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Equality Commission

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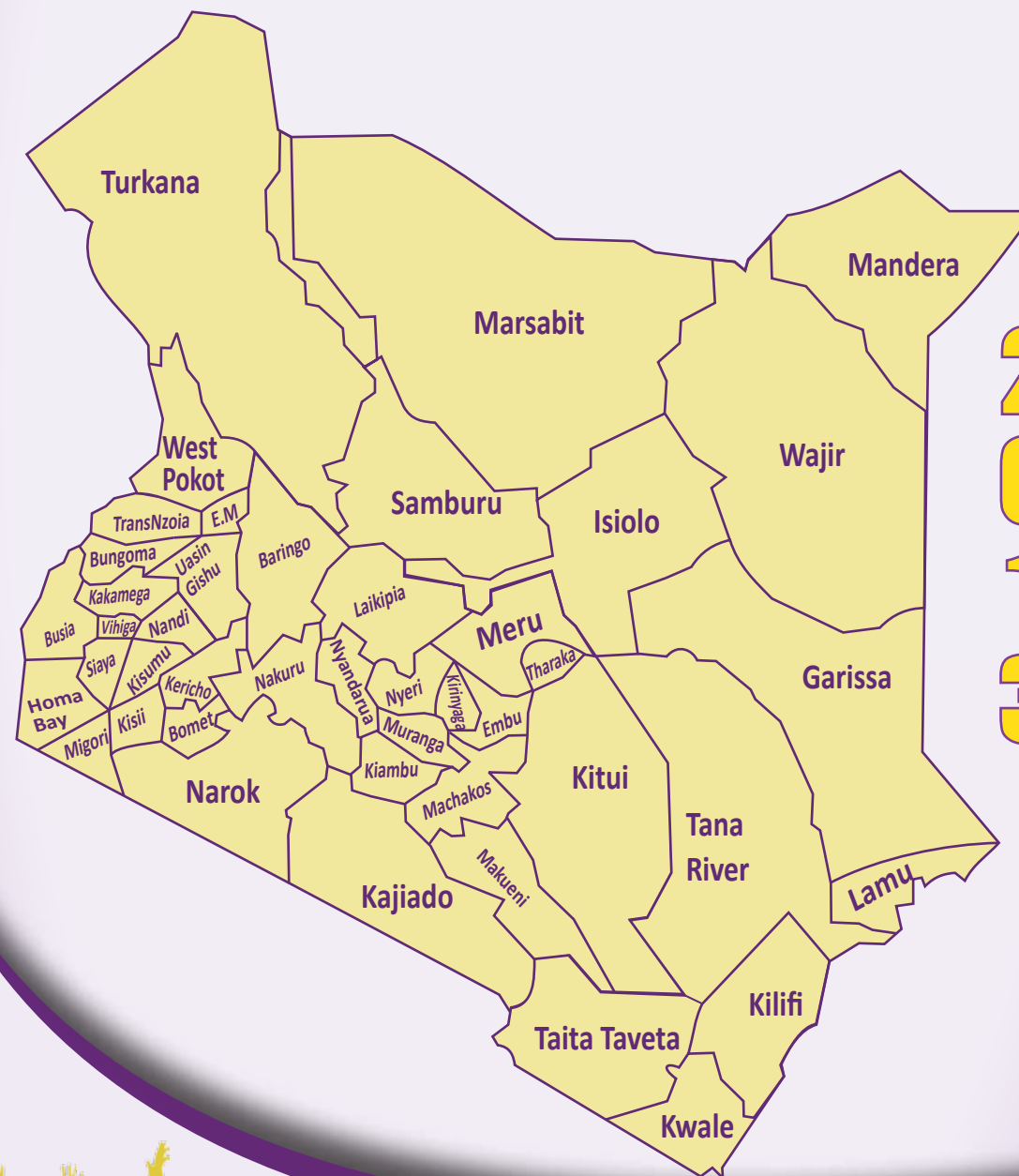
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A GUIDE FOR COUNTY GOVERNMENT LEADERSHIP

INTERGRATION OF GENDER EQUALITY AND INCLUSION IN COUNTY DEVELOPMENT



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"Kutetea usawa wa jinsia na haki za walibaguliwa na kupuzwa"



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FOREWORD

The tenets of democratic governance as postulated in the Kenyan Constitution of Kenya provide for unfettered participation by the governors and the governed and therefore the need for a deeper understanding of the principles of devolved governance with a focus on gender equality and freedom from discrimination, especially in planning, legislation and policy making and implementation.

The Constitution envisages inclusion of all members of the society with particular attention to the Special Interest Groups (SIGs) who must play a role in the social, economic and political initiatives that benefit their respective counties. Marginalised and vulnerable peoples role at the decision making levels in all spheres of life speaks to the aspects of inclusion and equality.

The National Gender and Equality Commission (NGEC) was established in 2011 through an act of parliament and pursuant to the 2010 Constitution of Kenya to promote gender equality and freedom from discrimination among all Kenyans with special focus to vulnerable populations at national and county government, in both public and private spheres. It is against this background that the commission embarked on a process of development of simple guideline to support government, non-state actors and private sector in county governments to integrate principles of equality and inclusion in the development agenda. This guide enumerates elements of participation, equality, equity, adherence to human rights standards, freedom from discrimination as well as affirmative action as provided for in Art 56 as the backbone framework towards attaining equality and inclusivity at national and county levels.

Notably inequality drastically reduces the level of economic growth and where high levels of inequality exist, poverty levels are usually high.

I am confident that this guide will be instrumental to all leaders of county governments in promoting a just and equal society where both men and women, persons with disabilities, the youth, the elderly, the marginalized and minority groups have a voice in decision making at all phases of development.

Winfred Lichuma. EBS
Chairperson,

ACKNOWLEDGEMENTS

The National Gender and Equality Commission (NGEC) acknowledges the governors and county administrators who found time to meet the team or released their staff to be part of the forums that offered very informative insights regarding the formation of the counties; the learning point in the formative stages of the counties during the various forums we held across the country. We regard you as our primary stakeholders and hope that the National Gender and Equality Commission (NGEC) will be your partner in this long journey of transforming Kenya.

We thank the UNDP program that provided the technical expertise and funds for this exercise and hope that our collaboration will empower the county governments to provide a gender and equality and responsive leadership that enhances the abilities of all people and respects the integrity and dignity of all human beings. Without the technical and financial assistance, this work would not have been possible.

NGEC acknowledges the immense efforts of the consultants, Commissioner Wambui Kimathi and Dr. Owuor Olungah for their expertise in human rights, governance and gender issues and who ensured that they delivered the report on time as expected. We thank all the stakeholders drawn from county and national government, constitutional commissions, and non-state actors who turned up at short notice for the validation of the draft guide and made cogent contribution towards improving this booklet .

We acknowledge the NGEC team lead by Commissioner Winfred Lichuma – Convener of the ECOSOC Programme, Paul Kuria, Dona Anyona, Margaret Muthee, Catherine Njeru, Eline Adhiambo who worked tirelessly to ensure completion of this guide and all other NGEC Commissioners and staff for their contribution to this publication.

And to all other persons whom we have not mentioned by name but made significant contributions to the process of producing this guide, we sincerely thank you for your efforts towards an equal and just Kenyan society.

I am happy to note that this guide was developed through an intensive participatory process. With funding from United Nations Development Program, NGEC gathered views to inform the content of this guide book from 19 counties. Members of the county public service boards, county secretaries, county executive members, officers from transition authority, non-state actors, and county staff from the former Ministry of Gender, Children and Social Services contributed to formation of this guide. The draft booklet was validated through a multi-sectoral stakeholders meeting who shaped the content and scope of the final product that you are now reading.

Prof. Rose Odhiambo. HSC
Commission Secretary / CEO

ACRONYMS

HAI	Help Age International
HELB	Higher Education Loans Board
KNCHR	Kenya National Commission on Human Rights
LFA	Logical Framework Approach
MARPs	Most At Risk Populations
MCA	Members of the County Assembly
NCPD	National Council for Population and Development
NGEC	National Gender and Equality Commission
NCPWD	National Council for Persons with Disabilities
PWDs	Persons with Disabilities
SIGs	Special Interest Groups
UNDP	United Nations Development Programme

1.0 INTRODUCTION

Kenya is undergoing tremendous transformation in governance and the Kenya Constitution 2010 has placed heavy responsibilities in the county leadership. Devolution as a concept and a principle in governance has been embraced by Kenyans with such passion because they expect and believe that it will help fill the service delivery gaps in key areas such as in education, health, water and sanitation, access to electricity and road network improvement and above all in ensuring participatory approaches to management and general inclusivity. It was clear at the time of writing the Constitution that most Kenyans had not benefited on the centralized system of government and therefore have high hopes for the devolution government.

Article 27 (4) of the Constitution of Kenya 2010, spells out the rights and protections of all people; women, children, persons with disabilities, youth minority and the marginalized groups and older members of the society. In Articles 53-57, the Constitution singles out certain groups and elaborates their rights ‘to ensure greater certainty’ as to the application of their rights and freedoms. The Guide refers to them as Special Interest Groups (SIGs), these and consists of children, persons with disabilities, youth, minorities and marginalized groups and the older members of society. It is in resonance with these fundamental provisions of the Bill of Rights that the objects of devolution as contained in Article 174 of the Constitution further emphasizes inclusion of SIGs by calling for the promotion of democratic and accountable exercise of power, fostering of national unity by recognizing diversity, self-governance of the people and enhancement of participation in decision making, recognition of the rights of communities to manage their own affairs, protection and promotion of the interest of minorities and the marginalized, promotion of the social and economic development, ensuring equitable sharing of the national and local resources, facilitating the decentralization of state organs, their functions and services and lastly to enhance checks and balances and the separation of powers.

Based on the principle of non-discrimination on the grounds of sex, race, language, religion, disability, sexual orientation, ethnicity, political or other opinion, national or

social origin, property, birth or other status, this Guide spells out the process of ensuring inclusivity in the management of County affairs.

It views the principle of non-discrimination as the cornerstone and basis for promoting gender equality and the inclusion of all other Special Interest Groups (SIGs).

The guide sets forth standards for the integration of gender issues from the outset of a County's Integrated Development Plan, so that the programs designed and implemented do not exacerbate nor inadvertently put people at risk, reach their target audience and have maximum positive impact.

The Guide contains concrete and concise information that can be directly applied to practical tasks such as planning, program implementation, reporting and evaluating development undertakings at county level. In addition, the Guide can be of use to gender advisors and instructors. It is also a crucial monitoring tool to the several Constitutional Commissions, the National Government officers and to the donors and funders of the county governments.

For the principle of non-discrimination to be achieved, the Guide envisages the upholding of the principles of accountability at all levels of management and respect for national values and principles of governance as enshrined in Article 10 of the Constitution. Accountability is seen as essential for gender equality and inclusion of SIGs. It has to address the diverse interests of women and men and all the social relations between the sexes. It has to be open to different standpoints, different experiences and a variety of strategic and practical interests. Further, the Guide envisages a leadership that respects and upholds Chapter Six of Constitution with respect to leadership and integrity. Leaders are expected to exemplify respect for the people, integrity, objectivity, selflessness, honesty, accountability and a high degree of commitment and discipline in services delivery to the people.

Consequently, a real and sustained dialogue has to be established between county governments on the one hand and the various interest groups especially women's groups, youth groups, persons with disabilities and all other SIGs as found in the local communities. Genuine participation and constant consultation is necessary for a people driven development process to ensure that programs in counties are inclusive and give regard to the power of the local knowledge.

The Guide therefore, provides a window through which counties will review their development programs and management so as to ensure that all the citizens participate in the affairs of the county and enjoy the benefits that accrue out of their participation. That the management of the counties will not be gender blind, disability blind and special interest groups blind and above all, will reflect the diversities that are found in the different counties. That all people in the counties will have access to the highest attainable standards of health, including reproductive health, have access to housing and reasonable standards of sanitation, have access to clean and safe water, access to formal education and social security.

In situations where the above will be lacking, the counties will have to indicate the efforts being put in place towards the realization of the same.

1.1: Why a Guide on Equality and Inclusion?

This Guide highlights the importance of bringing a gender and equality perspective more directly into the management of public affairs at the county levels. It is a fact that taking into account gender considerations in the management of county affairs means being more sensitive to the needs of everyone, ensuring that they are fully engaged in the design, delivery, monitoring and evaluation of all the development undertakings.

Since each county population is composed of women, men, girls, boys and other special interest groups such as youth, children, older persons, the marginalized, the minority and PWDs, it is imperative that each county engages in a process of inclusivity that ensures that the needs and strategic interests of these groups are taken into meaningful consideration.

It is equally important that the benefits accrued from this planning be distributed across the length and breadth of the county to avoid geographical marginalization.

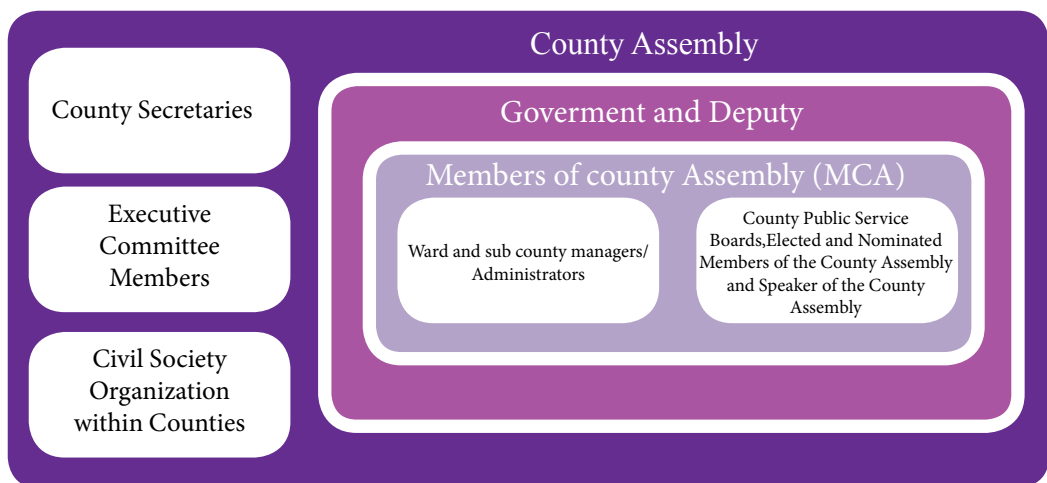
In personnel recruitment for example, it is expected that the diversity found in each county will be reflected in their places of work including boardrooms and that all cadres of people will get the opportunity to participate in the affairs of the county and be able to bring on board their particular characteristics and abilities for the common good.

This Guide therefore, provides an opportunity for counties to know and appreciate the importance of equality and inclusivity. It provides certain checks and balances that all counties need to adopt in their management so as to enhance equality and non-discrimination as is enshrined in the Constitution. It also puts emphasis on the need for counties to document their progress towards the realization of the ECOSOC rights and how the underprivileged are being taken on board as part of the citizens of a county. There is no doubt that addressing inequality must be the top agenda for policy makers and implementers of the devolved system of government.

1.2 Who is the Target of the Guide?

This Guide targets every official at the county level. All scholars of gender and equality are encouraged to use the Guide as a map towards greater equality and equity in the distribution of resources and opportunities.

1.2.1 The Audience



1.3 Principles of Gender Equality

1.3.1 What is Gender?

The term gender is used when referring to social construction of sex that is that which our society and culture consider to be female or male. It also concerns ideas about what men and women are capable of doing and what they are culturally allowed to do, and all the characteristics and tasks that society considers to be female or male.

Gender has further been defined as the social differences between females and males throughout the life cycle that are learned, and though deeply rooted in every culture, are changeable over time and have wide variations both within and between cultures.

Gender determines the roles, power and resources for females and males in any culture. In other words, in different societies, women and men have different resources and opportunities which affect the way they act and reason. In this context therefore, to see a phenomenon from a gender perspective means being aware of the fact that women's and men's circumstances may differ and to analyze how and why this affects their situation and needs.

1.3.2 Why does Gender Matter?

Women, girls, men and boys all respond differently to different situations. Evidence indicates that gender aspects are often overlooked and invisible when programs are planned and when leadership roles are being apportioned. It is worth noting that gender roles change across age and overtime and that power dynamics also change. These changes and what they portend must therefore, be considered in planning and in portioning leadership positions.

Paying attention to gender issues or putting on a gender lens quite simply means recognizing the different needs, capacities and contributions of women, girls, men and boys. Ignoring or being blind to these different needs can have serious implications for the survival of a people and can retard development.

Each sector should be able to identify specific actions that are geared towards promoting gender equality and supporting the capacities of women and other SIGs to enjoy their human rights. This process should take into account both PRACTICAL and STRATEGIC needs. The practical needs of women may include needs associated with their roles as caretakers, providers of food, shelter, water and safety whereas the strategic needs may include needs for greater control over their lives, needs for property rights, free political participation to help shape public decisions and for a safe space for women outside the household.

1.3.3 Gender Equality

Gender Equality is about promoting equality between women and men in all aspects of development. It is about giving people the opportunity to build a better life for themselves, their families, their communities and their counties. It refers to the equal enjoyment of rights by females and males of all ages and regardless of particular situations. Besides gender equality, the principle should also apply to the process of expanding opportunities to other cadres of traditionally excluded groups (SIGs).

Counties should at all time champion the role that women and other special interest groups can play as full partners in their society's development. The process of gender equality and the inclusion of other SIGs is closely tied to sustainable development be it protecting the environment, improving health, achieving universal primary education and reducing poverty among others.

Protecting human rights and promoting gender equality must be seen to be central in the operations of counties and in ensuring inclusivity in all programs and activities. Equality must also be extended to the children with special needs who should have access to education and all other social amenities like all other children. For example women are more disadvantaged, marginalized, vulnerable as compared to men. Women with disability suffer the inequality more.

1.3.4 Minorities and Marginalized Communities and Groups

According to Article 260 of the Constitution, marginalized group means ‘a group of people who, because of laws or practices before, on or after the effective date, were or are disadvantaged by discrimination on one or more of the grounds in article 27 (4) of the Constitution which states that: “the state shall not discriminate directly or indirectly against any person on any ground including race, sex, pregnancy, marital status, health status, ethnic or social origin, colour, age, disability, religion, conscience, belief, culture, dress, language or birth”.

A marginalized community is defined in Article 260 of the Constitution as follows:

- a) A community that, because of its relatively small population or for any other reason, has been unable to fully participate in the integrated social and economic life of Kenya as a whole;
- b) A traditional community that, out of a need or desire to preserve its unique culture and identity from assimilation, has remained outside the integrated social and economic life of Kenya as a whole;
- c) An indigenous community that has retained and maintained a traditional lifestyle and livelihood based on a hunter or gatherer economy; or
- d) Pastoral persons and communities, whether they are-
 - i) nomadic; or
 - ii) A settled community that, because of its relative geographic isolation, has experienced only marginal participation in the integrated social and economic life of Kenya as a whole.

A marginalised group in the other hand is defined as “...a group of people who, because of laws or practices before, on, or after the effective date, were or are disadvantaged by discrimination on one or more of the grounds in Article 27 (4)”.

The other category is minorities. The United Nations Minorities Declaration in its Article 1 defines minorities as based on national or ethnic, cultural, religious and linguistic identity, and provides that States should protect their existence. There is no internationally agreed definition as to which groups constitute minorities. It is often stressed that the existence of a minority is a question of fact and that any definition must include both objective

factors (such as the existence of a shared ethnicity, language or religion) and subjective factors (including that individuals must identify themselves as members of a minority). Minorities are usually cut off from full involvement in the workings of the society and from equal share of the society's rewards. Thus, the positioning of minorities varies from society to society depending on the structure of the social system and the relative power of the minority group.

In the context of the counties, each and every county should clearly document who forms the marginalized and minority categories and adequately engage and involve them in the operations and management of the counties. Some counties already define minorities in terms of religion i.e. Muslims, Hindus e.t.c. while others look at it from the ethnic perspective i.e. Asians, Nubians, Luos, Luhyas, Kikuyus e.t.c. There are many more parameters counties can apply. There is need to document minority and marginalized populations and groups as distributed by gender and age disaggregated data for purposes of planning, targeting and ensuring inclusivity. In addition, situational analysis will be necessary for the documentation of the PWDs, the nature of disability besides the profiling of other SIGs that will enable the process of tracking progress towards the realization of equality and equity in the sharing of resources and the management of county affairs.

Having data at the beginning gives county managers ample opportunity to document progress and track any development achieved and the level of social, political and economic inclusion of the special interest groups of all shades.

The documentation process must also profile and enumerate the various institutions that cater for the special interest groups. For example, counties should document the number and availability of special schools, institutions and other social amenities that take care of the special needs of children, the elderly and the youth.

It is important to note that the process of sharing out and accessing social and economic benefits will determine the level of equality in a county.

1.3.5 Gender Responsive Planning, Budgeting and Integration

Key to the realization of equality and non-discrimination are the observance and actualization of the above principles.

- a) **Gender Responsive Planning:** Refers to the process of applying the results of gender analysis to bridge the gaps/inequalities identified between women and men through the planning process at various levels. It includes taking appropriate actions to bring the marginalized groups to an equal standing with others. It ensures that equitable opportunities and equal outcomes are achieved for men and women, boys and girls. It pushes planners from being gender blind to being gender sensitive.
- b) **Gender Responsive Budgeting:** The analysis of the impact of the actual county expenditure and revenue on women and girls as compared to men and boys. This helps in deciding how policies need to be adjusted and where resources need to be re-allocated to address poverty and gender inequality.
- c) **Gender Integration:** Refers to an organic process, akin to a living tree. At the root of the process is the political will. An organization with strong political will, like a tree with strong roots, can support the development of three vital branches: Technical capacity, accountability and a positive organizational culture. Integrating gender into an organization's activities and structures has both external and internal implications. Externally, gender integration fosters participation of and benefits to women and men in an organization's initiatives or services, internally, gender integration promotes women's leadership and equality in an organization's own policies and structures. Both men and women including the youth and persons with disabilities must be able to take up to compete for the available opportunities and access services. The affirmative action to promote these SIGs must be respected and observed.

2.0. APPLYING A GENDER PERSPECTIVE

A gender perspective is a method for seeing how development program affects women and men in different ways in order to make the program more effective and to achieve better results.

A gender perspective should be included as an integral part of every stage of the program and involve analyzing and assessing the needs of the entire population. A gender perspective should be integrated into each phase of the development undertaken by county governments.

The development goals set should meet the differing needs of women and men and demonstrate how each need will be met. All work during any project should then be carried out in a manner to enable the participation of both women and men. When the project is completed, it should be evaluated on the basis of who has benefited. Among other things, the evaluation should demonstrate to what degree goals have been achieved and how integration of a gender perspective was achieved.

Using a gender perspective means understanding why women and men want, can, and do different things, and then working towards everyone, regardless of sex, religion, disability, ethnic; enjoying the same rights, responsibilities, resources and opportunities. The whole idea is for the responsible officers charged with responsibilities to carry them out more effectively and successfully.

Using a gender perspective supports more effective development planning in various ways:

- Supports a more accurate understanding of the situation: understanding that women, girls, boys, the old and other vulnerable groups have different needs or priorities based on gender differences and inequalities is part of good analysis. It can ensure that people are not neglected and that all needs and vulnerabilities are taken into account;
- It highlights opportunities and resources and
- Draws attention to issues of power-understanding who holds power, who speaks for whom and other related dynamics within the communities.

The engendered perspective is premised on the fact that for development to be as effective as possible and to be meaningful to all people, knowledge is needed on the situation and needs of women and all other categories of the citizenry prior to planning and implementation. This is to allow and make it easier for all the leaders to not only see men's circumstances and needs but also women and other cadres of society.

In a nutshell, development undertakings should at all times take women's, men's, girls' and boys' different needs into consideration; increase women's and girls' participation and enhance their numbers in decision making positions.

Towards enhancing a gendered perspective:

- Applying a gender perspective does not mean that you are expected to be an expert on gender. However, it does mean that the development initiatives will be more effective and successful.
- The situation in any County in question might change. Through continued contact and analysis with all the individuals in the county, you can make sure that the necessary changes to development activities are made in order to meet the emerging or altered needs.
- The Governor and other top administrators are responsible for the inclusion of an internal gender perspective in the development process. For example at minimum, the two thirds principle is observed in the composition of the management team as well as changes in attitudes among staff through education, awareness creation and briefings. Each and every leader is responsible for applying a gender perspective to their internal as well as external work and in contact with service seekers and the beneficiaries of the development initiatives.
- Always ensure that the time and place for information meetings for the citizen must be planned to enable women to attend. In some cultures, the workload and the socialization process bar women from having "free" time to attend to community participation issues. In addition, it may sometimes be necessary to hold separate meetings for women and men so as to ensure free participation and enhanced contributions.
- It is important to begin from the known to the unknown. Get to understand how different cadres of minority groupings are considered and viewed and how they view themselves in relation to the dominant groupings. For example, in most communities, the physically challenged are regarded as a taboo or simply neglected. The County administrations have to look into their plight and come up with appropriate remedial measures that obey the rights of all persons.

The successful application of the gender perspective must be based on a critical and thorough gender and special interest groups' analysis.

2.1. Gender Analysis

Gender analysis allows you to understand who the population is, who is affected by what, what they need and what they can do for themselves. Thinking about the gender dimensions of one's work improves what you do, how you do it and what effect you have. It is simply about good programming and understanding the contexts in which you operate; be it cultural, economic, political, social or religious.

The analysis involves, among other things, finding out if there are any gender disaggregated data, to review information received and the sources it is received from, as well as investigating which societal factors affect women's and men's circumstances and options for coping in a cultural sense but with human rights lenses.

Proper analysis will enable counties to document where they are in terms of the provision of the required services specifically on the constitutional provisions of economic and social rights. For example, counties will be able to profile their health needs and services available, housing needs and how to bridge the gap, water and sanitation needs and their capabilities, educational needs at all levels and how to scale up, security needs and how to ensure the availability of adequate food towards a food secure county. In most counties, it has been documented that women are lesser educated than men.

Gender analysis should be a simple approach used in many varied situations and in all phases of development. It should include:

- Classification of information according to gender i.e. how many of the cabinet positions are held by women, men or any special interest groups or how many men and women form the County Public Service Boards or Executive Committees;
- Clarification of gender roles i.e. what do men and women do, in the portfolios allocated, how many conform to the traditional gender roles and why?
- Definition of gender related needs and how this affects development planning and;

- Predicting the impact of any program on the different target groups. Administrators should always be alert that there are both intended and non-intended outcomes (manifest and latent functions) of any program.
- Documenting the health, educational and security needs of women, girls, men and boys, persons with disabilities as well as the elderly people and minorities.

Have you thought about this?

- Who is providing the information? Who is formulating the problem? Men or women? Are persons with disabilities and other minorities involved? It is always good to question where the information comes from.
- Where do you provide information about the planned development undertakings or the budgeting process? Is everyone able to get to information sharing meetings?
- What form does the information take?, is it better delivered in writing, verbally, in puppetry or in other means that take into account the conditions of all the target groups?
- Who participates? Whose ideas are dominant? How do we amplify the voices of the voiceless and make the last first?

2.1.1 Importance of Sex and Age disaggregated data

Providing suitable information on men's and women's as well as other special interest groups' situations and needs in the County in question, as well as providing concrete advise about how to adjust to work accordingly is critical.

We must know who is affected and by what? Data on the various aspects of the population should be broken down by age and sex and other relevant factors such as ethnicity, religion and the physical conditions.

Sex and age-disaggregated data should be collected and analysed routinely to understand the impact of development programs on the total population and on the sections of it. Each county should have information on data showing the distribution of the population

by age, sex, single headed households, child headed households or grandmother headed households.

In addition, the sex disaggregated data on at risk population such as the persons with disability, orphans, victims of violence, children, the youth, the elderly, other special interest groups should be collected to ensure that the gender specific needs are planned for.

Data on who benefits from what programs should also be documented by age and sex. If there is participation, show who has participated by age and sex. Without this breakdown, it is impossible to ascertain who benefits or if assistance is reaching the population proportionately.

Good data and good analysis are important in identifying which groups are being marginalized and for what reasons. Such information sends a powerful signal: Being counted shows that each individual is recognized and included and can exercise his or her rights.

People should not just be included or consulted, the fruits of the inclusion and benefits accruing from the consultation must trickle down to them so that they become part and parcel of the whole. This process must observe and maintain the pride and dignity of all the participants in a county's development endeavours as enshrined in Article 28 of the Constitution.

3.0. MAKING COUNTY PROCESSES INCLUSIVE

Whereas counties will engage in a variety of processes, in this guide, ten such processes are singled out for their potential to impact positively on inclusivity if well managed. Inclusivity is understood as an approach that enables its practitioner to meet the diverse needs of a society. These needs include provision of basic services essential for a meaningful well-being of individuals which include acceptable levels of access to health, nutrition, education, water and sanitation and also housing. In the ensuing processes, a county official is encouraged to ensure the following inclusivity principles are considered:

1. Acknowledge individuals have unique and particular needs both in a working and living environment;
2. Respect each individual's right to express and present themselves relative to their religion, culture, ethnic background, gender-identity, physical and mental ability;
3. Promote inclusivity by reasonably adjusting procedures, activities and physical environments;
4. Be inclusive in all forms of communication and
5. Serve all with sensitivity, respect, and fairness.

Inclusion therefore interests itself in focusing on practices that make all members of a society feel that they count, they are accepted, respected and supported. Counties that will focus on such practices will undoubtedly have better development outcomes. The poor and marginalized must be able to access the resources, services and opportunities as a right and not charity.

3.1 Recruitment

Access to equal opportunity for all is the cornerstone notion for human rights especially economic and social rights. Article 232 of the constitution spells out the key principles and values of public services which includes 'affording adequate and equal opportunity for appointment, training and advancement, at all levels of public service, of men and

women, the members of all ethnic groups; and persons with disabilities. It is important that all people should feel they can receive equal consideration for jobs that they are qualified for.

The aim of recruitment is to match people to work. Recruitment is the process of looking for the right candidates for employment and stimulating them to apply for jobs in the organization. The recruitment process involves the attraction, screening and selection of qualified individuals for the job.

Within this process, affirmative action, equal employment opportunity and diversity must be inbuilt to support the achievement of employment for all. Moreover, the Persons with Disability Act, Section 12 states broadly that no one shall deny a Person with Disability (PWD) access to opportunities for suitable employment whereas Section 13 mandates the National Council for Persons with Disabilities (NCPWD) to ‘endeavor to secure the reservation of five per cent of all casual, emergency and contractual positions in employment in the public and private sectors for persons with disabilities.’ Thus, there is a statutory responsibility for public and private bodies and institutions for the employment of persons with disability.

Person Specification

- Include gender and equality awareness in all job specifications.
- If you intend to employ more women, youth, PWDs etc. say so explicitly and encourage them to apply. It is not always sufficient to say that you are “an equal opportunities employer”.
- Specifications that may discourage certain groups from applying are not acceptable. Include gender and equality competence as a requirement in job specifications. This will enable you to recruit people who have no problems coping with diversity, youth and women’s advancement.
- Avoid job titles and specifications that promote gender stereotypes.
- Subjective and sexist language or requirements discourage women, for example, “young, pretty, out-going, and willing to work long hours”. Such a specification would automatically discourage some married women with children”.
- Have innovative ways of including the youth. The idea of the many number of years experience as part of the qualification for a job should be properly rationalized.

- Avoid recruitment processes that result in nepotism, clannism, regionalism, sexism, favouritism and “buying” of job opportunities.

Advertisement

- The advert must be written in a way that describes an inclusive culture. Uses of language such as ‘the county government is an equal opportunity and affirmative action employer with strong institutional commitment to the achievement of excellence and diversity among its staff’ can be used.
- Job opportunities must be classified in such a way as not to disadvantage some groups. For instance, the youth may be excluded from employment opportunities by prescription of 35 years as minimum age or the requirement of for example ‘over 10 years of experience’.
- The requirement for numerous clearance certificates needs to be balanced against ensuring the equality of opportunity for employment.
- Accessibility of the job advertisement: The medium chosen should not disproportionately exclude disadvantaged groups. To counter this, there is need to tap into professional and other relevant groups, networks and systems through which information is shared e.g. places of worship, Chief’s barazas, women group meetings, PWD organizations and youth groups meetings.
- Use media that is accessible to PWDs, for example, radio, community radio, magazines or newspapers that are popular among the particular group. Caution: National newspapers are often used but may not always be suitable for all positions.

Selection

The process is as good as the end result. The interviewing panel/committee itself should be diverse, underrepresented groups and women should have opportunities to serve on these committees and special efforts should be made to encourage participation.

There should be continuous monitoring of the diversity within the team to ensure a balanced institution at all times. This process must be based on data disaggregation on gender, age, SIGs and all other cadres to ensure inclusivity.

Sec 65 (e) of the County Government Act promotes that at least 30% of the vacant posts at entry level are filled by candidates who are not from the dominant ethnic community in the county.

3.2 Roles Assignment and Promotions

In addressing roles assignment and promotions, Counties should aim at considering the following aspects in order to steer the process forward:

Create policies that encourage work-life balance and positive gender roles e.g. allowing men time off from work to take care of families similarly to women. Such efforts will break traditional gender stereotypes while respecting cultural limitations.

Do not make assumptions about what women or men “should or should not do”, e.g. for women, serving tea at meetings, or taking minutes; or women cannot go for over-seas trips and for men, exclusion from receptionist duties, drivers or chairing meetings

Supervisors must be conscious and respectful of the personal circumstances of their team members and try to accommodate them as far as possible. For PWDs, roles that encourage independence are more dignifying.

Similarly, supervisors have to be conscious of the impact of different religious beliefs on work assignment for example, requiring a Seventh Day Adventist adherence to perform overtime weekend duties consistently is interfering with his/her freedom to religion.

Accord both men and women maternity and paternity leaves as is necessary.

Promotions must also be done on merit and ensure equal representation at all levels. Women must be encouraged and assisted through authorized processes to get up the organizational chart.

Overall, roles assignment should not enhance established gender stereotypes but ensure that it supports the output of each staff and respects and withholds their pride and dignity. Counties must not only include women in low cadre jobs but ensure that men and women are all included at the different levels of the bureaucracy.

3.3 Arrangement and Access to Work Space/Place

Everyday work practices must not exclude anyone or make them uncomfortable and unable to perform competitively. Workplaces must not burden certain groups

disproportionately. This is particularly important for PWDs. Different aspects of disability require employers to make different changes (for example to remove unreasonable requirements that disadvantage PWDs by making reasonable adjustments to workplaces, to procedures etc) in order to make the working environment comfortable for PWDs. Particular care should be given to doorways including erection of ramps-to ensure that wheelchairs can have access, sign language interpreters for deaf persons, aides/readers for persons with visual disability as well as requisite software for word processing.

For all categories of employees, privacy is a major consideration; lockable workspaces are a requisite and for nursing mothers, a private, clean and comfortable place where they can nurse is fast becoming a pre-requisite. Disability friendly parking spaces (Clearly marked and reserved), sanitary bins in the lavatories and if possible, day care centers of women with small children where they can easily bond and breastfeed their children should be encouraged.

Access to information is important and there should be notice boards and periodic meetings where the staff can access information in appropriate forms and language.

3.4 Budgeting and Resources Allocation

Budgeting and resources allocation is a purview of the County governments. In order to deliver effectively on this mandate, counties are encouraged to consider the following aspects:

Build capacity of staff to enhance competency and understanding of matters relating to participation and inclusion of protected groups in the budgeting process.

In the budget formulation process, ensure that the needs and priorities of protected groups are understood. This is achieved through ensuring effective participation of these groups in the budget hearing process. Other strategies include visiting project sites and promoting self-representation.

Allocating funds for targeted activities of protected groups is important.

This includes ensuring that within all activities, consideration is given to the cost of delivering services to protected groups and putting in place programmes that enhance their empowerment.

When cutting down service delivery, pay particular attention to the impact on the most vulnerable and especially the protected groups.

Budgeting and resources allocation must be based on clearly designed strategic plan with measurable deliverables. This involves taking stock of where you are, where you want to go and how you want to reach there in relation to each of the protected groups.

3.5 Consideration of Special Interest Groups

County governments are encouraged to invest in understanding different aspects of exclusion within the counties that result in marginalization of certain sections of the population from political and public life. Inequalities take different dimensions including geographical or regional, lack of access to essential services in employment and by groupings i.e women, PWDs or marginalized.

Mapping or identifying all the special interest groups: All Counties are encouraged to use baseline survey results to document the following:

- The ratio of men to women in the county including their ages and education status
- The population of persons with disabilities, the nature of the disability, the gender and the ages and if possible, their educational statuses. This should be done in liaison with the National Council for Persons with Disabilities (NCPWD).
- The population of the youth and the elderly persons, their genders, conditions and needs. This should be done in liaison with relevant organizations that have experience and history in these kinds of issues such as the National Council for Population and Development (NCPD).
- The marginalized and the minority groups in the counties and where they live. This should also include the nature of the marginalization.
- Any other group of people found in the county be they the most at risk population to diseases (MARPs), the culturally or economically excluded groups.

3.6 Participation

Article 10 of the Constitution includes ‘participation of the people’ as one of our national values. County government must ensure real and meaningful participation by citizens in governance and in development. Furthermore, the Chapter four of the Constitution that comprises the bill of rights has several provisions addressing non-discrimination and specific application of rights concerning certain groups of people. These provisions must be respected at all times. To ensure participation, there has to be deliberate efforts to realize the participation by the protected groups in all aspects of political and public life.

In regard to governance, Article 196 of the Constitution requires the county assembly to conduct its business in public and to facilitate the participation and involvement of the public. Thus to realize this, the county governments must take deliberate measures to ensure that the public is not excluded other than in circumstances provided by the law.

Specifically, county governments must:

- Embrace a policy of equal participation and self-representation for protected groups through nomination of members to the county assembly, recruitment to serve the county government including amongst the executive members.
- Ensure participation and access to economic opportunities and activities by setting specific targets on employment, procurement and skills development for groups that are consistently excluded such as the youth, women, PWDs, persons from minority communities, the marginalized and the elderly.
- Ensure that county offices and all other places that are providing public services including the parliament are accessible to all including PWDs.
- Conduct the hearings of the assembly in a language that can be understood by citizens including the Kenyan sign language and provision of Braille materials.
- Seek expert input on issues relating to gender and other protected groups where there is no expertise amongst members of the assembly or executive
- Ensure that the timing of public activities is right taking into account the different gender and care roles so as not to inadvertently exclude any group
- Be aware of cultural constraints that prevent participation of certain groups and putting in place mitigation mechanisms e.g. if women or youth do not speak up in public meetings, then have separate meetings or in communities where PWDs are not seen in public deliberate reach out should be made.

- Ensure that children participate and be part and parcel of the development process. Provisions should be made where there are children and youth assemblies where their issues are deliberated upon.
- Consider participation of the elderly who form a special group knowledgeable in community affairs. This knowledge should be tapped into and adequate space created for the participation of the elders in the affairs of the county. A council of elders can be formed as part of a structured way to engage the elders.
- With regard to devolved functions, the county government must ensure accessibility of services by the consistently excluded groups. For instance, with regard to the early childhood education, the county government must make provision for the education of children with special needs.
- Also, enhance adult education and where possible, construct secondary school facilities for the adults who still want to learn.

3.7 Gender and Diversity Responsiveness in Policies and Laws

In making laws and policies county governments should endeavor to achieve the following:

- Enact laws and policies that prohibit any form of discrimination against protected groups
- Analyze the impact of gender neutral laws and policies and if any indirect discrimination occurs, it should be corrected
- Make and enforce laws and policies that promote affirmative action as a means of correcting past discrimination
- Make and ensure the enforcement of laws that protect women and other special interest groups
- Ensure the participation of protected groups in the legislative process
- Adopt planning and administration process that eliminates female subordination and promotes participation of SIGs
- The legislations have local meaning and able to transform the local conditions towards equality and non-discrimination respecting the integrity of all persons.
- All legislations have an implementation plan, popularization plan and if possible, translated to the local languages for ease of access.

- Work place policies are be developed to protect all cadres of employees and services seekers from any form of exploitation.
- That counties develop a gender sensitive code of conduct that befits all county officials.

3.8 Program Design, Implementation and Monitoring

Gender equality as a factor in program performance measures and provide resources to support gender initiatives. Key elements include;

- Do our programmes respond to the needs and priorities of protected groups? To what extent have these groups been involved in outlining their own needs?
- To what extent are we involving protected groups in implementation of programs as participants and not just consumers?
- Are we monitoring the impact of our programmes on protected groups? How flexible are we in realigning our programmes to respond to the needs of protected groups? Are we involving protected groups in monitoring programme implementation?
- Select indicators that will enable the county to measure its performance in promotion of equality e.g. if the intention is to promote maternal health, the number of health facilities built is not an adequate indicator of success, a further indicator on maternal specific facilities should be included.
- Overall, a Logical Programming Approach (LPA) should be adopted by all counties. This involves having clear and well thought objectives, well spelt out activities plan, the necessary input to achieve that plan, the expected outcome/output of the initiative, the indicators of success, the mitigating measures to achieve the desired goals and above all, the assumptions of the necessary environment to achieve the goals.

3.9 Data Collection and Reporting

All data must be disaggregated by gender, age, disability and different aspects of diversity such as ethnic, religion, economic status, marital status, health status, education e.t.c.

However, greater than that is the need to adopt the gender indicators that help to measure the impact of development policies on women's lives and these can be adapted

to reflect other excluded groups. Data collection should be scheduled, budgeted for, and driven by need.

All planning must be evidence based and supported by data and proper analysis.

3.10 Communicating Progress

- Who communicates: -the channel should not be dominated by the predominant groups
- What is being communicated: -whereas this is further influenced by who the audience is, the message should be easily understandable by all categories of people. Complex messages serve to entrench exclusion.
- The language of communication should also be one that invites inclusion. Provision for sign language and Braille is crucial.
- The medium of communication should be one that promotes accessibility of the message. The use of local newspapers, community radios and other local systems should be promoted.
- For public messages, the timing of communication should ensure maximum reach.
- Speech should be seen as an ACT that is intended to achieve certain ends. SPEAKING as an acronym is important in achieving this desired goal. Each speech event must respect and acknowledge the Setting and Scene (time and place of a speech act which is the general physical circumstances and the psychological setting or cultural definition of a scene), the Participants (both the speaker and the audience), Ends (purpose, goals and outcomes), Act (form and order of event), Key (cues that establish the tone, manner, or spirit of the speech act, Instrumentalities (Forms and style of speech), Norms (social rules governing the events and the participants' actions and reactions) and lastly Genre (the kind of speech act or event).

4.0. COORDINATION MECHANISMS FOR GENDER EQUALITY AND INCLUSION.

Coordination is essential for effective planning. When it comes to addressing gender dimensions of development, it is necessary to have joint planning between sectors, the continuous exchange of information and collaboration across all the sectors in the County including the non-state actors.

These mechanisms should be aimed at improving attention to action on gender equality and inclusion. They should therefore, be used for pointing at progress, eliciting action, or building a body of good practice.

One of the crucial ways is to establish a Gender and SIGs Support Network to assist in the coordination. This network will facilitate dialogue, making sure that people are informed of key issues, developments in terms of the changing roles, needs, conditions of women, girls, boys, men and the other SIGs in the community. It is a means of encouraging more integration of gender perspectives into all programs. Other mechanisms would include the establishment of a gender and equality committee at the highest levels of the county to ensure compliance and to report on any failures in ensuring equality and non-discrimination. The coordinating committee must be facilitated and the coordination itself budgeted for as part of the process of ensuring compliance.

In County:

- (a) Have a team at the County Assembly that is equipped well enough to track the executive's commitment to social inclusion and gender equality.
- (b) Have a specific section in the Governor's report to the Assembly on the state of county's implementation of gender equality and inclusion.
- (c) Consider gender equality and inclusion indicators in the performance contract of the County Executive Member in charge of gender and inclusion programs so that she/he can be the focal point for ensuring performance across all the other portfolios
- (d) Ensure that all sectors within the county have an inclusion framework and report to the Executive and the Assembly regularly

The following elements of effective coordination towards equality and inclusivity are essential:

- Assessment of the situation and needs together
- Developing common strategies by all sectors towards the assessed needs
- Convening coordinating forums to ensure adequate responses
- Setting aside adequate funds and resources for adequate coordination.

It is possible for each county to create a score card to cross check whether they are meeting their obligations to its citizens. A reporting mechanism where counties share periodic reports with NGECC on gender equality and non-discrimination and receive routine feedback will create a framework for entrenching principles of equality and inclusion at county level.

5.0 SOME USEFUL RESOURCES

Canadian International Development Agency (CIDA) 2003. Gender Equality and Humanitarian Assistance; *A guide to the Issues*. Found at www.cida.gc.ca

Commission on Revenue Allocation (CRA) 2011. *Kenya County Factsheets*. CRA.

County Public Service Human Resource Manual, May 2013 accessible at www.publicservice.go.ke

Gender Mainstreaming Guidelines, Republic of Kenya, Office of the Prime Minister, 2011 accessible at <https://www.google.co.ke/#q=gender+mainstreaming+in+kenya+policy>

Human Rights Indicators: A Guide to Measurement and Implementation: United Nations Human Rights Office of the High Commissioner, 2012

Inter-agency standing Committee (IASC) 2006. *Gender Handbook in Humanitarian Action*. IASC.

National Gender and Equality Commission (NGEC). 2013. Gender mainstreaming indicators in the 10th cycle of performance contracting. NGEC.

Swedish Civil Contingencies Agency (MSB) 2009. *Gender Equality Handbook- Practical Advice for International Assistance*. MSB

Testolin, G. 2001. *Handbook on National Machinery to Promote Gender Equality and Action Plans. Guidelines for establishing and implementing National Machinery to promote equality with examples of good practice*. Council of Europe.

www.kenyalaw.org

Annex 1: Checklist for Gender Sensitive Planning and Programming

Stage in the Project Cycle	Key Issues to be addressed
Situational Analysis	<ul style="list-style-type: none"> • Identify different perspectives of women and men on issue at hand • Examine gender roles and relationship in terms of the distribution of power and resources and how these are affected by social factors such as age, disability, class and ethnic difference • Data collected is disaggregated and analysed by sex
Project Planning	<ul style="list-style-type: none"> • Develop project objectives reflective of gender analysis and state the source in terms of gender equality and women's empowerment • Are intended beneficiaries segregated by sex • Do activity plans clarify equal participation • Do budgets reflect gender specific activities • Are result areas clearly anticipated • Does the project potential impact on gender equality
Project Appraisal	<ul style="list-style-type: none"> • What gender perspectives are there in the contents of the project? Have they been taken into account in the project plan? Are they clearly written down in the project plan? • Has the participation of the main groups of people that will be affected by the project been ensured? Has attention been paid to gender roles? • Are the situations of men and women clearly and separately specified in the background information and justification of the project? • Are women and men clearly and separately specified as beneficiaries and participants in the project • Will both men and women participate in the project aims and activities? Has particular attention been paid to the participation of women? • Have gender –disaggregated indicators been drawn up for the use in monitoring and evaluation such that they can be used to follow the participation of women and men in the project and its results? • Is the objective and expected results of the project clearly linked with cost budgets? Have separate resources been reserved and earmarked for the participation of women? • Has attention been paid to gender equality issues in the job description and remunerations of project workers, outside consultants and appraisers?

<p>Project Financing</p>	<ul style="list-style-type: none"> • Budgeting is an important part of any project plan. • With regard to a gender perspective it is important that cost estimations include resources reserved for all the activities that promote gender equality and empower women. • Remember that if activities are to have gender related impacts of any kind this must be reflected in the investment -and vice versa. • Remember, too, that gender analysis is itself a part of the project planning and implementation costs, even if not a very big one
<p>Project Implementation</p>	<ul style="list-style-type: none"> • Ensure appropriate participation of both sexes in project implementation • Ensure that participation of women does not merely increase their workload, but means their active involvement in decision making. • Ensure that men understand the reason for this and support it. • Ensure that the women and men in the beneficiaries groups take part in the implementation of the project throughout the whole project period. • Discuss with the project workers and voluntary workers about their attitudes to the status of women and men and how they relate to gender equality issues • Ensure that tasks specifically involved from a gender perspective are included and accounted for in the project workers' work plan • Ensure that the women and men employed by the project receive the same pay and benefits for the same work • Has participation in the project proved too much for a burden for women who already work long days in any case? • Have the other family or community members supported participation or opposed it? • Does the project provide enough motivation and are its goals clear for the participants? • Does the project respond to the needs of different groups, such as, for example, men's needs in a project to combat HIV/AIDs • Has the operating environment in the area or the community changed as a result of changing infrastructure, know-how, or political or economic circumstances?
<p>Project Monitoring and Evaluation</p>	<ul style="list-style-type: none"> • In assessing project impact, what changes have occurred in the programme in the following areas: • Women and men's equal participation in decision making • Women' and men's equal access to and control over resources • Women's empowerment • Gender stereo types and attitude change

Adapted from: Brigitte Lecud, faridahmad 2009; Gita sen, et. al 2007& Oxfam 2007

About NGEC

The National Gender and Equality Commission (NGEC) is a constitutional commission was established in 2011 in line with Article 59 and Chapter Fifteen of the Constitution.

The commission became fully operational in May 2012.

The commission’s core mandate is to promote gender equality and freedom from discrimination among all Kenyans with special focus to women, youth, children, PWD, elderly, minority and marginalized groups and communities and in all spheres of life in accordance to Article 27 of the Constitution.

NGEC seeks to promote the progressive realization of Article 43 on economic and social (ECOSOC) rights. Additional specific functions of the Commission are presented in NGEC Act of Parliament (sections 8a-p) of 2011.

Additional information about NGEC can be obtained www.ngeckeny.org



The views and opinions expressed in this report are those of the author and do not necessarily reflect the views of the funding agencies or their associates.