



COUNCIL OF GOVERNORS

INDUCTION HANDBOOK FOR THE COUNTY OFFICIALS IN CHARGE OF GENDER, YOUTH, SPORTS, CULTURE AND SOCIAL SERVICES



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FOREWORD

This handbook is a resource intended to support County officers responsible for Gender, Youth, Sports, Culture and Social Services to better understand their new roles, the operating context and environment for effective delivery of County services related to Gender, Youth, Culture, Sports and Social Services.

The 2010 Constitution of Kenya intervened with expansive provisions, one of the key highlights being devolution. The objectives of devolution include promoting the democratic and accountable exercise of power; enhancing popular participation in the exercise of the powers of the state and in decision-making that affects citizens; protecting and promoting the interests and rights of minorities and marginalized communities; promoting social and economic development; and providing easily accessible services throughout the Country.

County Governments were therefore established since 2013 to deliver on the mandate of devolution. To this end, three General elections have been conducted under the new Constitution with the most recent one happening in August 2022. Election cycles often cause inevitable changes in the political landscape leading to a high turnover of Governors, Deputy Governors, County Executive Committee Members, County Chief Officers, and County Secretaries, among other cadres.

It is therefore imperative for the County leaders to receive thorough induction on the statutory instruments, systems, structures and processes governing devolution. This handbook therefore synthesizes the statutory instruments, systems, structures, and processes governing devolution in the Gender, Youth, Sports culture and social services sector.

It provides insights and guidance on key aspects that the County teams need to be aware of at the commencement of their roles. The handbook also provides a general overview of the Gender, Youth, Sports, Culture and Social Services sector, and documents and summarizes information on sector governance, statutory and policy-based elements, and key components in administering services related to the above sectors at county level.

This induction handbook is also in response to feedback from the County teams on the need to have a guide for enabling settling into county leadership roles and adapting to the sector environment. The handbook complements other aspects of the induction into the public service including those covered under the 'Handbook for Public Service Induction' and the general induction of county executive committee members and chief officers undertaken by the Council of Governors.

Continuity of services will be best assured if the new County officials are well informed of the systems and processes relating to the running of the County Governments and the different sectors therein. As such, incoming County officials need to be inducted on various fundamental issues regarding effective management of the County Governments on matters relating to Gender, Youth, Sports, Culture and Social Services

ABBREVIATIONS AND ACRONYMS

ACs	Action Coalitions
AGPO	Access to Government Procurement Opportunities
AU	African Union
AWP	Annual Work Plan
BMGF	Bill and Melinda Gates
CECMs	Chief Executive Officers
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CEO	Chief Executive Officer
CFSP	County Fiscal Strategy Paper
CGs	County Governments
CoG	Council of Governors
CO	Chief Officer
CoK	Constitution of Kenya
CREAW	Centre for Rights Education and Awareness
CRPD	Convention on the Rights of Persons with Disabilities
ESC	Economic, Social, Cultural
FGM	Female Genital Mutilation
FY	Financial Year
GBV	Gender Based Violence
GEF	Generation Equality Forum
Gen U	Generation Unlimited
GYSCSS	Gender, Youth, Sports, Culture and Social Services
H.E	His Excellency
HIV/AIDs	Human Immuno Deficiency Virus- Acquired Imuno Deficiency Syndrome
ICESCR	The International Covenant on Economic, Social, and Cultural Rights
ICPD	International Conference on Population and Development

ICT	Information Communication Technology
IGF	Intergovernmental Framework
ILO	International Labour Organization
KYEO	Kenya Youth Employment Opportunities Programme
KYISA	Kenya Youth Inter-County Sports Association
MDAs	Ministries Departments and Agencies
MTEP	Medium Term Plan
NGEC	National Gender and Equality Commission
NGOs	Non-Governmental Organizations
NT	National Treasury
NYC	National Youth Council
NYS	National Youth Service
PFM	Public Finance Management Act
PWD	Persons With Disability
SDfG	State Department for Gender
SDGs	Sustainable Development Goals
SGBV	Sexual and Gender Based Violence
SIGs	Special Interest Groups
SWG	Sector Working Group
UN	United Nations
UNCDF	United Nations Capital Development Fund
UNDAF	United Nations Development Assistance Framework
UNDP	United Nations Development Programme
UNESCO	The United Nations Educational, Scientific and Cultural Organization
UNFPA	United Nations Population Fund
UNICEF	United Nations Children's Fund
UN Women	United Nations Entity for Gender Equality and the Empowerment of Women
YSB	Youth Sounding Board
YSO	Youth Serving Organizations

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The Council of County Governors (COG) is a non-partisan organization with a mandate to provide a mechanism for consultation amongst County Governments, share information on performance of the counties in the execution of their functions, facilitate capacity building for Governors, and consider reports from other intergovernmental forums on National and County interests amongst other functions.

The Council works through sectoral committees anchored within the Secretariat and chaired by Excellency Governors. There are 18 committees guided by the Council's Strategic Plan; 2022-2027. The Gender, youth, sports, culture and Social Services committee is one of the committees of the Council and is tasked with considering and reviewing policy on matters relating to sectors and making relevant recommendations. The committee also acts as a liaison between the Counties and partners as well as other National Government agencies on matters relating to the aforementioned sectors.

The Council initiated the development of sector specific induction manuals to support incoming County leaders to understand their new roles and ultimately, to ensure uninterrupted service delivery in the specific sectors.

I take this opportunity to sincerely acknowledge the County Directors responsible for Gender, Youth, Culture, Sports and Social Services, relevant state agencies, and development partners whose invaluable contribution and insight enriched the induction manual. Specifically, I would like to express my special gratitude to the UN Women for the technical and financial support towards the finalization of the manual. I also wish to acknowledge the technical team in charge of Gender, Youth, Sports, Culture and Social Services at the Council of Governors comprising of Jackline Migide and Daisy Chebet for compiling and editing the manual.

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EXECUTIVE SUMMARY

This induction manual is a simple and practical compilation that will assist incoming County leaders to understand the policy and legislative environment for the Gender, Youth, Sports, Culture and Social Services Sector; to equip the incoming leaders with knowledge on running a County Government; and to provide a reference point for the required systems, processes and structures that make a County Government functional.

The manual is divided in to five key chapters. Chapter one provides a brief background of Devolution as well as a general overview of the sector including constitutional assignments of functions and implications of articles that directly relate to the sector, gazette notices, status of transfer of functions, the National sectoral directions as well as the regional treaties relating to the sector.

Chapter two provides an overview of the policy and legislative environments on which the sector is anchored. It also looks at the status of the implementation of the policies and legislations in the sector at the County Level.

Chapter three delves in to the Governance of the sector including the institutional arrangements both at the National and County Levels, partnership and coordination structures as well as intergovernmental relations and cooperative devolved governance.

Chapter four of the handbook explores County planning and service delivery including the County plans, County budgeting cycle, public participation, sector performance management, intersectoral linkages, lessons learnt on the design and structure of the functions, knowledge management as well as support from the Council of Governor's committees.

Finally, the handbook underscores the successes, challenges as well as emerging issues in the sector. It also makes recommendations on better implementation of reforms in the sector.

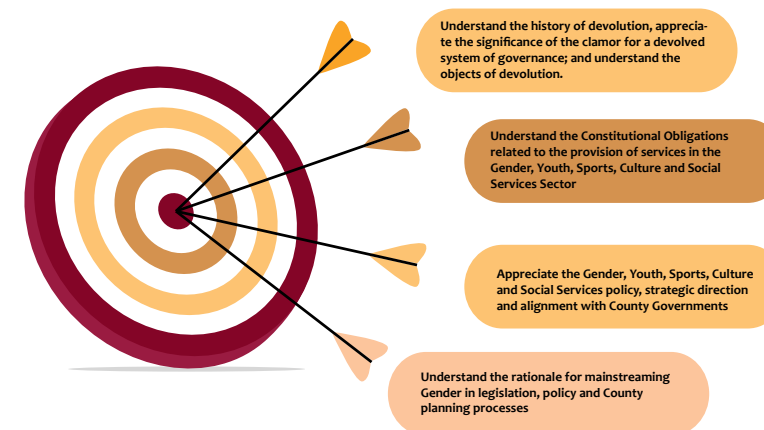
CHAPTER 1

GENERAL OVERVIEW

1.0 Introduction

This introductory session provides a brief background of devolution in Kenya. Additionally, it gives a brief on the sector linkage with the Constitution of Kenya, 2010, specifically the articles that relate directly to the sectors, provides an overview of the functional assignments to County Governments; the National sectoral policy and strategic direction for the Gender, Youth, Sports, Culture and Social services delivery; a snapshot of regional and international treaties with implications on county services delivery; and a summary of key issues.

Learning Objectives



1.1 Background of Devolution in Kenya

1.1.1 History of devolution in Kenya

The anchoring of devolved government in Chapter Eleven (11) of the Constitution 2010 was one of the most transformative governance shifts in Kenya. The Constitution enabled the transfer of political power, responsibilities, and resources to devolved units called County Governments. This reorganization of the governance system resulted from a culmination of three decades of clamour for a new constitution by the Kenyan people. The 2010 constitutional dispensation introduced two levels of government—the national and county.

1.1.2 Factors informing the clamour

The demand for devolution was informed by, among other factors, dissatisfaction with the highly centralized system of governance that had led to: imbalances in socio-economic development across the country; and inability of citizens to access proximate, quality and affordable services. Consequently, many communities across Kenya experienced inequality, exclusion, discrimination and marginalization. The push for a devolved system of governance was therefore fuelled by the peoples' yearning for equitable distribution of development resources and their hunger for accessible services such as healthcare, water and education. From the perspective of democracy, the Kenyan people also desired a system that would enable them to participate in the making of decisions that affect them, particularly in determine their own development priorities.

1.1.3 The historical past of a highly centralized system

Political and economic centralization in Kenya had its roots in the colonial system which introduced and established separatist economic development and governance structures meant to benefit the white settlers at the expense of the Africans. The colonial government established a discriminatory system that yielded development imbalances and marginalization of many Kenyan communities. Placing political and socio-economic power in the hands of a few was deliberately meant to exclude Africans and advantage the whites. By the time of independence in 1963, the country had a highly centralized system of government; a people who participated in political activity from the vantage point of ethnicity; and glaring regional disparities where employment opportunities, infrastructure, and access to professional services such as health care was uneven.

1.1.4 Past attempts to deliver development and services at the local level

The first attempts to move away from the centralized system can be traced back to the pre- and post-independence period. This era saw the emergence of two political divides: one which favoured the centralized system –KANU; and the other which was leaning towards a federal system- KADU. Eventually, KANU made a tactical retreat and accepted the Majimbo system with the stated intention of not implementing it once elected to government. Indeed, the Majimbo system was abandoned through constitutional amendments in the early years of independence. The centralized economic and governance system was retained and perhaps strengthened through Sessional Paper No. 10 of 1965 and further through the introduction of an imperial presidency by the Jomo Kenyatta regime. Local governments were also weakened through various mechanisms. The quest for recentralization was continued by the Moi regime when he took overpower in 1978 after the death of Kenyatta.

However, even after recentralizing both political and economic power, the two regimes still struggled with how best to deliver services and development at the local level and how to secure the participation of the people in decision making. The first attempt by the Kenyatta regime was made in 1966 through the establishment of District Development Committees and District Development Advisory Committees. This was followed in the same year by the presidential appointment of a commission to study the future of local authorities with a view to strengthening them. The recommendations of the commission were accepted by the government which drafted Sessional Paper No. 12 of 1967 for adoption.

This was however disregarded by Parliament which instead passed the Transfer of Functions Act of 1969 that abolished most grants to local authorities and transferred service delivery responsibility from local authorities to the central government.

The government also introduced measures to decentralize resources through establishment of the Special Rural Development Programme (SRDP) and the Rural Development Fund (RDF). The Moi regime continued these measures through establishment of Regional Development Authorities (RDAs) such as Tana and Athi River Development Authority (TARDA), Kerio Valley Development Authority (KVDA), Lake Basin Development Authority (LBDA), Ewaso Ng'iro North Development Authority (ENNDA), Ewaso Ng'iro South Development Authority (ENSDA) and Coast Development Authority (CDA).

In 1983, the Moi regime also introduced the District Focus for Rural Development Strategy to bring development planning closer to the people and established District Development Committees for this purpose. However, the domination of these committees by government officials limited the effective participation by the citizens. When all these did not work, the next attempt was the introduction of Local Authorities Transfer Fund (LATF) in 1998 through which five per cent of the annual income tax revenue was allocated to the local authorities; and the Local Authority Service Delivery Action Plan (LASDAP) in 2001 which was designed to empower local communities to develop capital investment plans to meet their local needs and priorities through a bottom-up consultative approach.

Subsequently, in 2003, the Members of Parliament pushed for and introduced the Constituency Development Fund (CDF) as part of fiscal decentralization and a mechanism for delivery of development and services at the local level. Finally, in 2008, the national economic blueprint, the Vision 2030, which emphasized decentralization of decision-making and equitable distribution of resources was adopted.

All these efforts did not assuage the peoples' clamour for a far-reaching reorganization of the governance system to move away from the highly centralized system. Eventually, devolution was adopted through the Constitution of 2010 as that far-reaching change the people were looking for.

1.1.5 The call for further decentralization

The Kenyan devolved system requires the national and County Governments to decentralize their functions and services to the lowest levels. While Article 6(3) of the Constitution requires national state organs to ensure reasonable access to their services in all parts of the country; Article 176 requires the County Governments to decentralize their functions and provision of their services to the extent that it is efficient and practicable to do so.

It is evident from the experience of the past nine (9) years that both the National Government and County Governments have not done very well in this respect. Many national state organs have not yet established field offices to enable reasonable access to their services. Likewise, County Governments have been accused of failing to decentralize their functions, expenditures, and provision of services beyond the County headquarters. While all Counties have operationalized the sub-county and ward units of decentralization as required by the County Governments Act, many have not established the village units. Similarly, many County Governments have not operationalized the systems and structures of urban governance, which has made many urban development experts and professionals opine that devolution has undermined urban governance and development as well as their role in driving development of the country.

1.1.6 Significance of the decentralization journey in shaping the current devolved system of governance

Devolution must thus be understood against its historical background and should be implemented in a manner that respects the objects for which it was designed. The history of decentralization in Kenya- its hits and its misses- shaped the constitutional provisions of Chapter 11 in the following ways:

- i. First, the quest for equitable distribution of resources and accessibility of services by all Kenyans influenced and informed the objects of devolution set out in Article 174 of the Constitution.
- ii. Secondly, the challenges witnessed in financing of former local authorities influenced the design of the current financial arrangements wherein the National Government is allowed to raise revenue from the major tax bases and is thereafter obligated to equitably share the kitty between itself and the County Governments.
- iii. Thirdly, the disenfranchisement experienced by some communities who had been perennially excluded from decision-making and development

influenced the emphasis placed on equity, social justice, inclusiveness and non-discrimination in governance and sharing of revenue raised nationally following the objective criteria set out in Article 203 of the Constitution and not political patronage.

- iv. Fourthly, the alienation of certain regions over the years influenced the provision of affirmative action in favour of marginalized areas through the establishment of the Equalization Fund under Article 204 of the Constitution.
- v. Fifth, the inequalities birthed by centralization of political and socio-economic power informed the inclusion of sharing and devolution of power among the national values and principles of governance set out in Article 10 of the Constitution.
- vi. Finally, the need for service delivery to be undertaken at the local level influenced the design of the Fourth Schedule of the Constitution which assigns functions to both the National Government and the County Governments.

1.1.7 Key objectives of devolution.

Article 174 of the Constitution of Kenya underpins the objects of the devolution of government as:

- a) to promote democratic and accountable exercise of power;
- b) to foster national unity by recognising diversity;
- c) to give powers of self-governance to the people and enhance the participation of the people in the exercise of the powers of the State and in making decisions affecting them;
- d) to recognise the right of communities to manage their own affairs and to further their development;
- e) to protect and promote the interests and rights of minorities and marginalised communities;
- f) to promote social and economic development and the provision of proximate, easily accessible services throughout Kenya;
- g) to ensure equitable sharing of national and local resources throughout Kenya;
- h) to facilitate the decentralisation of State organs, their functions and services, from the capital of Kenya; and
- i) to enhance checks and balances and the separation of powers.

1.2 Constitutional Obligations related to the provision of services in the Gender, Youth, Sports, Culture and Social Services Sector

The CoK 2010 provides for the obligations on the implementation of the functions under each of the aforementioned sectors. The tables that follow entail the Constitutional assignment of functions relating to the sector.

Table 1: Constitutional assignment of functions relating to the sector

Article	Provision
i.	GENDER
10 (2b)	National values and principles of Governance including human dignity, equity, social justice, inclusiveness, equality, human rights, non-discrimination and protection of the marginalized
21 (3)	States that all state organs and all public officers have the duty to address the needs of vulnerable groups within society, including women, older members of society, persons with disabilities, children, and youth, members of minority or marginalized communities, and members of particular ethnic, religious or cultural communities.
27 (4)	3) 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.
27 (8)	State shall take steps to ensure that not more than two-thirds of members of all elective and appointive positions are not of the same gender. According to the 2022 economic survey, Overall representation of Members of County Assemblies met the two-thirds gender rule in 2021, despite thirteen counties falling short of the constitutional requirement. Similarly, Judicial officers achieved the two-third gender rule during the review period. In contrast, the National Assembly and the Senate failed to achieve the two-thirds gender requirement.
60	Provides for equal rights in land ownership including elimination of gender discrimination in law, customs and practices related to land and property in land;
81	Provides for the General principles of the electoral system including the principle that not more than two-thirds of the members of elective public bodies shall be of the same gender
90 (2)	The Independent Electoral and Boundaries Commission shall be responsible for the conduct and supervision of elections for seats provided for under clause (1) and shall ensure that:
(b)	Except in the case of the seats provided for under Article 98 (1) (b), each party list comprises the appropriate number of qualified candidates and alternates between male and female candidates in the priority in which they are listed

91	(1) Requires political parties to: (e) Respect the right of all persons to participate in the political process, including minorities and marginalized groups (f) Respect and promote human rights and fundamental freedoms, and gender equality and equity" in all their operations and activities
100	Provides for promotion of representation of marginalized groups: Parliament shall enact legislation to promote the representation in Parliament of-- (a) women; (b) persons with disabilities; (c) youth; (d) ethnic and other minorities; and (e) marginalized communities
177	Makes provision for increasing women and other historically marginalized groups of County decision – making structures, including County Assemblies executive committees and public service boards. It also declares that wards are single-member constituencies
ii.	YOUTH
10, 27	Call for inclusivity, non- discrimination, equality and freedom from discrimination on the basis of age
21 (3)	All State organs and all public officers have the duty to address the needs of vulnerable groups within society, including women, older members of society, persons with disabilities, children, youth, members of minority or marginalized communities, and members of particular ethnic, religious or cultural communities.
55	Elaborates on the rights of the youth and their contribution to national development, stating how " The State shall take measures, including affirmative action programmes, to ensure that the youth (a) access relevant education and training; (b) have opportunities to associate, be represented and participate in political, social, economic and other spheres of life; (c) access employment; and (d) are protected from harmful cultural practices and exploitation.
91	Requires political parties to: (e) Respect the right of all persons to participate in the political process, including minorities and marginalized groups
100, 177(c)	Calls for affirmative action on the representation of the youth.
260	Defines a youth as a person aged between eighteen (18) years and thirty-four (34) years

iii.	CULTURE
11	<p>(1) Recognizes culture as the foundation of the nation and as the cumulative civilization of the Kenyan people and nation.</p> <p>(2) The states that the state shall--</p> <p>(a) promote all forms of national and cultural expression through literature, the arts, traditional celebrations, science, communication, information, mass media, publications, libraries and other cultural heritage</p> <p>(b) recognize the role of science and indigenous technologies in the development of the nation; and</p> <p>(c) promote the intellectual property rights of the people of Kenya.</p> <p>(3) Parliament shall enact legislation to--</p> <p>(a) Ensure that communities receive compensation or royalties for the use of their cultures and cultural heritage and;</p> <p>(b) recognize and protect the ownership of indigenous seeds and plant varieties, their genetic and diverse characteristics and their use by the communities of Kenya.</p>
iv.	SOCIAL PROTECTION
10	2b) National values and principles of Governance including human dignity, equity, social justice, inclusiveness, equality, human rights, non-discrimination and protection of the marginalized
21	<p>(1) Establishes the progressive realization of social and economic rights and obligates the State to “observe, respect, protect, promote, and fulfil the rights and fundamental freedoms in the Bill of Rights.”</p> <p>(2) All State organs and all public officers have the duty to address the needs of vulnerable groups within society, including women, older members of society, persons with disabilities, children, youth, members of minority or marginalized communities, and members of particular ethnic, religious or cultural communities.</p>
43	<p>Guarantees all Kenyans their economic, social, and cultural (ESC) rights. It asserts the “right for every person... to social security and binds the State to provide appropriate social security to persons who are unable to support themselves and their dependents.” This right is closely linked to other social protection rights, including the right to healthcare, human dignity, reasonable working conditions, and access to justice.</p>
53	Makes general provisions for children including the right to a name, basic education, food, shelter, health care and protection.

54	<p>Makes general provisions for persons with disabilities as follows:</p> <p>(1) A person with any disability is entitled—</p> <p>(a) to be treated with dignity and respect and to be addressed and referred to in a manner that is not demeaning;</p> <p>(b) 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;</p> <p>(c) to reasonable access to all places, public transport and information;</p> <p>(d) to use Sign language, Braille or other appropriate means of communication;</p> <p>(e) 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>
81	Provides for the General principles of the electoral system including a fair representation of persons with disabilities
82	(2)(c) (ii) Takes in to account the special needs of persons with disability in drafting of legislation on elections
91	<p>(d) Requires political parties to:</p> <p>(e) Respect the right of all persons to participate in the political process, including minorities and marginalized groups</p>
v.	SPORTS
27	(2) In the bill of rights prohibits discrimination of any person on the basis of race, sex, pregnancy, marital status, health status, ethnic or social origin, colour, age, disability, religion, conscience, belief, culture, dress, language or birth. This means that sports federations are mandated to admit all persons able to participate in that sport
36	Guarantees freedom of association. This includes the right to form, join and participate in the activities of a legal association. To this extent, the Kenyan sports scene has a wide variety of sports promoted by different sports groups. The constitution allows Kenyans of all walks to come together in different sports clubs and sports’ national teams.
54	The constitution obligates the state to provide facilities for disabled persons such that they are able to participate in activities that are enjoyed by other people. In this regard, the government has invested in training facilities for people with disabilities. The Kenyan Paralympics team performed exemplary in the Rio 2016 Olympics.

Table 2: Part 2 of the Fourth Schedule of the Constitution of Kenya 2010, devolves functions and powers as relates to County Governments and unbundled functions

Function	Transferred Functions
4 Cultural activities, public entertainment and public amenities	<ul style="list-style-type: none"> Betting, casinos and other forms of gambling Racing Liquor licensing Cinemas Videos shows and hiring Libraries Museums Sports and cultural activities County parks, beaches and recreational facilities
9 Pre-primary education, Vocational Training Centres, home craft centres and childcare facilities	
14 Ensuring and coordinating the participation of communities and locations in governance at the local level and assisting communities and locations to develop the administrative capacity for the effective exercise of the functions and powers and participation in governance at the local level	

Gazette Notices

Table 3: Gazette Notices

Gazette Notice	Details of the Notice
Legal Notice No. 142 of 9th August 2019	Delineation of the Library Function
Gazette Notice No.8753 of 8th September 2017	Delineation of the betting, licensing and other forms of gambling
Kenya Gazette Supplement No.116 of 9th August 2013	Delineation of function 14 of the County Governments as provided for in the Fourth Schedule of the Constitution.

1.3 National Sectoral Direction

The overall sector direction is guided by the Vision 2030, Kenya's blueprint whose aim is to transform Kenya into a "globally competitive and prosperous and newly industrialized middle-income country providing a high quality of life to all its citizens in a clean and secure environment by 2030". The Gender, Youth, Sports, Culture and Social Services are some of the key components of delivering the Vision's Social Pillar. The Vision is elaborately articulated in the respective sector policies. Some of the key Gender flagship projects under Vision 2030 include the introduction of the gender mainstreaming concept in to all Government programmes, the Affirmative action programs e.g., the two thirds Gender rule, AGPO, WEF, YEDF, NGAFF, Sports Fund etc.

Vision 2030 is being implemented through successive five-year medium-term plans. Over the MTP-III period, some of the initiatives focused on included; Gender Mainstreaming, access to affirmative action funds, Access to government procurement opportunities, prevention and response to GBV, Eradication of Female Genital Mutilation and development of gender equality and women empowerment (GEWE) related policies. The youth sub-sector also implemented a number of activities including; facilitating access to the Kenya Youth Enterprise and Opportunities Programme, the youth employment and enterprise development and the National Youth Service Transformation Programme. To support the vulnerable groups, some implemented interventions included the National safety net programme, disability mainstreaming, child community support services and child care as well as protection and rehabilitation Programmes.

MTP IV will focus on promotion of GEWE through increased funding to Affirmative Action Groups, enhanced compliance with gender provisions in the Constitution, strengthening of the National Safety Net Programme, disability mainstreaming, promotion of social economic empowerment; development of the National Unpaid Care and Domestic Work policy; economic inclusion Programmes; social risk management and the National Parenting Programme.

Some notable progress in Gender saw the establishment of Gender Based Violence Recovery Centres (GBVRCs) in all level 5 hospitals across the country and in collaboration with partners. Further, a Gender Based Violence Information Management System (GBVIMS) was developed. To enhance reporting of Gender Based Violence cases, toll-free helplines were operationalized for anonymous and real-time reporting of abuses. The helplines offer psychological support and referral services to survivors. A number of Gender Desks were established in police stations to provide effective, efficient and practical one-stop centre for the prevention of and response to SGBV.

The government also reinstated the gender mainstreaming indicator in the Public Service Annual Performance Contracts where 65% of MDAs reported on their compliance with gender mainstreaming interventions and were scored accordingly. The objective is to ensure 100% compliance with gender mainstreaming in all public and private sectors. The sector continues to pursue the adoption of Gender Responsive Budgeting (GRB) approaches which seeks to mainstream gender into the budgetary process from planning to implementation, monitoring and evaluation.

Some of the key achievements of the youth sector include the Launch of the Marshall Plan for Youth Employment and Development in March, 2008 which gave rise to the Kazi Kwa Vijana Program. 22 Youth Empowerment Centres were established, 1.5 Billion was issued to 64,002 Youths as grants and 44,437 Youth were trained on business development skills under the Kenya Youth Employment and Opportunities Project (KYEOP) additionally, 2.107 Billion was disbursed to 297,559 youth under the Youth Enterprise Development Fund; 55,754 Youth were recruited and underwent paramilitary training while a further 144,925 service-men and women were trained in various technical and vocational courses under the National Youth Service (NYS) Programme. So far, 120 Youth Empowerment Centres (YEC) have been established to provide the youth with a 'One Stop Shop' for youth-friendly services such as entrepreneurship training, coaching and mentorship, ICT enabled services, a reproductive health facility, counselling, indoor sporting, community mobilization, networking and act as hubs for all government activities targeting the youth.

On sports, some of the key achievements include the enactment of the Sports Act 2013 operation and operationalization of the PE policy, establishment of several institutions including Sports Fund, Sports Kenya, and the Kenya Academy of sports aimed at promoting sports development, Establishment of constituency sports academies and enhanced sports facilities in colleges.

On Culture, some of the key achievements include the establishment of the National Museums of Kenya, National Heroes Council, Kenya National Library Service among others.

On Social Services, some of the key achievements include the Inua Jamii programme, Disability mainstreaming, street families rehabilitation Trust Fund, Relief food management programmes among others

Table 4: Objectives of the Key National Policies relating to Gender, Youth, Culture, Sports and Social Services Sector

National Policy	Policy Objectives
The National Policy on Gender and Development	<ul style="list-style-type: none"> Facilitate implementation of the Constitution and domesticate the international and regional obligations and commitments that promote gender equality and freedom from discrimination Provide 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 Promote and support the rights-based approach when dealing with gender related matters Define institutional framework and performance indicators for effective tracking, monitoring, evaluation and reporting implementation of gender equality and women empowerment.
National Policy for Eradication of FGM 2019	<ul style="list-style-type: none"> Accelerate the eradication 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 Strengthen research, data collection, information and knowledge management on FGM
Kenya National Youth development policy, 2019	<ul style="list-style-type: none"> Realize a healthy and productive youth population Build qualified and competent youth workforce for sustained development Create opportunities for youth to earn decent and sustainable livelihoods Develop youth talent, creativity and innovation for wealth creation Nurture value driven, morally upright, ethical generation of patriotic youth for transformative leadership Effective civic participation and representation among the youth Promote a crime free, secure, peaceful and united Kenya where no young Kenyan is left behind

Kenya National Social Protection Policy	<ul style="list-style-type: none"> Protecting individuals and households from the impact of adverse shocks to their consumption that is capable of pushing them into poverty or into deeper poverty
	<ul style="list-style-type: none"> Supporting individuals and households to manage these shocks in ways that do not trap them in poverty by reducing their exclusion and strengthening their ability to graduate from social assistance and to become financially self-sufficient
	<ul style="list-style-type: none"> Cushioning workers and their dependents from the consequences of income-threatening risks such as sickness, poor health, and injuries at work as well as from the threat of poverty in their post-employment life.
	<ul style="list-style-type: none"> Promoting synergies and integration among social protection providers as well as positive interactions among stakeholders for the optimal functioning of this Policy.
Physical Education and Sports Policy	<ul style="list-style-type: none"> Provide the learner with knowledge, skills, values and positive attitudes through P.E and sports healthy lifestyle and lifelong learning
	<ul style="list-style-type: none"> Enhance access, equity and inclusion in P.E and sport for all learners
	<ul style="list-style-type: none"> Provide age-appropriate interdisciplinary P.E and sport to nurture learner's talents
	<ul style="list-style-type: none"> Strengthen governance, accountability and integrity in P.E and sport
	<ul style="list-style-type: none"> Enhance capacity of teachers/facilitators and managers of P.E and sport.
	<ul style="list-style-type: none"> Promote traditional sports and games to embrace cultural diversity
	<ul style="list-style-type: none"> Promote peaceful coexistence and social integration through P.E and sport
National Culture and Heritage Policy	<ul style="list-style-type: none"> Ensure the fullest possible expression of culture and heritage in all their facets including equal access for all cultures to art and to scientific and technological knowledge, including in digital form
	<ul style="list-style-type: none"> Ensuring the possibility for all cultures to have access to the means of expression and dissemination.
	<ul style="list-style-type: none"> Ensure that National heritage in all their forms are preserved, enhanced and handed over to future generations as a record of human experience and aspirations, so as to foster creativity in all its diversity and to inspire genuine dialogue among Kenya's diverse cultures.

1.4 Regional and International Treaties and Protocols on the Sector

Kenya has ratified a number of international instruments relating to the sector as demonstrated below

Table 5: Regional and International Treaties and Protocols on the Sector Issues and to a Sector

Instrument	Implication to County Governments
Gender	
Sustainable Development Goals- SDG 5	<p>SDG 5-Gender equality and empowerment of all women and girls. This goal focuses on ending violence and discrimination against women and girls and making sure they have equal opportunities in all areas of life. The Goal has a total of 9 targets: End discrimination against women and girls; End all violence against and exploitation of women and girls; Eliminate forced marriages and genital mutilation; Value unpaid care and promote shared domestic responsibilities; Ensure full participation in leadership and decision-making; Universal access to reproductive rights and health; Equal rights to economic resources, property ownership and financial services; Promote empowerment of women through technology and adopt and strengthen policies and enforceable legislation for gender equality.</p>
	<p>County governments can act as a model for gender equality and the empowerment of women through non-discriminatory service provision to citizens and fair employment practices. There is need mainstream gender across all areas of County Governments' operations in order to tackle the multiple barriers to women's empowerment. Key focus areas include: ending all forms of discrimination, eliminating all forms of violence against women, eliminating forced marriage and female genital mutilation, effective participation of women at all levels of decision making, equal rights to women to economic resources and strengthening policies and legislation that promote gender equality and women empowerment. To this end, Kenya has identified and adopted 13 out of the 14 possible indicators in SDG5 to monitor its commitment towards promoting gender equality.</p>

The Convention on Elimination of Discrimination against Women (CEDAW)	It is an international bill of rights for women. Consisting of a preamble and 30 articles, it defines what constitutes discrimination against women and sets up an agenda for National and Sub-National action to end such discrimination. Counties have instituted mechanisms aimed at ending discrimination against women and girls including development of Sexual and Gender Based Violence policies and Acts, anti-FGM Acts and action plans on ending violence against women.
Maputo Women Protocol	The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, better known as the Maputo Protocol, is an international human rights instrument established by the African Union that went into effect in 2005. It details wide-ranging and substantive human rights for women covering the entire spectrum of civil and political, economic, social and cultural as well as environmental rights. African governments committed to allocating at least 10 percent of their national budgets to agriculture and 15 percent to health. Kenya is a signatory of the Maputo Protocol and has adhered to the protocol either directly through state administrative and policy action or through decisions of courts both at the national and County Level demanding accountability for the rights therein
The International Covenant on Civil and Political Rights (CCPR)	The International Covenant on Civil and Political Rights is a multilateral treaty that commits states parties to respect the civil and political rights of individuals, including the right to life, freedom of religion, freedom of speech, freedom of assembly, electoral rights and rights to due process and a fair trial. The Constitution 2010 provides for equality in electoral and appointive positions between men and women through the two-thirds gender rule. Article 27 (3) declares that "Women and men have the right to equal treatment, including the right to equal opportunities in political, economic, cultural and social spheres. Article 27 (6) states "To give full effect to the realization 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 individuals or groups because of past discrimination."

The International Covenant on Economic, Social, and Cultural Rights (ICESCR)	It ensures the enjoyment of economic, social and cultural rights, including the rights to: education, fair and just conditions of work and an adequate standard of living. The Government has instituted affirmative action programmes aimed at increasing women's participation in the social, economic and cultural life. The County Governments have complied with the same by putting in place mechanisms for ensuring women's socio-economic empowerment including through provision of start-up funds to women groups.
YOUTH	
Sustainable Development Goals	The goals and targets of the 2030 Agenda are interconnected, aiming to integrate the three dimensions of sustainable development: economic, social and environmental. Explicitly or implicitly, young people are deeply embedded within their fabric. Their knowledge, reach and innovative solutions are essential if sustainable development is to be realized.
The International Covenant on Civil and Political Rights, 1966	The International Covenant on Civil and Political Rights is a multilateral treaty that commits states parties to respect the civil and political rights of individuals, including the right to life, freedom of religion, freedom of speech, freedom of assembly, electoral rights and rights to due process and a fair trial. Elaborates on the rights of the youth and their contribution to national development, stating how "The State shall take measures, including affirmative action programmes, to ensure that the youth (b) have opportunities to associate, be represented and participate in political, social, economic and other spheres of life; (c) access employment; and (d) are protected from harmful cultural practices and exploitation'.
The International Covenant on Social, Economic and Cultural Rights, 1966	It ensures the enjoyment of economic, social and cultural rights, including the rights to: education, fair and just conditions of work and an adequate standard of living. CoK 2010 elaborates on the rights of the youth and their contribution to national development, stating how "The State shall take measures, including affirmative action programmes, to ensure that the youth (a) access relevant education and training; (b) have opportunities to associate, be represented and participate in political, social, economic and other spheres of life; (c) access employment; and (d) are protected from harmful cultural practices and exploitation'. Counties have instituted youth empowerment initiatives as per the above provision.

International Convention on the Elimination of All forms of Racial Discrimination, 1972	Aims at promoting and encouraging universal respect for and observance of human rights and fundamental freedoms for all, without distinction as to race, sex, language or religion. The National Gender Equality Commission has a mandate to promote and ensure gender equality, principles of equality and non-discrimination for all persons in Kenya as provided for in the Constitution of Kenya 2010 with a focus on the following Special Interest Groups (SIGs): women, persons with disability, children, youth, older members of society, minority and marginalized groups.
International Conference on Population and Development (ICPD) Programme of Action (1994-2014) and ICPD Beyond 2014	During the Nairobi summit on ICPD25 held in 2019, Kenya made 17 commitments which include pledges on access to sexual and reproductive health services, universal education, promoting gender equity, harnessing the demographic dividend, and financing for population programmes. The engagement of young people before and during the summit also ensured the development of youth-centered commitments on the elimination of teenage pregnancies, new adolescent and youth HIV infections and harmful practices such as child marriages while at the same time ensuring universal access to friendly quality reproductive health services and information to the youth and adolescents by 2030.
CULTURE	
The 2005 Convention for the Protection and Promotion of the Diversity of Cultural Expressions	Recognizes the sovereign right of States to maintain, adopt and implement policies to protect and promote the diversity of cultural expression. The National as well as County Governments have developed regulatory frameworks aimed at protection and promotion of the diversity of cultural expressions.
International Covenant on economic, social and cultural rights	Ensures the enjoyment of economic, social and cultural rights, including the rights to: education. fair and just conditions of work. an adequate standard of living
The World Heritage Convention was adopted in 1972 by the General Conference of UNESCO	It promotes an international perspective on cultural heritage by inviting member states to submit an inventory of properties forming its national cultural and natural heritage to be included in a list of World Heritage sites.

East Africa Community (EAC) Protocol	Embraces culture and sport as both enablers and drivers of a people-centered integration agenda through promotion and enhancement of diverse sport activities as well as preservation of culture.
SOCIAL SERVICES	
Universal Declaration of Human Rights (1948)	Recognizes social protection as a fundamental human right for all citizens of the world. CoK 2010 asserts the “right for every person... to social security and binds the State to provide appropriate social security to persons who are unable to support themselves and their dependents.” This right is closely linked to other social protection rights, including the right to healthcare, human dignity, reasonable working conditions, and access to justice. Counties have instituted social protection measures including development of social protection policies and institutions.
UN Convention on the Rights of the Child (1990)	It’s an international human rights treaty that grants all children and young people (aged 17 and under) a comprehensive set of rights. Counties have put in place child protection policies and structures. Article 53 of Kenya’s constitution makes provisions for children.
UN Convention on the Rights of Persons with Disabilities (2006)	Adopted in 2006, the Convention adopts a broad categorization of persons with disabilities and reaffirms that all persons with all types of disabilities must enjoy all human rights and fundamental freedoms. Kenya has proceeded to take policy, legislative, administrative and other measures to ensure and promote the full realization of all human rights and fundamental freedoms for all persons with disabilities without discrimination of any kind on the basis of disability.
The African Charter on the Rights and Welfare of the Child (1990)	It sets out rights and defines principles for the status of children. The African Charter can be a powerful tool to hold governments accountable for ending child marriage
The International Labour Organization (ILO) Convention on the Worst Forms of Child Labour (1999)	Outlines the 5 worst forms of labour that must be eradicated in order to step up the fight against child labour

ILO Minimum Age Convention (1973)	Deals with the minimum age for employment, and the African Charter on Human and People's Rights (1981).
Sustainable Development Goals	SDGs 1,2,3,4,5&8
SPORTS	
International Convention against apartheid in sports	States that party states shall refuse to provide financial or other assistance to enable their sports bodies, teams and individual sportsmen to participate in sports activities in a country practising apartheid or with teams or individual sportsmen selected on the basis of apartheid.
International Convention against doping in sports	It's a multilateral UNESCO treaty by which states agree to adopt national measures to prevent and eliminate drug doping in sport. The convention was adopted at the General Conference of UNESCO in Paris on 19 October 2005. Kenya has enacted the anti-doping Act of 2016

1.5 Key Sector Statistics

Statistics are basically the evidence on which policies are built. They help identify needs, set goals, and monitor progress. Without good statistics, the development progress is blind: policy makers cannot learn from their mistakes, the public cannot hold them accountable. Reliable statistics describe the reality of people's everyday lives. The role of statistics in national development is very critical. The importance and availability of timely and reliable statistics on socio-economic life of a sovereign nation cannot be over-stressed.

Women in Kenya account for 52 percent of our population and their contribution to the national GDP cannot be overemphasized. Yet women like the youth are marginalized hence the need for support to their economic activities. Kenya scored 80.6 out of 100 on the Women, Business and the Law 2021 index and ranked 95 out of 156 countries in the Global Gender Gap Report 2021, with an overall score of 0.692.

The global SDG indicators play a very vital role in the drive for timely and reliable data. The SDG Indicators are designed to facilitate monitoring of progress towards achievement of targets, however, countries are to determine their ability on provision of required data for each of the recommended indicators and report on the ones with available data, and those resonating with their policy needs.

In 2021, KNBS in partnership with UN Women developed an SDG Gender Fact

sheet which provides precise information to national stakeholders to tackle the main constraints faced in reporting SDG indicators, thus raising the reporting rates and ultimately contributing to furthering the achievement of the SDGs in Kenya. Further, Kenya launched the first women's empowerment index which is the first comprehensive and systematic measure for women's and girls' empowerment in Kenya. It was envisioned that the data will allow policymakers to measure and track progress on gender equality, compare women's empowerment in Kenya with other countries, and design programs, laws, and policies to close the gender gap.

Further, with support of UN Women, CoG in 2018 developed Gender data fact sheets for 10 The County Data Sheets provided new baseline data to track progress on gender equality and women's empowerment at the county level. As a best practice, Kitui County utilized the data from the data sheets to develop a women's empowerment policy.

In 2021, KNBS in partnership with UN Women conducted a Time Use Survey. Data from the survey is critical to inform evidence-based policy formulation, programming and advocacy on Unpaid Care and Domestic Work and inform decision-making at both National and County levels. This is informed by the disproportionate burden of Unpaid Care and Domestic Work on women and girls which affects other aspects of their lives including their participation in economic activities.

While there have been efforts to produce quality and relevant gender statistics in response to the growing demand, Kenya still faces various resource constraints and weak coordination of the national statistical system. The Gender Sector Statistics Plan (GSSP) is part of the Kenya Strategy for the Development of Statistics (KSDS) aimed at strengthening Kenya's statistical capacity in gender statistics. The strategies and actions outlined in the plan are geared towards addressing the data gaps between what is currently produced or is available and the data that is required to inform policy, advocacy, accountability and other priority development issues. The plan will facilitate evidence-based policy formulation, planning, budgeting, monitoring and evaluation.

Kenya is categorized as having a youthful population including a youthful rural population. According to the Kenya National Bureau of Statistics (KNBS) 2019 national census, 35.7 million Kenyans (75.1%) are below 35 years, while 32.73 million (68.9%) live in rural areas. This accounts for approximately 55 percent of the country's total labor force. The conventional population of youth aged 18 to 34; 13.7 million or 61% were working while 11.6 million were seeking work or indicated that there was no work available. This implies that youth unemployment

stands at 39%. This share of potentially productive workforce, therefore, needs to be fully harnessed and optimized to contribute to the country's development. Unfortunately, this large group of unemployed youth is marginalized even in terms of access to economic opportunities. The Kenya Youth Development Policy 2019 states that, "the youth are relatively disadvantaged in socio-economic outcomes including employment. A majority of the youth remain on the periphery of the country's social, economic and political affairs". Currently, the State department for Youth and its partners are in the process of developing the Kenya Youth development index.

County Gender, Youth, Sports, Culture and Social Services leadership teams are expected to establish a functional monitoring system that provides critical data for decision making. As such, they need to be aware of the indicators and targets for tracking performance on progress of implementation of the sector issues and be fully aware of the routine and periodic sources of information so as to ensure mechanisms are in place to meet obligations.

CHAPTER 2

POLICY AND LEGISLATIVE ENVIRONMENT

2.0 Introduction

Kenya adopted a new constitution in 2010 which established a devolved system of government comprising the National Government and forty-seven County Governments. The constitution divides, separates and assigns functions and powers to the two levels of government. The success of devolution in the Gender, Youth, Sports, Culture and Social Services sector depends on the policy and legislative environment on which it is anchored. In this regard, both the National Government and the County Governments have responsibilities to develop policies and legislations in their functional areas.

Learning Objectives

- Understand the policy and legal framework supporting the Gender, Youth, Culture, Sports and Social Services Sectors at the County level.
- Understand the Status of implementation of sector policies and legislation at the County level

This section therefore examines the policy and legislative environment within which the sector falls.

2.1 Policy and legal framework supporting the Gender, Youth, Culture, Sports and Social Services Sectors.

Counties have developed policies to guide implementation of the various functions, as demonstrated by the tables that follow

Table 6: Regulatory Frameworks for the Gender Sector

REGULATORY FRAMEWORK	PURPOSE/PROVISIONS
The National Policy on Gender and Development	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". 15 counties have operational Gender policies while 20 are in different stages of policy development.

<https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&cad=rja&uact=8&ved=2ahUKEwioqbvmOv5AhUL7xoKHftCtQQFnoECAQQA-w&url=https%3A%2F%2Fdata.unwomen.org%2Fsites%2Fdefault%2Ffiles%2Fdocuments%2FPublications%2FKNBS-Kenya-factsheet.pdf&usg=AOvVaw1Uq20V-vT269yhn03ADPrKh>
<https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&cad=rja&uact=8&ved=2ahUKEwioqbvmOv5AhUL7xoKHftCtQQFnoECAQQA-w&url=https%3A%2F%2Fdata.unwomen.org%2Fsites%2Fdefault%2Ffiles%2Fdocuments%2FPublications%2FKNBS-Kenya-factsheet.pdf&usg=AOvVaw1Uq20V-vT269yhn03ADPrKh>

Table 7: Regulatory Frameworks for the Youth Sector

REGULATORY FRAMEWORK	PURPOSE/PROVISION
Kenya National Youth development policy, 2019	It's the overarching youth Policy is aimed at ensuring that youth play their role in the development of the country. Counties have domesticated this policy and made provisions for youth engagement in development processes
Kenya Vision 2030 and its medium-term plans	The Vision envisages responsible, globally competitive and prosperous youth. Among the specific interventions under the vision are: establishment of youth centres, apprenticeship, mentorship, development 15 of creative industry hubs and youth enterprise financing; and strengthening internships and industrial attachments to enhance employability across public and private sector
National Youth Council Act	The Act established the National Youth Council (NYC) to facilitate, co-ordinate, promote, monitor and advocate for youth issues and youth led initiatives under the Ministry in charge of youth.
National Youth Service Act	Provided for the establishment of National Youth Service
Public procurement and Asset Disposal Act-2015	Provides for preference and reservation of the 30% procurement quota for the Women, youth and PWDs
Technical and Vocational Education and Training Act, of 2013	Provides for the establishment of a technical and vocational and training system. This currently under implementation with an aim of expanding the youth skills capacity for self-employment and employable skills.
Uwezo Fund (Public Finance Management Act, 2014)	Provides for the establishment of the Fund which is an affirmative intervention to provide technical and financial support to Youth, Women and Persons with Disabilities in Enterprise development
National Government Affirmative Action Fund (Public Finance Management Act, 2012)	Provides for the establishment of the Fund which was created to address the plight of vulnerable groups and it's meant to provide access to financial facilities to women youth and persons with disabilities.

The Sexual Offences Act, 2006	Provides for prevention and the protection of all persons from harm from sexual acts and access to justice and psychosocial support. Several counties have in place operational GBV & SGBV policies and Acts.
The Prohibition of Female Genital Mutilation (FGM) Act 2011	Prohibits the practice of Female Genital Mutilation and safeguards against violation of a person's mental or physical integrity. Counties have put in place FGM Acts on which to anchor interventions aimed combating the FGM practice.
Political Parties Act, 2022	It is an Act of Parliament to provide for the registration, regulation and funding of political parties, and for connected purposes. It has various Gender equality provisions as regards political parties' operations.
The Matrimonial Property Act, 2013	The 2013 Matrimonial Property Act recognized that married women have the same rights as married men in property ownership
The Land Act, 2012	Secures rights of women to matrimonial property
The Land Registration Act, 2012	Requires spousal consent in any dealing with matrimonial property
Vision 2030 Second Medium Term Plan (2013—17)	Emphasizes the need for establishment of integrated one stop SGBV response centres in all healthcare facilities in Kenya and undertaking public awareness campaign against FGM, early and forced marriages
Public procurement and Asset Disposal Act-2015	Provides for preference and reservation of the 30% procurement quota for the Women, youth and PWDs
Uwezo Fund (Public Finance Management Act, 2014)	It was established as an affirmative intervention to provide technical and financial support to Youth, Women and Persons with Disabilities in Enterprise development
National Government Affirmative Action Fund (Public Finance Management Act, 2012)	It was created to address the plight of vulnerable groups and it's meant to provide access to financial facilities to women youth and persons with disabilities.
The Public Finance Management (Women Enterprise Fund Regulations), 2007	Regulate the administration of the fund

The Public Finance Management (Youth Enterprise Development Fund order), 2007	Provides for the establishment of the Fund which seeks to create employment opportunities for young people through entrepreneurship and encouraging them to be job creators and not job seekers
Employment Policy and Strategy for Kenya Sessional Paper No. 4 of 2013	Its goal is to promote full employment as a priority in national, economic and social policy and to enable the economically active population to attain and secure sustainable livelihood through productive and freely chosen employment by the year 2030.
Agenda 2063	The AU has developed several youth development policies and programmes at continental level aimed at ensuring the continent benefits from its demographic dividend all of which are implemented through various AU Agenda 2063 programmes. The Agenda prioritizes inclusive social and economic development
SDGs	It builds on the principle of “leaving no one behind”. The youth are therefore key in rolling out the 17 SDGs by playing their role as: disruptive critical thinkers; creative change agents; innovators; communicators; educators; and leaders.
The Marshall Plan for Youth Employment and Development in March, 2008.	The plan focuses on creation of immediate and medium-term youth employment opportunities
The African Youth Charter, 2006;	The Charter sets a framework to enable policy makers to mainstream Youth 19 Year Intervention Status and achievements issues in all development policies and programmes. It thus provides a legal basis for ensuring Youth presence and participation in government structures and forums at national, regional and continental levels
Commonwealth Plan of Action for Youth Empowerment (PAYE) 2006-2015 that provides framework for youth development;	The plan contains strategies and tools to empower young people to effectively participate in social, economic, political and cultural spheres of life both in their countries and internationally.
Decade Plan of Action for Youth Development and Empowerment (2009-2018)	The African Youth Decade, 2009-2018 Plan of Action (DPoA) is a framework for multi-sectoral and multi-dimensional engagement of all stakeholders towards the achievement of the goals and objectives of the African Youth Charter.

UN Youth strategy 2030	The Strategy aims to enhance impact and expand action to address the needs, build the agency and advance the rights of young people globally. The Strategy aims to ensure youth are engaged and participate in the implementation, review and follow up of the global agendas and frameworks including the 2030 agenda for Sustainable Development.
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Table 8: Regulatory Frameworks for the Sports Sector

REGULATORY FRAMEWORK	PURPOSE/ PROVISION
Sports Act (2013)	The Act is aimed at harnessing sport for development, encourages and promotes drug free sport and recreation; to provide for the establishment of sport and for connected purposes. It has provisions for; dispute resolution (Dispute resolution Tribunal); funding of sports activities (National sports Fund); the establishment of sports associations and organisations and; the control of administrative functions.
Physical education and sport policy for basic education 2021	The purpose of this policy is to provide a framework for effective implementation of safe and inclusive quality physical education and clean sporting activities at all levels of basic education in Kenya
Kenya Vision 2030	It aims at transforming Kenya into an industrializing, middle income country by 2030. One strategy to realize this long-term development plan is to improve the health and well-being of its citizenry. In this respect, teaching of P.E and sport in learning institutions and provision of sporting activities at the community level are viewed as tools of making this goal a reality.
Sessional Paper No 1 of 2019	Provides a policy framework for Reforming Education and Training for Sustainable Development in Kenya. This policy is in line with the requirements in the policy framework on reforming the provision of P. E and sport.
Sessional Paper No. 3 of 2005	Provides guidance and direction on management of sport
Anti-Doping Act (2016)	Provides for the regulation of sporting activities free from use of prohibited substances and methods in order to protect the health of athletes.

Sports (Amendment) Bill, 2021	An ACT of Parliament to amend the Sports Act to provide for the functions of county governments; and for connected purposes
The 2030 Agenda for Sustainable Development (2015):	Commits to eradicate poverty and achieve sustainable development by 2030, ensuring no one is left behind. Sport is recognized as an important enabler for Sustainable Development.
AU Agenda 2063	provides for a common policy framework for physical education and sport for the progress and development of Member States of the African Union and their peoples.
East Africa Community (EAC) Protocol	embraces culture and sport as both enablers and drivers of a people-centered integration agenda through promotion and enhancement of diverse sport activities as well as preservation of culture.
Kenya National Sports Policy (2002)	provides for the holistic development of sport in the country for all segments in society. This policy provides a requisite inter linkage between the basic education sub-sector and other sectors of the government.
National Curriculum Policy (2018)	Provides for access and transition of all learners through Ministry of Education: Physical Education and Sport Policy for Basic Education 7 interdisciplinary and flexible curriculum pathways that develops their abilities and talents. National Education Sector Strategic Plan
Kenya Youth Development Policy (2019)	Emphasizes on the importance of talent and sport development for promoting better health and wellness among the youth. The P.E and Sport policy priorities and supports involvement of children and youth in physical activity interventions.

Table 9: Regulatory Frameworks for the Culture Sector

POLICY/LEGISLATION/ FRAMEWORK	PURPOSE
Culture and National Heritage Policy	Provides direction to a sustainable cultural development in Kenya, and to enhance and promote creative participation of all Kenyan people in their cultural life.
Vision 2030	Among its flagship projects is the development of an international arts and cultural centre for promotion of youth talents and for dialogue of cultures.

Table 10: Regulatory Framework for the Social Services Sector

POLICY/LEGISLATION	PURPOSE/GOAL
Kenya National Social Protection Policy	The overarching goal of the policy is to ensure that all Kenyans live in dignity and exploit their human capabilities to further their own social and economic development
National Gender and Development Policy (2000)	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”
Persons with Disabilities Act (2003)	Establishes the National Council for Persons with Disabilities
National Children's Policy (2010)	provides direction and purpose in establishing social and child protection mechanisms while mobilizing resources for action
The National special needs education policy framework	The framework is aimed at creating a conducive environment for learners with special needs and disabilities in order for them to have equal access to quality and relevant education and training.
The National Action Plan on Accessibility and Disability Rights (2013)	It's the National Plan of Action on the implementation of recommendations made by the Committee on the Rights of Persons with Disabilities in relation to the initial report of the Republic of Kenya under CRPD
Children's Act (2001)	Act of Parliament to make provision for parental responsibility, fostering, adoption, custody, maintenance, guardianship, care and protection of children; to make provision for the administration of children's institutions; to give effect to the principles of the Convention on the Rights of the Child and the African Charter on the Rights and Welfare of the Child and for connected purposes
National Policy on Older Persons and Aging (2009)	offers a comprehensive framework to facilitate the provision of reasonable care and assistance to older persons
National Policy on Older Persons and Aging (2009)	offers a comprehensive framework to facilitate the provision of reasonable care and assistance to older persons

The National Food Security and Nutrition Policy (2007)	Aimed at improving nutrition to achieve adequate nutrition for optimum health of all Kenyans;
Vision 2030	Kenya Vision 2030 aims to provide a “high quality of life for all its citizens by the year 2030. The Vision is built on three pillars – economic, social, and political. The social pillar seeks to build “a just and cohesive society with social equity in a clean and secure environment

2.2 County sector policies and legislation

For Counties to legislate, they must engage in policy making for each function. Some of the policies and legislations developed for the sector includes; GBV Policies and Acts, Gender Policies, Youth policies, social protection/PWD/Children policies and Acts, Children protection policies, Sports policies and Acts and Culture & Heritage policies and Acts.

2.3 Status of implementation of county policies and legislation

Since 2013 several County Governments have exercised their powers under Article 185 and enacted laws to govern the Gender, Youth, Sports, Culture and Social Services sector. As of 2021, the status of implementation of county policies and legislation were as follows:

- 11 Counties have in place operational GBV policies
 - 15 counties have operational Gender policies while 20 are in different stages of policy development.
 - 20 counties have operational youth policies, bills and acts while another 16 are in various stages of development.
 - 26 counties have operational Social protection/PWD/ children acts and policies; 15 in different stages of development.
- a) Over 10 counties have sports policies and Acts.
- b) Status of children protection policies and Culture and Heritage policies and Acts.

Counties, over the years, have been able to legislate on the various functions. The table below is a summary of the sectoral laws and policies within the Sector

Table 11: Status of Implementation of County Policies and Legislations

No.	COUNTY	GENDER	YOUTH & SPORTS	GBV	SOCIAL PROTECTION	CULTURE
1)	MOMBASA	-Gender mainstreaming Policy (Draft)	-Youth policy (Draft)	-GBV policy and bill (Draft)	-PWD policy -Safer city children Act	-Mombasa County Culture and Heritage Bill, 2017
2)	KWALE	-Gender policy (Draft)	-Youth policy -Sports and Talent Policy	-	-	-
3)	KILIFI	Gender and Development Policy (Draft)	-Youth Policy (Draft) -Sports policy (Draft)	-GBV Policy (Draft)	-	-Kilifi County Culture and Heritage policy
4)	T.RIVER	-Gender policy (Draft)	-Youth Policy (Draft)	-	-PWD act -Elderly persons Bill	-
5)	LAMU	-Lamu county Women Empowerment Act 2018	-Youth Empowerment Act 2018 -Sports policy	-	-PWD Act 2018	-
6)	TAITA	-	-Zero draft youth policy -Taita Taveta Youth bill -Sports Policy (Draft)	-SGBV policy	-Child welfare protection policy -Older persons and heritage bill -Anti-FGM policy(Draft)	-Cultural Heritage Act
7)	GARRISA	-Gender Policy (Draft)	-Youth development Policy	-	-	-
8)	WAJIR	-Gender policy	-	-SGBV Act 2019	-PWD Act 2018	-
9)	MANDERA	-	-Youth Empowerment Act 2018	-GBV bill -FGM Act at national level	-Children protection policy	-
10)	MARSABIT	-Gender policy -Social protection policy	Marsabit county youth policy	-	-Children protection policy	-
11)	ISIOLO	-Gender policy	-Youth policy (Draft)	-	-Disability policy (Draft) -Child protection action plan -Child protection-policy	-
12)	MERU	-Gender mainstreaming policy (Draft)	-Meru youth service policy -National Youth Service Act	-Meru county GBV policy -Meru County Monitoring & Evaluation Framework for prevention and response to SGBV	-PWD Act	-
13)	THARAKA	-Gender Mainstreaming Policy	-Youth empowerment bill 2020 -Youth empowerment policy -Tharaka Nithi sports policy 2018	-Anti FGM policy	-The PWD empowerment bill	-TNC Culture and arts policy

14)	EMBU	-Gender policy		-GBV policy	-PWD Act -Children protection policy	-The Embu County Cultural Heritage Act, 2016
15)	KITUI	-Gender policy (Draft)		-SGBV policy (Draft)		
16)	MACHAKOS	- Machakos Gender policy (Draft)	-Machakos County youth empowerment policy -Sport's policy - Revolving fund regulations for Women, Youth and PWDs (Draft)		-Machakos County - Disability Act 2016 -Senior Citizens Bill 2020 -Machakos Children policy (Draft)	-Culture policy (Draft) -Cultural Heritage Bill
17)	MAKUENI	-Gender policy	-Youth Policy -Internship policy -Sports Policy (Draft)	-SGBV policy	-PWD policy (Draft) -Social protection policy -Children's policy	--Makueni County art, culture and heritage policy -The Makueni County Cultural Heritage Act, 2016
18)	NYANDARUA	-Gender policy (Draft)	-Youth policy (Draft) -Sports Policy (Draft)		-Draft PWD policy	-Draft cultural heritage policy
19)	NYERI	-Gender policy (Draft)	-Youth policy (Draft)			
20)	KIRINYAGA				-PWD policy (Draft) -Children policy (Draft)	
21)	MURANG'A				-PWD Policy, 2015	-2022 Muranga County Culture and Heritage Bill.
22)	KIAMBU				-Bursary Act	
23)	TURKANA		-Turkana Youth and Women Empowerment Fund regulations -Turkana Youth Council Act	-SGBV policy (Draft)	-Street children	Turkana County Policy on Culture, Heritage and Arts (Draft)
24)	W.POKOT		-County community service policy Internship policy Sports Policy		-Child protection policy (Draft)	
25)	SAMBURU	-		-		-Culture bill (Draft)
26)	TRANS NZOIA	-	-Youth development policy (Draft)	-	-Child protection policy (Draft)	-County culture and Heritage Policy
27)	UASIN GISHU	Gender policy	-Youth policy (Draft) -Uasin Gishu County Sports policy.	-	-PWD bill -Children policy (Draft)	-
28)	ELGEYO MARAKWET	-Gender mainstreaming (Draft)	-Sports policy	-FGM policy (Draft)		-Elgeyo culture policy (Draft)
29)	NANDI	-Gender policy	-Nandi youth policy -Nandi County Youth Service Act	-SGBV Policy	-PWD policy -Children's policy	-
30)	BARINGO	Social protection policy	-Youth Policy -Baringo Draft Sports Policy	-Draft SGBV Bill		- Baringo county culture Policy (Draft)

31)	LAIKIPIA	-		-Sports Policy (Draft)	-	- Children protection policy (Draft)	-
32)	NAKURU	-Gender and Development Policy (Draft)		-Nakuru county Youth engagement service bill 2021 -Draft youth policy	-	PWD Act PWD regulations fund Act Day care centres bill	Culture Bill (Draft)
33)	NAROK	Gender Policy			-		
34)	KAJIADO	- Women economic empowerment -Gender mainstreaming policy (Draft)			-Anti FGM policy	-Social protection policy	Kajiado and Heritage policy (Draft)
35)	KERICHO			-Youth policy (Draft)	- GBV policy (Draft)	-Social Protection policy (Draft)	-
36)	BOMET	-Gender policy (Draft)		-Youth policy (Draft) -Internship policy	-SGBV policy (Draft)	-Children protection bill	
37)	KAKAMEGA	-Gender policy (Draft)		-Youth policy (Draft) - Kakamega County Youth & Sports Fund Regulations 2018	-SGBV policy	-PWD Act -Kakamega County Persons with Disability Act, 202 Kakamega County Social Protection Policy (draft)	
38)	VIHIGA	Vihiga Gender mainstreaming Policy 2022 (Draft)		Vihiga Sports Act 2019 Vihiga sports regulation 2022 Vihiga youth service bill 2022		-Vihiga Children policy 2019 (Draft) -Vihiga people leaving with disability Act 2021	
39)	BUNGOMA	-Gender policy (Draft) - Cultural Policy (Draft)		-Youth Policy (Draft)	-Draft SGBV Bill	-Disability Mainstreaming Policy(draft)	Bungoma county culture and heritage policy (Draft)
40)	BUSIA	Zero draft gender policy		Apprenticeship policy (Draft) Sports Policy (Draft)	-	- Children's policy (Draft)	-Busia County Culture and Heritage policy -Heros and Heroines Policy (Draft)
41)	SIAYA	-Siaya County Gender Equality and Women Empowerment Bill-2018		Youth service bill Siaya Youth Development Policy-2021 (Draft) Siaya County Youth Training and Empowerment Bill-2021	-SGBV policy 2020 (Draft)	-PWD Bill -Siaya County Persons with Disability Bill -2016 -Widows Protection Bill (2020)	
42)	KISUMU	Gender Mainstreaming Policy 2021		-Sports policy (Draft) Adolescent and Young People health policy	SGBV Policy, 2019	-PWD policy (Draft)	-Culture policy (Draft)
43)	HOMABAY	Gender policy (Draft)		-	SGBV POLICY (Draft)		
44)	MIGORI	Gender policy			SGBV policy	-PWD policy	

45)	KISII		-Youth Policy (Draft)	none	-PWD Act operational -Children's policy (Draft)	-
46)	NYAMIRA		Youth policy (Draft) Sports Policy (Draft)	-	-PWD draft at the assembly -Children protection policy (Draft)	-
47)	NAIROBI	Gender mainstreaming policy (Draft)	Nairobi City County Youth Policy County Sports Policy 2022 Nairobi City County Sports Act, 2017	Nairobi County SGBV management and control Act of 2021	-PWD act 2015 -Nairobi County child protection and safeguarding policy -Nairobi County older persons welfare Policy	Nairobi County Culture and heritage Act

CHAPTER 3

SECTOR GOVERNANCE

3.0 Introduction

This session provides a brief overview of Kenya's Gender, Youth, Sports, Culture and Social Services sector governance by discussing important organizations, agencies and actors within the sector, outlining their functions, roles and responsibilities and painting out the importance of these agencies to devolved units. The section critiques the sector partnership frameworks, and points out key roles that county government officials should play within this framework. Finally, the section highlights key aspects on intergovernmental relations.

Learning Objectives



3.1 Organization of the sector (Institutional Arrangements) and their roles

3.1.1 National government

a) Gender

The State Department for Gender housed under the Ministry of Public Service; Gender; Social Protection, Senior Citizens Affairs and Special Programmes handles Gender issues at the National Level.

The state agencies under the state department for Gender include:

- **The Women Enterprise Fund (WEF)** - Semi-Autonomous Government Agency that provides accessible and affordable credit to support women, start and/or expand business for wealth and employment creation
- **Uwezo Fund** - Uwezo Fund is a flagship programme for vision 2030 aimed at enabling women, youth and PWDs access finances to promote businesses and enterprises at the constituency level
- **National Government Affirmative Action Fund (NGAAF)**- The Fund is a product of the Constitution in support of the Government's commitment to putting in place measures to redress past disadvantages among certain segments of our population.
- **Anti-Female Genital Mutilation Board**- A SAGA with a mission to uphold the dignity and empowerment of girls and women in Kenya through the coordination of initiatives, awareness creation, and advocacy against

b) Commissions

The National Gender and Equality Commission (NGEC) was established by the National Gender and Equality Commission Act, 2011 pursuant to Article 59 (4) of the Constitution of Kenya. The mandate of the Commission is to promote gender equality, and freedom from discrimination for all persons in Kenya as provided for in the Constitution of Kenya 2010 with a focus on Special Interest Groups (SIGs) that include: women, persons with disability, children, youth, older members of society, minority and marginalized groups.

Kenya National Commission on Human Rights has the mandate to protect and promote respect for human rights, gender equality and equity and develop a culture of human rights in Kenya.

The Commission on Administrative Justice (Office of the Ombudsman) established through an Act of Parliament in 2011 has prioritized women, children and the youth in its initiatives aimed at enforcing administrative justice and promoting constitutional values.

c) Social services

At the National Level, state department for social protection handles the social protection issues and is equally hosted under the Gender; Social Protection, Senior Citizens Affairs and Special Programmes handles Gender issues.

The state agencies under the state department for Social Protection include:

- **National Council for Persons with Disabilities (NCPWD)** - Promotes and protects equalization of opportunities and realization of human rights for PWDs to live decent livelihoods.
- **National Council for Children's Services (NCCS)**- NCCS was established under Section 30 (1) of the children Act 2001 as a body corporate with perpetual succession and a common seal, to exercise general supervision and control over the planning, financing and co-ordination of child rights activities and to advise the government on all aspects related to children
- **Child Welfare Society of Kenya (CWSK)** - exists to promote & secure the rights of children and young persons in order for them to realize their full potential.
- **Street Families Rehabilitation Trust Fund (SFRTF)** - Coordinate rehabilitation programmes for street families.

d) Sports

The National Government Ministry in charge of sports affairs is the Ministry of sports, culture and heritage. The state department for sports specifically handles sports issues.

SAGAS

- **Kenya Academy of Sports**- The Kenya Academy of Sports is a state corporation established under Section 33 of the Sports Act No. 25 of 2013. It's mandated to develop sports talents through establishment and management of academies, training and research for global competitiveness and sustainable socio-economic growth in Kenya
- **Sports Kenya**- Sports Kenya (SK) is a state corporation established by the Sports Act, 2013 and given the mandate to carry out functions formally performed by Sports Stadia Management Board and the Department of Sports. The key aim for its formation was to promote co-ordinate and implement national and international sports programmes, establish, manage, develop and maintain the sports facilities including convention centers, indoor sporting and recreational facilities in the country and participate in the promotion of sports tourism among others.
- **Anti-Doping Agency of Kenya**- to protect athletes' fundamental rights to participate in doping-free sport and thus promoting good health, fairness and equality for athletes in Kenya.
- **Sports Fund**- The National Sports Fund was established through the

enactment of the Sports Act 2013 Section 12 of Part III. The main goal for establishing the Fund is to raise funds to facilitate growth and development of the sports industry in the country.

e) Youth

The National Government Ministry in charge of youth affairs is the Ministry of ICT, Innovation and Youth Affairs. The state department for youth handles youth affairs.

SAGAs

- **The National Youth Council**- mandated to facilitate, co-ordinate, promote, monitor and advocate for youth issues and youth led initiatives.
- **National Youth Service**- State Corporation mandated to skill and train young people on important National matters.
- **Kenya Youth Employment and Opportunities Programme**- State Corporation mandated to empower and uplift the well-being of the youth in Kenya by equipping them with essential training, internship and business grant opportunities.
- **The Youth Enterprise Development Fund**- The Fund seeks to create employment opportunities for young people through entrepreneurship and encouraging them to be job creators and not job seekers.
- **Uwezo Fund**- aimed at enabling women, youth and persons with disabilities access finances to promote businesses and enterprises at the constituency level, thereby enhancing economic growth.
- **AGPO**- facilitates the enterprises owned by women, youth and persons with disabilities to be able to participate in Government opportunities.
- **NGAAF**- Addresses the plight of vulnerable groups through enhanced access to financial facilities for socio-economic empowerment among women, youth, Persons with Disabilities, needy children and elderly persons in the country

f) Culture

The state department for culture under the Ministry of sports, culture and heritage handles culture affairs Nationally

SAGAs

- **National Museums of Kenya**- NMK is a multi-disciplinary institution whose role is to collect, preserve, study, document and present Kenya's past and present cultural and natural heritage.
- **Kenya Cultural Centre**- a Semi-Autonomous Government Agency under the Ministry of State for National Heritage and Culture in Kenya. It is mandated to offer space for the rehearsal and staging of productions to

both local and international repertoires.

- **Kenya National Library Service**- corporate body of the Kenyan government with a mandate to "promote, establish, equip, manage, maintain and develop libraries in Kenya
- **National Heroes Council**- Heroes Council provides for the identification, selection, recognition and honouring of National Heroes, Monuments, Sites in Kenya

3.1.2 County Departments and Roles of Critical Actors

In this section, we describe the roles and responsibilities of key officers at the county level, as well as how they relate:

a) County Executive Committee Members for Gender, Youth, Sports, Culture and Social Services

Section 179 of the Constitution of Kenya 2010 provides for County Executive Committees (CECM), and notes that the executive authority of the county is vested in, and exercised by, a county executive committee. Members of a county executive committee are accountable to the County Governor for the performance of their functions and exercise of their powers. Section 183 of the Constitution of Kenya 2010 further notes the functions of County Executive Committees as:

- Implementing county legislation.
- Implementing, within the county, national legislation to the extent that the legislation so requires.
- Managing and coordinate the functions of the county administration and its departments.
- Performing any other functions conferred on it by the Constitution or national legislation.
- Preparing proposed legislation for consideration by the county assembly; and
- Providing the county assembly with full and regular reports on matters relating to the county.

In addition to the functions provided under Article 183 of the Constitution, there are various roles provided under legislation and policies.

- **Leadership and Governance:** The CECM shall: a) Supervise the administration and delivery of services in the county and all decentralized units and agencies in the county; b) Have power to determine its own programme of activities and every member of the committee shall observe integrity and disclosure of interest in any matter before the committee; c) Perform any other functions conferred on it by the Constitution or national legislation; and d) Carry out any function incidental to any of the assigned functions.

- **Planning and Budgeting:** The CECM shall support planning through guiding the formulation and adoption of the county integrated development plan, reviewing these plans, facilitate the coordination and alignment of integrated development plans, strategies and programmes with overall national and county governments plans. They will also take appropriate steps to resolve any disputes or differences in connection with the planning, formulation, adoption or review of an integrated development plan.
- **Performance Management:** The County Executive Committee should design a performance management plan to evaluate the performance of the county public service and the implementation of county policies. The plan should provide for among others the objective, measurable and time-bound performance indicators; linkage to mandates; annual performance reports; citizen participation in the evaluation of the performance of county government; public sharing of performance progress reports. The governor should submit the annual performance reports of the County Executive Committee and public service to the county assembly for consideration. The performance management plan and reports should be public documents. This role and function of the County Executive Committee in Kenya is under Section 47 of the County Governments Act.
- **Organization of The County department:** The function of the County Executive Committee in Kenya with regard to this role is essential. The county executive committee should determine the organization of the county and its various departments, and for that purpose may establish, continue or vary any department, and determine the objects and purposes of the department; determine the number and nature of departments at the decentralized units; abolish any department; determine or change the name of any department.
- **Financial Stewardship and Management:** The Public Financial Management Act, 2012 provides for the CECM's role in financial management, enhancing efficiency and fostering accountability. The act places some obligations, of example (3) (b) (iii) required the submission to the Cabinet Secretary and County Executive member for finance a report within thirty days from the date of the request.
- **Public Procurement and Assets Disposal:** As per the 2015 Act, the CECM should ensure compliance to the law, and where necessary, (n) inform, as applicable, the Cabinet Secretary, Parliament, the relevant County Executive member for finance, the relevant County Assembly or Auditor-

General on issues of non-compliance with procurement laws once the relevant State organ or public entity ignores the written directives of the Authority, including material breaches of the measures established under this Act.

- **Communication:** This entails engagement with both the internal and external stakeholders in the organization. It includes comments to the media, representation/participation in intergovernmental forums, partnership forums, Interagency coordination committees, boards including facility ones, task forces and technical working groups; and civic engagement and public participation.

b) County Chief officers in Charge of Gender, Youth, Sports, Culture and Social Services

The County Government Act, 2021 Section 45 provides that with the approval of the county assembly, the Governor shall appoint the County Chief Officers of Gender, Youth, Sports, Culture and Social Services. This is an office in the County Public Service. A CO is responsible to the respective CECM for the administration of a county department as provided under section 46.

- **Authorized Officer and Accounting Officer:** The Chief Officer is the authorized officer in respect of exercise of delegated power. The PFMA 2012 section 148 and 149 designates Chief Officer as accounting officers for County Government entities. The CECM for Finance shall, except as otherwise provided by law, in writing designate accounting officers to be responsible for managing the finances of the county government entities as is specified in the designation. Except as otherwise stated in other legislation, the person responsible for the administration of a county government entity, shall be the accounting officer responsible for managing the finances of that entity. A CECM of finance shall ensure that each county government entity has an accounting officer in accordance with Article 226 of the COK, 2010. It is however key to note that a county government may, to promote efficient use of the county resources, adopt, subject to approval by the county assembly, a centralized county financial management service. Section 149 of PFMA sets out responsibilities of Accounting Officers Designated for County Government Entities.
- **Public Finance Management:** It notes that an accounting officer is accountable to the county assembly for ensuring that the resources of the entity for which the officer is designated are used in a way that is: lawful and authorized; effective, efficient, economical and transparent; and that all expenditure comply with PFMA and keeps all financial and accounting records according to this act. And these records in any form including

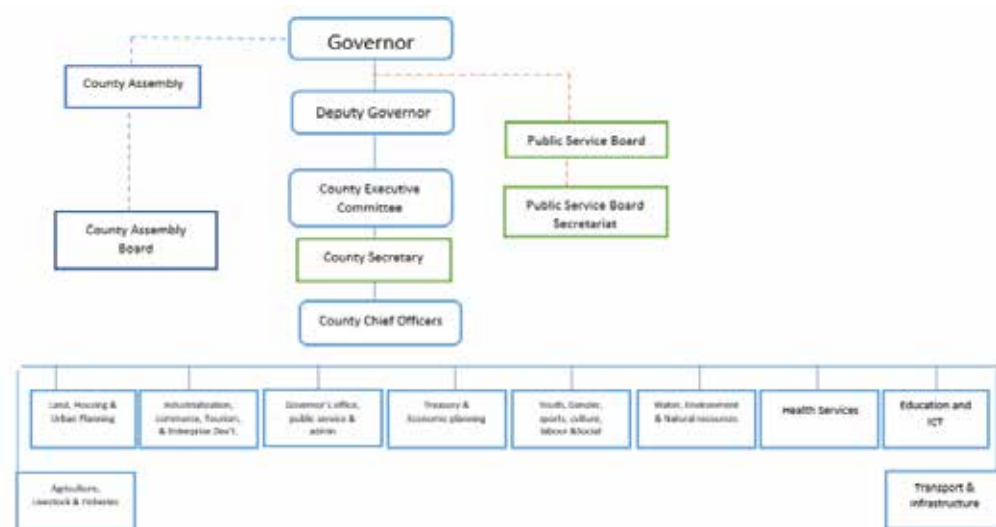
electronic are adequately protected and backed up. They also must ensure to follow all accounting procedures, when acquiring or disposing of goods & services, good custody & safekeeping & storage of goods.

- **County Planning:** The Chief Officer should ensure that the county has developed and is implementing appropriate plans. These include the County Integrated Investment Plan (CIDP) which is a 5-year plan; the Annual Work Plan (AWP/AOP) which is a one-year plan done annually; the Performance Contract annually; the Annual Development Plan; the Annual Procurement plan; compliance with the Integrated financial management systems; sector working groups /MTEP medium term expenditure plan and Program Based budgeting.
- **Communication:** This includes engagement within and without the organization (like comments to the media), representation/participation in intergovernmental forums, partnership forums, Interagency coordination committees, boards including facility ones, task forces and technical working groups; and civic engagement and public participation.

c) County Directors in Charge of Gender, Youth, Sports, Culture and Social Services

Further, Counties have established Directorates in charge of the specific divisions. The Directors mainly act as technical advisors on matters relating to the above sectors, as well as technical advisors to the CECMs.

Figure 1: County Government Organizational Structure

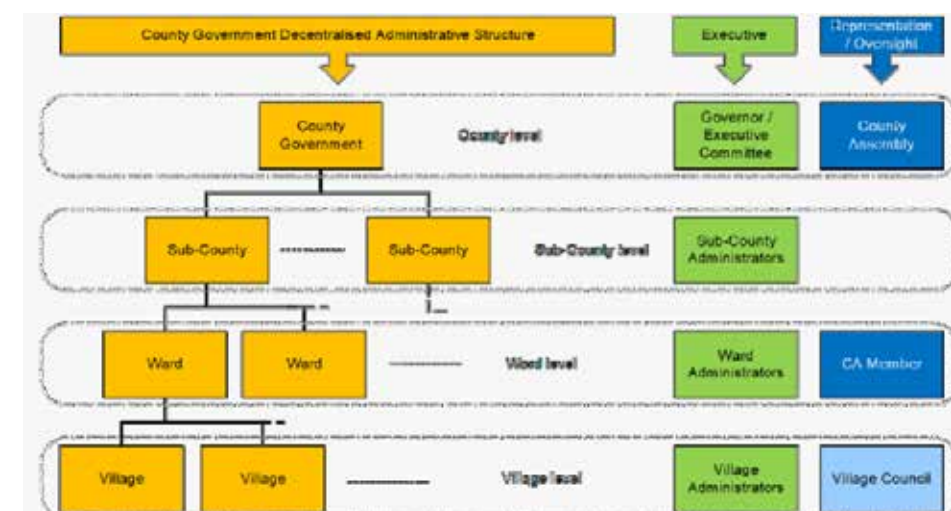


A Sample County Department

The Organization of the County Departments vary from County to County as follows:

- Department for Gender and Social Services
- Department for youth, Sports and Social services
- Department of Gender and Culture and social services
- Department for Education, Gender, Youth, sports, Culture and Social services

Figure 2: County Governments Decentralized Administrative Structures



3.1.3 Sector Stakeholders' Involvement (Partnership and Coordination Structures & Arrangements)

The sector partnership and coordination is based on consultation and cooperation between the various stakeholders. A successful partnership requires strong leadership, guidance, and coordination between the County Governments departments, National Government line ministries and other stakeholders. To effectively engage in an equal partnership, information sharing is necessary. Partnership and coordination in the sector is guided by the Kenya Partnership and coordination Framework.

The committee mainly partners with relevant ministries, relevant Government agencies and development partners and Civil Society Organizations.

3.1.4 Intergovernmental Framework for the Gender Sector

In early 2019, the National and County Governments adopted a Joint Intergovernmental framework for the Gender sector aimed at creating a coordinated mechanism for consultation and cooperation between both levels of governments and stakeholders on issues Gender Equality and Women Empowerment. In order to ensure that the framework was implemented right from the County level, the State Department for Gender supported Counties in establishing County level intergovernmental coordination frameworks for the Gender sector which bring on board the National and County Government representatives, and partners working within the Gender sector in the respective Counties. The intergovernmental framework for the gender sector at the County Level is pegged on 4 thematic areas; Gender Based Violence; Social Economic Women Empowerment and Financial Inclusion; Women in Peace building, Security and Conflict resolution; and Women in Leadership and Decision making.

3.1.5 Other Intergovernmental Structures in the Sector

i. Generation Unlimited

Generation Unlimited (GenU) was established in 2018 as a global multi-sector partnership to meet the urgent need for expanded education, training and employment opportunities for young people, ages 10-24 on an unprecedented scale. It was launched formally in Kenya by H.E President Uhuru Kenyatta on 5th August 2020 through a virtual event that was also a celebration of H.E President Kenyatta as a Global Leader for Young People's Agenda within the Global Generation partnership. It draws representation from all key stakeholders including the Council. It deliberates on and evaluate the GenU Kenya initiative's contributions to the national development priorities and objectives.

The goal of Generation Unlimited globally is to ensure that every young person aged 10 to 24 years is either in school, learning, training or employment by 2030. Kenya subscribes to Gen-U's global goal.

ii. Generation Equality

Generation Equality is an international platform that seeks to accelerate the implementation of the gender equality commitments in the Beijing Declaration and Platform for Action of 1995 to achieve transformative change. Generation Equality Forum (GEF) is convened by UN Women and co-hosted by the governments of Mexico and France. As part of the GEF process, Kenya is co-leading the Gender-Based Violence (GBV) Action Coalition, one of the GEF's six Action Coalitions (ACs). The Council is part of Generation Equality

3.1.6 Important Non-State Agencies in the Sector Governance

Some of our key partners include the UN Agencies. They key UN Agencies in the sector include:

- **UN Women**

It is the UN Agency in charge of Gender equality and Women Empowerment (GEWE). Their work in Kenya is aimed at enhancing the sustainability and scalability of GEWE normative work, policy, and programmes, by ensuring government and UN System-wide accountability to gender equality and the empowerment of women through capacity development, policy, support, strategic planning. UN Women Kenya has four priority key results areas: Women in Leadership and Democratic Governance (Women in Decision Making); Women's Economic Empowerment; Ending Violence against Women and Girls; and the Women, Peace and Security Agenda. The UN women has continuously provided County Governments with technical and financial assistance as far as Gender mainstreaming is concerned.

- **United Nations Development Programme-UNDP**

It is the UN entity whose work is around eradicating poverty and reducing inequalities through sustainable development. The UNDP has mainly supported various aspects of development in the counties. Specifically, it has supported various youth programmes which have been of great impact to the youth e.g., the establishment of the Isiolo and Tana River Youth Innovation centres. Additionally, it has constituted a Youth Sounding Board which has representation from the Council. It is a multi-stakeholder all-inclusive Youth Sounding Board with the intention of engaging directly with a small but highly representative and diverse panel of young women and men leaders, influential youth voices and representatives of institutions key to the implementation of youth development agenda in Kenya.

- **United Nations Population Fund (UNFPA)**

UNFPA is the United Nations Sexual and reproductive health agency whose mandate is to; build knowledge and capacity to respond to needs in population and family planning; promote awareness in both developed and developing countries of population problems and possible strategies to deal with these problems; assist their population problems in the forms and means best suited to the individual countries' needs and to assume a leading role in the United Nations system in promoting population programmes.

- **United Nations Children's Fund (UNICEF)**

UNICEF is a special program of the United Nations devoted to aiding national efforts to improve the health, nutrition, education, and general welfare of children

particularly in less-developed countries and in various emergency situations. This UN agency has also been a notable partner on child issues and sexual and reproductive health. UNICEF focuses on the following five focus areas: Child Survival and Development, Basic Education and Gender Equality, HIV/AIDS, Child Protection and Policy Advocacy and Partnerships.

Other key sector partners outside the UN body include:

- **Ford Foundation**

Their works are around reducing poverty and injustice, strengthening democratic values, promoting international cooperation, and advancing human achievement. Specifically, the Ford Foundation has worked with the Council in protecting women's rights and therefore ensuring human rights are protected and promoted in the counties.

- **Bill and Melinda Gates Foundation-BMGF**

BMGFs work is around primary health care and gender equality. They've with various counties and with the council on issues adolescents' sexual and reproductive health rights.

The Civil Society organizations also play a pertinent role in the sector. Some of the CSOs in the sector include GROOTs, Youth serving Organizations Consortium (YSOs), KEWOPA, SDGs Kenya Forum among others.

3.2 Intergovernmental Relations and Cooperative Devolved Governance

The Constitution provides for both exclusive and concurrent functions of the national and county governments. For this reason, a well understood and operationalized system of cooperative devolved government and intergovernmental relations among the 47 counties and between the county and national levels of government is imperative for the successful management and delivery of services to the citizens of Kenya. The constitution and national legislation therefore envisage and provide for some intergovernmental structures and institutions in the sector to ensure appropriate coordination and collaboration in the management and delivery of services.

Table 12: Key Intergovernmental Structures in Kenya

Structure	Provisions for the Establishment
National and County Government Co-ordinating Summit (the Summit)	It is established pursuant to section 7 of the Act, as the apex body for intergovernmental relations, comprising the President and the 47 County Governors. The functions of the Summit are provided under section 8 of the IGRA.
Intergovernmental Relations Technical Committee	It is established pursuant to section 11 of the IGRA. The functions are provided for under section 12,13 and 33 of the IGRA to include the day-to-day administration of the Summit and implementation of its decisions.
Council of County Governors (CoG)	CoG is established pursuant to Section 19 of the IGRA and brings together all Governors for consultation of matters of common interest, dispute resolution and capacity building among others.
Intergovernmental Budget and Economic Council (IBEC)	Established by section 187 (1) of the PFMA; and chaired by the Deputy President. It considers all matters related to planning and budgeting.
Intergovernmental Consultative Sector Forums (the IGCSFs):	Sector Forums are established pursuant to sections 13 (2) of the IGRA. The IGCSFs provide a platform for consultation between the two levels of government on sectoral matters. .
Joint Committees and Joint Authorities	Joint Committees and Joint Authorities are established pursuant to Article 189 (2) of the Constitution and section23 IGRA.
County Policing Authority	Section 41 of the National Police Service Act (2011) establishes the County Policing Authority. The Governor or the County Executive Committee Member appointed by the Governor, is the chairperson.
	The functions of the Authority include development of proposals on priorities, objectives and targets for police performance in the County; and monitor trends and patterns of crime in the County including those with a specific impact on women and children among others.

3.2.1 Council of Governors (sector committees)

The Council of Governors is an intergovernmental body formed under section 19 of IGRA (2012). It is composed of Governors of the forty-seven (47) County Governments. Subject to Section 20 (3) of the IGRA, CoG may establish sectoral working groups or committees for the better carrying out of its functions. In this regard CoG operates through the eighteen (18) committees among them is the Gender, Youth, Sports, Culture and Social Services committee.

This Committee has the responsibility of considering all matters relating to Gender, Youth, Sports, Culture and Social Services sector at the Council of Governors. It looks at the institutional structures and related laws, frameworks, policies and programmes on the above sectors.

The committee has mandate to coordinate intra and inter agency and governmental consultations on sector issues, including existing and evolving sector policies, legislation, regulations and programmes; coordinate and harmonize CoG views and perspectives on Gender, Youth, Sports, Culture and Social Services matters; create forums for sharing of emerging issues and best practices, provide a platform to share ideas on how the lessons from past challenges can inform future proactive sector management strategies and solutions; provide a platform for review and mainstreaming of Gender, Youth, Sports, Culture and Social Services programmes, within respective County Integrated Development Plans (CIDPs); provide a framework for the review and mainstreaming development partners engagement and support to County Governments on sector management issues;

The Committee is supported by the COG Secretariat under the CEO. It develops and maintains a variety of resources on sector issues including analysis of policies, draft legislations, emerging issues, and trends; briefs, press statements and memoranda; collects information and data from county governments on various aspects and develops relevant information products to support its mandate; holds sectoral forums with CECMs, Chief Officers and Directors to share on matters related to the sector; attends and actively participates in the quarterly Intergovernmental Forum for Gender, participates in relevant interagency coordination committees, technical working groups, and task forces and champions Gender, Youth, Sports, Culture and Social Services matters relating to counties; offers a platform for peer consultation, sharing of best practices, experience, and learning through capacity building opportunities (trainings, workshops and seminars) for Counties; solicits views from counties through various mechanisms including –caucuses meetings and forums, regular and ad-hoc meetings, emails, letters as well as other tech platforms; on a need basis appears before parliament to present memorandum on specific issues (proactively and retroactively upon summons); facilitates intercounty meetings (regional blocks or otherwise) for consultations on specific issues; and works closely with other COG committees including Administration, Communications, Finance Committee, Finance Internal, Human Resource Committee, Environment, Urban Planning, Education, Blue Economy, Procurement, Legal Unit, Maarifa Center – Knowledge sharing platform, ICT, Resource Mobilization among others.

3.2.1.1 Catalytic Resource Mobilization for the Committee and for Counties

The Council of Governors through the Committee advocates for adequate resourcing for County Governments for effective service delivery. This is achieved through:

- Advocating for adequate resource allocation to the County Governments;
- Lobbying and advocating for equitable share to Counties in the spirit of inclusivity;
- Resource mobilization from the development partners to complement the limited resources that are available for better implementation of reforms in the sector.
- Providing a framework for the review and mainstreaming development partners engagement and support to County Governments on sector management issues.

3.2.2 Inter-county agreements and resource sharing

The constitution establishes forty- seven counties but Article 189(2) envisages intercounty sharing of resources, facilities, and services and therefore provides for the possibility of formation of joint committees and joint authorities of two or more counties through which they can cooperate and perform their respective functions. Many counties have already organized themselves into regional economic development blocs such as the Frontier Counties Development Councils; the North Rift Economic Bloc; the Lake Region Economic Bloc; Jumuia Ya Kaunti za Pwani; South-Eastern Economic Bloc; and the Mt. Kenya and Abardares Region Economic Bloc through which counties can seek to share some services to reduce the costs involved in delivery of services.

3.2.3 Intergovernmental Dispute Resolution Mechanisms and experiences

The intergovernmental relations act of Kenya 2022 elaborately explains the ideal mechanism that needs to be followed to solve intergovernmental and intercounty disputes across the sectors. Ideally, conflicts arise due to bridging agreements of memorandum or when there is little or no understanding on issues and matters. The act guides that both levels of Government shall take all reasonable measures to resolve disputes amicably and exhaustively. The law advocates for the use of alternative dispute resolutions as the first approach, where an agreement between the two parties can not suffice there is a provision to proceed to court as guided by the constitution of Kenya article 189(3) and (4).

3.2.4 Other Key Institutions in Intergovernmental Space

The constitution and legislation also envisage and provide for other key institutions that play a critical role in intergovernmental relations that support county governments in the delivery of the sector services.

a) The National Treasury

The National Treasury is one such key institution whose mandate and decisions on financial matters fundamentally affect the sector services. The National Treasury plays a critical role in the division and allocation of revenue raised nationally between national and county governments, and among the 47 counties; determination of conditional grants by national government, transfer of funds to county governments; management and transfer to county governments of donor grants and loans for specific purposes; and the overall regulation of county financial matters.

For these reasons it is imperative that officials such as the COG GYSCS Committee, CECMs and Chief Officers for GYSCSS cultivate good working partnerships with the National Treasury, and also familiarize themselves with the procedures of the workings of the National Treasury as well as the timelines for the performance of certain activities relating to finances. They must also familiarize themselves with the various circulars and guidelines which the National Treasury issues from time to time.

A good example is a clear understanding of the concept of conditional grants which are additional allocations given to county governments by the national government with conditions imposed by the national government that limit the discretion of county governments in spending the money by imposing certain restrictions on how the money is to be spent. Conditional grants can be transferred to county governments from the National Treasury directly; through line ministries, through national government entities. Monies allocated to counties as conditional grants include grants and loans from donors which go through the National Treasury. Failure to comply with the conditions may lead to the withdrawal of the funds especially if they are donor grants or loans.

b) The Ministry of Devolution

The constitution assigns the National Government the function of support and capacity building for the county governments. Section 121 of the County Governments Act also assigns the Ministry of devolution jointly with the relevant counties identifying the counties with specific capacity deficits and supporting such counties to build their capacity and or building the capacity for them to enable them undertake and perform their constitutional functions. Previously capacity building has been understood from the narrow perspective of human resources capacity to the exclusion of infrastructure capacity that can enable

county governments to take over all their constitutional functions. The Sixth Schedule envisages that the national government should build capacity of county governments to enable the transfer of devolved functions to them.

c) The Legislature at the National and County Level

The legislative arms at the National and County levels of government are also critical players in the delivery of GYSCSS services and county departments ought to cooperate and collaborate with the departmental committees for sector in the Senate, National Assembly and County Assemblies for purposes of effective and efficient delivery of services.

d) The Senate Departmental Committee on Gender, Youth, Sports, Culture and Social Services

The Departmental Committee on Labour and Social Welfare considers all matters relating to manpower and human resource planning, gender, culture and social welfare, youth, National Youth Service, children's welfare, national heritage, betting, lotteries, sports, public entertainment, public amenities and recreation.

e) The National Assembly Departmental Committee on Gender, Youth, Sports, Culture and Social Services

The Labour and Social Services committee oversees labour relations, man power or human resource planning, gender, youth, social welfare and security, children's welfare, National Youth Service, the elderly and Persons with Disabilities (PWDs). The committee on sports, culture and Tourism oversees sports, culture, language, arts, National Heritage, betting and lotteries, tourism and tourism promotion management.

f) The County Assemblies Departmental Committees on Gender, Youth, Sports, Culture and Social Services

County Assemblies are also organized into departmental committees including the Committee on Gender, Youth, Sports, culture and social services through which they discharge some of the mandates. In this respect the county Assemblies Committee on Gender, youth, sports, culture and so have responsibility to investigate, inquire into and report on all matters relating to county sector; study the programmes and policy objectives of the sector and the effectiveness of implementation; study and review all county legislation referred to it; assess the success of the county departments of Gender, Youth, sports, culture and social services on the basis of results achieved compared to the stated objectives and take appropriate action including making recommendations. County departments of Gender, Youth, Sports, Culture and Social services need to closely work with and lobby this committee to secure adequate financing and passage of proposed legislations that seek to improve the sector financing.

CHAPTER 4

COUNTY PLANNING AND SERVICE DELIVERY

4.0 Introduction

The chapter focuses on getting the county sector leadership team to fully understand their delegated authority in managing the Gender, Youth, sports, culture and Social Services sector at the county level from a financial administration and accountability perspective. The County Leadership teams must understand the framework in which planning and budgeting decisions in the sector service delivery at county level are made, their responsibilities and how best county resources can be used to achieve impact.

Learning Objectives

- Understand the planning, budgeting and financing processes at the County Government level.
- Understand the tenets of Gender responsive Budgeting.

This Chapter, therefore, provides an overview of key Gender, Youth, Sports, Culture and Social services delivery considerations in terms of county planning, performance management, intercounty programs and partnerships, lessons on the design and organization of county sector service delivery structures including aspects such as citizen engagement, public participation, and decentralization.

4.1 Sector Planning and Financing

County planning is a key aspect of the development process. Proper planning ensures that counties use limited resources wisely to address the significant sector needs of the citizens. Under Schedule 4 of the Constitution of Kenya, the responsibility of county planning and development is vested in county governments. County governments are thus expected to decide beforehand what will be their short-, medium- and long-term sector priorities. The process of arriving at those priorities should be one that fully incorporates meaningful public participation. All county Gender, Youth, Sports, Culture and Social Services plans are to be generated by the county executive with the approval of the county assembly

Gender, Youth, Sports, Culture and Social Services planning is the orderly process of defining the above sector problems, identifying unmet needs and surveying the

resources to meet them, establishing priority goals that are realistic and feasible and projecting administrative action to accomplish the purpose of the proposed programs.

4.1.1 Principles of County Planning

- Integrate national values in all processes and concepts
- Protect the right to self-fulfillment within the county communities and with responsibility to future generations
- Protect and integrate rights and interest of minorities and marginalized groups and communities
- Align county financial and institutional resources to agreed policy objectives and programmes
- Engender effective resource mobilization for sustainable development and equity in resource allocation within the county
- Serve as a basis for engagement between county government and the citizenry, other stakeholders and interest groups.

4.1.2 Objectives of County Sector Planning

- Ensure harmony between national, county and sub-county sector planning requirements
- Maintain a viable integrated system for a functioning county Gender, Youth, Sports, Culture and Social services system
- Develop the human resource capacity of the county.

4.1.3 County Planning Framework

The county planning framework is organized into four types of plans namely: The Integrated County Development Plan; County Sectoral Plans; Annual Work plans and the County Performance Plan. County sector planning is to be facilitated by the county planning unit. The responsibilities of the county planning unit include: -

- Coordinating integrated development planning within the county;
- Ensuring integrated planning within the county;
- Ensuring linkages between county plans and the national planning framework;
- Ensuring meaningful engagement of citizens in the planning process;
- Ensuring the collection, collation, storage and updating of data and information suitable for the planning process
- Ensuring the establishment of a Geographic Information System (GIS) based database system



Reflection

The ultimate goal for the planning and budgeting processes at county level is to contribute towards a more efficient, responsive and accountable county department. As the new leader how would you envision a future and translate the vision for the county sector into goals, objectives, strategies, tactics and give thought to resource allocation mechanisms?

4.1.4 County Governments Plans and what this means for the Gender, Youth, Sports, Culture and Social Services Sector

Planning at the county level is integrated with efforts of national and devolved government, and other relevant stakeholders coordinated at the local level. The planning framework integrates economic, social, environmental, legal, and spatial aspects of development to produce a plan. The plans are aligned to national plans such as the Kenya Vision 2030, its Medium-Term Plans, and the National Spatial Plan as well as to international commitments such as the Sustainable Development Goals.

In addition to CIDPs, the counties should have the following: County Sectoral Plan (10 years); County Spatial Plan (10 years); and Cities and Urban Areas Plan (5 years) among other plans. While all the counties have County Sectoral plans in place, the development GIS-based County Spatial Plans were included for the first time in the 2018-2022 CIDPs. Notably, there is also no evidence on the availability of the Cities and Urban Areas Plan in the CIDPs. Integrated Urban Development Plans (IUDP) are ideal tools for guiding strategic urban investments at the county level

a) County Integrated Development Plan

Section 102(h) of the County Governments Act, 2012, mandates the county governments to provide a platform for unifying planning, budgeting, financing programs, implementation, and performance review. Section 108 requires county governments to prepare 5-year County Integrated Development Plans (CIDPs) and the annual county budgets to implement them. There is evidence of preparation of CIDPs as all of the 47 CIDPs (2018 – 2022) are available at the Council of Governor's

official website. Planning and budgeting activities at the county level are guided by the CIDPs.

Integrated development planning is defined as a process through which efforts at the national and devolved levels of government and other relevant public institutions are coordinated at the local level and through which economic, social, environmental, legal and spatial aspects of development are brought together to produce a plan that meets the needs and targets set for the benefit of local communities. Each county develops a five-year county integrated development plan which shall have clear goals and objectives; an implementation plan with clear outcomes; provisions for monitoring and evaluation and clear reporting mechanisms among the other aspects.

A County Executive Committee may by a resolution introduce a proposal to amend the county integrated development plan. The proposed amendment shall be considered and approved or rejected by the County Assembly in accordance with its standing orders. While considering the amendment, cities and urban areas within the county and neighboring counties affected by the amendment shall be consulted and their comments taken into account before a final decision on the proposed amendment is reached.

b) County Sector Strategic Plans

A county department shall develop a ten-year county sectoral plan as a component part of the county integrated development plan. The county sectoral plan shall be programme based. It shall be the basis for Budgeting and Performance Management. Sector Strategic plans shall be reviewed every five years and updated annually by the county executive and approved by the county assembly.

c) Annual Work plans

An Annual Work Plan (AWP) is a document to operationalize the aspirations set in the Sector Strategic Plan. The Annual Work Plan outlines the service delivery priorities for the sector for the financial year. It sets out the Gender, Youth, Sports, Culture and Social Services sector priorities, targets, programmes, activities and annual resource allocation. As an operational document, it guides County teams on what they are planning to achieve within a year. The teams identify the challenges, set priorities and propose possible interventions in the AWP.

d) Performance Management Plan

The performance management plan facilitates the assessment of performance of the county public service and the implementation of county policies. The performance management plan for this sector therefore provides the platform to match all performance contracting commitments to the indicators of development

established in the sector plans. That way there is clarity of who does what in ensuring success of the sector plans.

4.2 County Budgeting and Sustainable Financing

The budget identifies sources of revenue and allocates expenditures to the various sectors of the economy. It is the means through which a county mobilizes resources and allocates them to competing needs. The budget is also the means through which the county governments convert evidence based policy goals into actions on the ground. As part of public finance, the budget allocation process is key to the government's roles of sharing and redistribution of income. Finance follows function. With devolved governance, government functions have been divided between the national government and County Governments. Gender, Youth, Sports, Culture and Social Services are shared functions of both levels of government. This therefore means that adequate resources should be provided to ensure effective performance of the functions.

Sustainable financing is a term that attempts to ensure predictability and continuity of the sector financing, and even a gradual increase in the sector financing to achieve globally accepted funding levels within the sector. The way forward to achieve sustainable financing includes increased and predictable funding from the central government, increased self-generation of income in the counties, strict budget and expenditure control, including ring fencing of funds and zero-tolerance of corruption, and adequate county budgetary provisions for Gender, Youth, Sports, Culture and Social Services.

4.2.1 Stages in County Budgeting

Budgeting at the county level begins with the integrated development planning process, which involves planning and establishment of financial and economic priorities for the county over the medium term. The budget process starts with the issuance of guidelines to be followed by all the county government entities in preparation of the budget. This is then followed by the making of estimates of the county government's revenues and expenditures.

Once this is done, the county adopts the County Fiscal Strategy Paper before preparing the estimates for the county government which are then submitted to the County Assembly to scrutinize the votes in the estimates before approval by County Executive Committee for Finance, and should be submitted by the end of April annually. This will include the budget estimates and the appropriations Bill. Once approved, the county assembly enacts an appropriation law and other laws required for the implementation of the budget after which implementation begins.

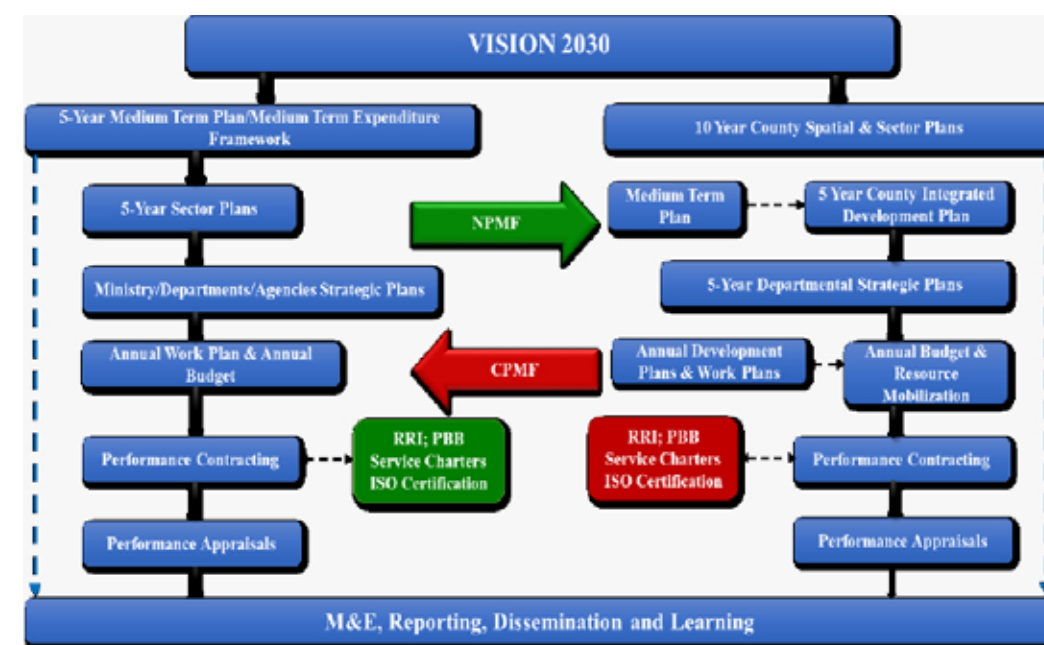
4.2.2 County Budgeting Cycle and Timelines and What this means for the Sector

Section 125 of the Public Finance Management Act, 2012 provides the procedure to be followed in the budget making process at the county level as outlined below

Table 13: County Planning and Budgeting Cycle

ACTIVITY	DEADLINE
Release of the Budget Circular by the National Treasury	31st August
Development of the County Budget Review and Outlook Paper (CBROP) to provide indicative ceilings	30th September
Preparation of the Sector Working Group (SWG) Reports by department	30th November
Preparation of County Fiscal Strategy Paper (CFSP)	28th February
Preparation of expenditure estimates, submission to treasury for County Assembly approval	30th April
Approved budgets ready	15th June

Figure 3: Summary of the County Planning Framework



4.2.3 Public Participation

Public participation is the process of engagement in governance, in which 'people participate together for deliberation and collective action within an array of interests, institutions and networks, developing civic identity and involving people in governance processes. The importance of public participation in the sector cannot be overstated. It ensures inclusivity and transparency in the county governance processes with the public. This ensures county governments are responsive to the people's needs and increases the legitimacy of the county government's sector decisions. Further, at the individual level, public participation increases patriotism and trust in the County Government. This in turn increases social inclusiveness and social capital making public participation a process and not a single standalone event.

To promote public participation, in the devolved system of government, the County Government Act, the Public Finance Management Act and the Urban and Cities Act have called for public participation in drafting new legislation, determining budget priorities, ensuring the public sector performance and expenditures are reviewed and submitting grievances. In addition, county governments have been tasked with ensuring that the public receives information for public participation, setting in place structures and mechanisms and guidelines for public participation and also providing an annual report on public participation to the County Assembly. Unfortunately, the presence of legally binding rules for public participation has not translated into meaningful practice. The Women, Youth and PWDs have yet to be meaningfully engaged and hence its incumbent upon the new county leadership teams to ensure their inclusion in all county development processes.

In a recent Assessment of implementation of County Public Participation and Access to Information with a Gender Perspective carried out by the Council of Governors with support from UN Women established that although public participation by women, youth and PWDs has improved in the previously marginalized regions, disparities across the Special Interest Groups still persist. The counties with a high poverty index, and sparsely populated are grappling with implementing territorial based approach which means inclusive process whereby local communities, people and their organization are the drivers in decision making, hence making the process more structured, and efficient.

The assessment recommended the need for further decentralization to the village level, be as a complementary to the already existing National Government Coordination Framework using village elders and nyumba kumi or a separate mechanism by the County. This low level will help provide spaces to identify and communicate the needs and priorities of women, PWDs, the minority and marginalized groups from within each village to the already existing ward level

structures. It was also recommended that the County governments develop comprehensive civic education and public engagement strategies tailor made for women, PWDs, the minorities, the marginalized and other special interest groups in conjunction with the CSOs and other partners operating in the counties such as Makueni Civil Society Network. Further, there is an acute need for critical public information on public policy and practice especially in the remote and sparsely populated areas and thus a need for policies that will address the gap between meeting the minimum legal requirements of public participation and achieving meaningful participation that reflects the spirit of the new Constitution.

Key areas of public participation in the county sector include: -

- i. Sector Planning and Budgeting making Process
- ii. Service Delivery
- iii. Stakeholder Forums
- iv. County Budget Economic Forum
- v. Sector Working Groups

Public participation affords county governments an opportunity to empower the public on their operations and to deliberate, debate and influence the allocation of public resources with the aim of improving county governments performance, strengthening social equity, reducing government inefficiencies and making county governments become more responsive to citizen's needs and preferences.

4.3 Sector Performance Management

Performance Management over time has primarily focused on the Industrial sector where it is regarded as an important driver, or at least, as a trigger for understanding organizational performance in order to better fulfill the strategic targets.

The development of performance indicators is a powerful tool to promote organizational learning and improve the internal climate and inter county collaboration. They are important mechanisms for carrying out benchmarking exercises in counties in order to improve quality and efficiency. Decision makers at county level continue to suffer from a lack of information and managerial tools to effectively plan and control the sector and deliver quality county services. The design of the PMS should purpose to support decision-making in the sector and therefore it should take into account the characteristics of the context within which it is developed because of the environmental variables in counties such as demographic, socio-economic, geographical and epidemiological factors as well as internal variables as the county departments capital and resource availability which strongly affect county service delivery and outcomes. Notably to successfully implement Performance Management, it is necessary to link the sector strategic planning with operational execution.

4.4 Intersectoral linkages

The sector is a cross-cutting sector and hence thrives through interlinkages especially with the other sectors. The contribution of other sectors is key in the success of the sector. In recognizing the multisectoral character of the sector, county governments must therefore prioritize the coordination of related activities in the sector. County Gender, youth, sports, culture and Social Services teams should collaborate with the other sectors so as to shape and influence positive outcomes in the sector. Such inter-sectoral linkages benefit from gender, youth and other unique perspectives in the development for example youth perspectives in climate change, or disability lenses in corruption, gender focused planning, age and gender desegregated data on care and protection, just to mention a few.

Table 14: Mainstreaming Gender, Youth and PWD issues within sectors

SECTOR	MAINSTREAMING OPPORTUNITIES
Health	Women and Youth Sexual and Reproductive Health issues (HIV/AIDs, access to cervical cancer and GBV related services, mental health, teen pregnancies, FP etc.)
Agriculture	How women and youth have been facilitated to participate in Agriculture and agricultural value chains (e.g., through programmes like the Climate Smart Agriculture, Agribusiness Programme, etc.)) and how women, youth and PWDs are leveraging on ICT and innovation in agriculture, particularly for youth, as an opportunity
Education	-Achieving Gender parity in Education -Role of TVET in youth skilling and increasing employability
Water, Forestry and Natural Resources	-What has been done to enhance equal access and governance of the natural resources -How attention has been paid to the different needs and priorities of men and women and the disparities between them when it comes to rights and natural resources.
Finance, Planning and Economic Affairs	-Evidence based Gender and youth responsive budgeting and planning
Resource Mobilization and partnerships	-Mobilizing resources around key priority strategies on the distinct needs of girls, boys, women, and men.
Legal, constitutional Affairs and Intergovernmental Relations	-Equality provisions as provided for in the constitution -Development of youth and Gender responsive policies -Establishment of gender sector working groups and coordination mechanisms at national and county level.

Human resources and labour	-Ensuring that there are adequate and equal opportunities for appointment, training and advancement including for women and youth, at all levels of the public service (e.g., bring out the issue of the two-thirds gender rule) -Ensuring public service boards are inclusive in their operations
Energy, Roads, Transport and Infrastructure	-Gendered impacts of large-scale investments in the sector -Gender responsive infrastructure designs -Role of the sector in addressing youth unemployment
Trade, Industry, Manufacturing and Enterprise Development	-Facilitation of the women and Youth owned MSMEs
Land Housing and Urban Development	-Land governance interventions including access to property rights -Urban Governance and Management including inclusion in the city and Municipal Boards and Town committees -Social housing programmes and -Socio-economic interventions such as labour intensive kazi mtaani programmes -Preparation of physical land use plans, programme and project designs
Environment and Climate Change committee	-Involvement of women, men and the youth in tackling climate change and environmental conservation -How mitigation and adaptation efforts systematically and effectively address gender-specific impacts of climate change -Opportunities for women and youth in the FLoCCA
Tourism and Wildlife	-Ensuring Gender equality and youth empowerment in travel and Tourism
ASAL	-Ensuring investment in and implementation of a gender-transformative approach to disaster preparedness, response, and recovery activities
Blue Economy Committee	-Opportunities for women and Youth in Blue Economy
ICT	-Strengthening usage of digital solutions among youth in the counties to enhance employability and Promoting women's access to ICT
Procurement	-Ensuring implementation of AGPO

4.5 Gender Responsive Planning and Budgeting

Effective and meaningful planning must provide for and respond to the diverse needs of different sections of the population. Gender planning refers to the process of planning and designing the implementation phase of policies, programmes, or projects from a gender perspective.

Adopting GRB does not mean that governments create a separate budget for women and men. It means that governments explicitly consider potential gender impacts when designing, implementing, monitoring, and evaluating budget policies. Gender responsive budgeting aims at mainstreaming gender into public finance by integrating a gender perspective into all steps of the budget process; planning, budget allocation, implementing and monitoring/evaluating and reporting to ensure that budget policies take into consideration the gender issues in society.

4.5.1 GRB Legal Framework in Kenya

In Kenya, there is an existence of legal and policy framework as well as guidelines to adopt and implement GRB, on a sustainable basis, and to pursue gender equitable allocation of resources:

- The 2010 Constitution (especially Chapter 4 on the Bill of Rights)
- The Public Financial Management Act (2012)
- The Sessional Paper on Gender Equality and Development
- Guidelines for Gender Responsive Budgeting (GRB) in Kenya 2014

All the above provide the legal and policy framework for gender mainstreaming in policy, planning and programming in general and in the public financial management system

The availability of sex-disaggregated data is fundamental for gender responsive budgeting. Without sufficient data, meaningful analysis is very difficult. For a country to have sex-disaggregated data, all data relating to individuals should be collected, presented and analyzed in a sex-disaggregated manner.

4.5.2 Importance of Gender Responsive Planning/Budgeting

- To achieve the constitutional vision of a non-discriminatory society and gender equality
- Gender Responsive Budgeting is a tool for increasing accountability and accelerating the implementation of commitments to Gender Equality and human rights
- To promote inclusive growth and development and achieve country development goals
- Better data collection: the requirement for sex-disaggregated data and gender analysis of budget programmes can significantly contribute to the

ongoing collection of data about budget programmes and their results.

- Improved indicators for budget programmes: GRB work usually contributes to better performance indicators and understanding of programme results, and introducing gender indicators enables the monitoring of budget programmes' impact on men and women and different social groups.
- Improved efficiency, by ensuring expenditure benefits those who need it most (as assessed in gender budget analysis).
- Improved monitoring of the achievement of political goals, namely those ensuring gender equality.
- Improved budgetary decision-making processes, by engaging a wider range of society's interests and improving their capacity for budgeting and policymaking.

4.5.3 Challenges in Gender Responsive Budgeting

- Budget practitioners at both national and county levels do not have a comprehensive understanding of GRB. Even though Kenya has GRB guidelines for use at county and national levels, there are not known and utilized.
- Lack of gender policies and gender action plans to guide the implementation process.
- Low participation of special interest groups in public participation and the budget making process
- Lack of evidence or gender disaggregated data to support gender responsive budgeting
- Inadequate capacity and skills of the budget makers to ensure that budgets are gender responsive
- Lack of proper coordination between the planning departments and other departments
- Inadequate budgetary allocations determined by budget ceilings
- Poor understanding of the concept of gender across all actors

4.6 Key inter-county programs in the sector

- The key intercountry programmes in the sector include:
- Sports activities e.g., Kikosca games, KYISA
- Talent completions
- Innovation challenges
- Talent completions

Lessons learned on design and structures for delivery of sector functions

- Need for more inclusive and synergetic efforts amongst stakeholders in the sector

- Need for increased allocation and funding towards the sector
- Development and operationalization of sector policies
- Need to adapt international recommendations and best practices on the sector
- Need for more practical oriented curriculum on sports and physical education
- Over time counties have had some key staff positions supported through the National Government Programs which has caused contention and duplication of roles and hence the need for streamlining of the sector.

4.7 Knowledge management and information sharing

Knowledge Management (KM) has become an integral part of performance and service delivery in the public service. KM involves identifying, capturing, evaluating, retrieving, documenting, storing, packaging and ultimately disseminating knowledge assets. These could be in the form of research and case studies, data, project and activity reports, annual reports, policy documents (strategies, laws, regulations, guidelines, etc.), policy briefs and position papers, publications and databases.

With devolved units being closer to the citizens, the demand for quality, accessible and affordable services has increased. This has triggered innovation and application of sustainable solutions towards service delivery at the County level. It is important for a County to document the best practices and innovative solutions that they have adopted and are implementing. This is aimed at the following:

1. Influence performance and keep the County Government accountable to its citizens;
2. Harness institutional memory in the respective County's institutions;
3. Enhance inter-County knowledge exchange (peer to peer learning); and
4. Facilitate effective communication within the County and with external stakeholders.

CoG is aware that knowledge is increasingly being recognized as a core strategic asset in good governance, and this calls for a structured and systematic mechanism of capturing and sharing knowledge at the CoG level and also at the County level. Further the mandate of the CoG under section 20(b) is to promote sharing of information and best practices amongst Counties. It is with this understanding that the Maarifa Centre was established.

Maarifa Centre serves as a knowledge hub for innovations and success stories emerging from the 47 County Governments in the course of performance of their functions. It serves as Kenya's premier knowledge sharing and learning platform and conducts peer-to-peer learning activities among Counties. To solidify KM

practices at the County level, Maarifa Centre developed a short Handbook for County Governments on Knowledge Capturing and Sharing that provides steps and standard templates for Counties interested in KM. The Centre has further proposed a model County KM Office aimed at guiding Counties who wish to institutionalize KM. The best practices and innovations documented from Counties on service delivery and other publications can be accessed at: <https://maarifa.cog.go.ke>

Table 15: Key Best Practices in the Sector

COUNTY	INTERVENTION	IMPACT
Kakamega	Offering pro-bono legal services to SGBV survivors to ensure timely Access to Justice	The County aims to fight SGBV by taking legal actions against those involved in the illegal acts and offering free legal services for survivors who cannot afford lawyers. With SGBV desks in the County hospitals and legal offices in the shelters, the County gets information on the cases immediately. Civic education has been carried out in all clinics to sensitize staff on the importance of reporting rape cases and avoiding tampering with the evidence before investigations are carried out.
Mandera	Greening Mandera Project	The County through the Urban Planning department has employed approximately 1500 mostly vulnerable women and youth to grow and nurture trees. They get a monthly stipend which has led to improved standards of living
Kilifi	Construction of the state-of-the-art New Born Unit	The unit has significantly reduced maternal and new born deaths as well as reduced the cost of maternal healthcare. It also reduced use of unskilled birth attendance
Isiolo & Tana River	Establishment of elaborate youth innovation centres	The counties have established innovation centres in collaboration with development partners which are Centres of Excellence Providing Safe Spaces for Youth Talent, Skills and Competency Development for Improved Livelihoods
Makueni County	An effective public participation model	This has ensured effective and meaningful involvement of the community including the women and youth in development processes

Nyamira	Nyamira county provides free medical insurance to vulnerable families	The targeted needy families from different sub-counties in Nyamira got free health cover from the County Government after submitting the details for registration to the selected centres. This strategy is aimed at ensuring that all households have medical cover and that the intervention will encourage older people to get frequent check-ups for most illnesses connected to old age. Free medical services provided by the medical cover are also expected to ensure that both expectant mothers and newborns get the needed services during, before and after birth.
Migori	Establishment of a pioneer gender-responsive Covid-19 isolation centres	This was meant to increase effort towards the provision of social protection. Migori County's treatment centre, being gender-responsive successfully managed to mitigate exposure to social risks during patients' stay in the isolation centre that have disproportionate negative impacts on women and girls
Nandi & Makueni	Establishment of Grievance Redress mechanisms	A grievance redress Mechanism is an instrument through which complaints that are negatively affecting the activities of a particular project are received from individuals or groups, processed and feedback is given to the complainants. It facilitates the tracking of citizen petitions. Once a complaint reaches this desk, it is screened so that it can be directed to the office best placed to handle the grievance

coordinate and harmonize CoG views and perspectives on Gender, Youth, Sports, Culture and Social Services matters; create forums for sharing of emerging issues and best practices, provide a platform to share ideas on how the lessons from past challenges can inform future proactive sector management strategies and solutions; provide a platform for review and mainstreaming of Gender, Youth, Sports, Culture and Social Services programmes, within respective County Integrated Development Plans (CIDPs); provide a framework for the review and mainstreaming development partners engagement and support to County Governments on sector management issues.

Support from the Council of Governors' Committees

The Council of Governors is made up of 18 committees. The Council of Governors is an intergovernmental body formed under section 19 of IGRA (2012). It is composed of Governors of the forty-seven (47) County Governments. Subject to Section 20 (3) of the IGRA, CoG may establish sectoral working groups or committees for the better carrying out of its functions. In this regard CoG operates through the eighteen (18) committees among them is the Gender, Youth, Sports, 5.16 Culture and Social Services committee. It coordinates youth issues at the County level.

This Committee has the responsibility of considering all matters relating to Gender, Youth, Sports, Culture and Social Services sector at the Council of Governors. It looks at the institutional structures and related laws, frameworks, policies and programmes on the above sectors. The committee has mandate to coordinate intra and inter agency and governmental consultations on sector issues, including existing and evolving sector policies, legislation, regulations and programmes;

CHAPTER 5

SUCCESSSES, CHALLENGES AND EMERGING ISSUES IN THE SECTOR

5.1 GENDER

5.1.1 Key Sector Successes

- a) A progressive constitution with expansive gender equality provisions including on the basis of gender. Article 27 of the Constitution prohibits gender discrimination, provides for equality in the family, protection of the inheritance rights of spouses, protection of the rights of women to the matrimonial home and gender equality in all elective and appointive positions. In essence, this means that all political, property, labour and socio-economic rights apply to women as much as they do to men.
- b) Development of the Gender Sector Statistics Plan (GSSP 2019/20–2022/23) which is part of the Kenya Strategy for the Development of Statistics (KSDS) besides the Gender chapters in the Economic Survey (2020 and 2021).
 - Operationalization of the Inter-Agency Gender Statistics Technical committee (IAGSTC) which CoG is a member. The committee provides oversight in the production and validation of gender statistics
- c) Production of County Gender Datasheets (2019) to track progress on gender equality and women's empowerment at the county level; development of the Women Empowerment Index (WEI 2020), which sets a baseline to monitor government progress towards the achievement of gender equality and empowerment of all women and girls
- d) Adoption of gender mainstreaming as a key planning tool both Nationally and at the County Level
- e) Development of the Kenya Comprehensive Poverty Report (2020), which is Kenya's first attempt to measure 'both monetary and multidimensional poverty in a comprehensive manner, including the factors associated with poverty for different population groups at National and County Levels
 - Development of the first ever Women Empowerment Index (2020) which is the first measure of women's empowerment across socio economic domains at National and County level in Kenya
- f) Development of the Kenya SDGs Gender Factsheet which provides precise

information to the Kenya National Statistical System (NSS) on the SDG gender-related indicators

- Development of the strategy for the implementation of SDG 5 (2020-2025) which identifies actions that require to be undertaken to position the country on the fastest and most reliable trajectory for the achievement of SDG 5.
- g) Carrying out of the first ever Time Use Survey (2021) to track and report on SDG indicator 5.4.1 on the proportion of time spent on unpaid domestic and care work, by sex, age and location.
- h) Various strategies have also been employed to enhance women's representation in leadership. They include development of a National Strategy for Supporting Greater Participation of Women in Elective Politics; a training curriculum on women's leadership that has been institutionalized in the Government's training institutions; development of Consider adding the development of the Women in Political Leadership Training Module (2021) launch of a democracy fund for women; media engagement on women's leadership; as well as, mentorship programmes at the higher learning institutions.
- i) Institutionalization of the National and Sub-National Gender machinery including the establishment of a fully- fledged state department for Gender and National Gender and equality commission to champion for mainstreaming of gender issues in government planning processes as well as the establishment of County departments for Gender.
- j) Institutionalization of affirmative action programmes including the Women Enterprise Fund, Uwezo Fund, National Government Affirmative Action Fund, AGPO among others that have really gone a long way in ensuring women's socio-economic empowerment
- k) Gender Based Violence recovery centres- Counties have intergrated the Gender Based Violence Recovery Centres within the health facilities for improved response to GBV cases.
- l) Development of Gender responsive policy and legislation- Currently, 11 Counties have in place operational GBV policies. Further, 15 counties have operational Gender policies while 20 are in different stages of policy development.

5.1.2 Emerging Issues/Challenges

- Actualization and implementation of the constitutional two-third gender rule remains slow and minimal especially at the national level
- Cross-border FGM especially along the borders of Kenya and other countries
- Increased incidences of femicide in the Country
- The rise in all forms of GBV and teenage pregnancy

- Inadequate and unreliable sex desegregated data
 - Slow pace in development and finalization of legal and policy frameworks
 - Under resourcing of County Gender departments
 - Low levels of coordination and synergy amongst sector players
 - Disproportionate impact of climate change on the Women
 - Inadequate integration of gender responsive budgeting in public finance management reforms
 - Inadequate Gender statistics
 - and persistent discriminatory cultural norms and practices e.g. FGM, forced early marriages
 - Weak enforcement of the law against FGM and persistent, resistant, and discriminatory social cultural norms that perpetuate the practice such as FGM, forced and early marriage and wife inheritance.
 - Under-valued women's contribution to the economy [the Care Economy]. The national system of accounts does not take into consideration the contribution for Unpaid, Domestic and Care Work which are majorly done by women.
- m) Insufficient financial and human resources for gender mainstreaming and women empowerment at the County Level.
- Inadequate facilities to cater for children with special needs and lack of integrated National Children's database.

5.2 YOUTH

5.2.1 Successes in the Youth Sector

- Establishment of youth empowerment centres in all the counties
- Development of youth responsive policies
- Establishment of Access to Government Procurement Opportunities (AGPO) in 2013 to specifically enable youth to do business with government where 30 per cent of public procurement in the supply of goods and services in all ministries and departments are reserved for youth, women and persons with disabilities
- Launch of the Marshall Plan for Youth Employment and Development in March, 2008. The plan focuses on creation of immediate and medium-term youth employment opportunities. The Kazi Kwa Vijana Program was the main initiative under this plan and it aimed to create 500,000 jobs per year for youth in rural and urban areas in labor-intensive public works projects implemented by various ministries;
- Creation of attachment and internship opportunities
- Increase in the annual intake of youth to over 20,000 annually between 2013 and 2016, for the National Youth Service through the 5-point Vision;
- Implementation of the Kenya Youth Empowerment Programme (KYEP)

between 2010 and 2016 by the Directorate of Youth Affairs. This was a pilot programme under the World Bank where 20,000 youth were trained and placed on internships to enhance employability;

- The ongoing plan/intervention to train 280,000 youth between 2017 and 2022 through the Kenya Youth Employment and Opportunities Project (KYEOP) funded by the World Bank, and implemented by the Ministry of ICT, Innovation and Youth;
- Ongoing initiatives to enhance access to finance through the affirmative funds encompassing the Uwezo Fund, Women Enterprise Fund and Youth Enterprise Development Fund; - where youth can access low interest rate loans to start or expand their businesses.
- The rollout of the Big Four Agenda in 2017. In this plan, the Government will focus is on affordable housing; universal health care; manufacturing; and food and nutrition security. Investments in these sectors are likely to boost demand for labour and enhance youth employment and youth related service
- UN General Assembly in September 2015 adopted the 2030 Agenda for Sustainable Development that includes 17 SDGs; among others.

5.2.2 Challenges

- Wide spread unemployment and under employment among the youth in Kenya
- The challenge of high levels of youth inactivity: As indicated by the Kenya Population and Housing Census report (2019), there is a large inactive youth population
- Slow pace in development and finalization of legal and policy frameworks
- Under resourcing of County youth departments
- Inadequate access to sexual reproductive health services leading to increased prevalence in HIV/AIDS and sexually transmitted diseases among the youth especially in the informal settlements.
- Lack of coordination among stakeholders in the sector
- Youth labour migration: Many highly-skilled young people remain unemployed due to a lack of economic capacity to properly address the growing youth labour force. Often, they resort to taking jobs abroad and, in some cases, engage in vulnerable activities
- Skills shortages in the ICT labour market: According to employers in the country, while there seems to be a sufficient number of young graduates with technical vocational education and Bachelor's degrees in ICT, young workers appear to lack both technical and soft skills.
- Lack of collaterals and bureaucracies in accessing loans: Youth especially those from poor backgrounds have no collaterals to get finances from the financial institutions. The bureaucratic ways on the detailed proposals for the Government funds clearly locks away potential youth
- Inadequate access to sexual and reproductive health services

- Skills mismatch
- Increased mental health challenges amongst the youth leading to cases of depression, suicide, homicides and domestic violence.

5.2.3 Emerging Issues/Challenges

- Increased mental challenges among the youth leading to cases of depression, suicide, homicide and domestic violence
- Increased teenage pregnancies
- Increased cases of drug and substance among the youth
- Need to address the unique needs of out of school youth without any formal training background
- Exponential spread of HIV/AIDs and drug abuse
- Lifestyle diseases among the youth following popular culture including risky eating habits
- Climate change which has had a negative impact on the youth

5.3 SOCIAL SERVICES

5.3.1 Successes in the Sector

- Disability mainstreaming has been embraced both Nationally and at the County Level as a key tool for enhancing service delivery to PWDs disability inclusive mainstreaming
- Inua Jamii programme has supported the most vulnerable members of the community by providing them with a stipend to cushion them from poverty, hunger and with the aim of improving their lives.
- Community Mobilization, Development and Empowerment-there has been training and registration of self- help groups and Community Based Organizations
- Poverty and inequality rates have reduced in Kenya in recent years due to advanced social protection
- Bursaries have been advanced to the vulnerable students
- Establishment of safe spaces for the Women, Youth and PWDs

5.3.2 Challenges

- Slow implementation of the National Action Plan on Accessibility and Disability rights among the Ministries, Counties, Department and Agencies.
- Increase in the number of vulnerable populations who need social protection. This has been occasioned by life cycle shocks and risks, severity and frequency of occurrence of natural disasters (e.g., raising water levels in the lakes), drought, locusts and army worm invasion, COVID-19 pandemic, among others
- Lack of access to employment, social services and family care which increases the vulnerability of people with disabilities.

5.3.3 Emerging Issues

- Inadequate resources
- Inadequate and unreliable disaggregated data for vulnerable groups
- Limited access to social protection services especially in ASAL areas with poor network coverage
- Slow place in the development and finalization of Legal and Policy Frameworks
- Low levels of coordination and synergy amongst the sector players
- COVID-19 containment measures affected implementation of programmes
- Neglect and concealment of Persons with Disabilities
- Increase in the number of vulnerable populations who need social protection
- Increased cybercrime incidences eroding moral values
- Increased in mental health challenges in children, parents, care givers and families leading to unruly behaviors in the community

5.4 SPORTS

5.4.1 Successes

- Sports Act 2013 operation and PE policy operationalized
- As a result of the operationalization of the Sports Act 2013, several institutions have been established including Sports Fund, Sports Kenya, and the Kenya Academy of sports aimed at promoting sports development.
- Building of sports stadia in different counties
- Establishment of constituency sports academies
- Enhanced sports facilities in colleges More institutions of higher learning have launched academic programmes e.g., Masinde Muliro, Laikipia University, University of Eldoret, University of Nairobi Kenyatta University have instituted courses related to physical Education and training.

5.4.2 Challenges/Emerging Issues in the Sector

- Increased cases of doping in sports
- Misuse of sports funds
- Over-reliance on donor inputs
- Few sports for Peace and Development organizations
- Lack of result-generating regulations in the sports industry
- Unstable inter-organizational collaborations
- Little sports at the elite level
- Feuds among federations and charity organizations

5.5 CULTURE

5.5.1 Success

- Establishment of the National Museums of Kenya, National Heroes Council, Kenya National Library Service among others
- Integration of culture in development and activities related to awareness raising, activities on international cooperation and activities by civil society organizations on promotion of cultural and creative industries
- Development of policies and measures related to provision of enabling environment for enjoyment of culture as a basic fundamental human right

5.5.2 Challenges/ emerging issues

- Lack of official cultural statistics that has negatively affected fiscal and political decisions.
- Inadequate legislative and institutional framework to promote the cultural and creative cultural sector.
- Inadequate cultural infrastructure and spaces for cultural expression

Lack of awareness and non-appreciation on the role of culture in development by key policy makers.

5.6 RECOMMENDATIONS

- Need for continuous capacity building to increase awareness on gender mainstreaming.
- Enforce existing legal framework and institutional structures and target both women and men in the fight against retrogressive cultural practices such as FGM, GBV and early marriages.
- Enhance women's visibility through empowerment programs and women rights sanitization meetings
- Increase investment in the county cooperative fund, to support more women groups as a strategy for advancing women's economic empowerment
- Improve public participation and engagement of women and girls in county plans, policy making and in decision making.
- Enhance sensitization on government services such as Women Enterprise Fund (WEF), Uwezo fund and 30% procurement preference scheme - AGPO services.
- Prioritization of gender in County programs, not only when aligning to donor requirements on program implementation.
- There's an urgent need to enact relevant laws providing for the two thirds gender rule. Article 261(7) provides that if parliament fails to enact legislation, then the Chief Justice shall advise the President to dissolve Parliament and the President shall dissolve Parliament.¹⁵⁴

- There's need to create a strong Gender Department with adequate staff and budget provisions for enhanced gender mainstreaming and inclusive programming towards improved service delivery in all the County Departments
- There's need to develop and disseminate Gender Tools for Effective Gender Mainstreaming in Programming to enhance Implementation and Monitoring Progress and Reporting on identified Gender Indicators including Reporting on the Gender Performance Contracting indicators.
- Foster partnership and collaboration and coordination mechanisms for gender and inclusion support for accountability through adoption of a participatory gender action plan (GAP)
- Support youth engagement in environmental management for sustainable development;
- Promote and develop of entrepreneurial culture among the youth through access to subsidized loans, training, mentorship, internships, attachments, business incubation and partnerships and,
- Need for counties to prioritize the establishment of youth innovation centres

ANNEXES

Table 16: Participation of Women and Men in Selected Decision-Making Positions in the Public Service, 2020-2021

Decision Making Positions	2020				2021*			
	Female	Male	Total	% Female	Female	Male	Total	% Female
Executive								
National								
Cabinet Secretaries	7	14	21	33.3	7	14	21	33.3
Chief Administrative Secretaries	11	25	36	30.6	10	21	31	32.3
Principal Secretaries	9	32	41	22.0	9	32	41	22.0
Diplomatic Corps ¹	18	36	54	32.1	18	36	54	32.1
CEOs of Constitutional commissions and independent offices	7	8	15	46.7	7	8	15	46.7
Regional Commissioners	1	6	7	14.3	1	6	7	14.3
County Commissioners	7	40	47	14.9	6	41	47	12.8
Deputy County Commissioners	25	248	273	9.2	52	304	356	14.6
Assistant County Commissioners	417	852	1,269	32.9	627	1,178	1,805	34.7
Chiefs	399	2,875	3,274	12.2	436	2,870	3,306	13.2
Assistant Chiefs	1,593	6,206	7,799	20.4	1,714	6,335	8,049	21.3
County								
Governors	3	44	47	6.4	3	44	47	6.4
Deputy Governors	7	36	43	16.3	7	36	43	16.3
County Secretaries	5	42	47	10.6	5	42	47	10.6
County Executive Committee Members	142	292	434	32.7	145	291	436	33.3
Legislature								
National								
Senators	21	46	67	31.3	22	45	67	32.8
Members of Parliament	75	274	349	21.5	75	274	349	21.5
Speakers	0	2	2	0.0	0	2	2	0.0
Clerks	0	2	2	0.0	0	2	2	0.0
County								
Members of County Assembly	737	1,450	2,187	33.7	739	1,458	2,197	33.6
Speakers	4	43	47	8.5	4	43	47	8.5
Clerks	1	46	47	2.1	1	46	47	2.1
Judiciary								
Supreme Court Judges	2	4	6	33.3	3	4	7	42.9
Court of Appeal Judges	7	12	19	36.8	10	10	20	50.0
High Court Judges	58	89	127	45.7	65	82	147	44.2
Magistrates	252	222	474	53.2	257	226	483	53.2
Kadhis	0	52	52	0.0	0	52	52	0.0

Source: Economic Survey, 2022

Table 17: No. of Registered and Reporting Procurement Entities, Amount Reserved and awarded under AGPO 2017/18-2021/22

Category of Procuring Entities	2017/18			2018/19			2019/20			2020/21*			2021/22**		
	Number of Reporting Procuring Entities	Amount Reserved (KSh Million)	Amount Awarded (KSh Million)	Number of Reporting Procuring Entities	Amount Reserved (KSh Million)	Amount Awarded (KSh Million)	Number of Reporting Procuring Entities	Amount Reserved (KSh Million)	Amount Awarded (KSh Million)	Number of Reporting Procuring Entities	Amount Reserved (KSh Million)	Amount Awarded (KSh Million)	Number of Reporting Procuring Entities	Amount Reserved (KSh Million)	Amount Awarded (KSh Million)
Ministries/State Departments	28	19,674.8	12,618.0	35	15,048.3	13,535.3	29	5,279.7	5,213.4	33	6,374.9	5,065.7	42	7,648.8	6,541.7
State Corporations	83	33,471.7	8,424.4	97	29,132.9	10,350.3	182	32,720.2	9,950.0	117	30,941.0	18,876.9	149	34,035.1	24,557.4
Constitutional Commissions & Independent Offices	12	1,924.6	492.1	17	4,610.1	774.4	18	2,950.1	581.0	18	1,218.7	593.1	18	1,948.8	671.9
Universities & Colleges	29	1,734.0	804.0	31	1,715.5	1,290.2	56	3,649.2	1,453.9	45	2,346.9	1,997.1	57	3,755.2	2,409.8
County Governments (Executive)	9	6,542.2	3,405.0	10	6,644.7	4,152.9	30	16,321.6	5,408.4	40	23,261.0	8,334.2	51	32,531.6	9,905.6
County Governments (Assemblies)	6	265.6	51.1	6	473.3	36.6	11	740.3	206.7	19	1,120.6	438.5	24	1,690.0	544.4
Total	167	63,812.9	26,794.8	201	69,624.8	30,139.7	386	61,661.1	22,817.5	272	65,263.8	36,901.5	341	81,995.5	44,630.9

Source: Economic Survey, 2022

Table 18: Youth Enterprise Development Fund Loan Disbursements, 2017/18- 2021/22

Financial Year	Number of Beneficiaries			Amount Disbursed (KSh Million)	Amount Repaid (KSh Million)	GoK Grant (KSh Million)		
	Female	Male	Total			Development	Recurrent	Total
2017/18	31,386	47,079	78,465	549.2	509.2	76.3	291.5	367.8
2018/19	18,470	27,706	46,176	323.2	290.1	284.0	285.7	569.7
2019/20	27,048	40,573	67,621	473.3	247.2	335.3	209.3	634.6
2020/21*	36,096	48,780	84,876	580.7	520.0	30.0	299.5	329.5
2021/22**	42,498	56,388	98,886	730.0	600.0	130.0	324.1	454.1

Source: Economic Survey, 2022

Table 19: Women Enterprise Fund Loans Disbursement by Sector, 2018/19 - 2020/21

Sector	2018/19		2019/20		2020/21*		2021/22**	
	Number of Groups	Amount Disbursed (KSh Million)	Number of Groups	Amount Disbursed (KSh Million)	Number of Groups	Amount Disbursed (KSh Million)	Number of Groups	Amount Disbursed (KSh Million)
Agriculture, Forestry & Fishing	2,968	678.8	3,786	975.7	3,710	974.4	3,526	930.0
Manufacturing	405	92.6	149	27.9	137	32.5	73	31.0
Construction	175	40.1	141	27.9	122	32.5	89	31.0
Other Service Activities ¹	9,942	2,274.0	5,763	1,477.4	5,620	1,494.1	3,961	1,054.0
Table Banking ²			1,123	278.8	2,675	714.6	4,060	1,054.0
Total	13,490	3,085.5	10,962	2,787.6	12,264	3,248.0	11,709	3,100.0

Source: Economic Survey, 2022

FURTHER READS

- County Policy and Legislation Mapping Report
- Aga Khan Youth Survey Report of 2016
- Makueni County Public Participation Bill, 2014

REFERENCES

- CoK 2010
- Gender, Youth and Vulnerable groups MTP IV sector plan
- KNYD Policy 2019
- National Gender and Equality Policy
- Impact assessment of Devolution on Women and Girls Report
- MTP IV Status Update Report for the Gender, Youth and Social Services Sector
- KNBS Economic Survey Reports
- Kenya Law Reform Commission Website
- Maarifa Centre
- World Bank Devolution Report
- Guidelines for Gender Responsive Budgeting (GRB) in Kenya 2014



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