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8/10/2020

REPUBLIC OF KENYA



THE NATIONAL ASSEMBLY  
TWELFTH PARLIAMENT – FOURTH SESSION, 2020

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THE DEPARTMENTAL COMMITTEE ON LABOUR AND SOCIAL  
WELFARE

REPORT ON SESSIONAL PAPER NO. 2 OF 2019 ON THE NATIONAL  
POLICY ON GENDER AND DEVELOPMENT

THE NATIONAL ASSEMBLY PAPERS LAID	
DATE: 08 OCT 2020	DAY: DAY
TABLED BY:	CLERK-AT THE TABLE:

DIRECTORATE OF COMMITTEE SERVICES  
CLERK'S CHAMBERS  
PARLIAMENT BUILDINGS

SEPTEMBER, 2020

THE NATIONAL ASSEMBLY PAPERS LAID	
DATE: 08 OCT 2020	DAY: Thurs
TABLED BY: Chair, Labour & Social welfare, Hon. Peter Mwachui MP	CLERK-AT THE TABLE: Mado Minam.



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## ABBREVIATIONS AND ACRONYMS

AIDS	- Acquired Immune Deficiency Syndrome
CEDAW	- Convention on the Elimination of all forms of Discrimination Against Women
CSO	-Civil Society Organization
GEWE	-Gender Equality and Women Empowerment
GII	-Gender Inequality Index
HIV	- Human Immunodeficiency Virus
Hon.	- Honourable
ICT	- Information and Communications Technologies
KDHS	- Kenya Demographic Health Survey
MDA	-Ministries Departments and Agencies
MDGs	- Millennium Development Goals
MP	- Member of Parliament
MTP	- Medium Term Plan
NGEC	-National Gender and Equality Commission
NPGAD	- National Policy on Gender and Development



**LIST OF ANNEXURES**

**Annexure 1:** Minutes of Committee sittings on the consideration of Sessional Paper  
No. 2 of 2019 on National Policy on Gender and Development

**Annexure 2:** Report Adoption Schedule



## **CHAIRPERSON'S FOREWORD**

Sessional Paper No. 2 of 2019 on National Policy on Gender and Development from the State Department for Gender in the Ministry of Public Service was laid on the Table of the House by the Leader of the Majority Party on 29<sup>th</sup> October 2019 and thereafter stood committed to the Departmental Committee on Labour and Social Welfare.

The National Policy on Gender and Development aims at achieving equality of opportunity and outcomes with respect to access to and control of national and county resources and services; and equality of treatment that meets the specific and distinct needs of different categories of women and men.

At its sittings held on 13<sup>th</sup> and 14<sup>th</sup> March 2020 the Committee considered Sessional Paper No. 02 of 2019 on National Policy on Gender and Development and unanimously resolved that it be adopted.

May I take this opportunity to express my gratitude to Committee Members for their resilience and devotion to duty which made the consideration of the Policy successful. May I also appreciate the Offices of the Speaker and Clerk of National Assembly for always providing guidance and direction to Committees in the discharge of their mandate. Finally, I commend the secretariat for exemplary performance in providing technical and logistical support to the Committee.

On behalf of the Departmental Committee on Labour and Social Welfare it is my pleasant duty to submit to the Hon. Speaker a report of the Committee on the Sessional Paper No. 02 of 2019 on National Policy on Gender and Development.

**THE HON. PETER MWATHI, MP, –CHAIRPERSON**



## PART 1

### 1.0 PREFACE

#### 1.1 Mandate of the Committee

1. The Departmental Committee on Labour and Social Welfare is established in accordance with the provisions of Standing Order 216 of the National Assembly. Its mandate as provided for in S.O. 216(5) is to *inter-alia*: -
  - i. *To investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned ministries and departments;*
  - ii. *To study the programme and policy objectives of ministries and departments and the effectiveness of the implementation;*
  - iii. *To study and review all legislation referred to it;*
  - iv. *To study, assess and analyse the relative success of the ministries and departments as measured by the results obtained as compared with their stated objectives;*
  - v. *To investigate and inquire into all matters relating to the assigned ministries and departments as they may deem necessary and as may be referred to them by the House;*
  - vi. *To vet and report on all appointments where the Constitution or any law requires the National Assembly to approve, except those under Standing Order 204 (Committee on Appointments); and*
  - vii. *To make reports and recommendations to the House as often as possible, including recommendation of proposed legislation.*
2. The Committee is mandated to consider the following subjects: -
  - i. Labour,
  - ii. Labour relations,
  - iii. Manpower or Human Resource Planning,
  - iv. Gender,
  - v. Youth,
  - vi. Social Welfare and Security,
  - vii. Children`s Welfare,
  - viii. Persons Living with Disabilities.
3. In executing its mandate, the Committee oversees the following government Ministries, departments and or agencies, namely:
  - i. The State Department for Labour
  - ii. The State Department for Social Protection
  - iii. The State Department for Gender
  - iv. The State Department for Youth
  - v. The State Department for Arid and Semi-Arid Lands
  - vi. National Gender and Equality Commission





## 1.2 Committee Membership

4. The Committee comprises of the following members -

The Hon. Peter Mwathi, MP (**Chairperson**)  
M.P for Limuru Constituency  
**Jubilee Party**

The Hon. Gideon Koske Kimutai, M.P (**Vice Chairperson**)  
M.P for Chepalungu Constituency  
**Chama Cha Mashinani (CCM)**

The Hon. James Onyango Koyoo, MP  
M.P for Muhoroni Constituency  
**Orange Democratic Movement (ODM)**

The Hon. Janet Marania Teyiaa, MP  
M.P for Kajaiido County  
**Jubilee Party**

The Hon. Janet Nangabo Wanyama, MP  
M.P for Trans Nzoia County  
**Jubilee Party**

The Hon. Ronald Kiprotich Tunoi, MP  
M.P for Bomet Central  
**Jubilee Party**

The Hon. Moses Malulu Injendi, MP  
M.P for Malava Constituency  
**Jubilee Party**

The Hon. Tom Odege, MP  
M.P for Nyatike Constituency  
**Orange Democratic Movement (ODM)**

The Hon. Rose Museo, MP  
M.P for Makueni County  
**Wiper Democratic Movement (WDM)**

The Hon. Caleb Amisi, MP  
M.P for Saboti Constituency  
**Orange Democratic Movement (ODM)**

The Hon. Omboko Milemba, MP  
M.P for Emuhaya Constituency  
**Amani National Congress Party (ANC)**

The Hon. Charles Kanyi Njagua, MP  
M.P for Starehe Constituency  
**Jubilee Party**

The Hon. Fabian Kyule Muli, MP  
M.P for Kngundo Constituency  
**Muungano Party**

The Hon. Abdi Mude Ibrahim, MP  
M.P for Lafey Constituency  
**Economic Freedom Party (EFP)**

The Hon. Titus Mukhwana Khamala, MP  
M.P for Lurambi Constituency  
**Amani National Congress Party (ANC)**

The Hon. Safia Sheikh Adan, MP  
M.P for Marsabit County  
**Jubilee Party**

The Hon. Ole Sankok David, MP  
Nominated M.P  
**Jubilee Party**

The Hon. Wilson Sossion, MP  
Nominated M.P  
**Orange Democratic Movement (ODM)**

The Hon. Gideon Keter, MP  
Nominated M.P  
**Jubilee Party**



### **1.3 Committee Secretariat**

Mr. Adan Gindicha  
**Senior Clerk Assistant/Head of Secretariat**

Mr. John Mugoma  
**Clerk Assistant II**

Ms. Doreen Karani  
**Legal Counsel**

Ms Fiona Musili  
**Research Officer**

Mr. Abdinisir Moge  
**Fiscal Analyst**



## **PART 2**

### **2.0 COMMITTEE CONSIDERATION OF SESSIONAL PAPER NO.2 OF 2018 ON NATIONAL POLICY GENDER AND DEVELOPMENT**

#### **2.1 Background Information**

5. The National Gender and Development Policy is a review of the National Policy on Gender and Development (NPGAD) adopted by the Cabinet in 2000. The policy outlines the national agenda for gender equality and how Kenya intends to realise these ideals.
6. The policy takes cognizance of the values and principles set out in the Constitution; legislation aligned to the Constitution; the National and County governments with varied functions that should contribute to gender equality; Kenya Vision 2030 and the third Medium Term Plan; the 'Big Four' Agenda: Universal Health Care, Food Security, Affordable Housing and Manufacturing; International and regional treaties on gender equality that Kenya has ratified such as the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) and the Maputo Protocol of the African Charter on Human and Peoples' Rights of Women in Africa; Agenda 2063 of the Africa Union titled 'the Africa We Want' seeking among other things to build inclusive and accountable states and institutions; lessons learnt from the implementation of the Millennium Development Goals (MDGs); and the Sustainable Development Goals under the 2030 Agenda for Sustainable Development adopted by the United Nations in September 2015.

#### **2.2 Scope of the policy**

7. This policy aims at achieving equality of opportunity and outcomes with respect to access to and control of national and county resources and services; and equality of treatment that meets the specific and distinct needs of different categories of women and men.
8. The policy identifies a set of factors that will act as indicators for measuring the implementation and effectiveness of the gender and development agenda. These include equality of treatment and freedom from discrimination as provided for under Article 27 of the Constitution; equality in the political, social, economic and cultural development spheres for women and men; respect for the human rights of women, men, boys and girls; respect for provisions on equality in the Bill of Rights in civil, administrative and judicial regulations and procedures and customary, cultural and religious practices; enforcement of statutory, religious and customary laws with the framework of this policy and the Constitution; and 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.

#### **2.3 Rationale for developing of the policy**

9. The National Gender Policy on Gender and Development (2000) provided a legitimate point of reference for addressing gender inequalities at all levels of government and by all stakeholders. However, a review of the policy was necessitated by the slow pace at which the achievements were being realized and Constitutional requirements for equality and non-discrimination.
10. The formulation of this policy takes cognizance of the patriarchal social order in Kenya supported by statutory, religious and customary laws and practices; and the impeding of



access to the goal of gender equality and women's empowerment by administrative and procedural mechanisms.

11. Kenya has ratified seven of the nine main global human rights instruments: International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR), the International Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), the Convention against Torture and Other Cruel Inhuman or Degrading treatment or Punishment (CAT), and the Convention on the Rights of the Child (CRC) which all have gender equality imperatives as a state obligation.
12. Kenya has need for gender equality such as the Vienna Declaration on Human Rights, the Beijing Platform for Action, the International Conference on Population and Development (ICPD), the Millennium Declaration and Millennium Development Goals (MDGs) and the Sustainable Development Goals (SDGs). All these treaties and initiatives have influenced the National Policy on Gender and Development.
13. The policy builds on the National Policy for Gender and Development 2000, and Sessional Paper No.2 of 2006 on Gender Equality and Development which envisaged women empowerment and mainstreaming the needs of women, men, girls and boys in all sectors of development in Kenya so that they can participate and benefit equally from development initiatives.
14. Kenya's National Development plans such as Kenya's Economic Recovery Strategy for Wealth Creation (2003- 2007) and the Medium- Term Plans 2008- 2012, 2013- 2017 and 2018- 2022 have also recognized that women should have equal access to opportunities and assets with men for the purpose of sustainable development.
15. Parliament has legislated laws to implement the Constitutional provisions for gender equality including the Matrimonial Property Act, 2013, the Marriage Act 2014, the Land Act, 2012 and Land Registration Act, 2012 which secure women's right to land, the Counter- Trafficking in Persons Act, 2010 and the Sexual Offences Act, 2006.
16. The formulation of the National Policy on Gender and Development takes cognizance of the patriarchal social order in Kenya supported by statutory, religious and customary laws and practices; and the impeding of access to the goal of gender equality and women's empowerment by administrative and procedural mechanisms.
17. The overall goal of the policy is to achieve gender equality by creating a just society where women, men, boys and girls have equal access to opportunities in the political, economic, cultural and social spheres of life.
18. The specific objectives of the policy include facilitating implementation of the Constitution and domesticate the international and regional obligations and domesticate the international and regional obligations and commitments that promote gender equality and freedom from discrimination; providing a framework to integrate and mainstream gender into the National and County Government development planning and budgeting as well as resultant policies, programmes and plans including those of non-state actors; promoting and support the rights- based approach when dealing with gender related matters; and defining institutional framework and performance indicators for effective tracking,





monitoring, evaluation and reporting implementation of gender equality and women empowerment.

19. The expected policy outcomes will be achievement of equality and economic empowerment; respect for the diversity of all Kenyans; equal rights and access to education, health, housing, employment, and other services and resources for women, men, boys and girls; equality of opportunity to participate in decision making and to contribute to the political, social, economic and cultural development agenda for women and men; promotion of equal rights at the time of, during and on the dissolution of the marriage of spouses; and decrease in Sexual and Gender Based Violence will and men, women, boys and girls will live with dignity.

#### **2.4 Monitoring and Evaluation**

20. Monitoring and evaluation shall be an essential strategy in the implementation of the Policy to ensure that results frameworks on each policy action detailing outputs, outcomes, impacts and key actors are developed to facilitate annual plans and development planning processes in all sector at all levels.
21. The policy will be reviewed after every five years or any such other periods as may be determined by the Ministry responsible for gender affairs.



### **3.0 SUBMISSIONS FROM THE STATE DEPARTMENT OF GENDER, MINISTRY OF PUBLIC SERVICE AND GENDER**

22. Ms. Faith Kasiva (Secretary in the State Department for Gender) appeared before the Committee on Friday 13<sup>th</sup> March to apprise the Committee on Sessional Paper No. 02 of 2019 on National Policy on Gender and Development. She submitted as follows-
23. The State Department for Gender is responsible for: promoting gender equality and empowerment of women (GEWE) in Kenya; promoting the development and review of gender policies and legislation; and reviewing of the Gender Policy adopted by the Cabinet in 2000; and development of the National Policy on Gender and Development
24. The National Policy on Gender and Development (NPGAD) outlines the national agenda for gender equality, details overarching principles to be integrated into National and County Governments' sectoral policies, practices and programmes; and outlines all state and non-state actors in implementing the Policy.
25. The first National Gender & Development Policy was adopted in 2000 and the process of reviewing and updating the policy began in 2010. The consultative process of review of the policy involved the Executive, Legislature, Judiciary; County Governments; Constitutional Commissions; Development Partners; Civil Society Organizations; Women Leaders/Gender Experts; Inter-religious Council; Council of Elders; and the Private Sector.
26. The Policy builds on the achievements realized since the promulgation of the Constitution including- Article 10 on National Values and Principles which highlights principles of equality, equity, inclusiveness and non-discrimination. These principles provide an anchorage for gender equality. Chapter 4 on Bill of Rights provides for the rights and fundamental freedoms of all citizens; and guarantees equality and freedom from discrimination on any ground. Article 27 obligates the State to take legislative and other measures, including affirmative action programmes and policies to address discrimination.
27. The Policy makes reference to the gender equality provisions of the Constitution including the right to equality and freedom from discrimination; the rights of men and women, boys and girls to equal treatment; the right to equal opportunities in political, social, economic and cultural spheres; outlaw's discrimination by requiring the State to take measures to redress any disadvantage suffered by individuals or groups of people due to past discrimination.
28. The National Policy on Gender and Development provides for the historical context of Gender Equality and Women Empowerment since independence guiding international and regional instruments. It also highlights on the enabling environment provided by the Constitutional and national instruments, highlights on gains made through implementation of affirmative action principles and other initiatives, and highlights on national policies and legislation that promote Gender Equality and Women Empowerment.



### **3.1 Rationale for the policy**

29. Kenya has realized tremendous changes in her constitutional, legislative and administrative landscape through formulation and adoption of Vision 2030 and MTPs, enactment of new legislation and administrative changes including devolution and formation of County Governments.
30. Although significant progress had been made to implement the policy gender inequalities still persisted at all levels and across all sectors thus the policy provides new impetus to addressing persistent and emerging gender issues and is anchored on the creation of the State Department for Gender and its mandate.
31. An Analysis of the current situation in the country with regard to gender reveals that gender inequality continues to be an issue of concern because the patriarchal social order is supported by legislation, religious and customary laws and practices. Administrative and procedural mechanisms for accessing rights that continue to hamper attainment of gender equality while progressive provisions in law have not adequately delivered gender equality in practice.
32. Further, despite comprehensive gender equality provisions in the Constitution, attainment of the aspiration is slow with the KDHS Statistics of 2013 showing that the National Gender Inequality Index (GII) was at 0.55 while the Counties range between 0.55 and 0.71.
33. 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. While the vision of the policy is a just, fair and transformed gender compliant society free from gender discrimination in all spheres of life. Further, the mission of the policy is to create a just society where women and men have the right to equal opportunities in political, economic, cultural and social spheres of life.

### **3.2 Guiding Principles and Outcomes**

34. The guiding principles for the Policy are derived from the Constitution and recognize the differences, diversities and inequalities among women, men, boys and girls.
35. The anticipated policy outcomes include achievement of equality and economic empowerment; equal rights and opportunities in social, economic and political spheres for women, men, girls and boys; equal rights in marriage; preservation of dignity of women, men, girls and boys; acknowledgement and respect for diversity of all Kenyans.

### **3.3 Policy Approaches**

36. The policy will use varied approaches to realize the objectives of this Policy including gender mainstreaming and integration in all planned interventions; use of temporary affirmative action measures to address past gender inequalities and injustices; empowerment of women, men, boys and girls to facilitate equality, equity and non-discrimination; involvement of men in addressing gender issues; institutional and human capacity building; gender responsive development planning and budgeting; and, generating data and indicators, disaggregated by sex, age, disability, ethnicity, etc.



37. The Policy intends to integrate gender equality and social inclusion into development planning and budgeting; promote new attitudes, values, behaviour and a culture of respect for men and women; enhance collection, collation and analysis of disaggregated data to inform policies, planning and decision making; strengthen normative, legal, policy and administrative frameworks for Gender Equality and Women Empowerment at all levels; elaborate national guidelines and standards on gender equality and social inclusion; and develop a National Gender and Development Action Plan.
38. Priority actions of the policy will include strengthening normative, legal, policy and administrative frameworks for Gender Equality and Women Empowerment at all levels; enhancing capacities of women, men, boys and girls to access and control economic opportunities and resources for their empowerment and social transformation; eliminating discrimination in access to employment, promotion, training and to enhance income security for men and women; enhancing and sustain measures to eliminate gender disparities in access, retention, transition, performance and quality in education for girls and boys; promoting new attitudes, values, behaviour and a culture of respect for women and men, boys and girls; facilitating affordable, accessible, acceptable and quality health care services including reproductive health care, emergency services, family planning, HIV and AIDS service for women and men, girls and boys; and ensuring equitable and meaningful participation and representation of women and men in governance, power and decision-making positions in public and private sectors.
39. Additionally the policy actions will include implementing measures to overcome barriers faced by women in land ownership, housing and agriculture; ensuring a clean, secure and sustainable gender responsive environment; integrating and mainstreaming gender perspectives in peace and security mechanisms for a stable and secure environment for all; harnessing ICT as a tool for broader strategies and programmes to create opportunities for empowerment of women and men; promoting the respect for civil, political, economic and social rights of all; putting in place measures to ensure gender is considered in dealing with other inequalities; eliminating sexual and gender based violence against women and men, girls and boys in public and private spheres; enhancing the respect and promotion of the children's rights for boys and girls; ensuring the increased participation and visibility of men and women in media and communications sector; ensuring equitable access to justice for men and women; and strengthening the State Department responsible for Gender with a clear coordination role and deploy the requisite resources to advance Gender Equality and Women Empowerment in all sectors and at all levels in Kenya.
40. The implementation matrix of the policy clarifies different roles to be performed by various public and private sector actors and includes indicators to strengthen accountability - track, monitor and report on the progress of implementation.
41. It is expected that the policy will be implemented by Ministries, Departments and Agencies (MDAs); County Governments; Constitutional Commissions and Independent Offices, the National Gender and Equality Commission (NGEC), Attorney General's Office and Kenya Law Reform Commission, Kenya National Human Rights and Equality Commission, Office of the Director of Public Prosecutions, the National Treasury, Parliament, Private sector, Civil Society Organizations (CSOs), Political parties, and Development partners.





42. The policy seeks to establish a monitoring and evaluation mechanism to ensure that the policy intentions are met; to monitor, track and evaluate policy objectives; and to continuously monitor policy impacts.
43. The Policy will be reviewed after every five years or any such other period as may be determined by the Ministry responsible for gender.



## **PART 3**

### **4.0 COMMITTEE'S OBSERVATIONS AND RECOMMENDATIONS**

#### **4.1 Committee's Observation**

44. Upon consideration of the Sessional Paper No. 2 of 2019 on National Policy on Gender and Development, the Committee made the following observations-

1. The National Policy on Gender and Development is a review of the National Policy on Gender and Development (NPGAD) adopted by the Cabinet in 2000. The Policy outlines the national agenda for gender equality and how Kenya intends to realise these ideals;
2. The Policy builds on the provisions for gender equality in Article 10 on National Values and Principles, Article 27 on Equality of treatment and freedom from discrimination and Chapter 4 on the Bill of Rights in the Constitution of Kenya, ;
3. There is need for constant monitoring of gains made with regard to gender equality in the Constitution of Kenya and relevant legislations to avoid retrogressing;
4. The Policy aims at achieving equality of opportunity and outcomes with respect to access to and control of national and county resources and services;
5. Parliament has already enacted various laws and amended existing legislation to implement the Constitutional provisions for gender equality including the Matrimonial Property Act, 2013, the Marriage Act 2014, the Land Act, 2012 and Land Registration Act, 2012, and the Counter- Trafficking in Persons Act, 2010. The review of the policy should have been completed earlier to guide the enactment of legislation on matters related to gender and development;
6. The State Department for Gender has been allocated approximately Kshs 15 million for the implementation of the policy against a resource requirement of Kshs 500 million. The allocation will not be adequate for the fulfilment of the Policy's objectives.



#### 4.2 Committee Recommendations

45. The Committee recommends as follows-

1. **The House adopts this Report on Sessional Paper No. 2 of 2019 on National Policy on Gender and Development;**
2. **Following the adoption of this Policy, all proposed legislations on matters related to gender and development should be guided by the provisions of the National Policy Gender and Development 2019;**
3. **The National Treasury should allocate adequate resources towards the implementation of the policy which is in line with the Government's gender equality commitments.**

SIGNED..........DATE..........

**HON. PETER MWATHI, M.P. - CHAIRPERSON  
DEPARTMENTAL COMMITTEE ON LABOUR AND SOCIAL WELFARE**



**MINUTES OF THE 14<sup>TH</sup> SITTING OF THE DEPARTMENTAL COMMITTEE ON LABOUR AND SOCIAL WELFARE HELD ON SATURDAY 14<sup>TH</sup> MARCH, 2020 AT 10.00 AM AT THE MAIN CONFERENCE ROOM, ENGLISHPOINT HOTEL**

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**PRESENT**

1. **The Hon. Ali Wario, MP** - Chairperson
2. **The Hon. Joyce Korir, MP** - Vice- Chairperson
3. The Hon. Alfred K. Keter, M.P
4. The Hon. Ronald Tonui, MP
5. The Hon. Janet Nangabo, MP
6. The Hon. Fabian Muli, MP
7. The Hon. Tom Odege, MP
8. The Hon. Charles Kanyi Njagua, MP
9. The Hon. David Ole Sankok, MP

**APOLOGY**

1. The Hon. Rose Museo Mumo, MP
2. The Hon. Janet Marania Teyiaa, MP
3. The Hon. James Onyango K'Oyoo, M.P
4. The Hon. Gladys Wanga, MP
5. The Hon. Abdi Ibrahim Mude, M.P
6. The Hon. Michael Mwangi Muchira, MP
7. The Hon. Safia Sheikh Adan, MP
8. The Hon. Catherine Wambilianga, MP
9. The Hon. Omboko Milemba, MP
10. The Hon. Wilson Sossion, M.P

**The National Assembly Secretariat**

1. Mr. John Mugoma -Clerk Assistant II
2. Ms. Lynette Otieno - Legal Counsel
3. Ms. Fiona Musili - Research Officer
4. Ms. Sheila Chebotibin - Sergeant-At-Arms
5. Mr. Brian Ng'etich -Audio Officer

**AGENDA**

1. Prayers
2. Preliminaries
  - i. Introductions
  - ii. Communication from the Chairperson

- iii. Confirmation of Minutes of previous Sittings
  - iv. Matters Arising
3. **Adoption of Reports on the following Sessional Papers:-**
- i. Sessional Paper No. 2 of 2019 on National Policy on Gender and Development
  - ii. Sessional Paper No. 3 of 2019 on National Policy for Eradication of FGM
4. Any Other Business
5. Adjournment/Date of the next Sitting

**MIN.NO. DC/LSW/072/2020:- PRELIMINARIES**

The meeting was called to order at 10.00 am followed by a word of prayer.

The Chairperson thanked Hon. Members for participating in the retreat which was so critical in consideration of the two Sessional Papers that will go a long way in addressing the pertinent issues on gender and development and the fight against the FGM.

**MIN.NO. DC/LSW/073/2020: CONFIRMATION OF MINUTES OF PREVIOUS SITTINGS**

Minutes of the 12<sup>th</sup> and 13<sup>th</sup> sittings were read and confirmed as true record of the proceedings as shown below: -

- I. Minutes of the 12<sup>th</sup> sitting held on Friday 13<sup>th</sup> March, 2020 at 9.40am were confirmed as a true record of deliberations having been proposed by Hon. Tom Odege, MP and seconded by Hon. Janet Nangabo, MP.
- II. Minutes of the 13<sup>th</sup> sitting held on Friday 13<sup>th</sup> March, 2020 at 2.30pm were confirmed as a true record of deliberations having been proposed by Hon. Ronald Tonui , MP and seconded by Hon. David Ole Sankok, MP.

**MIN.NO. DC/LSW/074/2020: ADOPTION OF THE REPORT ON THE SESSIONAL PAPER NO. 2 OF 2019 ON NATIONAL POLICY ON GENDER AND DEVELOPMENT**

Upon studying Sessional Paper No. 2 of 2019 on National Policy on Gender and Development, the Committee made the following observations and recommendations-

**Observations**

- (i) The National Policy on Gender and Development is a review of the National Policy on Gender and Development (NPGAD) adopted by the Cabinet in 2000. The Policy outlines the national agenda for gender equality and how Kenya intends to realize these ideals;



- (ii) The Policy builds on the provisions for gender equality in Article 10 on National Values and Principles, Article 27 on Equality of treatment and freedom from discrimination and Chapter 4 on the Bill of Rights in the Constitution of Kenya, 2010;
- (iii) There is need for constant monitoring of gains made with regard to gender equality in the Constitution of Kenya, 2010 and relevant legislations to avoid retrogressing;
- (iv) The Policy aims at achieving equality of opportunity and outcomes with respect to access to and control of national and county resources and services;
- (v) Parliament has already enacted various laws and amended existing legislation to implement the Constitutional provisions for gender equality including the Matrimonial Property Act, 2013, the Marriage Act 2014, the Land Act, 2012 and Land Registration Act, 2012, and the Counter- Trafficking in Persons Act, 2010. The review of the policy should have been completed earlier to guide the enactment of legislation on matters related to gender and development;
- (vi) The State Department for Gender has been allocated approximately Kshs 15 million for the implementation of the policy against a resource requirement of Kshs 500 million. The allocation will not be adequate for the fulfilment of the Policy's objectives.

### **Committee Recommendations**

The Committee recommended as follows-

- (i) The House adopts the report on Sessional Paper No. 2 of 2019 on National Policy on Gender and Development;
- (ii) Following the adoption of the Policy, all proposed legislations on matters related to gender and development should be guided by the provisions of the National Policy Gender and Development 2019;
- (iii) The National Treasury should allocate adequate resources towards the implementation of the policy which is in line with the Government's gender equality commitments.

### **MIN.NO. DC/LSW/075/2020: ADOPTION OF THE REPORT ON SESSIONAL PAPER NO. 3 OF 2019 ON NATIONAL POLICY FOR ERADICATION OF FGM**

Upon studying the Sessional Paper No. 03 of 2019 on National Policy for the Eradication of Female Genital Mutilation, the Committee made the following observations and recommendations-

## **Observations**

The Committee observed that:-

- (i) Despite Kenya's robust legal framework that criminalises FGM, the practice still exists;
- (ii) Communities that practice FGM are adopting new trends to avoid detection. These include reducing age at which FGM is performed, changing the type of the cut, secrecy, going across borders to avoid law enforcement officers and medicalization of FGM;
- (iii) Challenges in addressing FGM include inadequate data, weak coordination framework, inadequate resources, weak enforcement of the laws, stigma, community resistance in the implementation of the law, marginalized and remote areas that are not easily accessible, and cultures where FGM is deeply rooted ;
- (iv) Measures to sustain political goodwill must be employed since political leaders from communities where the practice is still rampant who publicly advocate against the practice risk losing political support in their areas;
- (v) There is need for accurate up-to-date data on FGM prevalence since some communities like the Kuria where the practice is rampant are not captured in the policy;
- (vi) The approach on the fight against the FGM should include delocalizing both teachers and medical practitioners from FGM prevalent areas to low prevalent areas for proper dissemination of the anti-FGM agenda. This will foster cultural integration which will break the transfer of the culture of practicing FGM from one generation to another;
- (vii) Men should be empowered through training on the negative effects of FGM so as to enable them effectively support the efforts to eradicate the FGM practice;
- (viii) The Anti- FGM Board should explore other effective ways and strategies that might work in eradicating the FGM practice including- involvement of local opinion leaders, chiefs, and religious leaders, among others;
- (ix) The proposed budget for effectively implementing the Presidential directive on ending FGM by 2022 is approximately Kshs 1,491,800,000, however only approximately Kshs 100 million has been allocated. The Anti-FGM Board should engage the relevant stakeholders and partners to adequately fund its activities in line with the provisions of section 14 of the Prohibition of Female Genital Mutilation Act, No. 32 of 2011 on Funds of the Board.

## **Committee Recommendations**

The Committee recommended that-

1. The House adopts the report on Sessional Paper No. 03 of 2019 on National Policy for the Eradication of Female Genital Mutilation;

2. Following the adoption of the Policy, all proposed legislations on matters related to the eradication of Female Genital Mutilation should be guided by the provisions of the National Policy for the Eradication of Female Genital Mutilation.

**MIN.NO. DC/LSW/076/2020: ANY OTHER BUSINESS**

No Any Other Business Arose.

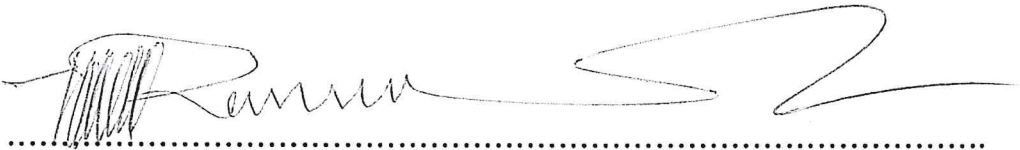
**MIN.NO. DC/LSW/077/2020: ADJOURNMENT**

There being no other business, the meeting was adjourned at 1.00pm.

**MIN.NO. DC/LSW/078/2020: DATE FOR THE NEXT SITTING**

It was resolved that the next Sitting of the Committee be held on **Tuesday 17<sup>th</sup> March, 2020 at 9.30 am**

SIGNED: .....



**The Hon. Ali Wario, M.P**

DATE: .....

**11/06/2020** (Chairperson)



**MINUTES OF THE 13<sup>TH</sup> SITTING OF THE DEPARTMENTAL COMMITTEE ON  
LABOUR AND SOCIAL WELFARE HELD ON FRIDAY 13<sup>TH</sup> MARCH, 2020 AT 2.30  
PM AT THE MAIN CONFERENCE ROOM, ENGLISHPOINT HOTEL**

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**PRESENT**

1. **The Hon. Ali Wario, MP** - Chairperson
2. **The Hon. Joyce Korir, MP** - Vice- Chairperson
3. The Hon. Alfred K. Keter, M.P
4. The Hon. Ronald Tonui, MP
5. The Hon. Janet Nangabo, MP
6. The Hon. Fabian Muli, MP
7. The Hon. Tom Odege, MP
8. The Hon. Charles Kanyi Njagua, MP
9. The Hon. David Ole Sankok, MP

**APOLOGY**

1. The Hon. Rose Museo Mumo, MP
2. The Hon. Janet Marania Teyiaa, MP
3. The Hon. James Onyango K'Oyoo, M.P
4. The Hon. Gladys Wanga, MP
5. The Hon. Abdi Ibrahim Mude, M.P
6. The Hon. Michael Mwangi Muchira, MP
7. The Hon. Safia Sheikh Adan, MP
8. The Hon. Catherine Wambilianga, MP
9. The Hon. Omboko Milemba, MP
10. The Hon. Wilson Sossion, M.P

**The National Assembly Secretariat**

1. Mr. John Mugoma -Clerk Assistant II
2. Ms. Lynette Otieno - Legal Counsel
3. Ms. Fiona Musili - Research Officer
4. Ms. Sheila Chebotibin - Sergeant-At-Arms
5. Mr. Brian Ng'etich -Audio Officer

**In attendance**

**Ministry of Public Service and Gender Affairs**

1. Ms. Faith Kasiva – Secretary Gender
2. Ms. Bernadette Loloju - Chief Executive Officer, ANTI-FGM
3. Ms. Verity Mganga - Deputy Director, Gender
4. Mr. Nicholas K. Songok - Manager Planning, ANTI-FGM
5. Mr. Isaac Ngige - Parliamentary Liaison Officer

6. Ms. Yvonne Ndanu - Gender Officer 1

#### **AGENDA**

1. Prayers
2. Preliminaries
  - i. Introductions
  - ii. Communication from the Chairperson/ Opening remarks
  - iii. Confirmation of Minutes of previous Sitzings
  - iv. Matters Arising
3. **Submissions by the State Department for Gender on the following Sessional Papers:-**
  - i. Sessional Paper No. 2 of 2019 on National Policy on Gender and Development
  - ii. Sessional Paper No. 3 of 2019 on National Policy for Eradication of FGM
4. Any Other Business
5. Adjournment/Date of the next Sitting

#### **MIN.NO. DC/LSW/067/2020:- PRELIMINARIES**

The meeting was called to order at 2.30pm followed by a word of prayer. This was followed by introductions.

The Chairperson informed the meeting that it was important for the State Department for Gender Affairs to give its submissions to the Committee so as to help Members understand the rationale behind the two policies.

#### **MIN.NO. DC/LSW/068/2020: CONFIRMATION OF MINUTES OF PREVIOUS SITTINGS**

Confirmation of the Minutes of the previous sitting was deferred to the next sitting.

#### **MIN.NO. DC/LSW/069/2020: SUBMISSIONS BY THE STATE DEPARTMENT FOR GENDER ON THE FOLLOWING SESSIONAL PAPERS:-**

The Gender Secretary submitted as follows:-

#### **I. Sessional Paper No. 2 of 2019 on National Policy on Gender and Development**

1. The National Policy on Gender and Development (NPGAD) outlines the national agenda for gender equality, details overarching principles to be integrated into National and County Governments' sectoral policies, practices and programmes; and outlines all state and non-state actors in implementing the Policy.
2. The first National Gender & Development Policy was adopted in 2000 and the process of reviewing and updating the policy began in 2010.



3. The Policy builds on the achievements realized since the promulgation of the Constitution including- Article 10 on National Values and Principles which highlights principles of equality, equity, inclusiveness and non-discrimination. These principles provide an anchorage for gender equality.
4. Chapter 4 on Bill of Rights provides for the rights and fundamental freedoms of all citizens; and guarantees equality and freedom from discrimination on any ground. Article 27 obligates the State to take legislative and other measures, including affirmative action programmes and policies to address discrimination.
5. The Policy makes reference to the gender equality provisions of the Constitution including the right to equality and freedom from discrimination; the rights of men and women, boys and girls to equal treatment; the right to equal opportunities in political, social, economic and cultural spheres; outlaws discrimination by requiring the State to take measures to redress any disadvantage suffered by individuals or groups of people due to past discrimination.
6. The National Policy on Gender and Development provides for the historical context of Gender Equality and Women Empowerment since independence guiding international and regional instruments.
7. It also highlights on the enabling environment provided by the Constitutional and national instruments, highlights on gains made through implementation of affirmative action principles and other initiatives, and highlights on national policies and legislation that promote Gender Equality and Women Empowerment.

#### **Rationale for the policy**

- i. Kenya has realized tremendous changes in her constitutional, legislative and administrative landscape through formulation and adoption of Vision 2030 and MTPs, enactment of new legislation and administrative changes including devolution and formation of County Governments.
- ii. Although significant progress had been made to implement the policy gender inequalities still persisted at all levels and across all sectors thus the policy provides new impetus to addressing persistent and emerging gender issues and is anchored on the creation of the State Department for Gender and its mandate.
- iii. An Analysis of the current situation in the country with regard to gender reveals that gender inequality continues to be an issue of concern because the patriarchal social order is supported by legislation, religious and customary laws and practices.

- iv. Administrative and procedural mechanisms for accessing rights that continue to hamper attainment of gender equality while progressive provisions in law have not adequately delivered gender equality in practice.
- v. 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.
- vi. While the vision of the policy is a just, fair and transformed gender compliant society free from gender discrimination in all spheres of life. Further, the mission of the policy is to create a just society where women and men have the right to equal opportunities in political, economic, cultural and social spheres of life.

#### **Guiding Principles and Outcomes**

- a) The guiding principles for the Policy are derived from the Constitution and recognize the differences, diversities and inequalities among women, men, boys and girls.
- b) The anticipated policy outcomes include achievement of equality and economic empowerment; equal rights and opportunities in social, economic and political spheres for women, men, girls and boys; equal rights in marriage; preservation of dignity of women, men, girls and boys; acknowledgement and respect for diversity of all Kenyans.

#### **Policy Approaches**

- a) The policy will use varied approaches to realize the objectives of this Policy including gender mainstreaming and integration in all planned interventions; use of temporary affirmative action measures to address past gender inequalities and injustices; empowerment of women, men, boys and girls to facilitate equality, equity and non-discrimination etc.
- b) The Policy intends to integrate gender equality and social inclusion into development planning and budgeting; promote new attitudes, values, behaviour and a culture of respect for men and women; enhance collection, collation and analysis of disaggregated data to inform policies, planning and decision making.
- c) Priority actions of the policy will include strengthening normative, legal, policy and administrative frameworks for Gender Equality and Women Empowerment at all levels; enhancing capacities of women, men, boys and girls to access and control economic opportunities and resources for their empowerment and social transformation.



- d) Additionally the policy actions will include implementing measures to overcome barriers faced by women in land ownership, housing and agriculture; ensuring a clean, secure and sustainable gender responsive environment; integrating and mainstreaming gender perspectives in peace and security mechanisms for a stable and secure environment for all.
- e) The implementation matrix of the policy clarifies different roles to be performed by various public and private sector actors and includes indicators to strengthen accountability - track, monitor and report on the progress of implementation.
- f) It is expected that the policy will be implemented by Ministries, Departments and Agencies (MDAs); County Governments; Constitutional Commissions and Independent Offices, the National Gender and Equality Commission (NGEC), Attorney General's Office and Kenya Law Reform Commission, Kenya National Human Rights and Equality Commission, Office of the Director of Public Prosecutions, the National Treasury, Parliament, Private sector, Civil Society Organizations (CSOs), Political parties, and Development partners.
- g) The policy seeks to establish a monitoring and evaluation mechanism to ensure that the policy intentions are met; to monitor, track and evaluate policy objectives; and to continuously monitor policy impacts.
- h) The Policy will be reviewed after every five years or any such other period as may be determined by the Ministry responsible for gender.

## **II. Sessional Paper No. 3 of 2019 on National Policy for Eradication of FGM**

- i. That the problem of FGM still exists even after being criminalized. The prevalence has reduced from 32% in 2003, 27% in 2008/2009, and 21% in 2014 this is for women and girls aged 15-49.
- ii. Emerging trends in the FGM practice include reducing the age at which the cut is performed, change in the type of the cut, increased demand for traditional circumciser's services, secrecy, cross border and medicalization of FGM.
- iii. FGM drivers include the rites of passage, religious beliefs and culture, social norms and behavior and economic and monetary gains.
- iv. Challenges in addressing FGM include inadequate data, weak coordination framework, inadequate resources, weak enforcement of the laws, stigma and community resistance in the implementation of the law.

- v. Opportunities available include - favourable legal foundation, political goodwill and support at national level, strategic partnerships, media engagement and existence of community led approaches.

### **Policy Goal, Objectives and Principles of the Policy**

- a) The Policy Goal is to create a society that is free from harmful cultural practices by eliminating female genital mutilation.
- b) The objectives include:- to accelerate abandonment of FGM in Kenya; strengthen multi-sectoral interventions, coordination, networking, partnership and community participation in accelerating the eradication of FGM; address emerging trends and practices largely aimed at avoiding the enforcement of the law; address gender inequality by promoting the empowerment of girls and women; and strengthen research, data collection, information and knowledge management on FGM.

### **Guiding Principles and Policy approach**

The guiding principles and policy approach to the policy include:-

- gender equality and equity;
- inclusiveness and equal participation of community members;
- non-discrimination and protection of the marginalized;
- integrity, transparency and accountability.

### **Policy Outcomes**

The policy outcomes are-

- reduction in the prevalence of FGM;
- enhanced prevention and response to FGM and community awareness of the dangers of FGM;
- reduction in child marriage due to FGM and promotion of gender equality by empowering women and girls;
- enhanced research and data collection to inform Anti-FGM programming;
- enhanced multi-sectoral coordination of anti-FGM programming in the Country.

### **Policy Priority actions**

The key policy priority actions are to- promote Public Education and Community Dialogues on FGM; support the enforcement of the existing Laws related to FGM; engage women, girls, men and boys in the prevention of FGM; inclusion of FGM content in the curriculum of learning institutions; strengthen capacity of institutions and communities to prevent and respond to FGM; develop initiatives to address Cross-Border FGM; promote the empowerment of women and girls; FGM in humanitarian and emergency situations; and develop and implement a Monitoring and Evaluation framework.

## **Status of FGM in Kenya**

- i. The national prevalence of FGM in Kenya has declined over the time from 32% in 2003 to 27% in 2008/09 and 21% (KDHS 2014). The decline is a result of aggressive sensitization campaigns by both the government and non-state actors.
- ii. Despite the decline nationally, the prevalence amongst some practicing communities still remains high with Somalis at 94%, Samburu 86%, Kisii 84%, and Maasai at 78%.
- iii. The practice of FGM in Kenya varies depending on ethnic group, cultural diversity as well as the type of FGM performed and the underlying reasons for practising it.

## **Achievements**

1. There has been well coordinated awareness creation campaigns through trainings, community dialogues and media.
2. Inclusion of FGM content in the new school curriculum.
3. Formulation of guidelines - community dialogues and Alternative Rites of Passage guidelines.
4. Strengthened coordination of both state and non-state actors which has led to two successful end FGM annual conferences among others.
5. In April last year, the Federal Democratic Republic of Ethiopia, Republic of Kenya, Federal Republic of Somalia, United Republic of Tanzania and Republic of Uganda, gathered in Mombasa, Kenya for a Regional Inter-Ministerial End Female Genital Mutilation Cross-border Meeting to strengthen coordination and cooperation to eliminate FGM and in particular the cross border dimensions
6. The signing of the declaration also saw the development of a regional end FGM cross border action plan based on four pillars touching on; legislation and policy; coordination and collaboration; communication and advocacy; and evidence, data and research.
7. In August 2019, the Kenyan executive approved the National Policy for the Eradication of FGM which identifies key issues and proposes high impact strategies to address FGM in key sectors such as health, education, security, access to justice and public information while emphasizing participation as a human rights approach to empowering women and girls
8. On 27 June 2019, the Government of Kenya formally endorsed the partnership between UNFPA, the Anti-FGM Board, Eco bank and Ushanga Kenya, a national project that seeks to transform the living standards of rural women by creating jobs making traditional beadwork.
9. In November last year, the President of Kenya officially launched the Johari beads. These will go into full scale production this year.

10. The cultural and religious leaders from 22 counties with the highest prevalence of FGM, signed a commitment to support the President's commitment of ending FGM by 2022.

**Challenges**

- a) FGM is deeply rooted in culture and it takes time to change a social and cultural norm that has been passed on from generation to generation.
- b) The counties where FGM is practiced have areas that are hard to reach and have no access to any form of services.
- c) Inadequate financial resources both domestic and international, cross border FGM and changing trends in the way, when and where FGM is practiced are some of the major challenges facing the fight against the practice.

**WAY FORWARD**

The Committee resolved to consider the submissions by the State Department for Gender during the next Sitting and give its observations and recommendations on the same.

**MIN.NO. DC/LSW/070/2020: ANY OTHER BUSINESS**

No Any Other Business Arose.

**MIN.NO. DC/LSW/071/2020: ADJOURNMENT AND DATE OF NEXT SITTING**

There being no other business, the meeting was adjourned at 4.00pm. The next Sitting will be held on 14<sup>th</sup> March, 2020 at 10am

SIGNED:  .....

**The Hon. Ali Wario, M.P**

**(Chairperson)**

DATE: ..... 11/06/2020 .....

**MINUTES OF THE 12<sup>TH</sup> SITTING OF THE DEPARTMENTAL COMMITTEE ON  
LABOUR AND SOCIAL WELFARE HELD ON FRIDAY 13<sup>TH</sup> MARCH, 2020 AT 9.40  
AM AT THE MAIN CONFERENCE ROOM, ENGLISHPOINT HOTEL**

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**PRESENT**

1. **The Hon. Ali Wario, MP** - Chairperson
2. **The Hon Joyce Korir, MP** - Vice- Chairperson
3. The Hon. Alfred K. Keter, M.P
4. The Hon. Ronald Tonui, MP
5. The Hon. Janet Nangabo, MP
6. The Hon. Fabian Muli, MP
7. The Hon. Tom Odege, MP
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**APOLOGY**

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**The National Assembly Secretariat**

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2. Ms. Lynette Otieno - Legal Counsel
3. Ms. Fiona Musili - Research Officer
4. Ms. Sheila Chebotibin - Sergeant-At-Arms
5. Mr. Brian Ng'etich -Audio Officer

**AGENDA**

1. Prayers
2. Preliminaries
  - i. Introductions
  - ii. Communication from the Chairperson/ Opening remarks



- iii. Confirmation of Minutes of previous Sittings
- iv. Matters Arising
3. **Briefing on the following Sessional Papers:-**
  - i. Sessional Paper No. 2 of 2019 on National Policy on Gender and Development
  - ii. Sessional Paper No. 3 of 2019 on National Policy for Eradication of FGM
4. Any Other Business
5. Adjournment/Date of the next Sitting

**MIN.NO. DC/LSW/062/2020:- PRELIMINARIES**

The meeting was called to order at 9.40 am followed by a word of prayer.

The Chairperson welcomed the Hon. Members to the retreat and thanked them for turning up to consider the two policies.

**MIN.NO. DC/LSW/063/2020: CONFIRMATION OF MINUTES OF PREVIOUS SITTINGS**

Confirmation of the Minutes of the previous sitting was deferred to the next sitting.

**MIN.NO. DC/LSW/064/2020: BRIEFING ON SESSIONAL PAPERS:-**

**The Committee was briefed as follows:-**

**I. SESSIONAL PAPER NO. 2 OF 2019 ON NATIONAL POLICY ON GENDER AND DEVELOPMENT**

**Background Information**

- a) The National Gender and Development Policy is a review of the National Policy on Gender and Development (NPGAD) adopted by the Cabinet in 2000.
- b) The policy outlines the national agenda for gender equality and how Kenya intends to realise these ideals.
- c) The policy takes cognizance of the values and principles set out in the Constitution
  - legislation aligned to the Constitution;
  - the National and County governments with varied functions that should contribute to gender equality;
  - Kenya Vision 2030 and the third Medium Term Plan; the 'Big Four' Agenda: Universal Health Care, Food Security, Affordable Housing and Manufacturing;
  - International and regional treaties on gender equality that Kenya has ratified such as the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) and the Maputo Protocol of the African Charter on Human and Peoples' Rights of Women in Africa;

- Agenda 2063 of the Africa Union titled ‘the Africa We Want’ seeking among other things to build inclusive and accountable states and institutions; lessons learnt from the implementation of the Millennium Development Goals (MDGs); and the Sustainable Development Goals under the 2030 Agenda for Sustainable Development adopted by the United Nations in September 2015.

### **Scope of the policy**

1. This policy aims at achieving equality of opportunity and outcomes with respect to access to and control of national and county resources and services; and equality of treatment that meets the specific and distinct needs of different categories of women and men.
2. The policy identifies a set of factors that will act as indicators for measuring the implementation and effectiveness of the gender and development agenda.

### **Rationale for developing of the policy**

- a) The National Gender Policy on Gender and Development (2000) provided a legitimate point of reference for addressing gender inequalities at all levels of government and by all stakeholders.
- b) However, a review of the policy was necessitated by the slow pace at which the achievements were being realized and Constitutional requirements for equality and non-discrimination.
- c) The formulation of this policy takes cognizance of the patriarchal social order in Kenya supported by statutory, religious and customary laws and practices; and the impeding of access to the goal of gender equality and women’s empowerment by administrative and procedural mechanisms.
- d) Kenya has ratified seven of the nine main global human rights instruments:
  - International Covenant on Civil and Political Rights (ICCPR);
  - the International Covenant on Economic, Social and Cultural Rights (ICESCR)
  - the International Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)
  - the Convention against Torture and Other Cruel Inhuman or Degrading treatment or Punishment (CAT),
  - the Convention on the Rights of the Child (CRC) which all have gender equality imperatives as a state obligation.
- e) Kenya has need for gender equality such as the Vienna Declaration on Human Rights, the Beijing Platform for Action, the International Conference on Population and Development (ICPD), the Millennium Declaration and Millennium Development Goals (MDGs) and the Sustainable Development Goals (SDGs). All these treaties and initiatives have influenced the National Policy on Gender and Development.

- f) The policy builds on the National Policy for Gender and Development 2000, and Sessional Paper No.2 of 2006 on Gender Equality and Development which envisaged women empowerment and mainstreaming the needs of women, men, girls and boys in all sectors of development in Kenya so that they can participate and benefit equally from development initiatives.
- g) Kenya's National Development plans such as Kenya's Economic Recovery Strategy for Wealth Creation (2003- 2007) and the Medium- Term Plans 2008- 2012, 2013- 2017 and 2018- 2022 have also recognized that women should have equal access to opportunities and assets with men for the purpose of sustainable development.
- h) Parliament has legislated laws to implement the Constitutional provisions for gender equality including the Matrimonial Property Act, 2013, the Marriage Act 2014, the Land Act, 2012 and Land Registration Act, 2012 which secure women's right to land, the Counter- Trafficking in Persons Act, 2010 and the Sexual Offences Act, 2006.
- i) The formulation of the National Policy on Gender and Development takes cognizance of the patriarchal social order in Kenya supported by statutory, religious and customary laws and practices; and the impeding of access to the goal of gender equality and women's empowerment by administrative and procedural mechanisms.
- j) The overall goal of the policy is to achieve gender equality by creating a just society where women, men, boys and girls have equal access to opportunities in the political, economic, cultural and social spheres of life.
- k) The specific objectives of the policy include facilitating implementation of the Constitution and domesticate the international and regional obligations an domesticate the international and regional obligations and commitments that promote gender equality and freedom from discrimination.
- l) The expected policy outcomes will be achievement of equality and economic empowerment and respect for the diversity of all Kenyans.

### **Monitoring and Evaluation**

- a) Monitoring and evaluation shall be an essential strategy in the implementation of the Policy to ensure that results frameworks on each policy action detailing outputs, outcomes, impacts and key actors are developed to facilitate annual plans and development planning processes in all sector at all levels.
- b) The policy will be reviewed after every five years or any such other periods as may be determined by the Ministry responsible for gender affairs.



## II. SESSIONAL PAPER NO. 3 OF 2019 ON NATIONAL POLICY FOR ERADICATION OF FGM

### Background Information

1. The Kenya Demographic and Health Survey (KDHS), 2014 shows that 21% of women and girls aged between 15-49 years in Kenya have undergone FGM. Despite the National decline in prevalence, it is still high in the Somali (94 %) Samburu (86%) Kisii (84%) and Maasai (78%) communities.
2. The practice is rapidly changing as a result of governmental and non- governmental programmes including changes in the age at which FGM is performed (targeting newly born girls and married women), where it is done (secrecy), how it is done, the performers of FGM and the prevailing belief system.

### Scope of the policy

- a) The overall goal for the policy is to create a society that is free from harmful cultural practices, by eliminating FGM.
- b) The specific objectives of the policy include- to accelerate the eradication of FGM in Kenya; to strengthen multi-sectoral interventions, coordination, networking, partnership and community participation in accelerating the eradication of FGM; to address emerging trends and practices largely aimed at avoiding the enforcement of the law; to address gender inequality by promoting the empowerment of girls and women; and to strengthen research, data collection, information and knowledge management on FGM.
- c) The policy covers the National and County governments, Parliament, the Justice system, non- state actors including civil society organizations, the private sector, development partners, opinion leaders and the communities.
- d) The policy identifies the FGM drivers in the county to include- Communities that practice FGM regard the practice as a rite of passage from childhood to womanhood and perpetuate it for marriageability purposes; the practice is deeply rooted in culture and religious beliefs; social norms that stigmatize and discriminate against those who reject FGM. The practice is also considered a cultural identifier among practicing communities; and FGM bring monetary gains for the circumcisers, elders and bride price for the girls' family.

### Rationale for developing of the policy

- i. The National Policy on the eradication of Female Genital Mutilation is a revision of the National Policy on the Abandonment of Female Genital Mutilation, 2010 which was found to be inconsistent with the Constitution which was promulgated in 2010 and other legislations including the Prohibition of Female Genital Mutilation Act, 2011 and the Protection against Domestic Violence Act, 2015.

- ii. Further, there are emerging trends that have contributed to the slow decline in practice of FGM. A review of the policy will ensure that it is in line with the existing laws and policies.

#### **The problem that the policy seeks to address**

- i. Despite Kenya's robust legal framework that criminalises FGM, the practice still exists. Eradication of FGM requires multi-sectoral, deliberate effort from all state and non-state actors.
- ii. FGM harms the physical and emotional health of women and girls including physical injuries; death; emotional stress and psychological suffering; complications during child birth for women; infections caused by lack of sterilised; transmission of various infections e.g. HIV; early marriage of young girls; and termination of their formal education.

#### **Challenges in addressing FGM**

The policy notes the following as the challenges faced in eradicating FGM-

- Inadequate data;
- weak coordination framework at the National and County Levels including in the education, health, culture, legal, policy and economic segments;
- inadequate resources to accelerate the eradication of FGM;
- weak enforcement of the laws relating to FGM;
- discrimination and exclusion;
- FGM is perpetuate to avoid stigma;
- community resistance to the implementation of the Anti-FGM laws.

#### **Policy priority actions**

##### **(i) Policy objective 1: To accelerate the eradication of FGM in Kenya**

This will be done through promoting public education and community dialogues on FGM; supporting the enforcement of the existing laws related to FGM; and engaging women, girls, men and boys in the prevention of FGM.

##### **(ii) Policy objective 2: To strengthen multi-sectoral coordination and networking, partnership and community participation towards the eradication of FGM**

This will be achieved through inclusion of FGM content in the curriculum of learning institutions; and strengthening capacity of institutions and communities to prevent and respond to FGM.

**(iii) Policy objective 3: To address emerging trends and practices aimed at circumventing the legal framework**

This will be carried out through developing initiatives to address FGM across borders and in humanitarian and emergency situations.

**(iv) Policy objective 4: To address gender inequality associated with FGM by promoting the empowerment of girls and women**

The government will support the empowerment of women and girls through enhancing their awareness on the impact of FGM; giving them life skills, supporting anti-FGM campaigns; and promoting media awards for anti-FGM coverage

**(v) Policy objective 5: To strengthen data collection, information and knowledge management on FGM**

This will be achieved through developing and implementing a monitoring and evaluation framework.

**Monitoring and Evaluation**

- a) A monitoring and evaluation mechanism will be established to ensure the policy objectives are monitored and evaluated. Collection of data on FGM prevalence will be enhanced to inform policies, planning and decision-making.
- b) The policy will be reviewed every five years and on need basis to take into account changes in laws, priorities and emerging issues as may be determined by the Ministry responsible for gender affairs.

**Committee Observations**

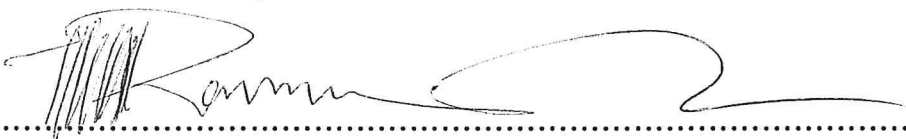
- 1) The Committee noted that FGM practice is a cultural rife in some communities in Kenya.
- 2) There was need for budgetary enhancement to effectively implement the two policies. However, the department should also disclose any other source of funding they get in implementing the policies.
- 3) The Government lags behind in issues related to gender equality and women empowerment.
- 4) Political good will was a challenge in addressing FGM since some are intimidated in supporting the practice.
- 5) There is need for accurate up-to-date data on FGM prevalence.
- 6) Men should be empowered through training on the negative effects of FGM so as to enable them effectively support the efforts to eradicate the FGM practice;

**MIN.NO. DC/LSW/065/2020: ANY OTHER BUSINESS**

No Any Other Business Arose

**MIN.NO. DC/LSW/066/2020: ADJOURNMENT AND DATE FOR THE NEXT SITTING**

There being no other business, the meeting was adjourned at 1.00pm the next Sitting of the Committee will be held at 2.30 pm

SIGNED:  .....

**The Hon. Ali Wario, M.P**

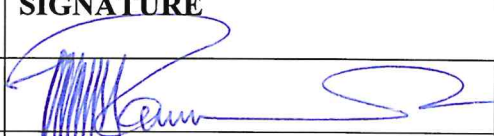

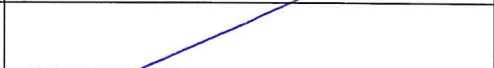


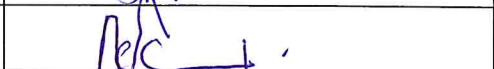
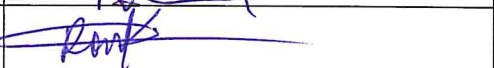


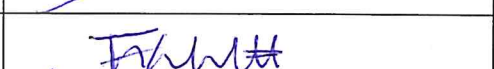


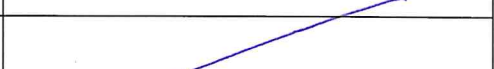
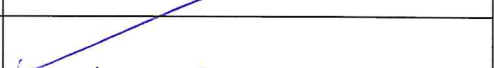



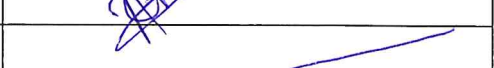
**(Chairperson)**

DATE: 11/06/2020 .....

**DEPARTMENTAL COMMITTEE ON LABOUR & SOCIAL WELFARE  
REPORT ADOPTION SCHEDULE**

**REPORT ON SESSIONAL PAPER NO. 2 OF 2019 ON NATIONAL POLICY ON  
GENDER AND DEVELOPMENT**

DATE: 14<sup>TH</sup> MARCH, 2020

No.	NAME	SIGNATURE
1.	The Hon. Ali Wario, MP – Chairperson	
2.	The Hon. Joyce Korir Chepkoech, MP – Vice Chairperson	
3.	The Hon. Gladys Wanga, MP	
4.	The Hon. Janet Marania Teyiaa, MP	
5.	The Hon. Alfred Kiptoo Keter, MP	
6.	The Hon. Janet Nangabo Wanyama, MP	
7.	The Hon. Ronald Kiprotich Tonui, MP	
8.	The Hon. James Onyango K'Oyoo, MP	
9.	The Hon. Rose Museo, MP	
10.	The Hon. Fabian Kyule Muli, MP	
11.	The Hon. Ole Sankok David, MP	
12.	The Hon. Abdi Mude Ibrahim, MP	
13.	The Hon. Michael Mwangi Muchira, MP	
14.	The Hon. Safia Sheikh Adan, MP	
15.	The Hon. Tom Mboya Odege, MP	
16.	The Hon. Catherine Wambilianga, MP	
17.	The Hon. Charles Kanyi Njagua, MP	
18.	The Hon. Omboko Milemba, MP	
19.	The Hon. Wilson Sossion, MP	