



SDGs KENYA FORUM

For Sustainable Development

**VOLUNTARY NATIONAL REVIEW OF
PROGRESS ON SUSTAINABLE
DEVELOPMENT GOALS (SDGs) IN KENYA**

**SUBMISSIONS BY
CIVIL SOCIETY ORGANISATIONS OF KENYA
TO THE HIGH LEVEL POLITICAL FORUM 2017**

FORWARD

The 2030 Agenda for Sustainable Development was adopted by U.N. Member States at the Sustainable Development Summit in New York on the 25th of September 2015. The outcome document of the post-2015 process lists 17 Sustainable Development Goals (SDGs) and 169 subsequent targets.

As part of its follow-up and review mechanisms, the 2030 Agenda for Sustainable Development encourages member states to conduct regular and inclusive reviews of progress at the national and sub-national levels, which are country-led and country-driven. These regular reviews by the HLPF are to be voluntary, state-led, undertaken by both developed and developing countries, and involve multiple stakeholders. National reviews are expected to serve as a basis for the regular reviews by the high-level political forum (HLPF), meeting under the auspices of ECOSOC.

The voluntary national reviews (VNRs) aim to facilitate the sharing of experiences, including successes, challenges and lessons learned, with a view to accelerating the implementation of the 2030 Agenda. The VNRs also seek to strengthen policies and institutions of governments and to mobilize multi-stakeholder support and partnerships for the implementation of the Sustainable Development Goals.

The SDGs Kenya Forum is a platform with a growing membership of over 100 affiliate organizations. The Forum resulted from a transition process by Civil Society Organizations (CSOs) who came together about 3 years ago as the Kenya CSOs Reference Group on Post 2015 and contributed to discussions that culminated into the adoption of the 2030 Agenda for sustainable development (SDGs). The SDGs Kenya Forum, convened members to input into the Kenya's Voluntary Review through SDGs Goal groups (1,2,3,5,9,14,16,17).

The Forum organized a series of meetings and online consultations among its members, working in clusters and according to the mandate of organizations. Members prepare joint goal-specific reports depending on how their work aligns to respective goals under review. The reports were guided by the official format for the Voluntary National Review report. A drafting team comprising few members of the Forum was put in place to receive, review and collate the goal-specific reports into a single report

This Kenyan CSOs Voluntary Review Report has been integrated into the national government report and also published independently as part of the appendix of the national report.

The content contained in this report from civil society organizations is for monitoring and review of the SDGs implementation in Kenya. The outcomes will inform subnational, national, regional and global interventions concerning Kenya's SDGs process. Members of the SDGs Kenya Forum will use the outcomes for advocacy and partnership alliances with ministries and agencies of the government of Kenya; development foundations; development partners; scholars and any other party interested in implementation of sustainable development goals. The report shall especially be useful in highlighting emerging challenges and referencing outlined recommendations for implementation of the SDGs in Kenya.

Finally, we take this opportunity to thank all the SDGs Kenya Forum members and partners who submitted input and reports for consolidation of this report. We could like to appreciate Mark Irura-Development Gateway, Kavengo Matundu and Emmanuel Manyasa-Twaweza for continuously aiding the lead drafters. Special thank you to Friedrich-Ebert-Stiftung (FES) for supporting printing the publication. In equal measure, we value IPPF-Africa Region, Article 19, CARITAS Kenya, Sightsavers and CIVICUS who facilitated key stakeholders meetings to facilitate the consolidation of the CSOs VNR Report.



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¹ The High-level Political Forum, United Nations central platform for follow-up and review of the 2030 Agenda for Sustainable Development and the Sustainable Development Goals, provides for the full and effective participation of all States Members of the United Nations and States members of specialized agencies.

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1.0 Express summary

1.1 Opening statement

The SDGs Kenya Forum's would like to thank the Government of Kenya through the SDGs unit at the Ministry of Devolution and Planning for encompassing the spirit of partnership and participation in the development of Kenya's Voluntary National Review of the SDGs that will be presented at the 2017 High Level Political Forum (HLPF) in July.

This partnership and participation of the SDGs Kenya Forum is unprecedented and sets a new level of CSO/ government partnership in global policy review processes. We hope that the VNR process will establish a formal engagement framework that fully includes civil society as proactive participants in the ongoing process of domesticating the SDGs in Kenya as well as tracking of progress.

1.2 Executive summary

Since the first United Nations Conference on Environment and Development in 1992 - known as the Earth Summit, it was recognised that achieving sustainable development would require the active participation of all sectors of society and all types of people. Agenda 21, adopted at the Earth Summit, drew upon this sentiment and formalised nine sectors of society as the main channels through which broad participation would be facilitated in United Nations (UN) activities related to sustainable development. This has been facilitated by the Major Groups and other stakeholders.

Since the adoption of the agenda 2030, there is continued recognition of the role of civil society as a key stakeholder in ensuring that the SDGs become a reality. There has been continued to efforts by both CSOs themselves to reach out to governments as well as members states on commitment to work with civil society and other stakeholders in order to encourage and promote effective public, public-private partnerships, building on the experience and resourcing strategies that will facilitate realization of agenda 2030.

At national level, it will be difficult for government or any other single entity to meet all the requirements needed to domesticate, implement, and track progress on SDGs. The mechanism to make this practically work in country requires substantial efforts to leverage synergies. Similar to the Millennium Development Goals (MDGs), the SDGs are likely to have policy and service delivery implications that will positively impact citizens (if properly domesticated and integrated in national development plans and practice). **Through programmatic interventions in thematic areas; such as health, education, water and sanitation, agriculture etc., CSOs have a critical role to play in supporting the implementation of SDGs.** Furthermore, through their interactions with the community, they are at the frontline of tracking whether progress is being made or not on the ground or not. This provides a real opportunity to provide qualitative and quantitative evidence that can complement official data and information sources in order to influence policy and practice. CSOs must therefore engage and be part and parcel the process from the very beginning.

It is with this background that the SDGs Kenya Forum has been engaging with the SDGs Coordination Unit at the Ministry of Devolution and Planning in order to coordinate civil society participation in Kenya's SDGs process towards domestication of the SDGs. The forum was invited to contribute to the Kenyan national report that will be presented at the High Level Political Forum in July 2017.

This report outlines CSO's input, the process as well as the modalities of work leading up to the development and finalisation of the report. It provides a background of the SDG Kenya Forum, its formation, membership as well as some of the key initiatives that CSO's in Kenya are engaging in to deliver agenda 2030. The forum exists to mobilise and coordinate civil society advocacy for the achievement of SDGs in Kenya through partnerships, citizen engagement, capacity building, policy dialogue, and campaigns, among others.

This report further outlines the participatory methodology for its development. The forum organised a series of face-to-face meetings and online consultations among its members to agree on content and the approach in compiling a synthesised and thematically representative report. A core team was established to receive, review and synthesise the goal-specific reports into a single report that was subjected to review by members and the final version shared with government. The forum membership was divided into thematic SDGs of focus for this year's review i.e. SDGs 1, 2, 3, 5, 9, and 14. Members were then tasked to prepare joint goal-specific reports depending on how their work aligned to the respective goals under review. A template was provided to standardise their input.

The report reviews the policy environment in line with the official format of the VNR process.

In terms of creating ownership of the SDGs in Kenya, the Forum has positioned itself to coordinate CSOs engagement with the government, working closely with the SDGs coordination unit at the Ministry of Devolution and Planning. This has however not in any way precluded other CSOs from directly engaging government, especially line ministries, departments, and agencies on specific thematic issues. The Forum remains open to a broad-based participatory and inclusive membership. The Forum's priority has been to formally engage government in Kenya's domestication of the SDGs. This has been done through creating opportunities for government to engage CSOs and other stakeholders directly on the progress being made around SDGs during workshops and forums. Given that Kenya's long-term development blueprint (Vision 2030) is perfectly aligned to the SDGs, the forum is also focusing on participation in the integration of SDGs in the next 5 year medium-term plan which will be Kenya's third. In early 2016 the Forum examined the extent to which the SDGs align with Vision 2030 medium term plans and a report shared with government and circulated widely among CSOs. The Forum has proactively sought to create public awareness on SDGs. In 2016 the Forum carried out SDGs dialogues in 5 counties with a view to raise awareness and collate local views on key SDGs priorities from citizen's perspective. County level SDGs chapters have been created to advocate for integration of priorities as identified by communities into the next County Integrated Development Plans.

This report highlights how CSOs in Kenya have played, and continue to play a key role in influencing policy and legal frameworks that can support the achievement of the SDGs. This has been through research and participation in policy and legal formulation processes. For example, in order to ensure nationally appropriate social protection systems and measures for all, CSOs working in disability and livelihoods have advocated and influenced the development of the National Development Fund for person with disabilities supporting Educational assistance, Economic Empowerment and Revolving Fund, Infrastructure & Equipment, Cash transfers for households of persons with severe disabilities.

In a bid to eliminate all forms of violence against all women and girls in the public and private spheres, in Kenya, Keep the Promise National Campaign continues to expand the scope of Gender Based Violence (GBV) to be more targeted and challenge social norms. To ensure universal access to sexual and reproductive health (SRHR) and reproductive rights in accordance with the programme of Action of the International Conference on Population and Development, CSOs have actively participated in the formulation of legislation and policies such as adolescent SRHR policy, Health Bill and Reproductive Health Care Bill. CSOs also continue to develop and test ideas for the inclusion of citizens in the local level domestication of SDGs and use of citizen-generated data to engage local government in resource mobilization for their priority areas.

To ensure protection and preservation of coastal ecosystems, CSOs have supported the government through line ministry to adoption and application of fisheries improvement projects (FIPs) as a tool to promote stock sustainability. The lobster fishery is undergoing through the FIP with desirable results. The lobster Bench Marking and Tracking Tool (BMT) index has moved from 23% in 2010 to 78% in 2016.

In terms of the integration of three dimensions the SDGs Kenya Forum has embraced the Leave no one behind principle through collectively ensuring that key CSO groups traditionally left out of development conversations are brought on board to lead specific thematic working groups. Within the SDGs Kenya forum, CSOs have been clustered around their key thematic mandates. Within the clusters groups such as DPO's and old people have been specifically assigned to lead and collate their input and voice in for example SDG 1. Since this is a crosscutting issue DPO's and other marginalised groups have been requested to ensure that they have an input in each of the goals being reviewed. The county dialogues held in 2016 also demonstrated the Forum's commitment to take the SDGs conversation out of Nairobi and integrate the voices of those hitherto left behind, and empower them to take a more proactive and central role in the SDGs.

This report presents a thematic analysis of a selected number of SDGs under those prioritised for the VNR (SDGs 1, 2, 3, 5, 9, and 14). The analysis samples selected CSOs with a view to highlight SDGs where there is ongoing work that could potentially directly contribute to the implementation and tracking progress on SDGs. The analysis presents the specific goal, the organisations, their geographical scope (region/counties), key interventions, and challenges.

This report offers a set of recommendations under the selected SDGs and concludes that the agenda 2030 is a web of interconnected and interrelated set of deliverables that will require more than members states own interventions to achieve. At the centre of this deliverables is the clear need to establish structures that define participatory mechanisms and review and follow up structures, including monitoring frameworks that span across a broad ecosystem of key players, including citizens. It's therefore imperative that Kenya endeavours to leverage existing partnerships with stakeholders in the public and private spheres as well as recognise the critical role of CSOs in supporting implementation of the agenda 2030, through research, monitoring, modelling and sharing best practices for scaling up. The report further concludes that the SDGs will not be effectively implemented unless sub-national institutions and organisations are activated to play a substantive role. Devolution in Kenya therefore has the potential to address inequities and to enhance accountability on the SDGs, supporting the delivery of nationally agreed priorities to local communities.

1.3 Introduction

In March 2016 the Kenya civil society Organisations officially launched a forum for advocacy on achievement of the SDGs in Kenya. Previously these organisations had been working under the banner of the CSO reference group for post 2015 which culminated into the adoption of the agenda 2030 by the United Nations member states in September 2015.

The creation of the SDGs Kenya Forum was an early step by the civil society in Kenya to ensure that domestication and implementation of the 2030 Agenda is prioritised in the country by ensuring a process is set up to integrate the agenda within national level development plans and actions.

The SDGs Kenya Forum comprises CSO's Working in Kenya (NGO's and INGO's) working at national and subnational level. Member organisations within the forum have varied mandates all of which facilitate delivery of the different goals as set within the 2030 agenda. Given this diversity the forum has organised itself according to their thematic areas of work. This allows members to participate according to their comparative advantage and niche ensuring that various government agencies and other development actors are engaged alongside their areas of program work.

Within the first 2 years of adaption of the 2030 agenda, members of

the forum have reviewed their programme work and aligned the same to the priorities set within the SDGs. Collectively as a forum and in response to the leave no one behind clarion call, the forum has undertaken county level community dialogues in 5 counties in an effort to ensure communities are aware and engaged in the SDG implementation process.

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1.4 Structure and how we have worked with government collectively (SDG Kenya Forum and its institutional organisation)

The Kenya SDGs forum is the focal point for civil society engagement with the government through the Ministry of Devolution and Planning – SDGs coordination unit. As the Forum engages on the implementation of the SDGs Kenya, priority has been given to the local development processes deployed by the government and the structures within which they happen. For instance, the country's long-term development blueprint, also called Vision 2030 ends in the same year as the SDGs and is implemented through 5 year medium-term plans, the second of which ends in 2017. In line with this, SDGs Kenya Forum conducted a study between January and March 2016 to examine the extent to which the SDGs align with Vision 2030 and its medium term plans. A report on the findings and recommendations of this study has since been published and shared widely among local CSOs as well as with the SDGs Coordinating Unit at the Ministry of Devolution and Planning.

In September 2016, the SDGs Kenya forum was instrumental in mobilizing CSO partners towards the launch of the official Kenya SDG process. Further within the National dialogues at county level, local SDGs chapters have been established to advocate for the integration of priorities as identified by communities into key documents such as the County Integrated Development Plans (CIDPs) and mobilise for action.

It's within this context that the SDGs coordination unit within the Ministry of Devolution and Planning has engaged the forum in preparation of Kenya's report for the Voluntary National Review that will be presented at the High Level Political Forum (HLPF) to be held in New York in July 2017. Experiences of the CSOs engagements in the SDGs process so far are discussed in the subsequent parts.

1.5 Methodology for the development of this report

The approach in compiling this report entailed participation of different civil society organisations all working under the banner of the SDGs Kenya Forum. The Forum organised a series of face-to-face meetings and online consultations among its members to agree on the approach, format and standardization, and division of responsibilities to ensure fair representation of SDGs-related efforts by civil society aligned to the focus areas of the VNR in Kenya.

The final report was shared with government.

Members mobilise within their thematic areas of focus and prepare joint goal-specific reports depending on how their work aligns to respective goals under review

AGREED METHODOLOGY

The draft report was subjected to a review through a meeting by Forum members where comments and suggestions were factored and amendments made as necessary

The compiling team worked closely with the National Coordinator of the Forum and reported progress on a regular basis to the members the Forum

The draft report was shared by email to members for final review and comments

A team comprising few members of the Forum was selected to receive, review and collate the goal-specific reports into a synthesized report

The goal-specific reports be structured according the recommended official format for the Voluntary National Review report

1.6 Policy and enabling environment

1.6.1 How have we created ownership as CSOs (Individual projects among partners/ cooperation with state agencies and/or collectively as SDGs Kenya Forum)

In 2010, Kenya adopted a new constitution, which among other legal transformations introduced a new governance structure in the country comprising a national government and 47 counties. The 2010 Constitution also sought to devolve both political and economic power to the 47 counties, introducing an executive and legislature in each of the counties. While the national government continues to provide policy direction and also implements projects of a national nature, significant power and resources hitherto concentrated at this level have since been transferred to the counties.

The new governance structure came into effect in 2013, just after the election of the current parliament whose mandate ends in 2017. The national government provides policy direction on development at both tiers of governance. It also equitably shares national resources to the 47 counties to enable the devolved units plan and manage local development.

The civil society in Kenya has adjusted to this new governance structure, aligning their projects and programmes to respond to new development plans at both the national and county levels – depending on their scope of operation. The new governance structure came with its own challenges. There was limited information on actualising it, and capacity was limited at both the national and county governments. They all had had to learn on the go, making mistakes along the way but adjusting as necessary.

It was within this new governance context that the 2030 Agenda has found itself, and many including civil society are adjusting to ensure their effective participation in development and governance processes.

2.0 CSOs Experiences in the Implementation of the SDGs in Kenya

CSOs in Kenya have interacted with and identified different areas within which they can partner with the government of Kenya (as the primary duty bearer) to accelerate the achievement of the 2030 Agenda. Under the banner of SDGs Kenya forum there have been deliberate efforts on joint cooperation and at both national and sub-national levels. Different CSOs have also strengthened their engagement with government ministries, departments, and agencies, depending on their mutual interest.

This report shares the experiences of civil society in the implementation of SDGs, narrowing the focus to the 7 goals under consideration for Kenya's Voluntary National Review. The 7 are listed below:



3.0 Note on data availability and consolidation

Admittedly, the process of consolidation of evidence and results data in each of the thematic areas has not been easy. This can be largely attributed to lack of an overall guidance framework on data reporting – which showcases a lot of the positive results being achieved by different CSOs working across Kenya. Consequently, there has been no consensus on a standardized way to qualitatively represent output indicators across the spectrum of the work, which has been undertaken - at the time of writing this report. More work will be done to formalize this process in the future.

Additionally, at the technical level, a number of challenges present themselves:

- ▶ Different organizations are monitoring indicators using a variety of tools (both closed and open source systems) – which are siloed. Whilst this is given, there are no interoperability standards of data to enable consolidation.
- ▶ Also, data must be normalized before it can produce the reports and analytics that drive actionable decision-making.
- ▶ The treatment of historical data has also not been agreed upon.

These are significant issues the SDGs Kenya Forum's secretariat has grappled with in presenting this report. Consequently, further engagement with the Kenya National Bureau of Statistics (KNBS), as well as other experts within the Forum, would assist to prioritize this and provide a path to data consolidation by such non-state actors.

In summary, this is a largely qualitative report informed by the activities of the CSOs who participated voluntarily in sharing their high-level results. Due to limited time and resource constraints to work with a spectrum of CSOs, our desire was to use a participatory approach to delve deeper into each of the 17 Goals to uncover thematic results through various complex-programming techniques undertaken by the CSOs. The report focuses on sharing narratives that focus on the human impact of interventions by these CSOs.

4.0

SDG 1: End Poverty in all its forms

Reporting organisations; United Disabled Persons of Kenya, Kenya Association of Intellectually Handicapped, Ecumenical Disability Advocates Network, All Africa Conference of Churches, Users and Survivors of Psychiatry in Kenya, Leonard Chesire Disability, GCAP Kenya, VSO Kenya and Sense International.

4.1

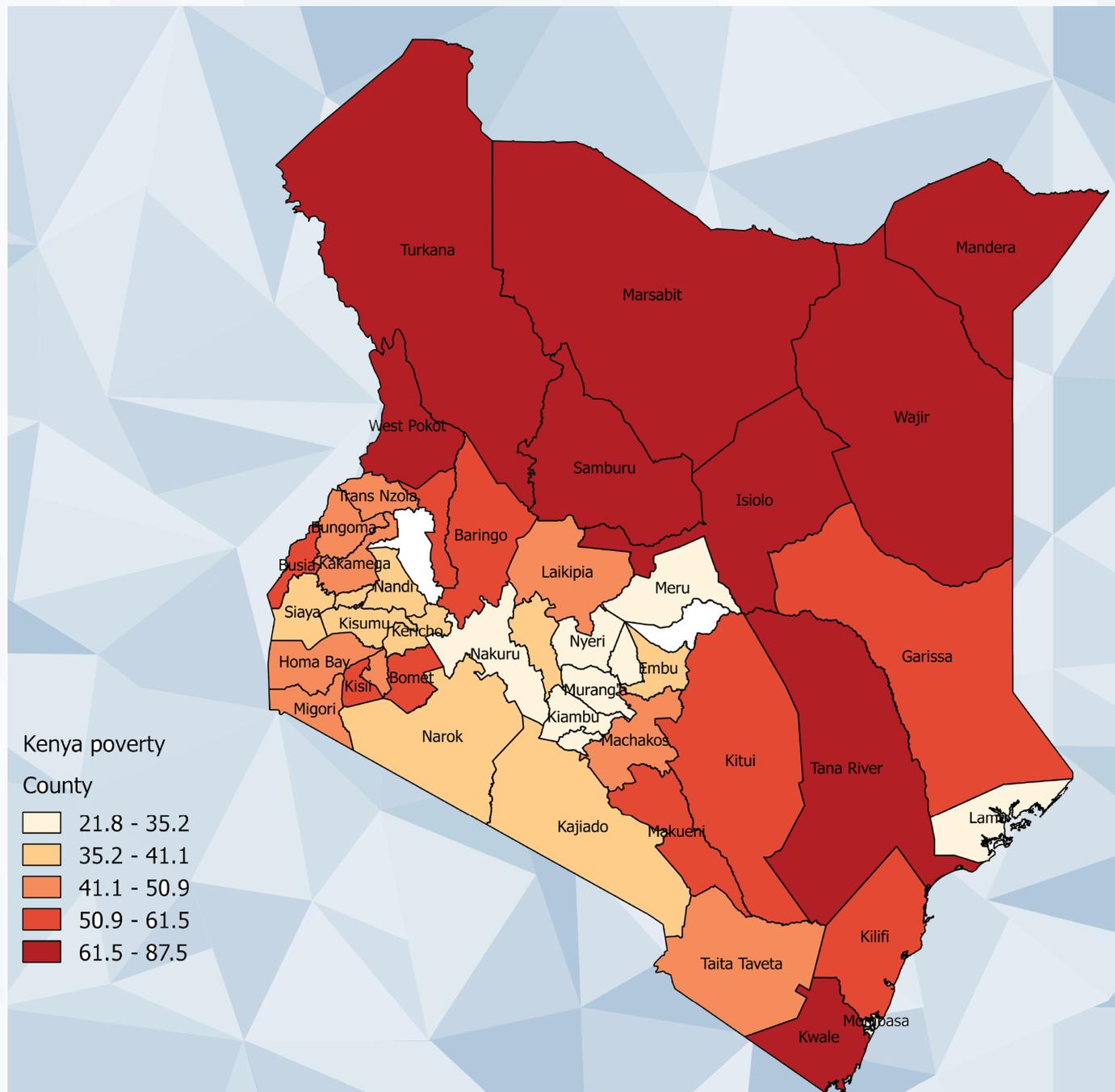
Kenyan context

In Kenya extreme poverty, measured using the international extreme poverty line (PPP\$1.90 a day), had been increasing since 1994, rising from 18.8% in to 33.7% in 2005, and has since fallen to 25.1% in 2013. National poverty line estimates according to the latest available data (KNBS 2005), 45.2% of the population live below this line, of which 76.9% live in rural areas (Development Initiatives, 2016). As for the labour force. The number of working poor as of 2013 (ILO) is 26.9% of the total workforce.

Sub-national analysis of poverty headcounts highlights the fact that the national average only tells half the story. For instance, 27 out of the 47 counties have higher headcounts than the national average as shown in the table below.

County	Headcount Index: Percent of Individuals below Poverty Line	Total Population
Turkana	87.5	801,346
Mandera	85.8	927,605
Wajir	84.2	522,830
Marsabit	75.8	288,272
Tana River	75.6	238,372
Samburu	71.4	220,978
Kwale	70.7	641,118
West Pokot	66.3	485,464
Isiolo	65.3	190,418
Makueni	60.6	873,416
Kitui	60.4	979,563
Busia	60.4	735,294
Garissa	58.9	421,868
Kilifi	58.4	1,089,085
Elgeyo-Marakwet	52.7	366,115
Baringo	52.2	548,107
Kisii	51.4	1,139,552
Bomet	51.3	721,873
Nyamira	50.7	591,491
Taita-Taveta	50.4	274,662
Migori	49.6	905,745
Kakamega	49.2	1,644,328
Homa Bay	48.4	954,315
Laikipia	47.9	385,382
Bungoma	47.3	1,359,983
Kenya	45.2	37,565,589

The Northern and Eastern counties have the largest headcounts of people in poverty, while central Kenya has the least.



According to World Bank's latest report May 2017, Kenya faces challenges of poverty, inequality, governance, climate change, low investment and low firm productivity to achieve rapid, sustained growth rates that will transform lives of ordinary citizens. The SDGs Kenya Forum members support combined efforts as a key strategy to combat poverty.

As the country moves forward to attaining Agenda 2030, we have identified the following key groups to be targeted through interventions:



Persons with disabilities



Older persons and vulnerable children



Internally displaced persons (IDPs) and the homeless

Lack of available, high-quality, timely and reliable data on these key groups remains a challenge. The Kenya 2009 Population and Housing Census Analytical Report on Disability (2012) indicates that 3.5% of the Kenya population is made up of persons with disabilities, while the Kenya National Survey of Persons with Disabilities 2008 found that 4.6% of Kenyans experience some form of disability. This is way below the World Bank and WHO statistics which indicate that 15% of every population is made up persons with disabilities (World report on disability 2011). During the next national census 2019, the government should facilitate the collection, analysis and dissemination of disaggregated data to highlight all forms of disability.

Unavailability of high quality data on the people who are homeless, although the government has recently launched a census focussing on this group. The number of IDPs in the country as of January 2015 stood at 309,200 although no additional statistics are available on their economic status to facilitate assessment of levels of poverty within the group.

The same applies for older persons, orphans and vulnerable children.

4.2 Targets in focus

1.3 Implement nationally appropriate social protection systems and measures for all, including floors, and by 2030 achieve substantial coverage of the poor and the vulnerable.

Target 1.4 By 2030, ensure that all men and women, in particular the poor and the vulnerable, have equal rights to economic resources, as well as access to basic services, ownership and control over land and other forms of property, inheritance, natural resources, appropriate new technology and financial services, including microfinance

17.18 By 2020, enhance capacity-building support to developing countries, including for least developed countries and small island developing States, to increase significantly the availability of high-quality, timely and reliable data disaggregated by income, gender, age, race, ethnicity, migratory status, disability, geographic location and other characteristics relevant in national contexts.

4.3 Civil society interventions

- ▶ Monitoring government implementation programmes to ensure effectiveness in delivery of desired outcomes
- ▶ Supporting outreaches
- ▶ Lobbying for social protection to be made universal
- ▶ Facilitating access to services
- ▶ Community Empowerment projects towards Social Accountability. VSO Kenya is implementing one in Taita Taveta and Kwale Counties (CESAP)
- ▶ Awareness raising to people with disabilities on the need for civic responsibility
- ▶ Mobilisation of persons with disabilities into groups
 - ▲ Awareness raising to persons with disabilities on the need for them to be registered
 - ▲ Outreach support
 - ▲ Monitoring data collection support
 - ▲ Advocating for the review of Persons with disabilities act 2003
- ▶ Supporting formation of income generating groups and interventions at community level.

4.4

Challenges as identified by civil society

- ▶ Unavailability of high-quality, timely and reliable data on disability.
- ▶ The cash transfer for persons with severe disabilities is still a targeted programme. Not all persons with disabilities are benefiting.
- ▶ The targeting criterion is limiting.
- ▶ The amount given is still far below the living cost. Does not consider disability related cost.
- ▶ Administration challenges. Transfers not timely.
- ▶ Health subsidy not benefiting all children with disabilities
- ▶ Lack of information on how persons with disabilities can participate in decision-making processes.
- ▶ Lack of knowledge and low levels of awareness on how people with disabilities can engage in civic responsibility.
- ▶ Definition of disability remains a problem.
- ▶ Lack of capacity by the national council.
- ▶ Methodology of assessment limiting.
- ▶ No involvement of data collection specialized agencies.
- ▶ Adhoc involvement of Disabled Peoples organisations and persons in data collection.

4.5

Key messages

Adequate standard of living and social protection for all. For persons with disabilities this is envisioned in article 28 of the United Nations Convention on the Rights of Persons with Disabilities.

Involvement of organizations of persons with disabilities in decision-making is important if we are to truly leave-no-one-behind. Social Accountability works. We can build community momentum and maintain pressure on county and national governments in regards to public service delivery. Also holding private sector; and other civil society players to be responsible and 'do good'. Systems to collect information on the situation of persons with disabilities, including the barriers that they face to exercise their rights are necessary.

4.6

Recommendations

- ▶ The Social Accountability model is powerful and needs to be deployed across the country. Moving beyond capacity building approaches to local ownership, partners can be supported to mobilise resources (either with or without VSO).
- ▶ There is need to enhance capacity of county governments and also citizens in equal measure for success to be realised.
- ▶ Fully implement the programme on LPO Financing.
- ▶ Within the social cash transfer programmes, disability needs to be included and recognised in addition to poverty as a basis for qualification into the program.
- ▶ Coordination of data collection by Service delivery institutions such as Schools, Hospitals, Civil Registry, IEBC. Data to be disaggregated
- ▶ Disability data collection to involve Kenya National Bureau of Statistics (KNBS) and other specialized agencies and Disabled Persons Organisations.
- ▶ Persons with disabilities and their organisations to participate in the development of the tools to be used in data collection during the upcoming national census.
- ▶ Recommend the use of Washington set of short questions to KNBS and other institutions.

5.0

SDG 2: End Hunger, achieve Food Security and Improved nutrition and promote sustainable agriculture

Reporting Organizations : Caritas Kenya, Local Development Research Institute/ GROOTS/ACORD/CARE

5.1

Africa's Commitment

Africa's Commitment to End Hunger by 2025 supports and capacitates governments in focus countries to engage in multi-sectoral planning, coordinated implementation, monitoring and evaluation with financial commitments to food security and nutrition policies and programmes under the Comprehensive Africa Agriculture Development Programme (CAADP) initiative. It has been estimated that under nutrition in Africa and Asia has an economic cost equal to 11% of GDP. (Global Panel on Agriculture and Food Systems for Nutrition, 2016²).

Through the **Malabo Declaration**³, adopted by African Heads of States in June 2014, with its implementation strategy and roadmap on "Accelerated Agricultural Growth and Transformation for Shared Prosperity and Improved Livelihoods" seeks to achieve the 2025 vision of ending hunger in Africa. The main expected result is to accelerate and add value to ongoing regional and country efforts through capacity strengthening and inter-sectoral coordination for accountability on investments, with coherent and harmonized programme delivery at all levels.

5.2

Kenya - National Context

Agriculture is the mainstay of the Kenyan economy, contributing 30 percent to GDP, but Kenya is a food deficit country, meeting the needs of its growing population through formal and informal imports of maize as well as rice and wheat. This makes the country vulnerable to international price fluctuations as well as to trade barriers sometimes imposed by neighbouring countries from which it imports. Currently, the arid and semi-arid lands (ASALs), which cover about 80 percent of the country's landmass have been characterized by erratic, low rainfall and are facing a prolonged drought. Some eight counties have experienced a high number of droughts in the past 15 years, namely Turkana, Marsabit, Samburu, Isiolo, Wajir, TaitaTaveta, Kajiado and parts of Kitui.

Kenya's economic growth rose 5.7 percent in 2013, fuelled by strong consumption and investment. Agriculture is the backbone of the economy and central to the government's development strategy, employing more than 75 percent of the workforce and accounting for more than half of the country's gross domestic product.

Agriculture productivity suffers from frequent droughts, floods and climate change, and a high proportion of arid or semiarid land. Poverty alleviation remains a challenge, with nearly half of all Kenyans living in poverty. Since 2008, Kenya has faced severe food insecurity problems, attributed to frequent droughts, high costs of domestic food production, displacement of farmers during election violence in 2007, high global food prices, and low purchasing power for a large proportion of the population.

Given the importance of agriculture in rural areas of Kenya where poverty is prevalent, the sector's importance in poverty alleviation cannot be understated. Strengthening and improving the performance of the agricultural sector and enabling the engagement of the poorest and most vulnerable in this process is therefore a prerequisite and a necessary condition for achieving recovery and growth in Kenya after recent years of drought and slow development.

A. Nutrition

According to a 2016 Global Hunger Index (GHI) report from the International Food Policy Research Institute and Concern Worldwide, shows that Kenya has serious levels of hunger, even as malnutrition is declining around the world. With a score of 21.9 in Global Hunger Index, Kenya is ranked among the top 50 countries failing to provide their people with enough food. In Kenya, the Government, through the office of the President and the Ministry of Agriculture, is responsible for ensuring food security for its citizens. Food insecurity is a serious issue in Kenya; an estimated 1.6 million people suffer from chronic hunger, 46% of the population lives under the poverty line and around 16 million people lack sufficient food. The Government, international organizations, NGOs and CBOs are addressing food security. Leveraging agri-food systems for nutrition implies:

- i. Creating and strengthening institutional and policy environments (including accountability systems) that enable agriculture and food systems to support nutrition goals,
- ii. Making agricultural programs and food system interventions more nutrition-sensitive and therefore more effective in improving nutrition and health, and
- iii. Developing capacity and leadership to use and demand appropriate evidence to improve decision-making to this end

² <https://www.glopan.org/nutrition-for-growth2>.

³ <https://au.int/en/documents/31006/malabo-declaration-accelerated-agricultural-growth-and-transformation-shared>

B. Agricultural

The Agricultural sector is responsible for approximately 25% of Kenya's GDP. Around 75% of the population depends on agriculture for their livelihoods, mainly smallholder subsistence farmers. Women account for 75% of the labour in the agricultural sector.

How the agricultural sector contributes to food insecurity:

- i. Focus on cash crops [flowers, tea, coffee and horticultural produce] for export.
- ii. Small landholdings mean low productivity and limited access to inputs, financial services as well as markets for surplus produce.
- iii. Overreliance on synthetic fertilizers lowers soil fertility and in turn decreases productivity.

Almost 80 percent of the world's poor live in rural areas, where people depend directly or indirectly on agriculture, fisheries or forestry as a source of income and food. The achievement of Goal 2 is dependent on major production and productivity increases. For example, FAO estimates that food production must increase by 70% until 2050. But more efforts are also needed on the demand and distribution side.

In Kenya, at national level, coordinating action on agriculture, health, gender and water and sanitation can leverage positive interactions. Improving utilization of food is enhanced by improvements in education and health policies, and measures to enhance income growth amongst the poor. Investments in sanitation and clean water will also improve nutritional outcomes, in strong interaction with health and gender goals.

5.3 SDG 2 Targets in focus

- 2.1:** By 2030, end hunger and ensure access by all people, in particular the poor and people in vulnerable situations, including infants, to safe, nutritious and sufficient food all year round.
- 2.2:** By 2030, end all forms of malnutrition, including achieving, by 2025, the internationally agreed targets on stunting and wasting in children under 5 years of age, and address the nutritional needs of adolescent girls, pregnant and lactating women and older persons.
- 2.3:** By 2030, double the agricultural productivity and incomes of small-scale food producers, in particular women, indigenous peoples, family farmers, pastoralists and fishers, including through secure and equal access to land, other productive resources and inputs, knowledge, financial services, markets and opportunities for value addition and non-farm employment.

2.4: By 2030, ensure sustainable food production systems and implement resilient agricultural practices that increase productivity and production, that help maintain ecosystems, that strengthen capacity for adaptation to climate change, extreme weather, drought, flooding and other disasters and that progressively improve land and soil quality.

2.5: Increase investment, including through enhanced international cooperation, in rural infrastructure, agricultural research and extension services, technology development and plant and livestock gene banks in order to enhance agricultural productive capacity in developing countries, in particular least developed countries

5.4 SDG 2 Indicators in focus

Indicator 2.1.1: Prevalence of undernourishment

Indicator 2.1.2: Prevalence of moderate or severe food insecurity in the population, based on the Food Insecurity Experience Scale (FIES)

Indicator 2.2.1: Prevalence of stunting (height for age <-2 standard deviation from the median of the World Health Organization (WHO) Child Growth Standards) among children under 5 years of age

Indicator 2.2.2: Prevalence of malnutrition (weight for height $>+2$ or <-2 standard deviation from the median of the WHO Child Growth Standards) among children under 5 years of age, by type (wasting and overweight)

Indicator 2.3.2: Average income of small-scale food producers, by sex and indigenous status

Indicator 2.4.1: Proportion of agricultural area under productive and sustainable agriculture

2.a.1: The agriculture orientation index for government expenditures

2.b.2 Agricultural export subsidies

5.5 Challenges identified by CSOs

- There is low understanding of linkage between national food security, basic education, and water and sanitation strategies on one hand and nutrition on the other;
- The agricultural sector in Kenya is constrained by a variety of challenges. Low agricultural productivity and production is caused by low input use, unsustainable soil and water practices and the diminishing size of average land holdings. This problem is further exacerbated by lack of water storage facilities and poor irrigation infrastructure;
- Lack of baseline data on a majority of indicators and limited disaggregation on available data v) Absence of appropriate methodologies and technologies for measuring some indicator;
- Poor market facilities and market arrangements, unacceptably high pre- and post-harvest losses, and low value addition contributing to an under-developed agro-industry also hinder the full potential of agriculture in Kenya;
- Climate change poses another major challenge to the economic and social development of the country. In the recent past, natural disasters associated with climate variability (droughts and floods) have had a huge impact in terms of loss of lives and displacement of people, deterioration of livelihoods, destruction of infrastructure and degradation of natural resources;
- The role of women in agriculture is of particular importance as they provide over 70 per cent of the workforce but are largely deprived of both decision-making powers and secure tenure to the land they work. Empowering women, and supporting the role they play in agricultural production, is therefore key to reducing poverty and building a competitive agricultural sector;

Despite these challenges, abundant opportunities for the continued development of the agricultural sector in Kenya exist. There is strong political commitment as reflected in the GoK's Vision 2030 and the new constitution, which will ensure that each county receives an equitable share of the national budget and is able to prioritize expenditure. Kenya possesses a skilled population with increasing access to modern information and communication technologies.

Agro-ecological diversity coupled with a significant irrigation potential (80 per cent of which is untapped) allows Kenya to produce a wide range of produce year-round.⁴ Domestic, regional and international markets are growing and increasing the demand for agricultural products. There is also a growing demand for high-value products from a more quality conscious middle class. The growth in Kenya's middle class is driven by the county's blossoming private sector. Whilst the private sector is no panacea for change within the agricultural sector, it does have the potential for adding value, for innovation and for risk-taking that is outside the mandate of the public sector. Crucially, services, agriculture, manufacturing and other sectors have the ability to provide employment.

5.6 Policy and enabling environment

Agricultural policy in Kenya revolves around the main goals of increasing productivity and income growth, especially for smallholders; enhanced food security and equity, emphasis on irrigation to introduce stability in agricultural output, commercialization and intensification of production especially among small scale farmers; appropriate and participatory policy formulation and environmental sustainability. The key areas of policy concern, therefore, include:

- i. Integrate actions to deliver Zero Hunger into National and County Integrated Development Plans (CIDPs), with targets and indicators for hunger, food security, nutrition, and sustainable agriculture that are ambitious, appropriate to County contexts, and adequately financed;
- ii. There needs to be a concerted effort to support agricultural development activities that build the capacity of smallholder farmers to generate a sustainable income. The Government needs to create a new policy framework to make the agricultural sector more profitable, competitive and sustainable.
- iii. Increasing agricultural productivity and incomes, especially for small-holder farmers.
- iv. Emphasis on irrigation to reduce over-reliance on rain-fed agriculture in the face of limited high potential agricultural land;
- v. Encouraging diversification into non-traditional agricultural commodities and value addition to reduce vulnerability;
- vi. Dietary improvements as well as shaping longer term popular norms about diets and lifestyle,
- vii. Enhancing the food security and a reduction in the number of those suffering from hunger and hence the achievement of SDG2;
- viii. Encouraging private-sector-led development of the sector;
- ix. Ensure national and County policies and programs are designed to improve the food and nutrition security of the most excluded population groups (Leave No One Behind Principle).
- x. Civil Society Organizations (CSOs) and other development partners in Kenya must hold the National and County governments to account by holding participatory and transparent national follow-up and review processes. This will require a free and enabling environment for civil society that is supported by both the County and National governments.

⁴ <ftp://ftp.fao.org/OSD/CPF/Countries/Kenya/CPF%20for%20Kenya%202014-2017%20-%20signed.pdf>.

xi. Ensure universal primary education for all children and advocate for school meals programmes in all schools. Advocate for adult literacy and numeracy training in geographically targeted counties with extremely low adult education levels. Emphasis is needed in the seven counties where more than 60 percent of household heads have little or no education (Wajir, Garissa, Marsabit, Mandera, Turkana, Samburu and West Pokot).

xi. Increase awareness of nutritional issues that cause weight gain and promote healthy diets, especially in growing urban areas.

5.7 Lessons learned and best practices

- In Kenya, decentralization in the form of devolution and citizens' participation in the policy process is a part of the Constitution of Kenya, 2010. The agriculture sector, including most of the activities related to food security, is a function of the county government, while the Central government is concerned with the general agricultural and food policy. The participation of citizens in the process can easily be realized in this context. Informing people about the food security process will lead to ownership of the food security programs and initiatives, and is likely to improve the implementation and outcomes of these programmes.
- Youth are receptive to trying new behaviours and technologies. To transform subsistence farming into sustainable farming, Amiran Kenya offers drip irrigation kits to youth groups in Kenya at a discount in exchange for their assistance in demonstrating the technology and its value to others.
- Civil society organizations have played a key role in introducing the programmes and in pressing governments to promote the right to food. In Kenya, the food policy mentions the government and partners at the national and county levels as the key participants. There is need to deliberately include the civil society, as key partners, in the right to food process.
- Legal frameworks should also seek to provide the citizens with the right to recourse, for example, through courts of law, with respect to violations of an individual's right to food.
- Capacity building and advocacy will be needed to inform the government and the citizens of their rights, obligations and responsibilities with respect to the realization of the right to food. The objectives will be to motivate the government to take the necessary responsibility in line with its obligation to respect, protect and fulfill the right to food. Advocacy will also empower the public, with respect to the rights to food including access to both food and recourse mechanism if their rights are not met.
- Monitoring is crucial in order to track performance and the processes, in order to find out whether they are consistent with the rights-based approach, and whether the implemented programmes successfully target those in need. Monitoring will also seek to identify challenges towards the realization of the right to food.

5.8 Our recommendations to the government of Kenya by Sector

Sector	Proposed interventions
Agriculture	Promote drought-tolerant crops; water harvesting through the construction of pans, sand dams in Arid and Semi-Arid Lands (ASAL) and irrigation systems; promote post-harvest management and marketing; conservation agriculture; farm subsidies; good agricultural practices. Much more investment in research on fruits and vegetables, animal source foods, legumes, nuts and seeds is urgently required.
Livestock	Livestock insurance; marketing and infrastructure; pasture & fodder establishment & conservation; sensitize farmers and traders on better livestock marketing strategies; livestock breed improvement schemes; continuous vaccination and disease surveillance;
Health and nutrition	Scale up High Impact Nutrition Interventions (HINI); conduct nutrition surveillance; enhance integrated disease surveillance; provide water treatment chemicals; strengthen community health strategy. Sensitize policy makers and programmers on the causal factors of malnutrition and influence them to address malnutrition in a holistic approach and broad manner

Sector	Proposed interventions
Water	Construct dams and water pans; fuel subsidy and continuous rehabilitation for community boreholes; provide water tanks and storage facilities; water infrastructure development for emergency supply; repair strategic boreholes in grazing areas; roof water harvesting; repair water pans; purchase generators; fence water points.
Peace and security	Establish and support peace and conflict resolution mechanisms among pastoral and farming communities and form peace committees.
Innovative Technologies	The use of technologies such as mobile phone systems, digital pen technology, Geographic Information Systems (GIS) and radio for training, represent a major opportunity for extension services and presents opportunities for innovative forms of real-time disease surveillance and for connecting people to markets. Strengthening Fish Production through Adoption of Improved Aquaculture Technology
Gender equality and the empowerment of all women and girls	Economically empower women by enhancing access to productive land and promoting their ownership to the same. Make available more targeted resources for young men and women to engage in productive agricultural practices and build their capacity to manage the resources for economic empowerment

5.9 Key messages

Given the complex and interconnected nature of the root causes of poverty and of hunger, delivering on the 2030 Agenda provides the best and surest way of getting to Zero Hunger faster. With collaboration at all levels and by utilizing advances in technology, employing innovative approaches, and ensuring that honesty, fairness, and justice are the underpinning principles of all our actions, we can transform our world and eradicate poverty and hunger for all, and for good. The goals are ambitious but by no means impossible, consequently in Kenya, we conclude by noting that:

- The consequences of food insecurity go beyond hunger, involving problems that hamper human development;
- The main solution to food insecurity is to support agriculture at small scale, considering that small scale farmers produce most of the food that is eaten in the world;
- Lack of access to production resources, low agricultural productivity, climate change and inadequate government policies are the main causes of food insecurity worldwide;
- Although laws guaranteeing the human right to adequate food would not eradicate hunger, they would spur government action and interventions;
- The UN's Voluntary Guidelines on the progressive realization of the right to adequate food in the context of national food security need to be used more to make precise assessments on food security in countries;
- Women must have equal access to and control of resources for food production;
- A good agricultural market system, in particular the promotion of local markets, is a powerful instrument to avert the consequences of food insecurity;
- Civil society dialogue with governments has to be strengthened in view of improving policies, laws and systems to ensure food security, as well as to strengthen cooperation.

6.0

SDG 3: Healthy Lives and Promote well-being for all at all Ages

6.1 Healthcare in Kenya

The government of Kenya emphasises the health of its citizens and the improvement of health service delivery. The Ministry of Health plays a coordinating and capacity-building role in ensuring that all services offered are in line with established policies and standards.

The government recognises that good health is a prerequisite to socioeconomic development. A number of government policy documents and successive national development plans, including Vision 2030, have stated that health services should meet the basic needs of the population, that health facilities should be situated so that they are within reach of all Kenyans, and that there should be a focus on preventive, promotive, and rehabilitative services without ignoring curative services.

Under the 2010 Kenya constitution, the health function has been devolved to the county governments, with distinct functions being assigned to the national and county governments. The national government is responsible for leadership in health policy development, management of national referral health facilities, capacity building and technical assistance to counties, and consumer protection, including the development of norms, standards, and guidelines.

The county governments are responsible for county health services and pharmacies; ambulance services; promotion of primary health care; licensing and control of establishments that sell food to the public; cemeteries, funeral parlours, and crematoria; and refuse removal, refuse dumps, and solid waste disposal.

With regard to their functions, the county governments have undertaken new strategies and initiatives to address the health needs of their populations, including the construction of more health facilities, the acquisition of new equipment and medication at these facilities, and the addition of ambulances and more medical staff.

The Kenya Health Policy 2014-2030 takes into account the objectives of devolution and adheres to the following principles:

- ▶ Equity in the distribution of health services and interventions;
- ▶ A people-centred approach to health and health interventions;
- ▶ A participatory approach to delivery of interventions;
- ▶ A multi-sectoral approach to realising health goals;
- ▶ Efficiency in the application of health technology⁵

Target 3.7

By 2030, ensure universal access to sexual and reproductive health-care services, including for family planning, information and education, and the integration of reproductive health into national strategies and programmes

6.2 Challenges as identified by Civil Society

By 2030, ensure universal access to sexual and reproductive health-care services, including for family planning, information and education, and the integration of reproductive health into national strategies and programmes

- ▶ Inequitable coverage among certain areas or population groups, including adolescents, requiring well targeted additional investments. According to the Kenya Demographic and Health Survey (KDHS) 2008-2009, the median age at first sexual intercourse in Kenya was 18.2 years for women and 17.6 years for men. Similarly, 37 percent of girls and 44 percent of boys aged 15 to 19 years have had sex. One in three adolescent married girls (30%) had an unmet need for family planning
- ▶ Demand side barriers that limit access and utilization of proven high impact interventions to realize Kenya's RMNCAH vision. These include long distances to health facilities, high costs, religious and sociocultural beliefs and practices and low status of women as well as lack of knowledge and information. Provider attitudes further compound the demand side barriers, poor quality and limited integration of services that also hamper and discourage utilization of services.
- ▶ Supply side challenges due to suboptimal functioning of the health systems (infrastructure, human resources for health (HRH), supply chain, health financing, health Information, and leadership/governance). The main health system challenges include poor workforce distribution and productivity coupled with funding gaps and weak supply chain management.

⁵<https://dhsprogram.com/pubs/pdf/fr308/fr308.pdf>

- ▶ For provision of essential RMNCAH commodities; incomplete and poor quality of data from routine health information systems that hamper evidence-based decision making and accountability for results; inability to optimize the devolution dividend and make effective use of resources from both domestic and partners due to capacity challenges and weak coordination at national and county levels.
- ▶ High burden of HIV and AIDS and related mortality and morbidity remain a challenge.
- ▶ Lack of key expertise as related to specific challenges affecting women reproductive health including issues of fistula and access to treatment of the same.

6.3 Key areas of intervention with support from civil society

Advocate for increased government spending in order scale-up interventions but ensuring effective coverage with an equity focus as this will among other things ensure no one is left behind.

Its critical to partner with CSO's and other stakeholders as effective partnerships are critical for success as fragmented financing and governance cause high transaction costs, hindering effective harmonization at the country level. Integration can optimize the efficient use of resources and reduce duplication and wastage. Integration of services helps to reduce missed opportunities to optimize linkages with other health care interventions including HIV and AIDS and sexually transmitted infections (STIs).

Devolution has the potential to address inequities and to enhance accountability. International experience shows that decentralization improves accountability and citizen participation, and inspires good governance by strengthening the capacity of CSOs in social accountability

7.0

SDG 5: Achieve Gender Equality and Empower women and Girls

7.1

Introduction

Since inception, women's rights organizations have been key contributors to advancements of women's rights and have engaged with the post 2015 development agenda to ensure a gender lens in policy and outcome documents related to development including the SDGs. Gender Equality was cited as one of the outstanding unfinished business of the MDGs. The consistent efforts in building capacities, mobilising and convening women's rights organisations in Africa to participate and share their lived experiences in the development of the Post-2015 development agenda, as well as the development of the Common African Position on the Post-2015 (CAP) were monumental. The actions of women's rights organizations partners in Africa and across the globe resulted in a stand-alone gender goal and for mainstreaming of gender in other goals and in the entire 2030 Agenda for sustainable development (SDGs).

In order to ensure that goal 5 is a reality, Kenya must build the political will and work on policies and programs at national level that will provide a conducive environment for implementation of gender equality goal by 2030. This will call for innovative approaches, strengthened capacity and coordination amongst African women rights organisations in partnership with the national government. The targets capture key structural constraints to gender equality such as discrimination, violence against women and girls, harmful practices, unpaid care work, lack of participation in decision-making process and inadequate access to sexual and reproductive health and reproductive rights.

Slightly over a year into implementation, the lessons learnt point to the opportunities that would propel the realization of goal 5 such include the pre-existing policies and programs that are advancing sectoral issues within the gender equality focus of the 2030 agenda. Challenges pointing to inadequate or non-existing gender data, lack of capacity to articulate some of the issues such as unpaid care work and resources to put in place the infrastructure required threaten the realization of some of the targets and indicators of the stand-alone gender goal and gender targets in other goals.

7.2

Kenyan context

Kenya has ratified CEDAW (Convention on Elimination of all form of discrimination against women). UN Women points out that globally 1 in 3 women experience physical or sexual violence. In Kenya GBV remains an area of significant concern.

The 2014 KDHS on Sexual and Partner Violence indicates Fourteen per cent of women and 6 per cent of men age 15-49 reports having experienced sexual violence at least once in their lifetime. Overall, 39 per cent of ever-married women and 9 per cent of men age 15-49 reports having experienced spousal physical or sexual violence. FGM that account for 21% of Kenyan girls and early child marriages that account for a further 28% of girls and women.

Even though Kenya is signatory to many normative frameworks on gender equality and women's empowerment, reporting remains a challenge. Such include Maputo Protocol (protocol to the African Charter on Human and People's Rights). Financing to implement the commitments remains a challenge and gender responsive budgeting remains underutilized as a tool to advance and accelerate Gender Equality and women's empowerment.

In 2012, an estimated 464,000 induced abortions occurred in Kenya. This translates into an abortion rate of 48 per 1,000 women aged 15-49, and an abortion ratio of 30 per 100 live births. About 120,000 women received care for complications of induced abortion in health facilities. About half (49 %) of all pregnancies in Kenya were unintended and 41 % of unintended pregnancies ended in an abortion.⁶

We continue to witness a gendered digital divide, inequitable access to economic spaces and slow progress in addressing issues such as unpaid care work. For most of these issues as it is for others, inadequate gender data hampers progress and further entrenches discrimination.

⁶<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4546129/>

7.3 Targets in focus

- ▶ End all forms of discrimination against all women and girls everywhere
- ▶ Eliminate all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation
- ▶ Eliminate all harmful practices such as child, early and forced marriages and female genital mutilation)
- ▶ Recognize and value unpaid care and domestic work through the provision of public services, infrastructure and social protection policies and the promotion of shared responsibility within the household and the family as nationally appropriate
- ▶ Ensure universal access to sexual and reproductive health and reproductive rights as agreed in accordance with the programme of Action of the International Conference on Population and Development and Beijing Platform for Action and the outcome documents of their review conferences
- ▶ Undertake reforms to give women equal rights to economic resources, as well as access to ownership and control over land and other forms of property, financial services, inheritance and natural resources, in accordance with national laws

7.4 Analysis of the Policy and Legal environment

Kenya has policies, legal, institutional frameworks, structures and financing mechanisms that can support CSOs, private sector, donors, academia, media among other stakeholders to advance gender equality and empowerment of women and girls.

In addition to the policy and legal framework the government has established the National Gender and Equality Commission (NGEC) an independent Constitutional Commission established to contribute to the reduction of gender inequalities and the discrimination against all; women, men, persons with disabilities, the youth, children, the elderly, minorities and marginalized communities and groups.

The laws, policies and structures that safeguard women and girls from GBV and discrimination include:

- ▶ The Kenyan constitution of 2010
- ▶ Sexual offense Act 2006
- ▶ Education Gender Policy (2007)
- ▶ The Election Act (2011)
- ▶ The Matrimonial property Act (2013)
- ▶ The Marriage Act (2014)
- ▶ Vision 2030 and its second medium term plan 2013-2017.

Despite these laws, policies, institutional frameworks and structures, it is widely acknowledged that gender inequalities and discrimination against women and girls persists in Kenya. Ongoing efforts to tackle persistent gender challenges for example FGM have demonstrated that government alone cannot effectively address some of the highly complex issues. Multi-stakeholder efforts are needed to ensure laws, policies and practice effectively promote the achievement of gender equality and empowerment of women and girls.

7.5

Civil society interventions

- ▶ CSOs have consistently worked to advocate towards influencing Kenya's reports to the Human Rights Council and periodic reviews of Beijing Platform for Action to ensure that national policy making aligns to the aspirations set in CEDAW and Beijing Platform for Action.
- ▶ CSOs have worked as part of technical working group to advocate for legislation and amend existing laws to be comprehensive especially as pertains to Violence against women and girls.
- ▶ Accountability on ensuring the scope of GBV projects is comprehensive and Costing of GBV Work towards keeping momentum and GBV on the political agenda including through the Keep "The Promise Campaign by National Gender Equality Commission"
- ▶ Follow up on the progress towards enacting the FGM Act 2001.
- ▶ Advocate for the adoption of the African Union Campaign against Child Marriage
- ▶ Training to increase awareness and realization unpaid care work as critical to gender equality including advocacy on need for data
- ▶ Advocacy in regional and global platforms such as the African Union summits, Commission for the status of women, commission for population and development and Africa Commission for People and Human Rights
- ▶ Programmatic Interventions on various SRHR issues; Access to contraception services, Youth Friendly services, post abortion, GBV, Maternal Health, HIV/AIDS
- ▶ Advocacy for alignment of national laws with Maputo protocol, Beijing and ICPD program of Action
- ▶ CSOs have continued to conduct research and implement projects that can complement government efforts on SDG 5, producing gender data and refining legal and policy frameworks to respond to current contextual realities. For example research by CIVICUS World Alliance through the Data Shift initiative on gender data and a pilot project by the Open Institute and Chief Francis Kariuki AKA "the Tweeting Chief" on using citizen-generated data to domesticate and track progress on SDG 5 targets at the community level in Lanet Umoja, Nakuru, County have yielded useful insights for multi-stakeholder engagements and local level citizen-led actions.

7.6

Challenges as identified by CSO partners

- ▶ Capacity, for national level follow up on implementing the Human Rights council recommendations and general comments.
- ▶ Gender Data continues to be a challenge on various gender issues e.g. current data collected through KDHS does not include all forms of GBV. This leads to under reporting thereby missing out on the magnitude of GBV.
- ▶ The provisions of gender in policy have not cascaded to the implementation levels e.g. local administration officer capacities to handle GBV cases.
- ▶ Cultural and religious barriers including Cultural and religious fundamentalism
- ▶ Recognition of customary laws that risks to undermine national legislation in cases of harmful traditional practices.
- ▶ Linked to the issue for data availability, key data related to aspects of GBV such as child marriage is scanty, a factor that does not allow for informed debates within policy spaces and fora.
- ▶ Lack of capacity to ensure that policy discussions respond to cultural contexts including ethnic languages.
- ▶ Financing for gender equality continues to be limited which also hinders implementation policies and programs.
- ▶ Entrenched gendered barriers in economic spaces, leadership and access to technology.
- ▶ Regarding gender data indicators, CIVICUS/DataShift research shows that the language used to define global indicators differs in some instances with locally available data sources such as KDHS. For example the indicator used in the SDG 8 is proportion of informal employment in non-agriculture employment, by sex. The indicator in KDHS does not specify whether it refers to formal or informal employment in agriculture.
- ▶ CIVICUS/DataShift further find that some of the indicators currently available in Kenya are slightly different from the SDGs proposed indicators. For instance;

- * Besides showing the proportion of births attended by skilled health personnel, the KDHS also gives information on the percentage delivered in a health facility.
- * The indicator on the need and demand for family planning among currently married women age 15-49, the KDHS considers only married women while even some unmarried women use contraceptives. It should cover women aged 15-49 irrespective of their marital status, as the SDG indicator requires.
- * On the same health sector, an indicator on adolescent birth rate (aged 10-14 years; aged 15-19 years) per 1,000 women, the SDG indicator requires data for the age group 10-14 years, which is not reported in the KDHS

- * While the SDG indicator on HIV is number of new HIV infections per 1,000 uninfected population, by sex, age and key populations, the 2014 KDHS describes patterns of knowledge and behaviour related to the transmission of HIV and other sexually transmitted infections and does not give HIV and AIDS testing which can give number of people with HIV.
- * The indicator on the access to affordable, reliable, sustainable and modern energy for all, unlike the SDG indicator, the unit of measurement in the KDHS 2014 is the household and not the population.
- * SDG 11 aims to make cities and human settlements inclusive, safe, resilient and sustainable. One of the indicators to monitor this SDG is the proportion of person's victim of physical or sexual harassment, by sex, age, disability status and place of occurrence, in the previous 12 months. The KDHS data is slightly different from the way the SDG indicator is worded. Unlike the SDG requirement, the KDHS indicator does not set in age range. Moreover, the SDG indicator uses the word 'harassment', unlike the KDHS, which uses the word 'violence'.
- * The percentage of young women and men aged 18-29 years who have been subjected to sexual violence by age 18 is an indicator under SDG 16 to promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels. There are two main limitations with the existing KDHS modules as a source of data for this SDG indicator. First, the 2014 KDHS reports on age ranges differently from the one adopted by the SDG indicator. The second limitation is the phrasing of the SDG indicator 'by age 18' is not part of the KDHS module. The closest KDHS indicator to this particular SDG indicator is the 'Percentage of women age 15-49 who have ever experienced sexual violence'. KDHS modules could easily insert the SDG phrase/condition of 'by age 18'.

- * Increase budgetary allocations for protection of girls and young women from GBV and Economic Exclusion
- * FGM, Child marriage and all forms of harmful practices should be outlawed with specific national legislation and continue to build and change social norms around GBV

2. On gender data indicators, the main survey's modules contained in KDHS need to be adjusted to establish consistence with data required for the SDG reporting. Further some indicators in the official documents need to be aligned by rephrasing them and others can use a retrospective approach to match the SDG indicators.
3. More gender specific data should be made available by both government and non-state actors. For example KNBS needs to make the 2015 gender data sheet publicly available to facilitate the generation of data by other non-state actors for SDGs monitoring.
4. Establish effective policy and legal enforcement and redress mechanisms. For example despite the political parties Act 2011 providing that at least one third of each gender should be represented in political parties, there are no penalties imposed for political parties that don't comply with the law. Good laws on paper need to be translated into concrete action that positively impacts people's lives.
5. Create more awareness among leaders on the importance of the achievement of gender equality and empowerment of all women and girls to national development. This may ramp up political will to enforce key constitutional provisions and laws. Despite the Kenyan constitution 2010 creating a two-third-gender rule in parliament to ensure at least a third of the members are female, the law to enforce the provision was shot down by a male-dominated parliament. In this case recourse was found in suing parliament, prompting the High Court to issue orders for the implementation of the rule within 60 days (from March, failure to which Parliament would stand dissolved).
6. Devise joint strategies with affected communities and CSOs to tackle cultural barriers that hamper progress in the enforcement of key laws. Political leaders and the community at large in areas most affected by harmful practices frustrate the implementation of certain laws. The enforcement of the Prohibition of Female Genital Mutilation Act (2011) for example has been affected by longstanding cultural perceptions and practices within affected communities. Mass sensitization especially using audio-visual media to demonstrate the harmful effects and strict enforcement of the law against perpetrators can help overcome this challenge.
7. Allocate more financial, technical and enhance human resources towards gender-related initiatives. Ministries, Departments, and Agencies (MDAs) often complain of limited resources to fully implement policies through their under-funded annual strategic plans, therefore hampering efforts to achieve gender equality and empowerment of women and girls. This can be overcome through partnerships with CSOs, multi-lateral agencies and private sector that can help plug financing and technical gaps.

7.7 Key messages

As we work to ensure localization of SDG 5 and work towards the realization of gender equality, it's vital that we continue to engage on the following key issues;

1. As anchored in the constitution, it is important to align national policies to global and regional commitments. Policies should also be keen to address the intersecting and multiple forms of discrimination
 - * Build community ownership of GBV interventions and fast track prosecution of GBV cases

7.8

Proposed recommendations

- Implementation of target 3.7 and target 5.6 should be aligned with Kenya's commitments within Beijing, ICPD Program of Action including the outcomes of their review conferences and regional commitments such as Maputo protocol and Maputo Plan of Action. These documents form basis of global and regional consensus on provision, legislation and programming for sexual and reproductive health and rights
- It is crucial to reaffirm SRHR as critical towards the achievement of sustainable development, as essential ends in themselves and as means to combat discrimination, realize human rights, and peace and security. The aim is to firmly position sexual and reproductive health and reproductive rights as a prerequisite to achieving gender equality and women's empowerment in the 2030 Agenda for Sustainable Development
- In the context of 2030 agenda and the core commitment to leave no one behind, we should always commit to advance stronger language that articulates the intersecting and multiple forms of discrimination faced by women and girls in their diversity.
- Planning, monitoring and evaluating the indicator should entail more than assessing results but ensure that lessons are incorporated into ongoing programming and interventions.
- Strengthen and refine data systems and the indicator framework, including in existing data sources such the KDHS. A more critical review of the indicator framework should be undertaken with partners. For example the indicator on the need and demand for family planning among currently married women age 15-49 should also women aged 15-49 irrespective of their marital status, as the SDG indicator requires. The KDHS module can further be adjusted to include such age groups and phrases that are reflected in the SDG indicator.
- Generate more gender data. One way of doing this could be to generate sex disaggregated data by working directly with existing KNBS datasets that already have for example information on access to electricity and the sex of the heads of household. It's also possible to use data being generated by other thematic sectors to generate and monitor progress on SDG 5. Earnings and employment for example can also reflect women's economic empowerment. The indicator used in the SDG 8 for proportion of informal employment in non-agriculture employment, by sex can be used. This will ensure the monitoring tracks all interventions at all levels are synergized.
- Stronger harmonization of High Level Political Forum with other United Nations mechanisms such as Commission on Status of Women and clear linkages with national level work and interventions.
- There is need for the organizations dealing with data both at the national and sub-national level to strengthen open access to data to enhance availability of the data for possible users.
- There is need to sustainably support training activities particularly on relevant methodologies of data collection and data analysis among the stakeholders that will yield usable, comparable and interoperable data.
- There is need for CSOs to work as one to deliver more by interacting with each other to avoid collecting similar data and also to enhance innovation and improving the already existing technologies and methodologies.
- There is need to establish a platform bringing stakeholders involved in gathering and using data together to exchange information to avoid collecting similar data, reduce possibility of repeating what other organizations are doing and improving and sustaining projects.
- There is a need to bring everybody on board (multi-stakeholder approach) about SDGs by creating awareness about SDGs to the citizens and non-citizen actor so that data collection and analysis on SDGs is not left to the government only.

8.0

Goal 9: Build resilient infrastructure, promote inclusive and sustainable industrialization and foster innovation

Goal 9 encompasses infrastructure, industrialization and innovation, which are aspects that will leapfrog Kenya into a middle-income status. These are however mostly activities undertaken by the government and the private sector (through public private partnerships) with a lot of inputs required from academia and CSO's in the form of research.

Through the infrastructure, since 2015, Kenya has been implementing the Standard Gauge Railway, road network and expansion of the Jomo Kenyatta International Airport (JKIA) leading to attainment of a higher status for direct international flights.

- Expansion and modernisation of Aviation facilities at Jomo Kenyatta International Airport, Kisumu International Airport and selected airstrips countrywide;
- Improvement of Shipping and Maritime Facilities that includes dredging and widening of Mombasa Port and the development of Berth No.19;
- Improvement of Railway Transport Systems that includes the upgrading of the Commuter Core System, completion of JKIA Commuter Rail Phase I, the construction of a railway station at Syokimau and completion of preliminary designs for Mombasa Malaba / standard Gauge Rail; Road Expansion Programme which consisted of 2,200 km of roads constructed, 1,863km rehabilitated/reconstructed, 2,649km on periodic maintenance and 236,603km routine maintenance.
- The completion of Nairobi-Thika super-highway, Northern Corridor Transport Improvement Project (NCTIP);
- Initiation of the development of Lamu Port Southern Sudan and Ethiopia Transport (LAPSSET);

8.1

Proposed recommendations

It will be important to begin to further disaggregate data in order to adequately be able to quantify population coverage. For example, '90% of the population below 50 years of age to have access to ICT'. This will aid planning and improve innovation.

Emphasis on industrial development alone will not be an accurate measure of results. Services are also now widely seen as one of the ways to create added value.

There is also no data or available data for measuring the impact or interventions and monitoring most of the indicators under goal nine. This calls for interaction with Academia and other research institutions in Kenya to support and partner in the development of the indicators to monitor delivery of the SDG 9

9.0

GOAL 14: Conserve and sustainably use the oceans, seas, and marine resources for sustainable development.

9.1

Kenyan context

Goal 9 encompasses infrastructure, industrialization and innovation, which are aspects that will leapfrog Kenya into a middle-income status. These are however mostly activities undertaken by the government and the private sector (through public private partnerships) with a lot of inputs required from academia and CSO's in the form of research.

Through the infrastructure, since 2015, Kenya has been implementing the Standard Gauge Railway, road network and expansion of the Jomo Kenyatta International Airport (JKIA) leading to attainment of a higher status for direct international flights.

9.3

Achievements and Outcomes

Some of the achievements and applications of fisheries improvement projects

(FIPs) as a tool to promote stock sustainability. The lobster fishery is undergoing through the FIP with desirable results. The lobster Bench Marking and Tracking Tool (BMT) index has moved from 23% in 2010 to 78% in 2016.

- The development of fishery specific management plans. WWF has supported the Kenya government through an all-inclusive process to develop tuna, lobster and prawn fishery management plans. The plans are now at various stages of implementation.
- Innovative fishing technologies and practices. WWF as part of promoting sustainable near shore tuna fisheries management and development has undertaken some trials on artisanal tuna pole & line fishing in Lamu in collaboration with the State Department of Fisheries, the KMFRI and the International Pole & Line Foundation. This has inspired the Kenya government as part of the implementation of the Blue Economy Initiative to invest some more resources in promoting this fishing technology. Plans are underway to procure some Pole & Line Tuna fishing boats for the fishing communities.
- COMRED is working closely with the State Department of Fisheries to develop the Vanga-Shimoni Co-management area plan. The Kenya Coast Development Project (KCDP) supported the development of the plan.

9.2

Civil Society Interventions

- Sustainable marine fisheries development
- Some good progress has been made here. WWF has worked closely with key government agencies, the private sector and local fishing communities and other CSOs to promote sustainable fisheries management and development.
- CANCO, ECO-Ethics, COMRED, CORDIO-East Africa and East Africa Wildlife Society among others are also implementing a number of marine fisheries interventions.
- WWF has also been working with national and regional fisheries management bodies to ensure improved governance of shared fisheries resources and the conservation of critical marine ecosystems and other connected ecosystems such as mangroves and coastal forests.

- CANCO with the financial support from the Swedish Society for Nature Conservation (SSNC) to implement a project on promoting local stewardship and social accountability for sustainable small scale fisheries and management of marine resources in coastal Kenya. The project is to build the capacity of the local fishing communities in lobbying and advocacy for improved fisheries policy and inclusion in key decision-making process.
- CORDIO-East Africa and Wildlife Conservation Society (WCS) as well as the Nature Conservancy are contributing to the knowledge and science of fisheries, including assessing the various fishing practices and their impacts on the target and non-target species.
- At regional level, WWF is working closely with the Kenya government and the Indian Ocean Tuna Commission (IOTC) and the South West Indian Ocean Fisheries Commission (SWIOFC) to ensure that the parties adopt and implement effective tuna fisheries conservation and management measures. Kenya is a member of SWIOFC and the IOTC. SWIOFC with the support of WWF and member states is currently developing the regional Minimum Terms & Conditions for Fisheries Access as well as the SWIO fisheries accord. A draft protocol on MTC has been prepared and now ready for adoption by the SWIOFC member states. WWF is supporting Kenya with the ratification of the Ports States Measures Agreement (PSMA). The PSMA has since been approved by the cabinet and now with the national Parliament
- At national level, WWF implements projects on fisheries and marine ecosystems conservation, building the capacity of artisanal fisheries, conservation of key species such as the marine sea turtle and lobster fisheries

9.4

Challenges as identified by CSOs

There are a number of challenges facing the fisheries sector in the country. These among others include;

- Climate change, large scale commercial agriculture and infrastructural development e.g the LAPSET project, mining and extractives- Offshore Oil & gas exploration in the Lamu basin, unsustainable use, illegal fishing (IUU), weak policy/legislation and poor compliance due to weak enforcement.
- It is estimated that IUU fishing is costing the country some Ksh 10 bn per year in economic loss. Inadequate data on the status of stocks is another challenge. Marine fisheries production is approximately 9,000 Mt per year compared to 167,000 Mt national productions in 2015.
- The potential of marine fisheries is least tapped, it is estimated that the Kenya Exclusive Economic Zone has the potential of 150,000 – 300,000 Mt /year.
- CSO play an important role in the fisheries sector, however, there are a number of challenges that they face. CSO have limited technical and financial capacity to do their groundwork as well as watchdog roles. Some of them are poorly equipped in terms of office and operations. Many of them are not well informed of the fisheries issues hence limiting their effectiveness in lobbying and influencing improved governance of the fisheries sector. CSO have internal governance issues as well. They lack transparency in leadership, internal democracy and financial aspects

9.5

Key messages

The government (both national and county) should dedicate adequate resources to the fisheries sector to support sustainable management, research and development.

The fisheries sector plays an important role to the national economy. However the contribution of the marine fisheries sector still remains low. More efforts should be directed to develop the marine sector in line with the Blue Economy Strategy.

The role of CSOs and other non-state actors (NSAs) in the fisheries sector cannot be overemphasized. The government and other regional fisheries management agencies/ organisations should create space and provide a structured framework for engaging with the CSOs.

9.6

Recommendations for enhancing implementation of the 2030 agenda

Implement the Blue Economy Strategy to harness the potential of the ocean assets.

- Finalize and implement the national fisheries regulations.
- Formulate and implement county fisheries policies and regulations.
- Strengthen Monitoring, Surveillance and compliance (MCS)
- Put in place and implement fiscal, financial and legal measures to tackle all land based sources of marine pollution including municipal effluent and single use plastics
- Strengthen fisheries data collection system, including analysis, feedback and use of the results to inform policy and management for improved fisheries governance and stock sustainability
- Mainstream environmental safeguards including market based approaches to fisheries policy and management.
- Strengthen the voice and role of CSOs in fisheries related matters. Establish and or strengthen more CSO platforms/networks
- Adopt and domesticate relevant regional fisheries management and conservation measures for shared stocks

10.0 Goal 16 Promote Peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels

10.1 Background

Without good governance, the other efforts to improve human well-being outlined in the other 16 SDGs will be impossible to realize. It is notable that, while the MDGs were often criticized for failing to address the importance of the rule of law, the SDGs put justice and good governance at the center of development policy.

Underpinning discussions behind the framing of goal 16 has been the recognition that reducing violence and corruption, improving security with the rule of law, and creating inclusive and effective institutions to deliver justice and public services are essential pre-conditions for sustainable development and eradication of global poverty. Goal 16 is regarded as 'the transformational goal and key to ensuring that the Agenda can be accomplished'

Goal 16:3: Promote the Rule of Law at the national and international levels and ensure equal access to justice for all

Under Article 48 of the Constitution of Kenya 2010, "The State shall ensure access to justice for all persons and, if any fee is required, it shall be reasonable and shall not impede access to justice."

There have been increased efforts at modernizing the judiciary's ICT infrastructure to expedite basic processes and enhance quality and efficiency of service delivery as a means to enhancing access to justice for citizens.

In his first reorganization of the High Court in January 2017, Chief Justice David Maraga increased the number of High Court Stations from 35 to 40 and increased the number of judges from 105 to 128. Most importantly, additional judges have also been assigned in remote areas. Other measures taken have been the renovation and construction of new courthouses and facilities in areas that had for long been lacking of the same.

Despite Kenya's patriarchal leanings, there has been some progress in the prosecution of cases of sexual and gender-based violence against women and children.

With the above improvements in mind, the government should move fast to align further interventions to hasten achievement of the target under this goal through the following means:

1. Support all action towards implementation of The Sexual Offences Act 2006 through further sensitization and trainings to important actors both in and outside the justice system.
2. Amend the Penal Code so that it satisfactorily speak to issues of sexual and gender based violence.
3. Support all action towards implementation of The Children's Act 2002, through sensitization and training within and by government officers including judicial officers and police officers.
4. The National Guidelines on the Management of Sexual violence despite explicating how to manage sexual violence in a multi-faceted manner is only strong on response and not access to justice for victims. The guidelines should be amended to include an access to justice guideline for victims.

Lessons Learnt

1. There is general commitment to make justice more accessible to citizens in both urban and rural places. This can be seen in some of the improvements being pursued by the judiciary to not only enhance service delivery through technology but to also employ the use of alternative dispute resolution mechanisms in both settings.
2. Corruption is still a major impediment to access to justice to ordinary citizens. It compromises the impartiality of judicial officers and also discourages citizens from using the court system to seek justice and redress.
3. Government officers have a crucial role in ensuring the implementation of the Sexual Offences Act, the Children's Act and the National Guidelines on the Management of Sexual Violence both through sensitization and tackling corruption and impunity, which are major stumbling blocks in its implementation.

Recommendations

- The government should prioritize tackling systematic corruption in the judiciary and the police force as a way of paving the way for access to justice for victims who are usually unable to pursue recourse and redress in an overpriced system.
- In further collaboration with CSOs, the government should undertake carrying out enhanced sensitization to its officers especially in the judicial and police sectors around the provisions of the Sexual Offences Act and the Children's Act.
- The Penal Code should be amended to offer a more satisfactory response and action on sexual and gender based offences.
- Capacity enhancement of the police, courts, and the prison system to ensure that there are enough resources to facilitate procedural investigation, prosecution, and sentencing of offenders.

Goal 16:5

Substantially reduce corruption and bribery in all their forms.

Corruption in Kenya remains a major challenge and credible reports undertaken by local and international organizations indicate that Kenya is among the countries in the world badly affected by corruption. There is a wide spread perception that corruption permeates all sectors of public life in Kenya, and little official action is taken against its perpetrators.

According to the Transparency International Corruption Perception Index 2016, which ranked Kenya at position 145 out of 176 countries, corruption in Kenya remains high despite concerted efforts by the government and various institutions to tackle the problem. This is in spite of the fact that Kenya has enacted a raft of legislations aimed at curbing corruption, including the Anti-Corruption and Economic Crimes Act (ACECA), the Public Officers Ethics Act, the Public Procurement and Disposal Act, the Proceeds of Crime and Anti Money Laundering Act, the Leadership and Integrity Act and the Bribery Act.

The efforts to fight corruption have also envisaged the setting up of various watchdogs' institutions with a mandate of fighting corruption. These include the Ethics and Anti-Corruption Commission (EACC), the Office of the Auditor General (OAG), the Public Procurement Regulatory Authority (PPRA) and the Commission on Administrative Justice (CAJ).

Kenya's latest legal attempt at dealing with corruption was the enactment of the Bribery Act which President Kenyatta assented to on December 23rd with a commencement date of January 13th 2017. The Act, seeks to punish private sector bribery, especially in dealings with government and public agencies by making it a criminal offence to abet, give, or receive bribes.

However, anti-corruption advocates argue that there are more than enough legislative frameworks that have been passed to fight corruption and the real challenge in fighting bribery is related to the lacking political will. They also recommend the strengthening of watchdog institutions which should be accorded adequate independence and capacity to fight the vice.

Lessons Learnt

1. In spite of the constitutional provisions, numerous anti-corruption domestic legislation, institutions and administrative procedures and practices in place, corruption still remains one of the biggest challenges to socio – economic development in Kenya. With regard to corruption therefore, legislation is ahead of practice.
2. There is also concern regarding the lack of sufficient protection for whistleblowers. The lack of a law to protect whistleblowers has deterred Kenyans from providing information related to corruption to anti – graft bodies and many fear to provide information due to lack of protective mechanisms and the tendency by law enforcement agencies to identify whistleblowers.

Recommendations

- The Kenyan government should develop a national anti-corruption policy, which would mainstream anti-corruption, ethics and integrity in management of public affairs.
- The legislature should undertake the repeal of legislations that inhibit provision of information on corruption like the Official Secrets Act (OSA) and the Public Officers Ethics Act.
- The Whistle Blower Protection Bill should be enacted to provide protection for citizens who provide information on corruption.
- Reforms by anti-graft bodies should also ensure utilization of ICT to reduce human interface on anti-corruption processes.
- Implementation of the Access to Information Act. The Act contains proactive disclosure obligations for government. The Access to Information Act is among the legislations that could be crucial in the fight against corruption as it requires the publication of signed contracts by public agencies on their website or through other suitable media particular aspects with regards to contracts.
- The ATI Act also protect persons who make disclosures of information obtained in confidence and in the course of his duties as long as that disclosure is made in the public interest and related to violations of human rights, mismanagement of funds, conflict of interest, corruption, abuse of public office and a threat posed to public health, safety and the environment.

Goal 16.7: Ensure responsive, inclusive, participatory and representative decision-making at all levels

The legal framework for inclusive and representative decision-making in Kenya has been enhanced through CSO-government interventions as evidenced in creation of implementation guidelines and other policy interventions to improve public participation and equitable gender representation at both the county and national levels.

In January 2016, the Ministry of Devolution and Planning & Council of Governors launched the county public participation guidelines as an important step towards facilitating implementation of various articles including 10(2), 27, 33, 35, 61, 69(1), 118(1), 119 (1) in the Constitution of Kenya 2010.

The devolved government structure has predisposed the country's political and governance structure to a more gender-inclusive representation. Women now constitute almost 21% of Kenya's bicameral parliament. Out of the total 416 parliamentarians, there are 86 elected and nominated women.

The affirmative action policy has been key in realizing the above milestone and the implementation of a court ruling ordering implementation of the 2/3 gender rule will be key in stretching this milestone further to reach the goal post set by the constitution.

Lessons Learnt

1. The promulgation of the constitution gave the affirmative action drive much needed impetus though Kenya's male dominated parliament has been hesitant in meeting the five year deadline given by the Constitution of Kenya 2010 to ensure implementation of the 2/3 gender rule.
2. There's need through the party nomination avenue and other mechanisms, to have more people with disabilities in legislative platforms.
3. Efforts towards implementation of the 2/3 gender rule, though now left in parliament's ball court, should be pursued through a multistakeholder approach.
4. The current public participation framework predisposes the exercise to a quantitative ambition seeking rather than achieving a qualitatively substantive outcome in inclusive decision-making.

Recommendations

- The government should follow up the launch of the County Public participation guidelines with sensitization of public officials around the same to ensure full implementation and adherence to the principles.
- Parliament should make necessary changes in the time stipulated by the Court to ensure there are sufficient arrangements to realize the 2/3-gender rule in parliament.

Goal 16:10

Ensure public access to information and protect fundamental freedoms in accordance with national legislation and international agreements.

Democracy depends on knowledgeable citizenry whose access to a broad range of information enables them to fully participate in public life, help determine priorities for public spending, receive equal access to justice, and hold their public officials accountable.

Government efforts to actualize access to information in Kenya should be lauded especially when viewed in the context of the country's dark past where most information was classified and government operated in secrecy.

The promulgation of a new constitution of Kenya in 2010 heralded a new chapter in the right to information in Kenya. The right is now recognized and codified under Article 35 which provides for every citizen's right of access to information held by the state and information held by another person and required for the exercise or protection of any right and fundamental freedom.

Article 33 of the constitution makes guarantee for the Freedom of Expression in Kenya, which states that every person has the right to freedom of expression, which includes the freedom to seek, receive, or impart information or ideas.

On August 20th 2016, Kenya passed Access to Information (ATI) legislation. This was after more than 15 years of advocacy undertaken primarily by civil society. This heralded a new dispensation with regard to transparency in government and underlines the government's willingness to enhance citizen engagement, transparency and accountability.

The Access to Information Bill, 2013 was proposed in view of Article 35 of the Constitution and aims to articulate in detail the scope and exercise of this fundamental right. The Act positively enshrines a number of progressive freedoms of information principles including the right of citizens to seek information from public and private bodies, clear and simple procedures for assessing information that takes into account language barriers and imposes minimal costs and establishing a comprehensive proactive disclosure regime.

Despite these significant steps, there remain a number of obstacles to transparent governance over and above those relating to legislation. A culture of secrecy still persists in most public bodies. Poor maintenance of records and information, lack of adequate funding and a lack of public awareness on the right of access are all obstacles to openness in Kenya. Translating constitutional and legal rights into practice will therefore require commitment and effort by both public officials and citizens.

Lessons Learnt

1. Government has shown the willingness to enhance transparency and accountability by enacting Access to Information legislation. They should now back up their willingness by ensuring proper implementation of the Act.
2. Efforts towards implementation should embrace multi stakeholder approaches bringing together CSOs, media and private sector.
3. Awareness creation for citizens is crucial in order for them to understand their rights and understand the obligations of government with regard to providing information.
4. CSOs have a crucial role in ensuring implementation by undertaking monitoring and creating public awareness on the ATI Act.
5. The Commission on Administrative Justice (CAJ) needs financial and human resource capacity enhancement to adequately undertake oversight and enforcement as mandated under the Act.

Recommendations

- Formulation of the ATI regulations by the Ministry of Information - The ATI Act mandates the CS of Information to formulate regulations that should provide guidelines on issues like cost, timelines, and language. These issues if well articulated would aid in the effective implementation of the Act, which would impact positively on transparency.
- Government and CSOs should undertake capacity building of public officials in order for them to understand their obligations to respond to information requests and promote proactive disclosure.
- Empowerment of the Commission on Administrative Justice (CAJ) – Under the ATI Act, the CAJ is mandated to undertake enforcement and oversight powers over the implementation of the Act. The government should ensure adequate budgetary allocation to the Commission on Administrative Justice (CAJ) as the primary oversight institution on ATI implementation. Beyond assigning officers, adequate capacity building should be undertaken to ensure they understand their obligations under the ATI Act.
- Capacity enhancement of CSOs on the provisions of the ATI Act is necessary to enable them support citizens to increase demand for information.
- There should be a repeal of laws that impede access to information for citizens and are inconsistent with the provisions of the ATI Act. These include the Official Secrets Act, the Public Officers Ethics Act and the Public Archives and Documentation Service Act.
- Implementation of proactive disclosure obligations by government – The ATI Act has created proactive disclosure obligations on the government. This refers to information that should be published proactively by government without an information request by a citizen. These include proactive disclosure obligations regarding the closure of signed contracts.

11.0

SDG 17: Strengthen the means of implementation and revitalize the global partnership for sustainable development

11.1

Introduction

The Report of the Secretary-General, “Progress towards the Sustainable Development Goals”, E/2016/75 recognizes that achieving the ambitious targets of the 2030 Agenda requires a revitalized and enhanced global partnership that brings together Governments, civil society, the private sector, the United Nations system and other actors and mobilizes all available resources.

Enhancing support to developing countries, in particular the least developed countries and the small island developing States, is fundamental to equitable progress for all. At the national level, many countries (Kenya included), have heeded the call to forge multi-stakeholder partnerships that leverage collective efforts and scarce resources to ensure the implementation, follow up and review meets the needs of the poorest.

With the call to leave-no-one-behind civil society, private sector, and academia, among others are now proactively involved; trying to figure out the best way to leverage the Agenda 2030 to meet their needs and those of their constituencies. This unprecedented global mobilisation presents a unique opportunity for many countries to pursue multi-stakeholder processes in the implementation and follow up and review of SDGs.

11.3

Policy and legal environment and challenges identified by CSOs

The Kenya Constitution 2010 makes numerous provisions for citizen’s participation in governance and development at all levels of governance. The Public Financial Management Act and the County Governments Act for example have express provisions for citizen engagement and proactive participation in decisions that affect their lives. But citizen participation and partnerships are two distinct but inter-related concepts. The latter are based on mutual understanding and benefit, while the former assumes that governments at whatever levels hold the power and policy and legal provisions are made for them to provide the space for citizens to participate and exert influence over key decisions and processes.

There’s no shortage of legal and policy provisions providing for citizen engagement in Kenya. On the flipside, partnerships, whether formal or informal, remain a grey area. Most legal and policy documents recognize the importance of multi-stakeholder partnerships but fall short of defining the practical mechanisms of making this happen. As a result partnerships tend to be sometimes ad-hoc; largely imposed by legal conditions or international commitments, sometimes project driven or attached to donor funding conditions, or driven by convenience, and not genuine mutual benefit. Whereas there’s been demonstrable efforts by government to include civil society and other non-state actors in key governance and development processes, these are largely driven by civil society pushing hard and demanding space at the table – as opposed to government recognizing civil society as genuine and important partners in development.

11.2

Kenyan context

Civil society in Kenya was actively involved in the post-2015 development agenda discussions. This marked a radical shift from the MDGs where mainly government, supported by UN Agencies, was tasked with the implementation process and reporting on progress. In Kenya, civil society has not been left behind.

It has emerged as a complimentary force at this formative stage of the SDGs to represent the voices of ordinary citizens in the conversations. The SDGs Kenya Forum has been at the forefront of the SDGs process in Kenya since its formal launch in March 2016. It has since then coordinated civil society engagement with government and mobilised at the sub-national level to create awareness and capture the voices of those who could be potentially left behind.

More importantly, the government of Kenya through the Ministry of Devolution and Planning has opened doors for civil society participation in the domestication process coordinated by the SDGs unit. This remarkable feat is clear demonstration that political will exists for an inclusive process in Kenya.

As a result, historically partnerships between government and civil society for example were and continue to be born out of either a formality to rubberstamp a process or the goodwill of an office bearer who's often moved or promoted to a different Ministry, Department, or Agency – often leaving with their goodwill to the next portfolio. CSOs and other stakeholders are then left to grapple with new office bearers – starting the engagement process all over.

The current SDGs indicators development process is shrouded in mystery. Even though it was globally agreed that National Statistical Offices should lead the process of indicator development and identifying the data sources to measure progress, the Independent Expert Advisory Group on SDGs also mandated countries to consult widely and develop country-level/domestically relevant indicators as necessary to facilitate achievement of the SDGs. In Kenya the process is not open to civil society despite the potential for CSOs to contribute to the development of new indicators or help fill data gaps through citizen-generated data and big data.

11.4

Key messages

- It will be impossible for any single entity, including government to deliver on the highly ambitious Agenda 2030. Multi-stakeholders partnerships are therefore not an option, but a precondition for success.
- The lack of formal institutional frameworks to ensure sustained engagement beyond individuals within government remains a big challenge to partnerships with CSOs. These frameworks are desperately needed to make the processes much more open, regular and systematic, and predictable to civil society.
- Beyond recognizing the importance of partnerships and the possible role of civil society in governance and development in key policy and legal documents, the “how-to” of practically making these partnerships work should be engrained in key policy and legal formulation processes. This should be done in consultation with civil society to ensure government works hand in hand with civil society in key processes as opposed to random invitations.
- Access to timely, relevant and accurate data and information remains a huge challenge despite legal provisions for access to information. When data is made available it's not in easily useable formats like PDF. Redress mechanisms should be clearly specified. More importantly partnerships between government and civil society can enhance the uptake and use of available data.
- The revolution in ICTs and high mobile phone penetration presents a huge opportunity in finding new ways to engage citizens and foster innovations that can accelerate sustainable development.

11.5

Proposed recommendations

- Establish formal institutional frameworks for partnerships and sustained engagement beyond individuals within government to ensure much more open, regular and systematic, and predictable engagement with civil society.
- Partner with CSOs and tech community to develop and test new ideas that harness the power of technology and rapid growth in mobile phone penetration to solve development and economic problems. Technology can also facilitate citizen participation in key governance process if the right infrastructure is in place and the capacity to use it is enhanced.
- Strengthen the National Statistical System and expand its mandate to include other emerging data communities. This would not only help fill data gaps for SDGs, but ensure collective ownership and inclusive participation of CSOs and other actors in the implementation, follow up and review processes.
- The Kenya National Bureau of Statistics should open up the process of developing SDGs indicators to CSOs to create opportunities for their substantive contribution of new indicators; new data sources, and help fill data gaps especially for indicators in Tier III.
- The government should establish a quality assurance framework and clearinghouse for new sources of data. The mandate of the clearinghouse should be expanded to include capacity building for non-state actors in better production and management of data that can be used for official tracking of progress on SDGs and decision-making.
- Take full ownership of the Kenya Open Data Initiative and entrench it in legal frameworks to ensure Ministries, Departments, and Agencies share their data in a timely manner. Its mandate should also be expanded to include capacity building for MDAs to make their data in user-friendly formats.

12.0 Conclusions

The agenda 2030 is a web of interconnected and interrelated set of deliverables that will require more than members states own interventions to achieve. At the centre of this deliverables is the need to set up a system and put in place structures with clear monitoring mechanisms. It's therefore imperative that Kenya endeavours to leverage on its existing partnerships with stakeholders in private sector as well as recognise the critical role of CSO's in supporting implementation of the agenda 2030, through research, monitoring, modelling and sharing best practise for scale up.

It's critical to partner with CSO's and other stakeholders as effective partnerships are critical for success as fragmented financing and governance cause high transaction costs, hindering effective harmonization at the country level. Integration can optimize the efficient use of resources and reduce duplication and wastage.

As anchored in the constitution, it is important to align national policies to global and regional commitments. Policies should also be keen to address the intersecting and multiple forms of violence. Devolution has the potential to address inequities and to enhance accountability. International experience shows that decentralization improves accountability and citizen participation, and inspires good governance by strengthening the capacity of CSOs in social accountability

13.0 ANNEX

13.1 SDGs Kenya Forum Members (Contributors to the Report)

No	Organization	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
1	Global Call to Action Against Poverty (GCAP) Kenya																	
2	SightSavers																	
3	CIVICUS World Alliance/DataShift																	
4	Development Gateway																	
5	World Wide Fund for Nature (WWF)																	
6	Local Development Research Institute																	
7	FEMNET (Gender Related targets)																	
8	International Planned Parenthood Federation																	
9	Society For International Development																	
10	CARE Kenya																	
11	GROOTS Kenya																	
12	Agency for Cooperation and Research in Development (ACORD)																	
13	VSO Jitolee																	
14	Pan African Climate Justice Alliance (PACJA)																	
15	The Ecumenical Disability Advocates Network (EDAN) (Disability as a cross cutting issue)																	
16	DSW Kenya																	
17	African Platform																	
18	Organization of African Youth																	
19	Article 19																	
20	HelpAge International																	
21	African Biodiversity Network																	
22	CARITAS Kenya																	
23	African Institute for Children Studies																	
24	Usalama Forum & CEPADO																	
25	Plan International Kenya																	
26	Terre des Hommes																	
27	ANPPCAN																	
28	Development Initiative																	
29	American Friends Service Committee																	
30	Friedrich Ebert Stiftung																	
31	AMREF Kenya																	
32	Children Agenda Forum																	
33	United Disabled People of Kenya (UDPK)																	
34	National Tax Payers Association																	
35	Twaweza																	
36	Kenya Aids NGO Consortium-KANCO																	
37	SaferWorld																	
38	CONGREGATION OF OUR LADY OF CHARITY OF THE GOOD SHEPHERD-UNECA																	
39	MSH																	
40	HERAF																	



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