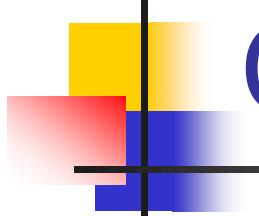




NATIONAL COMMISSION ON GENDER AND DEVELOPMENT

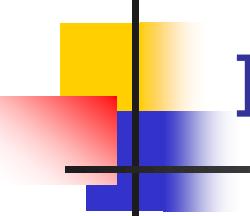
**TACKLING GENDER ISSUES; A
POLICY PERSPECTIVE FROM
DIFFERENT COUNTRY SETTINGS**

**REGINA G. MWATHA (Ph.D)
CHAIRPERSON**



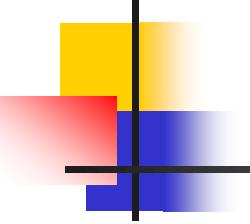
OUTLINE

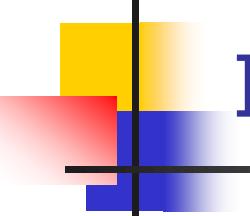
- Introduction and background
- International and regional commitments
- National Legal provisions
- Gender equality in different settings
- Change within different timelines
- challenges



Introduction and background

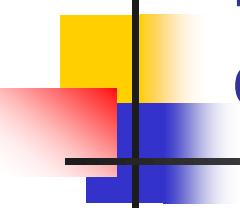
- Gender relations in Kenya have been moulded by a combination of factors that include:
 - (a) customs and cultural practices:
 - (b) awareness and education levels:
 - (c) economic conditions:
 - (d) traditional and modern laws and
 - (e) emerging patterns of social organisation

- 
- The incidence of poverty among women in Kenya tends to be not only slightly higher than that among men, but also the intensity of is more severe for women than men
 - More than a quarter (25.8%) of poor households are headed by women and their number is increasing.
 - 44% of female-headed households classified as very poor as compared to 21 % of male-headed households (*first Participatory Poverty Assessment Study (1994)*).



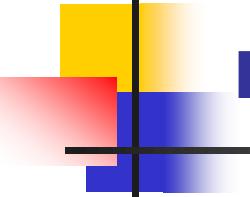
International and Regional Commitments

- Kenya's commitment to addressing gender inequalities and women's' Rights can be traced in both international and national policy commitments.
- The Government of Kenya ratified the (a) *Vienna Declaration on Human Rights*, (b) *the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW)*, © *the Nairobi Forward Looking Strategies for the Advancement of Women (NFLS)*



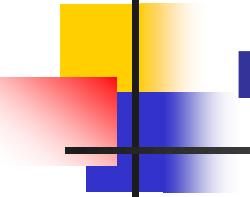
International and regional commitments cont..

- Kenya ratified the Convention on the Rights of the Child (CRC) (1999).
- Further, the Millennium Development Goals and especially the third and fifth Millennium Development Goal (MDG) underscores need for gender parity especially in education and access to social, economic and political opportunities, by 2015.
- At the regional level Kenya signed but has not ratified the African Union (AU) Protocol on Women's Rights and Human Rights and the solemn declaration.
- EAC Treaty which also recognises the need for gender equality in the integration process



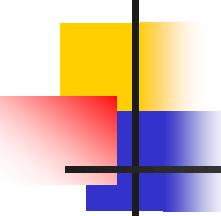
Domesticating the international and regional protocols

- Kenya follows the dualist system of treaty implementation because it also lacks constitutional provisions to ensure direct implementation of international treaties the country has ratified and or acceded to.
- International laws can only be effective when Parliament, which is the law making organ, domesticates the convention by a specific Act of Parliament or other legislative means so as to incorporate that international law as part of the law of Kenya.



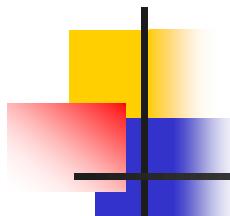
Domesticating the international and regional protocols

- The Government sought to address this problem of domestication of international treaties through provisions in the Proposed New Constitution
- The current draft constitution of 2009 provides for that any treaty that the country will be party to will automatically become law



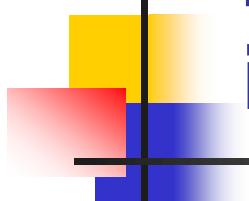
How have the commitments been implemented

- However this does not mean that attempts have not been made;
- Example: judiciary in their judicial decisions, especially in relation to applicability of CEDAW.
- **The first direct application of the provisions of CEDAW by the court** in 2005 to determine a delicate inheritance matter of inheritance of land between siblings of both gender.
- Ruling that land be equally and equitably shared by the deceased's 9 sons and daughters, each receiving 14.44 acres.
- **Subsequent application of the provisions of CEDAW by the court**



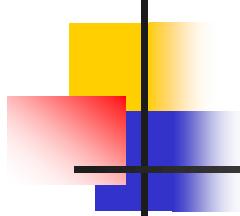
Institutionalisation of gender issues in the National Development Agenda

- **Gender issues in the country are institutionalised through**
 - The current constitution
 - Vision 2030 Flagship project
 - The Presidential Directive of 2006 on 30% women's appointments to all positions of leadership employment and promotions



Institutionalisation of gender issues...

- MTPs handbook for the first time has gender outcome indicators
- The National Gender Policy 2000
- Sessional Paper No.2 of 2006.

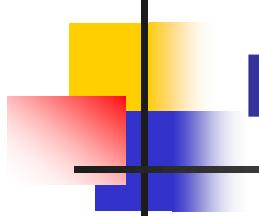


National gender machinery

- Gender Department in the Ministry for Gender Children and Social Development.
- The National Commission on Gender and Development enacted through an Act of Parliament in 2003 **is mandated to Monitor Government Implementation of its Commitments to Women's Rights and Gender issues**

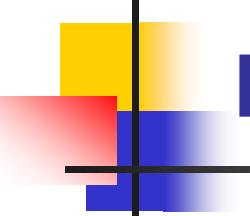


Gender Equality in Different settings



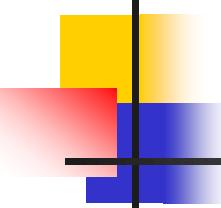
Political participation

- Total number of women voters in records today is 14 million (47%) yet women comprise 52% of population a margin of 5% not registered as voters
- The inequality in participation has no legal basis.



Political participation

- Available data indicates that the number of women seeking new national identity cards has been increasing.
- For example, in 2007, a total of 947,780 women were issued with new national ID cards in preparation for national elections
- In 2003, only 261,499 women sought and were issued with new IDs

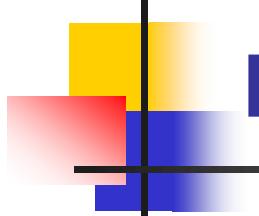


Political participation... Legislative measures

- **Enactment of a new Political Parties Act, No. 10 of 2007**
- All political party Manifestoes address gender equality and state at least one third women representation
- Recent political party elections saw main political parties ensure at least 30% women representation
- Political parties led by women had up to 40% women representation

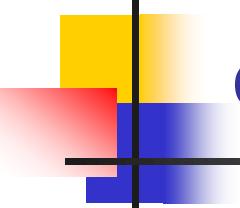
Members of National Assembly by Sex, 1969 – 2008

Year	Women	Men	Total	% Women
1969	2	165	167	1.2
1974	7	162	169	1.4
1979	4	166	170	2.4
1983	3	167	170	1.8
1988	3	197	200	1.5
1992	7	193	200	3.5
1997	8	214	222	3.6
1998	9	213	222	4.1
2002	18	204	222	8.1
2008	21	201	222	9.5



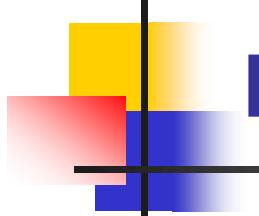
Economic participation

- Women contribute 52% of the total population and contribute 82% of the agricultural sector especially in terms of labour force
- Also found largely in the informal service sector both as entrepreneurs and as employees



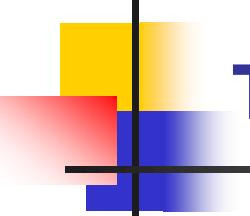
Legislative measures: Legal prohibition of discrimination in employment

- Employment Act, No. 11 of 2007 : the Act prohibits discrimination in access to employment and in employment security on the basis of sex, among others
 - Guarantees equality of opportunity in employment
 - provides for equal pay for work of equal value
 - prohibits sexual harassment which the law defines to include use of language, whether written or spoken, of a sexual nature



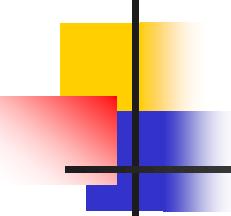
Participation in SMEs

- **The Women Enterprise Fund (WEF)** to facilitate women's access to micro-finance credit and other financial services
- **The Youth Enterprise Fund (YEF)** a government initiative to ensure access to credit facilities by young women and men in Kenya to enable them establish businesses and earn income to improve their lives



Tackling Gender based Violence

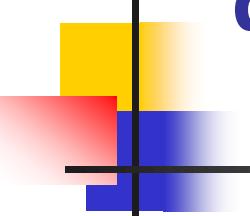
- *A National Framework on Gender-based Violence.* The government through the National Commission on Gender and Development has developed a National Framework on Gender Based Violence (February 2009) to form that basis of investigation of instances of sexual violence and strengthen coordination of responses to stem the vice
- Launch of same on 09.11.2009 by Minister for Gender, children and social development
- FGM Policy being developed



National action plan 2009-2010

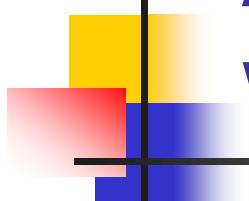
- National action plan 2009 currently being developed through National Commission on Gender and development
- Stakeholders include government ministries (AG office, education health etc; development partners civil society and media)

Implementation timeline begins 2010 financial year



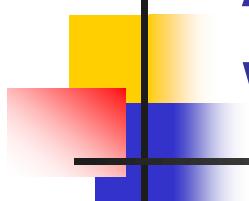
Accountability and participation within different timelines

- 1969- 1998 gender representation in political and decision making levels rather low at 1.2% female in parliament at 4.1% in 1998 and at 8.1% in 2002 and 9.5 in 2007
- Increased women at local authorities levels again doubling in 2002 and slight increase in 2007 from 2.7 % in 1992 to 8.1 in 1998 and to 13.3 in 2002 and 15.8 in 2008



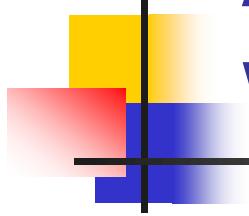
Accountability and participation within different timelines

- A number of legislation which focus on equality in different scenarios pass through parliament
- A new crop of politicians comprising of persons from civil society and academics between 2002-2007 and 2007 to present



Accountability and participation within different timelines

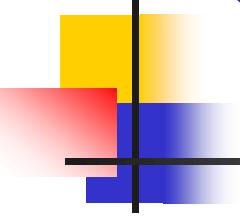
- 2008 post election violence addressed in a manner that accommodates equality of opportunities including gender
- CIPEV commission- GBV violations articulated
- TJRC commission- 50% women rep
- National cohesion commission 55% women rep



Accountability and participation within different timelines

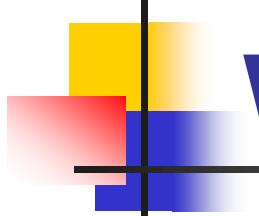
- Equality not just in numbers but also in terms of addressing gender concerns in the peace process and access to justice and national cohesion

- Formation of equal opportunities committee of parliament



Challenges

- -Sometimes gaps in policy and legislation
- -challenges of institutional strengths/ and architecture to implement
- -inadequate government resources especially in gender mainstreaming and GRB
- Male participation in gender and development agenda
- GBV especially against women contestants in political office
- -cultural factors
- -poverty
- -Platform of community engagement



Way forward

- Strengthening institutional structures to address gender equality
- Strengthen capacity of officers in charge of gender equality to tackle gender issues
- Mainstream gender responsive budgeting to address gender equality and in particular GBV
- Strengthen mechanism of monitoring gender equality implementation processes
- Strengthen collection and an analysis of sex disaggregated data including creation of gender profiles