

Gender Specific Guidance Note for MTP III Sector Working Groups

Towards achieving equal rights and opportunities for women, men, girls and boys in Kenya

1. Introduction

This guidance note is intended to assist Sector Working Groups to ensure the different issues and needs of men and women, boys and girls are analyzed and addressed within their sector. It is designed in such a way that it can be used by all SWG representatives, irrespective of whether they have gender specific expertise. Questions in this note are based on a yes/no answer and enable the identification of key recommendations/actions to enhance the gender responsiveness of the sector. Please note that the guidance note is generic and thus not all questions may be applicable in every sector.

2. Background

The inclusion of the principle of gender equality at the heart of the Constitution of Kenya marks a historic and fundamental change in Kenyan society. The supreme law provides a strong legal foundation to ensure the rights of all men, women, boys and girls are upheld and it assures equality of opportunity in political, socio-economic and private life.

The Constitution's Bill of Rights and Affirmative Action principles provide an important 'social contract' between the Kenyan State and citizens that live within its borders. This contract upholds and spells out that men and women, boys and girls have the right to receive, inter alia; (i) equal treatment before the law; (ii) equal opportunities to political and economic development; (iii) equal access to quality education and healthcare; (iv) equal rights before, during and at the dissolution of marriage and; (v) equal access to land and property ownership. The Constitution also emphasizes that peace, security and the right to live free from violence are key elements of a unified and prosperous State.

The strong gender equality principles contained in the Constitution also imply that government institutions have the responsibility to prioritize the development and implementation of appropriate laws, policies and frameworks that enable women to achieve their rights and live at par with men.

Kenya's recent commitment to the Sustainable Development Goals and its alignment with Vision 2030 provides an additional normative framework for tracking the achievement of gender equality. The 33 gender indicators identified by the Kenya National Bureau of Statistics as part of tracking the government's commitment to fulfilling the Sustainable Development Goals remains a key reference point for sectoral accountability for achieving gender equality.

The following questions should be used to ensure that the planning process within Sector Working Groups is gender responsive and includes strong gender analysis, to inform development of SMART programming on gender equality and the empowerment of women.

2. Gender Mainstreaming Guidelines

The questions below can be used to guide the Sector Working Groups in the various stages of the MTP III planning process- from the situation analysis up to drafting of the chapter.

They are grouped to provide guidance on gender issues to consider in 5 main areas:

- (1) Planning** – ensuring there is sufficient gender analysis to inform the planning process.
- (2) Legislation** – that the analysis looks at factors that could speed up implementation of gender sensitive provisions in the Constitution and Kenyan laws.
- (3) Devolution** – the SWG takes into consideration devolution in all areas of the planning from situation analysis to prioritization to drafting of the chapter
- (4) Partnerships** – are leveraged on to ensure strong analysis and elaboration of programmes that build on what others in government and non-state actors are doing
- (5) M&E** – ensuring the indicators and targets can measure progress throughout the MTP III and they are aligned to the nationally agreed upon SDG indicators and targets on gender equality and the empowerment of women.

PLANNING	YES	NO	Recommendations for improvement
Does your analysis assess how women and men experience the issue under consideration?			
Is planning informed by data disaggregated by sex, age, and other vulnerabilities and gender statistics ¹ ? ²			
Have you analysed how spatial factors – rural/urban, peri-urban, urban - affect women and men’s access to resources and public goods?			
Have you examined how socio-economic variables e.g. urban poor, middle class, rural households, displaced populations (e.g. refugees, migrants), informal sector workers affect women and men’s access to and benefits from resources and public goods?			

² **Sex disaggregated data** is data collected and tabulated separately for females and males
Gender statistics (a) Data are collected and presented by sex as a primary and overall classification b) Data that reflects the differences between women and men based on class and location (c) Data collection methods take into account stereotypes and social and cultural factors that may induce gender bias in the data. (e.g. spaces where women and men can speak collectively, taboo topics that are not publicly discussed, the time when women and men are available to engage) Source:
<https://unstats.un.org/unsd/genderstatmanual/What-are-gender-stats.ashx>

Is there an analysis of the role of cultural norms and traditions in determining women and men's access to resources and public goods?			
Do your programmes account for representation and consultation of women and girls to address the factors above?			
Do all the proposed programmes and flagship projects address the issues above?			
Have County Integrated Development Programmes outlined proposals on programming to advance gender equality and the empowerment of women?			
Have adequate financial and human resources been allocated to implement these programmes?			
LEGISLATION			
Are proposed programmes linked to and contributing to implementation of national legal frameworks for women's empowerment & gender equality as well as global SDG commitments?			
Have you identified the gaps in law and policies that prevent women from accessing full freedoms, rights and how they can be addressed?			
Are financial and human resources available for the full implementation of laws, policies and programmes?			
Are there laws and policies that need to be harmonized, and which could have a positive impact on promoting gender equality in the sector?			
To what extent have the programmes built in empowerment measures that could encourage women and women's movements to claim their rights?			
Are there any accountability measures or structures built into the proposed programmes related to law and policy reform or development?			
DEVOLUTION³			
Are the institutional arrangements for the proposed programmes and projects considering gender equality issues e.g. ensuring gender parity in human resource management issues?			

³ Refer to the Gender Policy Brief by the Council of Governors for additional information on concrete policy options and recommendations on gender equality and women's empowerment from the county level.

Is gender analysis and gender responsive budgeting part of the planning at national and county level for this sector?			
Are gender policies in place to support institutional and administrative processes at national and devolved levels?			
PARTNERSHIPS			
Have consultations been held with the national gender machinery (NGEC and MoPSYGA), women's rights groups, the Gender Sector Working Group, gender equality experts, women and girls at the community level			
Do the proposed programmes consider gender analysis from other ministries; programming under other ministries, work by actors in the Gender Sector Working Group or sector working groups and policies on gender from other sectors including the private sector?			
M & E			
Are the indicators and targets aligned to the SDG gender targets and indicators ⁴ ?			
Is there adequate official sex disaggregated data? Are official sex disaggregated data and gender statistics captured to inform reporting on gender equality in the sector at national and/or county levels?			
Are the tools for monitoring indicators adequate for providing relevant disaggregated data?			
Is the frequency of data collection appropriate for regular monitoring of progress?			
Is the data provided accurate and reliable?			
Are the sources of data used for each indicator the most appropriate?			
Is there a shared understanding on the interpretation of indicators (is there a metadata summary)?			
RESOURCE ALLOCATION			

⁴ Refer to Annex 1 for a list of the national SDG gender indicators from the Kenya National Bureau of Statistics (KNBS).

Have sufficient funds been allocated to the proposed gender and/or women's empowerment interventions?			
Are there adequate funds allocated for gender equality and women's empowerment specific projects and programmes?			
Are there adequate funds allocated for gender mainstreaming projects and programmes?			

Annex 1: Nationally agreed SDG Gender Indicators

Gender-related SDG Indicators* Those in red are the 33 indicators that will be used to track progress on gender equality in the context of the SDGs.				
Goal 1- (6 out of 12 indicators)	Tier*			
	I	II	III	No Tier as yet
1.1.1. Proportion of population below the international poverty line, by sex, age, employment status and geographical location (urban/rural)	1			
1.2.1 Proportion of population living below the national poverty line, by sex and age	1			
1.2.2 Proportion of men, women and children of all ages living in poverty in all its dimensions according to national definitions		1		
1.3.1 Proportion of population covered by social protection floors/systems, by sex, distinguishing children, unemployed persons, older persons, persons with disabilities, pregnant women, newborns, work-injury victims and the poor and the vulnerable		1		
1.4.2 Proportion of total adult population with secure tenure rights to land, with legally recognized documentation and who perceive their rights to land as secure, by sex and by type of tenure			1	
1.b.1 Proportion of government recurrent and capital spending to sectors that disproportionately benefit women, the poor and vulnerable groups			1	
GOAL 2 (1 out of 14)				
2.3.2 Average income of small-scale food producers, by sex and indigenous status			1	
GOAL 3 (6 out of 26)				
3.1.1 Maternal mortality ratio		1		
3.1.2 Proportion of births attended by skilled health personnel	1			
3.3.1 Number of new HIV infections per 1,000 uninfected population, by sex, age and key populations	1			

3.7.1 Proportion of women of reproductive age (aged 15-49 years) who have their need for family planning satisfied with modern methods	1			
3.7.2 Adolescent birth rate (aged 10-14 years; aged 15-19 years) per 1,000 women in that age group	1			
3.8.1 Coverage of essential health services (defined as the average coverage of essential services based on tracer interventions that include reproductive, maternal, newborn and child health, infectious diseases, noncommunicable diseases and service capacity and access, among the general and the most disadvantaged population)			1	
GOAL 4 (8 out of 11)				
4.1.1 Proportion of children and young people: (a) in grades 2/3; (b) at the end of primary; and (c) at the end of lower secondary achieving at least a minimum proficiency level in (i) reading and (ii) mathematics, by sex			1	
4.2.1 Proportion of children under 5 years of age who are developmentally on track in health, learning and psychosocial wellbeing, by sex		1		
4.2.2 Participation rate in organized learning (one year before the official primary entry age), by sex	1			
4.3.1 Participation rate of youth and adults in formal and non-formal education and training in the previous 12 months, by sex		1		
4.5.1 Parity indices (female/male, rural/urban, bottom/top wealth quintile and others such as disability status indigenous peoples and conflict-affected, as data become available) for all education indicators on this list that can be disaggregated			1	
4.6.1 Percentage of population in a given age group achieving at least a fixed level of proficiency in functional (a) literacy and (b) numeracy skills, by sex		1		
4.7.1 Extent to which (i) global citizenship education and (ii) education for sustainable development, including gender equality and human rights, are mainstreamed at all levels in: (a) national education policies, (b) curricula, (c) teacher education and (d) student assessment			1	

4.a.1 Proportion of schools with access to: (a) electricity; (b) the Internet for pedagogical purposes; (c) computers for pedagogical purposes; (d) adapted infrastructure and materials for students with disabilities; (e) basic drinking water; (f) single-sex basic sanitation facilities; and (g) basic handwashing facilities (as per the WASH indicator definitions)			1	
GOAL 5 (14 out of 14)				
5.1.1 Whether or not legal frameworks are in place to promote, enforce and monitor equality and non-discrimination on the basis of sex			1	
5.2.1 Proportion of ever-partnered women and girls aged 15 years and older subjected to physical, sexual or psychological violence by a current or former intimate partner in the previous 12 months, by form of violence and by age			1	
5.2.2 Proportion of women and girls aged 15 years and older subjected to sexual violence by persons other than an intimate partner in the previous 12 months, by age and place of occurrence			1	
5.3.1 Proportion of women aged 20-24 years who were married or in a union before age 15 and before age 18	1			
5.3.2 Proportion of girls and women aged 15-49 years who have undergone female genital mutilation/cutting, by age	1			
5.4.1 Proportion of time spent on unpaid domestic and care work, by sex, age and location			1	
5.5.1 Proportion of seats held by women in national parliaments and local governments			1	
5.5.2 Proportion of women in managerial positions	1			
5.6.1 Proportion of women aged 15-49 years who make their own informed decisions regarding sexual relations, contraceptive use and reproductive health care			1	
5.6.2 Number of countries with laws and regulations that guarantee women aged 15-49 years access to sexual and reproductive health care, information and education			1	
5.a.1 (a) Proportion of total agricultural population with ownership or secure rights over agricultural land, by sex; and (b) share of women among owners or rights-bearers of agricultural land, by type of tenure			1	

5.a.2 Proportion of countries where the legal framework (including customary law) guarantees women's equal rights to land ownership and/or control			1	
5.b.1 Proportion of individuals who own a mobile telephone, by sex			1	
5.c.1 Proportion of countries with systems to track and make public allocations for gender equality and women's empowerment			1	
GOAL 6 (0 out of 11)				
GOAL 7 (0 out of 6)				
GOAL 8 (7 out of 17)				
8.3.1 Proportion of informal employment in non-agriculture employment, by sex		1		
8.5.1 Average hourly earnings of female and male employees, by occupation, age and persons with disabilities		1		
8.5.2 Unemployment rate, by sex, age and persons with disabilities	1			
8.7.1 Proportion and number of children aged 5-17 years engaged in child labour, by sex and age	1			
8.8.1 Frequency rates of fatal and nonfatal occupational injuries, by sex and migrant status	1			
8.8.2 Increase in national compliance of labour rights (freedom of association and collective bargaining) based on International Labour Organization (ILO) textual sources and national legislation, by sex and migrant status	1			
8.9.2 Number of jobs in tourism industries as a proportion of total jobs and growth rate of jobs, by sex		1		
GOAL 9 (0 out of 12)				
GOAL 10 (1 out of 11)				
10.2.1 Proportion of people living below 50 per cent of median income, by age, sex and persons with disabilities			1	

GOAL 11 (3 out of 15)				
11.2.1 Proportion of population that has convenient access to public transport, by sex, age and persons with disabilities		1		
11.7.1 Average share of the built-up area of cities that is open space for public use for all, by sex, age and persons with disabilities		1		
11.7.2 Proportion of persons victim of physical or sexual harassment, by sex, age, disability status and place of occurrence, in the previous 12 months			1	
GOAL 12 (0 out of 13)				
GOAL 13 (1 out of 7)				
13.b.1 Number of least developed countries and small island developing States that are receiving specialized support, and amount of support, including finance, technology and capacity-building, for mechanisms for raising capacities for effective climate change-related planning and management, including focusing on women, youth and local and marginalized communities				na
GOAL 14 (0 out of 10)				
GOAL 15 (0 out of 14)				
GOAL 16 (6 out of 23)				
16.1.1 Number of victims of intentional homicide per 100,000 population, by sex and age	1			
16.1.2 Conflict-related deaths per 100,000 population, by sex, age and cause			1	
16.2.2 Number of victims of human trafficking per 100,000 population, by sex, age and form of exploitation	1			
16.2.3 Proportion of young women and men aged 18-29 years who experienced sexual violence by age 18		1		
16.7.1 Proportions of positions (by sex, age, persons with disabilities and population groups) in public institutions (national and			1	

local legislatures, public service, and judiciary) compared to national distributions				
16.7.2 Proportion of population who believe decision-making is inclusive and responsive, by sex, age, disability and population group			1	
GOAL 17 (0 out of 25)				
Total	16	16	20	1

* Gender-related SDG indicators refers to

1. All indicators under SDG 5 and

2. Indicators across the framework that explicitly refer to sex, gender, women and girls and/or are specifically or largely targeted at women and girls. The criteria used in this compilation is narrow and meant to capture instances where the indicator is explicitly gender-related. A less restrictive criteria, where all indicators that are relevant for women and girls and can be disaggregated by sex are included would yield a greater listing of gender-related indicators. The chapeau in the IAEG-SDG report states the following: *Sustainable Development Goal indicators should be disaggregated, where relevant, by income, sex, age, race, ethnicity, migratory status, disability and geographic location, or other characteristics, in accordance with the Fundamental Principles of Official Statistics.* This statement calls for all indicators where relevant to be disaggregated by sex and other characteristics, including those where sex is not specifically specified.

Tier 1: Indicator conceptually clear, established methodology and standards available and data regularly produced by countries

Tier 2: Indicator conceptually clear, established methodology and standards available but data are not regularly produced by countries

Tier 3: Indicator for which there are no established methodology and standards or methodology/standards are being developed/tested