

**REPUBLIC OF KENYA**



**THE PRESIDENCY  
MINISTRY OF PUBLIC SERVICE, YOUTH AND GENDER AFFAIRS**

**Country Position Paper**

**For the**

**62<sup>nd</sup> Session of the Commission on the Status of Women (CSW)**

**THEME: CHALLENGES AND OPPORTUNITIES IN ACHIEVING GENDER  
EQUALITY AND EMPOWERMENT OF RURAL WOMEN AND GIRLS**

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## **ABBREVIATIONS/ACRONYMS**

<b>AAC</b>	Area Advisory Councils
<b>ACRWC</b>	African Charter on the Rights and Welfare of the Child
<b>AGPO</b>	Access to Government Procurement Opportunities
<b>ASAL</b>	Arid and Semi-Arid Land
<b>BOG</b>	Board of Governors
<b>CAT</b>	Convention against Torture
<b>CDF</b>	Constituency Development Fund
<b>CEDAW</b>	Convention on the Elimination of All Forms of Discrimination against Women
<b>CIC</b>	Commission on the Implementation of the Constitution
<b>CPPMU</b>	Central Project Planning and Monitoring Units
<b>CSO</b>	Civil Society Organization
<b>ECDE</b>	Early Childhood Development on Education
<b>EMIS</b>	Education Management Information System
<b>FDSE</b>	Free Day Secondary Education
<b>FGM</b>	Female Genital Mutilation
<b>FIDA (K)</b>	Federation of Women Lawyers - Kenya
<b>FPE</b>	Free Primary Education
<b>GBV</b>	Gender Based Violence
<b>GDP</b>	Gross Domestic Product
<b>GER</b>	Gross Enrolment Rate
<b>ICCPR</b>	International Covenant on Civil and Political Rights
<b>ICESCR</b>	International Covenant on Economic, Social and Cultural Rights

<b>ICERD</b>	International Convention on the Elimination of All Forms of Racial Discrimination
<b>ICT</b>	Information and Communication Technology
<b>IEC</b>	Information Education and Communication
<b>KEWOPA</b>	Kenya Women Parliamentary Associations
<b>KCPE</b>	Kenya Certificate of Primary Education
<b>KDHS</b>	Kenya Demographic and health survey
<b>KWAP</b>	Kenya Association of Women in Policing
<b>LATF</b>	Local Authority Transfer Fund
<b>MDG</b>	Millennium Development Goals
<b>MP</b>	Member of Parliament
<b>MTP</b>	Medium Term Plan
<b>NALEAP</b>	National Legal Aid and Awareness Programme
<b>NCCS</b>	National Council for Children's Services
<b>NCP</b>	National Children Policy
<b>NER</b>	Net Enrolment Rate
<b>NGEC</b>	National Gender and Equality Commission
<b>NGO</b>	Non-Government organizations
<b>PMTCT</b>	Prevention of Mother to Child Transmission
<b>PTA</b>	Parents Teachers Association
<b>PWD</b>	Persons with Disabilities
<b>SACCO</b>	Savings and Credit Co-operatives
<b>SGBV</b>	Sexual Gender Based Violence

<b>SMT</b>	Science, Mathematics and Technology
<b>SOA</b>	Sexual Offence Act
<b>SOP</b>	Standard Operating Procedures
<b>STI</b>	Sexually Transmitted Infection
<b>VAW</b>	Violence against Women
<b>TIVET</b>	Technical, Industrial, Vocational and Entrepreneurship Training
<b>UN</b>	United Nations
<b>UNCRC</b>	United Nations Convention of the Rights of Children
<b>UNICEF</b>	United Nations Children’s Fund
<b>UNSCR</b>	United Nations Security Council Resolution
<b>WEF</b>	Women Enterprise Fund
<b>YEDF</b>	Youth Enterprise Development Fund

## 1.0 Introduction

### 1.1 Background

The 62<sup>nd</sup> session of the Commission on the Status of Women (CSW), that takes place from 12<sup>th</sup> – 23<sup>th</sup> March, 2018. The session will focus on the priority theme “**Challenges and opportunities in Achieving Gender Equality and Empowerment of Rural Women and Girls**”. The Agreed Conclusions of the 47<sup>th</sup> Session on **Participation in, and access of women to the media, and information and communication technologies and their impact and use as an instrument for the advancement of and empowerment of women** will also be reviewed at the CSW 62. Kenya’s position paper is therefore informed by the priority theme of the 62<sup>nd</sup> CSW and the review theme of the 47<sup>th</sup> Session.

The report is also anchored on various global and regional frameworks that address empowerment of rural women and girls. These include: the 1995 Beijing Declaration and Platform for Action that was recognized for establishing a framework to accelerate efforts to addressing the needs and concerns of rural women and girls across the 12 critical areas of concern. On women in the economy, the Platform calls attention to the need to promote and facilitate women’s economic rights and independence, and to the key linkages between women’s economic empowerment and their voice, agency, and decision making in the private and public spheres. It highlights the need for policies, strategies and investments to improve the situation of rural women producers, increase their incomes and provide household food security. Measures include facilitating rural women's equal access to resources, employment and training, markets, trade and information and technology; and strengthening their commercial networks and business services. The 20-year review of its implementation in 2015 also brought renewed attention to the situation of rural women and girls, and to the need to accelerate the closing of gender gaps therein.

The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) that Kenya ratified in 194 remains the only international human rights treaty with a specific article (Article 14), dedicated to the situation of rural women. It calls on State Parties to take all appropriate measures to eliminate discrimination against rural women in a number of areas. Its General Recommendation 34 on the rights of rural women emphasizes their rights to land and natural resources, and explicitly recommends that States uphold rural women’s rights to, inter alia, social protection, food, health, education, employment, housing,

water, sanitation, energy and participation, as well as sexual and reproductive health and rights. These rights and others critical for rural women and girls are enshrined in the Universal Declaration on Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, among others.

With the expiry of the Millennium Development Goals in 2015, the adoption of the 2030 Agenda for Sustainable Development presents Kenya with yet another opportunity to address gender inequality and accelerate the empowerment of all women and girls by ensuring that no one is left behind. More importantly the 2030 Agenda for Sustainable Development recognizes the crucial importance of gender equality and the empowerment of all women and girls in Sustainable Development Goal (SDG) 5. In view of the urgency of leaving no one behind, the Agenda represents a comprehensive and transformative framework that clearly links the gender equality and empowerment of rural women and girls to other goals and targets, inter alia, ending poverty in all its forms (SDG 1), eradicating hunger, achieving food security and improving nutrition and promoting sustainable agriculture (SDG 2), achieving full and productive employment and decent work for all (SDG 8), and taking action to combat climate change (SDG 13).

## **1.2 Overview of rural women and girls**

Women are the backbone of the development of rural and national economies. They comprise 43% of the world's agricultural labor force, which rises to 70% in some countries. In Africa, 80% of the agricultural production comes from small farmers, who are mostly rural women. Thus women comprise the largest percentage of the workforce in the agricultural sector. In Kenya rural women constitute almost 65% of the women population..

Despite their contributions to rural development in both developing and developed countries, rural women and girls' rights and priorities remain insufficiently realized in the implementation of legal frameworks, development policies and investment strategies at all levels. Rural women are under-represented in local and national institutions and governance mechanisms, and tend to have less decision-making power in the household and in society more broadly. Rural women and girls continue to face challenges in carrying out their multiple productive and reproductive roles within their families and communities; much of their labour remains unpaid and unrecognized, including their disproportionate share of unpaid care and domestic work, upon which their households and local economies depend. At the same time, new opportunities have emerged for rural women's economic empowerment

and income generation, including through agrifood value chains, and for their political empowerment through collective action and social movements.

## **2.0 Kenya's position**

The Government recognizes that sustainable development can only be achieved when deliberate measures are taken towards the **inclusion and empowerment of women and girls including those living in the rural areas**. Specific advances in various spheres of development have been witnessed on different fronts in Kenya. Notably, various legislation and policies have provided an enabling environment for the empowerment of rural women and girls. Key among these includes enactment of the Constitution of Kenya 2010 marked as a milestone for women's empowerment and gender equality and human rights in Kenya as well as introduction of programmes that are progressively changing the socio-economic and political landscape of women. Despite this, rural women are still compounded with various challenges. These include culture and systematic barriers that have left women vulnerable, insecure land tenure, as well as comprehensive inclusion of rural women voices in governance and politics across the country.

### **2.1 Enabling policy and legal environment for the empowerment of rural women and girls**

Kenya's Constitution recognizes the aspirations of all Kenyans to equality among other values. The National values and principles of governance include principles of equality, equity, non-discrimination and protection of the marginalized. The Constitution also guarantees equal rights of women and men, equal treatment and equal opportunities in political, economic, cultural and social spheres. It further recognizes economic and social rights including the right to property, housing, a clean environment, health and education among others.

Additionally the Constitution requires state organs and public officers to take measures, including affirmative action to address past systemic discrimination suffered by vulnerable groups including women and girls.

Kenya has also enacted legislation and formulated policies that are central to the empowerment of rural women and girls. Among the key legislative and policy measures include the adoption of the National Land Policy which recognizes women's rights to own

property as well as the Matrimonial Property Act, 2013 and the Marriage Act 2014. In particular the Matrimonial Property Act, 2013 safeguards women's property rights during and upon dissolution of the marriage. Other legislation that include The Counter-Trafficking in Persons Act 2010, the Prohibition of Female Genital Mutilation (FGM) Act 2011 and the Sexual Offences Act 2006 outlaw specific forms of violence against women.

Kenya is also reviewing the Law of Succession in order to ensure that women's property rights including land rights are safeguarded. The Law of Succession consolidates laws relating to intestate, and testamentary succession and the administration of estates of deceased persons. The review seeks to address pertinent issues of women that particularly afflict widow as relates to family, equality and matrimonial property)

## **2.2 Measures taken to facilitate rural women's equal access to resources, employment and training, markets, trade and information, technology, strengthening their commercial networks and business services**

The journey towards poverty eradication and economic empowerment of women has progressed positively through a number of measures that include the following

- Kenya has been the first country in Africa to legislate a public procurement policy that is focussed on women doing business with government and to dedicate other public funds to empower women to build enterprises.
- Kenya has also legislated and implemented through affirmative action, a special category for women to setup businesses that will trade with Government. This has opened up the space throughout the entire country for women to do business directly with government.
- The setup of a dedicated ministry to deal with Women Affairs and other agencies coupled with positive political good is supporting empowerment of women and girls across the country. This has been instrumental in the mobilization and facilitation of access to markets for women Enterprises within and outside the country through Expos and Trade Fairs
- Strong collaborative partnerships between the Government and other stakeholders have facilitated greater outreach and services to rural women all over the country.
- The affirmative action geared to increase political participation for women through the legislated 2/3 gender rule for parliament has resulted in the highest number of women taking up Political positions in Kenyan History. The Legislation of Gender

Based Violence Policy and Designation of specific Police Stations to handle gender based violence cases.

### **2.2.1 Economic Empwerment intiatives: Best practices**

Under the women economic programmes, various initiatives undertaken in different parts of the country are empowering women. Examples include groups of women that are utilizing local resources to produce household items such as mats and selling them locally and showcasing the products in trade fairs and agricultural exhibition. Othes are engaged in Processing edible cooking oil from sunflower seeds and providing readily available pure cooking oil to the local markets and created employment to youth and women. A number of women groups from the rural areas have also been supported by the government in their honey processing enterprises. They are producing clear natural honey and supplying the same to the local markets while others are engaged in vegetables processing and production of soap for the local markets.

Other rural enterprises include bottling of clean drinking water from streams, horticultural farming for export, without depending on rain fed agriculture. In view of the above, farmers have adopted innovative ways to increase their household incomes and food security. Some of the technology include pioneering this innovativeness to increase production by introducing the technology that involve dry land farming. The technology saves water by 50%, saves labour by 60%, increases production by 50%. By use of a combination of mulching paper and drip irrigation, this technology that has been done in Israel Asia, and Europe, has been widely adopted by large scale farmers in Kenya especially rural women,

In moving forward, the Government will focus on the a number of opportunities to build on the gains and to scale up and initiate new efforts that will accelerate achievement of gender equality across the divide as follows:

- Gender Inclusion to enrich the perpectivesby bringing in the needs for women into decision making in all spheres of influence by ensuring that rural women's voices are added into the equation of decision making and policy formulation.
- Increasing more women in leadership across all sectors – to bring in diversity. This will be one of the largest wins for women's social economic empowerment as women are key drivers and consumers of the economy.

- Increasing access to information for women across the country. Information that is contextualized according to the needs of the various regions by identifying a model that is scalable across all counties .
- Increasing markets for women enterprises across the country by expanding on sustainable agriculture for food security and ensuring access to market and fair trade across the entire value chain.
- Enhance access to finance through improved processes and increased efficiencies in deploying funds.
- Use of Digital Platforms and technology to scale impacts, increase participation, access new markets for farm produce and products /services and most importantly access to information that will in turn
  - Empower women with new skills
  - Extend their markets
- Legislate policies that will adopt apprenticeship for women who have developed technical skills in non traditional sectors such as construction, extractive industries, maritime, manufacturing among others. This will be pursued through Government and Private partnership to provide employment opportunities for women in these sectors as the potential for women's economic empowerment and economic growth for the country are immense in identified regions..

## 2.2.2 Employment, Training and Access to Resources

### i) Existing Legislative Framework and Policies

- **Kenya constitution (2010)** - Article 27 states women and men have the right to equal treatment, including the right to equal opportunities in political, economic, cultural and social spheres. Further as provided in Article 41 of the Constitution (Bill of Rights), every employee has a right to fair remuneration and to reasonable working conditions irrespective of the gender.
- **The employment Act (2007)** - Section 5(i) states that an “employer shall promote equal opportunity in employment and strive to eliminate discrimination in any employment policy or practice”. Further, the act outlaws sexual harassment at the place of work in section 6 (1). Employers are encouraged to develop policies that outlaw discrimination in employment in terms of recruitment, training and promotion.

- **National Employment Policy and Strategy for Kenya** - The Policy aims at addressing the country's perennial challenge of unemployment, especially amongst the youth, proposes several key strategies aimed at accelerating employment creation within the country and enhance its sustainability..
- **The Children's Act/The National Children Policy-** According to the Children's Act, the State shall take all appropriate measures to ensure that the rights of the child are protected guided by the principles of non- discrimination, the best interests of the child, respect for the views of the child and the right to life, survival and development. A draft National Policy on Child Labour has been developed with an objective to protect children in Kenya from all forms of child labour, and promote their holistic development.

**ii) Mechanisms that ensure equal remuneration for job of equal value for men and women**

- **Affirmative Action** - Implementation of two third gender representation policy on appointments, employment and promotions in the public services
- **Integrated National Wages and Remuneration Policy** - The Government has initiated the process of developing an integrated National Wages and Remuneration Policy to provide framework and necessary guidance on wage levels, wage formation and adjustment mechanisms and other wage administration issues. This is in line with Article 41 of the Constitution (Bill of Rights) which provides that every employee has a right to fair remuneration and to reasonable working conditions irrespective of the gender.

**iii) Measures that regulate the informal economy on unfair labour practices**

- **Streamlining of Foreign Employment** - The State Department for Labour is streamlining foreign employment through regulating, vetting, licensing and registering the Private Employment Agencies as per the requirement of the Security Laws (Amendments) Act 2014. Three Labour Attaché Offices have been established in Qatar, Saudi Arabia and United Arabs Emirates (UAE), key labour destination countries for Kenyan Migrant Workers, whom a big segment include domestic workers. This is in an effort to ensure protection of Kenyan workers in these countries, regulation of working conditions and protection of their labour rights.

- **Registration of Collective Bargain Agreements** - The State Department for Labour is involved in analysis and registration of Collective Bargain Agreements

**iv) Measures that promote skills, training and mentorship for rural women and girls**

- **The Kenya Youth Empowerment and Opportunities Project (KYEOP)** -. The Government in collaboration World Bank and other stakeholders is implementing Kenya Youth Empowerment and Opportunities Project (KYEOP) to address skills mismatches amongst young people. Through National Industrial and Training Authority, a total of 250,000 youth will be trained and imparted with employable skills within the next four years.
- **Development of Kenya Labour Market Information Systems (KLMIS)** - The Government has established the Kenya Labour Market Information System (KLMIS). The system is expected to facilitate storage, access, retrieval, and interrogation of data on various facets of the country's labour market. The System will facilitate interaction between jobseekers and potential employers through a web-based portal that will assist in matching skills to demand thus increasing access to labour market information and employment opportunities for Kenyan Youth. The System will be linked to the e-Citizen Government on-line services platform including putting up a desk in Huduma Centers (service centres) for publicizing and handling customers' inquiry.
- **Female Engineering Programme** - The Government through the National Industrial Training Authority (NITA) established Female Engineering Programme to sponsor qualified and needy female students from marginalized areas to study engineering course which are predominantly male dominated. Around 300 young female students have so far undergone training in various non-traditional sector courses such as Electrical Engineering (electronics, telecoms and computer), Mechanical Engineering (plant option and production), Land Survey, Civil Engineering, Agricultural and Chemical Engineering. The target marginalized areas include are; Mandera, Turkana, Lamu, Wajir, West Pokot, Kwale, Ijara, Tana River, Garissa, Isiolo, Marsabit, Samburu, Elgeyo-Marakweti, Suba, Kajiado, Kilifi, Taita Taveta, Teso, Mt. Elgon, Kitui, Mwingi, Tharaka, Mbeere, Transmara, Makueni, Kuria and Marigat.

## **1.5 Challenges faced by women in regard to access to employment, training and resources**

- Cultural Issues such perceived place of women to the society
- Lack of exposure to job preferences
- Education attainment – biases to educate boys is still exists in some communities
- Gender pay gaps - as a result of fewer women in male dominated careers and senior levels in management
- Discrepancies in implementation of Affirmative Action (two thirds gender rule)

### **Interventions that t guarantee equal access to employment, training and resources**

- Implementation of two third gender representation policy on appointments, employment and promotions in the public services
- **National Safety Net Programme** – The Ministry through State Department of Social Protection has unconditional Cash Transfer Programmes to cushion the vulnerable members of society to meet basic human needs and enable them live a dignified life. These include Hunger Safety Net Programme in four poorest and arid Counties (Turkana, Wajir, Mandera and Marsabit), Older Persons Cash Transfer and currently the Inua Jamii Cash Programme for the 70 and plus ages, Orphans and Vulnerable as well as the People with severe disabilities.

## **2.3 Governance**

The Constitution provides for inclusivity as the sovereign power lies in the people of the republic of Kenya .The exercising of this power has yielded progressive positive results for the Kenyan women especially the rural women who constitute 65% of the women population. This is indicated by a favourable legal and regulatory environment that has seen an improvement in participation and involvement in decision making in both elective and appointive postions at the national and county level of government. The Constitution has provided for creation of affirmative action elective seats that has seen the increase on the number of women in parliament and senate .

In the 2013 General Elections the number of women in parliament increased from 16 to 65 ,despite there being no women senator elected the senate had 18 norminated women senators and as a result of the Constitution the 98 women elected in the county assemblies were

increased to 760 due to the provision of the constitution not more than  $\frac{2}{3}$ <sup>rd</sup> of elected should not be of the same gender , . A total of **517** County Executive Committee Members (CECMs) were appointed. Of these **179** were female, representing 34.6% of the total number members of the County Executive Committees. As of 16<sup>th</sup> November 2017, 27 County Governments had appointed County Executive Committee members. The sector with the most number of female County Executive Committee members is the Education, Gender, Youth, Sports and Culture sector with followed by Health and Sanitation and Trade.

In the 2017 elections an improvement was also observed in the National Assembly and Senate with the number of elected women increasing from 16 to 23 and 0 to 3 in the National Assembly and Senate respectively. Historically three women were elected in the position of Governor. The number of women who participated in the competitive seats at nomination stages and the final poll was a great improvement from the previous elections .During party primaries 11 ,33,203,1330 women competed for party tickets for governor, senator, MP, and MCA positions respectively in what is often described as the toughest part of the electoral process as often 99% of those who obtain the coveted nomination translates to actual win at the polls. In the final poll the women who participated were 9,20,141,953 for the seats respectively. The outcome of the election is an indicator that access to the decision making is improving and this can be attributed to deliberate efforts being put in place across the structures of the society and inclusion of rural women as actors, civic education and public participation that present women as equally capable of leading.

It has been five (5) years, since Kenyans vote for the first ever a devolved system of Government in Kenya. The devolved system of government opened up avenues for decentralization of units of the National government in terms of resources and decision making opportunities to the counties. This brought about significant changes in county governance processes. Public participation is included in the national values and principles of governance in Article 10(2). One of the objects of devolution – Article 174(c) is to give powers of self-governance to the people and enhance the participation of the people in the exercise of the powers of the state and in making decisions affecting them.

However comprehensive inclusion of women voices in governance and politics remains a challenge in rural communities across Kenya. Poverty, culture and systematic barriers have left women vulnerable and not able to cope with many issues that confront her. However with increased public participation increased partnerships development partners capacity building of County Government officers on Gender Responsive Budgeting among other strategies have been employed to strengthen governance with rural women being involved as stakeholders. .

Rural women have been instrumental in actually championing campaigns for popularizing women candidates led by the State Department of Gender Affairs, in partnership with the development partners and the civil society organisations. The increase in the number of women in elective politics recorded in 2017 has been attributed to acceptance of women as better leaders and reduction of gender based violence as a result of support from the rural communities.

In some counties, there is an increase in the number of rural women participating in public forums convened by the county government to discuss the County Integrated Development Plan (CIDP), county annual budgets and county sector plans. It is evident that with intensified civic education, rural women are able to articulate their issues and present recommendations for inclusion in county planning.

#### **2.4 Participation in, and access of women to the media, and ICT for the advancement of and empowerment of women**

Kenya has the following strengths to achieve the advancement of the empowerment of women. Kenya is known to be the innovation hub of Africa. A position that boasts technological advancement and state of the art Innovative solutions that are changing the lives of millions of kenyans

The has various platforms to scale and optimize for the achievement of women's inclusion and empowerment. These include the following:

- Mobile Platform to deliver financial inclusion, access to markets and to information
- Mobile Digital Platforms to provide public services such as Huduma "Service" Centers country wide and taking services closer to the rural women to increase participation
- To roll out product development centers to empower rural women with opportunities to tap into new sectors and build skills in a safe zone.
- Build IT skills for rural women to enable them connect wider with the global village and to communicate better for acquisition of new businesses

##### **Women and Media**

Enhance the women in media platform to align to the needs, participation and empowerment of the rural women by:

- Increase reachability of rural women by diversifying the platforms which have access to the existing media platforms;
- Expand the options for rural women's participation and use various mobile, digital and social media outlets for rural women's access.

#### Challenges:

- Difficulties to access ready markets for products and services
- Long payment process in the public procurement process that leads to exposure of women's businesses
- Unfair trade practices – most Kenyan farmers are women. The women till the land and harvest farm produce, Men are brokers, they buy very low and sell very high and make most of the money. Women farmers make the least money in the value chain and work the hardest. Measure will be strengthened to streamline the value chain and introduce fair trade practices.
- Limited access to information
- Unfavorable social norms and cultures that still exist in some parts of the country due to unfavorable social and cultural practices that disempower women and affect their ability to be effective in their trades and lives. These include practices such as FGM, early marriages, expected economic decision making power lying with men, girl child education among others

Mitigation of these challenges will provide a basis to move forward with greater impact for the advancement of women's economic and social empowerment.

#### **2.4.1 Challenges and Recommendations**

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

- Poverty continues to limit women's participation in development. Initiatives such as the Women Enterprise Fund and Youth Enterprise Development Fund will be scaled up to enable more women to access these catalytic funds.
- Women's political participation is curtailed due to male dominance in political parties. Political parties will continue to be encouraged to involve women in their decision making organs.

- Cultural attitudes and practices. There are concerted efforts by the Government and Civil Society Organizations to eliminate harmful traditional practices, these will be stepped up particularly at the county level.
- There is limited involvement of men in the campaign against all forms of Gender Based Violence. Deliberate efforts will be made to involve men in the fight against GBV by identifying change champions.
- The media continues to stereotype and objectify women. More Government interventions will be explored to remove stereotypes against women in the media.
- There is limited involvement of women in the development of policies and programs on environment and climate change. Deliberate steps will be taken to involve women in policy making and environmental conservation in order to reduce the effects of human activity on climate change.
- Ensuring that women's gains are implemented. Above all, the most pressing need and recommendation is to enact legislation envisaged by the Supreme Court's Advisory Opinion to give full effect and provide a mechanism for actualization of the two-thirds rule in elective bodies (Parliament). There is need to continuously and meticulously monitor compliance with the two-thirds gender rule of representation in elective and appointive positions. Other laws especially those relating to women's rights need to be enforced.

## **2.5 Measures taken on empowering rural women as critical agents for enhancing agricultural and rural development and food security and nutrition**

Within the country, a number of Counties have set aside funds aimed at financing the establishment and expansion of small and medium enterprises owned by women. For instance, Kiambu *Biashara fund* and *Datu Sawazisha* for Kiambu and Taita Taveta Counties respectively are successful examples of such. Financing is also targeted at the development of water projects to support agricultural programs; promotion of agricultural programs run by women's groups involving poultry and goat rearing projects.

County Governments have taken the initiative of continuously sensitising women on the Access to Government Procurement Opportunities (AGPO) for the special groups. Consequently, the uptake of the preservation and reservation scheme for Counties such as Makueni County is currently at 80%. This is as a result of the continuous awareness creation

on the existence and requirements for the 30% government procurement benefit. In addition, County Governments have set up development funds with an annual allocation which allows women to have the financial capability of applying for government tenders and even setting up small businesses. In Bungoma, there is the Bungoma County Women Empowerment Fund (Bucowef). Other Counties that have similar initiatives include; Vihiga, Trans Nzoia Meru and Turkana Counties. The economic empowerment model through a women's Sacco in Meru county and that of Kilifi's *Imarika* Sacco have in them transformative potential as they would increase women's economic and therefore social autonomy

Counties have been keen to leverage the opportunities provided by women empowerment to open key economic windows to national development. More fundamental is the policy anchorage offered by vision 2030 and the Agricultural Sector Development Strategy [2010-2020]. The policy frameworks have been implemented by counties and have greatly contributed to development of new forms of partnerships, institutions and financial instruments in support of growing agriculture sector. Noteworthy are also the agriculture activities undertaken by counties to rally the potential of women as significant demographic group that can spur economic growth.

County governments purchased 343 tractors which different implement for farm preparing, planting, spraying, and drying of cereals. The machinery are hired at a subsidized price to farmers thus lessening the drudgery of cultivation. This has created more time for women to engage in other social economic activities whilst increasing the cost effectiveness in production and productivity. Purchase of the farm machineries have been instrumental in achieving higher yields and reducing post-harvest loss. The successful implementation of agriculture mechanization has greatly improved land and labor productivity of women.

Investment by counties in irrigation and other water harvesting technologies has been instrumental in facilitating full time engagement of the youth and women in farming and shorter waiting time for economic returns. With a view of supporting organized youth and women groups, counties have established 1,368 green houses and 2278 irrigations kits which has boosted agriculture production and food security at the household level. The initiatives by counties to increase the land acreage under irrigation to 116505 hectares has also been instrumental in facilitating full time engagement of the women and youth in farming.

To achieve profitability in farming and higher outputs, County governments have also increased the land acreage under irrigation to 116,505 hectares and built 18 silos for storing

agricultural produce to avoid food contamination (aflatoxin) and post-harvest losses. In order to enhance nutritive quality of food and fortification of necessary elements, the County Governments have distributed 447579 fruit trees to farmers which has contributed to diversification of revenue streams such as fruit farming.

With a view of supporting and facilitating preferential entry and participation for women in gainful and attractive agribusiness opportunities, County governments have embraced scientific farming which has greatly rebranded agriculture and enhanced attractiveness to women and youth. Some of scientific farming techniques carried out by counties include 1, 134, 469 Artificial Inseminations done annually and vaccination of 48,996,225 animals carried out at subsidized fees. With view of catalyzing sector growth, counties have also developed and operationalized social protection packages and agro-entrepreneurship programs through farmer capacity building programme. To date, county governments have successfully covered over 2M farmers through their outreach and extension services. In addition, Kericho County Government distributed more than 50 Incubators to women groups for hatching chicks. The women received the incubators at no cost, an intervention aimed at empowering women. In Vihiga County, there is an exemplary model where men and women share proceeds from dairy project with men collecting sales from morning milk and women from evening milk has transformative potential. A similar model exists in Wajir County with collaboration in Milk production, transportation and sales between men and women. A gender rapid assessment carried by the Council of Governors noted that there are no county-specific and deliberate initiatives to mainstream gender in Agriculture.

## **2.6 Measures taken to enhance Rural Women’s Land Rights and Tenure Security as well as their Control, Ownership and Access to other Productive Assets and Access to such as Energy, Water, Livestock, Housing, Financial Assets, Technologies, Enterprises, Information And Rural Advisory Services**

### **2.6.1 Land Rights and Tenure of Security**

Article 60 (f) of the Constitution on principles of land policies of the Constitution states that there should be no gender discrimination in law, customs and practices related to land and property. Two critical pieces of land legislation were enacted, which include: The National Land Commission Act 2012 and the land registration Act 2012, which all entrench principles of gender equality in access to land, and enshrine the rights of women to own land and

property. This is a good boost to women access to land, which has been a preserve of men and boys, and hence ensures gender equality and financial inclusion for women.

### Challenges

Few women have land registered in their names and the lack of financial resources restricts their entry into the land and other property market. Although the Constitution provides for the rights of women and men to own land and offers protection to the matrimonial home and the protection of the rights of dependants of deceased persons, these rights are yet to be realized.

### Opportunities

The work of The Global Land Indicators Initiative under the SDG framework provides an excellent opportunity for accelerating women's secure land tenure. Moreover, the African governments have committed to ensure that by 2025, 30% of land is in the hands of the women. While the output of such initiatives are expected to transform security of women's land tenure, there are fundamental changes required on how data is collected, analyzed and consumed. In the proposed frameworks, data collection, analysis and use is left exclusively to land professionals and statistical institutions. However, the Government recognizes that rural women are central and should also be involved in the collection, maintenance of records and utilization of land data. The Social Tenure Domain models by Slum Dwellers International gives us evidence on the transformative role community led data mapping has, on the lives of people living in poverty. Furthermore, GROOTS Kenya is currently part of a regional initiative that is supported by the Dutch government to establish replicable models that will secure women land tenure through the power of land data. This initiative draws lessons from a past successful model that was funded by the Embassy of Sweden in Kenya on Community Public Land Mapping. It is imperative to build on already successful community led initiatives in efforts to advance the status of rural women

### **2.6.2 Energy**

The Fourth Schedule of the Constitution lists energy planning and regulation as a concurrent function between the national and county governments. In this regard, County governments are charged with the responsibility of implementing national energy policies as well as formulating their own county energy policies and frameworks. Energy plays an important role in the lives of women and their roles within the society and families. Women's

interaction with energy is mostly experienced within the households where energy is used for cooking, lighting and warming the home.

As part of the stakeholders in the energy sector, women were consulted in the preparation of County energy policies and frameworks. Some of the Counties that have developed these policies include Kiambu and Kisumu. Additionally, organisations such as GROOTS Kenya spearhead capacity building sessions for women in the Counties to enable them lobby for the development of County policies that support the use of renewable energy and clean cook stove technologies. This was done through identifying champions within the various County wards. Such initiatives allow women within the Counties to work closely with the County governments in the development of the policies. This has been especially successful in Kitui County.

### **2.5.3 Challenges**

In the 2013-2017 County Integrated Development Plans (CIDPs), projects within the energy sector were not well captured in some counties. This could be attributed to many factors including scarcity of resources, inadequate planning and a weak national legislative framework to guide counties on development of energy plans and policies. Therefore, the involvement of women in the energy planning and policy making was minimal.

Cultural beliefs have been a hindrance to the participation of women within the energy sector. In Counties such as Turkana and Isiolo, the patricidal nature of society prevents women from being consulted on policy matters. The County Governments have however taken note of this and measures are being taken to ensure that gender is well mainstreamed in the next generation of CIDPs and sector policies.

### **2.5.4 Opportunities**

The energy sector provides a vast array of economic, social and cultural benefits. If gender issues are well mainstreamed in this sector and its policies it would lead to the following:

- Increased employment opportunities.
- Improved standards of living.
- Women leadership empowerment among others.

There is room for further interaction with development partners in order to ensure that women are well empowered and informed so as to participate in policy making.

### **2.5.5 Water and Sanitation**

In Kenya, water supply and sanitation is characterized by low levels of access in urban slums and most especially in the rural areas as well as poor service quality due to intermittent water supply. The poor, in particular women and girls, spend a significant amount of time fetching water in both rural and urban areas.

Women are the most negatively affected due to their traditional responsibility of water collection. They constitute a large percentage of the rural population and are termed as the invisible managers of natural resources which include land, water, forests and wildlife. Their traditional gender roles brings them into direct contact with these natural resources and their survival and that of their families....

In Kenya, eight out of the forty seven County Governments have established operational policies and procedures for participation of local communities in water and sanitation management. In addition, County Governments have come up with initiatives to ensure that rural women have access to water and sanitation. For example, there has been a significant increase in the accessibility and availability of water in Bomet County where before Devolution only 82 boreholes existed with 24 of them being non-functional causing rural residents to trek for over 10km to access water. However from 2013 to 2016 financial years a record number of 30 new boreholes have been drilled with 24 of the previous non-functional boreholes rehabilitated and 15 new water pans constructed.

Women are often excluded from the decision making processes on resource management and disaster risks response. Their exclusion is worsened as women carry the burden in dealing with climate change effects in their communities when they occur. They are more socially burdened, less involved in decision making and participation on issues of water and sanitation despite their role being important in the provision, management and safeguarding of water resources and sanitation. Women also face social, economic and political barriers that limit their coping capacity and affect the environment in their management of sanitation.

### **2.5.6 Gaps**

- Water and sanitation services being a devolved function there is a challenge in harmonizing the reporting between the two levels of government (National and

County) thus there is a need for the establishment of capacity building programmes for the County governments.

- Transitional issues between the National and County governments has hampered the implementation of the new Water Act 2016.
- Inadequate capacity in monitoring and reporting at regional and County level
- Administrative challenges in the implementation of multi-purpose water projects between counties and national government
- The investment in water supply and sewerage is not coping with population growth and the demand for services
- Insufficient institutional, human, financial and technological capacity continues to hamper adequate development in the water resources and sanitation sector
- Weak data collection and management practice in some of the water sector institutions and in the counties limits the availability and accuracy of data

## **2.6 Measures taken to avail data on rural women in order to inform policy interventions**

Availability and appropriate use of good economic data and statistics can translate into better lives for people, including rural women and girls, through provision of evidence as a base for policy and decision-making by the nation or by firms, households, and citizens. Data once processed generates statistics which provide information useful to inform policy, for monitoring, evaluation, and reporting of the progress in meeting the goals and targets of the Kenya Vision 2030, UN Agenda 2030 for Sustainable Development Goals (SDGs), African Union Agenda 2063, as well as a basis for effective economic governance to promote the welfare of a nation.

Further, socio-economic inequalities and disparities, as well as geographical differences across the 47 counties in Kenya, demand county-specific information to drive localized decision-making on the appropriate investments that need to be made by both the national and county governments. This way, the data will inform on areas of intervention such as on what appropriate programmes are required to target empowerment of rural women and girls.

### **2.6.1 Measures Taken to avail data on rural women in order to inform policy interventions and other initiatives**

**Kenya has a well-established institutional architecture** responsible for the Production of Official data and statistics for use by various development actors. The Kenya National Bureau of Statistics (KNBS acts as the principal agency of the Government for collecting, analysing and disseminating statistical data in Kenya.

The KNBS has produced various surveys, documents, and data which details state of policy implementation on national, and at county levels. The KNBS Kenya Demographic Health Survey (KDHS) 2014 has produced data on the impact of health programmes on rural women and girls health, among other sections of the population.

### **2.6.2 Women and Health**

KDHS (2014) indicates that total Fertility Rate Women in Kenya currently have an average of 3.9 births. This is a marked decline from the total fertility rate of 4.6 reported in the 2008-09 KDHS. Women in rural areas have almost 1.5 more children, on average, than women in urban areas (4.5 versus 3.1). Fertility varies dramatically by county, from a low of 2.3 births per woman in Kirinyaga, to a high of 7.8 births per woman in Wajir. The data has largely informed the National Family Planning programmes and interventions required curb high fertility rates in the rural areas..

According to the KDHS Health facility births are most common in urban areas (82%), implying most women in rural areas deliver at home.. This has contributed to design of programmes targeting rural women to enable them deliver at the facility, thus ensuring reduction of both maternal and child mortalities. An example is the free maternity services in public healthcare facilities and the First Lady's Beyond Zero Campaign.

Additionally, unmet need for family planning is higher in rural areas (20%) than urban areas (13%). Unmet need decreases with education: 28% of women with no education have an unmet need for family planning compared to 12% of women with secondary or higher education. Unmet need also decreases with household wealth, majority of these households are found in rural areas. There are also specific family planning programmes targeting women in the rural areas to address the unmet needs.

With regard to vaccination, the Survey further states that basic vaccination coverage is slightly higher in urban than rural areas (83% versus 77%). Programmes targeting rural

women to raise their awareness so that they take their children for vaccination, thus increasing national coverage rates will be scaled up.

On Children's Nutritional Status, the KDHS further states that in Kenya, just over one-quarter of children under five are stunted, or too short for their age as a result of chronic under nutrition. Stunting is more common in rural areas than urban areas (29% versus 20%) and ranges from 15% in Nyeri to 46% in Kitui and in West Pokot. Against this backdrop, the national and county government are investing in programmes that target women in rural areas on ways to raise nutritional status of their families.

The Kenya National Bureau of Statistics also produces and generates county specific data that informs on appropriate policy design on programs targeting all sectors of the economy, with those targeting rural women and girls as well. Since the implementation of devolution, KNBS has produced county level statistics that discusses about gender perspectives at counties including rural women and girls. This includes a biannual Kenya Gender Data Sheet 2015, on indicator capture the status of women and men including rural women and girls.

A number of Ministries, Departments and Agencies have frameworks through which they provide data on rural women and girls. They include: Ministry of Health, Agriculture, Public Service, Youth and Gender Affairs, KIPPRA, Keninvest, AGs, COG, MODP, National Gender and Equality Commission, universities, among others. These have information repositories, which can provide information on rural women and girls empowerment initiatives. A few of these institutions are discussed here under:

The Ministry of Public Service, Youth and Gender Affairs, through the State Department of Gender Affairs captures data on rural women in leadership positions, peace building and security initiatives through the Kenya National Action Plan implementation on UNSCR 1325, electoral and gender based violence, female genital mutilation, socio-economic empowerment programmes especially Women Enterprise Fund, the Uwezo Fund, National Government Affirmative Action Fund, and the Access to Government Procurement Opportunities Initiatives.

The State Department of Gender Affairs has also prioritized production of gender disaggregated data in the MTP III 2018-2022. The Department will work in collaboration with KNBS to engender the 2019 National population Census, paying attention to statistics on rural women and girls, vis-av- is other indicators. Production and use of gender statistics

as well as carry timely use surveys will measure unpaid work, largely carried out by rural women and girls. These will ensure that there is constant performance tracking and accountability towards achievement of the MTP III and SDGs development indicators. Kenya has also been identified as a pathfinder country on gender statistics under the Melinda Gates and UN Women Initiative dubbed Every Woman and Girl County. Under this programme the Department of Gender Affairs in collaboration with the KNBS will undertake an assessment of gender statistics in the county to inform policy decisions and programming on gender equality and the empowerment of women and girls.

The Ministry of Devolution and Planning (MODP) undertakes Participatory Poverty Assessment, (PPA) which is a mechanism through which communities give their own definition and understanding of poverty. Unlike, previous PPA, the 5<sup>th</sup> PPA covered 47 counties. The study findings have informed the design of national and county based pro-poor programmes. For instance women in rural areas need to come up with poverty coping mechanisms such as merry-go-round, and setting up small scale businesses. These can be upgraded to other notable initiatives such as introduction of capacity building of these women on how to tap Women Enterprise Fund, Uwezo Funds, Youth Development Enterprise Fund, National Government Affirmative Action Fund, and Access to Government Procurement Opportunities.

Further, the MODP through its Directorate of Monitoring and Evaluation provides leadership in the national monitoring and Evaluation framework and the Annual Progress Report. The Directorate prepared a Hand Book for national reporting Indicators, which will help in tracking the progress and implementation of the MTP II ( 2013-2017), and now the MTP III (2018-2022).

The Council of Governors in collaboration with the Big Philanthropy have invested in mapping the data landscape at county and national levels. This mapping will establish what kind of data currently exists and which resources are needed to ensure that the right data is available to the decision makers in order to achieve big wins for counties' youth and children, where gender disaggregation will be a key ingredient. Thus, this will yield to an Assessment of Data Systems to Support Investments in Children and Youth, both boys and girls living in rural as well as urban Counties in Kenya. This is with a view to harnessing Kenya's demographic dividend.

The county governments are in the process of preparing the County Integrated Development Plans. Through coordination by the Ministry of Devolution and Planning, State Department of Gender Affairs will coordinate counties to factor in the CIDPs the gender specific indicators, to capture rural women and girls characteristics. This will generate specific data related to rural women and girls, which after being processed will inform policy intervention.

One of the mandates of the National Gender and Equality Commission is to conduct audits on the status of special interest groups including minorities, marginalized groups, persons with disabilities, women, youth and children, as well as develop gender responsive indicators for climate related issues and policies, that affect the rural women and girls as well. This information informs on appropriate interventions for the target groups.

The Directorate of Immigration and Registration of persons provides the registration birth and death certificates of all persons in Kenya. This information also reflect rural women and girls status, which can be used to institute policy measures in areas of need.

Development partners have also played a key role in providing data on empowerment programmes targeted to rural women and girls. They have supported series of county-wide civic education to strengthen the capacity of women from all parts of the country who participated in the electoral process, both as candidates and as voters. The trainings raise public awareness on the need for more women in elective positions and show examples of how women have led in the past. They also sensitize the participants about their legal rights vis-a-vis the electoral process, and teach campaign management skills to women aspiring to run for office at local levels. It is to be noted that Women need to understand that when other women are in leadership positions, they can bring more gender-sensitive laws and policies, in support of women and girls

local women organizations in Kenya such as Community Initiative Facilitation and Assistance (CIFA Kenya), to expand women's leadership, in order to change the hearts and minds of the Council of Elders by helping to break the barriers that women in these communities have experienced over the years, relegating them to second class citizens in their own country. Women leaders will pave the way for an inclusive society where future generations will embrace women's leadership.

The Kenya's National Drought Management Authority is also working to ensure that all interventions to address the drought take into consideration the unique vulnerabilities of women and children. So far, more than 60 staff working with the National Drought Management Authority have been trained to identify and address gender concerns during the drought response, in Arid and Semi-Arid Areas in remote communities of Kenya.

In efforts to eliminate Gender based violence in the country, 14 United Nations Agencies have signed a joint programme with the Government of Kenya on the prevention and response to Gender based violence in Kenya. The programme runs from 2017-2020 is anchored in five thematic areas namely prevention, **Promotion, Protection, Prosecution, Programming and Partnership**. Specific measures will target rural women and girls, and this will provide data on how this programme will impact the incidence of GBV in rural women and girls, once evaluation is undertaken. The overall goal of the Programme is to accelerate efforts towards elimination of GBV.

Other development partners and Non-governmental Organizations (NGOs), have supported the government in various programmes and projects that impact on rural women and girls include:

They have supported the government in capacity building, civic education, policy development and institutional strengthening for grassroots women and girls. Some NGOs such as FIDA have supported government in offering pro bono legal aid for rural women and girls for instance seeking justice in succession, SGBV or FGM issues. Others have supported the government in reporting Electoral and GBV cases through various free toll helpline no. such 1195, 116, kimbio, . They also offer free online tele-counselling to the affected persons. Information on the GBV cases is readily available, which is used to design mitigation measures against GBV on rural women and girls.

### **2.6.3 Opportunities in support the empowerment of rural women and girls in Kenya**

- Current policy framework in Kenya presents rich opportunities for the country to take decisive steps to promote empowerment of rural women and girls in a bid to move forward toward gender equality.
  - Vision 2030, Third Medium Term Plan (MTP),

- The Kenyan Constitution (2010) offers unprecedented rights for rural women and girls to realize their full capacities
- Agenda 2030 for SDGs
- African Union agenda 2063
- Convention for the Elimination of all forms of Discrimination Against Women (CEDAW).
- Beijing Platform for Action
- Protocol to the African Charter on Human and People’s Rights on the Rights of Women in Africa
- Strong corroboration and partnership in support of empowering rural women and girls between the government and development partners, Civil society, Academia and religious organizations, council of elders supporting on empowerment of rural women and girls;
- Devolution in Kenya has provided numerous opportunities for empowerment of rural women and girls, as most of these category of people are residing at counties.

#### **2.6.4 Challenges of data for rural women and girls empowerment**

- There are capacity gaps in data processing (analysis and interpretation), dissemination and use, especially at the county level;
- Most national and County Governments do not factor in gender responsive budgeting initiatives hence gender programmes remain underfunded; even those targeting rural women and girls
- There are many sub-optimal data production arrangements, weak coordination among data producers within the counties, and no strategic framework to guide data production and use at county level.
- Unconnected data producers with users: There are no clear mechanisms of engagement between data producers and end-users within counties. Other than for routine data, there are no institutionalized mechanisms to guide data generation, knowledge translation and evidence use;
- Weak coordination of data collection efforts in most counties, hence competition for limited resources that has led to sub-optimal use of existing expertise but also a usurping of roles; Patriarchal society with deeply rooted cultures and gender stereotypes where women are seen as a lesser gender

- In adequate gender disaggregated data targeting statistics on empowerment initiatives for rural women and girls;
- Duplication of efforts between actors of promoting gender equality targeting the rural women and girls;
- It is costly to design, operationalize statistical systems, track and evaluate various intervention measures targeting rural women and girls

## **2.7 Addressing Harmful Cultural Practices for the empowerment of women**

### **2.7.1 Gender Based Violence**

Kenya has made significant strides in prevention and response to GBV. The 2014 Kenya Demographic Health Survey found that 45 % of women and 44% of men age 15-49 have experienced physical violence since the age of 15. The Government is committed to addressing prevention and response to GBV and has developed robust policies and laws that seek to prevent and respond to gender based violence (GBV). These include the Sexual offences Act, National policy on prevention and response to GBV, Protection against Domestic Violence Act, Matrimonial Property Act, Children’s Act, Victim Protection Act, National Monitoring and evaluation framework on prevention and response to GBV, National Gender Policy, Kenya National Action plan on resolution 1325, and the development of the County model policy on GBV.

Kenya is also a signatory to International and regional human rights frameworks that aim to prevent and respond to GBV. Albeit this robust policy and legal framework, GBV statistics show that it remains one of the most pervasive human rights violations in Kenya, both in times of conflict and stability.

The National and County governments have GBV working groups that act as coordination mechanisms which consists of state and non-state actors. The mechanisms engage in high level advocacy culminating in the commemoration of National days such as the 16 days of activism, International Women’s day and international day of the girl child among others. Other campaigns undertaken include the Africa Unite, Keeping the Promise to End GBV campaign, and the He for She campaigns. Through these advocacy initiatives coordination and collaboration has been strengthened within the stakeholders.

The Government in partnership with non-state actors has undertaken measures to prevent and respond to GBV. These include development and adoption of a National policies, enactment of pertinent legislation, provision of technical support and capacity-building of service providers, advocacy campaigns and creation of awareness. The government and UN have also developed a four (4) year *Joint Programme on the Prevention and Response to Gender Based Violence in Kenya* and

stakeholders have identified gaps highlighted in the National Policy on Prevention and Response to GBV and have come up with a work plan. The stakeholders are drawn from relevant ministries, private sector and CSOs.

The government in collaboration with the UN also undertook two costing studies on GBV to;

- i) Determine the economic burden on survivors :  
<http://www.ngeckkenya.org/Downloads/GBV%20Costing%20Study.pdf>
- ii) The cost of providing GBV services from the institutional perspective  
<http://www.ngeckkenya.org/Downloads/GBV%20Costing%20Study-THE%20COST%20of%20PROVIDING%20SERVICES.pdf>

Kenya also has a GBV information system which provides data on GBV (<http://sgbvis.ngeckkenya.org/login.php>). This system was created to fill the gap and ease the burden of reporting SGBV cases. This system is a positive step towards establishing a robust programme for all GBV cases in Kenya. It collates data from various sectors including: Education, Health, Judiciary, Police and Prosecution. However, data collection still remains a challenge with some sectors.

The interventions for GBV in emergencies have included community awareness on prevention of GBV during conflict and emergency situations, provision of PEP kits for the various health providers, training of volunteers and health care providers on handling cases of GBV and referral.

### **Challenges**

- Strongly entrenched cultural practices and social norms that normalize GBV and contribute to the high number of cases and makes it difficult for survivors to receive services
- Inadequate protection of GBV survivors prior to, during and after trial, coupled with slow prosecution of GBV cases due to poor investigations, absence of legal aid to survivors
- Weak programming on GBV prevention and response at National and County levels with short-term nature of some interventions, inadequate funding for interventions/services
- The availability of GBV data is still a challenge
- Lack of shelters/ community structures for survivors of GBV

### **Opportunities**

1. The development of the GBVIS for data collection
2. GBV helplines
3. County governments have embraced gender equity ensuring that they have gender responsive budgets.
4. The Kenyan Constitution that promotes gender equality

### **2.7.2 FGM and Child marriage**

Kenya has made progress in accelerating abandonment of FGM. The national prevalence of FGM stands at 21% compared to 27% in 2008/9, and 32% in 2003. 13.6% of adolescent girls and 0.7% of adolescent boys between the ages of 15-19 years are married (KDHS 2014). It is also worth noting that knowledge of FGM is at 97% for women and 98 % for men (KDHS 2014) and the knowledge generally increases with increasing education and wealth. Also, county disparities exist in child marriages with some counties having a median age of below 18 years i.e. Migori, Tana River and Homa Bay. The median age at first marriage in Samburu is 18.4, making it 7<sup>th</sup> lowest nationally

However, in spite of the steady decline nationally, FGM prevalence still remains very high amongst some communities such as the Somali at 94%, Samburu 86%, Kisii 84%, and Maasai at 78%. Attitudes towards continued practise of FGM by some communities have been influenced by religion and culture

The national reduction of FGM and child marriage is a result of the government's commitment to ending FGM and child marriage as demonstrated by advocacy on ending the practices by national, county and community as well as religious leaders. For example, the First Lady, through her Beyond Zero Campaign Platform, repeatedly condemn FGM and child marriage practices. Other advocacy forums include observance of international days such as Zero tolerance Day, International Women's day and 16 days of activism.. The government is also taking lead in coordination of the Anti- FGM Programmes and oversee the implementation of the Prohibition of FGM Act 2011 and has also allocated US\$ 415,841 and in 2017/18, US\$ 910,891 (KES 92 million) to the Anti-FGM Board. There are also county coordination mechanisms that use multi-sector approaches in the prevention and response to FGM and has facilitated strong partnerships.

In addition, the other stakeholders who have contributed to the campaign on ending FGM and child marriage include CSOs, CBOs and FBOs. These are implementing interventions at the county and community levels which include capacity building of service providers such as the police, prosecutors, health care workers, community and religious leaders, teachers and the youth. Other activities include community dialogue and community education, Alternative rites of passage, mentorship programmes for boys and girls, temporary rescue of girls and women at risk of FGM and child marriage

Achievements made so far include institutional, legal and policy frameworks developed. These include the Prohibition of the FGM Act 2011, Children's Act 2001, the national policy on prevention and response to FGM 2010 (being updated), establishment of the Anti-FGM Board 2014. In order to coordinate and accelerate abandonment of FGM, the Anti-FGM Board has influenced inclusion of FGM content in the national school curriculum;. Other instruments to help in the campaigning that the Board is putting in place include Alternative rites of passage guidelines to streamline ARP interventions; community dialogue guidelines to avoid confusion and duplication; resource handbook to guide implementation of Anti-FGM programmes, A national mapping is ongoing to identify all organizations implementing Anti-FGM programmes to avoid duplication for cost effectiveness.

The Office of the Director of Public Prosecutions established a unit to fast track FGM and child marriage cases. The constitution of Kenya has highlighted the illegality of harmful cultural practices such as the FGM and child marriage and has mandated Office of the Director of Public Prosecution (ODPP) to investigate (through the police) and prosecute cases of harmful cultural practices. In order to guide prosecutors, the ODPP has developed draft guidelines for prosecution of harmful cultural practices which are in the process of finalization. ODDP has also developed a draft Monitoring and Evaluation tool for prosecution of FGM cases under the Prohibition of Female Genital Mutilation Act 2011.

There is increased Media Campaign including through the community based FM Radio stations. The Media has followed cases of FGM until prosecution in court in collaboration with stakeholders. Recently, the Anti-FGM Board and the Attorney General were sued by a doctor who claims that the establishment and existence of the Anti-FGM Board contravenes the right to participate in the cultural life of a person's choice, and that the Prohibition of Female Genital Mutilation Act, which outlaws FGM, infringes on the right of women to perform their respective cultures. The court case has been extensively reported in the media and generated debate around the subject and various stakeholders have joined the case as Amicus Curiae.

In Kenya, very few counselors are trained to offer psychosocial support to survivors of GBV and FGM. In order to fill this gap, a Basic Psychosocial Support Training Manual has been developed. Also, Standard Operating Procedures (SOPs) for health care providers including psychologists and social workers to deal with problems associated with FGM have been developed. The SOPs will ensure service provision to marginalized and resource poor settings where majority of women with FGM reside. The SOPs will also be used by professionals in institutions of higher learning who train health care providers and also used by law enforcement officers.

## **Challenges**

- Poor infrastructure and hard to reach rural areas hence difficult to access for intervention.

- Medicalization of FGM conducted by health care providers in health facilities and difficult to detect
- Age of cutting has gone down to even girls under 5 years
- Increased secrecy with no ceremonies accompanying the practice and hence authorities do not know about it
- Limited community structures to support survivors of FGM & those at risk

### **Opportunities**

- The existence of the constitution of Kenya and the Prohibition of the FGM Act 2011
- National & County government commitment
- Media campaigns against FGM and follow up of cases
- Increasing Number of Role models in communities

## **3.0 Effective Partnerships for the empowerment of Rural Women and Girls**

### **3.1 Status of women**

According to the World Bank, rural women are not equal partners in the development process in most countries, despite the fact that approximately 80 percent of them live in rural areas in Kenya playing invisible national economic development roles. They play a critical role in economic growth and food security and are key agents for achieving the transformational economic, environmental and social changes required for sustainable development. However certain challenges including limited access to credit and business opportunities, health care, education and information are among the many challenges they face, which are further aggravated by the global food and economic crises and climate change. Rural women represent a quarter of the worlds population (roughly 1.6 billion) they form the back bone of rural and national economies comprising of worlds 43% of the world agricultural labour force, rural women represent 1/3 of all illiterate people; in Kenya women own about 1% of agricultueal land and access just 10 % of available credit, yet provide 80% of Kenyas farm labour and manage 40% of the countrys smallholder farms (Ecologia youthTrust article)

Empowering rural women and girls is key not only to the well-being of individuals, families and rural communities, but also to overall economic productivity, given women's large presence in the agricultural workforce worldwide.

To achieve this, partnership building and advocacy is crucial to the process. Sustainable Development Goal 17 calls for strengthening means of implementation and revitalizing Global Partnerships for sustainable development. It involves working together to achieve the goals through multi-stakeholder partnerships that mobilize and share knowledge and expertise, technology and financial resources to support the sustainable goals, improved capacity to implement the goals and enhanced domestic capacity for revenue collection.

The role of devolution cannot be understated and has been an important milestone over the last years.

The forming of 47 county governments and getting the national and county governments to work in tandem for the betterment of Kenya has been a huge task but with great strides made. It has created an opportunity to shape and improve the role of women in leadership positions; seeking to remedy the traditional exclusion of women and promote their full involvement in every aspect of growth and development.

Women-owned businesses make a significant contribution to the Kenyan economy; their businesses account for about one-half (48 percent) of all micro-, small-, and medium-sized enterprises (MSMEs), which contribute around 20 percent to Kenya's GDP. Of the 462,000 jobs created annually since 2000 in Kenya, 445,000 jobs have come from the informal sector, where 85 percent of women's businesses are found. Additionally, the national average of men working in MSEs is about 51 per cent, compared to about 49 per cent for women.

### 3.2 Role of the Private Sector

KEPSA has been in the fore front of promoting public private partnership and multi-stakeholder collaborations to implement programs and projects that impact the livelihoods of rural women and girls.

In 2015, the private sector made key commitments in Sao Paolo during the Global Trailblazers Call to Action Summit to address gender gaps in the following areas namely: Data collection, analysis and dissemination; Engendering Trade policy; Corporate procurement; Supply side constraints; Financial Services; and Ownership Rights which are fundamental to improving women's business capacity.

#### **Some of the notable partnerships and contribution by KEPSA towards empowering women include:**

- **Kenya Breweries Limited: Jilishе kisha uuze initiative.** This initiative encourages farmers to grow sorghum and millet to meet their household needs, and thereafter, sell the surplus to increase their household income. 32,000 farmers have been enrolled into the programme from Kitui, Tharaka, Embu, Kilifi, Siaya, and Kisumu Counties. The Toyota Shusho Fertilizer Factory in Uasin Gishu County started operations in March 2017. The factory is piloting the fertilizer to establish suitability of local soil and crop requirements. It will be upgraded to a fertilizer manufacturing factory in the second phase.
- **M-Farm** is a mobile application that helps Kenyan farmers to get market information and improve their agriculture productivity. M-farm gives up-to-date market information link farmers to buyers through our marketplace and current agriculture-trends. It is a transparency tool for Kenyan farmers where they simply SMS the number 3555 to get information pertaining to the retail price of their products, buy their farm inputs directly from manufacturers at favorable prices, and find buyers for their produce.
- **Safaricom- Mtiba** is a mobile health wallet for healthcare savings, payments and bonus schemes developed by CarePay, PharmAccess and Safaricom, it allows individuals and organizations to distribute funds for healthcare to people who rely on them. They can be

sure that those funds will be used for healthcare only. And they know that their dependents are being treated at clinics that charge fair prices and follow internationally recognized quality standards.

- **Procter and Gamble (P&G)** Always Brand reaches more than 300,000 girls through its Protecting Futures Program, providing girls age 12-14 with education on good personal hygiene, puberty, menstruation and personal care.
- Most Private sector are embracing the “**Women on Boards**” and have women represented in decision making positions in the companies. It is notable to mention Barclays Bank, Airtel, and Safaricom who have women in their boards, these firms have notable presence upto the rural areas
- **Safaricom M-PESA:** the ‘Long-run poverty and gender impacts of mobile money’ study report shows that increased access to mobile money has reduced poverty in Kenya, particularly among female-headed households. Rapid expansion of mobile money has lifted an estimated 2% of Kenyan households (some 194,000) out of extreme poverty. It has also enabled 185,000 rural women to move out of subsistence farming and into business or sales occupations.
- **Better Business Practice for Children:** This is a KEPSA/UNICEF project aimed at improving maternal and infant nutrition through sensitizing members of the private sector on the need to promote exclusive breastfeeding for children. The project encourages businesses to create mother and baby friendly spaces which include the creation of a lactation station for lactating mothers. KEPSA together with the Ministry of health signed a statement of commitment for Better Business Practice for Children. The project has raised awareness on the impact of a better business practices for children on business productivity, as well as wellbeing of the children and overall the SDGs.
- Biomass fuels are the most important source of household energy in Kenya with wood fuel (firewood and charcoal) accounting for 68% of the total primary energy consumption. Wood fuel has remained to be the primary source of energy for the majority of the rural population in Kenya. Both private sector and government-led programs are driving growth and are also helping create a shift toward distribution and use of cleaner, more advanced cookstoves and fuels, while empowering millions of women in the process. Some of the private sector initiatives in energy include **PayGo Energy**, which seeks to expand LPG cooking in Kenya via pay-as-you go and mobile money and raised US\$1.5 million in its first institutional equity round.
- Other companies like Bidco and Kenya Breweries are encouraging rural men and women to partner with them to grow their raw materials like sunflower for making essential cooking oils

KEPSA has also engaged in various policy based interventions to realize the above goals through Policy dialogue engagement platforms that include Presidential Round Table, Speakers Round Table, County Executives Round Table, and Ministerial Stakeholders’ Fora. All these have seen great improvement in improving the ease of doing business including women-based businesses, including rural women in making them participate in business better than before. These include on:

## **Public Procurement**

On the women in business empowerment through public procurement, KEPSA has been at the forefront in championing and collaborating with government to ensure members' uptake on 30% preference is met. Rural women have an opportunity in this area in marketing their farm produce, especially to government institutions in the devolved governments and other national institutions like schools colleges, universities, hospitals etc. KEPSA tracks this facility in collaboration with ministry of Gender in the MSF quarterly meetings.

KEPSA has formed a new team of Influencers. It is using positions of the women board members to raise awareness and promote the uptake of the 30% government procurement allocated to women and youth in the counties and improve compliance with the various requirements of the policy. KEPSA will continuously analyse the performance of its interventions in this regard with a view to ensuring year-on-year improvement in the uptake and utilization rate of the preferential public procurement policy.

## **Trade Policy**

Policy input that aims to reduce trade barriers and especially for women e.g within the single customs window system of the East African Community (EAC), Tripartite Free Trade Agreement to ease and increase movement of both people and goods within Africa, infrastructure development more specifically within the Northern Corridor Integrated Projects being implemented in the region.

KEPSA has been involved in discussions of key priority areas for the advancement of Gender Equality and Women's Empowerment, synergies and partnerships. In a meeting convened by the Ministry of Public Service, Youth and Gender Affairs, KEPSA committed to deliver on the Economic Pillar by offering continued support to women owned businesses and associations to help them overcome barriers to trade in order to improve their business competitiveness.

Together with the Australian Government, KEPSA and ITC have embarked on a program to build the capacity of women in the service and export industries to join global markets. This will see increased market access and exposure to best practices in the global market hence reducing gender gap by

## **Supply side constraints**

KEPSA Foundation has embarked on enhancing women's participation through promoting the labour laws and most importantly, carrying out better business practices for children through provision of safe spaces for working mothers to promote 6 months exclusive breastfeeding. Policies that help women balance work and family i.e social policies such as maternal protection and childcare assistance will make it easy for women to engage in leadership, entrepreneurship and employment. This is being implemented through the Better Business Practices for Children ( BBPC) KEPSA/UNICEF Programme.

## **Working Alliances for Enhancing Rural Women Participation in Business/Employment and Representation**

KEPSA is geared to making sure that establishing working alliances with rural men and women are formed by viewing women as great beneficiaries of these partnerships considering that majority of women work in the rural areas. KEPSA is encouraging Strategic alliances in; agriculture where women will partner with the private sector to do agribusiness; This will assist rural women to be effective suppliers of the county governments; Through our umbrella women associations, rural women are encouraged to form sector based groups/cooperatives. Through groups/associations they will benefit from power of collective bargaining, the women groups are able to access finance from affirmative funds, they are able to procure markets collectively which reduces cost of production and marketing, they also purchase products as groups in big quantities for sale including procuring common marketing spaces and transport. Rural women in associations will be better placed to bargain leadership positions either in politics, or in other Social/ Economic areas including Forward/Backward linkages which bring the idea of subcontracting from big firms, as a group they are also able to become members of bigger business associations like KEPSA, KAM, Tourism associations etc.

Trained rural women are forming part of the workforce in the county governments, they will be able to venture into ecotourism and agro tourism; Subcontracting will happen through companies like BIDCO who are encouraging farmers to grow sunflower for manufacturing oil; Women are accessing rural banks and other financial institutions for credit, they are leasing land from large land owners to grow market oriented products, women are doing dairy farming and partnering with private sector to process milk products.

Elsewhere women are engaging in non-traditional activities like making of rural roads supplying building materials they have learnt these skills from big contractors who hitherto employed their services; women are producing and processing cereals and selling to large Stores/Supermarkets; women are supplying tents and chairs for events including provision of catering services for these events in the rural areas. All these activities have been facilitated by the private sector partnerships. Private sector has been involved in building the capacity of rural women through trainings to enable them keep up with quality products; and supply these products in a timely manner. Private sector is also keen to see this group trained in non tariff barriers like costing, market development and quality product development and value addition which will give the rural better incomes for their products.

**Additional policy formulation initiatives.** KEPSA played a role in the development and implementation of the SME ACT. which allow participation of both men and women in trade and industrialization, KEPSA has partnered with CECs in the county governments to improve ease of doing business with the county governments, Through the member Business management organization ( BMOs) KEPSA has ensured that men and women in the Micro and small enterprises are incorporated in the development of devolved governments activities;. KEPSA has been pushing the idea of ending multiplicity of taxes which had become a greater obstacle to business with devolved government discouraging investments as well as making bthe rural men and women bear the increased costs of doing business in devolved governments, where most women operate in.

The reality today is that no country can achieve its full economic potential with the exclusion of women in any aspect of economic development. Strategic alliances and partnerships are therefore the avenue towards empowerment of rural women and girls. It is therefore important to monitor and track the gender gap as it is clear that women are key agents for achieving the transformational economic, environmental and social changes required for sustainable development in Kenya and globally.

Eliminating gender based inequalities and advancing women's equality could add \$28 trillion in the global market by 2015. In Kenya, this could result to a one off increase to as much as 4.3% of GDP growth followed by year on year increase of between 2-3.5 % points. Agriculture is the area to watch and this is where over 70% of Africa's population live in.

### **3.0 Conclusion**

The initiatives and actions taken by the government and other stakeholders towards achieving gender equality and empowering rural women and girls indicate that progress has been made on various fronts. This is evident through the enabling legislative and policy frameworks as well as administrative measures and programmes put in place towards empowering rural women and girls..

Kenya is well guided by the relevant international conventions on women's empowerment, such as the Beijing Declaration and Programme of Action, the CEDAW, the ILO conventions, agenda 2030 for sustainable development goals, Africa's agenda 2063, Addis Ababa Action Agenda for financing for development and the Cop 21 on climate change. At the national level, there are laws, policies, regulations and robust institutional frameworks in place that are facilitating implementation of policies promoting gender equality. All MDAs are also required to mainstream the SDGs in their policies, development programmes and projects.

The Constitution of Kenya 2010 is also critical towards the realization of gender equality and empowerment of rural women and girls. It is progressive, comprehensive and all-encompassing law, and sets an important precedence of addressing gender inequality by availing principles that will guide the attainment and equal opportunities for men, women, boys and girls, PWDs and other vulnerable groups across all sectors and at all levels.

Despite the progress made by Kenya has made, in promoting gender equality and empowering rural women and girls, challenges existing in various spheres. These include rights to land women's owing to the patriarchal nature of Kenya's society, unequal access to

economic and environmental resources; social and legal discrimination against women and girls; their disproportionate burden of unpaid work; and violence against women, which is not only a violation of basic rights but also hinders women's economic and political empowerment, access to comprehensive health care, inadequate data on rural women and among other factors. These challenges hold back progress for women, their families and countries. The Government will therefore focus on this areas and also take advantage of new opportunities that have emerged for rural women's economic empowerment and income generation, including through agrifood value chains, and for their political empowerment through collective action and social movements.