

Gender Donor Roundtable Statement to Consultative Group 2005

Opening remarks

The Gender sector working group extends its highest congratulations to the government of Kenya. Over the years, the Government of Kenya has demonstrated commitment to improvement of the status of women. It has shifted from women in development programs that treat women in isolation to Gender and Development, which focuses on mainstreaming strategies. The mainstreaming approach is based on the principle that sustainable development will occur when the dynamics of differential power and privileges between women and men are addressed. This has been seen in such structures as the gender balanced composition of commissioners in the Kenya National Human Rights Commission (KNHRC), and the creation of the Gender Commission.

In addition the government has undertaken policy commitments in the form of specific national settlements on women's positions. Various national development plans, national policy on gender and development, sessional papers and a five-year strategic plan for enhancing the next phase of the Beijing Platform for Action have addressed gender concerns and efforts have been made to facilitate legislative acts which seek to promote a gender equitable society. The members of the Gender donor round table would like to extend their willingness to support the government in its efforts in mainstreaming gender in all areas of its work.

Background

The NARC government has strengthened the national machinery for promoting gender equality with the establishment of the Ministry of Gender, Sports and Culture (2002) and the National Gender Commission (2004). The legal and policy framework for promotion of gender equality, however, remains weak and inadequate, despite Kenya having ratified the Convention on the Elimination of Discrimination against Women. Kenya does not have a comprehensive gender and development policy that can guide the legislative reforms. There are a number of bills that have been pending for the last few years, which seek to protect women's human rights. These include the Affirmative Action Bill, Criminal Law amendment Bill 2000, National Gender and Development Bill 2000, Equity Bill 2000, Domestic Violence (Family Protection) Bill 2001, and the Gender and Development Policy Bill 2000 and sessional paper.

Despite these initiatives, women are under-represented in decision-making levels in public employment, judiciary, and private employment and in statutory bodies. Still women are the majority voters both in parliament and in civic elections, but they have not exercised their potential power for a number of reasons.

The IP-ERS process attempts to link district priorities with government resource allocations and recognizes the increasing awareness and acceptance of the role of the community-based organizations, community empowerment and partnerships between the government and civil society in providing rural services. However, community

empowerment does not necessarily reflect gender empowerment, or women's activities indicating gender equality.

THE CONTEXT WITHIN NATIONAL PRIORITIES

Legal Status of Women and Institutional Mechanisms for the Advancement of Women

The National Commission on Gender and Development Act 2003 was passed and is operational to coordinate, implement and facilitate gender mainstreaming in national development. The Gender Department has also been established in the Ministry of Gender, Sports, Culture and Social Services to oversee policy issues effecting women in Kenya. These are the national machineries created for the advancement of women in Kenya. The Kenya National Commission on Human Rights has been established through an act of parliament with its task, among other things, to observe the principle of impartiality and gender equity.

The Domestic Violence (Family Protection) Bill 2000 was published, but not introduced in Parliament. It is intended to provide for the intervention of court cases of domestic violence, including physical, sexual, psychological, harassment, intimidation, destruction of property etc. This is an important bill to women of this country and efforts should be made to re-introduce it to parliament. The Government, the civil society, and the NGOs have been working very closely to provide women, who are subjected to violence, with access to the mechanism of justice and informing women of their rights in seeking redress.

Gender disaggregated data

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. The Central Bureau of Statistics (CBS) has embarked on measures for including data on women's contribution to GDP into the national account data. Most of the data on employment is currently collected and analyzed in a disaggregated manner to reflect gender contributions and the CBS is collecting gender disaggregated data through its administrative data collection instruments and its major surveys.

Furthermore, the government, through the CBS, has developed indicators to monitor implementation of key policies and progress towards MDGs. Most government ministries, including the Ministry of Gender, have established statistical units.

Women, Power and Decision-making

Only a few more women entered parliament through the 2002 general elections. However, the number of women parliamentarians doubled from 9 to 18 in March 2003, an increase from 4.1% to 8.1% of the total. While an improvement, this is still well below the 50 percent share of women in society. The number of women appointed to the

public service, including the parastatals, the judiciary, various task forces, the police force and local authorities, has also increased.

The proportion of women cabinet appointees, nominated parliamentarians, judge magistrates, senior police officers and local authorities also rose after December 2002 general elections. However, few women are serving as permanent secretaries, provincial commissioners, chancellors and vice chancellors of universities.

Labour and Employment

The Kenya government has undertaken to enhance participation of women in employment. The average gender participation rate was higher for males at 84% in contrast to 80% of females in 1998/99. Although on the average males economic participation has remained to be higher than those for females, it is noted that the gap between them is gradually getting smaller. The Government through the Ministry of Labour and Manpower Development has for the first time in the country's history formulated a comprehensive draft employment policy mainstreaming women in employment planning and discouraging child labour.

Health

Current statistics of key health indicators shows a declining trend. Life expectancy at birth for males and females decreased between 1993 and 2000. For females it went down from 63.2 years to 60 years, and for males from 59 years to 52 years during the same period. Under 5 mortality and infant mortality rose. The major causes of high mortality include malaria, HIV/AIDS, and lack of access to health services especially in the rural areas, insufficient resources, and low status of women in health education. From the above statistics it is evident that Kenya will not achieve MDGs target for infant and under 5 mortality of 33/1000 by 2015.

Education

The girl child share of the total enrolment then rose from 48% in 2002 and to 49% in 2003. Girls as well as boys are benefiting from the free primary education policy. Still, but more needs to be done to enroll girls from the arid and semi-arid regions in school, where the gap between male and female enrolment is much wider.

The secondary school enrolment increased from 619,839 with women accounting for 45.7% in 1994 to 871,367 and women contributing 48.2% in 2003. The share of women to men of the total enrolment steadily approached parity over the ten years with it being much closer in 2003. This supports the affirmative policy objectives by the government, which advocated for the promotion of social and gender equality in the provision of education.

Rural water

Water scarcity accentuates poverty by directly limiting people access to a basic necessity and indirectly limiting access to food and employment. From a gender perspective, the burden of inadequate and unsafe water and poor sanitation is borne by women and girls who have to fetch water for domestic use, irrigation and livestock. This reduces the opportunity for women to participate in the formal labour markets. Improving access to water will also have the benefit of freeing up time and energy for girls to attend school.

Key Challenges which must be addressed

The share of women in wage employment in the non-agricultural sector has remained more or less static at around 30.6% of total wage employment in the non-agricultural sector. Thus women are still highly marginalized in employment, largely due to their relatively lower levels of skills and weak empowerment, which are in turn due to disparities in educational and training and other opportunities.

Maternal mortality rate per 100,000 births has been steadily increasing. 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

On HIV/AIDS recent trend show that more and more women are becoming affected. In year 2001 it was recorded that 1.4 million women in age bracket 15-49 years were affected compared to 0.9 million men in the same age group. Other challenges in health include declining per capita resources allocation to the health sector, misuse of resources and the emergence of malaria. Further, female genital mutilation continues to be a big problem in some communities and requires bold measures such as cultural and attitude change for the abandonment of such practises. While statistics on HIV/AIDS suggest that the spread of the disease is slowing, the number of men and women who are affected is still rising. On malaria although the government has put on strategies of reducing the levels of malaria infection, it will not reach the target of reducing the infections and deaths by 30% by 2006 and sustaining the level up to 2010.

Other challenges affecting women are domestic violence, gaps in laws and in socio-cultural attitudes and practices, lack of gender disaggregated data. There will therefore be need to have special programmes addressing these challenges.