



HSF Gender Equality Report:

An Abstract of Assessment of HSF's Gender Equality Work 2019-2022

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Edited by: Damaris Kariuki & Daniel Seiberling



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Forward

Women empowerment and gender equality are considered a decisive factor in the future development of a country. Countries with greater gender equality see considerable gains, as they are often associated with improved development and economic indicators.

In recognition of this, Gender Equality was included as one of HSF's key portfolios with the aim of working towards the sustainable realization of gender equality in Kenya. This in accordance with Kenya's Vision 2030, where gender, youth and marginalized groups are considered vulnerable members of society. Further, the Constitution of Kenya (2010) provides a solid foundation for the work towards gender equality. In reality, there are still constraints to women's empowerment and meaningful engagement in society. These constraints include the limited political representation of women in governmental bodies and other key institutions, and the underrepresentation of women as voters.

Given this, HSF aims to provide support in generating a lasting and positive change regarding the structural and behavioral constraints that foster gender inequality. This is done by co-creating interventions aimed at inspiring sustainable gender equality results. Additionally, we promote gender consciousness and responsiveness internally, within our projects and among our partners. By focusing on implementing initiatives that are gender conscious and responsive, we can make a significant contribution to realizing holistic and sustainable development in all sectors. Our aim is to achieve this through effective partnerships, by adopting a human-centered and systems focused approach and by continuously innovating and learning as we move forward.



Introduction

Kenya is a country of young women. 80% of its population is below the age of 35 and slightly more than half of are women. Despite this, women and men still do not have the same opportunities and perspectives, be it in politics or in business, in education attainment, health outcomes or access to justice. In addition to that, women not only compete with men, but they also have to fight against strong social, cultural and religious stereotypes. Hanns-Seidel Foundation addresses Gender Equality not only as a fundamental Human Right, but also as a crucial part of Kenya's Sustainable Development. Women's empowerment is key to growth, prosperity and sustainability in any Country, more so Kenya, a country of young women.

The Hanns Seidel Foundation (HSF), named after the former Bavarian Prime Minister and CSU Chairman, belongs to the family of Political Foundations within the Federal Republic of Germany. They are an important component of Germany's political culture and they seek to establish a lasting and profound anchor for democratic awareness. Since its establishment in 1967, HSF has been politically aligned with the Christian Social Union (CSU) party and engages in political education with the aim of promoting democratic principles and civic education on Christian foundations. Its educational programmes extend beyond party boundaries and are open to all interested citizens focused on human dignity, tolerance, freedom, responsibility, solidarity, sustainability, equality of opportunity, intergenerational justice and subsidiarity.

HSF Kenya Office began its operations in 1989 primarily working within the field of rule of law and good governance which has organically evolved into targeted work within the fields of Climate Change, and Youth & Gender; all in the service of democracy, peace and development. Youth & Gender was adopted as an additional key thematic area of work in 2018 on the premise that a successful democracy is characterized by the extent to which all people can easily access, participate, contribute to, and benefit from democratic processes and spaces. Therefore, the meaningful inclusion and participation of all members of society especially the marginalized & underprivileged, youth & women in this case, need to be taken into consideration. Secondly, an inclusive and responsive political culture positively contributes to the social, economic and cultural welfare of a society. Therefore, making gender equality and youth inclusion pivotal factors to the sustainable development of a country.

In Kenya, the Constitution of Kenya (2010) is the primary legal framework that puts gender equality and youth inclusion at the forefront as captured in Article 10 which provides the fundamental values and principles of governance which include democracy and participation of the people, inclusiveness, equity, social justice, non-discrimination and protection of the marginalized. Article 55-56 provide that the state shall take measures including affirmative action programmes to ensure youth have opportunities to associate, be represented and participate in political, social, economic and other spheres of life and Article 100 which provides that Parliament shall enact legislation to promote the representation in Parliament of women, persons with disabilities, youth, ethnic & other minorities, and marginalized communities.

As such, the overall objective of this study was to evaluate programmes and activities implemented under the Youth & Gender portfolio between 2019 – 2022. Our core interest was to assess the effectiveness, suitability and impact of the programmes, in comparison to international and domestic goals of gender equality. Secondly, given that the Youth & Gender portfolio has served its first full three-year funding cycle,



findings from this assessment will be used to inform programme priorities in the next funding cycle; 2024-2026. Lastly, this assessment was inspired by the release of the German Feminist Foreign Policy and Feminist Development Policy that were launched in March 2023 by the Federal Foreign Ministry AA and the Federal Ministry of Economic Cooperation and Development BMZ, respectively.

These policies call for equality of rights, representation and access to resources; which they strive to achieve through gender mainstreaming, gender budgeting and internal diversity. The establishment of these policies is a positive step forward towards anchoring gender equality in state operations and foreign policy, which also highlights the need to rethink international engagements and dismantling of existing structures that continue to perpetuate gender inequality; as well as other forms of exclusion, discrimination and injustice.

Gender equality & youth inclusion remain to be pertinent indicators of sustainable, stable and progressive political, economic, social and cultural development hence there should be greater call for intentionality and cohesion of initiatives/ activities towards this movement. According to the UN Report (2022) titled "Progress on the Sustainable Development Goals (SDGs): The Gender Snapshot 2022", it may take close to 300 years to achieve full gender equality to be realised. Therefore, there is an urgent call to action to rally efforts to invest in women & youth. From the study we establish that HSF is doing meaningful and commendable work, but on its own it is barely scratching the surface; therefore, the challenge we face, is what more can we do as a society to get us closer to the equality we strive to achieve.



Legal and Policy Provisions for Gender Equality





Global


United Nations

The United Nations has been at the forefront of the movement and advocacy towards gender equality as well as the adoption of gender mainstreaming. Since its formation in 1945, gender issues have been a focal point of its initiatives, policies and operations. The UN Charter unequivocally expresses a commitment to the equality of men and women in all facets of life, which has been established within the main guiding principles of the United Nations. This is supported by Article One, subsection three of the UN Charter that defines one of the purposes of the United Nations, *“as achieving international cooperation by solving international problems of an economic, social, cultural or humanitarian character and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language or religion”*. Additionally, Article Eight states that *“the United Nations shall place no restrictions on the eligibility of women and men to participate in any capacity and under the conditions of equality in its principal and subsidiary organs”* (United Nations, 1945).

One of its first accomplishments was the adoption of the Universal Declaration of Human Rights (UDHR) in December 1948 by the General Assembly, which established gender equality as part of International Human Rights Law. The UN also ensured that the declaration used gender neutral language, which was a pertinent measure by its very nature. The UDHR under Article One and Two recognizes that *“all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set forth in the declaration, without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status”*. The declaration further supports the need for equal work opportunities and wages under Article Twenty-Three, Subsection One and Two that states *“everyone has the right to work, to free choice of employment, to just and favorable conditions of work and to protection against unemployment and everyone, without any discrimination, has the right to equal pay for equal work.”* (United Nations, 1948).

In 1946, the Economic and Social Commission (ECOSOC), one of the main organs of the UN, established the Commission on the Status of Women (CSW), as the main international body solely committed to advancing women’s empowerment and gender equality. The Commission has been influential in the advancement of women’s rights, capturing the realities of women’s lives around the world and establishing international norms for gender equality and women’s empowerment. In 1996, the Commission’s mandate was broadened and it was resolved that it should take the lead in monitoring and reviewing the challenges and progress of the Beijing declaration and platform for action’s implementation, as well as mainstreaming a gender perspective into UN activities. This came after the adoption of the Beijing declaration and platform for action in 1995, after the fourth world conference on women. This resolution is regarded as one of the most revolutionary plans ever for reinforcing women’s rights, it identified twelve crucial areas where immediate change was required and provided guidelines on how nations could effect change, to promote equality and better chances for both men and women (United Nations, 1995).

The UN later established UN women in 2010 as an entity dedicated to empowering women and promoting gender equality. It is charged with leading, promoting, and coordinating activities to advance the fulfillment of women’s rights and opportunities within the organization. UN women works with governments and



civil society to develop laws, policies, programs, and services necessary for attaining gender equality. It supports the equal participation of women in all facets of life, and works internationally to realize the sustainable development goals. Gender equality falls under the fifth sustainable development goal, as part of the 2030 agenda, that was established by the United Nations. The goal calls for greater representation of both genders, protection of fundamental human rights and freedoms as well as gender sensitive budgeting. The UN recognizes that gender issues cannot be tackled in isolation to other matters affecting society and calls attention to the importance of the gender conversation, the current situation, existing inequalities and the measures needed to achieve gender equality (UN Women, n.d.).

UNDP Gender Equality Strategy

The United Nations Development Programme (UNDP), is one of the subsidiary organs of the United Nations and has been quite forthright in its agenda towards gender equality and mainstreaming. Since its formation, it has established several gender equality strategies that have echoed the need to eradicate existing gender inequalities in an effort to achieve sustainable development. The Gender Equality Strategies (GES) were developed on the idea that real improvements in people's lives, as well as in the options and opportunities available to them, are inseparable from the overall objective of gender equality. The UNDP therefore aims to maximize the expansion of choice and opportunity for everyone, by empowering individuals to assert their universally recognized rights in every area of development and assisting governments in doing so in a proactive and responsive manner. The strategies are purposed towards supporting nations to progress beyond partial efforts and towards comprehensive strategies in order to alter the political, social and economic structures that support discrimination (UNDP, 2022).

The Gender Equality Strategy reaffirms UNDP's intention to pursue gender mainstreaming throughout its projects and signature solutions which include poverty and inequality, resilience, governance, environment, and gender equality; which it employs as a cross-cutting path to sustainable development. The current Gender Equality Strategy (2022–2025) offers a detailed analysis of UNDP's gender agenda. This strategy outlines the agency's top priority areas and the specific actions devoted to each area. One of the highlighted issues include the contribution of gender equality to the establishment of sustainable economies, which addresses issues of poverty, inequality, and the necessity for an extensive reorganization of economic power relations. The organization will support the implementation of fiscal policies that promote gender equality, as well as the expansion of access to basic services, digital assets and finance, universal social security and care services, and overall services that are gender-responsive.

UNDP however acknowledges that significant progress will require persistent-dedicated efforts and investment over decades, thus its strategy integrates short-term goals that will contribute to significant inequality reductions in the long-term. They also hope to achieve equality of power and representation, by promoting women's leadership and equal involvement in both governmental institutions and private sector institutions. These initiatives also include preventing and eliminating gender-based violence, altering unfavorable social conventions, and reversing resistance to gender equality. The UNDP also urges for better data and analysis for policymaking which can be achieved by performing more gender-responsive assessments.



Africa

African Union

The African Union (AU) has consistently demonstrated its steadfast commitment to gender equality. The AU acknowledges that gender equality is a fundamental human right and a prerequisite for social, economic, and regional integration. Accordingly, the AU's commitment to gender equality is rooted in the African charter on human and peoples' rights (Banjul charter) and reaffirmed by the protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol) and the solemn declaration on gender equality in Africa (SDGEA). These documents serve as the foundation for initiatives undertaken by the African union with regards to gender equality, all of which are overseen by the women, gender, and youth directorate (African Union).

The African Charter on Human and People's Rights was adopted in 1981 and aims to safeguard fundamental freedoms and rights in the African continent. According to Article Eighteen, *"governments must ensure that all forms of discrimination against women are eliminated and that women's and children's rights are protected in accordance with international declarations and agreements"* (OAU, 1981). In 2003, the Protocol to the African charter on Human and Peoples' Rights on the Rights of Women in Africa, an addendum to the African Charter on Human and Peoples' Rights, was adopted with the aim of *"ensuring extensive rights to African women and girls"*. These include progressive provisions on harmful traditional practices like female genital mutilation, child marriage, etc., and substantial measures towards reproductive health and rights, economic empowerment, and ending violence against women.

Furthermore, Article Two subsection one of the AU Protocol states that *"all state parties shall combat all forms of discrimination against women through appropriate legislative, institutional, and other measures"*. In this regard, state parties shall include the principle of equality between women and men in their national constitutions and other legislative instruments, and ensure its effective application. Subsection two states that, in order to achieve the abolition of harmful cultural and traditional practices and all other practices that are based on the idea of the inferiority or superiority of either of the sexes, or on stereotyped roles for women and men, state parties shall *"commit themselves to changing the social and cultural patterns of conduct for women and men through public education, information, education and communication strategies"*.

The AU Heads of State and Government also ratified the solemn declaration on gender equality in Africa (SDGEA) in 2004. In SDGEA, the leaders reaffirmed their commitment to the principle of gender equality as outlined in the African Union's Constitutive Act, as well as other existing commitments, principles, goals, and actions outlined in the various regional and international instruments on human and women's rights. (African Union, 2003).



African Union Gender Equality and Women Empowerment Strategy

The Gender Equality and Women's Empowerment (GEWE) Strategy 2018–2028 was adopted by the African Union and was unveiled during the 2019 AU summit. It followed the 2009 Gender Policy, which focused on increasing acceptance of women's leadership in all areas of development and their participation in international, regional, and national decision-making positions. However, the GEWE strategy focuses on achieving aspiration six of the AU's agenda 2063, which calls for *"an Africa whose growth is people-driven, centered around the potential of African people, especially its women and youth, and caring for children"*; and the values outlined in Article Three Subsection One of the Protocol to the amendments of the AU constitutive act, which aspires to *"advance gender equality"*.

The GEWE strategy is transformative in that its outcomes aim to "minimize, if not eradicate, the key obstacles preventing gender parity and women's empowerment" and is built on "an inclusive and multi-sectoral approach". The strategy also serves as a guiding framework for implementing AU commitments; which include *"strengthening of women's agency in Africa"* and *"ensuring women's voices are amplified"* and *"their concerns are fully addressed through a variety of measures and initiatives"*, such as proper funding of gender equality work and the effective implementation of gender equality related legislation & policies (African Union, 2015).


The strategy has four pillars that establish the objectives and suggested actions for achieving gender equality; and include:

- Increase women's access to high-quality education and control over productive resources, in order to be economically empowered and to effectively contribute to sustainable development
- Strengthen implementation and enforcement of current AU and International Commitments to stop and punish violence against women; with a focus on upholding their dignity, security and resilience
- Adopt and implement progressive and gender focused laws, policies and institutions that support and protect women's rights
- Enhance the representation and participation of women in decision making processes & opportunities; emphasizing the importance of their voice, visibility and leadership as a means of empowerment

East African Community Gender Policy

In 2018, the East African Community (EAC) released its own gender policy with the aim of *"achieving gender equity and equality through gender responsive sustainable development"*. The policy recognizes that the pursuit of *"gender equality"* and *"women's empowerment"* is essential for social, cultural, and economic development, and as a result, harnessing the potential of both men and women is critical for maximizing equity and essential to achieving sustainable development. Consequently, there was a need for the creation of a purposeful regional gender policy that would offer a broad framework for gender equality, equity, and affirmative action. (East African Community, 2018).

The EAC's Gender Equality Policy is based on Article Six, Subsection One of the treaties for the establishment of the EAC, where member states agreed to uphold the values of democracy, the rule of law, accountability, transparency, social justice, equal opportunities, gender equality, and the recognition,



promotion, and protection of human and people's rights. As a result, EAC partner states have shown their dedication to advancing gender equality and women's empowerment as a fundamental human right by signing and ratifying the various international and regional human rights instruments.

The gender policy has identified fourteen crucial action areas that, when taken care of, will advance gender equality and equity in the community's laws, policies, programs, and projects. These areas include: Governance & Participation, Education & Training, Health & HIV/AIDS, Gender-Based Violence, Environment & Climate Change, Energy, Agriculture, food security & nutrition, Trade & Economic Empowerment, Security, peace building & conflict resolution, Mining & extractive industries, Access to clean water & sanitary facilities, Housing, and Migration.

The policy is founded on the egalitarian principles and serves as an appropriate framework for member states of the East African Community to implement their gender commitments and gender mainstreaming strategy across all relevant spheres by accomplishing several goals; which include:

- Creation, coordination, harmonization, and reporting of commitments to gender equality
- Increase the integration of gender issues across all facets of the planning and budgeting processes
- Enhance the involvement of women in politics and decision-making at all levels
- Encourage involvement in regional trade and promoting equal access to and control over productive resources
- Promote programs that combat and address gender-based violence amongst other dangerous cultural norms
- Incorporate more women into peace and security processes at all stages of prevention, protection, participation, relief, and recovery



Germany

BMZ

Feminist Development Policy (FDP)

The Federal Ministry for Economic Cooperation and Development (BMZ) launched a Feminist Development Policy (FDP) in March 2023, in unison with the Federal Foreign Office's announcement of the Feminist Foreign Policy Framework. FDP is a demonstration of how strongly the current German administration is in support of "gender equality" i.e., equal participation & inclusion in social, political, and economic affairs as a means to realize sustainable development and all goals set in the 2030 agenda.

At its core, FDP sets out to get "rid" off structures that are biased against women, girls, and marginalized groups. Similar to the Feminist Foreign Policy, it emphasizes the "Three Rs" development approach, which deals with equal Rights, equal access to Resources, and Representation in decision-making platforms. To achieve this, BMZ commits to:

- Embed FDP in all its procedures and instruments; and aim to allocate 93% of its newly committed funding to projects and programmes that promote "gender equality"
- Enhance international cooperation and multilateral collaboration efforts with dedicated "gender equality" stakeholders
- At institutional level, empower staff on "feminist" techniques and development approaches

As a whole, the Feminist Development Policy strives to guarantee that individuals and underrepresented groups have access to their rights, empower them in asserting their rights, and enable them to lead autonomous lives. In order to transform discriminatory power structures and bring about systemic change, the Feminist Development Policy seeks to foster an environment where women and other marginalized groups are able to actively campaign for the necessary shifts in society. Consequently, achieving equality, freedom, human rights, and self-determination will be much simpler (BMZ, 2023).

Auswärtiges Amt (AA)

Feminist Foreign Policy

In 2021, the German government committed to pursue a Feminist Foreign Policy (FFP) in their Coalition Agreement (2021-2025), and would be joining the growing number of countries within the European Union with a Feminist Foreign Policy (FFP). However, it is in March 2023 that the Federal Foreign Office (AA) under the guidance of Germany's first female foreign minister Annalena Baerbock that they launched the Feminist Foreign Policy (Breckenmacher, 2023).

The German FFP seeks to address the core issue of justice by promoting and defending the freedoms and rights of women and girls globally. In its opening statement, it emphasizes that the FFP symbolizes the need to eradicate deeply-ingrained and existing inequalities worldwide. It also clarifies that FFP is a policy



that applies to all members of society, not just women, and that its goal is to promote inclusion as opposed to exclusion. It is not only an approach geared towards the identification of disparities between men and women in society but a means for addressing these inequalities in a targeted manner, whether through humanitarian aid or project funding. It further emphasizes that societies that achieve or at least aim for equality are more equitable, peaceful, sustainable in terms of development and are more economically successful than those that do not include women and other groups (Auswärtiges Amt, 2023).

The German Feminist Foreign Policy gives a unique perspective on the feminist agenda; it adopts an intersectional approach and encompasses other aspects of foreign policy in addition to development. It provides a very important and pertinent course of action for advancing gender equality and supporting gender mainstreaming as an effective strategy on key policy issues which include: Peace and Security, Political Representation, Economic Resources, Humanitarian Aid, Human Rights, and Climate Change.

In order to coordinate a shared feminist approach, other instruments will be incorporated such as feminist foreign policy ambassador, gender training as part of foreign service, gender budgeting and the creation of networks in support of the FFP on a regional and global level. Additionally, a monitoring system to track and assess the FFP's development challenges and progress, therefore providing a basis for evaluation. Even if Hanns Seidel Foundation as a NGO is not directly linked with these government issued policies, it is working in the sphere of German external cooperation and has to be aware of this framework.



Kenya

Kenya has made great strides in establishing policies, laws and other legislative frameworks, for the advancement of the rights of women and marginalized groups. These policies, laws and legislative frameworks are mainly centered on *“increasing women’s representation, participation in decision-making, access to resources, such as educational opportunities and other crucial components for the promotion of their development”*.


Some of the key milestones that have been achieved so far include: Establishment of a government task force in 1993, to evaluate laws pertaining to women with the aim of promoting equal participation in society and economic empowerment; The National Commission on Gender and Development established in 2003, in accordance with the recommendations made by the task force; Adoption of the Sexual Offences Act in 2006; Employment legislation passed in 2007 that promotes equality of opportunity in employment; Adoption of the Land Act and the Land Registration Act in 2012, which increased women’s rights over marital property; Adoption of the Protection Against Domestic Abuse Act in 2015, which addressed the issues of domestic abuse for the first time; and most importantly promulgation of the Constitution of Kenya (2010) which provides a fundamental anchor to uphold important “gender equality” rights and encourages further institutional changes towards gender equality. All these reforms have created a favorable framework for women’s empowerment and long-term efforts toward achieving gender equality in Kenya. (Githae, Galiano, Nyagah, & Recavarren, 2022).

Gender Equality in the Constitution of Kenya (2010)

The Kenyan constitution has been beneficial in the advocacy for gender equality and in the protection of the rights of marginalized groups. The Constitution was adopted in 2010, replacing the 1969 constitution that came six years after Kenya had gained its independence. The new Constitution reflected several major changes such as: devolution, the dissociation of powers between the three arms of government and an advanced bill of rights that recognizes the social-economic rights of the Kenyan citizens.

The Fourth Chapter of the Constitution deals with the Bill of rights which guarantees a number of rights and freedoms for citizens and serves as the foundation for social, economic, and cultural policies; and reiterates that every person shall enjoy the rights and fundamental freedoms in the bill of rights to its utmost extent, consistent with the nature of the fundamental rights and freedoms; and that the bill of rights applies to all laws, binds all governmental agencies, and applies to all persons. The Bill of Rights reaffirms Kenya’s commitment to uphold human rights and principles of social, economic and cultural justice which when abused often leave women worse off or facing the greatest burden either politically, economically or socially.

Secondly, the Constitution of Kenya (2010) clearly outlines targeted measures, affirmative action, to be adopted or institutionalized at national and county (local) level to remedy the traditional exclusion of Kenyan women. Some key measures include: setting aside a number of slots in government that must be occupied by women, explicitly denouncing behavior or measures that discriminate against women and



girls, and establishment of dedicated “gender equality/ women empowerment” public institutions (Kenya law, 2010).

Additionally, application, limitation, enforcement and interpretation of the Constitution of Kenya (2010) is not limited to the “public” i.e., the state; which was a major assumption in the previous dispensation which led to gross violations in the “private” sector. Secondly, the courts have the freedom to expand the reach of any other law, adopt interpretations and promote values that give effect to the “Bill of Rights” as captured in the Constitution. Additionally, the enforcement of fundamental rights has been liberalized such that the most vulnerable members can invoke the court system to enforce their rights; and any other person other than the victim can approach the court. Thirdly, the government and its officials are mandated with the responsibility to identify the special needs of women and to adopt relevant measures to address them while remaining cognizant of historical injustices.

Of utmost importance is that the Constitution of Kenya 2010 stands supreme meaning all other laws are beneath it hence creating a superior legal framework that speaks in a direct and clear manner against the discrimination of women. This creates a sense of responsibility for both public and private actors to adopt general and women specific solutions, interventions and opportunities that actively reach, include and positively impact women.

National Policy on Gender and Development

The National Policy on Gender and Development (2019) was developed by the state department for gender, which is responsible for promoting gender equality and empowerment of women in Kenya; with the overarching goal of “*creating a just, fair and transformed society free from gender-based discrimination in all spheres of life practices*”. Given the principles of equality are enshrined in the Constitution of Kenya (2010), it was deemed necessary to develop a National Gender and Development Policy in order to implement and abide by the Constitution. This policy was developed through a public participation process with a wide range of stakeholders with an aim of outlining critical legislative and administrative measures that would lead to the realization of “gender equality” and “women’s empowerment”.

The National Gender and Development Policy outlines key thematic areas such as Labor and Employment, Education, Power & Decision Making and Sexual & Gender Based Violence; that need urgent action to ensure that gender equality and women empowerment principles are integrated. In addition, this policy addresses all gender-related categories and issues but a special emphasis is placed on the empowerment of women, who form the underrepresented & marginalized gender.

National Gender and Equality Commission (NGEC)

The National Gender and Equality Commission (NGEC) was established by the National Gender and Equality Commission Act of 2011, in accordance with article fifty-nine; subsection four of the constitution. It is one of the three successor commissions to the Kenya National Human Rights and Equality Commission (KNHREC), that was introduced in 2010. The commission’s core mandate is “*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; under which it conducts compliance, monitoring and reporting on all aspects*”.



of gender equality and freedom from discrimination". Besides this, NGEC is also tasked with the role of public education and mainstreaming, to enhance public awareness on gender equality and inclusion. It also conducts and coordinates research that informs programmes and policies for promoting gender equality and freedom from discrimination, as well as legal investigations and redress, through an inhouse legal team that works to address all legal issues concerning the execution of the commission's mandate. NGEC'S work is focused on Special Interest Groups (SIGs), which include women, youth, persons with disabilities (PWDs), children, the older members of society, minorities and marginalized groups.





Key Concepts for Gender Equality



Gender Mainstreaming



Gender mainstreaming has been adopted globally as a core strategy for achieving gender equality as it is founded on the intentional inclusion and consideration of the needs, interests and concerns of both men and women across all relevant sectors, with an aim of fostering equality. It pushes for integrating a gender perspective into all elements of research, advocacy, policy formulation, development, legislation as well as monitoring of programs and projects. (Council Of Europe, 2023).

Gender mainstreaming as a core gender equality strategy came about in 1995 following the Beijing Platform for Action from the Fourth United Nations World Conference on Women in Beijing. The strategy of mainstreaming is defined in the ECOSAC agreed conclusions 1997/0 as:

"...the process of assessing the implications for women and men of any planned action, including legislation, policies, or programmes, in all areas and at all levels. It is a strategy for making women's as well as men's concerns and experiences and integral dimension of the design, implementation, monitoring and evaluation of policies and programmes in all political, economic, and societal spheres so that women and men benefit equally and inequality is not perpetuated. The ultimate goal is to achieve gender equality." (United Nations, 2002).

Simply put, the key principles of mainstreaming include: analysis and formulation of policies after thorough consideration of gender differences and inequalities; and pursuit of opportunities that will reduce gender gaps and promote greater equality between women and men. Its implementation/ adoption is dependent on the task at hand e.g. research, policy development or programme implementation therefore an analytic, targeted and diverse approach must be adopted simultaneously with the ultimate concern being gender equality as a key goal and not as a "by the way."

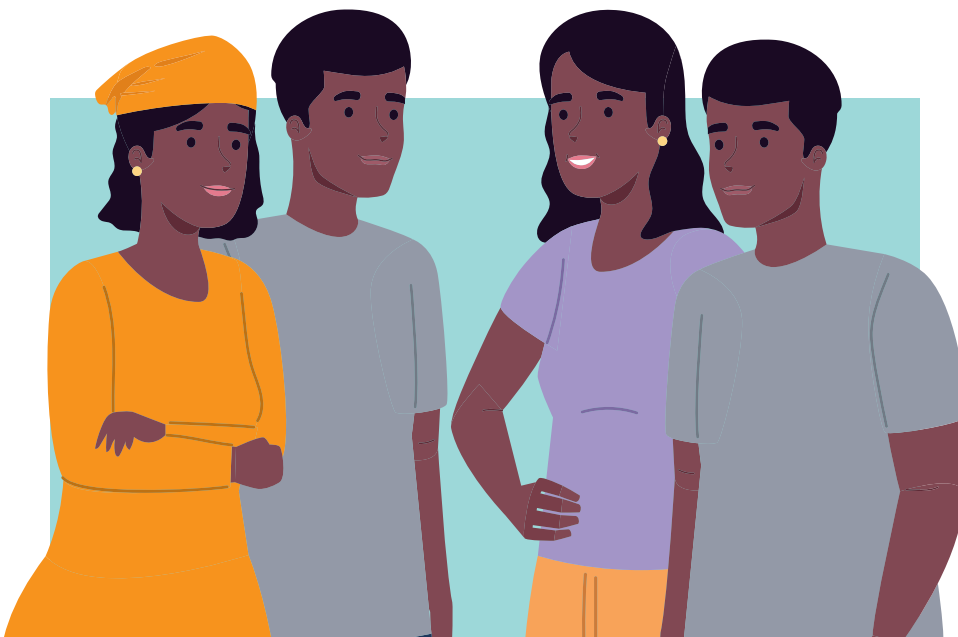
Social Inclusion Theory

The concept of social inclusion emerged in the 1970s - 1980s within the public policy field as a means to analyze and explain poverty, inadequate social participation, lack of social integration and lack of power. Additionally, the concept of social inclusion cannot be discussed without also including the concept of social exclusion as they are different sides of the same coin. At experiential level, social exclusion is typically a feeling of being isolated while social inclusion can be described as feeling you are where you should be, with the people you should be with, and as the person you really are.

According to World Bank (2013), social inclusion is a process of improving the terms for individuals and groups to take part in society, and the process of improving the ability, opportunity, and dignity of people, disadvantaged on the basis of their identity, to take part in society. Social inclusion therefore tries to understand “*why*” certain groups are overrepresented and “*why*” some people have limited access to public goods and services. It therefore points out to the fact that social inclusion is:

- Relative to a given society, place and time
- Multidimensional: Rights based (demos) or Participation Based (ethnos)
- Dynamic- a process not a state
- Multi layered

It is however important to note that social inclusion is not synonymous to equality but a process through which equality can be achieved. This is because it pushes for adoption of measures and practices needed to ensure that all individuals/ groups can fully participate and engage in social, economic, and political life regardless of their social, political, cultural, and economic background. Consequently, by taking a multifaceted approach social inclusion can be used to explain why some inequalities exist and persist (Gidley, Wheeler, & Bereded-Samuel, 2010).



Social Role Theory




The social role theory is a hypothesis in social psychology that argues that the disparities between men and women are the products of both social and biological influences operating simultaneously. The social role theory was developed by Alice Eagley a psychologist in the 1980s and the theory aims to explain the intersection of social expectations, behaviors and identities in relation to sex differences and similarities that function as catalysts in the formation of gender roles and stereotypes. It analyzes sex from a biological/genetically controlled perspective and further looks at gender and the subsequent attached roles, as a social / psychological construct (Eagly, 2012).

Women and men are socialized from an early age and throughout their lives, and it is through this process that people become aware of socially defined responsibilities and distinctions between the sexes. The first point of socialization is at the household level (family) where children are taught/imitate social roles, which they then define as gender roles and are later reinforced within society at large as they interact with other members outside of their household as gender expectations.

Primarily, gender roles emanated from physical sex differences i.e., men's size & strength, and women's reproductive function; which were used to determine what roles would be played by one sex or another. Secondly, widely accepted and practiced sociocultural norms are used to further reinforce gender roles which apply to all spheres of an individuals' life and synchronize with any other specific roles e.g., mother or father, thus further shaping social interactions (Blackstone, 2003). For example, because of the biological reproductive ability of women they are automatically expected to take up the nurturing "*motherly*" role in any social dynamic.

Furthermore, these roles contribute to the formation of gender stereotypes; which are generalized opinions or assumptions about the traits, qualities and roles that women and men should or should not



have to play (United Nations, n.d.). These generalized gender stereotypes and roles then form a culture of a widely accepted and practiced consensus on the typical and appropriate behavior of the different sexes (Krainc, 2021). These gender roles and stereotypes can be seen to be harmful especially in cases where they restrict an individual's ability to fully engage and participate in all relevant elements of society. For example, there are expectations for women to exhibit nurturing and dependent behavior while men are expected to display assertive, dominant, or independent behavior, hence making it easier for men to take up leadership positions as their gender roles embody leadership traits.

Additionally, it has further been proven that gender as a social category supersedes other factors such as age, race, education status or economic background; as gender roles are taken to be innate, natural and inevitable attributes. This is further explained by the psychological internalization of gender roles as "*standards*" which one must abide to or use to regulate/ determine their behavior. This conformity is further pushed by an individual's need for social inclusion and approval by other members of society which in the long run inherently shapes the overall social structure and system.

In the contemporary world, gender stereotypes might not necessarily manifest in the form of the homemaker-provider dynamic but they are still easily identifiable across the different spheres of society. The social role theory puts into perspective the root causes of present-day gender inequalities and disparities. Traditional gender roles and stereotypes still maintain a strong influence on the division of roles between men and women at society at large, which contributes to the exclusion of either respective gender; as well as their limitation in choices, representation and participation across various areas of interest. The labor distribution and participation between men and women is evidence of this, as well as the wage gap differences and the difference in social levels, power and access to resources. These disparities are usually in favor of men, who usually occupy more leadership positions thus disadvantageous to the women who in this case will possess less status, power and have access to fewer resources which inherently impedes their development.

Human Development Approach



The human development approach is concerned with improving the lives people lead, improving their overall well-being and giving people access to opportunities which enable them to develop their abilities, knowledge etc., which consequently increases their choices and their quality of life (UNDP, n.d.). Furthermore, equality and justice are essential values of the human development approach that must be built into development processes if they are to be sustainable.

From a gender equality perspective, the human development approach positions gender equality as integral to “full” development as no society can claim to be developed if a significant proportion of its members remain voiceless, invisible, and undervalued. It therefore calls for the adoption of measures and strategies that will ensure equality of rights between women and men by removing any legal, economic, political or cultural barriers.

The United Nations Development Programme (UNDP) has played a leading role in the process of entrenching a human development approach to gender equality through the formulation of the Human Development Index (HDI); which emphasizes a human centered development approach to assess the development of a country in addition to economic growth. They have popularized the use of Gender Related Development Index (GDI) and the Gender Empowerment Measure (GEM) as important measures of gender equality. GDI is used to measure relative wellbeing as far as income, education and health outcomes are concerned. On the other hand, GEM analyzes “inequalities” in key areas of political and economic participation and decision making.

Demographic Approach



The demographic approach aims to create an understanding of the correlation between the existing population/demographics and gender inequality. This approach asserts that gender disparities are one of the main factors influencing population growth. The population growth rate is higher in places where women have access to basic freedoms and rights, such as the right to an education, the freedom to work outside the home and the right to their own bodily autonomy.

Everyone has a right to access education, the capacity to earn a living, and the freedom to make their own decisions. This is particularly crucial for women and girls in any society. Women and girls who have control over their choices in all the necessary capacities, lead the lives they desire and unavoidably contribute to population stabilization. This empowerment, which corresponds to gender mainstreaming gives individuals the power to take part in local, regional, national, and international discussions and to share their ideas, interests and values. However, the primary challenge to this, is that many women and girls all over the world lack authority over their own lives as a result of the persistent gender inequalities, where they disproportionately bear the consequences (Peluso, 2022).

Human Rights Based Approach

The human rights-based approach (HRBA), is a conceptual framework aimed at advancing and upholding human rights on existing international human rights standards. HRBA seeks to analyze the inequalities which lie at the heart of development problems and redress discriminatory practices and unjust distributions of power that impede development progress. HRBA is also interested in empowering people to understand and assert their rights, which will improve the capacity and responsibility of persons and organizations in charge of upholding, defending, and implementing rights. This approach strives to eliminate or at least reduce the challenges caused by the current disparities and exclusions throughout

the execution of any program or project; in which it places a comparable focus on the accomplishment of development goals and the techniques selected to accomplish them, which are driven by the imperative to enable the participation and inclusion of all stakeholders. (FAO, 2017).

Furthermore, gender equality is at the heart of almost every international organization, treaty and policy. Discrimination perpetuated on the basis of sex is prohibited under several conventions and by virtue of human rights being universal and inalienable it means that all human beings are protected under these laws. Most of the human rights treaties adopted prohibit gender/sex-based discrimination and most have received almost universal ratification such as the International Covenant on Economic, Social and Cultural Rights adopted in 1966 and the International Covenant on Civil and Political Rights adopted in 1976. Both of these conventions under their unanimous article three declare that state parties to the present covenants shall ensure the equal right of men and women to the enjoyment of all economic, social, cultural, civil and political rights as presented by the covenants respectively (United Nations, n.d.).

It is well-known that women and girls suffer greater consequences of gender inequality hence more proactive & responsive action, policies and laws have been adopted with the aim of protecting them. To this effect, the Convention on the Elimination of All forms of Discrimination Against Women (CEDAW) was adopted in 1979 by the United Nations General Assembly and later instituted in 1981, it is commonly referred to as the International Bill of Rights for Women. It is a call to all nations to eliminate discrimination against women and girls in all spheres and to promote equal rights for women and girls. These examples provide support on the core importance of gender equality as a human right and the need for all members of society to enjoy their fundamental freedoms and rights (United Nations, 2016).





HSF Kenya Office



Hanns Seidel Foundation (HSF), is one of the seven non-profit Political Foundations in the Federal Republic of Germany. It was founded in 1966 with political alignment to the Christian Social Union (CSU) and currently supports initiatives and programs in more than sixty countries globally. Its main objectives are to advance a free and democratic basic order and to reassure, encourage, and assist global understanding and growth. Additionally, the foundations' activities center on the principles of freedom and responsibility, solidarity and sustainability, equality of opportunity, Intergenerational justice, and subsidiarity as a rule of governance and structure (HSS, 2020).

Gender Equality: Rationale, Goal and Vision

The HSF Kenya office recognizes that gender equality is an important component to promote the sustainable, inclusive, peaceful and prosperous development of Kenya. Secondly, as a political foundation, civic education is one of our core activities more so within the subjects of social policy and democracy. Gender equality is an integral component of a sustainable & inclusive social policy & democracy, therefore making it a core area of interest/ work for HSF as a political foundation. Lastly, in Kenya the Constitution (2010) and Vision 2030 (national development blueprint) lay a strong foundation for the pursuit of gender equality therefore calling for more dedicated effort towards advancing gender equality.

In 2018, "gender equality" was adopted as an independent line of intervention (area of work) and her operations were guided by HSF (Kenya) Gender Governance Structure (see Annex). This structure informed where HSF's efforts would be directed, measures of success, and strategic partners, networks & movements, within the "gender equality" space. At its core it sought to "promote gender consciousness and responsiveness" within HSF as an organization, her partners, and her programmes & activities; an approach that would "catalyze action needed to overcome systemic and behavioral impediments that contribute to gender inequality" while recognizing that "there is no single way to design interventions given gender inequality is multidimensional and a continual process, not a single position".

Secondly, Hanns Seidel Foundation Kenya's internal Gender Governance Structure adopted four guiding principles which include:



Explore from a systems perspective, which would enable and encourage curiosity to understand the issue from a holistic point of view, to uncover the root causes, patterns, and level of interconnectedness of gender inequality



Inspire positive behavior change needed to foster new thought patterns, beliefs, and attitudes that promote positive sociocultural norms necessary to sustain gender equality



Identify dynamic & diverse networks, stakeholders and movements intentionally supporting and promoting gender equality



Foster safe and innovative spaces for gender equality players & actors to freely socialize, rest, support and learn from each other

Strategic Objectives and Results

The youth and gender portfolio activities were structured under four specific log-frame objectives in the 2020-2023 funding cycle as captured in the table below.


Objective	Expected Results
Promotion of democratic participation in the socio-political ecosystem	<p>Improvement of the democratic knowledge and skills of the citizens</p> <p>improved participation in democratic processes, especially decision-making processes</p> <p>increased participation and inclusion of women and young people in the development of decision-making positions and in decision-making processes.</p>
Promotion of political dialogue in the context of complex socio-economic and political problems and exponential change	<p>knowledge of different actors (politics, economy, science, civil society etc.) about complex socio-economic and political problems is increased and fed into dialogue systems</p> <p>democratic exchange and cooperation between politically interested actors is improved.</p>
promotion of democratic practices in state institutions	improved knowledge and skills of public representatives and state officials.
promotion of democratic practices in political parties	<p>improved skills and knowledge of young politicians</p> <p>increased participation and inclusion of women and young people in decision-making positions and processes (as part of supporting political parties).</p>

From Theory to Action

The youth and gender portfolio has had a combination of both long-term and short-term partners over the years, that have implemented programmes and projects in accordance with the stipulated objectives, highlighted in the previous section. The assessment was focused on five partner organizations / internally implemented programmes; Echo Network Africa, Badili Africa, Binti Uongozini, the BET and the Young Male Politicians initiative.

Evidence so far

The research employed ethical and objective procedures when collecting data for the study, by seeking consent for use of data where necessary and by giving acknowledgment of other stakeholders' intellectual work. The data was primarily collected through online survey-format questionnaires, key informant interviews and focus group discussions that served the purposes of; collecting broad data from the participants in the respective programmes/partner organizations, conducting key informant interviews, which consisted of interviews with selected participants from the implemented activities and leaders of the programmes.



Additionally, the questionnaires were used to conduct focus group discussions that were carried out with the aim of having open discussions, which gave the participants an avenue to share their honest thoughts and come up with suggestions that will be beneficial for the implementation of future activities. The choice of this methodology was informed by the broadness and distinction of objectives in the implemented activities and in the operations of each partner organization /programmes.

The data was processed and analyzed in accordance with the OECD-DAC gender mainstreaming framework, which was established in 2019 as a guidance and technical tool for operationalizing the concept of gender mainstreaming in evaluation. The framework provides a suitable criterion to establish the relevance, coherence, effectiveness, efficiency, sustainability and impact of projects, with the aim of having a gender perspective/ focus. The analysis was further categorized per partner/programme that provided a clear outline of the work done and the achieved outcomes.

From the research we were able to gain insights on programmes implemented so far, what was achieved and any shortcomings. In addition, we were able to gain a sense of participants general understanding/ perspective of gender equality & mainstreaming and their assessment of Kenya's progress towards achieving gender equality.

Key highlights from participants experience include:

- Development of leadership capacities
- Empowered, trained and supported to run for elective office
- Deeper understanding & awareness of critical factors, barriers and issues affecting the meaningful participation in key leadership positions across all sectors
- Improved networking skills
- Creation of eye-opening, interactive and safe spaces for women in their different capacities to learn, network and express themselves
- Understand the dynamics of politics, good governance, and civic responsibility; and its impact on gender equality
- Development of advocacy and movement building skills, more so within the digital space
- Creation of synergies between different groups, actors and movements
- Opportunity to engage with elected leaders
- Inspired to actively engage in political spaces and processes


On the general understanding of gender equality and Kenya's progress so far, key insights gained from participants include:

- Clear understanding that gender equality is about men and women having equal access to resources and opportunities, representation and peaceful coexistence; however, in Kenya women are severely marginalized hence needing dedicated support
- Substantial progress has been made on gender equality however progress is slow and given we still have a long way to go, it can be discouraging
- Gender equality related data and measurement of progress should be localized from ward level all the way up to national level
- Enhance gendered civic education, more so on a sociocultural level which is further fueling inequality presently
- Kenya has sufficient laws and policies all that is now needed is rapid enforcement and implementation; backed with the necessary political goodwill
- Encourage civil society actors to collaborate and synergize their efforts amongst themselves and with state institutions



What next: Conclusion and Recommendations





This research showed that the work Hanns Seidel Foundation has been doing is making an impact in the youth and gender space. The beneficiaries of the respective programs have expressed their satisfaction with the implemented activities that they have participated in and eagerness to be engaged in future activities. The different programs, serve different objectives of the youth and gender portfolio, cover different scopes and target groups; however, they have all been designed towards addressing gender issues and providing platforms for inclusion on the basis of gender and youth.

The partnership structure has been carefully curated, to not only serve the objectives of the Kenya office mandate, but in alignment with the overall Hanns Seidel foundation's vision. The onboarded partners affirm that the established partnership with HSF has been tremendously successful and of mutual benefit to all organizations. In line with the existing programs and future ones; they look forward to a continuously fruitful partnership with the foundation and to create even greater synergies.

The implemented activities under the portfolio have been in accordance with the stipulated laws and policies both at a national and global scale. Hanns Seidel Foundations Activities in Kenya are coherent with the main documents of Kenya's development policies, as well as with major international Organizations Kenya is a part of. Hanns Seidel Foundations Gender Equality Theory of Change aligns equally with key elements of both the German Feminist Development Policy and the German Feminist Foreign Policy, albeit avoiding part of their wording.

In the Kenyan context, the constitution of Kenya that calls for equality of both women and men, enforces the principles of non-discrimination; together with several affirmative action initiatives have contributed to the formulated approaches under the department. In analysis of the German feminist foreign policy and development policy, the youth and gender portfolio activities are aligned with its principles; however, there is need to tailor its phrasing to be suitable for the country's dynamics, as the HSF Kenya office applies it.

The findings of the assessment have portrayed that the pursuit of gender equality, is undoubtedly relevant and much needed, in all spheres of society. There is a great deal of optimism, that Kenya can attain gender parity, however there is also great reservation on the current strategies that the government and civil society are employing to achieve this goal. It is essential that we recognize that Kenya continues to face a multitude of overlapping development challenges that are only starting to break up, along with an ignorance to the rule of law. Hence, if these issues are not systematically addressed, they will continue to impede any progress made and the ability of individuals at different levels to live self-determined lives.

HSF's approach to Gender Equality centers around dialogue and inclusion. It understands and addresses gender equality in the Kenyan context foremost as a development challenge, without ignoring it being a fundamental human rights and rule of law concern. This approach allows to bring various stakeholders together without the risk of alienating relevant mainstream majority groups.

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Annexes

Annex1: HSF Kenya Gender Governance Structure 2019-2023

WHAT

Gender equality is a development goal in itself as well as an essential component to realizing holistic and sustainable development in all sectors. Given this, HSF Kenya & Ethiopia is dedicated towards the sustainable realization of gender equality as a goal in itself as well as promoting gender consciousness and responsiveness within its other thematic areas of work.

This Gender Governance Structure is a tool to guide HSF in its efforts to challenge structural and behavioral constraints that foster gender inequality. Furthermore, a human centered approach is the core guiding principle in designing the necessary interventions needed to produce inspiring and sustainable gender equality results.

WHY

Success will be defined by our potential to mainstream gender consciousness and responsiveness in different programme activities internally as well as strategic support and partnerships with local organizations & movements that advance gender equality perspectives in key decision-making process. Given the unpredictable nature of the underlying causes of gender inequality, there is no one way to package interventions. Furthermore, gender equality is simply not a specific position but a continuous process of ensuring equity, equality and justice in key areas & decision-making processes.

Therefore, a governance structure is needed to steer our efforts to unmask and tackle the underlying root causes of gender inequality which are not linear, predictable or easy to change. This governance structure will help us answer the fundamental questions of why are we doing this? Is it necessary or appropriate? Whose call is this?, and Who do we need to involve and include?. Additionally, this governance structure will contribute to continuous learning and feedback necessary for identifying and responding to arising interests and needs overtime.

WHAT

In order to achieve gender equality, this governance structure has four main guiding principles. These principles define our aspirations in mainstreaming gender both internally and within partner organizations. These principles include;

Explore from a systems perspective

A systems perspective, methodology and approach will enable and encourage curiosity to understand the problem from a holistic point of view which will uncover the underlying root causes, their patterns and level of interconnectedness

Inspire positive social and behavioural change

Social and Behavioural change is needed to encourage new thought patterns, values and attitudes that will result in positive gender and societal norms needed to promote and sustain gender equality



Identify dynamic and diverse networks & stakeholders

Intentionally include, connect to and diversify the range of stakeholders and networks promoting and advocating for gender equality

Foster safe and innovative spaces

Create formal and informal spaces where the intended beneficiaries feel comfortable and free enough to socialize, receive social support and learn from each other

HOW

HSF governance structure incorporates four points of action which will facilitate the creation of an enabling and supportive environment for the implementation and acceleration of gender equality goals within HSF and its partner organizations. These points of action include:

Understand our role

Interrogate and understand how to be more effective and creative as contributors and collaborators in our work towards promoting and advocating for gender equality

Refine our perspective

Explore different events, data and patterns of behavior to uncover the underlying causes, behavior's, systems and patterns that drive and perpetuate gender inequality

Strengthen our interactions and connections

Synergize and optimize efforts with key stakeholders and crucial networks working towards the achievement of gender equality from different perspective

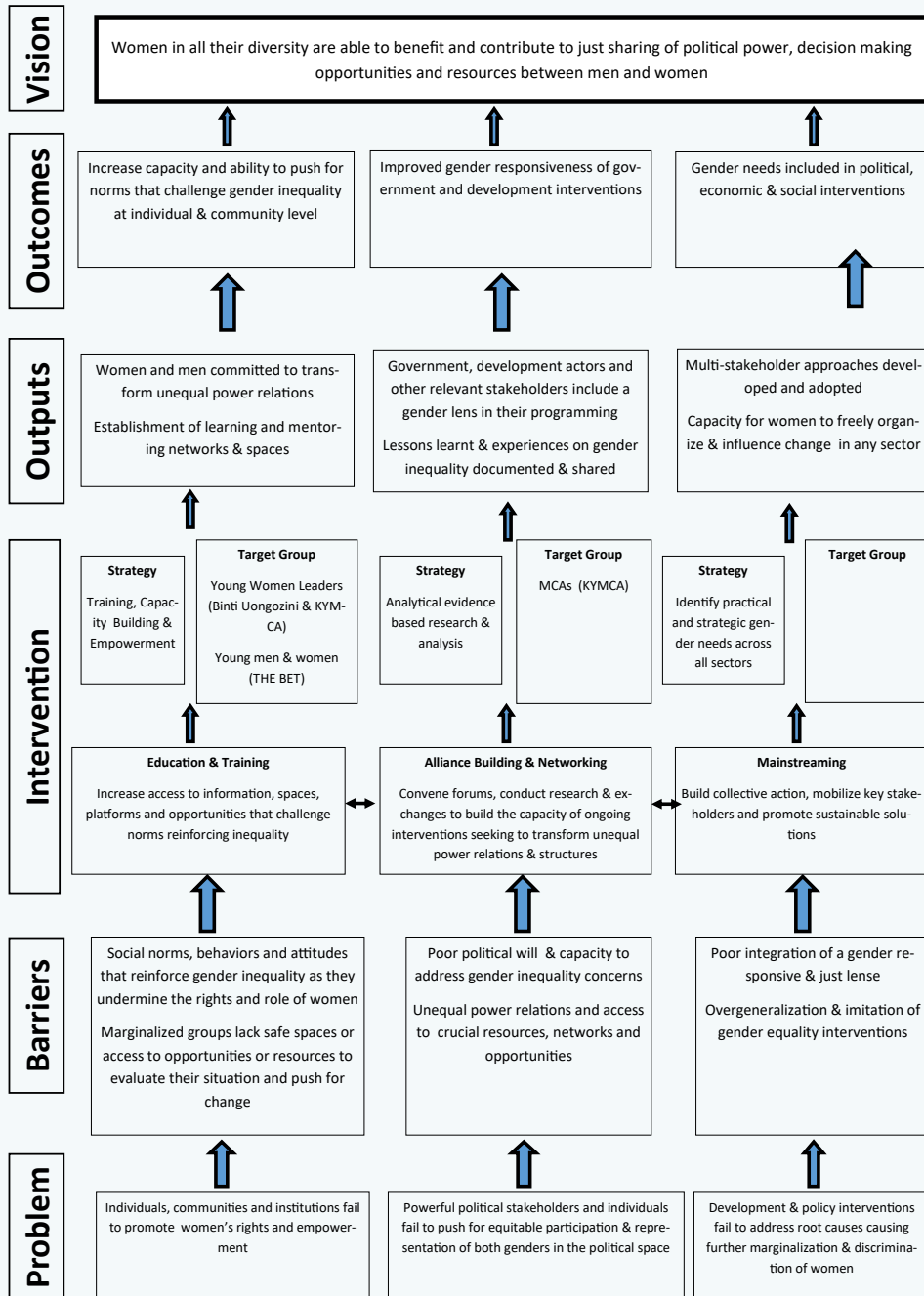
Encourage continuous learning and unlearning

Create a system for regular and timely sharing of feedback and experiences which will enable challenging status quo that institutionalize gender inequality

Annex 2: Gender Equality Theory of Change 2024-2026



Gender Equality Theory of Change 2024-2026



Annex 3: Partner List

- **Badili Africa**
- **Echo Network Africa**
- **Kenya Young Members of County Assembly**
- **Badilico**
- **THE BET**
- **Young Male Politicians**



HSF Gender Equality Report:

An Abstract of Assessment of HSF's
Gender Equality Work 2019-2022

