



GENDER & GOVERNANCE (GGP) III

PROGRAMME DOCUMENT

2008 – 2011

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Acronyms

CEDAW	Convention on the Elimination of all forms of Discrimination Against Women
CSO	Civil Society Organisation
DSC	Donor Steering Committee
EPPP	Engendering Political Participation Process
GGP	Gender and Governance Programme
GoK	Government of Kenya
GJLOS	Governance, Justice, Law and Order Sector
HRBA	Human Rights Based Approach
JFA	Joint Financing Agreement
KEWOPA	Kenya Women Parliamentary Association
KR	Key Result
KJAS	Kenya Joint Assistance Strategy
MTP	Medium Term Plan
MDG	Millennium Development Goal
M&E	Monitoring and Evaluation
NCGD	National Commission on Gender and Development
NCEP	National Civic Education Programme
NGO	Non Governmental Organisation
NSA	Non State Actor
PMFA	Programme Finance Management Agent
SWOT	Strengths, Weaknesses, Opportunities and Threats
UNIFEM	United Nations Development Fund for Women

Executive Summary

The Gender and Governance Programme III (GGP III) represents the third phase of the 2004 GGP and its design is informed by an evaluation of the GGP II programme, stakeholder feedback and considerations based on the recent, and evolving, political reform and development context in Kenya.

Good governance is defined as the *transparent, responsible and effective exercise of power and resources by the government, in dialogue with the population*; in this regard it must also carefully address the differing experiences of women and men. **Good and gender-sensitive governance** revolves around the equal participation of men and women in governance institutions and processes, freedom of association and space for an active women's movement; transparency and gender equity in the allocation of resources; legitimacy of cause through the legislation of gender equality and the promotion and protection of women's rights; and effectiveness achieved through gender-sensitive policies and institutional structures. Once established, gender-sensitive governance aims to increase women's participation and civic engagement in politics, and to strengthen gender awareness and capacities among both women and men to deliver services that address the specific needs and interests of women and men in the community.

The Government of Kenya is committed to establishing good governance and human development in all sectors and eliminating discrimination in its legislation, policies, and programmes. It has begun to propose various interventions grounded in both policy and legal frameworks. Through its *Vision 2030* Kenya seeks to build a just and cohesive society with social equity in a clean and secure environment and the Medium Term Plan (MTP) 2008-2012 is the first of the medium-term plans developed for its implementation. With regard to governance and rule of law, the government is, or will be, implementing (i) flagship projects, which take into account the post-2007 election crisis and therefore aim to build a strong governance and rule of law foundation for the achievement of Vision 2030; (ii) other new and ongoing programmes across five strategic priority areas; and (iii) sector-wide initiatives within the scope of the Governance, Justice, Law and Order Sector (GJLOS) Reform Programme. These all constitute opportunities for the GGP III and together with an analysis of past programme achievements, lessons learned and stakeholder reviews and recommendations, inform the GGP III and provide strategic guidance for its focus and entry points.

The GGP III will adopt a two-pronged human-rights based approach working with the state (duty bearers) on the one side and the citizens at the grassroots level (rights-holders) on the other. It will focus on providing technical support to government institutions and national gender machineries in achieving equal access of women to goods and services, and civil society organisations in holding duty bearers accountable. Through specific and varied activities, it will strive to contribute to engendered national and local institutional policies and legal frameworks; increasing women's participation in governance at all levels; and supporting civil society in articulating women's needs, demanding and influencing the delivery of equitable services.

The GGP III has a wide range of stakeholders and partners which will include the Government of Kenya, national and international donors of the programme, civil society and most importantly, the women of Kenya. The programme will be managed by UNIFEM in the role of Programme and Financial Management Agency (PFMA), as appointed by the Donor Steering Committee (DSC) and will be implemented through a broad range of organizations, largely acting as implementing partners, under the guidance, supervision and management of the PFMA; UNIFEM will report biannually to the DSC on GGP III achievements. A number of factors external to the actual design of the GGP III programme may affect its implementation to greater or lesser degrees – these have been carefully assessed and mitigation strategies identified.

Introduction

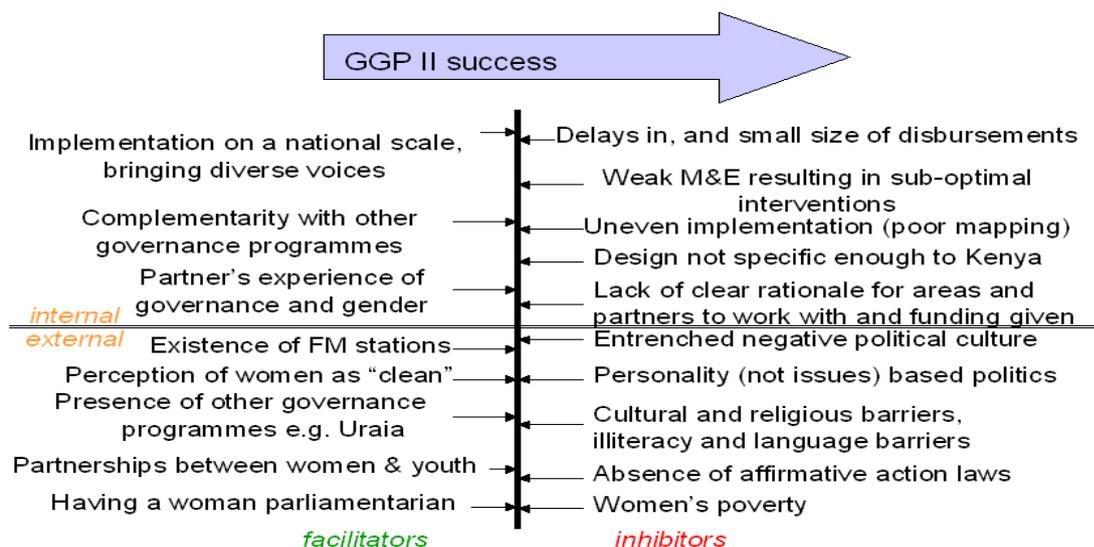
The Gender and Governance Programme III (GGP III) represents the third phase of the original Gender and Governance Programme (GGP) launched in September 2004, which followed the Engendering Political Processes Programme, Phase I (EPPPI). The EPPPI was an initiative to support women to effectively participate in Kenyan political processes, and in particular, to support women towards the 2002 general elections in Kenya. It was implemented for the 18 months leading up to the 2002 Kenyan general elections. The need to broaden the objectives of the EPPPI, and to have a programme supporting the engendering of overall governance structures and institutions in Kenya led to the development of the Gender and Governance Programme (GGP) – largely designed around discussions with various stakeholders - whose key objective was to provide focused, coordinated, and long-term support towards women’s enjoyment of human rights and participation in democratic governance.

The first phase of the GGP was managed by Action Aid International Kenya (AAIK) from 2002 through 2004 and was funded by the governments of Sweden, Netherlands, Canada, UK, Ireland and Denmark. Following end of programme reviews and assessments, the Donor Steering Committee (DSC) developed new terms of reference for the Programme and Financial Management Agency of the GGP (for GGP Phase II) in July 2006 and the responsibility was transferred to the United Nations Development Fund for Women (UNIFEM) for the period ending in March 2008. The stated objectives of the GGP were: (i) to support constitutional, legal, policy and institutional reform for gender equality, non-discrimination and the equal participation of women in all governance structures in Kenya; (ii) to increase options, choices and capacities for Kenyan women in order to enhance women’s organising, leadership, influencing and participation for gender equality, human rights and democratic governance; (iii) to strengthen positive images of women in leadership within communities; and (iv) to strengthen the knowledge and capacities of women civil society organisations on gender and governance to help them spearhead and transform policies, programme and resource allocation as well as provide empowerment support actions to women in Kenya.

The design of the third phase of the GGP (GGP III) is informed by an evaluation of the GGP II programme entitled “*Evaluating the Gender and Governance programme, June 2008*”, which was undertaken by South Consulting during the first half of 2008, which enumerated the achievements and lessons learned under the EPPP and the GGP II. The design was further informed by a series of consultative workshops with various donors, implementing partners and UNIFEM and considerations based on the recent, and evolving, political reform and development context in Kenya.

The GGP II evaluation analysis indicates factors which affected the impact of the programme. The evaluation highlighted factors that drove the programme success; factors that facilitated success; and inhibitors that slowed or even thwarted the success of the programme. These were outlined in the table below.

The evaluation of GGP II



The evaluation also suggested several action points that should be incorporated into the next work plan:

Action Points

Short term	Longer term
<ul style="list-style-type: none"> • Pause, reflect, learn • Build consensus on goal • Focus on healing activities • Build alliances and partnerships • Capacity assessments • Revise organisational structure • Design M&E + do baseline • Do context analysis • Address ethnicity • Package/ sell success stories 	<ul style="list-style-type: none"> • Governance transformation programme • Closer relationship with GoK • Builds capacity of broader women's movement • Accountable to national agenda • Multi-pronged strategies • Fully integrate youth • Informed by rights-based approach • Grounded in local needs and fully networked with local programmes

These factors have been considered and incorporated into the design of GGP III.

Contextual analysis

Gender-based inequality is a phenomenon that affects many of the world's cultures, religions, nations and income groups and has a strong impact on those living in poverty. Globally, women account for two-thirds of the people currently living in extreme poverty and two-thirds of the world's illiterate population. Every year, more than half a million women die from complications in pregnancy or childbirth. In sub-Saharan Africa, women and girls account for 55% of adults infected with HIV and 80% of 15-19 year olds; furthermore, a young, HIV positive woman is nearly 10 times more likely to experience violence at the hands of her partner than a non-infected woman is. In the world of politics, women hold less than 13% of the world's parliamentary seats and less than 9% of seats in the least developed countries.

Why gender + governance

Good governance is defined as the *transparent, responsible and effective exercise of power and resources by the government, in dialogue with the population* and it must encompass good policy, human rights, democratization, decentralization, and institution building - including civil society and private sector development and engagement. The scope of governance goes beyond the simple delivery of basic services and traditional political dimensions; it includes a bottom-up process of participation in decision making and operates on democratic principles with values and practices that stress people's empowerment and participation, gender equality, legitimacy, transparency, accountability and effectiveness.

Participation by both women and men is a key cornerstone of good governance. It also requires addressing the differing experiences of women and men. For example, responses to poverty which address the needs of women will not necessarily be those that target women in isolation but rather those that understand the different roles, responsibilities, interests and needs of poor men and women. It is a common concern that contemporary governance structures are ill-prepared to tackle poverty and inequality as they are themselves often biased and unequal in their very formation. In order to tackle the gender aspects of poverty, the gender roles that permeate governance structures through which implicit power relations between women and men are played out must be challenged.

Four criteria form the basis of **good and gender-sensitive governance**: the equal participation in governance institutions and processes, freedom of association and space for an active women's movement; transparency and gender equity in the allocation of resources; legitimacy of cause through the legislation of gender equality and the promotion and protection of women's rights; and effectiveness achieved through gender-sensitive policies and institutional structures. Gender-sensitive governance aims to increase women's participation in politics, not only in formal political structures but also through civic engagement in politics, through strengthened gender awareness and capacities among both women and men politicians and civil servants, and through the delivery of services that addresses the specific needs and interests of women and men in the community. This requires engendered economic development, development planning and resource allocation and an awareness of women's rights.

The impact of good governance influences women's lives in a wide range of areas, including:

Constitutional issues:	Equality, human rights, civil rights, political rights
Family issues:	Marriages (forced and early child marriages, polygamy, dowries), heading the family, child custody and guardianship, divorce
Health issues:	women's endemic diseases, health entitlements, reproductive rights
Labour issues:	Unequal pay and working conditions, job discrimination, social security (also in the informal sector), maternity benefits, protective legislation
Economic issues:	Land access, ownership and control of property, inheritance, credit access
Violence and exploitation:	Rape and other forms of gender based violence

Facts and figures on women in Kenya

General: The population of Kenya is estimated to be approximately 37,950,000 with a population growth rate of 2.758%. Average life expectancy is 56.64 years (56.42 years for men and 56.87 years for women)¹ although regional differences do exist –i.e., a person born in Nyanza province can expect to live 16 years less than a person born in Central province. The richest 10% of households in Kenya control about 36% of national wealth, while the poorest 10% control less than 2%. About 74% of people living in North Eastern province are poor, while only 30% of those in Central province are. However, female-headed households are only slightly more likely to be poor than male-headed households (50% compared to 49%). Women are much less likely than men to have completed secondary school education and to be employed in the formal sector: while 93% of adult women in North Eastern province have no education at all, only 3% of adult women in Central province have never been to school. These disparities, while narrowing, continue today; only 19% of eligible girls in North Eastern province were enrolled in primary school in 2005/06, while 87% in Central province were (Government of Kenya, 2007). Differences between urban and rural conditions are similarly striking, with urban households much more likely to have access to health care, schools, and piped water than those in rural areas and these gross inequalities have increasingly become a source of political and social conflict².

Health: The 2003 Demographic and Health Survey found that the fertility rate among Kenyan women was on average 5.0 children (5.6 births in rural areas and 3.3 births in urban areas) – still, Kenya’s fertility rate was among the lowest in sub-Saharan Africa. Just below 4 in 10 married women (38%) were using some method of contraception – a level of contraceptive use that had not changed since 1998. Almost 9 in 10 mothers reported seeing a health professional at least once for antenatal care for the most recent birth in the five-year period prior to the survey, though only 4 in 10 births were delivered by a health professional, and a similar proportion of deliveries took place in health facilities. Rural women and less educated women were less likely than others to receive medical assistance during delivery and to deliver in a health facility, and strong regional differences were also evident (women in the North Eastern part of the country are much less likely to receive any assistance before and/or during delivery). The level of under-five mortality was 114 deaths per 1,000 births during the five-year period before the survey, implying that 1 in every 9 children born in Kenya during the period died before reaching their fifth birthday. The infant mortality rate recorded in the survey was 78 deaths per 1,000 live births. Comparison of mortality rates recorded in 2003 KDHS with the earlier KDHS surveys shows an increase in both infant and under five mortality rates from 1989 to 2003. For example, the infant mortality rate increased by 30 percent from 60 deaths per 1,000 live births in 1989 to 78 in 2003. Similarly, under-five-mortality rate increased by 30 percent between the same period. The trend depicts continued deterioration in the quality of life amongst the Kenyan population over the last 20 years³. Maternal mortality figures for 2000 were adjusted at 560 deaths per 100,000 live births (1 in 39 women run the risk of dying due to pregnancy related causes)⁴.

Violence against women: 44% of married divorced or separated women aged 15-49 reported they had been physically or sexually violated by their husbands or partners, while 29% reported they had been victims of such violence in the year preceding the survey. Older women were more likely than younger women to report having been beaten or sexually assaulted. Rural

¹ CIA World Factbook – Kenya (2008 estimates). Available at: <https://www.cia.gov/library/publications/the-world-factbook/geos/ke.html>

² Kenya Joint Assistance Strategy (KJAS) 2007-2012

³ Kenya Demographic and Health Survey 2003, Preliminary Report, Ministry of Health, Kenya

⁴ UNICEF – Kenya Statistics. Available at: http://www.unicef.org/infobycountry/kenya_statistics.html#49

women are more likely than urban women to be victims of physical or sexual violence in marriage; women in Western and Nyanza Provinces appear to have higher risk of violence than women in other provinces. Women with some secondary education are less likely to be victims of physical or sexual violence than less educated women. About 16% of women reported that they have been sexually abused during their lifetime while 12% were abused in the past year. 34% of women were circumcised at the time of the survey, representing a decline in prevalence of female genital cutting from 38% in 1998. Genital cutting is universal in North Eastern Province (99%) and least in Western Province (5%). The practice is five times more prevalent among uneducated women than among those with higher educational level. Genital cutting varies by religious affiliation and by ethnicity: 54% of Muslim women were circumcised whereas about one-third or more of non-Muslim women were and it was highest among Somali, Kisii, and Maasai women and lowest among the Luhya and Luo.

HIV and AIDS: 6.7% of the respondents tested were found to be HIV positive. Women are more likely to be HIV positive than men (9% versus 5%). Among women, the proportion found to be HIV positive rises rapidly with age, from 4% among the 15-19 age group to 12% in the 25-29 age group, and then stabilizes among those aged 25-39 years before dropping to 5% in the 45-49 age group. Among men, HIV prevalence is below 1% among those aged 15-19 years then rises gradually to a peak of 9% among those aged 35-44 years and then declines to 6% in age group 45-49. The infection rates are lower for men than women at every age group except the oldest. HIV prevalence is almost twice as high in urban areas as in rural areas (10 percent and 6 percent, respectively). Provinces with prevalence levels above the national average are Nyanza (14 percent) and Nairobi (9 percent). The lowest levels are found in Eastern, Western, and Rift Valley Provinces. HIV prevalence rates in North Eastern Province are the lowest in the country. Gender differences were most striking in young people. In the 15-19 age group 3.5% of women and only 0.5% of men were infected, while in the 20-24 year age group, 8.7% of women and 2.4% of men were infected.

Economic participation: In 2007 the labour force in Kenya was estimated at 19.5 million people (52% female), aged between 15 and 64 years; in addition, 11.5 million children (50% female) are involved in child labour. Women workers constitute 30% of the overall wage employment and are most represented in educational services employment (45%) and least represented in sectors such as building and construction (7%), manufacturing (18%), electricity and water (18%).

Women's participation in Wage Employment by Industry (2006)	
Industry	% Women
Education Services	45%
Domestic Services	41%
Other Services	40%
Community, Social and Personal services, Public Administration	38%
Trade, Restaurants Hotels	28%
Finance, Insurance, Real Estate & Business services	27%
Agriculture and Forestry	26%
Mining and Quarrying	22%
Transport and Communications	21%
Manufacturing	18%
Electricity and Water	18%
Building and Construction	7%

The low participation of women in productive employment activities is largely due to: (a) the inherent conflict between working and required mobility and women's largely domestic and reproductive responsibilities, (b) women's limited access to required skills especially during the

undertaking of education and training programmes, and (c) unfounded beliefs about women's aptitudes, skills and dispositions. Women actually operate 54% of the total enterprises in Kenya, dominating wholesale and retail, rural manufacturing and urban agriculture sectors while men dominate in urban manufacturing (71%), transport (73%), financial services (80%) and social services (69%)⁵.

Political representation: In the 2002 general elections, 64 (6.1%) out of the 1,257 parliamentary candidates were women but only 10 (4.8%) were elected. In the hotly contested 2007 general elections, there were 269 female candidates out of the 2,548 total parliamentary candidates (almost 11%), up from 44 female aspirants out of the 1,015 legislative aspirants in 2002. However, only 15 women candidates made it to the 10th parliament although the 50-50 affirmative action was demonstrated in the nomination of women to the 10th Parliament with 6 women out of 12 being nominated. In the 2008 coalition cabinet, there are only 6 (15%) female Ministers out of the total 40 Ministers.

% of Seats/positions held by women	2003	2005	2007
The National Assembly	8.1	8.1	8.1
Ministers	10.3	10.3	6
Assistant Ministers	9.3	9.3	13
Permanent Secretaries	12.5	19	20.5
District Commissioners	4.2	2.8	2.8
Ambassadors/High Commission	20.6	28	33
High Court Judges	18	12	27

Source: The Ministry of Gender, Sports, Culture and Social Services

(www.gendergovernancekenya.org)

In 2006, there were no female judges in the Court of Appeal, although one woman was appointed in 2007. About 20% of High Court judges are women while the highest representation of women (44%) is among Resident Magistrates. In total women represent 37% of the judicial service establishments.

Proportion of Women in Judicial Service Establishments, 2006	Men	Women	Total	% Women
Chief Justice	1	0	1	0%
Judges of Appeal	14	0	14	0%
High Court Judges	47	12	59	20%
Commission of Assize	2	1	3	33%
Chief Magistrate	9	6	15	40%
Senior and Principal Magistrates	15	11	26	42%
Senior Resident Magistrates	63	38	101	38%
Resident Magistrates	82	64	146	44%
District Magistrates	126	92	218	42%
Chief Kadhi /Kadhis	17	0	17	0%
Total	376	224	600	37%

Source: National Commission on Gender and Development, 2006

The gender disparities in major decision making institutions can be attributed to various factors, including, but not limited to: negative stereotypes and socio-cultural attitudes that are reinforced by strong patriarchal family systems that discriminate against women; the inability of society to

⁵ Profile of Women's Socio-Economic Status in Kenya, Institute of Economic Affairs, Kenya, June 2008

accommodate and appreciate women in leadership positions; limited financial base to sustain competitive campaigns; physical and emotional intimidation threatening personal security of women; the low levels of education among women in general; and a lack of interest in political issues among most women. There are also limited public support systems that target the political empowerment of women and implementation of affirmative action policies is limited⁶.

Rank	Country	Lower or single House				Upper House or Senate			
		Elections	Seats*	Women	% W	Elections	Seats*	Women	% W
1	Rwanda	Oct 2003	80	39	48.8%	01.09.2	26	9	34.6%
106	Kenya	Dec 2007	222	22	9.9%	---	---	---	---
133	Cambodia	Jul 2003	123	?	?	22.01.2	61	9	14.8%

Source: Women in National Parliaments, Situation as of 31 July 2008

(<http://www.ipu.org/wmn-e/classif.htm>)

Gender and Governance in Kenya

Gender activists see the Constitution of Kenya as failing to grant women equal rights with men. Until 1997, Section 82 on issues of discrimination excluded “sex” as objectionable grounds for discrimination and also exempted numerous laws relating to areas that directly affected women from any provisions against discrimination, thus legitimising the traditional positions which accord women fewer privileges than men, in matters concerning families, marriage, divorce and succession. Women’s rights are also impinged upon in the area of citizenship and immigration, as some laws are indicative of the differential status accorded to men and women, and while the rules of engagement in politics are by and large gender neutral, there are structural limitations to women’s participation⁷.

Since the constitution of Kenya came into force on 12th December 1963, it has been amended 38 times, with numerous constitutional reform movements rising and falling over the years, and a reform process currently being underway. In 1997 the Constitution of Kenya Review Act was passed (subsequently amended in 1998 and 2001) to provide the legislative framework, structure and vision for the current review process. It established several review organs, giving them specific functions and responsibilities, and outlined the principles and values meant to govern the process. These are: gender equity, equal citizenship, equality and affirmative action to overcome the discriminations of the past, good governance based on democracy and separation and devolution of powers, the rule of law and constitutionalism, respect for human rights and fundamental freedoms, equitable access to national resources and full and inclusive participation in public affairs.⁸

Government in Kenya is still essentially centralised and political parties constitute the single most effective avenue to attaining political power in Kenya. Historically women have had little presence and influence in political parties, and therefore, little access to elective offices, rendering them unable to influence decisions regarding national priorities, resource allocation and the

⁶ Ibid. See footnote 5.

⁷ *Gender Issues in the Draft Bill of the Constitution of Kenya: an Analysis*, Contribution for the Constitution Review Commission of Kenya Maria Nzomo & Patricia Kameri-Mbote, IELRC WORKING PAPER2003-1

⁸ *Constitution Making and Legal Reform Process in Kenya*, 2004, Dr. Abdirizak Arale Nunow, Lecturer at Moi University, School of Environmental Studies, Department of Human Ecology; and Commissioner with the Constitution of Kenya Review Commission (CKRC).

promotion of women's human rights as a key state responsibility. The 2007 Political Parties Bill seeks to provide a framework for the registration, regulation and funding of political parties, but the legal framework provided in the Bill is still not comprehensive enough to deal effectively with some of the major challenges facing Kenyan politics, such as political corruption, political discrimination and exclusion. The criteria for political party registration, in fact, do not demand that parties have affirmative action policies in place to ensure representation of women and minority groups⁹.

Local governance structures remain those inherited post-independence although reform efforts began in 2000 and intensified following the December 2002 elections. Local councils are managed by the central Ministry of Local Government though efforts are underway to ensure that they better accommodate citizen participation in local governance and increase provision of services. Some elements of affirmative action to promote women's participation in governance have also been included but need significant support to ensure their implementation and enforcement. The public sector is also under reform, with a focus on promoting public sector accountability through the provision of accessible, needs-based services to the public.

The Parliament, in addition to its legislative role, also has oversight functions over executive decisions, including budgeting, although these functions have not been utilised as much as they could or should be. While organisations like the National Democratic Institute and the Institute of Economic Development have been working with Parliament to strengthen its processes, little focus has been given to strengthening its ability to act as a critical institution of government in delivering on commitments to gender equality. For example, the Affirmative Action Bill of 2007, which sought among other things, 50 seats for women in parliament, was tabled in August 2007 – unwisely alongside a Bill for a constitutional amendment (which required a two-thirds majority to pass while the Affirmative Action Bill did not) – and it failed to pass¹⁰. Better guidance, promotion and management of bills addressing women's issues are needed for the future.

In relation to the administration of justice, new opportunities have recently arisen to strengthen gender justice through the development of new laws, including the Sexual Offences Act, negotiations for small claims courts to integrate hearing of cases that infringe on women's rights and improve women's access to justice, provision of large scale legal aid and education, including paralegal support to women in communities across Kenya and ongoing support to the Kenya Women Judges Association on the jurisprudence of equality using CEDAW. The Kenya Police now has *women's desks* that handle issues of sexual and gender based violence. Notwithstanding all these steps forward, the key challenge remains of ensuring that all these initiatives lead to a comprehensive national system that assists women in claiming their rights, accessing justice and using the judicial system as a deterrent, thus spreading a strong national message that impunity for abusing women's rights will not be tolerated.

The disputed elections held in December 2007 revealed the fragility of Kenyan democracy and the inability of its systems (electoral commission, political parties, judiciary and the police) to deliver on free and fair popular elections. Women's weak engagement in governance structures and processes, especially elective offices, was highlighted. Even though there was an increase in number of women who ran and won parliamentary and civic seats compared to the 2002 elections, the pre-elections period was characterised by high levels of electoral gender based violence and intimidation of women aspirants. With the outbreak of violence that followed –

9 CAPF BILL DIGEST: The Political Parties Bill, 2007: The best shot so far, Issue 01/07, July 2007.

10 *Push for Gender Bills, women MPs told*. May 5, 2008, Online featured article, The Gender and Governance Programme in Kenya, accessed 10 August 2008, <http://www.gendergovernancekenya.org/featured/108>

recording appalling levels of sexual violence against women – internal displacement ensued, which affected women and children disproportionately.

On a positive note, the post-conflict agreements have created opportunities for the promotion and empowerment of women and gender equality. Constitutional reform propositions are focusing on, *inter alia*, land reforms, legal reforms, decentralisation of power and limiting power and resources within one area/one people to reduce feelings of ethnic marginalisation, and the strengthening of electoral processes. A Truth and Reconciliation Commission has also been created to, among other things, highlight, and seek redress for, the sexual violence that was perpetuated against women during the conflict. It will also identify and implement mechanisms through which government and security services will be able to protect women against such abuses in the future.

Development and Gender Frameworks and ongoing initiatives

International rights frameworks commit signatory states to protect an established ‘universal’ set of rights to which poor and marginalized citizens can lay claim. Instruments such as the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) and the Beijing Platform for Action (BPfA) have highlighted where mainstream rights frameworks have failed to act in favor of women – particularly in relation to social and economic rights, which will be of particular importance to poor women¹¹. In many cases women’s movements working within civil society have been key players in holding governments to account for commitments they have signed up to under international frameworks. However, despite significant progress, the ability of many women to ‘realise’ these rights may be limited. Poor women lack information, education and access to legal processes, resulting in a gap between ‘paper’ and ‘actual’ rights.

Kenya is a signatory to the following international instruments on Human Rights¹²

1. CAT-Convention Against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment
2. CCPR-International Covenant on Civil and Political Rights
3. CERD-International Convention on the Elimination of All Forms of Racial Discrimination
4. CESC-International Covenant on Economic, Social and Cultural Rights
5. CRC-OP-AC-Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict
6. CEDAW-Convention on the Elimination of All Forms of Discrimination against Women (report due April 2009)
7. CRC-Convention on the Rights of the Child (report due Sep 2012)

The GoK is also guided in its work – with assistance by the United Nations bodies in Kenya and other key development partners and donors – by a number of other international conventions addressing various sectors. By virtue of its membership in the African Union, Kenya is also a signatory to the 2004 Solemn Declaration on Gender Equality in Africa, for which the GoK committed to report annually on implementation progress. No report has yet been submitted.

¹¹ <http://www.dci.gov.ie/uploads/gender-poverty-governance.doc#footnote2#footnote2>

¹² Source: Office of the High Commissioner for Human Rights, online database, available at: <http://www.unhcr.ch/TBS/doc.nsf/NewhvVAllSPRByCountry?OpenView&Start=90.4.2&Count=15&ExpandView>

Kenya has of course also signed the Millennium Declaration. However, it is very difficult to measure how well the country has performed against most of the Millennium Development Goals (MDGs) as there is very little data available to inform an assessment. What is available indicates that achieving the MDGs by the target date in Kenya will be a challenge; progress is slow, even if some achievements have been made under specific goals¹⁵. With regards to MDG 3 the scenario is as below:

MDG 3: GENDER EQUALITY AND WOMEN'S EMPOWERMENT KENYA										
Target: Eliminate gender disparity in primary and secondary education preferably by 2005 and in all levels education no later than 2015.										
	1990	2000	2001	2002	2003	2004	2005	2006	2007	2008
3.1 Ratio of girls to boys in primary, secondary and tertiary education										
in primary level enrolment	--	0.99	--	0.95	0.95	0.94	0.96	0.97	--	--
in secondary level enrolment	--	0.95	--	0.96	1.02	0.94	0.95	0.93	--	--
in tertiary level enrolment	--	0.54	0.54	0.54	--	0.6	--	--	--	--
3.2 Share of women in wage employment in the non-agricultural sector										
Share of women in wage employment in the non-agricultural sector		--	--	--	--	--	--	--	--	--
	21.4 ^[2]									
3.3 Proportion of seats held by women in national parliament										
Total number of seats	188	224	224	224	224	224	224	224	219	207
Seats held by men	186	216	216	216	208	208	208	224	203	192
Seats held by women	2	8	8	8	16	16	16	16	16	15
% Seats held by women	1.1	3.6	3.6	3.6	7.1	7.1	7.1	7.1	7.3	7.2 ^[1]

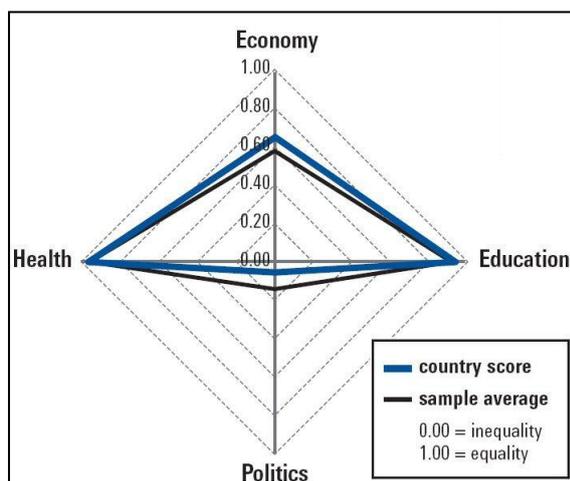
(data last updated 14 July 2008. “—“=no data available)

^[1] Situation for 01/01/08 for directly elected members endorsed by the electoral commission. The additional twelve appointed seats and two ex-officio seats had yet to be filled.

^[2] Labour-related establishment survey

Source: Millennium Development Goals Indicators, The Official United Nations Site for the MDG Indicators, <http://mdgs.un.org/unsd/mdg/Data.aspx> accessed 10 August 2008.

The above table shows that while the ratio between girls and boys enrolled in primary and secondary school has almost reached parity in recent years, women's enrolment in tertiary education remains very much lower than that of men – i.e., for every two men enrolled there is only one woman enrolled. The lack of data is very evident in relation to women's economic participation which in 1990 was extremely low (for every five men employed in the non-agricultural sector only one woman was employed). Finally, while a positive trend is evident in the percentage of parliamentary seats held by women over the years, the absolute figures remain extremely low, with less than 10% of the seats in 2008 being held by women.



This composite scenario is also well summarised by the Gender Gap graph for Kenya, prepared by the World Economic Forum for the 2007 Global Gender Gap Report. This also shows that the gender gap in Kenya in education and health is relatively good but that there remains a significant gap in terms of economic participation

Planning and National Development (Government of

and a serious gap in terms of political empowerment.

Kenya faces a number of challenges to improving its performance against MDG3 and other gender, social and human development indicators. The GoK has committed itself to eliminating discrimination in its legislation, policies, and programmes, but it also recognizes that addressing relevant issues will take time and will require efforts in a wide range of areas and has begun to propose various interventions grounded in both policy and legal frameworks. These include a 2007 Presidential Directive to increase the share of women in public administration - including senior positions - to 30%; a policy for free primary school education; the passing of the Children's Act in 2001 (which addresses many issues of extreme relevance to young girls and women such as early marriage, female genital mutilation, sexual exploitation and prostitution and the right to legal assistance by the Government); affirmative action to assist young women in completing their primary, secondary and higher-level education; the creation of the **National Policy on Gender and Development** which aims to facilitate the mainstreaming of the needs and concerns of men and women in all areas of the development process; the formulation of a **Draft National Employment Policy** which mainstreams women's rights in employment and bans child labour; and the Kenya draft **Constitution** which commits the Government to implement affirmative action in policies and programmes to benefit individuals or disadvantaged groups in accessing education and gainful employment, participation in governance, and guarantees equal political rights and freedom from discrimination, exploitation or abuse¹⁴. Moving from policy to practice however, remains the single largest challenge for many of these initiatives.

There are many development plans, policies, frameworks and commitments on the table in Kenya, all of which define the major development thrusts and activities that will take place over the next four years (the lifetime of the GGP III) and therefore define the most relevant entry points and opportunities for the GGP III to make concrete and effective contributions to advancing sustainable gender equality in the country. The following outlines the current national development plans and reform processes underway for the immediate future – suggestions for specific areas of intervention of the GGP III are presented in the section

Vision 2030 is Kenya's development plan for the 2008 to 2030 period, following the successful implementation of the Economic Recovery Strategy for Wealth and Employment Creation (ERS). It is based on three "pillars": the economic, the social and the political. The first pillar aims to improve prosperity through a national economic development programme while the second seeks to **build a just and cohesive society with social equity in a clean and secure environment**. The political pillar aims to create a democratic political system founded on issue-based politics that respects the rule of law, and protects the rights and freedoms of every individual in Kenyan society. Vision 2030 will be implemented through successive five-year Medium-Term Plans, with the first such plan covering the period 2008 – 2012.¹⁵

Vision 2030 explicitly addresses gender, youth and vulnerable groups and strives for equity in power and resource distribution between the sexes, improved livelihoods for all vulnerable groups, responsible, and globally competitive and prosperous youth. Specific strategies for the first period will involve increasing the participation of women in all economic, social and political decision-making processes (e.g. starting with higher representation of women in Parliament); improving access to all disadvantaged groups (e.g. business opportunities, health and education services, housing and justice); minimising vulnerabilities through prohibition of

¹⁴ Ibid, footnote 13.

¹⁵ *Vision 2030, The Popular Version*, Government of the Republic of Kenya, 2007

retrogressive practices (e.g. female genital mutilation and child labour), and up-scaling training for people with disabilities and special needs.

Medium Term Plan (MTP) 2008-2012 is the first of the medium-term plans developed for the implementation of Vision 2030. It outlines the key policy actions, reforms, programmes and projects that the government intends to implement in the period 2008-2012. General commitments are given to mainstream gender into transport policy, local government (urban development policy), the integration of science, technology and innovation, land reforms, human resource development, labour and employment policies. More specific commitments include: the promotion of women's employment in all sectors; prioritization of female employees in the public sector, moving to >30% by 2012; continuing to address gender disparities in education; and changing policing practices to address gender.

With regard to governance and rule of law, the programmes that are to be implemented fall into three categories: (i) flagship projects, which take into account the post-2007 election crisis and therefore aim to build a strong governance and rule of law foundation for the achievement of Vision 2030; (ii) other new and ongoing programmes across five strategic priority areas; and (iii) sector-wide initiatives within the scope of the **Governance, Justice, Law and Order Sector (GJLOS)** reform programme (described later in this text). The national flagship projects include the constitutional reform process, the independent Truth, Justice and Reconciliation Commission, the Independent Electoral Review Committee (IREC or "Kriegler Committee"), the Commission on Post-Election Violence, National Cohesion and the provision of Post-Election Legal Counselling.

In addition to the national flagship projects, other programmes in the area of governance and the rule of law will also be carried out. Of particular relevance to the GGP III are: (a) the **Legal, Ethics and Constitutional Reform Programme**, which among other things, will see extensive law reform with a focus on **gender-based laws**, such as the Marriage Bill, Matrimonial Property Bill, Domestic Violence (Family Protection) Bill and Land Dispute Tribunals Acts, and (b) the **Electoral Processes reform**, which *inter alia*, will focus on strengthening laws on non-discrimination to promote the inclusion of women and disadvantaged groups into electoral and political processes and enriching the quality of parliamentary debate by providing Members of Parliament with relevant information on proposed laws and policies¹⁶.

The **National Policy on Gender and Development** provides a basis for the Government to underscore its commitment to advancing the status of women. The policy focuses on the elimination of existing disparities between the two genders and advocates for affirmative action to address gender disparities through a deep understanding of gender concerns and how the development process has a different impact on men and women. It also calls for awareness in undertaking gender balanced planning and programming, integrating desirable gender responsive interventions at all stages of the project cycle, and monitoring and evaluating development programmes for gender sensitivity. In this regard, training and sensitisation of decision-makers, planners and programme officers from GoK, NGOs, donor agencies and communities, assume great importance. Last but not least, the successful implementation of the Gender and Development policy will require a comprehensive co-ordination and monitoring mechanism, co-operation and support of all stakeholders and at all levels.

The Paris Declaration on Harmonization, Alignment and Coordination and a host of new aid modalities have led to the formulation of the **Kenya Joint Assistance Strategy (KJAS) 2007-2012** (see www.hackkenya.org) to help harmonise UN and donor collaboration and align it with

¹⁶ *Vision 2030, First Medium Term Plan: A Globally Competitive and Prosperous Kenya 2008 – 2012*, Ministry of State for Planning, National Development and Vision 2030, Government of Kenya, 2008

GoK development plans and priorities. Stipulated between seventeen partners (Canada, Denmark, Finland, France, Germany, Italy, Japan, Netherlands, Norway, Spain, Sweden, United Kingdom, United States, African Development Bank, European Commission Delegation to Kenya, United Nations, World Bank Group) and the Government of Kenya, the fundamental goal of the strategy is to improve the development impact of available resources. To achieve this, it will focus, above and beyond development programme harmonization and alignment, on coordinating and sharing analytical and advisory work, appraisals and reviews, and fiduciary assessments and becoming *increasingly selective in sector engagement in accordance with the comparative advantage of each development partner in specific areas*. The KJAS is organised around the economic, social and political pillars of the Vision 2030 document. At the same time, all KJAS partners have committed to promoting gender equality through all of their interventions and to make sure that other players pay adequate attention to these issues. KJAS partners will support the establishment of a basket fund to hire advisers on gender and to support analytical work; support the development and use of monitoring and evaluation systems that provide information on outcomes based on gender, and analytical work that draws on the information; and finally, through their policy dialogue, they will encourage the government to enact and enforce policies and legislation that treat men and women equally under the law and will advocate strongly for women's rights.

A **Gender Sector Coordination Group** has been created and is to be chaired by the Ministry of Gender – a step that will encourage better integration and reflect the national gender machinery in programme implementation and accountability (of interest, a preliminary gender assessment of the KJAS has been carried out by UNIFEM, revealing that there are areas for improvement in the strategy itself in terms of gender responsiveness). In the sector specific area of governance, the KJAS partners will align behind the GJLOS medium term strategies and work toward alignment with government structures¹⁷.

The **Governance, Justice, Law and Order Sector (GJLOS) Reform Programme**, is currently one of the largest reform programmes embarked upon by the Government of Kenya. It is a multi-sectoral programme supported by a large consortium of donors which brings together 32 government agencies (see Annex II for a full listing) and semi-autonomous government agencies, non-governmental organizations and development partners. It is now in its second phase under a four-year Medium Term Sector Strategy (MTS 2005-2009); the first year was covered by the Short Term Priorities Programme (STPP) which focused on flagship initiatives to build “reform appetite”. The MTS 2005-2009 presents six sector-specific Key Results (KRs) to be achieved, programmes for which all mainstream the four cross-cutting issues of gender, children, HIV and AIDS and environment at both strategy and work-plan levels: KR 1: Responsive and Enforceable Policy, Law and Regulation; KR 2: Improved Service Delivery by GJLOS Institutions; KR 3: Reduced Corruption-Based Impunity; KR 4: Improved Access to Justice especially for the poor, marginalised and vulnerable; KR 5: More Informed and Participative Citizenry and Non State Actors; and KR 6: Effective Management and Coordination of the GJLOS Reform Programme.

These key results reflect, among other things, how the government has prioritized the following GJLOS sector-specific reforms of significant relevance to the GGP III:

1. **Human Rights Reforms** which are aimed at empowering the poor, marginalised and vulnerable members of society by promoting *rights-based approaches* across the sectors. Specific target outcomes from human rights reforms include: (a) expanded information about rights and information about legal assistance, as measured by the quantum and quality

¹⁷ Kenya Joint Assistance Strategy, 2007-2012, Government of Kenya (documents available at www.hackkenya.org)

of information available to justice system participants, but also perceptions and awareness of actual justice system participants; and (b) better empowered victims, as measured by timeliness of support, information availability, legal support and overall institutional pro-activity and responsiveness.

2. **Justice Reforms** which promote equal access to justice for all. Specific target outcomes from justice reforms include: (a) greater access to and confidence among Kenyans in the justice system, and increased respect for the judiciary, especially among the poor and among private sector players; and (b) more outcomes that contribute to community well-being, as measured by perceptions of court judgements, and perceptions around court contribution to community safety.
3. **Law and Order Reforms** which focus on crime prevention as well as broader police and penal reforms. Specific target outcomes from law and order reforms include: (a) enhanced safety in private spaces, as measured by reduced domestic violence and household crime and improved public perceptions concerning their domestic safety and security; (b) enhanced safety in public places, as measured by reduced street crime and crime in public places; and enhanced public perceptions of safety in public places; and (c) greater public confidence in the police, as measured by increased reporting of crime to the police, especially among poor people and improved confidence in the police among local community leaders and the general public.

Justification

Kenya's vision is to “**build a just and cohesive society with social equity in a clean and secure environment**” in which women and men are able to live healthy lives free of poverty, violence and harmful, controlling cultural beliefs and practices; in which there is the option of economic independence of women and possibilities for leadership; and in which discrimination against women based on marital and childbearing status will have been eliminated. This will require over time, and among many other things, a gradual change in patriarchal, social, cultural beliefs and perceptions, knowledge, attitudes and practices relating to and defining women and their many roles in society at all levels. An underlying message that “men are superior to women” today perpetuates discrimination and inequality which institutions, religion, media, and the legal and the political infrastructures propagate.

To stimulate the process of change, an increased awareness of gender equality will be essential. Women themselves must be more aware of their own potential and rights. Institutions must become more participatory, devolved and inclusive, and education, health and other public services must be delivered in an equitable way through a legal system and policies and practices that deliver against gender rights. In terms of politics and leadership, affirmative action to increase women's representation in parliament and the civil service is needed. In the field of education, curricula and teaching methods must also promote positive images of women at all levels, and legal frameworks, institutions and religious bodies must be engendered. A unified and strong civil society, a system of checks and balances within the political and judicial systems and a coherent and united women's movement must work together to demand state accountability for the delivery of the above. In fact, a strong civil society contributes to an effective state that can protect people's human rights, support economic growth, tackle corruption and provide security and basic services like education and health care. Civil society can promote good governance by linking citizens and the state; working to influence pro-poor policies and programmes; monitoring the performance of state institutions; advocating for innovations in service provision; and advocating for and with people living in poverty

Past programmes: EPPP, GGP I and GGP II

Successes and results

Many positive changes came about in the Kenyan governance scene during the period GGPI and II implementation. Intense advocacy efforts focussing on the Affirmative Action and Political Parties Bill increased awareness nationwide of the importance of women's leadership and participation in public life. The President passed a directive stipulating a minimum of 30% women's representation in public services, and the Women's Economic Empowerment Fund was established. Through capacity-building initiatives launched by the GGP, a total of 21,600 women were trained in leadership and political participation and 2,550 community mobilisers were supported to sensitise communities on women's leadership. For the 2007 elections a total of 269 women were nominated by different parliamentary parties compared to the 44 nominated in 2002, while 1,478 women were nominated as civic candidates compared to only 382 in 2002. Final election results saw 15 women elected as Members of Parliament in 2007, compared to the 8 in 2002. There was considerable support to political parties on negotiating space for gender equality through lobbying for the Orange Women Network within the Orange Democratic Movement (ODM) and there was support for addressing issues of violence against women through increased security training. The Electoral Commission of Kenya (ECK) developed training materials for voter education with a strong focus on women's leadership and engaged in numerous other efforts addressing, among other things, gender-based violence (GBV) in the context of the elections; a Gender Rapid Response Unit (GRRU) was established and linked to the police to respond to election-related GBV. There was unprecedented media coverage profiling women leaders, presenting dialogues on the value of women's leadership; a "gender agenda" pull-out was printed in "The Standard" national newspaper and the GGP was officially branded through the launching of its own website as a resource for women; and numerous community radio programmes were launched to promote debate and dialogue on women's leadership.

Challenges and lessons learned

Notwithstanding good results, GGP I and II also encountered numerous challenges. The external evaluation of the GGP II and stakeholder reviews identified many lessons to be learned from programme implementation. For example, although the GRRU was established, the police often did not see women's reports of abuse as a priority, and in any case, the judiciary was often slow to react to reported cases, which further undermined the unit's deterrent role and evidenced prevailing negative attitudes towards women's safety and rights. It also became evident that there is no uniform understanding among gender activists and other stakeholders of what affirmative action for women means in the Kenyan context and what implications it might have for other groups with legitimate reasons for affirmative action (people living with disabilities and in marginal communities) – more analysis in this regard is required.

By working intently to increase the numbers of women participating in politics in the context of both the GGP I and GGP II, the programme design revealed a lack of conceptualisation of how to influence the bigger governance structures and frameworks through higher-level policy work – such as engaging with the ECK and political parties to guide them in becoming more responsive to women – so as to address the underlying processes that foster women's weak engagement and involvement in critical institutions and reform. Even though the organization of the women parliamentarians, KEWOPA was supported, members largely used the organization to promote their individual agenda within their constituencies, efforts for making parliament more responsive to gender equality were limited, hence few Bills on gender equality were passed. The lesson learned is that while women MPs have to be constantly targeted in a way to help them position the common agenda for women and gender equality within the functions of parliament

and in cooperation with the women's movement, male MPs and other parliamentary organs also require targeting for advancement of women's agenda.

It also emerged that for women to have real impact in political parties and in essence in elective public leadership, political parties must become more structured, and in particular more responsive to women. The Political Parties Act becomes a crucial tool in this respect as the Electoral Commission of Kenya will have more authority in providing guidelines on how political parties will operate and finance their activities. Not only will this increased demand for accountability with regard to campaigns promoting gender equality, but by better structuring political parties, will allow women to invest in long term engagement with their political parties and build up political power and capital well before the December 2012 elections.

The programme also revealed that there is no common agenda uniting women across the nation in terms of demands and expectations and that there are also no mechanisms in place to help women demand state accountability with regard to gender issues, thus making it easy for politicians to pay lip service to the concept of gender equality without following through with implementation of commitments. There is therefore a serious need to reach – and inform as needed – critical numbers of women in decision-making positions who can unite around specific gender issues and influence both politicians and institutions to ensure implementation of commitments to gender.

The previous programmes also fell short, in some instances, in being strategically aligned with ongoing government initiatives and/or larger umbrella reform processes, thus inherently reducing their potential for leveraging change and impact on the sustainability of results achieved.

Recommendations for GGP III

Through consultative workshops held in 2008 with a view to consolidating views and thinking for GGP III design, donors and stakeholders reiterated a shared vision with the GoK Vision 2030. Discussions identified, among other things, a need to address the social, cultural and traditional beliefs and preconceptions that undermine the advancement of women in all areas and continue to perpetuate discrimination against women in all social and political spheres. Women must acquire the ability and the recognition required to negotiate their relationships, and social, institutional and political systems must become more participatory, devolved and inclusive so as to deliver public services in an equitable way through gender-responsive systems, policies and practices.

The GGP I, and in particular the GGP II, came about in pre-election periods so that a predominant focus on mobilising women to participate in the political exercises was inevitable. A review of the programmes has however indicated a need, for the future, to begin addressing women's political participation and representation from a longer-term strategic perspective rather than as an event-driven response. In this sense, the GGP III programme period will provide an ideal opportunity for the programme to, among other things:

1. identify on-going national initiatives as key entry points for the GGP III, to ensure the programme remains relevant throughout its implementation period;
2. form partnerships with other governance sector programmes and institutions with strong track records in the gender and governance sector;
3. engage with male and female parliamentarians on gender related legislations;
4. increase programme focus on policy and institutional reforms;

5. broaden target beneficiaries to include youth, men and people with disabilities who form a support system for women, engage them in gender equality and representation;
6. lobby at all levels within communities and engage with local political party leaders and elders to solicit wider support for gender equity in all spheres of life, create wider constituencies and generate support for women's political participation in general in this same regard and to promote messages of gender equity, maximise the use of the media and ICT networks to support advocacy efforts and promote open public fora;
7. increase research and data collection initiatives to provide evidence for advocacy and lobbying for reform and support as well as supporting accurate programme monitoring and evaluation; and
8. engage in educational and peace-building initiatives in response to recent post-election events.

Programme Focus and Strategies

Programme focus

In response to recommendations of the assessments and the evaluation and in order to be effective and incur partner and stakeholder support and commitment across the board, the GGP III will ensure that programme interventions are relevant to, and well aligned with, ongoing national initiatives and reform processes in the governance sector. Many GGP III donors are also KJAS partners, hence such alignment of the GGPIII programme with basic tenets of KJAS will also facilitate streamlining of the donor interventions.

The GGP III will adopt a two-pronged human-rights based approach. From the one side, it will work with the state, as the duty-bearer with respect to provision of equitable services to Kenyan citizens and protection of human rights, to improve service delivery through the development and implementation of gender-responsive policies and frameworks. From the other side, it will work with citizens at the grassroots level, as the rights-holders, to increase their awareness about women's human rights, the duties of the state towards its citizens and to increase the capacity of women in particular, to come together, formulate a unified position and strengthen their voice in the demand for equitable service delivery.

The programme will focus on providing technical support to government institutions and national gender machineries in achieving equal access of women to goods and services, and civil society organisations in holding duty bearers accountable. It will focus on developing institutional capacities to contribute to citizen-oriented quality policy, programme and services with budget allocations through which women are assured equal opportunities and access.

By working with both the duty-bearers and the rights-holder, the GGP III will work to create state (government) and public accountability for implementing and enforcing policies and laws protecting women's rights in all areas and will provide capacity-building and support services at the grass-roots level as, ultimately, it is the state's ability to enforce policies and laws and provide space and resources for citizen participation that will over time lead to sustainable change in public and community behaviours and practices.

To this end, the GGP III will work to contribute to the following programme outcomes in the next four years with a view to assisting the longer term social, cultural and behavioural change desired at the programme impact level.

Overview of the Higher-Level GGP III Results Chain

Goal:	KENYAN WOMEN and MEN ARE ABLE to ACCESS SERVICES and OPPORTUNITIES AND EXERCISE THEIR RIGHTS EQUALLY
Impact 1.	State institutions consistently implement gender-responsive policies and laws
Outcome 1.1.	Increased number of Kenyan legal frameworks, laws and policies at national and local levels that promote and protect women's human rights.
Outcome 1.2.	Women participate in governance and decision-making processes at national and local levels and actively lobby for women's issues.

GGP III Entry points and areas for intervention

The GGP III will select its entry points from among the many players working to implement the various GoK development plans and strategies. The areas of intervention (many of which are overlapping and cross-cutting) will be selected from among those being addressed by the GoK development plans and strategies that: (a) are key to the realisation of the GGP III development objectives; (b) constitute areas where GGP III partners have proven expertise, capacity and technical ability; and (c) constitute areas in which GGP III partners can be most effective in terms of achieving measurable results (high return) and sustainable impact¹⁸.

The GGP III will very clearly position itself within the policy and programme framework defined in the first Vision 2030 MTP, operating in line with its flagship projects, its other sectoral reform activities, and the GJLOS Programme in areas where the integration of gender in the work done is essential to improving the overall governance context and attaining the GGP III development goals.

MTP Flagship Projects. In line with the MTP Flagship Projects, the GGP III will:

- As part of the **Constitutional Reform process**, work to ensure the new drafts completely eliminate loopholes for sex-based discrimination and that what constitutes discrimination against women is clearly defined; ensure that legislation proposed for the operationalisation of the new constitution is also gender-responsive.
- As part of the work of the **Truth, Justice and Reconciliation Commission (TJRC)** and the **Commission on Investigation of Post-Election Violence**, support work to ensure women are fairly represented in the commissions and that gender-based violence and violations are recognised and acknowledged, investigated and addressed.
- As part of the work on **Post-Election Legal Counselling**, work to increase awareness of, access to, and use of legal counselling services put in place by the Legal Aid and Education Programme.

¹⁸ In line with the KJAS approach, the GGP III Programme Management will adopt a more selective and objective implementing partner recruitment process, with a view to selecting partners for interventions based on verifiable expertise and capacity in a specific field, as opposed to other non results-oriented criteria, e.g., geographic coverage, ethnicity, etc. Implementing partner selection must be based on the ability of the partner to achieve the most possible through any given intervention.

Other MTP reform projects. Under other MTP sector reform projects, the GGP III will:

- Support the **Legal, Ethics and Constitutional Reform Programme** to ensure that reviewed laws are gender-responsive and once passed that awareness among citizens of the new legal provisions is increased.
- As part of the work of the **Electoral Processes reform**, work to operationalise the Political Parties Act and build capacity in parliament to actively promote and defend issues relating to gender equality and to push for gender-responsive laws and policies; promote and participate in the creation and passing of an Equal Opportunities Bill, Persons with Disabilities (Amendment) Bill and an Affirmative Action Bill to promote the inclusion of women and other disadvantaged groups in electoral and political processes.
- To strengthen the ability of parliament to act as a critical institution of state in ensuring delivery of government on commitments to gender equality, the GGP III will support the body with guidance and capacity-building to utilise its legislative, representative and oversight functions for promotion of women's rights and addressing women's issues. The Kenya Women Parliamentary Association (KEWOPA), a loose coalition of women MPs across party lines who use the association to lobby for gender sensitive bills, provide support for each other and push for changes to make the Parliament more women friendly, will be one important entry point for providing such guidance and in supporting women leaders as change agents for gender equality.
- **Governance, Justice, Law and Order Sector (GJLOS) Reform Programme.** The very clear strategic orientation, prioritisation of sector reforms and key results of the GJLOS define distinct opportunities for GGP III intervention under the programmatic and policy umbrella of the GJLOS, thus ensuring that it is not only well aligned, but also essential for the realisation of the gender aspects of the GJLOS key results. To this end, the GGP III will capitalize on the alignment identified by the GJLOS MTS between GJLOS partner institutions' strategic priorities and GJLOS MTS Key Results to define some of its own strategic interventions, building strategic partnerships and working relations with the key institutions involved to ensure that gender issues are adequately and expertly integrated into the activities undertaken by each in this context.
- **National Policy on Gender and Development.** While the policy provides the backdrop and rationale for all state and institutional work in gender in Kenya, it also makes specific recommendations. One of these is for the provision of across the board training and sensitisation of decision-makers, planners and programme officers, from GoK, NGOs, donors and communities to the need for gender balanced planning and programming, the integration of gender-responsive interventions at all stages of the project cycle, and monitoring and evaluating development programmes for gender sensitivity with gender-sensitive monitoring and evaluation strategies and tools. The GGP III will also establish a working relationship with the **National Commission on Gender Development (NCGD)** and – in the context of the entry points outlined above – ensure its work also reflects this recommendation by (1) supporting the institutionalisation of gender in the programme and project design processes of the key players providing such training and sensitisation initiatives (where this objective is not already and explicitly part of the institutions' own strategic objectives), and (2) supporting and promoting the development and utilisation of gender-responsive monitoring and evaluation strategies and tools, and building capacity in gender analysis and research, with a view to enhancing timely and substantive reporting on programme and reform progress and on performance in implementing the many international instruments to which the GoK is committed.

Programme Components

Over the next four years the GGP III will work to contribute to the attainment of its development objectives by working through three key and cross-cutting GGP III programme components that provide an encompassing conceptual framework for the entire programme:

1. **Institutional capacity-building in gendered reform:** Through this component GGP III interventions will provide support to engender institutional reform priorities through capacity-building, technical assistance, advocacy, and lobbying.
2. **Community sensitisation and support to civil society:** Through this component the GGP III will focus on raising awareness among the public – and women in particular – of the ongoing institutional reform processes and the results achieved in terms of improved, gender-responsive service delivery, as well as strengthening the ability of women to come together and push forward a unified agenda for continued gender-responsive development and service delivery.
3. **Promoting gender-sensitive results-based programme management:** Through this component the GGP III will consistently and across the board integrate the provision of capacity-building and technical expertise, at all levels, to promote the development and use of gender-sensitive RBM methods (including, *inter alia*, developing strategies, systems and tools for the systematic collection of sex-disaggregated and gender-sensitive data) and correct reporting on progress of reform processes, thus increasing and exposing state accountability in this regard.

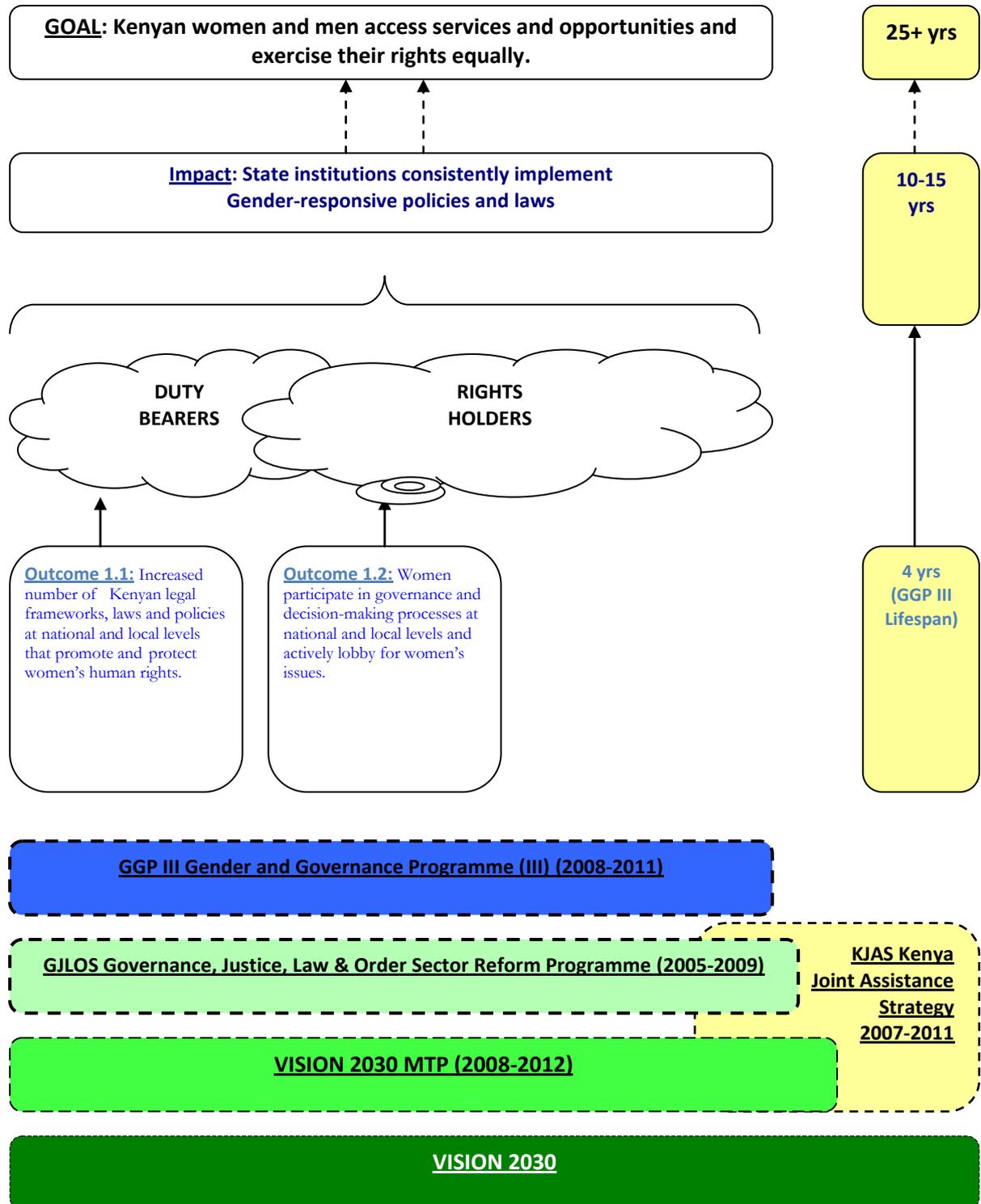
The Development Results Framework

The following presents the results chain that defines the short, medium and long term objectives of the GGP III for the next four years. The **goal** is presented as a long-term, desirable high-level result which captures the ideal or final state desired for Kenyan society as a whole (the Kenyan vision). It goes beyond the confines of *GGPIII program per se* and will emerge from the results of many interventions over time in all areas of social and political relevance. The goal is to be achieved within the next one or two generations (25 or more years) and will imply changes in many deeply rooted social and cultural constructs, structures and practices that prevail today. The GGP III will not directly *be accountable to achievement of* the goal but will theoretically constitute one of the many stepping stones/contributors required to launch the change process.

The **impact** is presented as one of the intermediary steps required to attain the goal and is more related to the area of focus of the GGP III (though GGP III contribution to the impact is still indirect). The impact is also a long-term result – realistically to be realised in a ten year or more period. The GGP III **outcomes** describe results that can realistically be achieved in the four-year period during which the GGP III will be active – and while their attainment will not be entirely attributable to GGP III interventions, they are likely to be the combined result of GGP III activities *and* other interventions with similar objectives. Realising the outcomes will be essential to realising the impact.

The GGP III **outputs** are the results for which the GGP III will be held entirely responsible and they are designed to contribute in concrete terms to the attainment of the outcomes. The GGP III outputs are designed to address contexts, entry points and areas of intervention that are realistically within the means and spheres of influence of the GGP III players and partners and describe levels of change that can realistically occur in a limited time period. GGP III performance **indicators** will therefore relate to these outputs and GGP III activities will be designed to respond and contribute to these outputs and their indicators above and beyond their own specific project activity indicators. The GGP III output indicators included in the GGP III

Logical Framework Matrix presented in an Annex to this document, have been intentionally limited in number and selected according to their **SMART** characteristics – i.e., they are specific, measurable, achievable, relevant and time-bound.



GOAL: KENYAN WOMEN AND MEN ACCESS SERVICES AND OPPORTUNITIES AND EXERCISE THEIR RIGHTS EQUALLY

Impact 1. State institutions consistently implement gender-responsive policies and laws

Outcome 1: Increased number of Kenyan legal frameworks, laws and policies at national and local levels that promote and protect women's human rights.

Output 1.1 Knowledge (tools, model draft laws, analysis, memoranda, etc) on how to engender laws, policies and legal processes is developed and made accessible

Indicative list of activities contributing to this output:

- Support the engendering of the **Constitutional Review process**: ensure the new drafts completely eliminate loopholes for sex-based discrimination and that what constitutes discrimination against women is clearly defined; ensure that legislations proposed for the operationalisation of the new constitution are also gender-responsive;
- Conduct a **comparative analysis of civic and penal law codes** with the constitution with recommendations for law reform, in collaboration and/or conjunction with:
 - *the Kenya Law Reform Commission;*
 - *the Legal, Ethics and Constitutional Reform Programme to ensure that reviewed laws are gender-responsive and once passed that awareness among citizens of the new legal provisions is increased;*
 - *The Children's Department, to protect orphans' and dependents' (including women) rights to **inheritance and access to property.***
- Based on the recommendations of these analyses, develop/implement an evidence based and informed advocacy/lobby strategy for law reform on specific issues that has social and economic bearing on women's lives such as family law, inheritance, land rights.
- Support the establishment of a **legal framework for the protection and promotion of human rights** in Kenya and facilitate the enactment and implementation of the new constitution, in collaboration and/or conjunction with:
 - *the **Law Reform Commission** to create and increase legal awareness on women's rights and gender issues in legal frameworks;*
 - *with the Ministry of Justice, National Cohesion and Constitutional Affairs;*
 - *the State Law Office (players are: Public Prosecutions, Advocates Complaints Commission, Civil Litigation, Legislative Drafting, Treaties and Agreements, Administrator-General (Public Trustee), and Registrar-General;*
 - *Administrative Police to review its institutional and legal framework.*
 - *Engendering the GJLOS Programme interventions*

- promote and participate in the creation and passing of an Equal Opportunities Bill, Persons with Disabilities (Amendment) Bill and an Affirmative Action Bill to promote the inclusion of women and other disadvantaged groups in electoral and political processes;

Output 1.2 **Effective dialogue mechanisms/platforms (think tanks, expert group meetings multi stakeholder groups, women watch groups, lobbying groups, conferences etc) between government actors and gender equality advocates on how to engender laws, legal frameworks, policies and processes**

Indicative list of activities contributing to this output:

- Support creation of platform for women’s organisations to dialogue with government actors on legal and constitutional reforms
- Support advocacy platforms to lobby the legislative bodies (Min. of Justice/ Parliament /parliamentary commissions etc.) to pass gender related Bills
- Establishment of a dialogue forum for discussing ratification and monitoring the implementation of CEDAW, BPFA and AGDI

Output 1.3 **National Machineries in Kenya have increased capacity to mainstream Gender Equality into development strategies, legal frameworks laws, policies and processes**

Indicative list of activities contributing to this output:

- Support the National Bureau of Statistics to finalise and disseminate the **Women and Men Handbook** across the board
- Support strategies that strengthen the monitoring of gender responsive planning and implementation at the district level
- Support the **gender machinery** and provide targeted capacity-building to:
 - *help implement the **National Gender Policy** in specific sectors such as the Civil Service Commission and Agriculture;*
 - *promote approval and implementation of Kenya’s commitment to **CEDAW**;*

Output 1.4: **Enhanced capacities of key governance institutions and their organs to¹⁹ institute mechanisms that promote participation of women in their processes**

Indicative list of activities contributing to this output:

- Work within the **Public Sector Reform** process to fast-track the implementation of the 30% Presidential Directive across the board and engendering of Performance Contracting focusing on, among others: the Judiciary and law-enforcement bodies and representatives (e.g., the Kenya Police and the Administrative Police); local governance structures, such as the Provincial Administration and the Community Service Orders (CSO).

¹⁹ Executive, Judiciary and Parliament, political parties, commissions, committees, etc

- Facilitate women's fair representation in the **Truth, Justice and Reconciliation Commission (TJRC)** to ensure that gender justice for women is recognised, investigated and addressed.
 - *Support processes to increase awareness of, access to, and use of legal counselling services put in place by the Legal Aid and Education Programme.*
 - Support the operationalisation of the **Political Parties Act (within the Electoral Processes reform)**;
 - Provide support to **political parties** to implement affirmative action and increase women's active involvement
 - Support to **Parliament and parliamentary committees** to ensure gender-responsive laws are passed and to act as a critical institution of government in delivering on commitments to gender equality
- Support capacity strengthening of the Kenya Women Parliamentary Association (KEWOPA) for effective lobbying on women's issues within and outside parliament

Outcome 2: Women participate in governance and decision-making processes at national and local levels and actively lobby for women's issues.

Output 2.1: Women at the local level have strengthened their leadership capacity to contribute to decision that promote gender equality issues

Indicative list of activities contributing to this output:

- Support civil society in providing targeted capacity-building initiatives for women in gender equality issues, leadership, networking and active participation skills, as well as knowledge of government structures, procedures and opportunities for their participation.
- **Support women's participation** in decentralized / devolved governance levels through community and local level initiatives.
- *support **Women's Regional Assemblies** to increase women's visibility at the local level and in local level governance fora;*
- *support and create Youth Mentorship programmes;*
- *Work with traditional community leaders/elders.*
- Partnerships and networking with other Governance programme e.g. Uraia and CSDG Programme to engender their interventions

Output 2.2 Strengthened Women's movement that enables them to collectively lobby for key issues that effect women in Kenya.

Indicative list of activities contributing to this output:

- Support **civil society in creating a “women’s agenda”** by increasing opportunities for wide-scale discussion and encounters of representatives from around the country (e.g., through organization of events, etc.)
- Support creation of a **national women’s network** to strengthen women’s ability to coalesce, lobby for their rights and needs, and interface with government bodies to push forward and include the Women’s Agenda in national and local reform processes;
- Create and Support opportunities for **civil society and government dialogue** on reform processes reflecting on the Women’s Agenda.
- Support the **media** organizations to, among other things: increase awareness among men and women journalists for effective gender responsive journalism/reporting; increase opportunities and fora for dialogue with and use of the media by government and civil society to help disseminate information on policy and legal reform, human rights information and issues of relevance to women.

Output 2.3 Women have increased awareness and access to information on their rights and state responsibilities with regard to service provision.

Indicative list of activities contributing to this output:

- Support for Mobilisation, awareness-raising and capacity-building of women on electoral processes and opportunities for **participation in the 2012 elections.**
- Support the establishment and nurturing of mechanisms to enhance/encourage women’s participation in the 2012 General Elections.
- Continued support to the Election Violence prevention, Legal aid Counselling, peace education.

Programme Stakeholders and Partnerships

The GGP III has a wide range of stakeholders. These include the Government of Kenya, national and international donors of the programme, civil society and most importantly, the women of Kenya. This wide range of partnership is essential to achieve the GGP III programme results. The following constitute some of the key institutions and actors with which the GGP III will forge partnerships in the years to come, with a view to assisting in the attainment of shared goals relating to improved gender governance. In some cases, the mandates or *raison d’être* of the partners or institutions themselves will define spaces for the GGP III to contribute to a consistent reflection of gender equality across the board.

- **For the Constitutional reform process various organs are in place.**
 - ♦ The **Constitution of Kenya Review Commission (CKRC)**, the primary review organ, was established to reflect Kenya’s ethnic, geographical, cultural, political, social and economic diversity, and the principle of gender equity; made of commissioners appointed for their legal qualifications or experience in public affairs it is intended to be an independent body, to last for the duration of the review process.

- ♦ The **Constituency Constitutional Fora (CCF)** were established during the previous constitutional reform process, for the purposes of debate, discussion, collection and collation of the views of the members of the public in each constituency as well as to act as the basis for consultations with the Commission. Similar structures might be constituted in the process of current constitutional reform. In case such structures are constituted again, these will become important venues for inclusion of women's concerns in the reform process.
- The **Parliament** as described in the contextual analysis above will constitute a key entry point for the GGP III to help provide better guidance, promotion and management of bills addressing women's issues in the future and integration of gender perspective in their oversight function – whether through the KEWOPA or through other channels. The Kenya Women Parliamentary Association (KEWOPA). As representatives of the interests of citizens, parliamentarians have a vital legislative and oversight function in holding the executive to account. Parliaments approve policies and budgets, review and implement legislation that affects the lives of citizens.
- The institutions comprising the gender machinery in Kenya currently are The Ministry of Gender, Children and Social Development, The National Commission on Gender and Development (NCGD), and the Gender Focal Points in all government ministries and parastatals. The **Ministry of Gender and Children Affairs** (previously Ministry of Gender, Sports, Culture and Social Services) was established in 2003 with a mandate to ensure access and affordable quality social services to all Kenyans. Its mission is to *create and develop a well-defined social service delivery infrastructure as a channel for harnessing community participation in international, national and sectoral development programmes*. Its core functions include: the creation of opportunities to harness the potential of Kenyans in socio-economic development, and the promotion, preservation and maintenance of positive and diverse culture for national identity and pride: promotion and development of sports facilities; **integration and mainstreaming gender issues in all development initiatives**; improving access, equity and relevance of adult literacy for life long education; the provision of reading materials, information and facilities; and the promotion, development and preservation of Kenyan music and dance heritage.
- In relation to gender specifically, it has a Department of Gender and a parastatal organisation, the **National Commission on Gender Development (NCGD)**. The NCGD was launched in 2004 and was established to coordinate, implement and *facilitate gender mainstreaming* in national development, and to advise the Government on all aspects thereof. The Ministry's projects and programmes target improvement and promotion of the social and economic aspirations of Kenyans with special emphasis on the most vulnerable groups through community capacity building, creation of opportunities and harnessing the potentials of Kenyans with particular emphasis on women, youth and the disadvantaged. **The Department of Gender is assigned the specific responsibility of improving the efficiency and effective integration of gender dimensions in policy formulation, planning and implementation**²⁰.
- The **Ministry of Justice, National Cohesion and Constitutional Affairs** constitutes, alongside the Ministry of Gender, Children and Social Development, a vital partner and entry point for the GGP III as it is home to many of the commissions and processes of relevance to the programme. Among others, the Ministry carries out functions relating to the

²⁰ Ministry of Gender and Children Affairs, official website: <http://www.gender.go.ke>, accessed on 11 August 2008.

constitutional review process, political parties, the Kenya Law Reform Commission (KLRC), elections, the Kenya National Commission on Human Rights, the coordination of the Governance, Justice, Law and Order Sector (GJLOS) reform process, and the Truth, Justice and Reconciliation Commission (TJRC).

- Other entry points of interest include collaborating with partners to engender activities being implemented through the National Civic Education Programme (NCEP), the Civil Society for Democratic Governance Facility and the many reform programmes in education, health, land, water and public service.
- In the context of the GJLOS programme, the GGP III will collaborate with the Children’s Department, the National Youth Service, the National Council of Children’s Services, the Office of the VP and Ministry of Home Affairs, the Kenya Law Reform Commission, the Kenya National Commission on Human Rights, the State Law Office, the Kenya Police and the Administrative Police, the Provincial Administration, the Community Service Orders (CSO), the Kenya School of Law, and the Judiciary.

Institutional Arrangements

The GGP III as a whole will be managed by UNIFEM in the role of Programme and Financial Management Agency (PFMA), as appointed by the Donor Steering Committee (DSC). Programme staff will include a GGP Programme Manager, a Finance and Budget Monitoring Officer and a Monitoring and Evaluation Specialist. As per the Terms of Reference for the PFMA designed in August 2006 for the GGP II and with regard to the implementation and management of the GGP III:

In terms of **Programme Management**, UNIFEM will sign bilateral agreements with each contributing donor on the amount pledged for the GGP III and the individual donors will disburse the pledged amounts to UNIFEM. UNIFEM will also negotiate, prepare and conclude agreements with the implementing partners of the GGP III along the lines of the UNIFEM contractual guidelines and implementing partner selection criteria agreed with DSC, coupled with a critical review of project budgets and cash flow forecasts. It will also assist implementing Partners (either individually or through cross-the-board training sessions) in establishing and/or improving their programme management systems and procedures as necessary. In collaboration with the DSC, UNIFEM will facilitate annual reviews and work planning meetings to define and redesign activities as appropriate and in line with emerging trends in gender and governance, outputs and results for the GGP III. UNIFEM will be responsible for the set-up and maintenance of an assets register on all equipment and capital items purchased in the framework of the Joint Financing Agreement for the GGP. Any unspent funds and accumulated interest will be returned to the financially contributing Partners in proportion to their initial deposits not later than three months after the close of the Gender and Governance Programme. UNIFEM will also make recommendations to the DSC on the disposal of assets at the end of the programme.

During the implementation of GGP II, implementing partners did not have the opportunity to interact closely with the donors on programme issues. A **Partners Reference Group (PRG)** will thus be established to enhance communication within GGP III (*between the donors, partners, and UNIFEM*). The PRG will consist of the selected GGP III CSOs, donor representatives and UNIFEM and will occasionally meet to discuss the implementation progress- mainly identifying emerging issues and needs, opportunities and threats that may affect the programme.

In terms of **Financial Management** UNIFEM will undertake the timely disbursement of funds and provide annual financial reports to the donors on programme disbursements. It will also provide advice to the GGP III Implementing Partners (either individually or through cross-the-

board training sessions) on the set-up and improvement of their financial management systems and procedures as necessary and various instances of financial backstopping (outlined in detail in the PFMA Terms of Reference.

The evaluation of the GGP II yielded a number of recommendations for improved programme management by the PFMA. These recommendations have been carefully reviewed and a Management response formulated; new *Operational Guidelines* are being developed, that will, alongside the PFMA Terms of Reference, to guide the PFMA in addressing specific recommendations, managing and overseeing the implementation of the GGP III.

Implementation, Monitoring and Evaluation Arrangements

The Gender and Governance Programme III will be implemented through a broad range of organizations, largely acting as implementing partners, under the guidance, supervision and management of the PFMA. However, the GGP III is a complex programme with far-reaching potential and numerous and varied areas of intervention. It will be the responsibility and commitment of UNIFEM as the PFMA to ensure that all components of the programme as outlined herein receive adequate and balanced coverage.

With regard to **Monitoring and Evaluation**, the GGP III will regularly report on the key output indicators presented in the GGP III Logical Framework Matrix included herein. While implementing partners are likely to report on many more specific output-level indicators, it will be the responsibility of UNIFEM as the PFMA to ensure that implementing partners' M&E Frameworks are aligned with the overall GGP III reporting needs. In this regard, UNIFEM will work in collaboration with the implementing partners to use appropriately designed and adequately aligned RBM monitoring and evaluation systems, plans and tools. It will review implementing partner projects through field visits and regular meetings to ensure that programme objectives are being met in a coherent manner and to address challenges and emerging trends and provide advice on refinement of these initiatives as appropriate. As prescribed by the implementing partner approval and selection procedures adopted by the PFMA, all implementing partners will be responsible for reporting on their project achievements according to a mutually agreed upon reporting schedule. Said information will then inform the UNIFEM report on GGP III achievements, which will be submitted biannually to the Donor Steering Committee.

In view of UNIFEM's commitment to ensuring that the GGP III be able to accurately report on programme achievements over time and the plan to carry-out a mid-term evaluation of the GGP III at the end of Year 2 of implementation, UNIFEM will also work to carry out one or more baseline studies (reviews or assessments as opportune) to determine baseline values for the key indicators to which the GGP III commits through this Programme Document. In this regard, the following baselines studies are already underway:

1. Baseline study on women's representation in management positions within the public and private sectors and their positions and roles in these institutions. Identification of barriers/opportunities for increasing women's participation and their influence in public and private sector;
2. Review of the national gender mainstreaming mechanisms;
3. Nationwide secondary data collection on VAW and mapping of existing strategies and possible gaps in addressing VAW;
4. Law mapping exercise that compares constitution and affective civil and criminal laws with CEDAW/identifying gaps/ providing recommendations;
5. Gender responsive budgeting study to determine entry points for influencing government planning and budgeting in response to gender equality targets;

6. Assessment of all women’s rights issues/non discriminatory clauses within the Bomas draft of the 2005 Constitution to develop a framework for engagement with the new Constitutional review process.

An analysis of the information needs to ensure all GGP III indicators have baseline values will be carried out by UNIFEM during the inception phase of the programme and any gaps identified will be addressed through specific information and/or data gathering exercises.

Furthermore, conscious of the fact that the GGP III, through many of its interventions, will be working to contribute to changes in social and cultural behaviours, perceptions, attitudes and practices, UNIFEM will also integrate into its GGP III M&E Plan one or more qualitative KAP (knowledge, attitudes and practices) surveys to attempt to capture qualitative indicators and assess the extent to which the GGP III interventions will have contributed to changes, if any, in people’s mindsets and knowledge. In this regard, and also during the inception phase of the GGP III, UNIFEM will carefully study and identify appropriate constructs, target audiences and indicators for such qualitative assessments and will ensure that (a) baseline values are gathered, (b) activities addressing the selected constructs and target audiences are actually implemented and (c) KAP surveys are conducted at the opportune time to assess GGP III impact.

Risk analysis and mitigation

There are a number of factors external to the actual design of the GGP III programme that may affect its implementation to greater or lesser degrees. The following presents some of the possible mitigation strategies that may be integrated into the design and implementation of the GGP III with a view to averting the impact of such risks.

PROGRAMME RISKS	POSSIBLE MITIGATION STRATEGIES
Political instability and outbreak of new conflicts and upsets due to external circumstances (unrelated to gender issues specifically and/or related work in this sector)	Devise programme components that in conditions of conflict can be rapidly implemented to help address critical issues affecting women and the protection of their rights.
The gender agenda is marginalised due to competing priorities, limited resources and/or lack of high-level political commitment to the concrete implementation of gender equality	Work to promote the institutionalisation of gender mainstreaming and gender-responsive budgeting into policy and programme development processes to make the integration of the gender agenda transparent and less likely to trigger resistance and conflict; identify alternative strategies and perspectives for justifying inclusion and implementation of commitments to gender equality.
Inability of the national gender machinery to create and sustain an enabling environment for change due to lack of gender-specific skills and competencies	Integrate into the GGP III capacity-building initiatives targeting the national gender machinery players (e.g., promoting skills such as gender mainstreaming in policy and programmes, gender responsive budgeting, evidence-based advocacy and lobbying etc.)

PROGRAMME RISKS	POSSIBLE MITIGATION STRATEGIES
Lack of research and data to support evidence-based advocacy for reform	Ensure sex-disaggregated and gender-responsive RBM methods – including <i>inter alia</i> data collection, monitoring and evaluation policies and tools - are integrated in policy and programme reform initiatives across the board and provide and/or support capacity-building initiatives to strengthen skills in gender analysis
Limitations in ability of civil society to represent women's needs and issues in a unified manner to influence policy and decision-making at state level	Mobilise and guide key constituencies/players and civil society representatives in negotiating and finalising a common women's agenda for nation-wide dissemination to be used to strengthen and simplify the demand for prioritisation of gender equality issues
Low levels of enthusiasm among women to come together to express common needs and exert unified pressures on state and other players to deliver and protect women's rights and access to services	Integration of community sensitisation initiatives into the GGP III to: highlight issues of relevance to <i>all</i> women (above and beyond issues of ethnicity, religion, etc); integration of initiatives to mobilize women parliamentarians and women in decision-making positions to utilize their positions to promote engendered reform

MANAGEMENT & IMPLEMENTATION RISKS	POSSIBLE MITIGATION STRATEGIES
The program is not adequately funded, hence stretches the DSC, PFMA and implementing partners' ability to deliver against objectives and loses the momentum and credibility.	Assessment of resources required, available and needed for proper programme implementation and work together with DSC to ensure the program is sufficiently sourced. In case of shortage of funding, prioritise activities/objectives in coordination with the DSC.
Implementing partner's monitoring and evaluation systems are not adequate to respond to Programs' M&E framework.	In individual project activities: design and apply stringent implementing partner approval procedures that include, among other things, submission by partners of project indicators and M&E schedules to which they commit in order to receive funds disbursements.
Poor financial sustainability of implementing partners coupled with low levels of capacity in programme management (design, implementation and assessment)	The PFMA to devise transparent (and publicly available) implementing partner selection criteria to ensure that only those partners with the best possible match of financial sustainability and required skills and competencies are selected for project implementation.

Annex I. Logical Framework Matrix

LEVEL & STATEMENT	INDICATORS ²¹	MEANS OF VERIFICATION	RISKS AND ASSUMPTIONS ²²
GOAL: KENYAN WOMEN AND MEN ACCESS SERVICES AND OPPORTUNITIES AND EXERCISE THEIR RIGHTS EQUALLY	Gender Development Index (GDI) Gender Gap Index ²³ Gender Empowerment Measure African Gender and Development Index (AGDI) ²⁴ MDG and Human Rights indicators	As recommended by indicator owners for each indicator (UNDP, ECA, UN, etc.)	
Impact 1. State institutions consistently implement gender-responsive policies and Laws	AGDI: African Women's Progress Scoreboard	Gender machinery; Responsible government⁴ agencies	
Outcome 1: Increased number of Kenyan legal frameworks, Laws and policies at national and local levels that promote and Protect women's human rights.	<ul style="list-style-type: none"> ▪ Number of legal frameworks developed or revised to reflect priorities of gender advocates ▪ Number of policies developed or revised to reflect priorities of gender advocates ▪ Evidence of use of international legal instruments in the development of constitutions, laws or policies 	review of status of ratification and/or implementation of various instruments; review of target institution policy formulation processes and internal procedures	R: commitments are made but implementation is weak due to lack of financial and human resources, knowledge, infrastructures, etc.

²¹ Indicators to be measured annually unless otherwise specified, for programme interventions lasting more than 12 months.

²² See the section on "Risk Analysis and Mitigation" in this document for more general, overarching risks that may affect programme implementation. Other risks listed in this table include those specific to the outputs in question.

²³ For more information see: <http://www.weforum.org/en/initiatives/gcp/Gender%20Gap/index.htm>

²⁴ For more information see: The African Gender and Development Index, Economic Commission for Africa, available at: <http://www.uneca.org>.

LEVEL & STATEMENT	INDICATORS ²¹	MEANS OF VERIFICATION	RISKS AND ASSUMPTIONS ²²
<p>Output 1.1: Knowledge (tools, model draft laws, analysis, memoranda, etc) on how to engender laws, policies and legal processes is developed and made accessible</p>	<ul style="list-style-type: none"> • Number of tip sheets, guidance notes, methodologies, and analysis /n how to mainstream gender in constitutional and legal processes including transitional justice mechanisms available in the sub region. • Evidence of how the knowledge generated from the programme is used to inform engendering of laws, policies, constitutions and legal processes. 	<ul style="list-style-type: none"> • GGP III reports • Implementing partner progress reports • Policy briefs/ brochures developed on specific laws/articles in process of lobby/advocacy • Proceeding of dialogues between policy makers/ civil society organisations • Parliamentary Hansard 	<p>R: reform processes are slow or stalled due to procedural obstacles, timeframes,</p> <p>R: Competing law reform priorities result in marginalisation of family law reform agenda and others pertinent to women’s wellbeing etc.</p> <p>Parliament’s failure to enact the bill</p> <p>Disagreements among the political parties on its applicability</p>

LEVEL & STATEMENT	INDICATORS ²¹	MEANS OF VERIFICATION	RISKS AND ASSUMPTIONS ²²
<p><i>Indicative Activities:</i></p> <ul style="list-style-type: none"> ▪ Support the engendering of the Constitutional Review process: ensure the new drafts completely eliminate loopholes for sex-based discrimination and that what constitutes discrimination against women is clearly defined; ensure that legislations proposed for the operationalisation of the new constitution are also gender-responsive; • Support the establishment of a legal framework for the protection and promotion of women’s civic rights in Kenya and facilitate the enactment and implementation of the new constitution • Support for engendering the GJLOS programme interventions • Conduct a comparative analysis of civic and penal law codes with the constitution, • Based on the recommendations of these analysis , develop/implement an evidence based and informed advocacy/lobby strategy for law reform on specific issues that has social and economic bearing on women’s lives such as family law, inheritance, land rights, • Promote and participate in the creation and passing of an equal opportunities bill, persons with disabilities (amendment)37bill and37an affirmative action bill to promote the exclusion of women and other37disadvantaged37groups in electoral and political processes 			
<p>Output 1.2: Effective dialogue mechanisms/platforms (think tanks, expert group meetings multi stakeholder groups, women watch groups, lobbying groups, conferences etc) between government actors and gender equality advocates on how to engender laws, legal frameworks, policies and processes</p>	<ul style="list-style-type: none"> • Evidence of effectiveness of dialogue platforms between government partners and gender equality advocates on the formulation of the constitutions, legal frameworks and policies 	<p>Government reports Partner reports Policy dialogue documents</p>	
<p><i>Indicative Activities:</i></p> <ul style="list-style-type: none"> • Support creation of platform for women’s organisations to dialogue with government actors on legal and constitutional reforms 			

LEVEL & STATEMENT	INDICATORS ²¹	MEANS OF VERIFICATION	RISKS AND ASSUMPTIONS ²²
<ul style="list-style-type: none"> Support advocacy platforms to lobby the legislative bodies (Min. of Justice/ Parliament /parliamentary commissions etc.) to pass gender related Bills Establishment of a dialogue forum for discussing ratification and monitoring the implementation of CEDAW, BPFA and AGDI 			
<p>Output 1.3: National Machineries in Kenya have increased capacity to mainstream Gender Equality into development strategies, legal frameworks laws, policies and processes</p>	<ul style="list-style-type: none"> Changes in knowledge, skills and abilities of the National Women's Machineries to mainstream gender equality in programmes Evidence of national machineries ability to mobilise other actors around the gender equality priorities Extent to which relevant gender responsive data base is being used in policy development 	<ul style="list-style-type: none"> Policy reports Sector plans MoU between the relevant institutions such as National Bureau of statistics, Ministry of Gender etc. for production of the handbook NCGD strategic and programmatic outputs 	<p>Failure by the institutions to comply with recommendations in the handbook,</p> <p>A: NCGD has the skills and competencies to devise, implement and follow-up a coordination mechanism</p> <p>R: NCGD is not recognised by other players; Diverse (hidden) political agenda of other players; NCGD has insufficient capacity to manage a coordination role.</p>
<p><i>Indicative Activities:</i></p> <ul style="list-style-type: none"> Support the National Bureau of Statistics to finalise and disseminate the Women and Men Handbook across the board Support strategies that strengthen the monitoring of gender responsive planning and implementation at the district level Support the gender machinery and provide targeted capacity-building to: help implement the National Gender Policy in specific sectors such as the Civil Service Commission and Agriculture; promote approval and implementation of Kenya's commitment to CEDAW; Strengthen capacities of key officers in Results-based management techniques and methods for gender-responsive data collection, gender analysis, 			

LEVEL & STATEMENT	INDICATORS ²¹	MEANS OF VERIFICATION	RISKS AND ASSUMPTIONS ²²
and gender-responsive monitoring and evaluation			
Output 1.4: Enhanced capacities of key governance institutions and their organs to ²⁵ institute mechanisms that promote participation of women in their processes	<ul style="list-style-type: none"> • Extent to which the governance institutions systemised women's participation in reform processes • No of platforms created for increasing women's positions in selected governance institutions • No of dialogue platforms for incorporating women's priorities/needs in development and peace processes at both national and devolved levels • % increase of women participating in management of political parties/ political party processes. 	Policy documents Partners reports IECK reports DDC reports	

²⁵ Executive, Judiciary and Parliament, political parties, commissions, committees, etc

LEVEL & STATEMENT	INDICATORS ²¹	MEANS OF VERIFICATION	RISKS AND ASSUMPTIONS ²²
<p><i>Indicative Activities:</i></p> <ul style="list-style-type: none"> • Work within the Public Sector Reform process to fast-track the implementation of the 30% Presidential Directive across the board and engendering of Performance Contracting focusing on, among others: the Judiciary and law-enforcement bodies and representatives (e.g., the Kenya Police and the Administrative Police); local governance structures, such as the Provincial Administration and the Community Service Orders (CSO). • Facilitate women’s fair representation in the Truth, Justice and Reconciliation Commission (TJRC) to ensure that gender justice for women is recognised, investigated and addressed. - <i>Support processes to increase awareness of, access to, and use of legal counselling services put in place by the Legal Aid and Education Programme.</i> • Support the operationalisation of the Political Parties Act (within the Electoral Processes reform) • Provide support to political parties to implement affirmative action and increase women’s active involvement 			
<p>Outcome 2: Women participate in governance and decision-making processes at national and local levels and actively lobby for women’s issues.</p>	<ul style="list-style-type: none"> ▪ Proportion of key decision-making fora where the presence of GE experts, advocates etc., resulted in stronger commitments to gender equality. ▪ Evidence that GE advocates call for decision makers’ accountability to commitments made. ▪ Number of main political parties’ that create platforms to promote gender equality and women’s human rights ▪ Number of women candidates on political party lists 	<p>Partners reports M&E reports Policy documents</p>	<p>R: women are represented but their active participation remains low; women are active but remain in male dominated environment</p>

LEVEL & STATEMENT	INDICATORS ²¹	MEANS OF VERIFICATION	RISKS AND ASSUMPTIONS ²²
OUTPUT 2.1: Women at the local level have strengthened their leadership capacity to contribute to decision that promote gender equality issues	<ul style="list-style-type: none"> • Extent to which women at the grassroots dialogue around prioritised common agenda • Number of dialogues platforms through which women coalesce around local prioritisation • Increased resources secured for grassroot women programmes 		
<p><i>Indicative Activities:</i></p> <ul style="list-style-type: none"> • Support civil society in providing targeted capacity-building initiatives for women in gender equality issues, leadership, networking and active participation skills, as well as knowledge of government structures, procedures and opportunities for their participation • Support women's participation in decentralized / devolved governance levels through community and local level initiatives. <ul style="list-style-type: none"> -support Women's Regional Assemblies to increase women's visibility at the local level and in local level governance fora; -support and create <i>Youth Mentorship programmes</i>; -Work with traditional community leaders/elders • Partnerships and networking with other Governance programme e.g. Uraia and CSDG Programme to engender their interventions 			
Output 2.2: Strengthened Women's movement that enables them to collectively lobby for key issues that effect women in Kenya.	<ul style="list-style-type: none"> • Demonstrated changes in skills, knowledge and abilities of CSOs to lobby Government on gender responsive local levels actions in 	Partners reports Local actions at community level	

LEVEL & STATEMENT	INDICATORS ²¹	MEANS OF VERIFICATION	RISKS AND ASSUMPTIONS ²²
	programmes <ul style="list-style-type: none"> • Number of policy making oriented forums organised by CSOs to strengthen women decision making at the local levels 	Policy documents	
<p><i>Indicative Activities:</i></p> <ul style="list-style-type: none"> • Support civil society in creating a “women’s agenda” by increasing opportunities for wide-scale discussion and encounters of representatives from around the country (e.g., through organization of events, etc.) • Support creation of a national women’s network to strengthen women’s ability to coalesce, lobby for their rights and needs, and interface with government bodies to push forward and include the Women’s Agenda in national and local reform processes; • Create and Support opportunities for civil society and government dialogue on reform processes reflecting on the Women’s Agenda. 			
Output 2.3: Women have increased awareness and access to information on their rights and state responsibilities with regard to service provision.	<ul style="list-style-type: none"> • Evidence of how the women effectively participate electoral processes and organise actions around VAW 	Partners reports Field visit reports	
<p><i>Indicative Activities:</i></p> <ul style="list-style-type: none"> • Support for Mobilisation, awareness-raising and capacity-building of women on electoral processes and opportunities for participation in the 2012 elections. • Support the establishment and nurturing of mechanisms to enhance/ encourage women’s participation in the 2012 General Elections. 			

LEVEL & STATEMENT	INDICATORS ²¹	MEANS OF VERIFICATION	RISKS AND ASSUMPTIONS ²²
<ul style="list-style-type: none">Continued support to the Election Violence prevention, Legal aid Counselling, peace education.			

Annex II. List of GJLOS Institutions

Office of the President – Provincial Administration and Internal Security

1. Kenya Police
2. Administration Police
3. Provincial Administration
4. National Agency for Campaign Against Drug Abuse (NACADA)

Office of the President – Ministry of Immigration and Registration Services

5. Immigration
6. Civil Registration
7. National Registration Bureau

Office of the President

8. Governance & Ethics

Office of the Vice-President and Ministry of Home Affairs

9. Prisons
10. Probation and Aftercare Services
11. Children's Services
12. National Youth Service

Ministry of Justice and Constitutional Affairs

13. Office of the Minister, Justice and Constitutional Affairs
14. Kenya National Commission on Human Rights
15. Kenya Anti-Corruption Commission
16. Kenya Law Reform Commission
17. Kenya School of Law
18. National Anti-Corruption Campaign Steering Committee
19. Finance and Administration
20. Programme Coordination Office

Judiciary

21. Judiciary
22. Judicial Service Commission
23. National Law Reporting

State Law Office/Office of the Attorney-General

24. Office of the Attorney-General
25. Office of the Solicitor-General
26. Advocate Complaints Commission
27. Public Prosecutions
28. Civil Litigation
29. Legislative Drafting
30. Treaties and Agreements
31. Public Trustee/Administrator-General
32. Registrar-General

Annex III. List of current laws under review

PROPOSED BILLS

1. Kenya Law Reform Commission Bill
2. Company Law (Amendment) Bill
3. Receiver and Liquidations Bill
4. Bankruptcy Bill
5. Political Parties Act
6. Landlord and Tenant Bill
7. Private Prosecution Bill
8. Charities Bill
9. Small Claims Courts Bill
10. Arbitration (Amendment) Bill
11. Marriage Bill
12. Citizenship Bill
13. Matrimonial Property Bill
14. Sexual Offences Act
15. Succession Bill
16. Domestic Violence (Family Protection) Bill
17. Affirmative Action Bill
18. Burial Bill
19. Gender Equality Bill
20. Prisons Bill
21. Anti-Terrorism Bill
22. Civil Procedure Act Amendment Bill
23. Legal Aid Bill
24. Employment Bill
25. Widow and Orphans Act Amendment Bill
26. Accident Compensation (Amendment) Bill
27. Insurance Institute of Kenya Bill
28. Internal Loans (Amendment) Bill
29. Kenya Institute of Bankers (Amendment) Bill
30. Mining Bill
31. Competition and Fair Trading Bill
32. Liquor Licensing Bill
33. Higher Education Bill
34. Standards (Amendment) Bill
35. Nurses (Amendment) Bill
36. Kenya Roads Board (Amendment) Bill
37. Public Service Pensions (Amendment) Bill
38. National Social Security Fund (Amendment) Bill
39. National Museums (Amendment) Bill

40. Public Archives and Documentation Service (Amendment) Bill
41. Occupational Therapy Bill
42. Access to Justice Bill
43. Contempt of Court Bill
44. Private Prosecutions Bill
45. Bail Bill
46. Partnerships Bill
47. Electronic Communications Bill
48. SACCO Societies Regulatory Bill
49. Mutual Legal Assistance In Criminal Matters Bill

TO BE REPUBLISHED

1. Privatisation Act
2. Forest Bill
3. National Museums and Heritage Bill
4. Tobacco Control Bill
5. HIV and AIDS Prevention and Control Bill
6. Sugar (Amendment) Bill
7. National Cereals and Produce Board (Amendment) Bill
8. Witness Protection Bill
9. Kenya Maritime Authority Bill
10. Public Procurement Bill
11. Refugees Bill