

# **COUNTY GOVERNMENT OF BUNGOMA**



## **DEPARTMENT OF GENDER, CULTURE, YOUTH & SPORTS**

### **THE MUNICIPALITY OF KIMILILI GENDER POLICY 2022**

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## ACRONYMS

AIDS	Acquired Immune Deficiency Syndrome
AU	African Union
BPFA	Beijing Platform for Action
BUCOWEF	Bungoma County Women Empowerment Fund
CEDAW	Convention on Elimination of all forms of Discrimination Against Women
CIDP	County Integrated Development Plan
CoK	Constitution of Kenya
FGM/C	Female Genital Mutilation and Circumcision
GAD	Gender and Development
GBV	Gender Based Violence
GTC	Gender Technical Committee
HIV	Human Immuno-Deficiency Virus
KIPPRA	Kenya Institute of Public Policy Research and Analysis
KNASP	Kenya National AIDS Support Programme
KNCR	Kenya National Census Report
MTEF	Medium Term Expenditure Framework
MTP	Medium Term Plan
NASCOP	National AIDS & STI Control Programme
NEPAD	New Partnership for Africa's Development
NGO	Non-Governmental Organization
SAGAS	Semi-Autonomous Government Agencies
UNESCO	United Nations Education, Scientific and Cultural Organization

## CHAPTER ONE: INTRODUCTION

### 1.1 Background Information

Following many years of struggle, debates and advocacy at international, regional and national levels, the importance of and the need to promote gender equality - both as a human rights principle and a development imperative - are now well recognized international norms. And while many nations have committed themselves to the goal of promoting gender equality in compliance with various international instruments, treaties and protocols, and notwithstanding considerable strides that have been made towards achieving this goal, gender inequalities and injustices remain pervasive at all levels of society around the world, especially in developing countries such as Kenya.

Like in many sub-Saharan African countries, the social structures and cultural norms in many Kenyan communities - the majority of which are patriarchal - enforce gender inequalities and unequal power relations between men and women, which generally favors men over women. Men traditionally occupy higher social status, and compared to men, women command limited ownership of, access to and control over property and productive assets; are disadvantaged in accessing educational and training opportunities; are underrepresented in the formal employment sector within which they are, in any case, concentrated in lower ranks; suffer discrimination at the workplace; and are not effectively involved in decision-making and governance structures; and their home-keeping and care giving responsibilities increase their work burdens. Harmful cultural practices, poverty and conflict have also exposed men and women to various forms of gender-based discrimination and violence.

Although a number of laws have been enacted over the years to redress gender inequality in Kenya, inequalities between men and women and gender-based injustices have persisted as entrenched discriminatory gender ideologies and social norms have tended to endure. The Constitution of Kenya (2010) has especially been hailed as one of the most progressive constitutions in the world, partly on account of how it addresses gender and human rights issues. The national Gender Policy (2011) was developed to provide a policy framework on how to address gender issues and actualize constitutional provisions on gender equality and

nondiscrimination. However, the need to adapt the policy to different local contexts in recognition of regional and local variations in socio-cultural practices across the country cannot be gainsaid. Hence the need for a gender policy for Kimilili Municipality.

## **1.2. The global, regional and local Context**

### **1.2.1 International Legal Frameworks and Initiatives**

Kenya has ratified seven of the nine main global human rights instruments:

International Covenant on Civil and Political Rights (“ICCPR”) and the International Covenant on Economic, Social and Cultural Rights (“ICESCR”), the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment (CAT), and the Convention on the Rights of the Child (CRC) which all have gender equality imperatives as a state obligation. Kenya has also been party to other international initiatives that have drawn attention to the need for gender equality such as the Vienna Declaration on Human Rights, the Beijing Platform for Action, the International Conference on Population and Development (ICPD), the Millennium Declaration and Millennium Development Goals (MDGs) and the Sustainable Development Goals (SDGs). All these treaties and initiatives have influenced the National Policy on Gender and Development. The fifth SDG is a stand-alone development goal on gender equality and women’s empowerment is characterized by the following targets:

- I. End all forms of discrimination against women and girls everywhere
- II. Eliminate all forms of violence against women and girls in the public and private spheres, including trafficking, sexual and other types of exploitation
- III. Eliminate harmful practices, such as child, early and forced marriage and Female Genital Mutilation
- IV. Recognize and value unpaid care and domestic work through the provision of public services, infrastructure and social protection policies and the promotion of shared responsibility within the household and the family as nationally appropriate

- V. Ensure women's full and effective participation and equal opportunities for leadership at all levels of decision-making including political, economic and public life
- VI. Ensure universal access to sexual and reproductive health and reproductive rights as agreed in accordance with the Programme of Action of the International Conference on Population and Development, the Beijing Platform for Action and the outcome documents of their review conferences

### **1.2.2 Regional Legal Frameworks**

Regionally, Kenya has ratified the African Charter on Human and Peoples' Rights, and the Protocol to the African Charter on Human and Peoples' Rights on the Establishment of an African Court on Human and Peoples' Rights (2005). Kenya has also ratified the Convention governing Specific Aspects of Refugee Problems in Africa, the African Charter on the Rights and Welfare of the Child and the Maputo Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa albeit with reservations on article 10 (3) and 14 (c).<sup>1</sup> Other regional instruments that Kenya has adopted include the African Union Agenda 2063 and the Solemn Declaration on Gender Equality in Africa.

### **1.2.3 National Policies and Legislation**

The Constitution of Kenya creates a platform for gender equality and nondiscrimination. It also provides a fresh impetus for a national policy to chart a roadmap for the attainment of the constitutional provisions. Article 10 of the Constitution is on the National Values and Principles of governance. It highlights such principles as equality, equity, inclusiveness and non-discrimination. These principles provide an anchorage for gender equality. Further, Article 27 (1) provides that every person is equal before the law and has the right to equal protection and benefit; Article 27 (3) provides that women and men have the right to equal treatment including the right to equal opportunities in political, social, economic and cultural spheres. The Constitution also outlaws discrimination on any basis including, pregnancy, race, sex, marital status, health, ethnicity or social origin, color, age, disability, religion, conscience, belief, culture, dress, language or birth in Article 27 (4). To realize these ideals, the Constitution in Article 27 (6) requires

the government to take legislative and other measures including affirmative action to redress disadvantages suffered by individuals and groups because of past discrimination. Article 27 (8) requires that not more than two thirds of the members of elective or appointive bodies are of the same gender.

This policy builds on the National Policy for Gender and Development of 2019, and Sessional Paper No. 2 of 2006 on Gender Equality and Development which envisaged women empowerment and mainstreaming the needs of women, men, girls and boys in all sectors of development in Kenya so that they can participate and benefit equally from development initiatives. Kenya's National Development plans such as Kenya's Economic Recovery Strategy for Wealth Creation (2003-007), Kenya Vision 2030 and the Medium-Term Plans 2008-2012, 2013-2017 and 2018-2022 have also recognized that women should have equal access to opportunities and assets with men for the purpose of sustainable development. In addition, gender-aware policies such as the National Land Policy (2009) which recognizes women's rights to own property on an equal basis with men; the National Policy for Prevention and Response to Gender Based Violence; and the National Policy for the Abandonment of Female Genital Mutilation have been adopted.

The national assembly has legislated laws to implement the Constitutional provisions for gender equality. These include the Matrimonial Property Act, 2013 which safeguards women's property rights during and upon dissolution of the marriage; the Marriage Act, 2014 that gives effect to constitutional provisions on equality between parties to a marriage; and the Land Act and Land Registration Acts which secure women's rights to land. Revision of the Succession Act Cap 160 is also at an advanced stage and is expected to address gender issues in succession. Similarly, 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 and the girl child. Thus, Kenya has ratified and domesticated on both its international and regional obligations on protecting the rights of women and the girl child. Additionally, the Kenya Citizenship and Immigration Act, 2011 provides for dual citizenship. Married women can now confer citizenship to their husbands from foreign countries, a break from the past where only men could confer such status to their wives.



### 1.3. Gender Situation in Kimilili Municipality

The cultural environment in the county is among the factors that have influenced the participation rate of women and men both in the public and private spheres. Whereas there are significant local and national particularities, roles assigned to men and women are largely culturally pre-determined and different. Indeed, culture has been invoked to legitimize differences in gender status, values and roles and to justify unequal gender relations in a manner that to a large extent favors men and disadvantages women.

Although at the National level measures have been taken to provide women with fundamental rights such as the right to own land and to inherit property through the constitution and statutory law, extensive discrimination against women still persists. Women's rights are still largely abrogated by customary and/or religious laws and practices that exist concurrently with statutory law and are simultaneously applied. Kimilili municipality gender situation is characterized by gender biased cultural songs, Female genital mutilation, circumcision, widow inheritance and male dominant property ownership

***The gender division of labor:*** Whereas both men and women play substantial economic roles, gender is an important principle in determining the division of labour. Women and men are not equally active in the different productive sectors. For example, in Kimilili, women engage in intensive economic activities thereby playing crucial roles in the economic survival of their families. Men have also been losing some of the traditional roles due to changes in socio-economic and political environments leading to heavy responsibilities for women who have had to assume new roles in addition to their traditional ones.

- ***Formal Sector Employment:*** Although gender disaggregated data for formal sector employment is insufficient, the statistics available show that fewer women 33.6% than men 76.4% are represented in this sector. Additionally, amongst those that are employed, very few are in the management positions.

- ***The informal sector:*** Data about the informal sector is also scarce, but according to estimates more than 50 per cent of the women who are economically active work in the informal sector. Some of the limiting factors in capturing the contributions of women in this sector, are inadequate data, prevailing definitions of economic activity and the nature of their work (concentrated in subsistence production), which mostly goes unrecorded. Women are popular as a source of cheap labour and unpaid domestic work
- ***Political participation:*** Access to political power is still a great challenge, where women comprise only 34.9% of all seats in the county assembly, which implies that opportunities for women in governance are much constrained.
- ***Legal aspects:*** Whereas Kenya as a Country has ratified the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and customized the Constitution of Kenya 2010 to be gender sensitive, women in Bungoma county still lack knowledge about existing laws, which are designed to protect them, and this constitutes a barrier to their empowerment.
- ***Health:*** Women's health burdens have been compounded by the deterioration of public health services and systems, the decrease in public health spending, and the privatization of the health care systems. The incidence of the HIV/AIDS in the county is particularly staggering as several factors, including gender relations, are fuelling the rapid spread of the infection among women and girls. Bungoma County has a total population of 1,750,634. Out of this, 31,186 people are living with HIV/AIDS. The total prevalence is 3.2% with 2.4% among men and 4% among women, according to the NASCOP 2014 report.
- ***Violence:*** Gender Based Violence has been on the increase in the Municipality. Majority of the cases 68.9% are experienced by women in their daily relationships most of which remain unreported. This is not only detrimental to the women's health but entails social, political and economic costs as it curtails their capacity to participate fully and equally in development activities.

- **Conflict:** Widespread societal and ethnic conflict in the region especially in the mount Elgon area due to the Sabaot land defense forces has resulted in massive displacement of people, with female headed households being one of the most conspicuous features of post-conflict realities, hampering sustainable human capital development. These households are further faced with many economic and social constraints during the post-conflict transition.

#### 1.4 Constraints facing the Municipality in Implementing Gender Equality Measures

Despite progress made in recognizing gender mainstreaming as an approach to gender equality, available evidence indicates that gender inequality persists at various levels. Some of the critical constraints the county has faced in an effort to promote gender sensitive development include:

- I. Poor political buy in/support both from the executive and legislature
- II. Entrenched cultural issues
- III. Lack of a local legislation premised on local experiences
- IV. Gender insensitive budgets and poor resource allocation
- V. Ineffective implementation and co-ordination of national and county policies with the international conventions that support the advancement of women;
- VI. Lack of awareness of and access to existing gender related policies
- VII. Insufficient gender disaggregated data and analysis at the institutional level which can be used to influence policy-making and gender-responsive action;
- VIII. Inadequate gender desks in the County institutions
- IX. Shortage of human, financial and technical resources that inhibit implementation of gender responsive programmes
- X. strong dependence on external financing of projects hampering sustainability efforts;
- XI. Weak civil society organization and slow evolution in societal attitudes, practices and beliefs that are unfavorable to the advancement of gender equality;

## CHAPTER TWO: THE POLICY FOUNDATION

### 2.1. Departmental Vision, Mission and Mandates

The department's gender policy will be pursued within the context of its stated mandate, which is to realize ***“To create sustainable and equitable social cultural and economic empowerment to all”***. Sustainable development will provide the broad framework within which strategic actions to achieve gender equality will be taken and due account will be given to the critical areas of action for women's empowerment as elaborated in the ratified international and regional treaties. The broad functions of the Directorate of Gender are:

- I. To promote gender mainstreaming in the municipality development processes, and engender the county budget;
- II. To promote the protection of Human Rights and recognition of Women's Rights as Human Rights
- III. To coordinate the development, review and implementation of gender development policies, regulations and practices to achieve a more equitable balance in tasks and in the sharing of the economic and social benefits between men and women;
- IV. To register, regulate and coordinate activities and programmes of all gender-based charitable institutions in the county.
- V. To enhance the capacity of communities to identify, plan, and implement sustainable socio-economic activities;
- VI. To promote women and men entrepreneurship through the provision of Empowerment Fund;
- VII. Enable women and men to have equal voice and influence in Municipality institutions and organizations
- VIII. To enhance collaboration and partnership with the stakeholders for sustainable development on gender issues.
- IX. Provide rehabilitation services to Gender Based Violence and Female Genital Mutilation survivors.

- X. To provide alternative family care services for vulnerable members of the society
- XI. To ensure development of specific gender sensitive indicators and monitoring mechanisms.
- XII. To promote the generation of sex disaggregated data to guide interventions;
- XIII. To entrench gender analysis as fundamental requirement in all programmes, activities and support services in the Municipality;
- XIV. Provide for an opportunity to involve women in peace building processes
- XV. To fight all forms of GBV in the Municipality

The main thrust of this policy as a strategic development document is to promote gender mainstreaming within the county government departments and across all sectors, programmes and projects as well as all other policy documents. The department recognizes that inequitable gender relations cannot be addressed by focusing on women in isolation and therefore the practical needs and strategic interests of both women and men have to be considered, as do the opportunities and constraints emanating from the contexts within which they live. Therefore, this policy establishes short-term, medium-term and long-term frameworks for strategic interventions towards the attainment of gender equality.

## **2.2. Goal**

The overall goal of Kimilili Municipality Gender mainstreaming Policy is to ensure gender equality is realized in all departments through gender mainstreaming by establishing a clear strategy of delivering services, policies, procedures and practices.

## **2.3. Policy objectives**

This municipality gender policy seeks to contribute to the entrenchment of gender equality and equity in service delivery in the Municipality of Kimilili. In more specific terms, the policy seeks to:

- I. Establish structures and mechanisms to advance gender equality

- II. Initiate intervention programmes in all departments that promote equitable gender roles and relations
- III. Ensuring compliance to gender responsive programmes through appropriate legislation
- IV. Provide capacity building supported by knowledge sharing that can identify violations, demands, access, seek redress and enjoy their rights
- V. Provide for a data management regime in the county
- VI. Establish a data management centre on gender issues
- VII. Establish a Monitoring and Evaluation system that informs implementation of gender programmes
- VIII. Conduct municipality gender analysis for administrative purposes

#### 2.4. Guiding principles

The guiding principles of this policy are in accordance with the Constitution of Kenya 2010 and commitments related to Kenya Vision 2030. They thus include:

- I. Leadership and integrity in Gender related intervention;
- II. Accountability and transparency
- III. Gender fairness and justice-guided interventions;
- IV. Inclusivity in decision making processes
- V. Equality in access to opportunities and Municipality resources;
- VI. Recognition of the specificity of women and men;
- VII. Commitment to change discriminatory and retrogressive believes and cultural practices; and
- VIII. Collaboration
- IX. Coordination
- X. Inclusivity
- XI. Sustainability

## CHAPTER THREE: POLICY FRAMEWORK

### 3.1. Priority areas

The Municipality's Vision identifies its operational focus around a number of key areas of intervention. Other municipality policies related to the mentioned priorities will be required to demonstrate an awareness of the importance of gender issues and specify strategies for gender mainstreaming in their operations. However, in order to maintain momentum and credibility and to gain the requisite impact on the ground, a strategic choice appropriate for effective channeling of efforts and resources has been made.

Five areas, namely education, agriculture and rural development, wealth creation, health and governance will therefore constitute the central focus of this policy. The underlying justifications for this prioritization are articulated under the respective themes below.

### 3.2. Education

Despite education being emphasized as a universal human right from the UNESCO sponsored Jomtien conference 1990, disparities in access still exist. The Dakar and Beijing Platforms for Action emphasize education as key to women's empowerment. It expands women's opportunities, enhances their capacity to develop their full potential, contributes to more equal gender relationships and ultimately enables women to benefit from development interventions.

#### **Policy statement**

The Municipality of Kimilili will particularly support initiatives and efforts in the education sector that serve to promote fair access to education by both genders. Potential intervention areas will include; scholarships, bursaries, menstrual hygiene management, special needs education psychosocial support, vocational training education and leadership training and empowerment

### 3.3. Agriculture

Agriculture is the economic back bone of Kimilili Municipality. Despite the Constitutional right to ownership of land and the fact that women are major agricultural producers, they have limited access to and control over land and proceeds due to cultural and traditional norms. Studies indicate that women constitute 80% of agricultural labor and provide 60% of farming derived income yet only 1% own land.

#### **The Policy Statement**

The Municipality of Kimilili will promote technological, institutional and strategic changes that stimulate a lasting gender sensitive transformation in agriculture and the rural economies by offering rural populations opportunities of empowerment. Potential intervention areas include: encouraging land ownership, supporting women farming, management quota in farmer cooperatives as well as protecting women farmers against exploitation

### 3.4. Economic Development and Wealth Creation

Though women and men share the burden of poverty, they experience poverty differently due to gender roles and gender-based variation in their access to as well as control over social and economic resources on one hand, and the manner in which they respond and contribute to wealth creation on the other.

#### **The Policy Statement**

The Municipality of Kimilili will facilitate and support the development of gender responsive wealth creation strategies. Possible interventions include network linkages, micro-finance support as well as investments



### 3.5. Health

The highest attainable standard of physical and mental health is a human right that is vital to the society's well-being and the people's ability to participate in development activities. Biological factors as well as structural gender roles and relations expose women to various diseases. Women also have unequal access to and use of basic health resources including primary healthcare services. Gender Based Violence heavily contributes to health-related issues among both genders. Possible intervention areas include mental health, psychosocial support, engaging women CHVs, family planning interventions, access to water and sanitation services, maternal care

#### **The Policy Statement**

The Municipality of Kimilili will facilitate achievement of greater equality in the distribution of and access to health services. It places an emphasis on primary health care, GBV interventions programs, reproductive health (including HIV/AIDS, family planning, maternal and child health), and disease control. Interventions in the health sector include: promotion of programmes and projects aimed at reducing maternal morbidity and mortality rates; support to health education; and campaign against GBV and other harmful practices.

### 3.6. Governance

The equal participation of women and men at all levels of decision making is a crucial part of good governance. It serves to reinforce democracy by creating a balance that accurately reflects the composition of society and ensuring that the processes of policy-making and resource allocation is undertaken in an equitable and efficient manner. The affirmative action provides for 2/3 gender rule in all appointive and elective positions which the county has not yet achieved.

#### **Policy Statement**

The Municipality of Kimilili will support initiatives to increase women's and vulnerable groups' access and capacity to participate in governance structures as

well as decision making at all levels. Possible interventions include; women and leadership trainings and establishing a women and leadership academy

### **3.7. Gender Based Violence and Harmful Cultural Practices**

Gender Based Violence occurs to both male and female in all societies in the world, within the home and in the wider community. It however affects women and girls disproportionately with 45% of women aged 15 -49 years have experience violence with girls accounting for 90% of the cases (GBVRC Report 2014). Harmful traditional practices such as Female Genital Mutilation and spouse inheritance dehumanize women, whose concerns are trivialized by the society in which they play significant social and economic roles. Different legal instruments such as the Sexual Offences Act (2006), the Counter Trafficking Act (2010) and Prohibition of Female Genital Mutilation Act (2011) among other laws have boosted the campaign against sexual violence.

#### **Policy Statement**

This policy will set an environment that will address the root causes of such social prejudices and provide protection to women, men and children from all forms of violence including harmful cultural practices thereby restoring the dignity. This policy will create an enabling administrative and management pathway for GBV in the county. Intervention areas may include establishing and managing safe spaces in the county medical facilities, setting up a GBV referral center at Ndengelwa GBV Centre, strengthening gender technical working groups in the county ensure safe work spaces from sexual harassment

### **3.8. Human resource and development focus**

Human resource planning is a key component in development t planning and ensuring gender mainstreaming is an important stride in enhancing gender equity and equality.

#### **Policy statement**

The department shall give significant attention to gender issues that involve employee recruitment, staffing, performance and career progression focused towards ensuring human resource compliance.

## ***Strategies***

### ***i) Recruitment and Staffing***

The Department reflects its commitment of gender mainstreaming through recruitment of staff by requiring that:

- o there is general knowledge of gender mainstreaming and demonstrable commitment to gender equality
- o The recruitment advertisements shall always include an equal opportunity clause in vacancy announcements and shall: -
  - oEmphasize affirmative action to identify and bridge gender gaps
  - oHave a gender sensitive and gender balanced recruitment agenciesIncorporate the Gender Policy in all induction materials and documents for new staff
- o Design mechanisms to ensure gender balance of staff at all levels. The municipality shall endeavor to provide facilities and provisions in recognition of gender specific need e.g. crèche, toilets.

### ***ii) Performance and Career Development***

The Department will work to ensure its staff performance and capacity is enhanced to facilitate gender mainstreaming through: -

- I. Quarterly needs assessment to identify necessary capacities to build for gender mainstreaming.
- II. Internship opportunities
- III. Undertake a capacity needs assessment on gender to identify, formulate and implement responsive interventions for staff capacity building;
- IV. Ensure that training and career development opportunities are shared equally amongst female and male staff
- V. Identification and procurement of relevant gender resource materials for staff training and reference.

- VI. Ensuring that resources are committed to continuous gender training activities to strengthen accountability for gender equality of all officers.
- VII. Ensuring that all its Human Resources Policies, practices and decisions shall integrate and promote equality. Establishing a performance reward system for individual staff and departments that excel in gender mainstreaming.

### **3.9. Networking and Partnerships focus**

In order for THE MUNICIPALITY OF KIMILILI Gender Policy to be an efficient and effective tool for social economic development, inter-team linkages supporting the implementation of gender programs in the municipality must be encouraged.

#### **Policy Statement**

To ensure this, the Gender Technical Working Group will be established by the Department of Gender, Culture, Youth and Sports.

#### **Strategies**

The department shall endeavor to ensure that: -

- I. The department formalizes and strengthens the linkages between the municipality and relevant stakeholders;
- II. Programs that work towards elimination of gender inequalities and promotion of equal access to resources and opportunities within the municipality are effectively coordinated;
- III. That municipality policies, legislations and regulations not only adhere to constitutional provisions of inclusiveness but are effectively implemented.

### **3.10. Research, Knowledge Building and Information Sharing**

The Municipality of Kimilili shall integrate gender analysis into development programmes at the levels of design, implementation and impact review as a means of identifying priorities, opportunities and challenges for redressing gender inequalities and maximizing impact of the programmes.

#### **Strategies**

The strategies to mainstream gender in research will include:

- I. Integrating gender analysis in all municipality research programmes. While there is need to conduct strategic research on some gender-specific issues, a cross-cutting approach will apply to most research programmes.
- II. Capacity building for men and women research officers and staff to equip them with gender analysis skills;
- III. Ensuring gender balance in research programmes. This will include ensuring fair representation of men and women in technical research teams and capacity building programmes.
- IV. Promoting gender-sensitive participatory approaches to research.
- V. Creating synergies for knowledge management and information exchanges across municipality departments and with other stakeholders and partners;
- VI. Generating, reporting and sharing gender-disaggregated data.
- VII. Establishing a gender research documentation centre to enhance the collection, analysis, storage, retrieval and dissemination of gender-related research data and reports.

## CHAPTER FOUR: INSTITUTIONAL FRAMEWORK

### 4.1. The institutional structure

The Gender mainstreaming Policy has been designed to leverage on the municipality's efforts of spearheading gender equality initiatives throughout all departments. Therefore, it is mandatory that all programmes demonstrate their efforts towards embracing gender mainstreaming in municipality. To ensure that the gender policy is implemented, the Department of Gender, Culture, Youth and Sports shall focus on four main aspects:

- I. Commitment to promote a system-wide responsibility and accountability for gender equality through gender mainstreaming
- II. Institutionalize a framework to guide policy implementation
- III. Allocate adequate resources to gender mainstreaming programmes
- IV. Cultivate political goodwill to champion gender mainstreaming programmes

### 4.2 The department of Gender

For successful implementation of this policy, the department of Gender Development led by the Municipality manager and the technical committee shall aim at promoting a conducive atmosphere by entrenching gender equality analysis. Towards this end, the department shall be committed to:

- I. Developing criteria and procedures that allows for fair distribution or allocation of resources and services for gender mainstreaming
- II. Provision of technical guidance to all departments regarding the effective integration and accountability for gender equality in county development;
- III. Ensuring that opportunities for development and empowerment of women are created and awarded equitably;

- IV. Legislating and enforcing policies and laws that protect and promote women dignity and all members of staff;
- V. Enhancing capacities and capabilities of staff through gender skills, knowledge and awareness building as well as mentoring so as to promote gender equality in decision-making.
- VI. Ensuring that dispute resolution mechanisms are not merely available, but are also easily accessible, effective and responsive to the needs of all;
- VII. Providing facilities and supplies in recognition of gender specific needs e.g. crèche, toilets, breastfeeding place for mothers;
- VIII. Creating a mechanism to ensure the auditing, monitoring and assessment of policies, programmes as well as procedures for gender-responsiveness;
- IX. Establish a data management center on gender and gender-related issues; and ensure community outreach programs in gender equality
- X. Ensure strategic synergies and partnerships on gender mainstreaming

#### 4.3 Gender Technical Working Group

The GTWG reflects the diversity of actors in gender development and is composed of persons with expertise on gender issues. This group shall have the responsibility to advise, assist, support and advocate for activities designed to strengthen gender mainstreaming initiatives. The group shall be comprised of:

- I. Government officer in charge of coordination of National Government services who shall be the chair
- II. The Gender Officer in charge of the municipality who shall be the Secretary
- III. Officer in charge of coordination of Municipality Services who shall co-chair
- IV. Head of the Judiciary within the municipality;
- V. Probation officer;
- VI. Two Representatives from the education sector one of whom shall be from the National Government and the other from the Municipality;
- VII. Representative from the Office of the Director of Public Prosecution appointed in writing

- VIII. The Sub County officer from the Department of Children Services or a representative appointed in writing;
- IX. Municipality officer from the Department of Health;
- X. Security agencies within the sub-county;
- XI. One Community leader and elder;
- XII. Representatives from the Faith Based Organizations in the municipality appointed in writing;
- XIII. Representation of community policing
- XIV. representatives from the civil society organization working within the municipality on matters of gender violence appointed in writing; and
- XV. The Technical Working Group may co-opt any other relevant member as may be deemed necessary in response to and prevention of gender based violence.
- XVI. Not more than two-thirds of members of the Gender Technical Working Groups shall be of the same gender.

The Mandate of the Working Group shall—

- I. Coordinate response to and prevention of gender mainstreaming in the municipality;
- II. Implement the policies and regulations aimed at prevention and response to gender mainstreaming;
- III. Implement policy directives by county SGBV management committee;
- IV. Prepare quarterly and annual reports for submission to the County Gender Mainstreaming management committee;
- V. Implement safe SGBV referral pathways that in the municipality
- VI. Recommend to the county SGBV suitability of victims to be declared vulnerable in need of special care and protection; and conduct SGBV advocacy and sensitization activities in the communities.

#### **4.4 Municipality Gender Advisory Office in the Office of the Municipality Manager**

The Gender Advisory Office is a municipality organ established in the Municipality manager's office to oversee policy implementation and advice:



- I. Preparation of briefs on gender policy and programmes;
- II. Analysing gender issues in close collaboration with the County Department responsible for gender mainstreaming;
- III. Conducting research and coordinating gender based research; and
- IV. Providing gender advisory services to the Governor
- V. Help the directorate on gender outreach initiatives
- VI. Resource mobilization
- VII. Advice the municipality manager on gender mainstreaming affairs in the municipality.

## **CHAPTER FIVE:**

### **COMPLIANCE WITH THE POLICY AND STANDARDS & POLICY REVIEW**

#### **5.1. Compliance**

All stakeholders shall comply with this Policy to ensure effective implementation of this programme. Compliance in this Policy is adhering to guidelines, standards, operating procedures and regulations. All Public Sector Institutions, Civil Society and Private Organizations that are registered with Government and handle public funds will be required to comply with the provisions of this Policy. Standards set out in this Policy document that guide the implementation processes shall be applicable across the Municipality structures.

#### **5.2. Compliance Requirements and Obligations shall include:-I.**

- reporting obligations according to agreed formats;
- II. Abiding by the principles of the policy
- III. Abiding by the agreed quality, quantity, time and standards. (These shall be defined and agreed with stakeholders)

#### **5.3. Non-Compliance**

Non-compliance to this Policy shall be managed in accordance with the relevant legal and regulatory provisions.

#### **5.4. Review of Policy**

This Policy establishes a framework for management of gender issues in the municipality. The practice, approach and tools for implementation will continue to evolve with time. As such this Policy will be reviewed through a participatory

process after every 5 year in line with the implementation period for the MTPs for Vision 2030 and CIDPs, so as to capture relevant developments and emerging practices and approaches. There shall however be a continuous review process of the Policy.

## DEFINITION OF TERMS

<b>Access</b>	Obtain resources, benefits, information, decision-making as is influenced by acceptable gender and the established gender division of labor
<b>Affirmative Action</b>	Includes any measure designed to overcome or ameliorate an inequity or the systematic denial or infringement of a right or fundamental freedom
<b>Empowerment</b>	A process through which men, women, boys and girls acquire knowledge, skills and attitudes to critically analyses their situation and take appropriate action to change the status quo of the underprivileged and other marginalized groups in society
<b>Gender</b>	This refers to the socially and culturally constructed roles that differentiate men from women; as distinct from sex which refers to their biological differences. The social constructs vary across cultures and time
<b>Gender analysis</b>	This identifies, analyses and informs action based on gender. It addresses inequalities that arise from the different roles of men and women; the unequal power relations between them; and other contextual factors like: ethnicity, sexual orientation, employment, citizenship, etc.

<b>Gender awareness</b>	This is the understanding that there are socially determined differences between men and women based on learned behavior, which affect ability to access and control resources
<b>Gender-Based</b>	Refers to any act of violence that results in, or is likely to Violence result in physical, sexual or psychological harm or suffering to women, girls, boys and men on the basis of gender
<b>Gender Discrimination</b>	Refers to unequal or preferential treatment of individuals or groups on the basis of their gender that results in reduced access to/ or control of resources and opportunities
<b>Gender Equality</b>	Refers to the equal treatment of women and men, girls and boys so that they can enjoy the benefits of development including equal access to and control of opportunities and resources
<b>Gender Equity</b>	Refers to the practice of fairness and justice in the distribution of benefits, access to and control of resources, responsibilities, power, opportunities and services
<b>Gender Indicator</b>	An indicator is a measurement of change over time. It is also a signal of a change. The change may be measured in terms of quantity, quality and timeliness. A gender indicator is that which is sex-disaggregated, specific, logical, realistic, relevant, valid and sensitive
<b>Gender Mainstreaming</b>	Is the consistent integration of gender concerns into the design, implementation, monitoring, and evaluation of policies, plans, programmes, activities and projects at all levels
<b>Gender needs</b>	Arise from the four components cited above. Since men and women have different gender roles, do different types of work, have different degrees of access to services and resources, and experience unequal relations, the needs of men and women are different. The practical and strategic gender needs concepts are used to identify and address gender needs
<b>Gender parity</b>	This is a numerical concept referring to equal number of girls and women, boys and men relative to their respective numbers in the population

<b>Gender sensitivity</b>	This is the ability to perceive existing gender differences, issues and equalities, and incorporate these into strategies and actions
<b>Gender stereotyping</b>	The assigning of roles, tasks and responsibilities to a particular sex on the basis of pre-conceived social prejudices
<b>Participation</b>	A general term used to refer to enrolment, retention, progression, performance and transition
<b>Patriarchy</b>	It means 'Rule of father' and refers to the current male dominated social relations, ownership and control of power at many levels in society. It is thought to be the root cause of the existing system of gender discrimination
<b>Power relations</b>	Refers to capacity of individual or group to initiate action and determine outcomes which change existing social, political and economic systems and norms, to equalize gender relations
<b>Provisions</b>	Refers to policy pronouncements on action to be taken
<b>Sex disaggregated</b>	Classification of information on the basis of sex i.e. male data and female
<b>Sexual harassment</b>	Unwanted acts of sexual nature that cause discomfort to the harassed. They include words, persistent request for sexual favours or dates, gestures, touching, uninvited sexual overtures, coerced sexual intercourse and rape
<b>Strategic interests</b>	Refer to long term non-material needs. They focus on getting more choices, more options and more say