service. Although this meets the mandatory requirement of 30%, a lot of these are in the lower job groups that are not considered decision making levels [24].

***Measures for Women's Economic empowerment:*** Kenya's Vision 2030 identifies the disadvantages that women face in accessing productive resources and labour markets, and their under-representation in social and political leadership as some of its objectives (under the social pillar). The Vision states that it will provide specific policy measures to correct the glaring gender gaps in access to and control of resources, economic opportunities, and power and political voice. Under the Social Pillar in the Vision 2030, specific policy measures have been identified that when implemented would help correct gender gaps in access to and control of resources, economic opportunities, power, and political voice. These include, gender mainstreaming in government policies, plans, budgets and programs and affirmative action for 30% representation of women in all decision [25].

***Women's Enterprise Development Fund (WEDF):*** The establishment of Women Enterprise Fund continues to be positive steps towards ensuring resources reach excluded women. It is also a testimony of the Kenya government's commitment to the realization of the 3rd Millennium Development Goal (MDG) on women empowerment and gender equity. The Fund is now availing funds to the target women entrepreneurs through the Ministry of Gender, Children and Social Development (the Ministry channel) and the Micro Finance Institutions (MFI) channel. The Fund is expected to contribute to poverty reduction and employment creation among women. The medium term goal of the Fund is to improve the economic conditions of the excluded women and graduate them to the mainstream financial institutions. The long term goal is to provide a one-stop shop where women can access financial and other business development support services. Reliance on government funding alone is a challenge that may affect the Fund's ability to achieve its objectives and have the desired long-term impact. The Fund needs to mobilize funds from other sources so as to carry out its planned activities in a sustainable manner [26].

***Development of Strategies to enhance Women's participation in public affairs:*** The Constitution of Kenya 2010 sets out the legal rights and obligations of the State in respect for the promotion and respect for women's rights. In particular, it has mainstreamed gender equality in its provisions and in so doing provided women with an unprecedented opportunity to enter into politics therefore enhancing their chances of more engagement in decision making processes. The Government's directive that ensures not more than two thirds of all public positions are held by persons of the same gender is now protected by the Constitution and therefore justifiable as evidenced by recent court cases. This will go a long way in ensuring that women will be represented in all decision making positions by at least 30 percent. This has led to the introduction of a national framework to monitor and document gender mainstreaming in Government planning, budgeting, legislation and policy formulation. Every government Ministry and agency must contract for targets towards gender mainstreaming. It is one of the compulsory performance contracting domains. Several institutions have also been established to ensure the equality of opportunities for all individuals, to facilitate mainstreaming of equality and non-discrimination and to monitor the implementation of mechanisms aimed at ensuring non-discrimination. These include the Kenya National Commission on Human Rights, the National Commission on Gender and Development, the National Council of Persons with Disabilities [27].

***Political parties Act, 2011:*** Other than the provisions contained within the Constitution which provide for the two-thirds principle (of either gender) within the legislature and all other elective positions at national and

county levels, the Political Parties Act which was enacted in 2011, also contains gender equality safeguards to the extent that the formation and purposes of political parties shall be subordinate to the Constitution (section 3(1)). Secondly section 7(2) of the Act provides that “political parties shall be qualified to be fully registered if (among others): its membership and the composition of its governing body both reflect gender balance.” In this regard, The Constitution at Article 90 (2) (b) specifically provides that for elective positions, that party lists shall comprise the appropriate number of qualified candidates and alternates between male and female. Parties may be de-registered for failure to comply with these provisions (under section 21(1) of Political Parties’ Act. It is hoped the numbers will significantly improve with the implementation of this Act and if there is enactment of a law, providing for how the two-thirds principle in elective positions shall be achieved.

## **5. Conclusion**

The study indicates that women continue to experience significant gaps in terms of poverty, labour market and wages, as well as participation in private and public decision-making.

## **6. Recommendations**

It is important to underline that these gender provisions are just a beginning point and that more efforts and political will are needed for the laws to be fully functional in the day-to-day life of men and women.

- In the past, women have had fewer opportunities than men in accessing professional skills through higher education and professional training. This has limited their capacity to participate in gainful employment. In addition, most cultures in Kenya have also limited women from accessing and controlling a major socio-economic capital such as land. Learners: For this actor category, there is need to demystify mathematics and science subjects hitherto viewed as masculine subjects. Career development and counselling tutors at institutional levels also need to tailor their attitudes more positively towards gender sensitive study orientations to complement the guidance and aspirations imparted by other stakeholders. The support of development partners, civil society and private sector is crucial in formulation of gender sensitive education policies and provision of basic education in hardship areas.
- The government of Kenya, the civil society and all concerned stakeholders at every level should be actively engaged, sincere and be actively involved in upholding gender policies. Review and check on achievements on equity and egalitarianism.
- The executive, judicial and legislative arms of government should completely be involved, by shunning any forms of gender insensitivity informally and formally at all levels in Kenya.
- NGO need to take place of giving direction and take their position of the voiceless the women and men who in some way are disadvantaged by gender stereotypes.

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