

KENYA

REPUBLIC OF KENYA

KENYA REVIEW AND APPRAISAL

FINAL REPORT

ON THE

IMPLEMENTATION OF

BEIJING PLATFORM FOR ACTION

(BEIJING +10)

(1994 – 2004)

JUNE, 2004

ACRONYMS

AIDS	-	Acquired Immune Deficiency Syndrome
AMWIK	-	Association of Media Women in Kenya
APA	-	African Plan of Action
ARV	-	Anti-Retro Virals
BFA	-	Beijing Platform of Action
CBO	-	Community Based Organisation
CBS	-	Central Bureau of Statistics
CEDAW	-	Convention of Elimination of all forms of Discrimination against Women
CRC	-	Convention of the Rights of the Child
DC	-	District Commissioner
DO	-	District Officer
DPM	-	Directorate of Personnel Management
ERSWEC	-	Economic Recovery Strategy for Wealth and Employment Creation
FGM	-	Female Genital Mutilation/Cutting
FIDA	-	Federation of Women Lawyers
GDI	-	Gender Development Index
GDP	-	Gross Domestic Product
GEM	-	Gender Empowerment Measure
GFCF	-	Gross Fixed Capital Formation
HIV	-	Human Immunodeficiency Virus
ICT	-	Information and Communication Technology
IEC	-	Information, Education and Communication
IMR	-	Infant Mortality Rate
KDHS	-	Kenya Demographic and Health Surveys
KWFT	-	Kenya Women's Finance Trust
KWPC	-	Kenya Women Political Caucus
MDG	-	Millennium Development Goals
METF	-	Mid Term Expenditure Framework
MICS	-	Multiple Indicator Cluster Surveys
MP	-	Member of Parliament
MYWO	-	Maendeleo Ya Wanawake Organisation
NARC	-	National Rainbow Coalition
NCWK	-	National Council of Women in Kenya
NEMA	-	National Environmental Management Authority
NGO	-	Non Governmental Organisation
PRSP	-	Poverty Reduction Strategy Paper
TAWLA	-	Tanzanian Women Lawyers Association
UFMR	-	Under Five Mortality Rate
UN	-	United Nations
UNDP	-	United Nations Development Fund
UNFPA	-	United Nations Funds for Population
UNICEF	-	United Nations Children's Fund
UNIFEM	-	United Nations Development fund for Women
USA	-	United States of America
VCT	-	Voluntary Counselling and Testing
WB	-	World Bank

INTRODUCTION

1. OVERVIEW OF ACHIEVEMENTS AND CHALLENGES IN PROMOTING GENDER EQUALITY AND WOMEN'S EMPOWERMENT

This report presents a review and appraisal of the implementation of the Beijing Declaration and Platform for Action (BPFA) in Kenya during the period 1994-2004. It evaluates the implementation measures taken within the context of the further actions recommended by the Special Session of the UN General Assembly (2000) on the BPFA and is guided by the priorities of the African Plan of Action 2000-2004 (APA) adopted at Addis Ababa in November 1999 during the mid-decade review meeting of the Sixth African Conference of Women, among other concerns. Coming at a time when Kenya is now under a new political regime, the National Rainbow Coalition (NARC) Government, following the general elections held in December 2003, the report also reflects the gains and achievements made in the pursuit of the Millennium Development Goals (MDGs), among others, identifies gaps in the process and appraises the sustainability of the measures taken and constraints thereof.

1.1 Background to Kenya's Economy, 1998-2002

Performance of the economy determines the extent to which men and women participate in it. Women in particular, not only participate in the economy, they are in fact key stakeholders in it. Poor performance of the economy is likely to affect women more adversely than men, given their multiple roles such as those of mothers, wives, food providers, care providers, heads of households and workers. Likewise, a robust economy could enhance women's opportunities and capacity to effectively participate in and contribute to the national economy and the welfare of communities and households in which they live.

The Kenyan economy continued its poor performance during the period 1998-2004. This was after the first *National Report on Progress Made in Implementing the Platform for Action (1995-2000)* had been prepared. Real Gross Domestic Product (GDP) at 1982 prices, declined from 1.8 % in 1998 to 1.4 % in 1999 reaching a record negative 0.2 % growth rate in the year 2000. Recovery from that level has been slow with growth rates of only 1.2 % and 1.1 % being recorded during the years 2001 and 2002, respectively.

Factors contributing to the poor performance of the economy have remained more or less the same as in the earlier report. They include inadequate inflows of official and private external financial resources, poor infrastructure, and drought in most parts of the country which started in 1999 and continued during the year 2000, low domestic demand due to poverty, inadequate domestic credit to finance investment and political uncertainty associated with the general election held in December 2002. This year (2004) several parts of the country received freak rains which led to floods and landslides, displacing many families and destroying crops and other property, seriously threatening food security and livelihoods for many households.

Agricultural and industrial sectors, key productive sectors that together constitute over 37 % of GDP, have both continued to record poor performance with agriculture realizing an average growth rate of 0.3% per annum during the period 1998-2002. Since about 80 % of Kenyans derive their livelihood from agriculture and activities related to this sector, its poor performance mostly affects the rest of the economic sectors, including women's livelihood. Agricultural terms of trade have been declining steadily from 107.3 in 1998 to 86.8 in 2002.

In addition, the level of production of major agricultural export crops, namely coffee and tea, remained low. Prices of these commodities on the export markets remained similarly low. The manufacturing sector's average annual growth rate was also low at only 0.4 % between 1999 and 2002.

Kenya's outstanding public debt (both internal and external) has continued *to* increase steadily from Ksh 423,131.8 million in 1998 to Ksh.583,712.24 million in 2002. Due to scarcity of foreign financial resources, domestic borrowing by the government has tended to crowd out domestic credit to the private sector further inhibiting domestic savings and gross fixed capital formation (GFCF). The poor performance of both sectors was reflected in the poor performance of the service sectors and trade sectors of the economy (including wholesale and retail trade sectors where many women are engaged).

Despite difficult economic conditions facing the country the NARC government has made considerable efforts to implement several measures aimed at enhancing the welfare of women and children to the benefit of the majority of the poor and disadvantaged groups. The introduction of free primary education in January 2003 in fulfilment of one of NARC's key election pledges, for instance, was a major milestone in the implementation of one of the critical areas of concern in the country and a great opportunity for achieving one of the most important Millennium Development Goals (MDGs). Further the Gender Development Index (GDI) which stood at 0.52 in 2001 has shown marginal increments since then implying a gradual improvement of human development of women in the country.

The main government policy documents currently guiding development include the *Economic Recovery Strategy for Wealth and Employment Creation 2003-2007*, the *Poverty Reduction Strategy Paper (PRSP)*, the *National Development Plan 2001-2007* and the *Medium Term Expenditure Framework (MTEF)*. Preparation of each of these documents involved wide consultations within the government and with the private sector, non-governmental organizations (NGOs), representatives of women, community based organizations (CBOs) and with development partners. Women's participation in the preparation of these documents has particularly ensured the incorporation of gender issues in many sectors of the economy and in key policy areas with a view to ensuring gender mainstreaming in many area.

1.2 Government Policy Priority Areas

Kenya's priorities have not changed much from the previous ones. The ordering and emphasis, however, have changed, following the realization by the NARC administration that without widening democratic space in the economy, little can be achieved under the critical areas identified under the Beijing Declaration, among other policy objectives. The government's areas of concern include:

- 1) ***Poverty reduction*** with emphasis on *wealth creation* among the people; while this policy was pursued earlier on by the former regime, greater emphasis is now on economic recovery through wealth creation over the next four years, based on prudent management of the economy;
- 2) ***Strengthening the institutions of governance*** so as to effectively enhance opportunities to all citizens, with a focus on removing gender inequalities at all levels and human rights violations against women, among other key concerns; the

constitutional review completed in March 2004, which introduced a new constitution, and the fight against corruption, are manifestations of the government's commitment to this policy;

- 3) ***Rehabilitation and expansion of physical infrastructure*** so as to increase efficiency of economic and social activities and services, increase productivity and enhance opportunities for trade and communication in all sectors of the economy, with considerable implications for women empowerment;
- 4) ***Investment in human capital of the poor*** (including enhancement of access to education and health) as a critical strategy for realizing the objective of poverty reduction, is among the government's four "pillars" for economic recovery. The introduction of free primary education in January 2003, plans for the provision of universal health care (which are already at an advanced stage) and the prioritization of the fight against HIV/AIDS) are key elements of this policy area.

1.3 Summary Of Achievements

1.3.1 Policy Framework

- **HIV/AIDS**

The Government formulated Sessional paper No 4 of 1997 on AIDs in Kenya to provide policy framework within which AIDs prevention and control efforts are undertaken. In 1999 AIDs pandemic was declared a national disaster and subsequently HIV/AIDS Strategic plan (2000-2005) was formulated.

- **Affirmative action**

The Government has embarked ways implement affirmative action policies-For example, last year 2003, university admission requirement for female students was lowered by one point to allow more girls admission requirement for female students was lowered by in point to allow more girls admission for degree course studies.

- **Other Policy documents.**

The new government has launched a number of key policy documents to guide development over the five-year period 2002-2007. These include the Economic Recovery Strategy for Wealth Creation-2003, the Poverty Reduction Strategy paper (PRSP), the National Development plan 2001-2007 and the Medium Term Expenditure Framework (MTEF). All these documents have ensure4d the incorporation of gender issues on nearly all sectors of the economy.

- The National Policy on Gender and Development was approved by the Cabinet in 2000 and is now at the Sessional Paper Stage awaiting Cabinet Approval before it is operationalized. The overall objective of the policy is "to facilitate the mainstreaming of the needs and concerns of men and women in all areas in the development process in the country".

1.3.2 Legal Framework

Considerable progress has been made in Kenya in the implementation of the BPFAs since the last review in 2000 (covering the period 1995-2000), despite the generally adverse economic

conditions. Achievements with regard to the implementation of the BPFA and recommendations of the 23rd Special Session of the UN General Assembly are summarised below:

a) *Improved legal framework for gender equity through constitutional review*

Kenya reviewed its constitution and a draft document was produced and adopted by the delegates in March 2004. The Draft Constitution, though still mired in political controversy, is a milestone. If adopted it would correct past inequalities in the supreme law of the land. The Bill of Rights under it (Chapter Six, Article 37 of the document) reflects a tremendous improvement over the current constitution. Key issues on women empowerment, including commitment to affirmative action in policies and programmes, and the enactment of laws and legal reforms in favour of women, youth and children are well articulated therein.

b) *Enactment of laws addressing specific areas of gender problems*

A number of laws that address past inequalities have been enacted and are operational while others are at advanced stages of enactment. These include the Children's Act that gives effect to the principles of the Convention on the Rights of the Child (CRC) and the African Charter on the Rights and Welfare of the Child. These laws have been enacted. Meanwhile the Family Court has been established as a Division of the High Court and is fully operational. The Domestic Violence (Family Protection) Bill was introduced into Parliament but was not deliberated as time for its debate elapsed. It is, however, due for re-introduction into Parliament.

c) *Establishment key commissions*

In addition to the above, the Government has facilitated the establishment of both the Kenya National Commission on Human Rights and Gender and Development Commission, the former for the better promotion and protection of Human Rights and the latter to coordinate, implement and facilitate gender mainstreaming by lobbying and advocacy for legal reforms on issues affecting women and the girlchild.

d) *Employment policy and labour laws*

A comprehensive Draft National Employment Policy has been formulated and a Cabinet Memorandum is with the Cabinet for the latter's necessary action. Recommendations of a Task Force appointed to review labour laws have been forwarded to the Attorney General for further action. Both documents address imbalances in employment and labour practices and contain recommendations on these problems.

e) *Women's participation in politics and decision making*

Marked progress has been made in this area although more still remains to be done. For example, following the 2002 General Elections the number of women Members of Parliament (MPs) doubled from 9 in the 1997 elections to 18 in 2002, an increase from 4.1% to 8.1% of the total number of MPs. (At independence in 1963 there was no female representation in Parliament). This achievement was not confined to the National Assembly, but was reflected in various appointments made in the public service,

including parastatals, the judiciary, the police force and local authorities as indicated in Section 2.9 of this report.

f) Free primary education

Following the enactment of the Children's Act (2001) that ushered free primary education, both girls and boys have been accorded equal education opportunities resulting in a share in enrolment close to parity between boys and girls in pre-primary education at 49.9% for girls and 50.1% for boys in 2003. The figures were 48.7 for girls and 51.3 for boys in 1993. Similar trends have been recorded for primary school enrolment. The imbalance worsens, however, at higher levels of education and training at both the Polytechnics and the University levels with the situation worsening in Public Universities where female enrolment accounts for only 30.8%), compared to Private Accredited Universities where their enrolment constitutes 54.5 %).

1.4 Summary of Challenges / Obstacles

The Kenyan economy as stated earlier continued its poor performance during the period 1998-2004. The poor performance is due to poor infrastructure, poverty, bad governance and inadequate financial resources, amongst others. Poor performance of the economy has affected adversely more women than men. Sectorally the major challenges are as follows:

1.4.1 Women and Poverty/Economy

Gross inequalities between women and men still prevail. The incidence of poverty among women is still higher than that of men due to various discriminatory practices, inequality in opportunities in wage employment, and the right to own property and in access to education. These inequalities are further reflected in women's participation in productive activities and access to resources.

1.4.2 Women and Health

The challenges in health sector: include rapid population growth and low economic performance, resulting in declining per capita resource allocation to Health Sector, inefficient utilization of existing resources, the prevalence of HIV/AIDS and the emergence of a strain of malaria that is highly resistant to traditional malaria drug cocktails. Other challenges include declining life expectancy for adults, high infant and child mortality as well as maternal mortality rates.

For HIV/AIDS several challenges still remain: the large number of men and women still indulging in risky sexual practices, continued resistance to the use of condoms, limited VCT facilities, cultural barriers and prohibitive costs of anti-retro-viral (ARV) drugs.

1.4.3 Education and Training

The financial and material resources available to the education sector in Kenya are still inadequate. Both public and private sectors are expected to give more assistance if the objective of providing education to all, at various levels is to be realised. Currently, teaching staff at both lower and higher level is not adequately remunerated. If this is not properly addressed the exodus of talented teachers which has been witnessed may intensify. This is

likely to result in compromising the quality of education in the country. It is however, pleasing to note that, the government is aware of this. The action being taken is moving at fairly slow pace and we are urging the concerned authority to move faster in this areas to arrest the otherwise worrying trend of things in this area.

The cost sharing principle which had been adopted have been found to hurt the children from poor families and therefore the school dropouts has been on the increase in some regions which are prone to frequent hunger/famine. The authorities are therefore faced with the problem of coming up with more workable alternatives.

1.4.4 Violence against Women

Domestic violence continues to be the most common form of violence in Kenya and is characterised by physical, sexual and psychological harm or threats.

1.4.5 Human Right of Women

Gaps in laws and in socio-cultural attitudes and practices are still the major challenges affecting the rights of women. Women are greatly disadvantaged in political activities and other office holding spheres.

1.4.6 Lack of Gender Disaggregated Data

One of the major constraints in the implementation of Beijing Platform for Action across the board include lack of gender disaggregated data and lack of mechanisms for monitoring and evaluation. Considerable progress is being made, however, to overcome this problem through the CBS.

2.0 PROGRESS IN THE IMPLEMENTATION OF THE CRITICAL AREAS OF CONCERN OF THE BEIJING PLATFORM OF ACTION

2.1 Women and the Economy

2.1.1 Introduction

Implementation of the Beijing Platform for Action in Kenya needs to be reviewed and evaluated within the context of the economic background in Section 1 above. Below are indications of progress made in the implementation of critical areas of concern:

2.1.2 Gender Disaggregated Data as Part of an Effort towards Economic Empowerment of Women

Results of the *1999 Kenya Population and Housing Census* confirmed that women still comprise over 50 % of the country's total population and over half of the labour force. Despite this, their recorded contribution to GDP continues to be minimal. The majority of women are still engaged in subsistence and smallholder agricultural production. Currently, about 70 % of the country's marketed agricultural production is contributed by smallholder farmers depending on largely household labour inputs by women. Women's labour, however, is not yet adequately captured in the estimation of the country's National Accounts. This also applies to women's household chores such as cooking, fetching firewood, collection of water and care for other family members, including child-care.

Notwithstanding the above, the Central Bureau of Statistics (CBS) has already embarked on measures for reflecting data on women's contribution to GDP into the national accounts. Most of the data on employment is currently collected and analysed in a desegregated manner to reflect gender contributions. These include data on wage employment in both agricultural and industrial sectors. The government has also produced gender monographs in education, housing and on various disaggregated variables in the on-going analysis of the *1999 Population and Housing Census*. Data on HIV/AIDS is also collected and analyzed by gender. In particular, the CBS is already incorporating gender desegregation in its major surveys. It did this in the *Kenya Demographic and Health Survey 2003*. Furthermore, the government, through the CBS, has developed Monitoring and Evaluation Indicators for the MDGs and for monitoring the implementation of key policies. It continues to encourage government Ministries and departments to establish Statistical units, where these have not been established.

The CBS is however, constrained by its current capacity. It has few officers that are thinly spread over many tasks. There is inadequate funding for facilitating gender-specific data collection for all surveys. Moreover, although the CBS has a website, not many people are aware of organizations or issues on which data is available.

2.1.3 Women's Economic Rights and Independence, Including Access to Employment, Appropriate Working Conditions and Control over Economic Resources

The current Draft Constitution of Kenya (adopted on the 15 of March 2004) adequately incorporates the views of women. More significantly, it includes Gender (Chapter Six, Article 37) in the country's Bill of Rights as elaborated in Sections 2.6.1 and 2.6.2 below. Although consensus is yet to be reached in some parts of the constitution, this particular

Article on Gender is not in dispute. It is expected that when the constitution is eventually adopted the above provisions will enable the government to effectively implement most issues on gender equity, women's economic rights and their independence.

2.1.4 Equal Access to Resources, Employment, Markets and Trade

This has been done under section 2.1.3 above. The dilapidated state of Kenya's transport infrastructure and its impact on both passenger and freight services has led to high transport costs leading to inefficiency, low productivity and poor access to markets. Women currently bear most of the drudgery of head loading and walking long distances in both rural and urban areas. There is a need therefore to increase the efficiency of women through improved and more efficient transport and other infrastructural facilities and services. Other areas of implementation include affirmative action in education where this year (2004) the universities have decided to admit women students with a slightly lower grade in order to boost opportunities for their admission to public universities. Women workers need protection from unscrupulous employers who still do not grant them their rights. Trade unions, workers and employers therefore need education and increased awareness on women's rights and the critical importance of eliminating gender imbalances.

2.1.5 Provision of Business Services, Training Access to Markets Information Technology, Particularly Low Income Women

Women have taken advantage of the government's improvement of telecommunication services (particularly the introduction of the mobile telephone and its rapid spread during the period 2001-2004) to promote their business. During the period, mobile telephones increased from 15,000 to 1,068,000. The increased number of television stations and radio stations through liberalization of the air waves, has enhanced opportunities for business education and communication while business training opportunities are also readily available for both Kenyan women and men. Lack of electricity in most of the rural areas, however, remains a hindrance to the spread of information and communication technology (ICT). Credit schemes for women are also still limited especially for low-income women.

2.2 Women and Poverty

2.2.1 Introduction

The Beijing Platform for Action requires governments to "review, adopt and maintain macro-economic policies that address the needs and efforts of women in poverty", among other policy interventions, given that women are currently grossly disadvantaged but constitute the majority of the poor. In Kenya particularly, there are gross inequalities between men and women. The incidence of poverty among women is still higher than that of men, due to various discriminatory practices, including inequality in opportunities for wage employment, access to education, and inequality in the right to own property (and assets such as land). The Kenya Welfare Monitoring Survey III (1997) found that although female-headed households constituted only 25 % of rural households they suffered more intensely from poverty than their male counterparts.

The continued poor performance of Kenya's economy over the last six years has translated into low income of the people and aggravated their living conditions. This dismal performance has been exacerbated by high a rate of population growth, leading to a

disproportionate demand for food and other basic needs, thus causing considerable suffering for the disadvantaged groups especially women, children and the physically handicapped.

The disadvantaged groups have tended to bear the brunt of the poor economic performance as they have been forced to live below US \$ 1 a day. The number of women living below the absolute poverty line has been rising as revealed by the Kenya *Welfare Monitoring Survey of 1997* and the *Demographic and Health Monitoring Survey, 2003*.

2.2.2 Policy Measures on Poverty

The government has instituted a number of policy measures to address the problem of poverty, including the formulation of the national *Poverty Eradication Programme* for the period 1999-2015. Among the objectives of this programme is to encourage the formation of “Partnerships against Poverty” at divisional, district and local levels. Members of the partnerships include the private sector “Faith Based Organizations” and Non-Governmental Organizations (NGO’s). These bodies have experience from which the poverty reduction officers are expected to benefit. The government has been facilitating productive employment for all women workers and those who are internally displaced thereby enhancing their full integration into the country’s labour force. This aspiration is being met as the proportion of women employed in both formal and informal sectors have been on the increase, viz 29.5 and 29.6 percent over the period 2000-2003. The employment of women by industry has also shown better scenario although gradual, Table 1. gives more insight.

Table 1: Wage Employment by Industry and Sex: 2000-2002 ('000s)

	2000			2001			2002			2003		
	M	F	Total	M	F	Total	M	F	Total	M	F	Total
Agriculture	234.7	77.6	312.3	234.5	78.0	312.5	235.8	77.9	313.7	237.5	78.5	316.0
Mining & Quarrying	4.1	1.1	5.2	4.2	1.1	5.3	4.2	1.1	5.3	4.2	1.2	5.4
Manufacturing	181.1	37.5	218.6	178.6	38.0	216.6	189.8	40.0	229.8	199.6	141.1	241.7
Electricity & Water	18.9	3.9	22.8	17.8	8.6	21.4	17.5	3.8	21.3	17.3	3.8	21.1
Building - Construction	73.6	5.0	78.6	71.9	4.8	76.7	71.5	5.0	76.5	71.7	4.9	76.6
Trade Restaurant Hotel	113.2	42.3	155.5	114.3	42.6	156.9	115.2	42.3	157.5	119.1	43.6	162.7
Transport & Communication	66.9	17.3	84.2	66.7	17.6	84.3	68.1	17.3	85.4	69.3	17	86.9
Finance, Insurance Real Estate Business Service	63.2	21.8	85.0	62.5	21.3	83.8	61.7	21.6	83.8	61.7	21.6	83.3
Community, Social & Personal Services	-	-	-	-	-	-	-	-	-	-	-	-
Public Administration	102.5	58.6	161.1	96.4	55.2	151.6	96.9	57.2	154.1	94.2	55.6	149.8
Education Services	181.4	135.4	316.8	177.6	134.1	311.7	179.0	136.3	315.3	185.1	141.0	326.1
Domestic Services	60.3	39.9	100.2	60.5	40.0	100.5	61.2	40.6	101.8	58.8	39.0	97.8
Other Services	94.9	60.2	155.1	95.4	60.4	155.8	95.4	60.3	155.7	98.1	62.1	160.2
TOTAL	1,194.80	500.6	1695.4	1176.3	495.2	1677.1	1195.3	503.4	1699.7	1216.60	511.0	1727.60
Of which Regular	989.0	402.5	1391.5	973.3	396.7	1370.0	979.3	401.6	1381.1	995.8	394.7	1390.5
Casual	205.8	98.1	303.9	203.0	98.5	307.7	216.8	101.8	318.6	220.8	116.3	337.1

Source: Central Bureau of Statistics

In the context of the Beijing Declaration the Kenya Government undertook to enhance participation of women in both labour force and employment. Table 2 gives participation rates by gender and age groups in 1988/1989 and 1998/1999.. The average gender participation rate was higher for males at 84 % compared to 80 % of females in 1998/1999. The age group participation rates revealed that labour participation rates for the first two age-groups (15-19 and 20-24) were: females 31 % and males 28 % , respectively; and 70 %, 67 % for males and females for the age-group 15-19 and 20-24, respectively. From the age-groups 25-29 to the 60-64, labour force participation rate for males was higher during the year 1998/99 than for females, although during the year 1988/89 females had a higher labour force participation rate than males.

Table 2: Labour Force Participation Rates by Age and Gender, 1998/89 - 1998/99

Age Group	Labour Force Participation Rate (%) percentage (1988/89)		Labour Force Participation Rate (%) percentage (1998/99)	
	MALE	FEMALE	MALE	FEMALE
15-19	45	42.5	28	31
20-24	80	89.1	67	70
25-29	95	97.3	92	88
30-34	96	97.7	97	92
35-39	97	98.2	97	92
40-44	97	98.2	98	93
45-49	97	98.5	96	91
50-54	96	98.6	94	87
55-59	93	98.7	88	83
60-64	92	98.5	85	77
TOTAL (AVERAGE)	84	85	84	80

Source: Central Bureau of Statistics

Although on the average male labour force participation rates have remained higher than those for females, the gap between them is gradually narrowing. The country has therefore recorded some level of success in these areas. As already mentioned, there is a need to increase women's labour force participation rates.

The Labour Force Participation Rates by level of educational attainment by gender has registered a strong positive correlation. The results from multiple indicator cluster survey (MICS) and the recent Monitoring and Evaluation Surveys have shown that women with low tertiary training level and with low education were less active in the labour market than their male counterparts. However, the average participation rate by the highest level of education attained was almost at parity.

2.2.3 Employment

Access to productive employment or income generating opportunities is the surest way for one to improve one's economic and social standing. Employment affords one the ability to meet at least the basic needs of life, e.g. food, clothing, shelter, education, and good health for an individual and his/her dependants.

As Table 3 below reveals, women’s participation in wage employment in both modern and agricultural sectors in the period 1998-2003 stagnated between 29.3 % of the total wage employment in 1998 and 29.8% in 2003. With the proposed retrenchment in the public sector this year and continued stagnation in the economy (a 1.4% GDP growth rate in 2002 as opposed to the projected 2.5%), continued political wrangles in the ruling NARC Coalition, donors dragging their feet on the promised disbursement, employment prospects are bleak, especially for women.

Table 3: Wage Employment in the Modern Sector by Sex, 1998 - 2003

Year	Women	Men	Total	% Women
1998	487.1	1177.8	1664.9	29.3
1999	490.5	1183.1	1673.6	29.3
2000	500.6	1194.8	1695.4	29.5
2001	496.7	1180.4	1677.1	29.6
2002	503.4	1196.3	1699.7	29.6
2003	512.9	1208.3	1721.2	29.8

Source: Economic Survey, various issues

2.3 Women and Health

2.3.1 Introduction

The Beijing Platform for Action requires governments to increase women’s access throughout the life cycle, to appropriate, affordable and quality health care, information and related services. Similarly, the government is required to strengthen preventive health programmes, promote and disseminate information on women’s health, increase resources and monitor follow-up for women’s health.

Since good health of the individual is a critical prerequisite for the enhancement of human development the Government accords high priority to the improvement of the health status of women, men and children by pursuing policies aimed at reducing the incidence of disease and improving health. These policies are stated in the *Strategic Health Policy Framework*, which was launched in 1994. Thereafter the *Health Sector Reform Programme (1997-2001)* was formulated to guide the implementation of these policies. The objectives of these policies include the reduction of morbidity, mortality and fertility, promotion of primary health care and widening access to health care services. Implementation of the Reform Programme has also led to decentralization of management of health facilities and financial resources to the districts. This in turn has created an enabling environment for the implementation and sustainability of health care activities including safe motherhood at the district level.

Although past policies were considerably successful up to early 1990s, the gains made have been eroded by the rapid population growth, resulting in declining per capita resource allocation to the health sector, misuse of resources due to corruption, poor performance of the economy, emigration of key health workers from the country in search of higher remuneration, the emergence of new strains of malaria and the HIV/AIDS pandemic. The resulting deterioration of health services has affected women most since they are the

majority, especially in the rural areas, and due to their special demand for health services in relation to their reproductive health. These effects are reflected in the country's status of implementation of the goals set under the Beijing Platform.

2.3.2 Key Health Indicators

Trends in life expectancy at birth, under-five mortality rates (UFRs) and infant mortality rates (IMRs) in Kenya during selected years between 1990 and 2000 are summarized in Table 4 below.

Fertility

Available data shows declining trends in fertility in Kenya. Between 1977 and 1998 fertility rate substantially declined steadily from 8.0 to 4.7 live births per woman as a result of an effective implementation of reproductive health programmes. The fertility rate rose slightly, however, from 4.7 in 1998 to 4.9 live births per woman in 2000. Life expectancy at birth for both males and females decreased between 1993 and 2000 from 63.2 to 60.4 years for females and from 59.0 to 52.9 years for males.

Table 4: Life Expectancy, Under-five and Infant Mortality Rates by Sex in Kenya

Year	Life Expectancy at Birth (years)		Under-five Mortality Rate (per 1000 live births)		Infant Mortality Rate (per 1000 live births)	
	Male	Female	Male	Female	Male	Female
1990	57.5	61.4	115	95	84	64
1993	59.0	63.2	97	89	67	58
1998	57.6	60.9	108	103	74	67
2000	52.8	60.4	114.3	104.7	74.5	65.5

Source: 1998 KDHS, MICS 2000

Infant and Under-five Mortality

Trends in UFRs and IMRs rose between 1993 and 2000 as shown in Table 4 above. The data reveal that the levels of under-five and infant mortality were higher in 2000 than in 1990. UFR rose from an average of 93/1000 in 1993 to 109.5/1000 in 2000 for both males and females, while the IMR rose from an average of 62.5/1000 to 70/1000 during the same period. It is also estimated that about 12 percent of children born alive do not reach age five, the major causes of the high mortality rates being malaria, the HIV/AIDS pandemic, lack of access to health services especially in the rural areas, insufficient resources, low levels of education among women and a decline in the coverage of inoculation against measles. The above statistics thus indicate that Kenya is unlikely to achieve the MDGs targets for infant and under-five mortality of 33 per 1000 by 2015, taking into account current human and economic development trends.

Available data indicate that every year about 34,000 children below age five die of illnesses related to malaria and that about 145,000 children in the same age bracket are admitted to hospitals due to malaria. To address the malaria menace, the *National Malaria Strategy (2001-2010)* has been introduced with the objective of reducing the levels of malaria infection and deaths by 30 percent by 2006 and to sustain that improved level of control up to 2010. This corresponds well with the target of MDGs. Past efforts to control the disease, however, have been sporadic and piecemeal and have not effectively reduced the infection

and death rates. With the implementation of the *Malaria Strategic Plan*, some preventive programmes and treatment recently undertaken show that the trend could be reversed, but only if adequate resources are mobilized and applied in a coordinated manner.

Maternal Mortality

Maternal mortality rate per 100,000 births has been steadily increasing as shown in Table 5 below. After declining from 225 in 1990 and 1992, it rose sharply to 365 deaths in 1993 reaching 590 in 1998. The rapid increase in maternal death rate is due to the fact that 50% of public health institutions are ill-equipped to handle pregnancy-related complications, resulting in the burden of unsafe motherhood. The Table also reveals that the proportion of births attended by skilled personnel has been declining from 51 % in 1990 to 41 in 2000. During the same period only 12 % of the total number of babies born were delivered under the supervision of a doctor and 32 % by a nurse or midwife. This means that most of deliveries take place at home assisted by Traditional Birth Attendants.

The above data indicates that maternal mortality in Kenya is still quite high. To reduce it by ¾ between 1990 and 2015 the government has to address several challenges, including the need to ensure availability of adequate maternity services and to address complications caused by unsafe/induced abortion, malaria and HIV/AIDS, amongst others.

Table 5: Mortality Rates in Kenya, 1991-2000

Indicators	Years				
	1991	1992	1993	1998	2000
Infant mortality rate per 1000 live births	52	51	60	74	67.4
Under-five mortality rate per 1000 live births	75	74	90	112	105.4
Crude death rate	11	10.	10.	12.	11.7
Maternal mortality rate per 100 000 births	225	150-300	365.	590	-

Source: Kenyan National Human Development Report, 2001

2.3.3 HIV/AIDS

The HIV/AIDS is a severe health problem in Kenya. Virtually all aspects of development have felt the its severe impact at household, community and national levels. Data on Table 6 shows that at the end of 2001 the total number of people living with HIV/AIDS in Kenya was 2.5 million, resulting in an adult prevalence rate of 13.5 %. Recent surveillance figures indicate, however, that its prevalence declined to 10.3 % in 2003.

The HIV/AIDS impacts on men and women differently; Kenyan girls and young women are particularly vulnerable to HIV infection. Recent trends show that more and more women are becoming infected. Table 6 below indicates that 1.4 million women in the age bracket 15-49 years are affected, compared to 0.9 million men in the same category. The epidemic imposes a heavier burden on women than on men (in their roles as mothers, heads of households and as providers of care in the family and in the community in general).

Table 6: Estimates of People Living with Aids by Gender, 1999 and 2001, (Millions)

Year	Women (15-49 years)	Men (15-49 years)	Children (0- 14)	Total	Total Kenyan Population
1999 (mn.)	1.1	0.9	0.1	2.1	29.5
2001(mn.)	1.4	0.9	0.2	2.5	31.3

Source: The Kenyan Strategic Country Gender Assessment-2003

In response to the above challenges, the Government formulated Sessional Paper No.4 of 1997 on AIDS in Kenya to provide the policy framework for the prevention and control of AIDS. In 1999 the pandemic was declared a national disaster and subsequently the *HIV/AIDS Strategic Plan (2000-2005)* was formulated focusing on priority areas for the control of HIV/AIDS and on mechanisms for mitigation of its socio-economic impacts at individual, community and national levels. According to the plan and MDG goal on HIV/AIDS, the target is to reduce its impact on Kenyans through a reduction of its prevalence by 2005 by 20 to 30 percent among women aged 15-24 years and among pregnant women and an increase in access to care and support for the people infected and affected.

The government, in collaboration with development partners, private sector and non-governmental organizations has initiated various strategies to control and halt the spread of the epidemic. These include efforts to expand awareness and advocacy programmes, promotion of behavioural change through Information Education and Communication (ICC) and encouragement of health care seeking behaviour.

Despite these efforts, the challenges are still enormous. A large number of men and women still indulge in risky sexual practices, there is still a strong resistance to the use of condoms, rural areas are under-served by voluntary counselling and testing (VCT) facilities, cultural barriers prevail, and the current cost of anti-retrovirals (ARVs) is still beyond the means of many Kenyans while resources remain inadequate.

2.4 Women and the Media

The 1995 United Nations Conference on Women recognized the important role of the media in enhancing women's development and advancement. Recommendations of the conference focused on the various issues, including the negative portrayal of women in the media, their poor representation in decision-making positions in the media and the interventions required to correct the situation.

To address the poor media portrayal of women, the media in Kenya, through lobbying by various women organizations such as Maendeleo ya Wanawake Organization (MYWO), the National Council of Women in Kenya (NCWK), the Federation of Women Lawyers (FIDA) and the Association of Media Women in Kenya (AMWIK), religious organizations and the Government, have developed media programmes in support of the key roles women play in the society. Generally the campaigns against bad practices that impact negatively on participation of women in development are undertaken through advocacy and awareness creating activities using television and radio programmes and the print media.

The campaigns undertaken by AMWIK are already yielding positive results. It is engaged in programmes that train women to involve the media in disseminating realistic information on

their activities to the wider public. With support from UNIFEM, it monitors media portrayal of women in an effort to use the data obtained for advocacy and change. AMWIK also pays special attention to the employment policies of media houses and endeavours to enhance women's chances for upward mobility in them, given the importance of their positions in the hierarchy in influencing editorial policies and consequently the content on women that goes to print.

To increase women's representation and coverage in media, AMWIK and government policies being followed by media training institutions, are geared towards encouraging girls to join journalism through lectures at schools and mentoring programmes. The success of these efforts is reflected in the increased enrolment of women at the Kenya Institute of Mass Communication during the last 10 years as indicated in Table 7 below.

Table 7: Enrolment of Students at the Kenya Institute of Mass Communication by Departments and Gender, 1994 and 2003

Department	Enrolment (Nos.)					
	1994			2003		
	Men	Women	Total	Men	Women	Total
Engineering Training	11	3	14	52	9	61
Production (TV/Radio)	10	9	19	83	117	200
Film Training	10	6	16	33	43	76
Information Training	15	12	27	38	44	82
TOTAL	46	30	76	206	313	519

Source KIMC Records-2003

The Table shows that between 1994 and 2003 enrolment of women at the only government training institution on media grew ten-fold from 30 women in 1994 to 313 women in 2003. In all departments except engineering, more women were enrolled than men in the year 2003, compared to 1994 when more men were enrolled in all the departments than women. These figures indicate that in the near future there will be more women in decision-making positions.

The major challenge is lack of gender-disaggregated data from media houses. It is therefore still difficult to assess the number of women employed in decision-making positions in this area.

2.5 Violence against Women

2.5.1 Incidents

Violence against women in Kenya is characterized by physical, sexual or psychological harm or threats of such acts. Currently domestic violence continues to be the most common form of violence in Kenya, with men being the main perpetrators.

Nationwide surveys undertaken by Population Communication Africa, in association with the National Council of Women of Kenya in 2001/2002 demonstrate that:

- Gender abuse and violence continues to be a widespread phenomenon among Kenyan women and girls, despite efforts by the relevant government arms and NGOs to address it;
- Physical and sexual assault is most commonplace among young girls who are (particularly at puberty) vulnerable to such harassment and attacks by stronger and older males within homes and at schools;
- For many adolescent girls and young adult women, further abuse episodes are associated with early marriage, with intimate partners or male relatives as perpetrators;
- 37% of Kenyan women and girls surveyed reported current-ongoing or multiple physical abuse in adult years.
- Expectedly, both physical and sexual violence and abuse were more commonly reported among the young and vulnerable than among older, stronger or more powerful young adults

The period under review, however, has witnessed increased reporting to the police, legal advice and legal support to victims of abuse and injustices e.g. battery, rape, forced early marriages, separation, divorce and Female Genital Mutilation (FGM).

2.5.2 Reported Cases

Table 8 below indicates that the number of reported cases of rape and attempted rape rose steadily from 1,050 in 1997 to 2,308 in 2003. During the same period reported cases of assault and battery fluctuated upwards from 10,288 in 1997 to 13,401 cases in 2003.

Table 8: Reported Cases of Rapes, Attempted Rape and Assault, 1997 - 2003

Offence	1997	1998	1999	2000	2001	2002	2003
Rape and attempted rape	1,050	1,329	1,465	1,675	1,987	2,005	2,308
Assault and battery	10,288	10,847	11,891	13,035	12,611	12,689	13,401

Source: Kenya Police Department

The above trends demonstrate a heightened awareness among the victims as well as the general public that rape and battery are criminal offences which must be reported and punished, thanks to the intensified education and awareness created by the anti-violence crusaders in both government and NGOs.

2.5.3 Cases Counseled on and Taken to Court.

The government is making efforts to compile statistics on this issue. The data provided by FIDA, however, shows that the NGO's client base has increased. This reflects an increased demand for legal aid and access to justice. Table 9 below provides the number of women who sought legal aid from the Organization in 2003.

Table 9: Number of Women Who Sought Legal Aid from FIDA, 2003

As at November 2003	Nairobi Clinic	Kisumu Clinic	Total
Counselling services	735	623	1358
Those taken up	414	365	779
Cases filed in court	144	91	235
No. of Clients Attending Clinic	7063	3290	10,353

2.6 Human Rights of Women

2.6.1 The Task force's Findings and Recommendations

Women empowerment is closely linked to their legal status in society. While the current Constitution guarantees all Kenyans (women included) fundamental rights and freedoms and re-affirms the principles of equality before the law, gaps remain in these laws and in socio-cultural attitudes and practices about gender disparity.

To correct this imbalance between what the Constitution states and the reality on the ground, the Government of Kenya appointed a Task Force in 1993 to review laws relating to Kenyan women. The Task Force completed its work in November 1999 and forwarded its report to the Attorney General with the following findings and recommendations:

- The Task Force recommended a review of the constitution to recognize full-scale equality between women and men, on matters such as citizenship, and personal choice in issues linked to customary practices.
- Women bore a disproportionate burden of social problems emanating from poverty, unemployment, poor health, child-bearing and child-care roles, illiteracy, physical violence and negative cultural and traditional practices. *Elimination of practices, traditions, policies and laws which violate women's rights and are in conflict with rights and duties under international laws that Kenya as a state had ratified was recommended. In view of the escalating incidents of violence, the Task Force specifically recommended the enactment of a Domestic Violence Act.*
- Issues pertaining to the establishment of the family unit, the management of family interests, and the relationship between husband and wife provided a major area of gender inequality. *Development of appropriate legal protection and the establishment of a family court system to give an atmosphere of privacy attending the resolution of disputes bearing implications for family stability were recommended.*
- Women were greatly disadvantaged in political activity and other public office holding spheres. *Affirmative action policies were recommended in the mode of public office recruitment, working conditions, education and training and in information and media, under both law and policy, to redress the deeply rooted disadvantages in the domain of governance.*
- Inequalities prevail in economic opportunities and policies in all forms of productive activities and in access to resources despite equity and equality principles in all policy instruments relevant to sustainable human development, which Kenya had developed or signed. In most cases women as a group had less access than men to resources,

opportunities and decision-making. *The Task Force recommended the implementation of strategies that train, employ and include women in the development and management of economic programmes.*

- The implementation of progressive policy, administrative and legal reforms in the area of gender required sophisticated political and bureaucratic skills, coherent strategies and a functional national mechanism to manage the process of policy advocacy and relations with other institutions. *Recommended : Sufficient mechanisms be established to oversee, coordinate, and monitor the implementation of legal and policy recommendations and strategies and the establishment of a National Gender and Development Council as a corporate body to work with the Attorney General's Office and the Kenya Law Reform Commission to ensure the amendment and development of laws and regulations aimed at removing the sources of gender inequality.*

Since the Task Force presented its report, the government has taken the following measures:

2.6.2 The Draft Constitution of Kenya 2004

The constitutional review process, which was revived in April, 2003 by the government ended in March 2004 with the adoption of a Draft Constitution by the delegates. The document now awaits submission to Parliament as a Bill for either adoption or rejection. On equality and discrimination, the document observes, among other issues, that:

- Every person is equal before the law and has the right to equal protection and equal benefit of the law;

The Draft Constitution provides that

- The state shall not discriminate 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;

The draft also commits the government to **affirmative action programmes and policies** designed to benefit individuals or disadvantaged groups.

The constitution also commits the government to affirmative action in promoting the welfare of the youth especially in access to education, gainful employment, participation in governance and in according them freedom from discrimination, exploitation or abuse, among others, and provides for free compulsory basic education for all children, amongst other measures. It also defines equality in labour relations and provides for equal political rights.

2.6.3 Other Laws

Establishment of a Gender and Development Commission

The National Commission on Gender and Development Act 2003, No. 13 of 2003, was passed and is already operational from 9th January 2004. The Commission will coordinate, implement and facilitate gender mainstreaming in national development and advise the Government on all gender issues.

The Children's Act, 2001

The Children's Act of 2001 is intended "to give effect to the principles of the Conventions on the Rights of the Child (CRC) and the African Charter on the Rights and Welfare of the Child and for connected purposes such as early marriages, FGM, rights to survival, health and medical care the provision of which shall be the responsibility of the parents and the Government, protection from child labour, sexual exploitation, prostitution, harmful drugs and legal assistance by Government."

Establishment of the Kenyan National Commission on Human Rights

The Kenya National Commission on Human Rights was established by law for the better promotion and protection of Human Rights and for connected purposes as a successor to the Standing Committee on Human Rights. Its functions include visiting prisons to ensure inmates' rights are not violated, educating, informing and sensitizing the public on human rights through lectures, publications, symposia and through other means. The Commission has to observe the principle of impartiality and gender equity in the course of its work. The Commission is already operational.

Domestic Violence (Family Protection) Bill

This Bill provides for an Act of Parliament to further provide for the intervention in court cases of domestic violence, including physical, sexual, psychological, harassment, intimidation and destruction of property. It was published but not introduced into Parliament. Time for debating it therefore elapsed. It is intended to be re-published for debate.

Establishment of a Family Court

A family Court Division is already established at the High Court and is fully operational.

Formulation of Employment Policy and Review of Labour Laws

The Government, through the Ministry of Labour and Manpower Development has formulated a comprehensive draft employment policy document mainstreaming women in employment planning and discouraging child labour. A Memorandum on it has been forwarded to the Cabinet for consideration.

A Task Force appointed to review labour laws has concluded its work and a Cabinet Memorandum is being prepared for the Cabinet. The document has articles mainstreaming gender and discouraging child labour.

2.7 Education and Training

2.7.1 Introduction

Education and training facilitate the attainment of overall social economic advancement of the people, improvement of their literacy levels, and enhancement of their earning capacity and lower their incidence of poverty. One of the fundamental pre-requisites for women's involvement in employment is therefore the acquisition of the necessary skills required in the labour market. While males have few problems in access to education, females experience many problems in pursuit of education, especially at the lower levels, leading to gender inequalities in opportunities.

The Children's Act (2001) was passed by Parliament not only in recognition of education as a basic human right that every child should enjoy but also to provide equal educational

opportunities for both girls and boys and remove cultural, religious and other forms of biases, particularly against girls. The Act takes into account the fact that at the early stages of their educational careers, girls have been dropping out of schools at a faster rate than boys thus limiting their opportunities for the successive training programmes at tertiary and university levels. The early drop-out normally limits the number of females at professional and managerial job levels.

2.7.2 Assessment Of Progress In Education And Training

Progress made in education and training for both boys and girls can be traced from their enrolments at the pre-primary school level to the tertiary and university levels.

Pre-Primary Education

In the recent past Kenya recorded improved socio-economic changes which manifested themselves in increased demand for formal education at various academic levels. The country also registered increases in multiple roles being played by women in both economic and social sectors. There has also been a significant increase in the female headed households reflecting their increased economic participation. The government has produced policies to enhance early childhood education, namely the “*Early Childhood Care Development and Education*” for those children in the age group 0-6 years. It has also developed policies against practices which discriminate against children’s education on account of their sex.

From 1995 girls’ enrolment accounted for 48.7% of the total enrolment. This close-to-parity share between the girls’ and boys’ enrolment was witnessed in the subsequent years, reaching 49.9 percent for girls and 50.1 percent for boys out of a total of 1,204,606 children enrolled in 2003. This reflects the impact of the government policy of providing equal education opportunities to both girls and boys without any form of gender discrimination as spelt out in the “*Master-Plan on Education and Training*” 1997-2010.

Primary school Education 1994-2003

The level of educational attainment in Kenya has shown some impressive gains since Independence in 1963. In view of the urgent need for the country to develop and train the country’s human resource, the government provided free primary education. This objective was not realized due to many impediments which were encountered. When “cost-sharing” was introduced, enrolment in primary schools was dominated by children from relatively well-to-do families. Many children from poor families were forced out of schools, with the girl-children being more disadvantaged as they were sacrificed for boys where their parents could not afford to pay for all of their children,

Being aware of this gender bias against girls, the Government developed a Primary Education policy the thrust of which was the accelerated attainment of “Education for All”, which covered all children with no gender discrimination. It was intended to enhance access to primary education to all children of 6-14 years. Table 10 below shows primary school enrolment by year and sex during the period 1994-2003.

Table 10: Primary School Enrolment by Year and Sex, 1994 - 2003 ('000)

Year	Boys	Girls	Total	% Girls
1994	2814.8	2742.0	5556.8	49.3
1995	2802.3	2734.1	5536.4	49.4
1996	2843.4	2754.3	5597.7	49.2
1997	2880.2	2797.1	5677.3	49.3
1998	2994.5	2925.1	5919.6	49.4
1999	3082.1	2982.0	6064.1	49.2
2000	3108.1	2991.8	6099.9	49.0
2001	3098.9	3014.9	6113.8	49.3
2002	3143.1	2988.0	6131.1	48.7
2003	3702.8	3505.3	7208.1	48.6

Source: Min of Education, Science and Technology

The primary school enrolment in 1994 was 5,555.8 (thousand) with girls accounting for 49.3 % of the total. It declined marginally to 5,536.4 thousand in 1995 with girls claiming 49.4 percent of the total. The total enrolments increased steadily thereafter reaching 7,208.1 thousand in 2003. The proportion of girls' enrolment in this year declined to 48.6 percent of the total.

The large increase in enrolment (by 17.6 percent) in 2003 was largely due to the introduction of free primary education in the country when the NARC government also made it mandatory for all the school-age children, failure to which their parents were liable for prosecution.

Number of Primary School Teachers by Gender, 1994-2003

In 1994 the total number of primary school teachers was 178,097 with female teachers accounting for 70,361, equivalent to 39.5%. In 2003 some 178,622 teachers were engaged in spite of an increasing number of children being enrolled. This has over-burdened the teachers and may have compromised the pupil's performance and the quality of education in the country. This decline in the number of teachers employed has largely been attributed to the freeze in the employment of new teachers in spite of the high rate of attrition among them, especially due to HIV/AIDS-related deaths among them.

Secondary School Enrolment by Gender, 1994-2003

Attainment of education at secondary and at higher institutions had in past been regarded by many parents in Kenya as a sure way to success for their children in the job market. This has however, ceased to be the case as the market can no longer cope with a large labour supply. This situation has, however, not dampened the demand for more secondary school places. Nevertheless, the enrolment trend has remained unsatisfactory with gross enrolment ratio increasing by only 6% percent over the ten-year period whereas the population in the age group 15-18 years has been growing by a larger percentage. Table 11 below shows that secondary school enrolment increased from 619,839 students in 1994 (with girls accounting for 45.7 p% of the total) to 871,367 students in 2003 (with girls constituting 48.2%).

Table 11: Secondary School Enrolment by Year and Sex, 1994 – 2003

Year	Male	Female	Total	% Female
1994	336439	283,400	619,839	45.7
1995	341,807	290,581	632,388	45.9
1996	352,926	305,327	658,253	46.4
1997	363,848	323,625	687,473	47.1
1998	373,440	327,098	700,538	46.7
1999	383,509	341,249	724,758	47.1
2000	402,504	356,463	758,967	47.0
2001	425,158	379,352	804,510	47.2
2002	424,006	392,948	816,954	48.1
2003	451,158	420,209	871,367	48.2

Source: Ministry of Education, Science and Technology.

The Number of Secondary School Teachers by Gender, 1994-2003

The number of secondary school teachers has been increasing at 1.9% per annum. However, the average annual growth rate for students has been 3.5 percent. This therefore shows that the teacher-student ratio has been worsening leading to an increased burden on teachers.

Table 12: Number of Secondary School Teachers by Sex, 1994 – 2003

Year	Male	Female	Total	% Female
1994	25255	13082	38,337	34.1
1995	25902	13582	39,484	34.4
1996	27334	13946	41,280	33.8
1997	29501	14,877	44,378	33.5
1998	28,231	15,463	43,694	35.4
1999	26,487	14,393	40,880	35.2
2000	26,073	14,017	40,090	35.0
2001	29,144	15,711	44,855	35.0
2002	29,824	16,077	45,901	35.0
2003	30,117	16,328	46,445	35.2

Source: Ministry of Education Science and Technology

Table 12 above reveals the dominance of male teachers at secondary school level. The proportion of female teachers at this level rose from 34.4 % of the total in 1995 to 35.2 % in

2003. The disparity between the proportion of males and females has narrowed down from 16.6 % in 1995 to 14.8 % in 2003.

Enrolment in the Polytechnics and other Training Institutes by Gender, 1997/1998 – 2003/2004.

As Table 13 below shows, student enrolment by gender in the National Polytechnics and Technical training Institutes over the period 1997/98-2003/04 grew an average annual growth rate of 4.8%. There was a steady upward growth over the period except in 1999/2000 to 2000/2001 when student enrolment declined by 6.5%; female student enrolment increased by 4.5% that of male students declined by 11.9%.

Table 13: Polytechnic and Other Technical Training Institutes Students Enrolled by Sex, 1997/98 - 2003/2004

Year	Male	Female	Total	% Female
1997/1998	16,344	7,147	23,491	30.4
1998/1999	15,861	8,348	24,209	34.5
1999/2000	17,597	8,662	26,259	33.0
2000/2001	15,509	9,048	24,557	36.8
2001/2002	17,278	10,995	28,273	38.9
2002/2003	20,049	12,701	32,750	38.8
2003/2004	19,831	12,887	32,718	39.4

Source: Ministry of Education, Science and Technology.

It is encouraging to note that proportion of female students' enrolment showed a steady upward trend.

Enrolment of Students in Public Universities by Gender, 1995/96 - 2003/04

University Education, the highest level of formal learning system, normally targets the development of the individual and provides high level manpower required for the advancement of the nation. The universities are also charged with the responsibility of developing high cadre of human resource, including the production of various skills necessary for propelling the country's economic advancement. Education at this level is also expected to expand the vision and academic horizon of the beneficiaries.

Table 14: Total Student Enrolment in Public Universities, 1995/96 - 2003/2004

Year	Male	Female	Total	% Female
1995/1996	28938	11127	40,065	27.8
1996/1997	27059	10914	37,973	28.7
1997/1998	30862	12,729	43,591	29.2
1998/1999	28,163	12,360	40,523	30.5
1999/2000	28,498	12,770	41,268	30.9
2000/2001	29,027	13,481	42,508	31.7
2001/2002	35,870	17,036	52,906	32.2
2002/2003	41,412	18,181	59,593	30.5
2003/2004	36,270	16,138	52,408	30.8

Source: Central Bureau of Statistics.

Kenya has five Public Universities whose annual enrolment has grown from 40,065 students in 1995/96 to 59,593 in 2002/03 before it dropped to 52,408 in 2003/04. The rapid increase in enrolment has been influenced by both double admission which was meant to wipe-out students admission backlog since the middle of the last decade, and the introduction of the parallel university education system. Although the enrolment of female students has been persistently lower than that of males, the gap between the two has been steadily narrowing. With the recent pronouncement that the cut-off points for female students admission will be one point lower than that of their male counterparts, the gap is envisaged to get even narrower in future. Table 14 illustrates these trends.

Although the gap in primary education is narrowed by the free primary education policy, the challenges in education at this level include over-load and over-crowding, lack of facilities, teachers and financial resources.

Private Accredited Universities Enrolment by Gender 1997/98-2003/04

The mission of the thirteen Private Accredited Universities is the same as that of the Public Universities. There are however minor differences in their education goals and areas of emphasis. They are usually run on commercial principles in contrast to the Public Universities. Table 15 below provides a series of data on the enrolments by these institutions.

Table 15: Private Accredited Universities Enrolment By Sex, 1997/98 - 2003/2004

Year	Male	Female	Total	% Female
1997/1998	1,812	1,834	3,646	50.3
1998/1999	2,072	1,816	3,888	46.7
1999/2000	3,186	3,816	7,002	54.5
2000/2001	3,093	4,050	7,143	56.7
2001/2002	3,122	4,089	7,211	56.7
2002/2003	3,476	4,163	7,639	54.5
2003/2004	3,650	4,371	8,021	54.5

Source: Central Bureau of Statistics

Total enrolment by these universities has showed a steady up-ward trend between 1997/1998 and 2003/04. Their total enrolment in was only 8.4 % of the total Public Universities in 1997/1998. This proportion has increased to 15.3 % in 2003/2004.

Female student enrolment has been higher than that of males in these universities during the entire period except in 1998/1999 when 2072 males were enrolled compared to 1816 women.

2.8 Women and the Environment

Although environmental factors affect all Kenyans, women as the main producers of food, mothers and indeed as the majority of the poor and disadvantaged in Kenya are more seriously affected by adverse environmental problems. Conversely, women usually constitute the majority of beneficiaries of improved and better environmental management. Policies on the management of water resources, forest resources and all forms of energy therefore have a strong bearing on women in both rural and urban areas. Only about 50 % of Kenya's rural and 75 % of urban population currently have access to safe potable water. Women in the rural area still travel long distances in search of water and fuel wood and thus waste valuable time that could be used productively. As the country is also susceptible to frequent rainfall variability with frequent droughts and floods, the critical importance of effective environmental management to gender issues especially in relation to sustainable development, food security and poverty alleviation cannot be easily denied.

A number of measures have been implemented to address environmental issues in which women and men have been involved at both national level and at grassroots. In 2002, the Government established the National Environment Management Authority (NEMA) to manage, conserve and sustain the utilization of environment and natural resources. Budgetary allocation for environmental management was also increased by 73 % by the Government, reflecting her commitment in this area. The Water Act, also enacted in 2002, provides for participatory management of water supplies in rural areas and will also likely to benefit rural women. There is a need however to ensure that sections of the Act providing for privatization of water management by local authorities, especially in the urban areas, do not limit but enhance women's participation in decision-making on water management.

Because of increased poverty levels among the population, 90 % of the rural households and 85 % of urban households depend on wood fuel to meet their energy requirements. In view of this, efforts are being made to promote sustainable wood resource management through efficient harvesting and end-use technologies. Women are involved in afforestation, tree farming at household and community levels. In this year's budgetary proposals (June 2004) the Government has lifted the value added tax on petroleum gas for domestic use in order to reduce the use of wood fuel. This, together with increased supply of electric energy and promotion of the use of other alternative energy sources such as solar and wind energy will lessen the heavy reliance on wood fuel.

2.9 Women in Power and Decision Making

Over the years, the Kenyan woman has been grossly under represented in both the political and other decision-making spheres of life. For example, at the dawn of independence (1963) there was no female representation in Parliament. In 1998, there were 222 Parliamentarians and women constituted 4.1%. However, there has been a marked improvement in the nomination of MP's. Out of the twelve nominated MP's, 41.7% were women compared to 8.3% in 1992.

The 2002 General Elections saw even more women enter parliament. The number of women parliamentarians doubled from 9 to 18 in March 2003, an increase from 4.1% to 8.1% of the total. This achievement was not confined to the National Assembly but can be seen from Tables 16 and 17 below in various appointments made in the public service, including the parastatals. There were 7 women ambassadors/high commissioners in 2003 compared to 2 in 1998. Women District Commissioners increased from 1 to 3 during the same period. The number of Women Deputy secretaries increased from 13 in 1998 to 19 in 2003 a jump from 15.8% to 20.2%.

Women representation as the number of cabinet appointees, nominated parliamentarians, judges, magistrates, senior police officers and local authorities went up after December 2002 General Elections. However, there are areas like appointments of Permanent Secretaries, Provincial Commissioners, Chancellors and Vice Chancellors of universities where women representation in decision-making is still low.

Table 16: Women Participating in Politics and Decision Making 1998 – July 2002

RANK	1998				2003			
	Women	Men	Total	(%) Women	Women	Men	Total	(%) Women
National Assembly	9	213	222	4.1	18	204	222	8.1
Ambassadors/ High Commissioners	2	31	33	6.1	7	27	34	20.6
Permanent Secretary (PS)	4	26	30	13.3	3	21	24	12.5
Provincial Commissioners (PC)	0	8	8	-	0	8	8	-

District Commissioners (DC)	1	68	69	1.4	3	68	71	4.2
Deputy Secretary	13	69	82	15.8	19	75	94	20.2
Councilors	300	3392	3692	8.1	377	2460	2837	13.3
Lawyers	1295	3249	4544	28.5	1645	3179	4724	32.7
District Officers (DO)	68	644	712	9.6	88	541	729	12.1

Source: - Women's Bureau

- *Electoral Commission*
- *DPM Compliment Statistics Unit*

Table 17: Judicial Service Establishment in Kenya by Grade and Sex

Rank	July 2002				June 2003			
	Women	Men	Total	(%) Women	Women	Men	Total	(%) Women
Chief Justice	-	1	1	-	-	1	1	-
Judges of Appeal	1	10	11	9.1	1	12	13	7.7
High Court Judges								
Commissioners of Assize	3	5	8	37.5	1	2	3	33.4
Chief Magistrates	4	6	10	40.0	6	8	14	42.9
Senior Principal Magistrates	5	9	14	35.7	9	13	22	40.9
Senior Resident Magistrates	23	39	62	37.1	32	55	87	36.8
Resident Magistrates	39	57	96	40.6	53	71	124	42.7
District Magistrates	60	101	161	37.3	85	121	206	41.3
Chief Kadhi/Khadhis	-	17	17	-	-	17	17	-
Total	141	274	415	34.1	196	342	538	36.4

Source: - Judicial Commission

- *DPM Compliment Statistical Unit*

From the recent developments it can be concluded that overall Gender Empowerment Measure (GEM) which is a composite indicator of representation of women in political, administrative, managerial, professional and technical positions as well as women's share in total income has improved from the level of 0.41 given in 2001

3.0 INSTITUTIONAL MECHANISMS FOR THE IMPLEMENTATION OF PLATFORM OF ACTION

3.1 Introduction

It is recognized that effective implementation of Platform of Action requires national institutions which are committed and well organized with clear rules, procedures, mandates, authority and have adequate resources. In addition, at the national level there is need to have a clear policy for mainstreaming gender issues in development. In Kenya the institutions involved in the coordination and implementation of the Platform are the Government, Civil Society and Development Partners.

3.2 Policy Implementation Framework

The National Policy on Gender and Development was approved by the Cabinet in 2000 and is now at the Sessional Paper Stage awaiting Cabinet Approval before it is operationalized. The overall objective of the policy is “to facilitate the mainstreaming of the needs and concerns of men and women in all areas in the development process in the country”. Among the critical areas identified in the policy is the economy, poverty, Law, education and training, health and population, the media, political participation and decision-making, policy implementation framework and resource mobilization.

- **The Government**

The implementation of the Platform of Action is through the Ministry of Gender, Sports, Culture and Social Services, which has the mandate of coordinating gender mainstreaming at national level and policy formulation. Through the Ministry, the Government by an Act of Parliament 2003, passed a bill for the establishment of the National Commission for Gender and Development. The main objective of the Commission is to coordinate, implement and facilitate gender mainstreaming in national development and to advise the Government and other organizations on gender issues. However, the Commission is still non-functional as the Government is in the process of appointing the members and the executive officers, who should be on board before the end of 2004. Once it is made functional the Commission will be responsible for implementing and coordinating the Platform of Action.

Currently Women’s Bureau a division within the Ministry of Gender, Sports, Culture and Social Services is the national machinery for the advancement of women. Its mandate include formulation, implementation and monitoring of policies on gender issues, coordination of gender related activities and collection, analysis and dissemination of sex-disaggregated data among other functions.

The achievements of the Bureau during the period under review include the development of the five year strategic plan to accelerate the implementation of Beijing Platform of Action; producing Gender disaggregated data on health, agriculture, formal and adult education, facts and figures of women and men in Kenya, development of district specific action plans and undertaking dissemination of BFA activities for 19 districts amongst others.

It is however noted that the division has no capacity to carry out its mandate effectively. It is grossly understaffed and lacks gender specialists, financial resources are minimal and has insufficient equipments e.g. computers and vehicles. These factors have inhibited the Bureau

in implementing most of the planned activities for Platform of Action. The activities not implemented include producing gender-disaggregated data for all the sectors, putting in place mechanisms in monitoring progress. As a result monitoring and evaluation is done on ad-hoc basis.

In terms of network with other ministries, the Bureau coordinates its activities gender focal points. The findings however show that although focal points for gender issues were established in most of the Ministries, they are either ineffective or non-functional. The ineffectiveness of gender units in the line ministries is mainly as a result of lack of support from their ministries and from the national machinery – Women’s Bureau. Consequently, they are unable to implement the Platform of Action because of lack of capacity and resources.

- **Civil Society Organizations**

In the implementation of Platform of Action there is collaborative effort between the national machinery- Women’s Bureau and Civil Societies in Kenya. It is recognized that there are many effective civil society organizations, which are actively involved both in coordination and implementation of the critical areas of the Platform of Action. These NGO’s include the Federation of Women Lawyers (FIDA), National Council of Women of Kenya (NCWK), Maendeleo ya Wanawake Organization (WYWO), Kenya Women Political Caucus (KWPC), Kenya Women’s Finance Trust (KWFT) and League of Kenya Women Voters amongst others. Although these organizations are active in addressing gender issues and concerns in development, interactions between them and policy makers are not strong and require improvement. The strong link could be supported through capacity building of the national machinery and civil society organizations. The support for these institutions has been coming through international development partners.

- **Development Partners**

The development partners have given both technical and financial support for the programme and activities geared towards gender issues and concerns in various ministries and civil organisations. The programme supported includes; Advocacy, Capacity building, and research activities.

The key UN Agencies networking with government, UNDP, UNIFEM, UNICEF and UNFPA. The UNDP has for the last 4 years being supporting gender main streaming programming with the Ministry of Gender, Sports, Culture and Social services.

The areas of support include: conducting baseline surveys on women empowerment, sensitization activities in 10 districts on gender issues and dissemination of survey results. UNIFEM supports gender facilitative initiatives.

3.3 Challenges/ Way Forward

The challenges facing almost all the institutions implementing the Platform of Action include lack of capacity and inadequate financial and material resources and weak coordination. For example, the national machinery-the Women’s Bureau has only a minimal allocation of US\$ 400,000 for gender mainstreaming activities. In addition the gender focal points in line

ministries have no specific budget for gender activities. Furthermore, the personnel manning the national machinery and gender focal points lack specialized training on gender issues

There will be a need for capacity building in all the institutions and allocation of adequate resources for their activities. The Women's Bureau should establish Monitoring and Evaluation system and strengthen both the statistical unit and the resource centre. Further the national focal point should improve its collaboration, coordination and networking with civil society organizations and development partners.

4.0 CONCLUSION AND THE WAY FORWARD

Kenya Government has put in place strong foundation for the improvement of status of women and eventual attainment of gender equality. This positive achievement is as a result of various policies and legislation which have either been adopted or enacted during the last 10 years and in particular from the year 2000 as explained in various sections of this report. Thus it can be summarized that there is commitment from all the arms of the Government for the advancement of women through policies and legislation.

In terms of achievements highlighted under the critical areas of concern, it is acknowledged that concrete achievements have been made through sectoral policies and gender specific programmes at various levels of implementation. However it is difficult to quantify the level of implementation because of lack of established monitoring and evaluation system and secondly because of lack of gender disaggregated data covering all the critical areas of concern. It was also noted that despite the policies and legislation put in place, there are many challenges inhibiting the implementation of the Platform of Action. These include high level of poverty; weak institutional mechanisms for the implementation of the PFA; negative attitude of men especially immediately after the 1995 Beijing Conference, where at the policy level the conference was looked upon down as only women affairs; inadequate human, financial and material resources. Other constraining factors are gender blind budgeting and the absence of gender disaggregated data which could be used to design plans and programmes for gender empowerment activities.

To overcome these challenges there is urgent need to have the Gender Commission functional; strengthen the capacities of gender focal points in line ministries to undergo gender specific training; and allocate adequate resources to all established institutional mechanisms and in particular the national focal point. With the provision of adequate resources there will be need to intensify awareness and advocacy campaigns and increase the level of research on issues affecting women. There is also urgent need for the Government and civil society organizations and in particular women organizations to strengthen their coordination mechanisms in the implementation of the Platform of Action.

Furthermore, there is urgent need to strengthen the Central Bureau of Statistics to enhance its gender data collection capacity and need for political goodwill on the part of politicians to implement the draft new constitution. Equally, there is need to enhance female participation in wage employment through implementing women friendly strategies including affirmative action not to mention need for increased resource allocation to the health sector and enactment and implementation of environmental friendly policies.

The support given by development partners in addressing gender issues and concerns is commendable. There is however need for more technical support and resources for the implementation of PFA.

Finally, it is evidently clear that with the support and commitment from all the players that is Government, civil society organizations, development partners and other interested parties in the implementation of the Beijing Platform of Action, Kenya will greatly improve the status of women.

BIBLIOGRAPHY

1. Government of Kenya (GOK) (June 2003): Economic Recovery Strategy for Wealth and Employment Creation, 2003-2007.
2. GOK: National Development Plan, 2002-2007 and 1997 - 2002
3. GOK: National Poverty Eradication Plan, 1999-2005, February 1999.
4. National Constitutional Conference (15 March 2004), The Draft Constitution of Kenya.
5. GOK, Poverty Reduction Strategy Paper.*
6. GOK, The Third and Fourth Reports to CEDAW.*
7. GOK, National Action Plan for Implementation.*
8. GOK, Millennium Development Goals.*
9. Central Bureau of Statistics: Economic Survey, various issues.
10. GOK, Statistical Abstract, various issues.
11. GOK: National Poverty Eradication Plan, 1999-2005, February 1999.
12. National Constitutional Conference (15 March 2004), The Draft Constitution of Kenya.
13. GOK, The Third and Fourth Reports to CEDAW.*
14. Population Communication Africa & CIDA/GESP (Tony Johnson, Julia Seth-Smith, and Cathy Beacham, September 2003), Kenya: Gender Facts and Figures.
15. GOK (May 2000), National Report on Progress Made in Implementing the Platform for Action (PFA) 1995-2000.
16. UNDP: Kenya Human Development Report 1999.
17. UNDO: Kenya Human Development Report 2001 – Addressing Social and Economic Disparities.
18. UNIFEM Regional Office for Eastern and Horn of Africa (February 2002), Accelerating the Advancement of Women in Kenya (National Facilitation Initiative – Phase II) 2001-2003).
19. Ministry of Planning and National Development (November 2003), Interim Investment Programme for the Economic Recovery Strategy for Wealth and Employment Creation 2003-2007, November 2003.
20. Ecotech Consultants/Kenya Women’s Bureau: Monographs.*
21. The Third and Fourth Report to CEDAW
22. Ministry of Health – National Malaria Strategy 2001 – 2010
23. Republic of Kenya – Millenium Development Goals – Progress Report for Kenya – 2003
24. Ministry of Health – Kenya’s Health Policy Framework
25. Ministry of Health/UNDP – Mainstreaming Gender in Poverty Reduction Strategies
26. Ministry of Health – National Reproductive Health Strategy 1997 – 2010

27. Republic of Kenya – Platform for Action for Improving the Welfare of Women in Kenya – 1997
28. A World Bank Report – The Kenyan Strategic Country Gender Assessment
29. UN – Beijing Declaration and Platform for Action with the Beijing Political Declaration and Outcome Document
30. The United National Common Country Assessment for Kenya
31. Republic of Kenya – Interim Investment Programme for the Economic Recovery Strategy for Wealth and Employment Creation 2003 – 2007
32. Office of the President – The Kenya National HIV/AIDS Strategic Plan 2000-2005
33. Republic of Kenya – A Gender Analysis of Health in Kenya – 2001

34. Republic of Kenya – Women and Men in Kenya Facts and Figures 2000
35. 5 years After Beijing – Assessing Women and Poverty and Economic Empowerment of Women, Assessing Political Empowerment of women, Assessing Women and Health, Assessing the Girl child, and Assessing Women and Education.
36. Republic of Kenya – National Report on Progress Made in Implementing the Platform for Action 1995-2000
37. UNIFEM – Kenya’s Progress in Implementing the Beijing Platform for Action 1999.
38. Republic of Kenya-Kenya Gazette Supplement Acts, 2001, Nairobi, 4th January 2002 contents. The Children Act, 2001 p493.
39. Strategic Plan for Accelerating implementation of the Beijing Platform For Action National perspective (2001-2006) – Prepared by Women Bureau and Funded by UNDP and UNIFEM.
40. Gender Series. The Sexual Abuse of Kenyan Women and Girls-Population Communication-Africa. A briefing Book-Tony Johnson-March 2003.
41. Gender Series. Kenyan Women. Lifetime of Abuse - A study of Abuse – A study of Women Reporting Multiple Abuse – Population Communication Africa Sept, 2003.
42. National Constitution Conference – The Draft Constitution of Kenya 2004, - Adopted By the National Constitution Conference on 15th March, 2004.
43. Convention on The elimination of All Forms of Discrimination Against Women – United Nation.
44. Convention on The Rights of the child-committee on the Rights of the Child.
45. Kenya: Gender Facts and Figures – Tony Johnson, Julia Seth Smith, Cathy Beachem Population Communication Africa in Association with CIDA/GESP. September 2003
46. Office of the President-Mainstreaming Gender into the National HIV/AIDS Strategic Plan 2000-2005-September 2003.
47. Step by Step – Backward or Forwards? The Revised 2003 FIDA Kenya Annual Report.
48. Republic of Kenya-Report of The Task Force Appointed to Review Laws Relating to Women-November, 1999.
49. Republic of Kenya-Kenya Gazette Supplement Bills 2002-Content – The Kenya National Commission on Human Rights Bill, 2002 Paper and The Domestic Violence (Family Protection) Bill, 2003, page 33.
50. Republic of Kenya-Kenya Gazette Supplement Acts, 2003-Nairobi, 9th January, 2004-content. The National Commission on Gender and Development Act, 2003 page 265.