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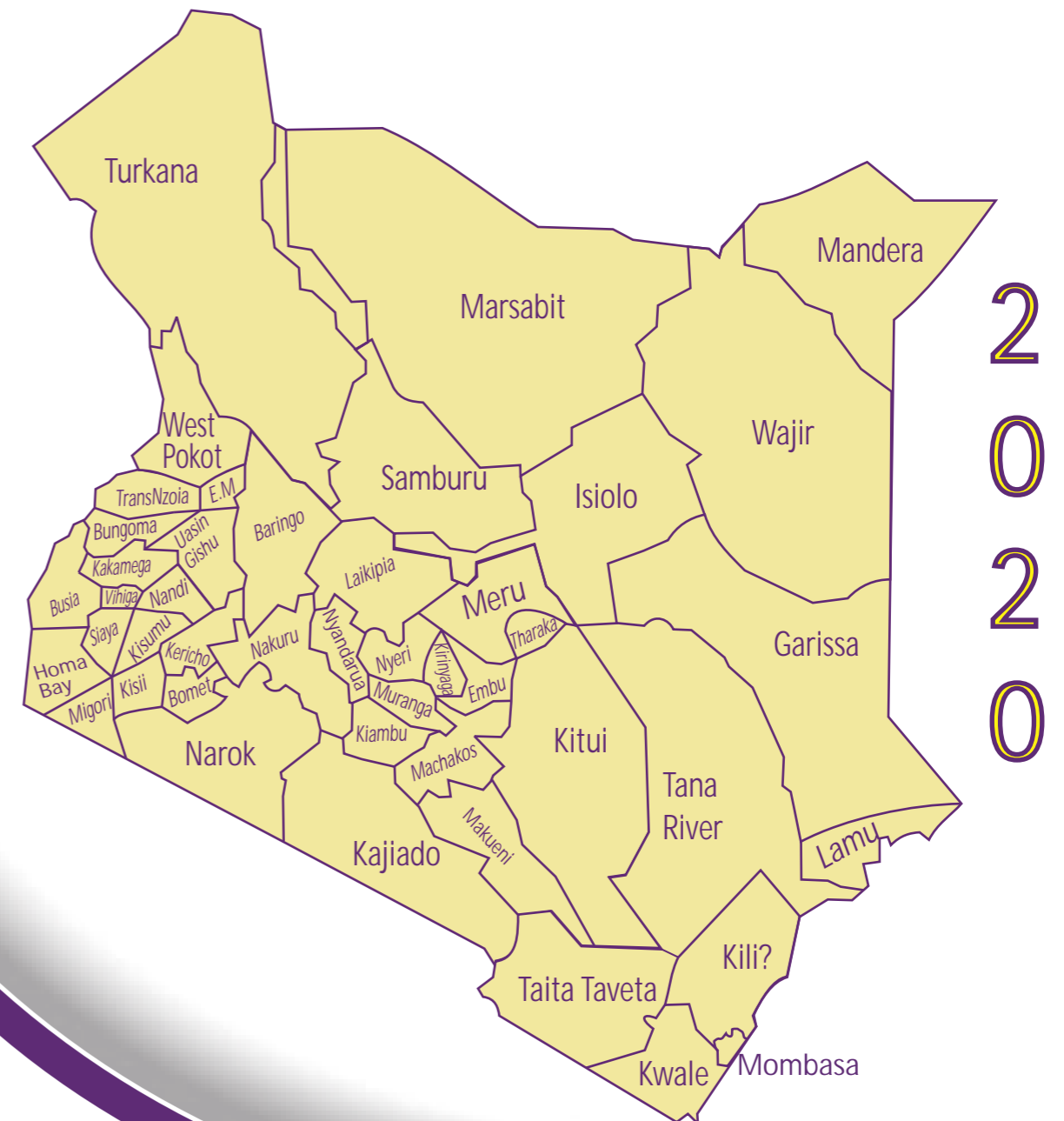
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# GUIDE FOR COUNTY GOVERNMENT LEADERSHIP

Integration of Gender Equality, Inclusion in County Development



**NGEC**  
National Gender and  
Equality Commission



Second Edition ©



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# Foreword

The tenets of democratic governance as postulated in the Constitution of Kenya 2010 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 further 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 befit 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) is a Constitutional Commission established by the National Gender and Equality Commission Act, No. 15 of 2011, pursuant to Article 59 (4) & (5) of the Constitution of Kenya, 2010. The mandate of the Commission is to promote and ensure gender equality, principles of equality and non-discrimination for all persons in Kenya, with a focus on Special Interest Groups (SIGs): women, Persons with Disabilities (PWDs), children, youth, and older members of society, minority and marginalised groups.

Section 8(b) of the National Gender and Equality Commission Act 2015 mandates the Commission to monitor, facilitate and advice on the integration of the principles of equality and freedom from discrimination in all national and county policies, laws and administrative regulations in all public and private institutions. It is against this background that in 2013 the Commission developed a 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. The guidebook has been in use for the past 6 years of devolution. Since then, there has been many lessons learned on effective strategies for integrating principles of equality and inclusion in County Governance structures which necessitated NGEC to commence a review of the 2013 guidelines. In this second edition of the guidebook, the Commission lays emphasis on practical processes through which County Governments may accelerate promotion and the realization of gender equality and inclusion in leadership, planning, workforce, and budgeting.

I am confident that the second edition of equality and inclusion guide for County Governments shall be instrumental in promoting a just, inclusive and equal devolved governments where both women and men, persons with disabilities, the youth, the older members of society, the marginalized and minority groups shall be actively involved in all phases of development.

DR JOYCE M. MUTINDA (PhD)  
Chairperson, National Gender and Equality Commission

# Acknowledgments

The National Gender and Equality Commission (NGEC) acknowledges the Governors and County administrators who contributed to the content of the second edition of the County Leadership Guide on the Integration of the Principles of Equality and Inclusion. I wish to thank all county governments and the Council of Governors who systematically applied the first edition of this guide released in 2013. Despite many challenges the devolved government faced in their formation stages a lot has been achieved. The many lessons and practices experienced in the past 6 years forms the basis of this second edition of equality and inclusion guidebook book.

We thank all actors including member of county assembly, chairpersons and members of the County Public Service Boards, County Attorneys, County Executive Committee Members, directors and chief officers and representatives of the non-state actors who participated in the validation meeting of this guidebook. Your contributions and suggestions went a long way in improving the content and structure of this guidebook.

We also wish to acknowledge the immense technical support received from Justice Violet Mavisi and Prof. Owuor Olungha as lead consultants in the development of this guide. Lastly, I wish to thank all members of staff who worked tirelessly to deliver fair and final drafts of this guide. To IDLO, we appreciate much your financial and technical support towards the development of this guide.

MS BETTY SUNGURA-NYABUTO, MBS  
Commission Secretary/Chief Executive Officer  
National Gender and Equality Commission

# Glossary

## Human Rights Based Approach:

Means empowering stakeholders according to the established human rights framework, with a clear accountability and prioritising those who are most discriminated against. It is about empowering people to know and claim their rights and increasing the ability and accountability of individuals and institutions who are responsible for respecting, protecting and fulfilling rights.

Workplace diversity: understanding, accepting and valuing differences between people at the workplace. Such differences include: races, ethnicities, gender, age, religion, all forms of disabilities, sexual orientation, socio-economic status, political beliefs or other ideologies.

## Inclusion:

a supportive and respectful environment that increases the participation and contribution of employees of diverse backgrounds.

## Non-discrimination:

The principle of non-discrimination seeks to guarantee that human rights are exercised without discrimination of any kind based on race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status such as disability, age, marital and family status or sexual orientation.

## Gender Responsiveness:

This could also imply gender sensitive which refers to situations where gender norms, roles and inequalities are considered and awareness of these issues are raised and appropriate actions taken.

## List of Acronyms

CVA	-	Capabilities and Vulnerabilities Analysis
ECD	-	Early Childhood Development
ECOSOC	-	Economic and Social Council
GAM	-	Gender Analysis Matrix
HAF	-	Harvard Analytical Framework
HAI	-	Help Age International
HELB	-	Higher Education Loans Board
HRBA	-	Human Rights Based Approach
KNCHR	-	Kenya National Commission on Human Rights
LFA	-	Logical Framework Approach
LPA	-	Logical Planning Approach
MARPs	-	Most at Risk Populations
MCA	-	Members of the County Assembly
NGEC	-	National Gender and Equality Commission
NCPWD	-	National Council for Persons with Disabilities
PRA	-	Participatory Rapid Appraisal
PWDs	-	Persons with Disabilities
SIGs	-	Special Interest Groups
SMS	-	Short Message Services
UNDP	-	United Nations Development Programme

## 1.0 INTRODUCTION



This guide is a revised version of the 2013 one which was developed to recognise the tremendous transformation in governance that placed heavy responsibilities in the County leadership.

Based on the principles of non-discrimination on the grounds of sex, race, language, religion, disability, sexual orientation, ethnicity, political or other opinion, national or social origin, birth or other status, the 2013 guide spelt out the processes of ensuring inclusivity in the initial management of County affairs. During that time, many of the county processes were just beginning to be in place and many of the officers in the counties were seconded from the national governments and may not have had the mandate and the necessary tools to implement the guide to the letter and to ensure that the principles of accountability at all levels of management and the respect for national values and principles of governance as enshrined in article 10 of the Constitution was achieved.

Five years later, the county systems are now fully in place and the need to review and ensure that the principles of inclusion are

strictly adhered to and the plight of the Special Interest Groups (SIGs) are taken on board.

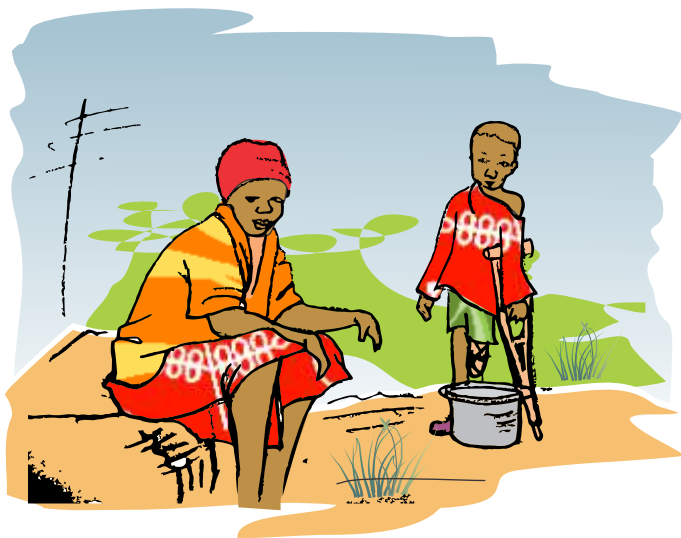
This revised guide therefore, besides providing a framework through which counties can engender their processes and make them friendly to every member of the community with emphasis on the vulnerable populations, it also highlights areas where some counties have excelled and how comparative advantage can be used as a guide to provide better services and for non-discriminatory management of public affairs.

It has been noted that the County Governments have not been able to achieve full inclusion as envisaged in the Constitution. Many counties still are unable to provide equal opportunities for the Special Interest Groups. Gender inclusion is still theoretical, processes and systems continue to be male dominated and unresponsive to the SIGs and as such the people with disability are still invisible and the old people are still not yet formally programmed for in many counties.

To address these gaps, the guide suggests directed processes that ensure that these vulnerable groups are reached and the framework devised to reach them and enhance

their participation in county affairs. Kenya has been undergoing tremendous transformation in governance in the last decade. The greatest impetus for this transformation has largely been driven by the Kenya Constitution 2010 which placed immense responsibilities in the county leadership for such consequential functions as health, agriculture, (see Schedule 4 of the Constitution).

### 1.1: Equality, Human Rights Protection and Promotion



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. This principle of non-discrimination provided for in this article is the cornerstone and basis for promoting gender equality and the inclusion of all. 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), and these include women, 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.

### 1.2: Purpose of the Guide



The guide:

1. Sets forth guidelines and good practices for integration of gender from the outset of establishing county development master plan commonly referred to as a County's Integrated Development Plan, so that the programs designed and implemented do not exacerbate nor inadvertently cause exclusion and inequality.
2. Contains concrete and concise information that can be directly applied to practical tasks such as planning, program implementation, reporting and evaluating development activities at county level. In addition, the Guide can be of use to gender advisors and instructors.
3. Is a crucial monitoring tool to the several Constitutional Commissions, the National Government officers and to the donors and funders of the county governments.
4. Provides a checklist through which counties can review their development programs and management to ensure that all the citizens participate in the affairs of the county and enjoy the benefits that accrue out of their participation

The clarion call of this guide is, '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 progressively 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 drinking water, access to formal education and social security, among other defined economic and social rights'.

#### Objective of Devolution and Principles of Governance

The main objectives of devolution as provided for in the 2010 Kenya Constitution include:

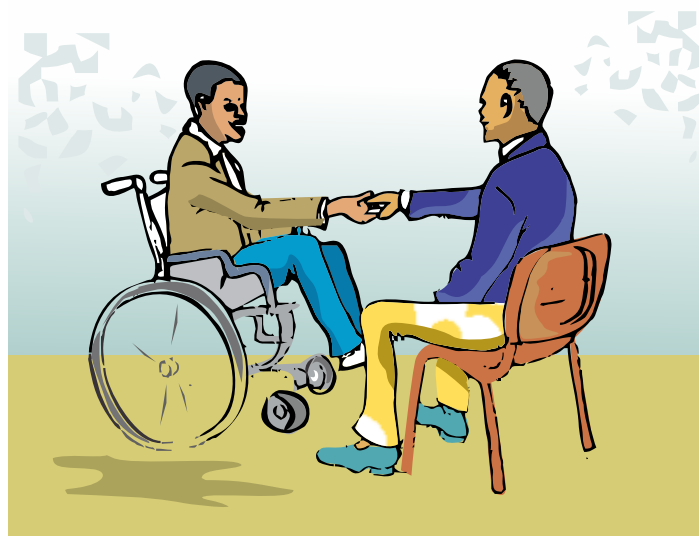
- a. The promotion of democratic and accountable exercise of power
- b. The fostering of national unity by recognising diversity
- c. Giving powers of self-governance to

the people and enhancing the participation of the people in the exercise of the powers of the state and in making decisions affecting them

- d. The protection and promotion of the interests and rights of minorities and marginalised communities
- e. The enhancement of checks and balances and the separation of powers

The functions of the counties are guided by the principle of governance which bind all state organs. The function of good governance in the public sector is to ensure that entities such as counties act in the public interest at all times which requires a strong commitment to integrity, ethical values, rule of law and openness and comprehensive stakeholder engagement.

Under the Kenyan Constitution, the values and principles of governance include:



- (a) high standards of professional ethics;
- (b) efficient, effective and economic use of resources; responsive, prompt, effective, impartial and equitable
- (c) provision of services;
- (d) involvement of the people in the process of policy making;
- (e) accountability for administrative acts;
- (f) transparency and provision to the public of timely, accurate information;
- (g) subject to paragraphs (h) and (I), fair competition and merit as the basis of appointments and promotions;
- (h) representation of Kenya's diverse communities; and

(i) affording adequate and equal opportunities for appointment, training and advancement, at all levels of the public service, of:

- men and women;
- the members of all ethnic groups; and
- persons with disabilities.

Accountability is seen as essential for ensuring gender equality and inclusion of SIGs. It has to address the diverse interests of women and men and all the social relations and power imbalance 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 the 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 service 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 consultations are

necessary for a people driven development process to ensure that programs in counties are inclusive and give regard to the power of local knowledge.

### 1.3: Why a Guide on Equality and Inclusion?

This Guide highlights the importance of integrating a gender and equality perspective 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. Integration of gender ensures that measures, systems and processes equally benefit men and women.

Since each county's population is composed of a heterogeneous groups of women, men, girls, boys with different special interest, it is imperative that each county engages in a process of inclusivity to ensure that the practical needs and the strategic interests of the SIGs 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.

#### 1.4: Who does the Guide Target?

At the general level, the Guide targets every government official at the county level who is charged with the responsibilities of providing services, recruiting staff and responding to public concerns. At the corporate level, the entire county executive from the Governor, Deputy Governor, County Secretary, County Executive Committee Members, the Chief Officers as well as the County Public Service Boards must be sensitised to ensure that they are inclusive in all their operations. The County Secretaries are particularly critical since they coordinate the county government affairs while the Public Service Boards are responsible for recruitment of staff and training them in non-discriminatory processes.

The legislature at the County Assembly level including the speaker must be sensitised to ensure that they come up with legislations that are not only inclusive but non-discriminatory and sensitive to the plight and needs of SIGs. They should be able to accommodate the minority communities as well as the marginalised. The assembly is responsible for checking the executive and in ensuring that checks and balances are applied in conformity to the constitutional provisions.

The ward administrators as well as members of the provincial administration at the local level are important nexus in the services provision and must be sensitive to the plight of SIGs. They must have the requisite knowledge to provide sensitive services that enhances the dignity of the services seekers. The civil society consisting of faith-based organisations, gender and human rights advocates, community-based organizations as well as the media (particularly the local news outlets and FM stations) are important nexus in ensuring conformity and adherence to the principles of non-discrimination. They are well placed to audit county operations and provide the voices necessary for change. This also applies to scholars of gender and equality who are encouraged to use the Guide as a map towards greater equality and equity in the distribution of resources and opportunities.

From the experience of the past five years, there have emerged other important actors at the County level which include the municipal Boards, regional economic blocs, different actors in the Public Private Partnerships who must equally be made aware of the principles of non-discrimination and how equity can be achieved in all their operations.

## 2.0 PRINCIPLES OF GENDER EQUALITY AND INCLUSION



### 2.1: What is Gender?

The term gender is used when referring to social constructed roles, behaviours, activities and attributes that a given society and culture consider appropriate for women or men. 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 being 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 analyse how and why this affects their situation and needs.

### 2.2: Why does Gender Matter?

Social attributes and opportunities associated with being male and female impact not only relationships between women and men but also opportunities and needs. These attributes, opportunities and relationships are socially constructed and are learned through socialization processes. They are context/time-specific and changeable. Gender determines what is expected, allowed and valued in a woman or a man in a given context. Gender is part of the broader socio-cultural context. Other important criteria for socio-cultural analysis include class, race, poverty level, ethnic group and age. 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 distort development. In many communities, women are relegated to the private sphere and are socialised to operate at the domestic level. For inclusion in the public domain to happen, special considerations are therefore, mandatory. Women with disability face double exclusion and must be seen as a special category.

## 2.3: Gender Equality



Gender Equality refers to the equal enjoyment of rights by females and males of all ages regardless of particular situations. It 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. Gender equality implies that the interests, needs and priorities of both women and men are taken into consideration—recognizing the diversity of different groups of women and men. Gender equality is not a 'women's issue' but should concern and fully engage men as well as women. Equality between women and men is seen both as a human rights issue and as a precondition for, and indicator of, sustainable people-centered development. Equality as a 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, affirming the dignity of all persons and reducing poverty among others.

Counties must protect the human rights of all persons and be seen to promote gender equality in their operations. They must ensure inclusivity in all their programs and activities. Particular attention must be accorded to People with Disabilities (PWDs) and youth in employment opportunities as well as children with special needs who should have access to education and all other social amenities like all other children.

## 2.4: Minorities and Marginalized Communities and Groups

According to Article 260 of the Constitution, a 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 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;

- a) 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;
- b) An indigenous community that has retained and maintained a traditional lifestyle and livelihood based on a hunter or gatherer economy; or

*It should be noted that in communities that for instance practice Female Genital Cutting like the Samburu and Maasai, once the girl has been cut, her schooling stops and she is seen as ready and mature for marriage. This curtails the progress of women and limits their chances in life.*



- c) 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.

The other category is minorities. The United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities in its Article 1 defines minorities as a people 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. In many counties, the terms minorities and marginalised are used interchangeably.

Some counties already define minorities/marginalised in terms of religion i.e. Muslims, Hindus, Christians etc. While others look at it from the ethnic/tribal perspective i.e. Asians, Nubians, Luos, Luhyas, Kikuyus etc. Others have looked at it from the literacy and economic or lack of infrastructure angle for example in Turkana, Kitui and Kwale. There are many more parameters counties can apply. The National Gender and Equality Commission made the first attempt in 2017 to document prescriptive categories of minority and marginalized groups by County. After five years, this minority/marginalised question is still evolving and needs further clarity in all counties.



## 2.5: Important Processes towards Inclusivity

Key to the realization of equality and non-discrimination are the observance and actualization of the following key processes that enable counties to ensure that resources are allocated for the purposes of uplifting the SIGs

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 and designing the implementation of various process, policies and programmes 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 equally, 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.

**Gender Mainstreaming:** which is the process of accessing the implications for women and men of any planned action, including legislation, policies or programmes in all

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*Unmasking ethnic minorities and marginalized communities in Kenya, who and where in Kenya. NGEK, 2017.*

*Politically, the minority has been seen from the perspective of the numbers of elected MCAs in the County Assemblies. The party with the least elected leaders is considered a minority which does not address the issue of minority communities.*

*The County Assembly Gender Responsive Budgeting Guide; The Society of Clerks at the Table in Kenya (SOCATT-K) 2018*

*Gender Mainstreaming Guidelines (Working towards Gender Equality Through Gender Responsive National Policy and Planning: Office of the Prime Minister, Ministry of State for Planning, National Development and Vision 2030, November 2011*

areas and at all levels is a major issue to be considered. It is a strategy for making women's as well as men's concerns and experiences an integral dimension of the design, implementation, monitoring and evaluation of policies and programmes in all political, economic and societal spheres so that women and men benefit equally and inequality is not perpetuated. The ultimate goal is to achieve gender equality.

Gender is a crucial factor of development and therefore counts in the equation of prosperity, well being and general living standards. Some of the issues to be considered when carrying out a gender mainstreaming exercise in the county include:

- I.) Who is responsible of ensuring that gender is mainstreamed in the work of the county including employment, planning, duty allocation, budgeting etc?
- ii.) Who is in-charge of training about gender and gender responsiveness in all activities?
- iii.) Has the County allocated funds to ensure that the county officials and the Assembly as well as the executive understand about gender and how it is supposed to be mainstreamed?
- iv.) Who is to ensure that the budgeting by the individual ministries and departments is gender responsive?

b) Rights Based Approach to Development: this is the Application of a Rights Based Approach in the achievement of gender equality and inclusion of the SIGs. This is an approach that uses the human rights principles and respect of human rights to eliminate or at least try and diminish any existing exclusion and discrimination in the implementation of any programme or project and in this case in the work carried out by the counties. It calls for the participation and inclusion of all stakeholders and ensuring that everyone benefits equally. These principles require the county government as duty bearers to act in a manner that enables the citizens also known as the right holders to exercise their rights which they are entitled to.

c) Participation: This is the process through which SIGs can influence and share control over development initiatives as well as control over decisions and resources that them. This enhances a sense of ownership of development initiatives among SIGs, transparency, accountability, effective implementation and above all sustainability. By identifying eight levels, Arnstein's (1969) ladder of participation is an appropriate guide in measuring the degree of SIGs participation in development initiatives of county governments. In most cases SIGs participation has been restricted to the lowest rungs of the ladder. County governments can strive to upgrade SIGs participation to the higher rungs of the ladder.

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*Many counties have instead of ensuring that all processes are engendered and that the issue is mainstreamed have pigeon holed gender in culture and social services, others under education and making it a sectoral concern.*

*Public participation is key in this process. The Makueni and Kericho Counties have advanced public participation that is worth emulating by all counties. This helps in the identification and prioritization of the projects to be funded.*

### 3.0 APPLYING A GENDER PERSPECTIVE IN COUNTY PROCESSES



A gender perspective is a method for seeing how development program affect women and men in different ways in order to make the program more effective and to achieve better results. It is crucial to apply a gender perspective in all policies, while also implementing specific measures to eliminate, prevent or remedy gender inequalities.

A gender perspective should be included as an integral part of every stage of the program/project and involve analysing and assessing the needs of the entire population. A gender perspective should be integrated into each phase of the development undertaken by county governments. For example Kitui County is implementing a maternity friendly human resources management.

The development goals set should meet the differing needs of women, girls, men and boys 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 what women and men want, have access to, and if and why they different things, and then working towards including everyone, regardless of sex, religion, disability, ethnic background; enjoying the same rights, responsibilities, resources and opportunities. The whole idea is for the officers charged with responsibilities to carry them out more effectively and successfully.

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

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

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*Kitui Public Service Board has incorporated a positive consideration where women who for one reason or the other are unable to attend interviews because of the burden of motherhood are given an opportunity to sit for the interviews when it is convenient.*

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's and other cadres of society particularly those categorised as SIGs.

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:

- i. 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.
- ii. 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.
- iii. The Governor, County Secretary and the County Public Service Board must ensure inclusion of an internal gender perspective in the recruitment and development process. For example, at the minimum, the not more than two thirds principle is observed in the appointment of the county executives and chief staffs, 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.

- iv. The Counties should consider creation of a well-funded, staffed and resourced Gender Department as a best practice in Management of gender affairs in the County Governments. The departments are spending units and the programme units and therefore gender perspectives are enhanced when a department responsible for this function is established and functional.
- v. 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.
- vi. 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 bad omen and are simply neglected and hence hidden away from the public. The County administrations are obliged to look into their plight and come up with appropriate remedial measures that obey the rights of all persons.
- vii. The work place must be made disability friendly in terms of the provision of access ramps, offices that are reachable and the Assembly must have legislations that enhance the rights of the people with disabilities.

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

### 3.1: Gender Analysis

There are several tools and frameworks that are used to analyse gender vulnerabilities. Some of these include: The Harvard Analytical Framework (HAF), Moser Frameworks, Capabilities and Vulnerabilities Frameworks, Social Relations Frameworks, Gender Analysis Matrix (GAM), Empowerment Frameworks and the Participatory Rapid Appraisal (PRA) Frameworks among others.

Each County can make a choice on which framework best suits its conditions. The Capabilities and Vulnerabilities Framework for instance maps out the capacities based on people's existing strengths and weaknesses and asks two pertinent questions regarding the skills and resources present in the community and who has access and control of the resou

#### Capabilities and Vulnerabilities Analysis (CVA) Framework

This would be one the best approach of conducting gender analysis in counties

- Main Focus
- People's existing strengths (Capacities)
  - Existing weaknesses (Vulnerabilities)

Constitutes three (3) categories

- Physical or material Capacities and Vulnerabilities
- Social Capacities and vulnerabilities
- Motivational Capacities and Vulnerabilities
- Physical Capacities include Land, Environment and features of the Climate where people live
- Housing, food, water supply, access to income and other assets
- Resources including various skills, capacities to build on among others

Two Main Pertinent Questions in this framework:

1. What Productive resources, skills exist?
2. Who (men and/or women has access and control over resources?

The Harvard Analytical Framework for instance looks at the process of allocating resources to men and women recognising that gender equality provides economic benefits. It has three important steps as shown below:

#### Harvard Analytical Framework

Step1: Draw up an activity Profile: what tasks and work are carried out by men and by women?

- Tasks could be grouped into those which are directly productive of goods and services and those which are essentially for reproductive (Maintenance of family members) and Community support activities
- Women are seen to be engaged in Triple roles in society

Step 2: Make an analysis focusing on the access and control of resources. This involves first identifying all the relevant resources and assessing which of the gender groups has (firstly) access to these, and secondly control over them.

Step 3: Analyse what factors or determinants lie behind the patterns as activities, access and control observed.

Consider the following:

- General economic situation, poverty, income distribution
- Institutional structures and bureaucracies and the mode of operations
- Demographic factors, socio-cultural factors, legal parameters, political events
- Community and family norms including religious beliefs,
- Training and educational levels among others

*Kisumu County has not only legislated and passed a Disability Act but has also made the assembly disability friendly through brails and sign language interpreters.*

*See World Bank on Gender Analytical Tools at*

*web.worldbank.org/archive/website.01031/WEB/IMAGES/TDG\_G\_E.PDG. See <http://www.adpation.UNDP.org>*

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. It can bring about contextual understanding of gender relations and its implications on social, cultural, economic, political and institutional environments. 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 for practical purposes for the counties should bring out the following important concerns:

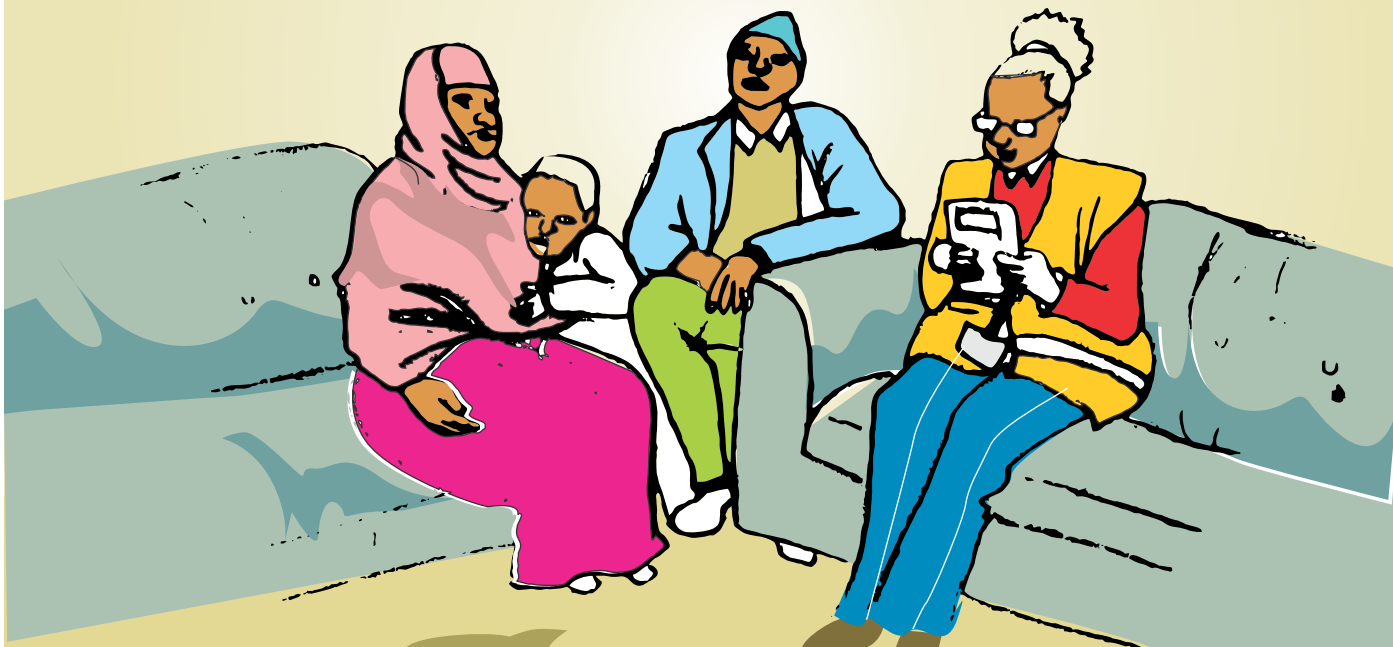
- i. How many of the cabinet positions are held by women, men or any special interest groups or how many men and women form the County Public Service Boards or Executive Committees and Chief Officers;
- ii. What is the work force composition in the county and what do men and women do, in the portfolios allocated, how many conform to the traditional gender roles and why?
- iii. What programmes exist to uplift the status of the elderly or that recognises their contributions to society and to alleviate their sufferings in old age?
- iv. Documenting the health, educational and security needs of women, girls, men and boys, persons with disabilities as well as the elderly people and minorities.

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*See International Labour Organization and South-East Asia and Pacific Multidisciplinary Advisory Team (SEAPAT). ILO/SEAPAT's Online Gender Learning and Information Module.*

*Original work in Overholt, C., Anderson, M. B., Cloud, K., and Austin J. E. (eds.) (1984). Gender Roles in Development Projects: A Case Book. West Hartford, CT: Kumarian Press.*

### 3.2: 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 advice 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, residence, religion and the physical conditions. Gathering disaggregated data is also crucial in identifying the impact and outreach of programs and policies, in aggregating its efficiency and accessibility.

Sex and age-disaggregated data should be collected and analysed based on among other models, the Harvard Analytical Framework to routinely 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 or grandfather headed households among other variables of interest. Counties can engage services of Kenya National Bureau of Statistics and Universities to collect and prepare data in usable manner. 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 specific needs are planned for.

Data on who benefits from what programs should also be documented by age and sex in an Electronic Records Management System. Records management software with the ability to track digital records database based on an improved records indexing, retrieval and retention should be developed. This should be updated periodically to show the gains made in the inclusion of SIGs. 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.

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*Many Counties have employed women as nurses and as Early Childhood Development teachers which simply conforms to the known traditional roles of care as being a women's domain.*

*The development of 2019 County Gender Data Sheets by the Council of Governors, UNWOMEN and the Kenya National Bureau of Statistics is a commendable achievement. The data should be a basis of planning for successive programs. Some counties already have first generation data sheets that require improvement.*

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### 3.3: Examples of Good Practices

The need to document everything done at the County is critical. The plight of the minority and marginalized populations and groups must be flagged out. The population of the PWDs, the nature of their disabilities as well as the gender desegregation are important.

Some counties have done commendable work in coming up with policies such as disability policy while others have documented the plight of the elderly and started programmes that

target them like housing and other social protection programmes. 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.

On agriculture, target counties have established initiatives to document gender perspectives and Solutions to ensuring women and girls as well as

### 3.3: Examples of Good Practices



men are supported to increase returns for investment in the sector. Other counties have put in place measures to cushion and protect farmers and pastoralists from loss of produce and animals through risks such as adverse weather, diseases and poor seeds through insurance schemes.

The program is based on the availability of rigorous data on loss of livelihoods at household levels as well as data on effective strategies for reducing poverty.

Using sex disaggregated data and household

livelihood maps, the Mandera County has designed a school feeding program targeting all early childhood development education centres in Mandera to improve nutritional status of children and increase timely enrolment of children to school.

Important to note is that each County has unique development programs and therefore, are endowed with unique practices and lessons most of which are well documented to inform scale up and replication.

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*Kisumu County has documented a lot about status of PWDs*

*Kakamega County has the Oparanya care for the pregnant women and home for the elderly. This must however be anchored in policy for continuity.*

*Kisii County is in the process developing a program for protecting the plight of older persons due to increased violence directed to older members of society*

*Nandi county for example has exemplary small holder dairy commercialization programs inclusive of subsidized artificial insemination project with greatest direct effect on women and which led to increase in average milk production from 4% to 13% (2019).*

*Nyandarua county has been in the fore front in advocating for fast implementation of the Crops (Irish Potatoes) Regulations 2019, that require that all potato packaging in the country be capped at 50 kilograms to remove structural exploitation of women majority of whom are women by unscrupulous middle persons*

## 4.0 MAKING COUNTY PROCESSES INCLUSIVE



Whereas counties have been engaged and will continue to be engaged in a variety of processes for economic development and uplifting the status of their people and ensuring good governance in accordance to the constitutional provisions, this guide singles out eleven such processes. It brings out the potential of the processes to impact positively on inclusivity if well managed. The processes include: Personnel Recruitment, Roles Assignment and Promotions, Institutional Internships, Access to Workplace, Budgets and Resources Allocation, Consideration of the Special Interest Groups, Participation in County Processes, Gender and Diversity Responsiveness in policies and laws, Program Design, Implementation and Monitoring, Data Collection, Analysis and Reporting and finally Communicating Progress.

Inclusivity is understood as an approach that enables its practitioners 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 that individuals have unique and particular needs both in a working and living environment;
2. Be able to 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 reasonably adjusting procedures, activities and physical environments to accommodate PWDs and other SIGs;
4. Be inclusive in all forms of communication and where necessary, develop sign language and Braille and where possible translate the document to local languages.
5. Serve all with sensitivity, respect, and fairness.

## 4.1: 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 women and men, youth 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 'endeavour 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.'

The constitution article 54 (2) requires the state to ensure the progressive implementation of the principle that at least five percent of the members of the public in elective and appointive bodies are persons with disabilities.

Thus, there is a statutory responsibility for public and private bodies and institutions for the employment of persons with disability.

Article 55 (c) mandates the state to take measures including affirmative action programmes to ensure that the youth access employment. Article 56 provides room for the inclusion of minorities and the marginalised groups. It demands that they be represented in governance and other spheres of life, they be provided with special opportunities in educational and economic fields and access to employment and should have access to water, health services and infrastructure.

Article 57 makes provisions for the older members of society. They are expected to be included fully in the affairs of the society; allowed to live in dignity and respect and be free from abuse and should receive reasonable care and assistance from their family and the state/county.

### Person Specification

- Include gender and equality awareness in all job specifications for instance the notices may read "This is an equal gender opportunity or women are encouraged to apply"
- 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". For instance, the advert could read "Youth, women and persons with disability are encouraged to apply". Or the 'position is reserved for persons with disabilities only'
- 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, he/she” ..use the person. 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, village assemblies, Chief's barazas, women group meetings, PWD organizations, youth groups organisations and meetings. Using these networks should not be seen as canvassing but a proper way of reaching out to the disadvantaged groups.
- Data held by the National Youth Employment Authority on the numbers of unemployed youths throughout the country once implemented can be used to ensure that the youth get employment at the county levels.
- Advertisement can be sent through County Assembly, the sub-county, wards and village offices of the county to ensure a huge number of people get access to the information and in time
- Use media that is accessible to PWDs, for example, 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.
- County notices as per the county government Act

- Religious spaces (Churches and Mosques), notice boards, School notice-boards including those in primary and secondary schools as well as tertiary institutions, Social halls notice-boards and any other places frequented by the youth and other job seekers.

## Selection



The process is as good as the end result. The interviewing panel/committee itself should be diverse, under represented 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, ability, SIGs and all other cadres to ensure inclusivity.

Sec 65 (e) of the County Government Act 2012 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. To this end, counties are encouraged to adopt the following:

1. Interviewing panels should try and integrate the rights based approach in their recruitment process. This will help them to be inclusive and non-discriminative in considering all the SIGs.
2. The interviewing process must be inclusive and give opportunities to all the candidates. The interview panel can give opportunities and make exceptions to candidates who cannot attend the interview on the due dates. For example, where a woman goes to clinic because she has a sick child on the day of the interview, they can be interviewed on another day.
3. Appointment in senior management should have a representation of the marginalised groups and the other SIGs. This helps them have an open mind on issues that affect the various SIGs in employment.
4. Where possible and under certain circumstances, head-hunting may be applied to get the hard to reach population like PWDs who may be hidden away from the public as a form of special affirmative action practices.
5. Emphasis should always be given to the progressive realisation of the spirit of the Constitution and other laws on inclusion.

### Practical Actions that can be undertaken:

- Equitably recruit male and female staff on a 50/50 basis
- Specifically target women for senior positions within the county to achieve the 1/3 target
- Develop a tracking system to monitor the advancement of women into decision making positions in the county
- Develop a tracking system that assesses the extent to which SIGs are promoted and advanced to senior management positions

*(Adopted from gender mainstreaming guidelines)*

## 4.2: 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:

- i. 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.
- ii. 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.
- iii. 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.
- iv. 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 work on Saturdays or Muslim on Fridays consistently may interfere with his/her freedom to

religion.

- v. Accord both women and men maternity and paternity leaves as is necessary.
- vi. 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. Where possible especially for internal promotions, affirmative action can be encouraged.
- vii. Continuous job training, confidence building and appreciation of the SIGs who are engaged is important. This should entail a process of cultural transformation towards role models creation among the traditionally disadvantaged groups as well as monitoring progress of those already employed.

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 women and men are all included at the different levels of the bureaucracy. The case of nurses and ECD teachers seems to be enhancing the traditional stereotypes and should be attended to. Counties should have male nurses as well as male ECD teachers to ensure that the balance is achieved.

## 4.3: Institutional Internships

All Counties should create room for internship opportunities to be given to the SIGs as part of the overall training. This also creates a pool of SIGs who can be considered for employment. Absorption of the interns in the county employment should be an on-going process to ensure inclusion. Section 36 of the National Employment Authority Act No 3 of 2016 provides the proper guidance on internship. Example of the Turkana County Government can be emulated here where they have encouraged young people both girls and boys to apply for paid internship which acts as a good training ground for future engagement.

Internship programmes should be factored in the budgeting process and where possible, policies on internship developed to make the process sustainable and anchored in the county processes.

Meru County Youth Service: this aims at addressing youth unemployment in Meru. A policy was formulated through a steering committee which included members of the executive and youth representatives from the community. The draft policy was approved by cabinet and presented to the community through public participation. The policy informed the development of a legal framework passed in 2018, 'The Meru County Youth Service Act 2018'. In 2019, the County allocated funds to implement the envisioned program-youth service.

#### 4.4: 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 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/lifts/elevators-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. In cases where lifts/elevators are

not available, then the county must ensure that offices are accessible by being on the ground floor with the necessary ramps.

The provisions of office space and access to public offices should consider the laws and policies already in place that protect the rights of persons with disabilities. The PWD act is critical about access to buildings and other areas by the PWDs and should be considered at all times by the counties.

Development and use of sign language and Braille in the county assemblies and county governments is mandatory. It is also important that major policy documents are translated to user friendly languages as is being implemented in Kisumu County.

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 a legal requirement.

Disability friendly parking spaces (Clearly marked and reserved), disability only office spaces to allow for certain functions like changing of artificial legs, diapers etc., sanitary bins in the lavatories and if possible, day care centres for women with small children where they can easily bond and breastfeed their children should be encouraged. Such considerations should also be made for the marginalised and minorities whose cultures and traditions may influence how they are accommodated.

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.

### Training

All Counties must put in place clear training schedules that will ensure that those employed are useful to its operations and are able to dispense their roles in useful ways. Training should be:

- Used to enhance the capacities of staff members at all levels
- Should not be discriminative

- Take into account socialization and capacities of the various interest groups
- Tailored to be inclusive and towards improving services delivery
- Based on clearly defined training policies that are inclusive to guide the training programme in the counties
- Based on advertised opportunities for wider reach
- Funded to ensure sustainability through budgeting
- Geared towards gender mainstreaming, disability mainstreaming and the upholding of the rights of SIGs in general
- Based on the creation of synergies and useful collaboration with constitutional Commissions such as the National Gender and Equality Commission (NGEC), Commission for the Administration of Justice (CAJ) as well as the Kenya National Commission on Human Rights (KNCHR) for training and assistance in policies development.

## 4.5: Budgeting and Resources Allocation

Budgeting and resources allocation are a purview of the County governments. In order to deliver effectively on this mandate, counties are encouraged to adopt Gender Responsive



### Planning and Budgeting Processes.

The NGEC and other stakeholders have in the past developed simple GRB tools for use by the county governments. GRB processes ensures that budgets are considerate of the resource needs of everyone (women and men, girls and boys) by ensuring gender-equitable distribution of resources and by contributing to equal opportunities for all.

GRB is a driver for gender justice and for fiscal justice. GRB also guarantees that a comprehensive analysis of the budgets against their effects on genders, gender norms and role. Gender responsive planning and budgeting is fiscal governance strategy pivoted on the realization of gender equality commitments. Counties should also 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.
- Women, PWDs, Youth and the participation of other SIGs in the budgeting process is important as this will help in the consideration of their issues and the allocation of funds to programmes that empower them.

*Guidelines for Gender Responsive Budgeting (GRB) in Kenya, NGEC, <https://www.ngeckenya.org/Downloads/NGEC-GRB-Guidelines-for-National-Govt-in-Kenya.pdf>*

*Guidelines for Gender Responsive Budgeting (GRB) in County Government, NGEC 2016*

*A guide to gender responsive budgeting. Oxfam International 2018*

## 4.6: 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, the elderly, youth, 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. The assessment should determine proportion of persons with severe disabilities. This should be done in liaison with the National Council for Persons with Disabilities (NCPWD).

- The population of the youth and the elderly persons, disaggregated by sex, ability, conditions and needs. This should be done in liaison with relevant research and statistical bodies.
- 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 who are legally, religiously, culturally or economically excluded groups.

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*The Public driven budget making processes modelled in Makueni County involves local people in making decisions on the priorities and spending for a defined amount of budget*

## 4.7: Participation in County Processes

Article 10 of the Constitution includes 'participation of the people' as one of our national values. Furthermore, Chapter four of the Constitution has several provisions addressing non-discrimination and specific application of rights concerning certain groups of people. 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. County governments are expected to develop and pass a law grounded on concrete public participation processes. All Counties must ensure real and meaningful participation by citizens in governance and in development processes.

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 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 Assembly 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. This should also take into consideration the economic and livelihood patterns. How do we effectively include nomadic communities?
- Be aware of cultural constraints that prevent participation of certain groups and putting in place mitigating 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.

Example of public participation through Twitter SMS in Taita Taveta County: this is taking public participation a notch higher. Citizens centres are formed in all sub counties through which citizens can request for information, lodge a complaint as well as submit a complaint either by visiting the centres or by social media platforms. Twitter SMS service is where a tweet is sent by county administrators and citizens receive it as a normal text message

Turkana County Village Administration Act 2019: The law establishes 156 village administrative units across the 30 wards and 7 sub-counties in Turkana county. The roles and functions of the village administration includes coordination and mobilizing participation of village governance, facilitating communities to participate in making policies and development plans, maintaining village infrastructure and facilities and ensuring civic education and empowerment.

- Ensure that children participate and are part and parcel of the development process. Provisions should be made for the children and youth assemblies to discuss matters concerning their engagement in county development.
- 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 as is the case in Kisii County.
- Consider the participation of parents or appointed guardians of persons with disabilities in instances where the persons with disabilities cannot speak on their own behalf. This would allow for the counties to appreciate the needs of such persons
- 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. County and national governments should also devise strategies for enforcing the “Return to school” policy of child mothers.
- Consider the views of the SIGs in shaping the development agenda and implementing the opinion of the people
- Ensure the participation of the SIGs in the budgeting process. This includes holding meetings in venues that are accessible to the SIGs like PWDs and the elderly people, ensuring access to information of the budget process and documentation. This includes having information in Braille, use of Sign language and translation of documents in a language accessible to the people.

## 5.0 GENDER AND DIVERSITY IN PLANNING AND REVENUE COLLECTION



### 5.1: Gender and Diversity Responsiveness in Policies and Laws

The process of ensuring that laws are responsive to the needs of the people must be based on critical analysis that is based on certain steps.

The process of law formation must be informed by the following processes as noted in the Harvard Analytical Frameworks:

Step 1: Assessment of the Gender Division of Labour (What women and men do in the target population and why). This may also include what the youth do, what is permissible for the PWDs as well as elders

Step 2: Relative Access to and Control over Resources and benefits. Who is disadvantaged and why? What needs to be done to make things fair for everyone?

Step 3: Looking at the Practical and Strategic gender needs

Step 4: Looking at the Constraints and Opportunities within the larger socio-cultural, economic, political environmental context for the interpretation of gender

*Practical gender needs are the needs arising from the actual conditions women or men experience because of the roles assigned to them in society. These needs are often related to for example women's roles as mothers, homemakers, and providers of basic needs and are concerned with inadequacies in living and working conditions such as food, shelter, income, water provision, healthcare and employment (Survival Strategies). The Strategic gender needs are the needs identified to overcome the subordinate position of women to men in society and relate to the empowerment of women. They vary according to the particular social, economic and political context in which they are formulated. Usually, they concern equality issues such as enabling women to have equal access to job opportunities and training, equal pay for work of equal value, rights to land and other capital assets, preventing sexual harassments at work, violence against women and freedom of choice over child bearing.*

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

- Enact laws and policies that prohibit any form of discrimination against protected groups
- Analyse 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 to be developed to protect all cadres of employees and services seekers from any form of exploitation including sexual harassment policies as well as disability friendly policies.
- That counties develop a gender sensitive code of conduct that befits all county officials.

## 5.2 Program Design, Implementation, Monitoring and Evaluation

Good planning of programs must also include monitoring and evaluation components. These processes ensure that all activities undertaken lead to progress.

Objectives of good planning, monitoring and evaluation are to:

- Support substantive accountability to the counties, beneficiaries and other stakeholders
- Prompt corrective action
- Ensure informed decision making
- Promote risk management and enhance organizational and individual learning.

Gender equality must be considered as a factor in program performance measures and adequate provision of resources to support gender initiatives undertaken. 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, Participatory Approaches to Community Engagement must 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. The stakeholders must have a say and a conducive environment created for their meaningful participation.

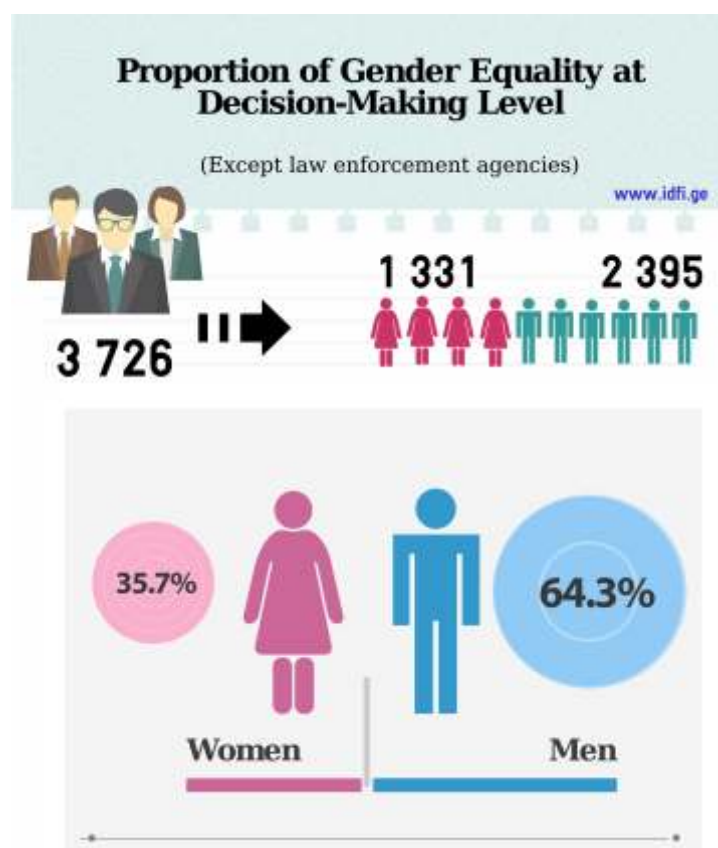
Every county should clarify how their programs should be considered successful, what is to be monitored and evaluated, Activities needed to monitor and evaluate, Who is responsible for monitoring and evaluation activities, when monitoring and evaluation are planned (timing), how monitoring and evaluation are carried out (Methods), and what resources are required and where they are committed.

### 5.3: 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 etc.

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.



*Kitui County has a monitoring and evaluation Public accountability process. Using a 24/7 call centre hotline the community calls to inquire about matters of their concern. Through the hotline the community gives feedback on progress made on each project within their area. This innovative approach has entrenched checks and balances and has reduced incidences of corruption as well as increased community involvement in accountability programs.*

## 5.4: Communicating Progress

All Counties need to develop Citizens Charter to ensure a well organised communication of progress. The charter should include issues such as:

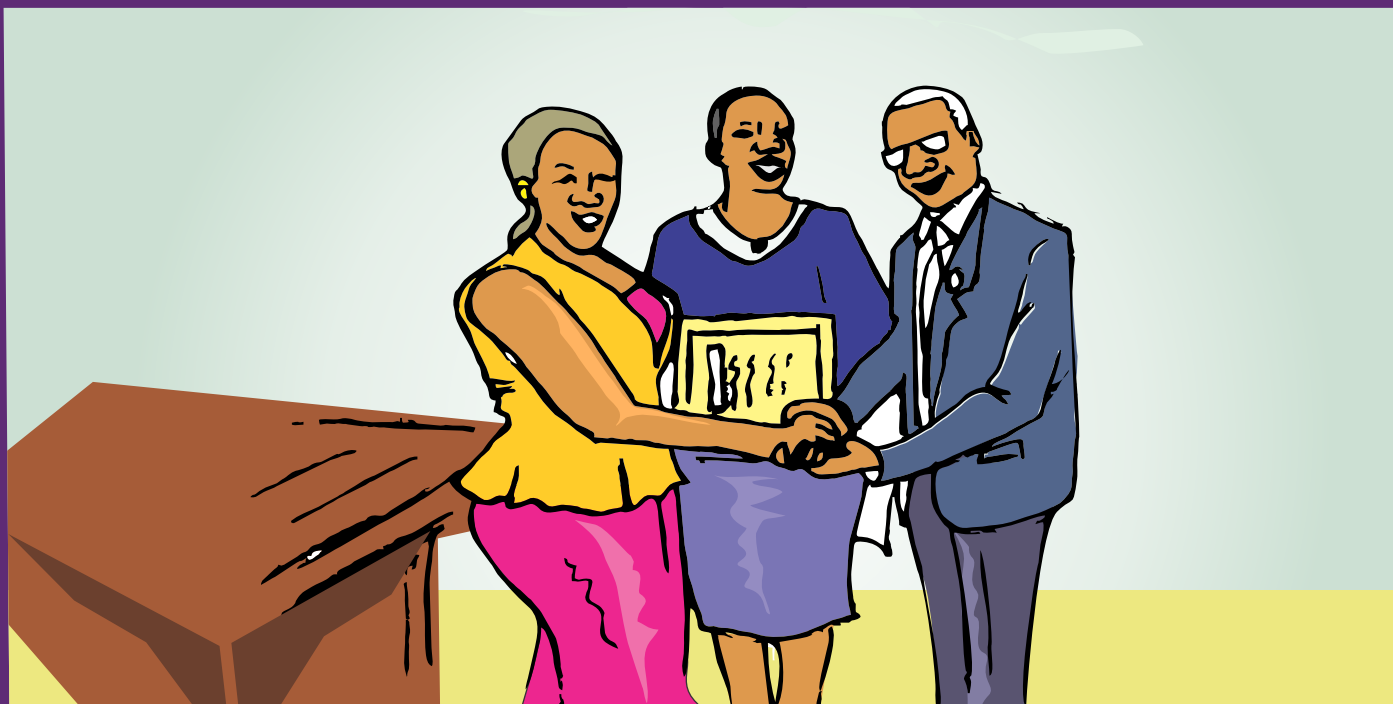
- Who communicates: -the channel should not be dominated by the predominant groups
- What is being communicated: - whereas this is further influenced by who the audience is, the message should be easily understandable by all categories of people. Complex messages serve to entrench exclusion.
- The language of communication should also be one that invites inclusion. Provision for sign language and Braille services 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).

- There are reports on employment that are mandatory under the county government act and the Constitution to monitor progress of the implementation of the requirement of the law. These reports are to be published in the Kenya Gazette and counties ought to use such data to evaluate themselves on progress made towards reducing employment inequities. Reports on the upward mobility, gender sensitivity, disability sensitivity as well as sensitivity to youth and older people's plight should be periodically reported and monitored.

## 6.0 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.

For efficiency in the coordination mechanisms, counties should establish functional a Gender Department with responsibility of mainstreaming gender issues in all aspects of development. The department should work also be responsible for establishing a Gender and SIGs Support Network to assist in the coordination and the implementation of an accountability framework for equality and inclusion. 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, HRBA, gender equality. Have a Gender/SIG mainstreaming officer to push the agenda and coordination of their inclusion.
- (b) Develop a gender mainstreaming policy as well as a youth policy, disability policy, employment policy, old people's policy among others to guide action.

(c) Have a specific section in the Governor's report to the Assembly on the state of county's implementation of gender equality and inclusion.

(d) Have a specific section in the report of the county's performance on the state of the implementation of gender equality and inclusion. This is the annual report under the articles 10 and 232 of the Constitution on the levels of compliance. These reports are gazetted and can be used to ensure accountability.

(e) Consider gender equality and inclusion indicators in the County performance management system and as key performance indicators for 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.

(f) 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:*

- i. Assessment of the situation and needs together
- ii. Developing common strategies by all sectors towards the assessed needs
- iii. Convening coordinating forums to ensure adequate responses
- iv. 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.



NGECC has developed two guidebooks on coordination of county equality and inclusion technical working groups. The publication provides model framework for coordination of issues of equality and inclusion

## 7.0 ADDITIONAL RESOURCES

- i. Canadian International Development Agency (CIDA) 2003. Gender Equality and Humanitarian Assistance; A guide to the Issues. Found at [www.cida.gc.ca](http://www.cida.gc.ca)
- ii. Commission on Revenue Allocation (CRA) 2011. Kenya County Factsheets.
- iii. County Public Service Human Resource Manual, May 2013 accessible at [www.publicservice.go.ke](http://www.publicservice.go.ke)
- iv. Gender Mainstreaming Guidelines, Republic of Kenya, Office of the Prime Minister, 2011
- v. Human Rights Indicators: A Guide to Measurement and Implementation: United Nations Human Rights Office of the High Commissioner, 2012
- vi. Inter-agency standing Committee (IASC) 2006. Gender Handbook in Humanitarian Action. IASC.
- vii. National Gender and Equality Commission (NGEC). 2013. Gender mainstreaming indicators in the 10th cycle of performance contracting. NGEC.
- viii. Swedish Civil Contingencies Agency (MSB) 2009. Gender Equality Handbook-Practical Advice for International Assistance. MSB
- ix. 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.  
[www.kenyalaw.org](http://www.kenyalaw.org)
- x.
- xi. The County Assembly Gender Responsive Budgeting Guide; The Society of Clerks at the Table in Kenya (SOCATT-K) 2018
- xii. Gender Mainstreaming Guidelines (Working towards Gender Equality Through Gender Responsive National Policy and Planning: Office of the Prime Minister, Ministry of State for Planning, National Development and Vision 2030, November 2011
- xiii. UNDP 2009: Handbook on Planning, Monitoring and Evaluating for Development results. Found at <http://www.undp.org/eo/handbook>.
- xiv. World Bank on Gender Analytical Tools at [web.worldbank.org/archive/website.01031/WEB/IMAGES/TDG\\_G\\_E.PDG](http://web.worldbank.org/archive/website.01031/WEB/IMAGES/TDG_G_E.PDG)

## ANNEX 1:

### CHECKLIST FOR GENDER SENSITIVE PLANNING AND PROGRAMMING

Stages in the Project Cycle	Key Issues To Be Addressed
Situational Analysis	<p>Identify different perspectives of women and men on issue at hand.</p> <ul style="list-style-type: none"> <li>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</li> <li>Data collected is desegregated and analysed by sex</li> </ul>
Project Planning	<p>Develop project objectives reflective of gender analysis and state the source in terms of gender equality and women's empowerment</p> <ul style="list-style-type: none"> <li>Are intended beneficiaries segregated by sex</li> <li>Do activity plans clarify equal participation?</li> <li>Do budgets reflect gender specific activities</li> <li>Are result areas clearly anticipated</li> </ul> <p>Does the project potential impact on gender equality</p>
Project Appraisal	<ul style="list-style-type: none"> <li>What gender perspectives are there in the contents of the project? Have they been taken into account in the project plan?</li> <li>Are they clearly written down in the project plan?</li> <li>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?</li> <li>Are the situations of men and women clearly and separately specified in the background information and justification of the project?</li> <li>Are women and men clearly and separately specified as beneficiaries and participants in the project.</li> <li>Will both men and women participate in the project aims and activities? Has particular attention been paid to the participation of women</li> <li>Have gender –desegregated 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.</li> <li>Is the objective and expected results of the project clearly linked with cost budgets?</li> <li>Have separate resources been reserved and earmarked for the participation of women?</li> <li>Has attention been paid to gender equality issues in the job description and remunerations of project workers, outside consultants and appraisers?</li> </ul>

# ANNEX 1:

## CHECKLIST FOR GENDER SENSITIVE PLANNING AND PROGRAMMING

Stages in the Project Cycle	Key Issues To Be Addressed
Project Financing	<ul style="list-style-type: none"> <li>Budgeting is an important part of any project plan.</li> <li>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.</li> <li>Remember, too, that gender analysis is itself a part of the project planning and implementation costs, even if not a very big one</li> </ul>
Project Implementation	<ul style="list-style-type: none"> <li>Ensure appropriate participation of both sexes in project implementation.</li> <li>Ensure that participation of women does not merely increase their workload, but means their active involvement in decision making</li> <li>Ensure that men understand the reason for this and support it.</li> <li>Ensure that the women and men in the beneficiaries' groups take part in the implementation of the project throughout the whole project period.</li> <li>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.</li> <li>Ensure that tasks specifically involved from a gender perspective are included and accounted for in the project workers' work plan</li> <li>Ensure that the women and men employed by the project receive the same pay and benefits for the same work</li> <li>Has participation in the project proved too much for a burden for women who already work long days in any case?</li> <li>Have the other family or community members supported participation or opposed it?</li> <li>Does the project provide enough motivation and are its goals clear for the participants?</li> <li>Does the project respond to the needs of different groups, such as, for example, men's needs in a project to combat HIV/AIDs</li> <li>Has the operating environment in the area or the community changed as a result of changing infrastructure, know-how, or political or economic circumstances?</li> </ul>
Project monitoring and evaluations	<ul style="list-style-type: none"> <li>In assessing project impact, what changes have occurred in the programme in the following areas:               <ol style="list-style-type: none"> <li>Women and men's equal participation in decision making</li> <li>Women' and men's equal access to and control over resources</li> <li>Women's empowerment</li> <li>Gender stereo types and attitude change</li> </ol> </li> </ul>

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

### Practical Actions that can be undertaken (adopted from the Gender Mainstreaming Guidelines)

- Ensure the succession plans that are developed and implemented are gender responsive as a way of illustrating a willingness to proactively identifying the SIGs who can potentially be promoted
- Encourage supervisors and other heads of departments to proactively identify the SIGs to attend training courses and provide them with support to integrate new skills into the work environment to ensure the effects of training are optimized, leading to faster promotions

## NOTES

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## About NGECE

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 NGECE Act of Parliament (sections 8a-p) of 2011.

Additional information about NGECE can be obtained [www.ngeckenya.org](http://www.ngeckenya.org)

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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.