



GENDER MAINSTREAMING GUIDELINES

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ACKNOWLEDGEMENT

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FOREWORD

Gender mainstreaming is goal oriented and ultimately aims to strengthen the power of women and men to shape society and their own lives. These guidelines provide guidance for Bomet County staff and partners on how to mainstream gender issues as part of the County's commitment to achieving gender equality and women's empowerment. It is important to incorporate gender in every aspect of the County processes such as procurement, employment, representation and decision making at all levels to ensure equality, equity, inclusion, and non-discrimination, access to relevant holistic information and sustained quality.

OPERATIONAL TERMS

This section explains technical words and related terms used within this document

Gender- socially constructed definition of women and men. It is not the same as sex (biological characteristics of women and men) and it is not the same as women.

Gender mainstreaming: is the process of for making women's as well as men's concerns and experiences an important aspect in the design, implementation, monitoring, and evaluation of policies and programmes in all political, economic and social spheres with a view to promoting equality between women and men, and combating discrimination and inequalities.

Gender Responsive budgeting- is a systematic approach for incorporating a gender perspective in planning and budgeting frameworks and offers concrete investment in addressing gender gaps.

Gender equality, is the state of equal ease of access to resources and opportunities regardless of gender, including economic participation and decision-making; and the state of valuing different behaviours, aspirations and needs equally, regardless of gender.

Gender equity: means fairness of treatment for women and men, according to their respective needs and requires equal enjoyment by women and men of socially valued goods, opportunities, resources, and rewards. Gender equity does not mean that women and men become the same, but that their opportunities and life chances are equal

Public Participation- a democratic process of engaging people in thinking, deciding, planning, and playing an active part in the development and operation of services that affect their lives

Youth- persons aged between the ages of 18-35

Special Groups/Disadvantaged Groups/ Marginalised Groups all refer to the category of persons identified under Article 100 of the Constitution, 2010. These persons comprise those

persons/groups that have largely been excluded from public life and particularly governance. The exclusion has resulted from systematic discrimination based on socio-cultural differences.

PURPOSE OF THE GUIDELINES

These guidelines are prepared in accordance with the Constitution of Kenya and a requirement of Section 131 (6) of the Public Finance Management Act, 2012. It is for use by institutions, departments, County officials, County staff and facilitators in Bomet County in addressing how to promote gender equality, youth and women empowerment in all the County's undertakings

The guidance document:

- Serves as a resource for the all-County sectors in implementing projects with women, youth and PWDs.
- highlights the emerging issues and the policy and legal framework for gender and youth mainstreaming in Bomet County
- Provides guidance to County officials and facilitators when designing IEC materials in braille and large print format, having sign interpreters, trainings, and conducting sensitization forums for youth women and PWDs
- Highlights the different approaches to promoting gender equality, equity and women empowerment in the County
- Serves to enhance gender mainstreaming and promote equal participation of women, men, and youth and PWDs in governance and public participation
- Seeks to enhance women and youth and PWDs in decision making and equal access to and benefits from economic and development programmes and opportunities at the County level.

RATIONALE

- Participation of women, youth and PWDs in governance and oversight is generally accepted in international guidelines, the 2010 Kenya constitution, Public finance management Act (2013) and other legal documents
- Gender mainstreaming is important because it addresses inequalities and promotes sustainable development in the County

- Gender and youth mainstreaming should abide by principles of equality, inclusion and non-discrimination, access to relevant holistic information and sustained quality

BACKGROUND

The Constitution of Kenya identifies marginalized groups to include women, youth and persons with disabilities amongst others. It mandates the mainstreaming of gender into governance and development processes. Various policy instruments and institutional frameworks to promote gender mainstreaming have been put in place. However, these policies and frameworks have not been effective in ensuring gender mainstreaming in various governance processes. The Council of Governors advocates for counties to advance gender equality and women empowerment (GEWE) as well as empowerment of youth and people with disabilities in the County and intergovernmental processes such as procurement, employment opportunities, representation and in decision making at all levels. Main causes in the slow pace in achieving gender equality and women empowerment include lack of gender-sensitive data and context analysis, cultural and religious barriers, lack of comparable data for tracking allocations and expenditures of resources for gender equality and the empowerment of women. A lack of accountability delays progress in advancing gender equality. Gender mainstreaming in development, governance and specific programs within National and County governments is still wanting. There are limited efforts towards gender mainstreaming in governance, public participation, inclusion, representation and procurement processes. Not enough has been done to ensure that women, men, youth and PWDs equally participate and access resources and benefits. Women and youth involvement in governance and economic development and project oversight is still limited.

These guidelines provide general principles for implementing gender mainstreaming in governance processes at the County and provides good practices that could be adopted for effective gender mainstreaming. These guidelines commit all County officials and other stakeholders to promote gender equity and equality in all governance processes.

The guidelines in part of the commitment of governors formed under Section 19 of the Intergovernmental Relations Act (IGRA 2012) with a mandate to provide a mechanism for consultation amongst County Governments, share information on performance of the counties in execution of their functions, facilitate capacity building for Governors, and consider reports from

other intergovernmental forums on national and County interests amongst other functions (Section 20). Youth and Gender mainstreaming is enshrined in the Kenyan constitution of 2010 and the council of governors gender policy.

PLANNING AND IMPLEMENTATION FOR COUNTY PROJECTS, PROGRAMS, ACTIVITIES AND ENGAGEMENT

When planning for County projects, programs and activities, it is critical to consider women, youth and PWDs matters. It is critical to consider the following main issues:

- All departments should conduct gender analysis and realign programs, projects and activities to the existing laws, policies, strategies and actions to effectively inform gender mainstreaming. The gender analysis should include quantitative and qualitative data, disaggregated by sex to be sure of the numbers of youth, women and PWDs in projects.
- All departments should undertake needs assessments among gender focal persons and all sectors and departments within the County and develop appropriate training and capacity strengthening programmes.
- While planning and implementing County projects and programs there is need to promote gender equality and equity, so as to ensure inclusivity of youth, women and Persons with Disabilities.
- Representation of diverse genders should be considered in consultation, project and programs implementation processes to ensure that the male ,female youth and persons with disability are very well engaged
- Resources should be aligned to the programs and project objectives to ensure that funds allocated to support inclusion of Youth, women and PWDS in development are not diverted to other purposes.
- All public officers of the County should seek to enhance the capacities for gender mainstreaming and women and youth empowerment in governance, public participation, procurement and oversight of public resources.

To enhance and sustain gender responsiveness in governance and accountability and youth women and PWDs participation in projects and programs all departments should:

- Conduct public education/sensitization on gender mainstreaming and gender equality in all projects and activities carried out by the County
- Promote gender equality and mainstream governance, public participation and oversight issues in all government projects
- Support innovative gender-responsive projects for sustainable development at the County

GENDER BUDGETING FOR COUNTY PROJECTS, PROGRAMS, ACTIVITIES AND ENGAGEMENT

Gender issues should be considered during the budgeting of County projects and activities:

Gender responsive budgeting is one of the critical pillars of efforts to advance gender equity in developed and developing economies. Gender responsive budgeting is one way of ensuring that men and women equally benefit from County government projects and services. It incorporates a gender perspective and tracks budgets responsiveness to gender equality targets and commitments.

The following areas should be considered in mainstreaming gender in budgeting:

1. Include the Youth, women and PWDs in decision making for projects through public participation
2. Youth Women and PWDS should be provided with employment and entrepreneurial opportunities
3. All departments in the County should promote access to information on financial services including women enterprise funds, youth enterprise development funds, national government affirmative action fund (NGAAF) for youth, women and PWDs

COMMUNICATION AND ACCESS TO PUBLIC INFORMATION

Strategic communication is critical in County processes. Article 35 of the constitution of Kenya guarantees the access of information. County government act section 93, supports the integration of public communication and access of information in all activities.

- Communication to the public should create awareness, promote national cohesion, and advocate for development issues at the County.
- All departments need to identify and adopt most effective mediums of communication in relation to access/reach, and cost: these may include and are not limited to: Television; Information communication technology; Mass mailing; Community radio stations; Public meetings; Websites; Brochures; Newsletters; Social media Traditional media; Notices public offices, places of worships, schools, markets; libraries and medical facilities.
- All departments should ensure that communication is tailored to meet the needs of Youth, women and PWDs. Such communication should therefore be provided in the following, but not limited to the following forms: Publications for persons with hearing impairments; Braille; local language publications; popular version; or large print publications.
- The County should consider skills such as sign language interpretation, braille reading among others as necessary.
- All departments should adhere to communication principles such as: transparency, respect, trust, creativity, productivity, inclusion and responsiveness. The County should avoid gendered statements when sending letters/ reporting/ communicating on an activity, even when interacting in meetings whether in office or outside or informal meetings.
- The County should come out strongly and fight gender stereotypes through heightened awareness and promoting non stereotypical gender behaviour. This should start implementation from the Executive Office, to consider creation of a stand-alone Directorate in Charge of Youth & Gender Affairs and a Directorate in Charge of Persons with Disabilities in the County to all offices within the County.

- All department heads should ensure that all the staff in the County have access to these guidelines. Each staff should be well appraised of the guidelines and the consequences of ignoring the same
- The relevant directorate should send communication of the guidelines to staff on their emails, put them on notice boards of the County, the County websites and also blog about them.

MONITORING & EVALUATION

- The County government should carry out monitoring and evaluation of all projects, programs, and activities.
- The County should develop or enhance an internal monitoring and evaluation system within the County and promotes its use to track gender mainstreaming in governance, public participation and procurement process
- All sectors of the County must follow a gender-sensitive monitoring and evaluation process which will monitor the implementation of County projects and programs and activities.
- Key performance indicators (KPIs) for various stages of County projects, programs, and activities should be identified and utilized in monitoring and evaluation.
- The evaluation teams must consider gender balance. Every department must consider the gender aspect during monitoring and evaluation of activities within Bomet County.
- All sectors/departments should share monitoring and evaluation reports with the public so ascertain County's transparency and accountability.

STAKEHOLDER ENGAGEMENT

The need to engage a broad range of stakeholders in promoting gender equality is widely accepted. With gender mainstreaming, stakeholder includes women, men, youth, boys and girls, various departments within the County, the civil and faith-based organizations, CBOs, Government and other national/regional institutions, Universities and TVETs, Private sector and national offices represented within the County. It is important to continuously engage these stakeholders in all gender mainstreaming activities.

- All the departments should ensure inclusion of gender related stakeholders into every stage of the implementation of project, programs and activities

The following considerations may be applied in stakeholders' engagement and creating a good political and policy environment when implementing gender mainstreaming:

- Ensure broader community and stakeholder consultation before initiating projects
- Ensure representation and involvement of women, youth and PWDs in different processes of projects, procurement, and governance.
- Ensure that the gender department, Youth and social services, PWDs departments, are involved are engaged and own the process. Public participation should be factored in the process.
- Ensure a comprehensive and culturally sensitive dissemination plan with all stakeholders – including community friendly dissemination tools (in both traditional and new community and modern media technologies)
- Provide clarity of procurement, finance, budgets and their implications for policy and practice changes – including the benefits to women, youth and PWDs
- Prepare for crisis-management of potential backlashes with socio-political sectors of the society should gender mainstreaming actions generate or infringe on existing cultural, religious or political norms.

ANNEXE 1: THE LEGAL AND POLICY FRAMEWORK

The following sections of the law provides a guide on, the inclusivity of youth women and PWDS, in the County programs activities and engagement

Section of the Law	What the law states with regards to Youth ,Women ,PWD	Is the County compliant with	comments
Article 27 of the COK 2010	<p>This Article states that :</p> <ol style="list-style-type: none"> 1) Every person is equal before the law and has the right to equal protection and equal benefit of the law, Equality includes the full and equal enjoyment of all rights and fundamental freedoms. 2) Provides for equality and freedom from discrimination under the Bill of Rights, 3) Every person is equal before the law and has the right to equal protection and equal benefit of the law. 4) Equality includes the full and equal enjoyment of all rights and fundamental freedoms. 5) Women and men have the right to equal treatment, including 		

<p>Article 54 COK</p>	<p>the right to equal opportunities in political, economic, cultural and social spheres.</p> <p>6) The State shall not discriminate directly or indirectly against any person on any ground, including race, sex, pregnancy, marital status, health status, ethnic or social origin, colour, age, disability, religion, conscience, belief, culture, dress, language or birth</p> <p>7) A person shall not discriminate directly or indirectly against another person on any of the grounds specified or contemplated in clause (4).</p> <p>8) To give full effect to the realisation of the rights guaranteed under this Article, the State shall take legislative and other measures, including affirmative action programmes and policies designed to redress any disadvantage suffered by</p>		
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<p>YOUTH</p>	<p>individuals or groups because of past discrimination.</p> <p>9) Any measure taken under clause (6) shall adequately provide for any benefits to be on the basis of genuine need.</p> <p>10) In addition to the measures contemplated in clause The State shall take legislative and other measures to implement the principle that not more than two-thirds of the members of elective or appointive bodies shall be of the same gender.</p> <p>11) In addition to the measures contemplated in clause (6), the State shall take legislative and other measures to implement the principle that not more than two-thirds of the members of elective or appointive bodies shall be of the same gender.</p> <p>States that :</p>		
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	<ol style="list-style-type: none"> 1) Persons with disability are entitled to be treated with dignity and respect and not be referred to in a manner that is demeaning. Persons with disability to access educational facilities and institutions without any hurdles 2) Persons with disability to have reasonable access to all places, public transport and information. 3) Persons with disability to access material devices. 4) The state shall ensure the progressive implementation of a quota system where at least five percent of the members of the public in elective and appointive bodies are persons with disability. 5) 55 6) State to make measures ,including affirmative action programs to : 7) Ensure that Youth ,persons with disability minorities and marginalized groups have access to relevant education , and training to associate ,be 		
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	<p>well represented and participate in political, social, economic and other spheres of life.</p> <p>8) Access to employment</p> <p>9) Be protected from harmful cultural practices and exploitations</p> <p>10) None discriminated against and effective representation of PWD in elective positions places a duty on the state to ensure progressive implementation of the principle that persons with disabilities should occupy five percent of positions on appointed and elected bodies.</p> <p>11) It also creates specific rights of access to educational institutions “that are integrated into society to the extent compatible with the interests of the person” and to all places, public transport and information.</p> <p>12) Right to use sign language, Braille or other means of communication, and to materials or devices to</p>		
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	<p>overcome constraints arising from disability.</p> <p>13) The state is required to promote Kenyan sign language, Braille and “other communication formats and technologies accessible to persons with disabilities”.</p> <p>Article 54(1) of the COK</p> <p>A person with any disability is entitled:</p> <ul style="list-style-type: none">i. To be treated with dignity and respect and to be addressed and referred to in a manner that is not demeaning;ii. To access educational institutions and facilities for persons with disabilities that are integrated into society to the extent compatible with the interests of the person;iii. To reasonable access to all places, public transport and information;		
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	<p>iv. To use Sign language, Braille or other appropriate means of communication; and</p> <p>v. To access materials and devices to overcome constraints arising from the person's disability.</p> <p>(2) The State shall ensure the progressive implementation of the principle that at least five percent of the members of the public in elective and appointive bodies are persons with disabilities.</p> <p>Article 55.</p> <p>The State shall take measures, including affirmative action programmes, to ensure that the youth</p> <ul style="list-style-type: none"> i. access relevant education and training; ii. have opportunities to associate, iii. be represented and participate in political, social, economic and other spheres of life; iv. access employment; v. are protected from harmful cultural practices and exploitation 		
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Minorities and Marginalised groups	<p>Article 56 of the COK 2010</p> <p>The State shall put in place affirmative action programmes designed to ensure that minorities and marginalised group</p> <ol style="list-style-type: none"> i. participate and are represented in governance and other spheres of life; ii. Are provided special opportunities in educational and economic fields; (c) are provided special opportunities for access to employment. iii. Develop their cultural values, languages and practices; iv. Have reasonable access to water, health services and infrastructure 		
Persons With Disability Act NO 14 of 2003	<p>The Persons with Disabilities Act:</p> <ol style="list-style-type: none"> 1) Prohibits discrimination against and promote equality for persons with disability. 2) It prohibits direct discrimination in employment, 		

<p>Section 15(1)</p>	<p>3) Admission to learning institutions, and access to premises, services and amenities. The Act sets out a range of measures intended to promote equal participation in specific areas (education, health, public buildings, public service vehicles, sports and recreation, polling stations, voting, legal services, television programs, telephone, postal charges,</p> <p>4) The Act defines “disability” as “a physical, sensory, mental or other impairment, including any visual, hearing, learning or physical incapability, which impacts adversely on social, economic or environmental participation”,</p> <p>5) The Act defines “discriminate” as according “different treatment to different persons solely or mainly as a result of their disabilities”, and therefore covers only direct discrimination.</p>		
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<p>Section 15(2)</p>	<p>6) Includes using words, gestures or caricatures that demean, scandalise or embarrass a person with a disability”.</p>		
<p>Section 13</p>	<p>Section 15(1) of the Act prohibits:</p> <p>1) Discrimination by both public and private employers in all areas of employment including:</p>		
<p>EDUCATION</p>	<p>2) (i)advertisements, (ii)recruitment,(iii) the creation, classification or abolition of posts; (iv)the determination or allocation of wages, (v)salaries, pensions, (vi)accommodation,(vii) leave or other such benefits; and the choice of persons for posts, (Viii)training, advancement, apprenticeships, transfer and promotion or retrenchment.</p>		
<p>Section 24</p>	<p>3) The section also contains a requirement for employers to</p>		

<p>HEALTH</p>	<p>make reasonable accommodation for persons with disabilities through the provision of facilities and modifications.</p> <p>4) Section 15(2) places an important restriction on the prohibition of discrimination and duty to make reasonable accommodations in cases where an act or omission was not wholly or mainly attributable to the disability of the person.</p> <p>5) The Act provides incentives favouring the employment of disabled persons, by making employers of persons with disabilities eligible for tax incentives.</p> <p>6) Section 13 requires that the National Council of Persons with Disabilities endeavour to reserve five percent of all casual, emergency and contractual positions in employment in the public and</p>		
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	<p>private sectors for persons with disabilities.</p> <p>7) The Act also exempts persons with disability from income tax.</p> <p>In respect of Education, section 18(1) prohibits :</p> <p>All persons and learning institutions from denying admission to any course of study to any person on the basis of their disability, if the person has the ability to acquire substantial learning in that course. In addition, learning institutions are obliged to “take into account the special needs of persons with disabilities” with respect to, inter alia, entry requirements, curriculum and the use of school facilities.</p> <p>Persons with disabilities should not be segregated within the education system. The education system should be inclusive and that persons with disabilities should not be excluded</p>		
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	<p>from the general education system on the basis of disability.</p> <p>Special schools and institutions, especially for the deaf, blind and the mentally retarded shall be established.</p> <p>Braille, alternative scripts and sign language to be provided</p> <p>In relation to health, the prevention and identification of disability and the rehabilitation of persons with disabilities; and ensuring that persons with disabilities receive appropriate healthcare.</p>		
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	<p>Sections 29 and 30 of the Act relate to participation in elections, and provide, respectively, that persons with disabilities are entitled to assistance from any person they choose in order to enable them to vote,</p> <p>Polling stations should be made accessible for persons with disabilities, including through the provision of assistive devices.</p>		
<p>County Governments Act Section 97</p>	<p>. Inclusion and integration of minorities and marginalized groups</p> <p>A County government, public and private organisation and private individual, shall observe the following principles—</p> <p>(a) protection of marginalized and minority groups from discrimination and from treatment of distinction of any kind, including language, religion, culture, national or social origin, sex, caste, birth, descent or other status;</p> <p>(b) non-discrimination and equality of</p>		

	<p>treatment in all areas of economic, educational, social, religious, political and cultural life of the marginalized and minority groups;</p> <p>(c) special protection to vulnerable persons who may be subject to threats or acts of discrimination, hostility, violence and abuse as a result of their ethnic, cultural, linguistic, religious or other identity;</p> <p>(d) special measures of affirmative action for marginalized and minority groups to ensure their enjoyment of equal rights with the rest of the population;</p>		
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ANNEXE 2: GENDER RESPONSIVE BUDGETING CONSIDERATIONS

Five Steps of Gender Responsive Budgeting

	<p>(e) respect and promotion of the identity and characteristics of minorities;</p> <p>(f) promotion of diversity and intercultural education; and</p> <p>(g) Promotion of effective participation of marginalised and minority groups in public and political life.</p>		
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1. Describe the situation of youth, women, PWDs, Marginalised groups, and different subgroups in the sector
2. Confirm whether your strategy is gender-sensitive (does it addresses the situation you described?)
3. Ensure that adequate budget is allocated to implement the gender-sensitive strategy.
4. Ensure that expenditure allocated for gender mainstreaming is spent as planned
5. Examine the impact of your project (has the project addressed youth, women, PWDs needs?) Important questions to consider when preparing budgets. What are youth, women, and PWDs particular needs in terms of programs, benefits and services? Do youth, women, PWDs have equal access to this programme, its benefits, and services? Who benefits most from programme as it is, from its benefits and services? What do I need to change or to add for youth, women, and PWDs to benefit equally? Who has control over decision-making on spending in this area? Are youth, women, and PWDs consulted equally in the development and delivery of policy and programs? What are the long-term costs and consequences of not using gender analysis addressing women's inequality?

