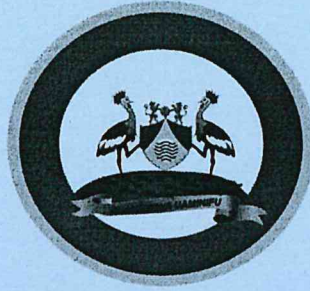


GOVERNMENT OF NAIROBI CITY COUNTY



THE NAIROBI CITY COUNTY ASSEMBLY

OFFICE OF THE CLERK

THIRD ASSEMBLY

(FOURTH SESSION)



NCCA/TJ/PL/2025(1)

11<sup>TH</sup> FEBRUARY 2025

PAPER LAID

SUBJECT: GENDER MAINSTREAMING POLICY

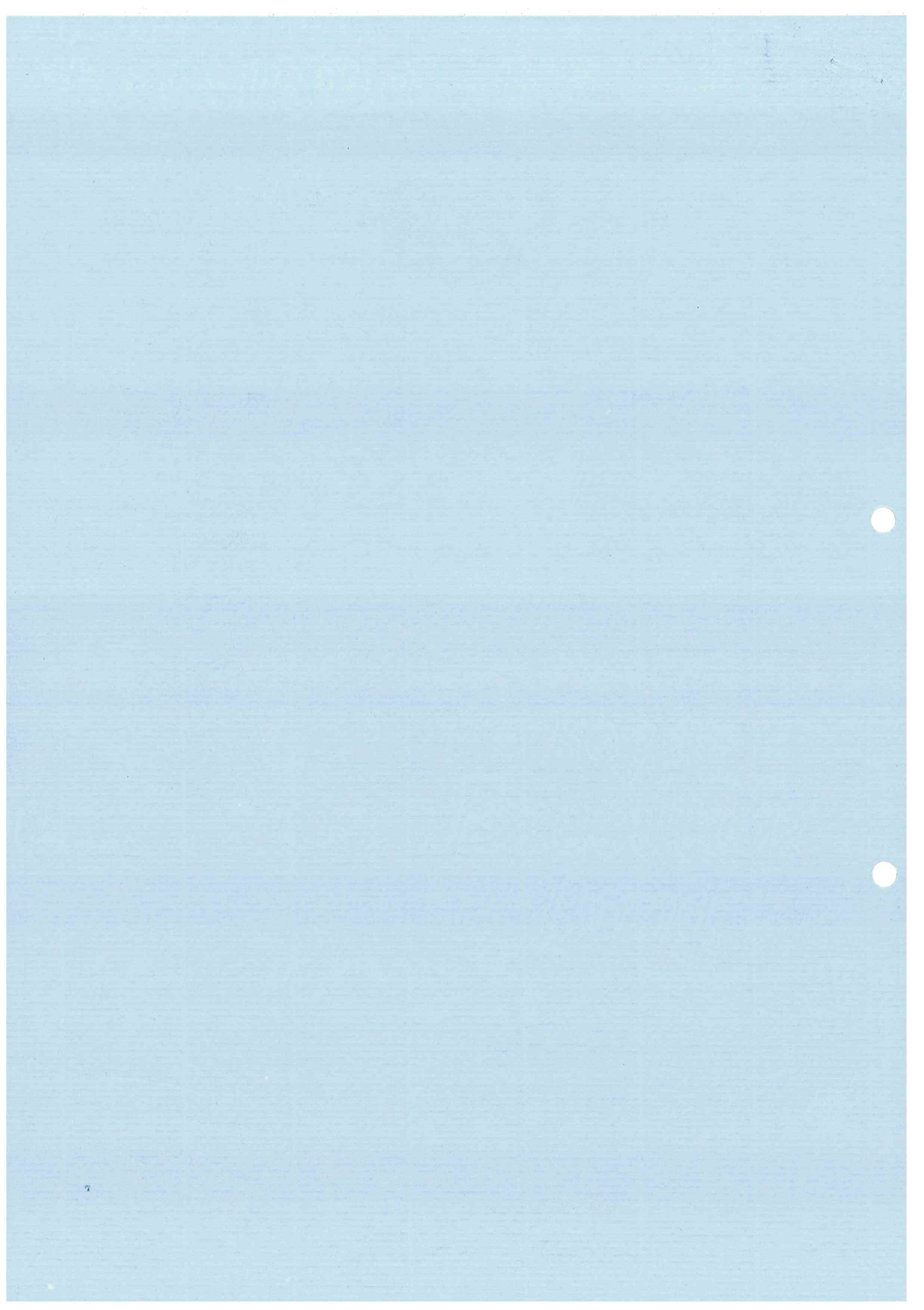
Pursuant to Article 185 (4) of the Constitution of Kenya, 2010, I beg to lay the following Paper on the Table of this Assembly, today Tuesday 11<sup>th</sup> February 2025:

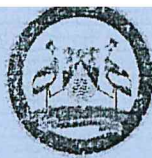
— SESSIONAL PAPER NO. 1 OF 2025 ON NAIROBI CITY COUNTY GENDER MAINSTREAMING POLICY.

Copies to:  
The Speaker  
The Clerk  
Hansard Editor  
Hansard Reporters  
The Press

*Papers laid by  
the Majority  
Leader on  
the Table of  
the County  
Assembly on  
11/2/2025*

*[Signature]*  
Clerk  
11/2/2025





NAIROBI CITY COUNTY

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# OFFICE OF THE GOVERNOR

## County Secretary and Head of County Public Service

REF: NCC/INC/PBS/13/240/2024

19<sup>TH</sup> DECEMBER 2024

THE CLERK  
NAIROBI COUNTY ASSEMBLY  
P.O BOX 45884-00100  
NAIROBI

*(10) PCA L & P  
Present this for  
fasting and committee  
to the relevant committee  
SK [Signature]  
DLS  
5/2/2025*

*(1) DCL  
Kush deal  
Cec  
3/2/2025*

RE: GENDER MAINSTREAMING POLICY

The above subject matter refers;

The Gender and Inclusivity Sub Sector has developed the Nairobi City County Gender Mainstreaming Policy which was subsequently approved by the Cabinet.

The purpose of this letter is to inform you of the development and to request that the policy be forwarded to the Chairman Labour and Social Welfare committee for discussion and adoption.

*(11) AG DCA L  
Take note and  
advise appropriate  
SK [Signature]  
DLS  
4/2/2025*

*[Signature]*  
GODFREY AKUMALI  
AG. COUNTY SECRETARY AND HEAD OF PUBLIC SERVICE

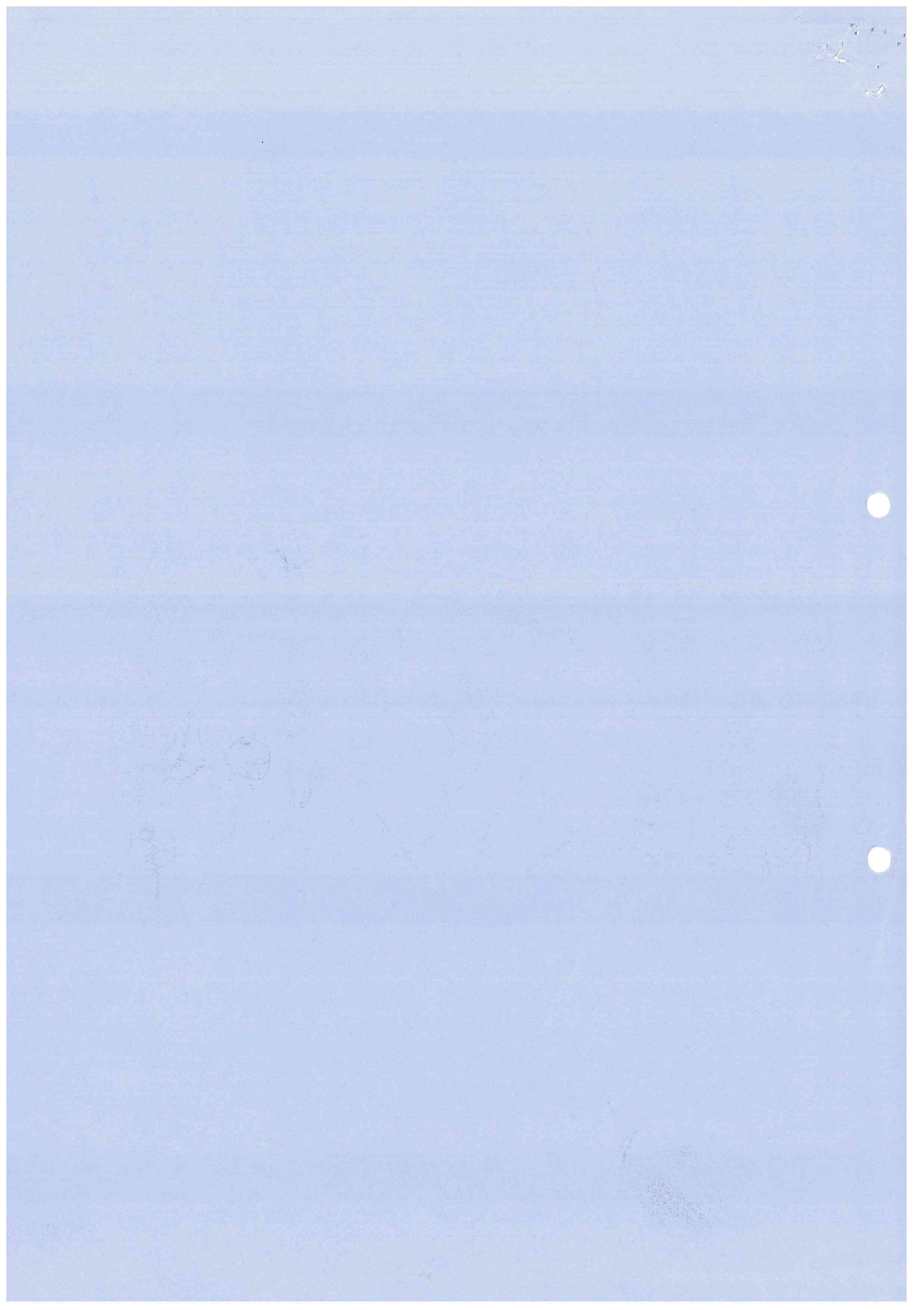
Copy to: H.E The Governor  
Nairobi City County

H.E The Deputy Governor  
Nairobi City County

CECM- Inclusivity, Public Participation and Customer Care

*(12) CA Labour Com mit  
Table before the comm  
[Signature]  
4/2/2025*

### LET'S MAKE NAIROBI WORK





# NAIROBI CITY COUNTY

NAIROBI CITY COUNTY GENDER MAINSTREAMING POLICY

FINAL DRAFT

AUGUST 2023

Inclusivity, Public Participation and Customer Service Sector

Nairobi City County

P.O. Box 30075 – 00100, Nairobi, Kenya

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## FOREWORD

We recognize Africa has built up an extensive body of instruments and policies to push forward the women's rights agenda at the continental, regional, and national levels, following global normative frameworks such as the 1979 CEDAW, Maputo Protocol, the Solemn Declaration on Gender Equality in Africa (SDGEA), the Southern African Development Community's Protocol on Gender and Development, and the East African Community's Gender Equality and Development Act<sup>1</sup>.

Regardless of the expanded normative commitments by African states, women's political rights continue to be undermined by inadequate policy guidelines, weak implementation, institutional barriers, discriminatory social norms, as well as by violence and intimidation (Bofu-Tawamba, 2015). In Article 29.2, ACDEG stipulates that, beyond recognition, an enabling environment and "necessary conditions of full and active participation of women in decision-making processes and structures at all levels" must be created "as a fundamental element in the promotion and exercise of a democratic nature."

Kenya's legal framework for women's political representation and participation are detailed in numerous documents and directives (The National Policy for Gender and Development, (2019), Government of Kenya (GoK), State Department of Gender and Youth Affairs; Constitution of Kenya Articles 10, 27 (8), 54 (2), 100 & 177 (1) (b); The Supreme Court Advisory Opinion, No. 2 of 2012; The Political Parties Act (2011); Section 52(2)). The Constitution of Kenya under the Bill of Rights (Chapter 4) recognizes the rights and fundamental freedom of all citizens, and guarantees equality and freedom from discrimination on any ground, including sex.

In response to GEE related challenges, the National Government has established various institutions with specific mandates to promote gender equality and empowerment of women in the development process, including the Directorate of Gender in the Ministry of Devolution and Planning, National Gender and Equality Commission (NGEC), Kenya National Human Rights Commission (KNHRC) and the Anti-Female Genital Mutilation (FGM) Board. Gender equality and empowerment of women is a priority in Vision 2030 and Medium Term Plans. In order to promote the realization of gender equality and empowerment of women while at the same time also tracking progress in the realization of relevant SGDs, Nairobi City County has worked on this Gender Policy, to provide beacons and benchmarks for mainstreaming and integrating gender equality, equity and inclusion as we work towards NCC's vision as a city of Order, Dignity and Hope.

Anastacia Nyalita

County Executive Committee Member for Inclusivity, Public Participation and Customer Service

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<sup>1</sup> As highlighted in FAWE (2021) *Situational Analysis on Women Political Participation (WPP) in Africa*

## PREFACE

This policy framework has been developed to recognize the tremendous transformation in governance through devolution that has placed heavy responsibilities in the County leadership and to spell out the processes of ensuring inclusivity in management of County affairs. It provides guidelines and necessary tools for NCC to ensure that the principles of accountability at all levels of management and the respect for national values and principles of governance as enshrined in article 10 of the Constitution are made achievable, principles of inclusion are strictly adhered to and the plight of the Special Interest Groups (SIGs), mainly women are taken onboard. The policy therefore, besides providing a window through which NCC can engender its processes and make them friendly to every member of the community with emphasis on the vulnerable populations, it also highlights what more NCC can do to provide better services and for non-discriminatory management of public affairs within the City.

From the NCC Gender Audit of 2021, we have noted that NCC has not been able to achieve full inclusion as envisaged in the Constitution of Kenya 2010<sup>2</sup>, effectively mainstream gender and provide equal opportunities for Special Interest Groups. There are tremendous efforts towards gender, equity and social inclusion but based on our patriarchal traits, the results are not deep enough and widespread for any meaningful impact. To address these gaps, this policy suggests directed processes that are aimed at ensuring that vulnerable groups are reached and their participation enhanced in county affairs. Evidence from the gender audit indicates that gender aspects are often overlooked and invisible when programs are planned and when leadership roles are being apportioned. Women, girls, men and boys all respond differently to different situations. It is worth noting that gender roles change across age and overtime and that power dynamics also change. These changes and what they portend must therefore be considered in planning and in portioning leadership positions.

Paying attention to gender issues or putting on a gender lens quite simply means recognizing the different needs, capacities and contributions of women, girls, men and boys. Ignoring or being blind to these different needs can have serious implications for the survival of a people and can retard development. In some communities within the City, women are still relegated to private sphere and are socialized to operate at the domestic level. For proper integration and effective inclusion of women in public domain to happen, special considerations are therefore mandatory and this is what we seek to achieve through the proposed policy strategies outlined here. Women with disability face double exclusion and will be taken by NCC as a special category.

**Maryam Dahir**

County Chief Officer for Gender and Inclusivity

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<sup>2</sup>See Schedule 4 of the Constitution of Kenya 2010 for details



## ABBREVIATIONS

ACDEG: African Charter on Democracy, Elections and Governance

CEDAW: UN Convention on the Elimination of all forms of Discrimination Against Women

CIDPs: County Integrated Development Plans

CO: Chief Officer

FGM: Female Genital Mutilation

GEE: Gender Equality & Equity

GRP: Gender Responsive Planning

GRB: Gender Responsive Budgeting

GBV: Gender Based Violence

ICCPR: International Covenant on Civil and Political Rights

KNHRC: Kenya National Human Rights Commission

NGEC: National Gender and Equality Commission

NCC: Nairobi City County

SDGEA - Solemn Declaration on Gender Equality in Africa,

SGDs: Sustainable Development Goals

SIGs: Special Interest Groups

UDHR: Universal Declaration on Human Rights

WEF: Women Enterprise Fund

YEDF: Youth Enterprise Development Fund

## DEFINITION OF TERMS

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

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

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

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

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

**Access:** The ability or right to approach, enter, exit, communicate with or make use of.

**Affirmative Action:** A policy or program of taking steps to increase the representation of certain designed groups seeking to redress discrimination or bias through putting in place active measures. It is intended to promote the opportunities of defined minority groups within a society to give them equal access to that of the privileged majority population.

**Empowerment:** A process through which men, women, boys and girls acquire knowledge, skills and attitudes to critically analyze their situation and take appropriate action to change the status quo of the underprivileged and other marginalized groups in society.

**Engender:** The process of ensuring that planning and programming is appropriate for and takes into account the female and male differences and concerns.

**Gender:** This refers to the socially and culturally constructed differences between men and women; as distinct from sex which refers to their biological differences. The social constructs vary across culture, time, environment and education

**Gender Analysis:** Means examining the differences in women's and men's lives, including those which lead to social and economic inequity between women and men.

**Gender Awareness:** This is the understanding that there are socially determined differences between men and women based on learned behavior, which affect ability to access and control

resources.

**Gender-Based Violence:** Refers to any act of violence that results in, or is likely to result in physical, sexual or psychological harm or suffering to women, girls, boys and men on the basis of gender.

**Gender Discrimination:** Refers to unequal or preferential treatment of individuals or groups on the basis of their gender that results in reduced access to/or control of resources and opportunities.

**Gender Equality:** Refers to the equal treatment of women and men, girls and boys so that they can enjoy the benefits of development including equal access to and control of opportunities and resources.

**Gender Equity:** Refers to the practice of fairness and justice in the distribution of benefits, access to and control of resources, responsibilities, power, opportunities and services.

**Gender Needs:** These are needs of women or men that relate to responsibilities and tasks associated with their gender roles or to immediate perceived necessity.

**Gender Sensitivity:** This is the ability to perceive existing gender differences, issues and equalities, and incorporate these into strategies and actions.

**Sex Disaggregated:** Classification of information on the basis of sex; that is male and female data.

**Sexual Harassment:** Means any persistent and unwelcome conduct which is sexual in nature, including unwelcome sexual advances, unwelcome physical contact or unwelcome verbal conduct of asexual nature.

**Gender Mainstreaming:** is a globally accepted strategy for promoting gender equality & equity. Mainstreaming is not an end in itself but a strategy, an approach, a means to achieve the goal of gender equality & equity. Mainstreaming involves ensuring that gender perspectives and attention to the goal of gender equality/equity are central to all activities - policy development, research, advocacy/ dialogue, legislation, resource allocation, planning, implementation and monitoring of programmes and projects (United Nations 2001). According to the UN ECOSOC (1997/2), gender mainstreaming refers to the assessment of the consequences of any planned action, policy or initiative for women and men, in all fields and at all stages, before any decision is taken and throughout the entire process (Caglar, 2013).

**Gender analysis:** process of assessing, analyzing and documenting the differences in gender roles, relations, priorities and control of resources - for gender mainstreaming. Helps in understanding the existing gender situation in a given community for assessing what the impact of an intervention, such as an energy project, is likely to be on men and on women. Information from gender analysis enables us to understand different needs of men & women, constraints to participation/ability to participate and different benefits from inclusion & participation.

**Gender programming:** implies using gender lens to bring into focus issues affecting men and women. Programming using a gender lens therefore brings into focus gender-driven dynamics,

issues, and differences between women and men and outlines proven opportunities to hasten socio-economic development, increase profitability, scale social impact, and cement lasting change. In the process all gender biases must be avoided. Unconscious or implicit gender bias is defined as unintentional and automatic mental associations based on gender, stemming from traditions, norms, values, culture and/or experience.

**Gender blind:** planned or adopted courses of action that treat women and men as homogenous and fail to recognize differences in needs, feelings and interests. Gender blind approaches often further disadvantage the more disadvantaged gender.

## SECTION I: POLICY GOAL, OBJECTIVES, VALUES, SCOPE & TARGET

### 1.1 Policy Goal

The overarching goal of this policy is to provide an enabling environment for NCC to strengthen gender sensitivity, promote gender equality and equity within NCC. It is further meant to establish beacons, guidelines and directions for gender mainstreaming within NCC.

### 1.2 Policy Objectives

Key objectives for the policy framework include:

- a) To set guidelines and good practices for integration of gender in County Development Plans.
- b) To provide concrete and concise information that can be directly applied to practical tasks such as planning, program implementation, reporting and evaluating development activities at county level.
- c) Provide mechanisms that all directorates shall adopt in their management so as to enhance equality and non-discrimination
- d) Provide monitoring and evaluation mechanisms through which NCC can review her development programs and management practices to ensure equitable citizens participation in the affairs of the county and enjoyment of the benefits thereof.
- f) To Set obligations for the NCC government on budgeting and financial commitments for gender equality interventions

### 1.3 Policy Values

The values given great emphasis in this policy include; justice, integrity, fairness, equality, diversity, transparency and accountability, gender equity, social-economic and political inclusion.

### 1.4 Policy Target & Scope

At the general level, this policy targets all leaders and officials at NCC who are mandated to formulate and implement policies, provide services, recruit staff and respond to public concerns. At the corporate level, the entire county executive committee, the county Chief Officers as well shall be sensitized to ensure that they are inclusive in all their operations.

All sub county officials, local staff at NCC facilities/institutions and ward administrators at the local level are important nexus in the service provision and must be sensitive to plight of women and other SIGs. They must have the requisite knowledge to provide sensitive services that enhances the dignity of the service seekers.

CSOs<sup>3</sup> consisting of faith based organizations, gender and human rights advocates, community based organizations as well as the media (particularly the local news outlets and FM stations) are important channels in ensuring conformity and adherence to the principles of non-discrimination. The advent of devolution brought about the emergence of important actors within NCC which include different service management boards, technical working groups, sectoral committees and Public Private Partnerships who must equally be made aware of the principles of non-discrimination and how gender equality can be achieved in all their operations and through their interventions. This policy framework and attendant guidelines apply to all leaders, officials, staff and partners working within the County. It will ensure that there is no discrimination within NCC on account of gender, promote equal pay for equal work, ensure staff are free from sexual harassment, address stigmatization and champion equitable recruitment as spelt out in Constitution of Kenya Article 27 (3).

This framework highlights the importance of integrating a gender equality perspective directly into the management of public affairs at NCC level. It is a fact that taking into account gender considerations in the management of NCC affairs, means being more sensitive to the needs of everyone, ensuring that they are fully engaged in the design, delivery, monitoring and evaluation of all the development undertakings. Since NCC's population is composed of a heterogeneous groups of women, men, girls, boys and other special interest groups; it is imperative that each directorate engages in a process of inclusivity to ensure that the practical needs and the strategic interests of women are taken into meaningful consideration. It is equally important that the benefits accrued from this planning be distributed across the length and breadth of the county to avoid marginalization. In personnel recruitment for example, it is expected that the diversity found within NCC be reflected in our places of work including boardrooms/offices and that all cadres of people will get the opportunity to participate in the affairs of the county.

#### 1.4 Role of NCC Government in Promoting gender GE and equity

This Gender Policy seeks to provide a framework to promote gender equity and equality in all departments. Specifically, the policy seeks to provide enabling environment to: - Undertake

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<sup>3</sup> *Civil Society Organizations*

gender responsive planning, implementation and evaluation of policies, programs and projects; Increase coverage, efficiency and effectiveness of interventions on gender issues in Human Resources for NCC; Promote equity and equality of women and men and ensure that interventions promote equity in gender roles and relations; Provide quantitative and qualitative information on the influence of gender on diverse sectoral issues; and Provide guidelines on capacity building, knowledge sharing and research on gender issues. Specifically, NCC will:

- (a) Align NCC with the principles of equality, equity, inclusiveness and non-discrimination as enshrined in the Constitution of Kenya 2010 Articles 10 and 27.
- (b) Integrate national standards and gender indicators in County Integrated Development Plans (CIDPs);
- (c) Formulate and ensure implementation of county specific gender policies;
- (d) Develop and implement County Gender Action Plans;
- (e) Ensure allocation of adequate resources for implementation of gender equality and women's empowerment programs;
- (f) Ensure gender responsive budgeting is adopted in the budget cycle;
- (g) Identify and implement programmes targeting gender equality and women's empowerment;
- (h) Collect, collate, analyze and implement evidence based decision making based on county gender data; and
- (i) Report on policy implementation and county gender activities.

### 1.5 Review of this Policy

This policy will be reviewed periodically or when need arises to take into account emerging issues and trends.

### 1.6 Overarching Policy Statement

NCC shall commit to finance, enforce and be accountable to implement an enabling environment that promotes gender equality and women empowerment.

## SECTION 2: POLICY CONTEXT

### 2.1 Situational Analysis

*The Clarion Call of this Framework is;*

*"That the management of NCC will not be gender blind, disability blind and special interest groups blind and above all, will reflect the diversities that are found within NCC. That all people within NCC will progressively have access to the highest attainable standards of health, including reproductive health, have access to housing and reasonable standards of sanitation, have access to clean and safe drinking water, access to formal education and social security, among other defined economic and social rights as provided for the Constitution of Kenya 2010, Articles 10 and 27'. In particular, while rolling out this policy NCC government will be guided by the national values and principles of governance including patriotism, national unity, sharing/caring, public participation, equity, social justice, inclusiveness, equality, human rights, protection and*

*non-discrimination as provided for in Article 10. These have been emphasized further in Article 27 on Equality and Freedom from Discrimination which reaffirms equality to encompass the full and equal enjoyment of all rights and fundamental freedoms; confirming that all women and men have the right to equal treatment including the right equal opportunities in political, economic and socio-cultural spheres. NCC shall not discriminate directly or indirectly against any person on any ground including marital status, sex, race, health condition, religion, age, disability, conscience, dress or language. NCC shall take affirmative action programmes designed to redress any disadvantages and marginalization suffered by any individuals or groups. NCC will restore order, dignity and hope among the residents.*

This policy has been informed by the results of the gender audit which took the form of context analysis to bring out key issues, outline specific sectoral overviews and generate critical issues/problems which impact on NCC's progress towards gender equality. Some of these include; - implementation of the two thirds gender rule, uptake of 30% of procurement tenders reserved for youth, women and persons with disabilities, access to resources, public participation in programs and projects, supporting legal frameworks for gender integration. Identifying gender-related challenges and problems in thematic areas of focus and key issues of concern guided by the gender audit report has been critical. Since both gender audit and development of this policy took place at the peak of COVID-19 (July-September 2021), we had to consider COVID-19 safety measures, maintain specific ethical principles and outline risk mitigation & management plan. The review background was largely informed by the provisions of the Constitution of Kenya 2010, existing legal & legislative frameworks, obtaining policy regime/landscape, NCC's institutional architecture including Governors Manifesto and Executive Order no. 1 of 2022 and other reports of systematic & structural inequalities.

## 2.2 Constitutional & Legislative Landscape

Nairobi City County anchored the gender audit and gender policy development on the need to have a just and equitable society in line with the Constitution of Kenya (2010), the Sustainable Development Goals and Kenya's Vision 2030, among others. The Constitution of Kenya creates a platform for gender equality and nondiscrimination. Article 10 of the Constitution is on the National Values and Principles of governance. It highlights such principles as equality, equity, inclusiveness and non-discrimination. These principles provide an anchorage for gender equality. Further, Article 27 (1) provides that every person is equal before the law and has the right to equal protection and benefit; Article 27 (3) provides that women and men have the right to equal treatment including the right to equal opportunities in political, social, economic and cultural spheres. The Constitution also outlaws discrimination on any basis including, pregnancy, race, sex, marital status, health, ethnicity or social origin, colour, age, disability, religion, conscience, belief, culture, dress, language or birth in Article 27 (4). To realize these ideals, the Constitution in Article 27 (6) requires the

government to take legislative and other measures including affirmative action to redress disadvantages suffered by individuals and groups because of past discrimination. Article 27 (8) requires that not more than two thirds of the members of elective or appointive bodies are of the same gender. Furthermore, the Bill of Rights declares that every person is equal before the law and has the right to equal protection and equal benefit of the law.

The Constitution also makes provisions to enhance gender equality and women's empowerment through enhanced land ownership and political leadership, and putting in place a legal framework to address GBV. National Assembly has passed numerous laws to implement the constitutional provisions on gender equality. These include the following:

- a) The National Policy for Gender and Development (2019). The goal of the policy is to “achieve gender equality and women’s empowerment in national development so as to enhance participation of women and men, boys and girls, vulnerable and marginalized groups for the attainment of sustainable development”. The policy sets, legislative and administrative measures to address the existing gaps in the realization of gender equality and women’s empowerment. Duty bearers at the National and County levels of Government will be equipped with relevant gender responsive requirements for planning, budgeting and implementing development programmes.
- b) The Matrimonial Properties Act (2013) provides women with the right to buy and register land individually, inherit land from their parents, and make decisions about land that is bought and sold in their names. These stipulations safeguards women’s property rights during marriage and upon the dissolution of the marriage, and they define rights for women in polygamous marriages. Despite these rights and protections, inheritance for women still lags behind men’s due to patriarchal traditions and women’s lack of awareness of their rights, as well as loopholes in the laws and conflicting rules among Kenyan courts.<sup>3</sup>
- c) The Marriage Act (2014) gives effect to constitutional provisions on equality between parties to a marriage.
- d) The Land Act and Land Registration Acts (2016) establishes equal access for men and women to land.
- e) The revision of the Succession Act (chapter 160) is at an advanced stage and is expected to address gender issues in succession.
- f) The Prevention Against Domestic Violence Act (2015) outlaws domestic violence, including child marriage; psychological, economic, and physical abuse; sexual violence within marriage; virginity testing; interference from in-laws; and widow cleansing.
- g) The Counter-Trafficking in Persons Act (2010), the Prohibition of Female Genital Mutilation Act (2011), and the Sexual Offences Act (2006) also outlaw specific forms of violence against women and girls.
- h) The Kenya vision 2030 – the political, social and economic pillars.
- i) Kenya’s Medium Term Plan III & Medium Expenditure Framework
- j) The big 4 agenda, namely (1) universal healthcare (2) food security (3) affordable housing (4) manufacturing



## 2.3 International & Regional Treaties on GEE

Article 2 (6) of the constitution provides that all treaties once ratified will become part of the Kenyan law. Kenya is a signatory to various international, regional and sub-regional instruments namely: the Universal Declaration on Human Rights (UDHR)<sup>4</sup>, the International Covenant on Civil and Political Rights (ICCPR),<sup>5</sup> the Convention on the Political Rights of Women, the UN Convention on the Elimination of all forms of Discrimination against Women (CEDAW)<sup>6</sup>, the African Charter on Democracy, Elections and Governance (ACDEG)<sup>7</sup> that aims to promote representative governance and promote and protect the full realization of rights, the Beijing Declaration and Platform for Action<sup>8</sup>, the African Union Protocol to the African Charter on Human and Peoples Rights on the Rights of Women in Africa (Maputo Protocol)<sup>9</sup> and the Solemn Declaration on Gender Equality in Africa<sup>10</sup>. The Constitution of Kenya domesticates these commitments to safeguard human rights and fundamental freedoms and entrenches the concept in *Article 27* “*The Constitution also outlaws discrimination on any basis including, pregnancy, race, sex, marital status, health, ethnicity or social origin, colour, age, disability, religion, conscience, belief, culture, dress, language or birth*” and article 81 (b): “*Not more than two thirds of the members of elective or appointive bodies shall be of the same gender*”. This provides room for enhanced protection of women’s rights through international and regional treaties. The state is liable under international human rights law to put up measures to ensure that such instruments are respected. It is however imperative to note that even where instruments have been signed and ratified, the Government of Kenya is yet to fully meet its obligation as duty bearer by putting in place policies or laws that give impetus to women’s participation in political life and aggressively address discrimination;

## 2.4 Sustainable Development Goals

The fifth SDG is a stand-alone development goal on gender equality and women’s empowerment is characterized by the following targets:

GOAL 5: Achieve gender equality and empower all women and girls	
Target 5.1	End all forms of discrimination against women and girls everywhere
Target 5.2	Eliminate all forms of violence against women and girls in the public and private spheres, including trafficking, sexual and other types of exploitation
Target 5.3	Eliminate harmful practices, such as child, early and forced marriage and Female Genital Mutilation
Target 5.4	Recognize and value unpaid care and domestic work through the provision of public services, infrastructure and social protection policies and the promotion of shared responsibility within the household and the family as nationally appropriate

<sup>4</sup> *Universal Declaration of Human Rights*

<sup>5</sup> <https://www.ohchr.org/Documents/ProfessionalInterest/ccpr.pdf>

<sup>6</sup> <https://www.ohchr.org/en/professionalinterest/pages/cedaw.aspx>

<sup>7</sup> <https://au.int/en/treaties/african-charter-democracy-elections-and-governance>

<sup>8</sup> *The Beijing Declaration and Platform for Action*

<sup>9</sup> *The African Union Protocol to the African Charter on Human and Peoples Rights on the Rights of Women in Africa (Maputo Protocol)*

<sup>10</sup> *the Solemn Declaration on Gender Equality in Africa*

Target 5.5	Ensure women's full and effective participation and equal opportunities for leadership at all levels of decision-making including political, economic and public life
Target 5.6	Ensure universal access to sexual and reproductive health and reproductive rights as agreed in accordance with the Programme of Action of the International Conference on Population and Development, the Beijing Platform for Action and the outcome documents of their review conferences

## 2.5 Obtaining Policy Regime

The National Policy on Gender and Development (2019) recognizes that it is the right of men, women, boys and girls to participate in and benefit from development and other initiatives. The policy seeks to help Kenya meet its development goals and establish women and men-friendly institutions. The policy advocates for new strategies aimed at ensuring greater participation of women and equal access to development resources and distribution of benefits. The National Commission on Gender and Development Act 2003 provides the framework for mainstreaming gender in all sectors, pledges to enforce a policy of equal opportunities, and stipulate measures for gender mainstreaming in the empowerment sector. Other government documents that address gender issues are Sessional Paper No. 2 of May 2006 on Gender Equality and Development, National Poverty Eradication Plan (NPEP), Poverty Reduction Strategy Paper, (PRSP 2001-2004), Economic Recovery Strategy Paper (ERS 2003-2007) and Vision 2030 (social pillar-Investing in the people of Kenya). The Government is also a signatory to International Protocols relating to gender mainstreaming, including Convention on the Elimination of all forms of Discrimination against Women (CEDAW) 1979, United Nations Declaration of Violence against Women 1993, Beijing Declaration and Plan of Action (1995)<sup>11</sup>, United Nations Millennium Development Goals (MDGs) 2000 as well as goals of the African Union. All these documents reiterate the need to eliminate all forms of discrimination, promote gender equality, gender inclusion and empowerment. The documents also set goals and targets for achievement<sup>12</sup>.

The same National Policy on Gender and Development (2019) provides a framework for the state to reduce gender imbalances and inequality by providing guidance to different sectors and agencies. This policy affirms the government's commitment to international conventions to which Kenya is a signatory, including the Convention on the Elimination of All Forms of Discrimination against Women, the Beijing Platform for Action, and the Sustainable Development Goals (SDGs). It also provides the guiding frameworks for 18 the national and county-government sectoral

<sup>11</sup> United Nations, *Beijing Declaration and Platform of Action, adopted at the Fourth World Conference on Women, A/CONF.177/20 and A/CONF.177/20/Add.1 Date of adoption: 15 September 1995.*

<sup>12</sup> 'Actualization and Implementation of the "Two-Thirds Gender Principle" in Kenya | [Www.Sidint.Net](https://www.sidint.net/content/actualization-and-implementation-two-thirds-gender-principle-kenya)' <<https://www.sidint.net/content/actualization-and-implementation-two-thirds-gender-principle-kenya>> accessed 15 October 2020.

policies, practices, and programs on gender mainstreaming, GBV, and gender-responsive budgeting (GRB). The 2019 National Policy on Gender and Development is a revision of a previous gender policy and includes measures to strengthen the linkage between two-tiered governments at the county and national levels. The policy spells out the following specific roles for county governments in promotion of gender equality and equity:

- ✓ Integrate national standards and gender indicators in County Integrated Development Plans (CIDPs);
- ✓ Formulate and ensure implementation of county specific gender policies;
- ✓ Develop and implement County Gender Action Plans;
- ✓ Ensure allocation of adequate resources for implementation of gender equality and women's empowerment programs;
- ✓ Ensure gender responsive budgeting is adopted in the budget cycle;
- ✓ Identify and implement programmes targeting gender equality and women's empowerment;
- ✓ Collect, collate and disseminate county gender data;
- ✓ Report on policy implementation and county gender activities (from NPGAD)

A stronger linkage creates the opportunity to shape gender equality and women's interventions at the county level through County Integrated Development Plans (CIDPs). GoK also has developed sector-level policies, such as the National Land Policy (2009), which recognizes women's rights to own property on an equal basis with men; the National Policy for Prevention and Response to Gender-Based Violence (2014); and the National Policy for the Abandonment of Female Genital Mutilation (2019).

In addition, National Government has put in place several policies to enhance access to education, especially for girls. These guidelines include Low-Cost Boarding Schools and Mobile Schools in Arid and Semi-Arid Lands (ASALs), Free Primary Education (2003), Free Day Secondary Education (2008), re-entry of girls who drop out of school because of pregnancy, affirmative action in the allocation bursaries, admission of girls in universities, and appointment of qualified female education managers at schools and administrative levels. In the health sector, the GoK has developed several policies to improve the access of women to services. One such example is the Free Maternity Service Policy (2013), which provides women with free reproductive health services. Another is the Kenya National Health Policy 2014–2030, which speaks to the importance of gender mainstreaming in planning and implementation of all health programs. The National Nutrition Action Plan 2012–2017 addressed malnutrition through a multi-sectoral response to nutrition with a focus on prevention and response. The 2015 National Adolescent Sexual and Reproductive Health Policy provides a basis for combating harmful traditional practices, especially FGM, child marriage, and other forms of GBV. To protect vulnerable groups against shocks, the government also recently developed the National Policy on Family Promotion and Protection, which speaks to the family as a unit and aims to develop a broad based framework for families to be included in development processes.

## 2.5 Justification of the Gender Equality and Equity Policy for Nairobi City County

The justification for the NCC GEWE Policy is that research and human development work <sup>13</sup>has shown that investing in gender equality and women's empowerment (i) can unlock human potential on a transformational scale; and (ii) are foundational drivers of sustainable development and self-reliance. This is derived from Sustainable Development Goal 5 on achieving gender equality and empower all women and girls. Gender equality is a fundamental and inviolable human right and women empowerment is essential to expand development.

### SECTION 3: POLICY ISSUES AND AGENDA

From the findings of the gender audit we isolated close to 30 different challenges, gaps and issues of interest, revolving around; - Devolution Promise & Potential; Piecemeal and Short-term Empowerment Strategies; Gender Responsive Planning & Budgeting; Affirmative Action & Special Catalytic Funds; Traditional Norms and Cultural Practices; Gender Roles, Responsibilities, and Time Use; Access to and Control over Assets and Resources; Patterns of Power and Decision-Making; National & County Machinery for Gender Equality and Women's Empowerment; Gender Sector Working Groups & GBV Policy Guidelines; Gender Data Collection and Analysis; Women in Leadership and Decision Making; Health Governance & Delivery Systems; Markets & Market Systems; Chronic Poverty, Economic Vulnerability and Shocks; HIV/AIDS; Gender-Based Violence; Education & Youth Affairs; Rationale and Business Case for Women's Economic Empowerment; Labor Force Participation; Formal-Sector Employment; Informal-Sector Employment; Livelihoods & Entrepreneurship; NCC Commitment to SDGs & Other Regional Instruments; Gender & CIDPs 2013/17-2017/22; & Examples of Engendered Policies & Laws.

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

Below are highlights of some of the 5 keys areas of interest as summarized from the GEE audit report;

#### **Labor Force Participation & Gender Analysis of NCC Workforce**

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<sup>13</sup> Gender Equality and Women's Empowerment 2020 Policy (USAID)

The Labor Force Participation Rate (LFPR) for women in Kenya is high at 71 percent, and stands at 77 percent for men. There are, however, significant regional differences, with female LFPR highest in the central/western region and much lower in the northeast. Urban unemployment is higher for women than men. Every child 0 to 5 years old reduces women's probability to be in the labor force by more than 2 percent. Almost 50 percent of men and 30 percent of women are paid or waged employees. Marital status is correlated to women's employment status, with single women being most likely to work for outsiders and least likely to be self-employed. Of the women who do work in the formal sector (public and private), most are employed in services, particularly in education. Women also predominate in the formal workforce of important labor-intensive export sectors, such as cut flowers (65 to 75 percent of workers), textiles (75 percent), and tourism (33 percent.) Overall, Kenyan women's earnings are on average 58 percent lower than men's, though the pay gap is much smaller in the formal sector than in the informal one. Men dominate (55 percent) in high-salary brackets in wage labor in the formal sector. The World Economic Forum's Global Gender Gap Index revealed in 2017 that a woman is paid KES 62 for every KES 100 a man is paid for the same job (no data is available for this indicator in the 2020 index although Kenya did score 0.68 for wage equality for similar work, which is slightly greater than the global average of 0.613)<sup>14</sup>.

In Kenya, public sector (government civil service) employs 3.8 percent of the labor force, of which 37 percent are women. Women represent less than a quarter (23 percent) of civil servants at the national level and almost half (47 percent) at the county level. While at the national level women are spread fairly evenly across the hierarchy (in the range of 18 to 31 percent)<sup>15</sup>. On average 48% of women are concentrated at lower levels at the county level (women represent 45 percent of service staff; 52 percent of operations staff; 24 percent of professional, management, and administrative staff; and 23 percent of top management). This finding compares unfavorably to the private sector where women are 37 percent of top management. It is important to point out that the data presented in the tables below does not include Nairobi County Assembly (More detailed data in Table I, II & III in Appendix I.

### **Agriculture and Food Production in Urban & Peri-Urban Settings**

Urban agriculture is a phenomenon evident in many parts of Nairobi City County contrary to the fact that the county government has not designated any specific places to accommodate farming at any scale. Largely it is an activity undertaken by the unemployed and the low-income urban residents as a source of food, income or as a hobby. Urban agriculture serves to reduce the risk of starvation or malnutrition, contributes to household food security among low-income urban residents and supplements household incomes. Specifically, in the city of Nairobi urban farmers use rented, borrowed or illegally occupied land signifying that they have no land of their own and thus face the problem of low security of land tenure. Despite the illegal status of the practice, there is a proliferation of gardens in the city of Nairobi along the city's polluted streams, drainage and sewerage systems, roads, rail lines, on vacant industrial and housing plots, at house back yards and on other unused public and private spaces (Kawai, David 2003).

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<sup>14</sup> *Education and Skills by Sector (Source: World Economic Forum Global Gender Gap Report 2020)*

<sup>15</sup> *KDHS 2019*

Given rapid urbanization, increased population and the growing value of urban farming, one important question for NCC Government is, how urban farmers can be better supported through policy, capacity development, and infrastructure. These issues are particularly important for women who play strong and dominant role in urban farming. Their role as the household's primary

provider requires them to frequently carry out the majority of urban farm labor, including tasks culturally assigned to men, such as managing livestock (Prain & Lee-Smith, 2010). In Nairobi City, women hold the responsibility of providing their families/households with food and this becomes more difficult to do with low or lowering income. However, women adapt in the most extraordinary ways to ensure their families and households survive the challenges facing them. As a result, urban agriculture has become one main survival strategy to overcome food insecurities in many developing cities. Food insecurity is a direct result of poverty and many low-income families find it more difficult to afford and therefore access a steady supply of nutritional food.

Article 11 of the UN International Covenant on Economic, Social and Cultural Rights (ICESCR), highlights the "right to...adequate food" in more detail as the "right of everyone to be free from hunger" (Rae et al., 2007). This suggests, at the very least, that individual states and the international community have a responsibility to prevent hunger. UN SDG 2 aims to achieve "zero hunger", as one of the 17 Sustainable Development Goals established by the United Nations in 2015, it states "End hunger, achieve food security and improved nutrition and promote sustainable agriculture". These two important global frameworks have been domesticated by Kenya in Article 43 (1) (c) of the Constitution, which states clearly that every Kenyan has the right to be free from hunger and to have adequate food of acceptable quality.

#### **Affirmative Action & Special Catalytic Funds**

The Kenyan poverty levels are very high with women bearing the brunt. Women are unable to access credit that requires collateral which majority do not have. Feminization of poverty is experienced across all regions. Women with disability and women with HIV and AIDs suffer the consequences. The Government of Kenya has put in place various programmes to empower women to overcome poverty, access leadership, begin businesses and live decently. The programmes include gender mainstreaming, affirmative action and gender responsive budgeting. There are special catalytic funds dedicated to women, persons with disabilities and the youth for development programmes. These are: Women Enterprise Fund (WEF) that provides micro-finance credit and other financial support for women; The Youth Enterprise Development Fund (YEDF) that provides credit for young men and women to enable them establish businesses to earn a living aimed at reducing unemployment; The Uwezo Fund that empowers women, persons with disabilities and youth that give seed money to the special interest groups as startup capital for businesses; The Social Protection Fund is given as credit and cash transfers to older members of society and people with severe disabilities. The target is for senior citizens beyond age 65 years; 30% procurement reservation affirmative action to Special Interest Groups (SIGs) that include women, persons with disabilities and the youth<sup>16</sup>. The SIGs access 30% value of all public procurement tenders, (More detailed data is shown in Table IV in Appendix I.

### Tariffs & Markets

Market systems in Kenya are traditionally gender blind, based on a false assumption of a “level playing field” and thus fail to recognize and accommodate for underlying gender inequalities which impacts on women’s ability to compete with men for productive resources and opportunities. As with the health system described above, in order to assess the level of gender responsiveness of market systems, one must start by analyzing the legal and policy framework. The WB’s 2020 Women Business and the Law Report, which covers 190 countries, measures legal frameworks and their impact on women’s economic empowerment to build evidence on the relationships between gender equality and women’s entrepreneurship and employment. Kenya’s score is 80.6, slightly greater than the median and the SSA<sup>17</sup> average of 69.9 and the global average of 75.2. Cultural norms embedded in Kenya’s legal frameworks continue to limit women’s voice over economic decisions (related to issues such as investments in factories or production, inheritance, land, and asset ownership). The 2012 Law of Succession Act is particularly problematic as it provides for differential treatment of male and female surviving spouses, thus embedding gender inequality in formal inheritance rights. Analysis of specific sub-sectoral market systems also reveal gender bias: while women predominate in the formal workforce of important labor-intensive export sectors, such as cut flowers (65 to 75 percent of workers), and textiles (75 percent), and high value horticulture products such as avocados, they are 28 concentrated at the lower end of these value chains and excluded from the more profitable retail and international trade end.

Financial systems are also gender biased: three times more men than women have access to formal sources of credit, twice as many men as women have formal savings accounts, while more women (31 percent) than men (20 percent) rely solely on mobile money accounts. A significant market failure is reflected in the fact that market systems do not recognize the double burden that

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<sup>16</sup>Republic of Kenya, National Policy for Prevention and Response to Gender Based Violence, November, 2014,

<sup>17</sup> *Sub Saharan Africa*

women already bear in terms of their domestic and productive roles, and that the structure of formal sector employment is designed for (mostly male) workers who do not have domestic responsibilities, making it difficult for women who have to juggle both roles to compete in the formal labor market. Inclusive market systems development is increasingly recognized as an approach that empowers poor and marginalized people. By explicitly taking gender dynamics into account, inclusive market systems can empower women, leading to wide-ranging development dividends for both women and men, their families, and the economy. Section 5.3 provides a menu of potential gender indicators to include in NCC's strategic planning to measure advances and gaps in each of the key aspects of market systems, including in formal and informal employment, entrepreneurship, and access to finance and training.

### **Health Governance & Delivery Systems**

Kenyan Health Policy acknowledges that gender disparities between Kenyan regions exist and that health interventions need to address these regional disparities. In addition, the policy identifies other social determinants of health, such as the literacy level for women having a strong correlation with women and maternal health. However none of the six policy objectives are gender related. Although the policy makes substantial mention to the governance of the health system, it pays insufficient attention to gender. The significant emphasis it places on the health system through organizational lenses as opposed to institutional ones also ignores the social-cultural attributes like gender that either inhibit or enhance access to health. At the planning level two trends emerge, the first is that gender gets relegated to the periphery of plans and policies, and second, that there is a failure in health policy and programs to address specific gender needs. Programs targeted towards improving women's health at the national level point towards an understanding that health services need to address the needs of specific groups who are marginalized due to gender roles, norms and relations. However, as the provision of health services is a domain of county governments, a wider understanding of the status of gender and health can only be made through a review of resourcing and decision-making with regards to health at the county level. County-level leaders play a key role in setting county health priorities, allocating resources received from the national level, and undertaking various forms of local resource mobilization to strengthen service provision, highlighting the crucial role of local governance and leadership in the health sector.

### **ECDE, Education & Youth Affairs**

By end of 2019, gender parity in gross enrollments—defined as the ratio of female to male enrollment rates, which includes children of any age enrolled in a school—was 0.97 at the primary level and 0.95 for secondary schools. The primary gross enrollment rate—the number of children enrolled in a level (primary or secondary, regardless of age) divided by the population of the age group that officially corresponds to the same level—is 1.06 for females and 1.09 for males, and the secondary primary gross enrolment rate is 0.73 and 0.77 for females and males respectively. The network enrolment rate—the number of children of the age for a particular level of education who are enrolled in that level of education—is 0.82 for girls and 0.78 for boys at primary level, and 0.44 for girls and 0.41 for boys at secondary level. The data indicate that



girls are less likely than boys to attend both primary and secondary school over-aged (for the level at which they are enrolled). It also indicates that girls and boys have similar levels of at-age primary school enrollment, but that girls have higher levels of enrollment in at-age secondary school. With 50 percent of girls in rural Kenya marrying by the age of 19.

NCC has a total of 225 primary schools and ECD centers spread across 17 sub counties. For capacity building of young people the City has 16 vocational training centers or youth polytechnics and 233 technical & vocational colleges, both public and private. Adolescent mothers are unable to complete their education due to stigma and lack of childcare and families often prioritize boys' education. Head of household (mostly male) approval is important in deciding whether young mothers resume schooling after childbirth. At school, mocking, gossiping, and name calling by students and teachers is an inhibiting factor, and in the community, young mothers are perceived as immoral and bad role models for their peers. Sexual abuse of students, especially girls, also continues to be a problem in schools, as reported in key stakeholder interviews. Gender norms on masculinity (such as the imperative for men to earn an income to support the family) combined with financial pressure keep some boys out of school.

### Gender-Based Violence

Despite comprehensive GBV laws and policies, sexual harassment, exploitation, violence, and abuse are still rampant—the national median age by first marriage among women aged 25 to 49 is 20 years, meaning half of women in Kenya marry (early) by this age. And in 13 of 47 counties, one in every two women marry before age 19. Though outlawed in 2011, FGM continues and is characterized by regional disparities. The national average prevalence rate is 15 percent (ages of 15 to 49), and 9 percent of girls aged 15 to 19 have undergone FGM compared to 23% of women age 45-49. The rates of FGM, however, vary regionally from 17 to 99 percent of girls in 12 of the 47 counties. Other traditional practices also contribute to the subjugation of women, include taboos or practices that prevent women from using contraception and controlling their own fertility, the preference for large families, son preference, female infanticide, early pregnancy, and bride price. Sexual violence also is an issue: according to the KDHS 2022, the percentage of women who have experienced sexual violence increases with age from 7% among those age 15-19 to 18% among those age 40-49. Before, during, and after the 2013 and 2017 elections in Kenya, GBV was used to discourage women from taking leadership positions. Female political aspirants and candidates faced multiple episodes of violence, such as sexual harassment, threats, intimidation, and ridicule. More than 200 cases of sexual violence were recorded in the 2017 elections—and even more cases went unrecorded. Weak preparation and coordination hindered timely and adequate responses during this period.

In response to the issues and conclusions above the gender audit proposed and summarized a raft of recommendations under the following seven areas/themes to be considered as part of NCC's policy agenda for GESI.

- ✓ NCCG to Address Gender Gaps in Policies, Programs and Plans;
- ✓ Monitor/Track Progress with Gender Mainstreaming and Initiate Sustained Capacity Building Activities for Staff & Local Partners
- ✓ NCCG to Transform Key Systems, especially for Markets, Health Sector and Governance, to Provide Services to Every Nairobi Resident with Quality, Inclusivity, Accountability and Efficiency

- ✓ NCCG to Cultivate and Sustain Structured Partnerships with Citizen-Responsive & Public Interest Institutions & Actors to Jointly Work with & Support Communities to Increase Resilience and Gender Equity for Vulnerable Populations in Nairobi's Informal Settlements
- ✓ NCCG Should Initiate and Sustain Transformative, Innovative and Engendered Economic Models Geared Towards Creating and Utilizing Collaborative Platforms that Increase Employment and Expand Access to Capital and Skills to Accelerate Trickle-Up Growth for Young Men and Young Women
- ✓ NCCG Should Promote Local Public-Private Partnerships (PPPs) to Improve the Well-Being of Residents
- ✓ NCCG to Implement 2/3s Gender Rule, Promote Affirmative Action Plans, Communicate Effectively & Create Public Awareness on Gender Issues, Challenges, Policy Actions and Opportunities
- ✓ NCCG Should Develop Frameworks, Strategies and Guidelines for Improved Oversight and Gender Responsive Planning, Budgeting & Rollout of Policies
- ✓ NCCG to develop of policy implementation guidelines for all sectors/areas starting with 5 key ones namely; labor force participation (HR), Health, Education, Trade & Markets and GBV.

#### SECTION 4: POLICY PRIORITIES, STATEMENTS & ACTIONS

Key to delivery/roll out of this policy and realization of equality and non-discrimination are the observance and actualization of the following key processes that are aimed at enabling NCC to ensure that resources are allocated, tools are developed and capacities strengthened for purposes of promoting gender equality, mainstreaming gender and empowering women.

To achieve this, NCC will pursue the following policy priorities:

##### **Policy Priority 1: Need to Address Gender Gaps in Policies, Programs and Plans**

**Policy Statement:** NCC will form a GEE Policy Committee (GPC) to be domiciled in the sector of Inclusivity, Public Participation, and Customer Service in developing, maintaining, monitoring and implementing the policy. The Committee will have at least one representative from all the departments as well as County Assembly and Governor's Office.

Chairperson and Secretary to this Committee should be appointed by the Governor every 2.5 years upon recommendation by CEC Member for Inclusivity, Public Participation, and Customer Service for a maximum of two terms. The membership to the committee should be a maximum of 9.

**Policy Actions:** GPC will be expected to be an advisory committee with some oversight functions, specifically it will carry out the following policy actions:

- a) Oversight the development of NCC Gender Bill to be passed into an Act by the County Assembly
- b) Oversight efficient implementation of gender equity and equality in the work place at all levels.
- c) Adequate funding for Gender Unit to guide domestication and implementation of all gender policy guidelines and coordinate GEE activities.
- d) Support and advice on monitoring of gender mainstreaming and gender responsive activities in the county and oversight annual progress reports for NCC on this GEE policy implementation.
- e) Design & define sanctions to be applied as consequences for not complying with outlined policy guidelines to reinforce or compliment disciplinary measures outlined in the public service code of regulations within the context of Nairobi County government procedures.
- f) Commission processes for identifying capacity needs and recommend capacity building activities for Nairobi City County Government.
- g) Support relevant departments to plan and carry out gender sensitization for all senior County Officers (including the Governor, CEC members and county executive and assembly);
- h) Submitting bi-annual (twice a year) reports to NCC Cabinet through CEC Member in charge of inclusivity, using designed/prescribed reporting templates.
- i) Advice on data & evidence collection and utilization to inform implementation of this GEE policy;

## **Policy Priority 2: Call for Improved Coordination & Political Support**

Coordination is essential for effective planning. When it comes to addressing gender dimensions of development, it is necessary to strengthen coordination and have joint planning between sectors, the continuous exchange of information and collaboration across all the sectors in NCC including non-state actors. These mechanisms should be aimed at improving attention to action on gender equality and inclusion. They should therefore, be used for pointing at progress, eliciting action, or building a body of good practice.

**Policy Statement:** NCC will establish a High Level Forum for Inter-Sectoral Coordination & Political Buy-in for GEE. One of the crucial ways is for the Gender Mainstreaming Committee to lobby for establishment of the **High Level Forum on GEE** to assist them in coordination and mobilize political support. This forum (which should meet once a year) will facilitate dialogue, making sure that people are informed of key issues and developments in terms of the changing roles, needs, conditions of women, girls, boys, men and the other SIGs within the City. The Forum to be chaired by the Governor should bring on board DG, all CECs, Chief Officers, Directors, and chairs/secretaries of all NCC boards across the Executive & Assembly. The forum should provide mechanisms or means of encouraging more integration of gender perspectives into all programs and to ensure compliance and reporting on any failures in

ensuring equality and non-discrimination. Gender Mainstreaming Committee must be facilitated and budgeted for as part of the process of ensuring roll out of this policy and related guidelines.

**Policy Actions:** The following policy actions will be considered for effective coordination of gender equality and women empowerment programmes:

- (a) Joint assessment of the situation and needs
- (b) Developing common strategies by all sectors/units towards the assessed needs
- (c) Convening annual review forums to ensure adequate responses
- (d) Setting aside adequate funds and resources for adequate coordination
- (e) Create/review scorecards to cross check whether all NCC departments are meeting their obligations to its citizens.
- (f) Validate a reporting mechanism where departments share periodic reports with Gender Mainstreaming Committee and receive routine feedback;
- (g) Validate a framework for entrenching principles of equality and inclusion at county level

### **Policy Priority 3: Gender Responsive Planning (GRP) & Gender Responsive Budgeting (GRB)<sup>18</sup>**

Refers to the process of applying the results of gender analysis to bridge the gaps/inequalities identified between women and men through the planning process at various levels. It includes taking appropriate actions to bring the marginalized groups to an equal standing with others. It ensures that equitable opportunities and equal outcomes are achieved for men and women, boys and girls. It pushes planners from being gender blind to being gender sensitive.

**Policy Statement:** NCC to use both GRP & GRB<sup>19</sup> as strategies for supporting gender equality & women empowerment in development processes to incorporate gender perspectives at all stages of planning & budgeting processes and restructure revenues/expenditures to enforce gender equality and women empowerment.

**Policy Actions:** Objective and regular analysis of the impact of the actual county expenditure on and revenue allocation for women and girls as compared to men and boys, will help in deciding how policies/programs/projects need to be adjusted and where resources need to be re-allocated to address poverty and gender inequalities. Planning, budgeting and resource allocation is a purview of both the Executive and Assembly. In order to deliver effectively on this mandate, NCC will consider the following policy actions:

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<sup>18</sup> *More details can be drawn from The County Assembly Gender Responsive Budgeting Guide; The Society of Clerks at the Table in Kenya (SOCATT-K) 2018*

<sup>19</sup> *The concept of gender responsive budgeting' (GRB) is based on a number of critical premises: - Government budgets are not just a technical compilation of incomes and expenditures. It is the most important policy statement made by the Executive in the course of the year; Budgets are the strongest expression of a government's political priorities and commitments; they constitute a declaration of the government's fiscal, financial and economic objectives and reflect its social and economic priorities. Budgets are therefore not gender-neutral in impact. They have the potential to either increase or reduce the burdens and/or vulnerabilities of different social groups, or to improve their capacities and capabilities. They can also encourage positive and/or negative changes.*

- (a) Build capacity of staff, of the executive and county assembly to enhance competency and understanding of matters relating to participation and inclusion of protected groups in the budgeting process.
- (b) In the budget formulation process, ensure that the needs and priorities of protected groups are understood. This is achieved through ensuring effective participation of these groups in the budget hearing process. Other strategies include visiting project sites and promoting self-representation.
- (c) Allocating funds for targeted GEE activities, including ensuring that within all activities, consideration is given to the cost of delivering services to protected groups and putting in place programmes that enhance their empowerment.
- (d) When cutting down service delivery, pay particular attention to the impact on the most vulnerable and especially the protected groups.
- (e) Following CIDP, have engendered Annual Development Plans (ADPs) to guide gender-based budgeting and resource allocation based on measurable deliverables.
- (f) Promote Women participation in planning & budgeting processes as important platforms for review/consideration of issues for allocation of funds to programmes which promote gender equality and empower women.

#### **Policy Priority 4: Gender Integration**

Integrating gender into an NCC's activities and structures implies building technical capacity, improving accountability and positive organizational culture. This has both external and internal implications. Externally, gender integration fosters participation of and benefits to women and men in an organization's initiatives or services, internally, gender integration promotes women's leadership and equality in an organization's own policies and structures.

**Policy Statement:** NCC is strongly committed to protecting and promoting gender agenda through affirmative actions which foster gender integration in order to promote gender equality and empowerment.

**Policy Actions:** Some of the issues to be considered when carrying out a gender integration exercise with the county will include: - Who is responsible of ensuring that gender is mainstreamed in the work of the county including employment, duty allocation, planning & budgeting etc.? Who is in-charge of training about gender and gender responsiveness in all activities? In making laws and policies, NCC will endeavor to carry out the following policy actions:

- (a) Enact laws and policies that prohibit any form of discrimination against women as one of the protected groups<sup>20</sup>
- (b) Analyze the impact of gender neutral laws and policies and if any indirect discrimination occurs, it should be corrected
- (c) Make and enforce laws and policies that promote affirmative action as a means of correcting past discrimination
- (d) Make and ensure the enforcement of laws that protect women and other special interest groups
- (e) Ensure the participation of women and other protected groups in the legislative process
- (f) Adopt planning and administration process that eliminates female subordination and promotes participation of SIGs
- (g) Ensure that all legislations have local meaning and able to transform the local conditions towards equality and non-discrimination respecting the integrity of all persons.
- (h) Ensure all legislations have an implementation plan, popularization plan and if possible, translated into Kiswahili for ease of access.
- (i) Review or develop work place policies to protect all cadres of employees and service seekers from any form of exploitation.
- (j) Develop gender sensitive codes of conduct that befits all county officials and staff.

#### **Policy Priority 5: Strengthening Gender Management Systems (GMS)**

Implies the process of identifying and implementing the changes in policy and practice in the county's management system so that NCC can respond better to gender related challenges. Gender Management Systems constitute a network of structures, mechanisms and processes put in place within an existing organizational framework.

**Policy Statement:** NCC undertakes to carry out arrays of initiatives and strategies aimed at improving all NCC functions and systems for better gender mainstreaming, integration & response.

**Policy Actions:** In order to guide, plan, monitor and evaluate the process of integrating gender into all areas of the NCC's work, systems & structures for achieving greater gender equality and women empowerment, NCC will implement the following policy actions:

- (a) Have a team at the County Assembly that is equipped well enough to track the executive's commitment to gender equality and women empowerment.
- (b) Have a Gender mainstreaming officer at the County Assembly to push for gender mainstreaming and coordination of gender equality & women empowerment programs.
- (c) Have a specific section in the Governor's report to the Assembly on the state of county's implementation of gender equality and women empowerment .
- (d) Have a specific section in the report of the county's performance on the state of implementation of gender equality and women empowerment. This is the annual report under Articles 10 and 232 of the Constitution on the levels of compliance. These reports are gazetted and can be used to ensure accountability.

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<sup>20</sup> Guided by *Legislative Handbook on Principles of Equality and Non-discrimination (NGEC2018)*

- (e) Consider gender equality and women empowerment indicators in the County performance management system and as key performance indicators for County Executive Member in charge of gender and inclusion programs so that she/he can be the focal point for ensuring performance across all the other portfolios
- (f) Ensure that all sectors within the county have an inclusion framework and report to the Executive and the Assembly regularly
- (g) Equitably recruit male and female staff on a 50/50 basis
- (h) Specifically target women for senior positions within the county to achieve the 1/3 target
- (i) Develop a tracking system to monitor the advancement of women into decision making positions in the county
- (j) Develop a tracking system that assesses the extent to which SIGs are promoted and advanced to senior management positions
- (k) Support each Directorate or Department to develop specific gender mainstreaming guidelines

#### Policy Priority 6: Promoting Sustainable Development Goals (Particularly SDG 5)

In collaboration with the National Government, NCC will have been implementing and will continue to implement activities towards Agenda 2030 and Sustainable Development Goals (a set of 17 goals adopted by the global community committing to the realization of human rights of all, achieve gender equality, and empower women and girls among other things).

**Policy Statement:** NCC commits to pursue a number of initiatives and harness several opportunities towards achieving relevant targets of SDG5<sup>21</sup>.

**Policy Actions:** In this respect, NCC will undertake the following policy actions;

In line with SDG 5 targets #1, #2 & #3: Ending all forms of discrimination against all women and girls everywhere; Eliminating all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation; And, eliminating all harmful practices, such as child, early and forced marriage and female genital mutilation.

In line with SDG 5 target #5: Ensure women's full and effective participation and equal opportunities for leadership at all levels of decision making in political, economic and public life.

In line with SDG 5 target #7: Undertake reforms to give women equal rights to economic resources, as well as access to ownership and control over land and other forms of property, financial services, inheritance and natural resources, in accordance with national laws.

In line with SDG 5 target #8: Enhance the use of enabling technology, in particular information and communications technology, to promote the empowerment of women.

In line with SDG 5 target #9: adopt and strengthen sound policies and enforceable legislation for the promotion of gender equality and the empowerment of all women and girls at all levels.

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<sup>21</sup> Kenya SDGs Forum, *Ibid*

## Policy Priority 7: Protection Against Gender Based Violence (GBV) & Retrogressive Cultural Practices

National Government has made amendments to the Domestic Violence legislation<sup>22</sup> with the view to ensure that there is reduction on inter-gender domestic violence, a phenomenon that women have historically suffered so much from. The Act aims to provide protection of spouses, children and dependent persons in cases of domestic violence. Outlawing of discriminatory laws against women is a very big important step towards gender equality & women empowerment. Article 2 (4) of the Constitution prohibits any forms of human rights abuse that would result from traditional and cultural practices to the extent that such practices will be found to be inconsistent with the Constitution. Such include negative practices in some communities which previously denied women full access to their rights and enjoyment of their dignity.

**Policy Statement:** NCC commits to observe/domesticate national laws, develop relevant county legislations and firm up policies/programs meant to fight GBV and retrogressive cultural practices.

**Policy Actions:** NCC will carry out the following policy actions

- a. Provide Psycho Social Support (PSS) to staff who may fall victim of GBV and retrogressive cultural practices. Ensure cases or victims are not neglected and that all needs and vulnerabilities are taken into account.
- b. Work with state and non-state partners to mount robust and regular awareness campaigns to change attitudes among staff and residents through education, media shows, awareness creation and briefings.
- c. Pay attention to and lay much focus on prevention of sexual harassment through targeted actions, including regular staff awareness activities. Other initiatives to be undertaken include the following:
  - ✓ Implement the Gender Based Violence Policy;
  - ✓ All departments should have a gender hotline and a gender focal person, where staff can report on any sexual harassment issues;
  - ✓ Sensitize and train staff on all legal instruments regarding sexual harassment (including the Sexual Offences Act No.3 of 2006;) through action and continuous communication;
  - ✓ Look at some forms of sexual harassment, summarize them and include them in the guidelines; Institute complaints procedures and a reporting system on sexual harassment at the workplace;
  - ✓ Establish a mechanism for quick action and redress for sexual harassment

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<sup>22</sup>Protection against Domestic Violence Act, 2015



cases;

### Policy Priority 8: Non-Discrimination & Affirmative Action Initiatives

Article 27(2) of the Constitution provides a strong ground that prohibits discriminatory practices based on a wide array of socio economic and political diversities. It has become the point of reference for a lot of advocacy on women's rights and empowerment of women through affirmative action, while Article 81 (B) of the Constitution provides a framework for affirmative action on elective and appointive positions, stating that not more than 2/3<sup>rd</sup> of such positions shall be composed of one gender.

**Policy Statement:** Both NCC Assembly and Executive will work together to ensure gender balance at all levels in the public service and implement measures to fight discrimination against women, address gender gaps, promote gender equality and encourage urban farming by both men and women.

**Policy Actions:** To promote GESI<sup>23</sup>, gender equality & women empowerment, NCC will:

- a. Continue implementing the not more than 2/3 gender rule on appointment, recruitment and promotion;
- b. Continue implementing the 30% public procurement preference and reservations for women, youth and PWDs;
- c. Have gender sensitive and gender balanced recruitment panels;
- d. Where a woman and a man have equally qualified for a position, in a category in which there is gender imbalance, the sex that is underrepresented will be given priority;
- e. Work towards ensuring gender balance of staff at all levels and cadres;
- f. Work towards ensuring gender balance in Committees, Taskforces and Boards within NCC.
- g. NCC will employ qualified extension officers and who can support urban farmers and make regular follow-ups to address issues and challenges they face. Through this farmers will gain the services, skills and advisories intended to support and assist safe farming practices in Nairobi County.
- h. In order to improve relationship between the extension officers and urban farmers NCC will create and facilitate opportunities/forums every quarter to inform urban farmers of the services offered by extension officers and find solutions to issues farmers are struggling with. These will help farmers connect with their local extension officers to share their needs, business plans and farming activities. It also provides the NCC staff with structured spaces to better engage with and review urban farming within Nairobi.

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<sup>23</sup> Gender Equity & Social Inclusion

- i. Increased opportunities for more practical hands on training and participation in farm-site visits coordinated by extension officers. Regular opportunities for farmers to visit multiple farms would add a lot of value to farming practices and will allow farmers to select different farm practices which best meets their needs and responds to their business goals.

### **Policy Priority 9: Promoting Structured Participation of Women in NCC Affairs**

Participation enhances a sense of ownership of development initiatives among women and other SIGs, transparency, accountability, effective implementation and above all sustainability. In most cases women and other SIGs' participation have been restricted to the lowest rungs of the participation ladder<sup>24</sup>. In regard to governance, Article 196 of the Constitution requires the county assembly to conduct its business in public and to facilitate the participation and involvement of citizens/residents.

**Policy Statement:** NCC will take deliberate measures to ensure that women are not excluded in any county processes, including developing laws & policies meant to promote or support structured and engendered public participation.

**Policy Actions:** In order to ensure real and meaningful participation by citizens in governance and in development processes, NCC government will strive to upgrade women participation to the higher rungs of the ladder by taking up the following policy actions:

- (a) Use Rights Based Approaches (RBA) to eliminate or at least try and diminish any existing exclusion and discrimination in the implementation of any NCC programs or projects.
- (b) Promote and facilitate participation and inclusion of women in all committees, forums and processes.
- (c) These principles require NCC as duty bearers to act in a manner that enables the citizens (mainly women) also known as the right holders to exercise their rights which they are entitled to.
- (d) Embrace a policy of equal participation and self-representation for protected groups through nomination of members to the county assembly, recruitment to serve the county government including the executive members.
- (e) Ensure participation and access to economic opportunities and activities by setting specific targets on employment, procurement and skills development for groups that are consistently excluded such as women.
- (f) Seek expert input on issues relating to gender and other protected groups where there is no expertise amongst members of the assembly or executive.

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<sup>24</sup> By identifying eight levels, Arnstein's (1969) ladder of participation is an appropriate guide in measuring the degree of women & other SIGs participation in development initiatives within NCC.

## **Policy Priority 10: Capacity Building of Staff, Gender Advocacy and Sensitization on Gender Mainstreaming**

Capacity development is critical in ensuring gender mainstreaming within NCC. From the audit, most staff within NCC are unaware of gender mainstreaming issues since they have not been adequately sensitized. This has led to misinterpretation of gender and negative perception of gender as women's affair.

**Policy Statement:** NCC will build capacity of staff, facilitate gender advocacy throughout the County and sensitize on the benefits of gender equality and women empowerment.

**Policy Actions:** To address the above issues, NCC through the Gender Mainstreaming Committee, Directorates and Agencies will undertake the following policy actions:

- a. Incorporate gender training in all sector training plans;
- b. Cultivate partnerships with CSOs and private sector to enhance capacities of all staff including Gender Mainstreaming Committee Members through relevant training on gender;
- c. Sensitization of newly employed staff on gender during induction through the Human Resources Department and sensitization on gender issues during sectoral meetings, forums and functions as appropriate;
  - a. Regular advocacy and awareness creation shall be undertaken through the following; - dissemination of gender related policies; awareness creation on gender through the NCC website; and involvement of County staff in gender related activities e.g. 16 Days of Activism against SGBV, Zero Tolerance against FGM and International Women's Day etc.
  - b. Organize annual gender awareness week

## **Policy Priority 11: Promote Gender Sensitive Working Conditions and Practices within NCC**

Good working conditions and practices are essential in providing platforms for addressing gender concerns and improving staff motivation, retention and productivity. Women and men may be exposed to different physical and psychological risk at the work place, thus requiring different control measures.

**Policy Statement:** NCC commits to create enabling environments, provide empowering facilities, promote gender sensitive working conditions and practices across all service delivery centers, institutions and offices within the county

**Policy Actions:** NCC through Gender Mainstreaming Committee, HR Department and Sector Heads shall undertake the following measures:

- a. Sensitization on gender sensitive workplace related policies such as paternity leave, maternity leave, child adoption leave (Employment Act 2007) and implementation of relevant national policy guidelines, code of ethics and regulations;
- d. Provide gender sensitive working conditions and practices; provide facilities in consideration to the gender specific needs. This includes: toilets, toiletries, staff changing rooms in health facilities and office spaces; advocate for provision of day-care facilities, flexible working hours for nursing mothers and provision for mothers with young children to travel with them for work related activities where appropriate.
- e. Strengthen partnerships with key departments in the County and at National Government level, as well as with NGOs and Private Sector.
- f. Continue to advocate for open office policy throughout NCC

#### **Policy Priority 12: Strengthening Partnerships with Stakeholders**

Partnerships and partner coordination is key to the efficient and effective implementation of gender promoting projects and programs and enhancing resource mobilization for GEWE.

**Policy Statement:** To remain strategically positioned, NCC through the Gender Mainstreaming Committee will continue to coordinate all key partnerships with state corporations, public bodies and non-state actors supporting gender mainstreaming.

**Policy Actions:** In so doing, NCC will undertake the following policy actions:

- a) Map out key stakeholders;
- b) Enhance Strategic Partnership and networking with various stakeholders implementing gender related projects and programs;
- c) Ensure that projects and programs implemented by partners are aligned to the gender policy;
- d) Advocate and lobby for partner support (financial and technical) in implementation of gender related projects and programs across all NCC departments;
- e) Provide technical back stopping on gender to other local stakeholders, partners and actors

**Policy Priority 13: NCCG to develop policy implementation guidelines, administrative procedures, action plans & budgets for all sectors/areas starting with 5 key ones namely; labor force participation (HR), Health, Education, Trade & Markets and GBV.**

**Policy Statement:** NCCG will ensure that the concerns of men and women form integral dimensions of all policies, laws and administrative procedures including budgeting and budget

implementation for sectors and that all specific issues affecting women are addressed through implementation guidelines, costed action plans and mainstreaming guidelines.

**Policy Actions:**

Put in place and enforce/implement policies, laws and administrative procedures including budgeting and budget implementation guidelines, costed action plans and mainstreaming guidelines for all sectors/areas of interest starting with labor force participation (HR), Health, Education, Trade & Markets and GBV.

## **SECTION 5: RIGHTS AND OBLIGATIONS OF STAKEHOLDERS**

### **5.1 Rights of Women and Men**

These rights as stipulated in Chapter 4 of the Kenyan Constitution 2010 which are: 1) Good Health 2) Right to life 3) Quality Education 4) Marriage at the legal age of consent 5) Freedom of speech, expression and association 6) Protection from social, economic and political manipulation. 7) Seek decent and fulfilling employment 8) Adequate shelter, food clothing and basic services 9) Protection from harmful conditions, cultural practices and exploitation. 10) Ownership, secure tenure and protection of property 11) Participate in making decisions that affect their lives 12) Protection from abuse, sexual exploitation and trafficking.

### **5.2 Obligations of the County Government**

It is the obligation of the county government of Nairobi to ensure that all its residents are served to their expectation. It should carefully plan and be involved in developing plans for promoting GEE and give women all the opportunities and platforms to contribute to current and future nation-building. The county government of Nairobi shall; 1) Be the lead agency in supporting the implementation of the GEE policy. This support should cover all the envisaged initiatives and programmes including creation of new business & employment opportunities; 2) Create mechanisms and opportunities for involvement and participation of women; 3) Provide quality education, capacity building and skills development for women; 4) Provide the necessary policies and legislative frameworks for women to fulfil their dreams & obligations 5) Ensure that women enjoy their rights 6) Assist the women to access subsidized loans to enhance and improve the economic and entrepreneurial development potential through Government Affirmative Action Programs and Initiatives. Within NCC, the policy will apply to all the following sectors & departments and each of them will be expected on approval to use this policy to integrate and mainstream gender equality & equity in their action plans, budgets, policies and implementation frameworks:

- (a) Inclusivity, Public Participation & Customer Service (Gender is in this docket)
- (b) Finance and Economic Planning
- (c) Innovation and Digital Economy
- (d) Talents, Skills Development and Care (former education and social services)

- (e) Mobility and Works (building, works & engineering)
- (f) Built Environment and Urban Planning
- (g) Boroughs Administration and Personnel (sub-county administration & human resources)
- (h) Business and Hustler Opportunities (trade & cooperatives)
- (i) Greening Nairobi (environment, water, food & agriculture)
- (j) Health, Wellness and Nutrition

### 5.3 Obligations of CSOs & Private Sector

Both CSOs and private sector shall take part in research, advocacy and resource mobilization. Other roles will include job creation and provision of employment opportunities for women, engaging in entrepreneurial development, internship/apprenticeship/mentorship for young women; provision of information and transfer of technology and skills.

### 5.4 Policy Implementation Action Plan

After approval by both the County Executive, this Policy will be operationalized through an implementation action plan detailing: policy priorities, key actions, indicators, timelines, responsibilities, and estimated budget per year.

### 5.5. Resourcing Implementation of this Policy:

NCC Government will consider allocating 2% of its Annual Budget towards Gender Equality and Equity programmes and projects

## SECTION 6: MONITORING, EVALUATION & LEARNING (MEL) FRAMEWORK

### 6.1. Gender Sensitive Indicators (GSI)

Implementation of this Gender Mainstreaming Policy will be regularly monitored and evaluated to measure progress and results being achieved. The key responsibility for Monitoring and Evaluation (M&E) as well as coordination of capacity building and learning activities remains with the Gender Mainstreaming Committee guided by the Directorate or Sector responsible for gender. This MEL process will be guided by the annexed MEL framework and annual work plan which will be developed with clear gender mainstreaming indicators<sup>25</sup>.

Each unit or directorate will be required to contribute towards mainstreaming gender in their jurisdictions. Some Gender Sensitive Indicators (GSI) to apply in Measuring Policy Implementation, examining changes in gender relations overtime and Tracking progress towards goals/results include:

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<sup>25</sup> See UNDP 2009: *Handbook on Planning, Monitoring and Evaluating for Development Results*. Found at <http://www.undp.org/eo/handbook>

<ul style="list-style-type: none"> <li>• Gender responsive plans, projects, programs and policies;</li> <li>• Gender mainstreaming systems in place;</li> <li>• Percentage of financial resources allocated to gender programs in relation to other sector budgets;</li> <li>• The number and quality of gender training programs undertaken;</li> <li>• The number and categories of officers trained on gender, disaggregated by gender or sex;</li> </ul>	<ul style="list-style-type: none"> <li>• Gender responsive guidelines for recruitment committees in place;</li> <li>• Gender responsive training manual in place;</li> <li>• Mechanism to deal with gender-based discrimination and sexual harassment;</li> <li>• Updated sex disaggregated data and statistics;</li> <li>• Number of surveys and studies undertaken on gender</li> <li>• Number of advocacy fora/meetings on gender.</li> </ul>
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## 6.2. Design, Implementation & Tracking of Policy Interventions

Good planning of programs must also include monitoring and evaluation components. These processes ensure that all activities undertaken lead to progress and results. Objectives of good planning, monitoring and evaluation are to:

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

Gender equality & equity must be considered as a factor in program performance measures and adequate provision of resources to support gender initiatives undertaken. Key elements here will include:

- (a) Do our programmes respond to the needs and priorities of protected groups? To what extent have these groups been involved in outlining their own needs?
- (b) To what extent are we involving women & other protected groups in implementation of programs as participants and not just consumers?
- (c) Are we monitoring the impact of our programmes on protected groups? How flexible are we in realigning our programmes to respond to the needs of women & other protected groups? Are we involving women & other protected groups in monitoring programme implementation?
- (d) Select indicators that will enable the county to measure its performance in promotion of gender equality and equity (GEE).
- (e) This involves having clear and well thought objectives, well spelt out activities plan, the necessary input to achieve that plan, the expected outcome/output of the

initiative, the indicators of success, the mitigating measures to achieve the desired goals and above all, the assumptions of the necessary environment to achieve the goals.

- (f) Factor in and cover emerging issues such as COVID-19 as well as intersex and transgender issues

The proposed MEL framework will seek to clarify how their policy interventions and programs should be considered successful, what is to be monitored and evaluated, learning activities, who is responsible for monitoring & evaluation activities, when monitoring and evaluation are planned (timing), how monitoring and evaluation are carried out (methods and what resources are required and where they are committed).

### 6.3. Data Collection, Communication & Reporting

- ✓ NCC will ensure that all data must be disaggregated by gender, age, disability and different aspects of diversity such as ethnic, religion, economic status, marital status, health status, education etc.
- ✓ However, greater than that is the need to adopt the gender indicators that help to measure the impact of development policies on women's lives and these can be adapted to reflect other excluded groups.
- ✓ Data collection should be scheduled, budgeted for, and driven by need.
- ✓ All planning must be evidence based and supported by data and proper analysis.

All Departments will be encouraged and supported to develop Engendered Citizens Service Charters with clear communication strategies embedded in their annual plans to ensure well-organized tracking and communication of progress. The charters should include issues such as:

- a. Who communicates:- the channel should not be dominated by the predominant groups
- b. What is being communicated:- whereas this is further influenced by who the audience is, the message should be easily understandable by all categories of people. Complex messages serve to entrench exclusion.
- c. The language of communication should also be one that invites inclusion. Provision for sign language and braille services is crucial.
- d. The medium of communication should be one that promotes accessibility of the message. The use of local newspapers, community radios and other local systems should be promoted.
- e. For public messages, the timing of communication should ensure maximum reach.
- f. There are reports on employment that are mandatory under the county government act and the Constitution to monitor progress of the implementation of the requirements of the law. These reports are to be published in the Kenya Gazette and NCC ought to use such data to evaluate themselves on progress made towards reducing employment inequities.



**Note:** For more details including implementation of MEL plan, refer to Annex I:  
NCC Gender Equality & Equity MEL Framework

**SECTION 7. APPENDICES TO THE POLICY**

**ANNEX I: DATA & EVIDENCE TABLES**

**Table I: Total Number of County Employees Disaggregated by Level & Gender**

Level/Job Group	Male	Female	Total
CECM	6	6	12
NCPSB	2	2	4
S	9	1	10
R	16	11	27
Q	23	18	41
P	7	1	8
N	79	49	128

M	80	76	156
L	64	72	136
K	119	228	347
J	70	102	172
H	48	65	113
G	125	578	703
F	162	239	401
E	163	150	313
D	1403	1020	2423
C	284	381	665
B	19	20	39
A	0	1	1
<b>Grand Total</b>	<b>2679</b>	<b>3020</b>	<b>5699</b>

*Source: NCCG HR Memo for Gender Audit (05.10.2021)*

From Table II below it is clear that NCC has achieved gender parity (50/50) at the two highest levels and shows remarkable progress in the other job groups but will need to do much more in job groups S, P, G & D where parity index are considerably lower.

**Table II: Disaggregation by Qualifications & Gender**

Level	Male	Female	Total
PHD	1	4	5
Masters	169	206	376
Bachelors	470	778	1248
Advanced Diploma	70	206	296
Diploma	778	1709	2488
Certificate	760	526	1286
<b>Grand Total</b>			<b>5699</b>
Special needs	29	38	67

*Source: NCCG HR Memo for Gender Audit (05.10.2021)*

Looking at the table above we can conclude that more women have PHDs, masters, advanced diploma and diploma compared to men, confirming that either NCCG has made deliberate

efforts to provide support to women employees to pursue further studies or women have taken personal initiatives to develop themselves.

**Table III: Gender Parity Index at NCC**

Category	Male	Female	Total
Figures	2679	3020	5699
Percentage (%)	47%	53%	100

*Source: NCCG HR Memo for Gender Audit (05.10.2021)*

Analysis of formal sector labor-force participation at City Hall confirms that NCC fares very well in staff distribution and gender parity which is almost 50/50 as shown in the table below.

**Table IV: Summary of Contracts Awarded to Protected Groups (SIGs)**

Category	No. of Tenders Awarded	Value of the Awards	Percentage (%)
Youth-Men	17	32,170,898.80	14.5
Women	23	98,258,139.00	41.9
PWD	3	85,584,615.00	38.5
Youth, Women & PWDs	19	11,529,450.10	5.1
Total	62	222,543,102.90	100

*N/B: the 23 youth tenders are disaggregated as well as 19 for youth, women and PWDs. Source: NCCG 2019/2020 FY Report: On uptake of 30% Public Procurement Preservation & Reservation Scheme for Women, eleven (11) contracts were awarded to women led companies with a total value of Kshs.36,552,636 against one (1) men-led organization at 1,103,276 representing 78.5% and 2.5% respectively in the last financial year (NCC Budget Updates 2020/2021).*

## ANNEX II: NCC GEE POLICY IMPLEMENTATION PLAN

This is a broad plan for 3-5 years. Resource requirements, timelines and specific roles to be played by different directorates and offices will be outlined in the annual operation & roll out plans to be developed every year by the Directorate of Gender. In the process emerging issues, new priorities and areas which have not been given enough emphasis in this plan will be factored in.

Key Result Areas	Strategies & Interventions	Lead Person	Strategic Partners
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(KRAs)

*Gender Mainstreaming Committee (GMC)*

NCC Gender Bill to be passed into an Act by the County Assembly	GMC Chair, Educ. & Gender	CEC	NGEC, Women, CA <sup>26</sup>	UN NCC
Gender mainstreaming tools	Director GMC	Gender,	All Directorates, CSOs	
Domesticating and implementing gender policy guidelines	Director GMC	Gender,	All Directorates, CSOs	
Identifying capacity needs and facilitate capacity building activities	Director GMC	Gender,	All Directorates	
Submitting quarterly or bi-annual (twice a year) reports to NCC Cabinet through CEC	CEC Inclusivity, GMC Chair		All CECs & Directors	

<sup>26</sup> NCC County Assembly

High Level Forum for Inter-Sectoral Coordination & Political Buy-In For GEWE	Joint assessment of the situation and needs	Director Gender	All Directors
	Developing common strategies by all sectors/units towards the assessed needs	Director Gender	All Directors, COs
	Convening annual review forums to ensure adequate responses	Governor, CECs & GMC	All CECs, NCC CA
	Create/review score cards to cross check whether all NCC departments are meeting their obligations to residents.	Director Gender	All Directors
	Validate a reporting mechanism where departments share periodic reports with Gender Mainstreaming Committee and receive routine feedback;	Director Gender, GMC	All Directors
	Validate a framework for entrenching principles of equality and inclusion at county level	Director Gender, GMC	All Directors
<i>Gender Responsive Planning (GRP) &amp; Gender Responsive Budgeting (GRB)</i>	Build capacity of staff to enhance competency and understanding.	Director Gender	All Directors
	Setting aside adequate funds and resources for adequate coordination	Directors Planning & Budgeting	All Directors, NCC CA
	Ensuring effective participation of Women in planning & budgeting process.	Director Gender	All Directors
	Allocating funds for targeted activities of protected groups (SIGs)	Directors Planning & Budgeting	All Directors, NCC CA
	Budgeting and resource allocation for gender related interventions	Directors Planning & Budgeting	All Directors, NCC CA

	NCC's priorities and commitment towards GEWE;	Director Gender	All Directors, NCC CA
<i>Gender Integration (GI) &amp; Gender Mainstreaming (GM)</i>	Enact laws and policies that outlaw discrimination against protected groups	Director Gender, GMC	All Directors, NCC CA
	Analyze impact of gender neutral laws and policies	Director Gender, GMC	All Directors, NCC CA
	Make and enforce laws and policies that promote affirmative action	Director Gender, GMC	All Directors, NCC CA
	Ensure the participation of protected groups in the legislative processes implementation plans	Director Gender, GMC	All Directors, NCC CA
	Work place policies vs exploitation.	Director Gender, GMC	All Directors, NCC CA
<i>Strengthening of Gender Management Systems (GMS)</i>	County Assembly tracking NCC executive's commitment to gender equality.	NCC CA Clerk	All CECs, Governor
	Gender/SIG mainstreaming officer at County Assembly	NCC CA Clerk	All Directors at CA
	Governor's annual report to the Assembly outlines steps to gender equality.	Governor, CECs	NCC CA
	GEWE indicators as part of key performance indicators for CECs, Directors and COs	Directors HR & Gender	All Directors
	GEWE in CECs periodic reports to County Assembly	CEC Inclusivity	All CECs, NCC CA
	Equitable recruitment & promotions of male and female staff on a 50/50 basis	Director HR	All Directors
	Rate or % of women in senior positions within the county to achieve the 1/3 gender rule	Director HR	All Directors

*Supporting & Promoting SDG 5* In line with SDG 5 targets #1, #2 & #3 (ending all forms of discrimination) Director Gender All Directors

In line with SDG 5 target #5: (ensure women's full and effective participation and equal opportunities for leadership at all levels of decision making in political, economic and public life). Director Gender All Directors

In line with SDG 5 target #7 (undertake reforms to give women equal rights to economic resources, as well as access to ownership and control of property) Director Gender All Directors

In line with SDG 5 target #8 (enhance use of enabling technology e.g. ICTs to GEWE. Director ICT All Directors

In line with SDG 5 target #9 (adopt and strengthen sound policies and enforceable legislation for GEWE) Director Gender All Directors

*Non-discrimination & Affirmative Action Initiatives* 2/3s gender rule on appointments, recruitments and promotions; Director Gender All Directors

30% public procurement for women; Procurement Director All Directors

Have gender sensitive and gender balanced recruitment panels; Director HR All Directors

Tracking and redressing gender imbalances directorates, committees, taskforces and boards in NCC Director Gender All Directors

*Promoting Structured* Promoting structured and effective participation in NCC processes: Director Gender All Directors

<i>Participation &amp; Rights Based Approaches to Development</i>	Set up targets on employment, procurement and skills development for women	Director Gender	All Directors
	Consider views of women and other SIGs in shaping NCC agenda and implementing the opinion of the people	All Directors	All COs
<i>Gender Advocacy &amp; Capacity Building of Staff and Staff Sensitization on Gender Mainstreaming</i>	Ensure GEWE is incorporated in all sector training plans;	All Directors	All COs
	Cultivate partnerships with CSOs and private sector on GEWE;	Director Gender	All Directors
	Staff sensitization and orientation on GEWE	Director Gender	All Directors
	Organize annual gender awareness week	Director Gender	All CECs, Directors
	Awareness creation on gender through the NCC website;	Director ICT	All Directors
<i>Promote Gender Sensitive Working Conditions and Practices within NCC</i>	Provide gender sensitive working conditions, practices & facilities	Director HR	All Directors
	Dissemination & Sensitization on gender sensitive workplace related policies	Director HR	All Directors
	Partnerships with National Government agencies, NGOs and Private Sector.	Director Gender	All Directors, CSO partners

### ANNEX III: MONITORING, EVALUATION & LEARNING FRAMEWORK (External)



## SECTION 8. SELECTED REFERENCES & RESOURCES CONSULTED

- 7.1 Canadian International Development Agency (CIDA) 2003. Gender Equality and Humanitarian Assistance; Aguide to the Issues. Found at [www.cida.gc.ca](http://www.cida.gc.ca)
- 7.2 County Assembly Gender Responsive Budgeting Guide; The Society of Clerks at the Table in Kenya (SOCATT-K) 2018
- 7.3 County HR Manual & Code of Regulations (2013); Public Service Commission
- 7.4 FAWE (2021) Situational Analysis on Women in Political Participation (WPP) in Kenya and Tanzania (by Andiwo Obondoh with support from Dan Ochieng & Irene Tindi)
- 7.5 Gender Mainstreaming Guidelines, Republic of Kenya, Office of the Prime Minister (2011)
- 7.6 Gender Mainstreaming Guidelines (Working Towards Gender Equality through Gender Responsive National Policy and Planning; Office of the Prime Minister, Ministry of State for Planning, National Development and Vision 2030, November 2011
- 7.7 Inter-agency Standing Committee (IASC) 2006. Gender Handbook in Humanitarian Action. IASC.
- 7.8 National Gender and Equality Commission (NGEC). 2013. Gender Mainstreaming Indicators in the 10<sup>th</sup> Cycle of Performance Contracting.
- 7.9 Republic of Kenya,(2010); The Constitution of Kenya
- 7.10 Republic of Kenya (2009); National Framework Towards Response and Prevention of Gender Based Violence in Kenya, National Commission on Gender and Development
- 7.11 Republic of Kenya. (2011); National Policy on Gender and Development (Final Draft)
- 7.12 Republic of Kenya, (2011); Ministry of Gender, Children and Social Development Gender Policy
- 7.13 Republic of Kenya, (2013); Ministry of Energy Gender Mainstreaming Policy
- 7.14 Swedish Civil Contingencies Agency (MSB) 2009. Gender Equality Handbook- Practical Advice for International Assistance. MSB
- 7.15 Testolin, G. 2001. Handbook on National Machinery to Promote Gender Equality and Action Plans. Guidelines for Establishing and Implementing National Machinery to Promote Equality with examples of Good Practice ([www.kenyalaw.org](http://www.kenyalaw.org))
- 7.16 World Bank on Gender Analytical Tools – Found at [web.worldbank.org/archive/website](http://web.worldbank.org/archive/website)
- Plenary: World vision work anchored on policy, support for shelter, based on data, work with adolescent girls

