

PRIORITY AGENDA FOR WOMEN'S ECONOMIC EMPOWERMENT



INVESTING IN WOMEN FOR ECONOMIC RECOVERY AND BUILDING BACK BETTER

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The Priority Agenda is informed by the research carried out by the University of Nairobi (UON) WEE Hub researchers under different thematic areas, including affirmative action funds; women in informal and formal employment; child care and women's work; and women collectives. The studies were carried out in partnership with the Kenya National Bureau of Statistics.

The Priority Agenda, particularly Agenda 1 and 6, is informed by the UN Women, Kenya Office study on *'Engendering fiscal stimulus packages and recovery efforts adopted in response to the COVID-19 health and economic crises'*.

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The Priority Agenda in Brief

Agenda 1: Increase Participation in the Economy in Leadership and Political Positions

Agenda 2: Access to Government Procurement Opportunities

Agenda 3: Affirmative Action Funds

Agenda 4: Increase Access to Business Finance for Women's Enterprises

Agenda 5: Formalization of Women's Businesses

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Agenda 6 (a): Cash transfers to vulnerable households- Inua Jamii

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Agenda 7: Women and Labour Laws

Agenda 8: Women and Employment

Agenda 9: Women in cross border and international trade

Agenda 10: Child care and women's work

Agenda 11: Care economy and unpaid care work

Agenda 12: Other critical policies for WEE

PRIORITY AGENDA FOR WEE

Investing in Women for Economic Recovery and Building Back Better

1. Introduction

The Women's Economic Empowerment (WEE) Hub at the University of Nairobi (UON) focuses on evidence-based research findings and their policy implications as a basis to advocate for changes so as to achieve women's economic empowerment. Besides, it identifies the key policies, regulations and programs that the Hub, in collaboration with partners and women's organizations, plans to advocate for in the next three years in order to leverage on the existing and emerging opportunities for WEE in Kenya and the greater African region through the Network and Alliance Building for Women's Economic Empowerment (NABWEE).

The Priority Agenda for Women's Economic Empowerment (WEE) identifies critical areas of focus for WEE and advocates for changes in legislative frameworks, policies, regulations and programmes in support of women's economic empowerment, and greater participation for women in shaping the economic growth. Primarily, advocacy towards the realization of this agenda will be through engagement with policy makers, implementing agencies, development partners, civil society, women collectives and other stakeholders involved in the economic development. The agenda is continuously informed by evidence generated by researchers and policy advocacy strategies, modeled along women's policy advocacy strategies utilized by women in the Constitution of Kenya 2010 making process, among other related strategies. The engagement will involve women entrepreneurs, women's organizations, women leaders, and other partners in WEE, in order to share evidence-based research policy dialogues and best practices for replication, piloting and upscaling of What Works for WEE (WWWEE).

2. Aims and Objectives of the Priority Agenda

The aims of the Priority Agenda for WEE are to:

- i. foster a sustainable national framework that brings together women entrepreneurs, women's organizations, women leaders and partners from county and national levels for sharing, learning and policy advocacy;
- ii. create spaces for women entrepreneurs and networks of women entrepreneurs to dialogue with policy makers, financial institutions and other stakeholders for WEE;

- iii. build consensus and ownership of the WEE agenda at the county and national levels.

More specifically, the agenda advocates for:

- i. A legal framework on AGPO to ensure that the vulnerable groups enjoy quality value from the program;
- ii. Improved and effective uptake of the existing National Government Affirmative Action Funds (NGAAF: WEF, YEDF, UWEZO, NGAAF, AGPO& CGS) for enhanced women's economic empowerment;
- iii. A comprehensive and specific legislation that support allocation of more resources to women's enterprises;
- iv. Expansion of the Kenya government's Economic Stimulus Packages to focus on social protection safety nets that are more responsive to women's economic empowerment;
- v. A review of national and county legislative frameworks, policies, regulations, and institutional programmes to enhance women's employment rights and greater participation of women in formal and informal employment arena.
- vi. Implementation of the provisions of Article 43 of the Constitution of Kenya 2010, through increased budget allocation to sectors that affect care economy to reduce the burden of unpaid care work.
- vii. Increased allocation of resources to sectors that affect childcare and women's work at national and county levels.



Prof. Margaret Hutchinson, Associate Vice Chancellor Research Innovations and Enterprise, University of Nairobi hands over the Credit Guarantee Scheme Policy brief to Daisy Amdany, Executive Director of CRAWN Trust during a national dissemination exercise of the research findings by the UoN WEE Hub. Prof. Wahome, Dean Faculty of Art and Social Sciences, looking on.

3. The Priority Agenda

The following priority agenda is based on research evidence generated by the UON Women's Economic Empowerment Hub during the period 2021/2022. The primary data was collected from eighteen selected counties that represent the interests of women in the whole country. In some cases, the findings are derived from secondary data gathered from legislative documents as well as Statistics from the Kenya National Bureau of Statistics (KNBS). The agenda is also informed by the UN Women study *'Egendering fiscal stimulus packages and recovery efforts adopted in response to the COVID-19 health and economic crises'*. The Priority Agenda, key findings and the policy recommendations informing this agenda are presented below.

Agenda 1: Participation of Women in the Economy and in Leadership Positions

Objective: Advocate for affirmative action in employment in economic sectors and the implementation of at least the two third gender rule in leadership and political positions.

Key findings

UN Women (2022) shows that:

- i. Women account for 50.3 percent of the population of Kenya but are more deprived in socio-economic participation, in leadership and the political spheres.
- ii. Women, more than men, are multidimensionally poor, including in education, social economic participation, information, nutrition, water and sanitation, housing.
- iii. Feminization of sectoral participation by women exists in Kenya with women participating in retail, hospitality, food service, and the garment industry and there is high informality of women economic activities.
- iv. Women dominate wage employment in households' activities as employers; undifferentiated goods, services and household producing activities for own use (women account for about 67 percent of all the workers in this sector). This includes domestic personnel such as maids, cooks, waiters, valets, butlers, laundresses, gardeners, gatekeepers, stable-lads, chauffeurs, caretakers, governesses, babysitters, tutors and secretaries¹. Earnings in

¹ Based on ISIC Rev 4 classification (UN, 2008), this classification includes activities of households as employers of domestic personnel, which is activities of households as employers of domestic personnel such as maids, cooks, waiters, valets, butlers, laundresses, gardeners, gatekeepers, stable-lads, chauffeurs, caretakers, governesses, babysitters, tutors and secretaries, among others.

- v. this sector are low and there is often a lack of social benefits among other employment benefits.
- vi. Women are less represented in employment in the sectors of mining and quarrying (14% of all workers); in electricity, gas, steam and air conditioning supply (21% of all workers) and water supply, sewerage, waste management and remediation activities (24% of all the workers).
- vii. Participation of women in employment in different economic sectors as well as in business is usually at the lower (tail end) value chain.
- viii. Vigorously enforce requirements of AGPO in all public procurement.

Recommendations

- i. Enforce the at least two-thirds gender rule in employment in both public and private sectors so as to open more avenues to women and the marginalized members of the society. This can be done by formulating and enforcing implementation of laws to this cause. South Africa has similar provisions in its employment laws.
- ii. Enforce the at least two-thirds gender rules in all Management Boards, leadership and political positions, both at the national and county levels.
- iii. Enforce affirmative action in training institutions to ensure development and better equipping of women with prerequisite skills for participation in various sectors of the economy.
- iv. Facilitate participation of women employment in sectors where they are less represented, including in the mining and quarrying sectors.

Agenda 2: Access to Government Procurement Opportunities

Objective: Advocate for a legal framework on access to government procurement opportunities (AGPO) to ensure that the vulnerable groups enjoy quality value from the programme.

Key Findings

While evidence generated by the WEE-HUB (UON WEE Hub, 2020) suggests that Access to Government Procurement Opportunities (AGPO) has empowered the special groups that had been targeted since its inception, a lot remains to be done in order to realize its objectives. The following challenges have been identified in respect to the full implementation and actualization of the 30% affirmative action towards women, youth, and people with disabilities.

- i. For the financial year 2020/2021, the value of tenders issued by reporting public procurement entities was KES 217 billion. AGPO utilization accounted for about 17 percent of this value of the tenders (about KES 37 billion). Women utilization rate was 8.8 percent, youth about 7 percent while for the PWDs, it was about 1.2 percent (KNBS, 2022)². This is way below the 30 percent reserved for women, youth and persons with disability.
- ii. Procurement opportunities reserved for women, youth and persons with disabilities (PWDs) though numerous are those of economically low value while economically high value tenders such as those in the infrastructure sector are conspicuously excluded from the reservations.
- iii. Firms owned by women, youth and persons with disabilities managed to get low value of tenders. *'Grass cutting jobs'* cannot translate into sustainable WEE.
- iv. The compliance requirements of the Public Procurement Law and Practice which include company registration, personal identification number (PIN) and a tax compliance certificate, among other statutory requirements, makes it largely inaccessible to those targeted by the program despite government efforts towards automation and digitization. Procurement procedures and criteria are complex, burdensome, and costly for new entities, too technical, requiring specialized bidding skills and limiting compliance costs, all of which act as barriers to women.
- v. The AGPO benefits are skewed. The initiative has disproportionately befitted urban youth, women, and persons with disabilities more than their rural counterparts. This is largely attributed to failure of the government accounting officers to consider the rural –urban inequalities and disregard for the legal obligations to set aside specific reservations for the women, persons with disabilities and the youth.
- vi. There is limited awareness and lack of information on the available reservations. Most of the tender opportunities are advertised through newspapers and government tender portals with the newspapers and internet remaining out of easy reach to the majority of members of the target groups, especially in the rural areas.
- vii. Services, particularly on inquiries about application and tendering processes, approvals and certification are delayed, mainly due to capacity and knowledge gaps among AGPO staff within the public facilitating entities such as the Huduma Centers.

² KNBS (2020). Economic Survey 2022.

- viii. Financial inclusion and access to credit remains a challenge and out of reach to some members of these vulnerable groups.
- ix. Systematic exclusion by the pre-requisite to show experience, disadvantages the majority of women, PWDs and youth who lack experience, even though they may have the capacity to deliver on complex, complicated and high value projects. Such contracts continue to remain the preserve of large infrastructure or consultancy companies some of which are foreign owned.
- x. Corruption and delayed payment after completion of contractual obligations: there are numerous allegations of rampant corruption and procurement fraud leading to skewed award and payment of contracts to certain actors, leaving out deserving groups.
- xi. In addition, delay in payment after delivery of goods and services makes AGPO contractors incur accrued interest charges by financial institutions on loans taken to meet the tendering requirements. This erodes the profit margins (if any) from the AGPO opportunities.

Policy Recommendations

- i. In the regulations put in place mechanisms that will enable women and other vulnerable groups to access high value tenders in key sectors such as in infrastructure.
- ii. Review the reporting tools to help in the generation of gender disaggregated data on AGPO beneficiaries to help address any gaps and make the application of the tools mandatory for all stakeholders.
- iii. Review the public procurement law and regulations for improved service delivery and safeguard the rights of women, youth and people living with disabilities.
- iv. Review communication and access to information on AGPO mechanisms at national, county and sub-county levels.
- v. Put in place frame works that enhance the utilization of AGPO to rates of at least 30% of the total value of tenders reserved by public procurement entities annually.
- vi. Put in place a framework for partnerships with financial institutions.
- vii. Enforce public procurement regulatory authority (PPRA) reporting requirement of tenders reserved and awarded through AGPO.

- viii. Provide resources for capacity building for women, youth and persons with disability, to enable them to bid for contracts that include non-traditional women's enterprises such as digital enterprises, manufacturing, value addition, among others to increase women participation.
- ix. Link AGPO to the Affirmative Actions to enable AGPO tender recipients to fund AGPO LPOs and tenders with Affirmative Action Funds.
- x. Facilitate utilization of AGPO in sectors where women are underrepresented such as mining, infrastructure and manufacturing.
- xi. Establish programmes and incentives for women entrepreneurs in non-traditional sectors such as mining and manufacturing.
- xii. Simplify the application process of AGPO.
- xiii. Document and recognize/appreciate AGPO success stories, including awarding best practices both at national and county levels.

Agenda 3: Affirmative Action Funds

Objective: Advocate for improved and effective uptake of the existing National Government Affirmative Action Fund (NGAAF: WEF, YEDF, UWEZO, NGAAF, AGPO and CGS) for enhanced women's economic empowerment.

Key Findings

UON WEE Hub (2022) shows that:

- i. There is low uptake of the funds due to lack of awareness of their availability, limited funds, lengthy application procedures and approval, coupled with cases of corruption.
- ii. Most women and other vulnerable groups lack the requisite collateral for accessing credit.
- iii. There is politicization of some of the funds, especially those patronized by politicians such as the Constituency Member of Parliament and the County Women representatives.
- iv. Procedures and time taken to respond to the applications is too long (an average of three months).
- v. Amounts awarded are low and limit the recipients' capacities to grow their businesses.

- vi. Access to information on the funds and programmes is limited.
- vii. Recipients of the funds use them for both business and non-business purposes such as paying for living expenses and school fees, among others.
- viii. There is limited public participation in decision making on the Affirmative Action Funds.
- ix. Measures taken to curb the spread of COVID-19 such as containment and lock down impacted negatively on the businesses of the beneficiaries, leading to closure, failure and diversification from the original businesses for the purpose of survival. This, in turn, affected their ability to repay the loans.
- x. There are cases of fraud in some instances by some of the affirmative funds' officers.
- xi. There is limited disaggregated data on borrowers, particularly of the Youth Enterprise Development Fund (YEDF), thus limiting the level of analysis on women's performance and impact of funds on WEE.

Policy Recommendations

- i. Enhance public-private sector partnerships (PPPs), particularly with banks so as to help women and the youth in opening accounts and ease the loan access processes for them.
- ii. Ensure the participation of women in policy formulation of the Affirmative Action Funds.
- iii. Stipulate law and regulations that make the collection of gender disaggregated data on borrower's mandatory so as to inform gender responsive planning and programming.
- iv. Allocate funds for capacity building and training of beneficiaries and their inclusion in public participation in policy formulation.
- v. Increase resource allocation in order to strengthen and grow the enterprises of affirmative action groups, including women.
- vi. Establish partnerships between state and non-state actors purposed towards addressing the gaps in employment and entrepreneurship, for skill development and implementation of labor laws and policies that affect women's enterprises.
- vii. Ensure policies and laws regarding the Affirmative Action Funds, such as the Micro and Small Enterprises Act, offer creative solutions that generate a more favorable environment which will promote women's entrepreneurship.

- viii. Provide for tax incentives as part of affirmative action measures and granting of loans to women that do not require guarantors or collateral with lower interest rates, a longer period for repayment, and a longer grace period before repayment.
- ix. Facilitate access to Affirmative Action Funds of women in beading and basketry.
- x. Develop affirmative action policies and regulations into sectors where women are underrepresented such as mining and manufacturing.

Agenda 4: Access to Business Finance for Women's Enterprises

Objective: To advocate for a comprehensive and specific legislation that supports allocation of more resources to women's enterprises.

Key Findings

- i. Inadequate funding to support women enterprises as the allocations given to vulnerable groups are inadequate.
- ii. Inadequate technical and financial literacy support that would help women owned enterprises to continue into existence as a going concern.
- iii. Collateral needed for credit remains a challenge.
- iv. There is limited awareness on the Credit Guarantee Scheme.
- v. There is diversion of loans to other pressing needs such as school fees, rent and food.
- vi. There exists gender dynamics in ownership and control of assets, with men having more control over land and property which can be used as security for loans.
- vii. CGS currently targets formal enterprises which are predominantly male-owned of which (76%) had applied for credit as compared to women-owned enterprises (71%), and with male applicants (18%) more likely to get their loans approved compared to their female counterparts (10%).
- viii. Determinants of access to credit are quick turnaround time; favorable interest rates; and low collateral requirement.

- ix. More men than women seek credit from banks and Savings and Credit Cooperative Societies (SACCOS).
- x. Given that only seven (7) local banks are participating in the CGS programme, a considerable number of both men and women-owned entrepreneurs are likely to miss out on the benefits of the scheme.
- xi. With regards to levels of credit accessed, generally, more men applicants received higher levels of credit compared to women. More women received credits of between KES 500,001 and 1 million while more men received credit values of KES 1 million to Ksh.3 million. Women still lag behind men in the size of credit accessed.
- xii. Applicants use their loans for business recovery following COVID-19 (33 percent of both men and women); business expansion (24 % women and 21% men); and stock increment (30 % women and 32% men). Besides, more men (35%) than women (30%) used the credit for the intended purpose. 75% percent of women diverted credit to pay school fees, while 66% of men diverted the loans to pay rent.
- xiii. About 88% of credit recipients had started repaying their loans with more men (41%) than women (33%) not able to repay their loans due to COVID-19 negative impact on their businesses. Subsequently, 23 % of the respondents had unpaid loans with slightly more men (about 24%) defaulting compared to women entrepreneurs (23%).
- xiv. With regards to business capacity development, most of the training services were offered and facilitated by government institutions. About 80% of both men and women business owners had not received information about business training. Of the 20% who had received the information, more women (74%) than men (72%) attended the training, with more women (77%) than male (55%) sharing information with others.
- xv. Gender differences among informal enterprises exist. Women-owned informal enterprises borrow from table banking groups and *chamas*, while men-owned informal enterprises borrow from banks and SACCOS, thus mirroring the formally owned enterprises.



WEE Hub researchers pose with a participant of the study on the Credit Guarantee Scheme outside the business premises after an interview.

Policy Recommendations

- i. Policies and regulations should mainstream training and other measures such as business incubation, targeting women enterprises to enable them transit from informality to formality by enhancing their preparedness to access the credit guarantee scheme.
- ii. Amend public finance laws and CGS regulations to allow women-owned informal enterprises access to higher levels of credit from formal lenders. This can be achieved by working collaboratively with formal financial institutions to develop mechanisms that provide flexible repayment terms to accommodate the needs of small businesses that have seasonal or uncertain cash flows. This may include quarterly repayments, longer grace periods, and loan rescheduling.
- iii. Put in place regulations requiring the recipient banks to provide credit and business extension training services to individual women entrepreneurs and women groups (*Chamas*) in order to understand the requirements for the up-take of CGS.
- iv. Reporting regulations should require the recipient banks to document success stories of individual women entrepreneurs who have accessed the CGS programme as best practices for emulation.

- v. Put in place a legislative framework that provides for banks giving credit under a CGS to respond to the issues that borrowers consider when choosing lenders.
- vi. Entrench in the law and regulations a mechanism that mandates the banks and microfinance institutions to develop group lending products that target women groups and organizations.
- vii. Introduce a policy that provides for the establishment of an inclusive entrepreneur network, targeting entrepreneurs in both the formal and informal sectors. This could be achieved by working with the local administration in partnership with the implementing financial institutions.
- viii. Put in place a comprehensive and specific legislation that provides for the allocation of more resources to women entrepreneurs.



Women rice traders who participated in the Credit Guarantee Scheme study at Mwea Rice Mill

Agenda 5: Formalization of Women's Businesses

Objective: Advocate for the formalization of women's enterprises 85% of which are in the informal sector for greater growth of the economy and access to facilities.

Findings

- i. The bulk of women-run enterprises are mostly informal; hence they rely on informal lending services such as the *chamas* and table banking, shylocks and mobile money.
- ii. Need to have women-run enterprises supported in having access to higher levels of credit by leveling the already existing banking policy.



A section of participants at the National Consultative Meeting on the Women's Economic Empowerment Agenda held at the Hilton Hotel on June 17th 2022.

Policy Recommendations

- i. Formulate policies that make transitioning of women enterprises towards formality much easier and less costly.
- ii. Law and regulation should put in place mechanisms to enable banks participating in CGS to have financial products that are tailor-made for women and also available for group lending.
- iii. Law and regulations should put in place an affirmative action plan that provides for concession from the government in the registration of women's businesses.
- iv. Give women a grace period in payment of taxes and oblige KRA and other debt collectors to be women friendly in debt recovery.



Participants in the Credit Guarantee Scheme study posing at their woodwork shop during the data collection exercise

Agenda 6: Social Protection through Economic Stimulus Programs during Pandemics and Economic Crises for Cushioning and Economic Recovery

The social protection program during the COVID-19 health and economic crises was implemented and continues to be implemented through economic stimulus packages aimed at both cushioning and enhancing economic recovery. These economic stimulus programmes continue to be implemented through, among other programs (i) cash transfers to vulnerable families – Inua Jamii program (ii) Youth Employment Program – Kazi Mtaani (iii) support to the educational sector (iv) support to Small and Medium sized Enterprises’ (SMEs) liquidity (v) support to the health sector (vi) support to the agricultural sector (vii) support to the tourism sector (viii) support to the environment, and (ix) support to the manufacturing sector. The programs aim to cushion vulnerable households, safeguard livelihoods and prevent loss of income and employment.

Objective: To advocate for economic stimulus programmes that are gender responsive, which take into account the needs of women, girls, men and boys.

Agenda 6 (a): Cash Transfers to Vulnerable Households- Inua Jamii



Participants of the study on Social Protection, the *Kazi Mtaani Program*, during an FGD conducted by the UoN WEE Hub in Thika

Key Findings

- i. Inconsistent, irregular and untimely disbursement of funds.
- ii. Inadequacy of funds. About 74 percent of the respondent beneficiaries indicated the funds were inadequate.
- iii. Low coverage leading to exclusion of deserving cases in orphaned and vulnerable children (OVC), older persons (OPs), persons with severe disabilities (PWSDs) and households covered under the Hunger Safety Net Programme (HSNP).
- iv. The majority of the beneficiaries use the funds to buy food (95.5%) and cater for medical expenses (47.8%).

Policy Recommendations

- i. Implement mechanisms for accountability of officers involved in disbursement of funds.
- ii. Consider an empowerment package (kitty + training) appropriate to the age of the elderly
- iii. Set aside resources for social amenities for psychosocial support of the elderly.

- iv. Provide a stipend, job placements or skills development opportunities for teenage mothers or their guardians when they get back to school.
- v. Extend universal health care, especially for the beneficiaries of the Inua Jamii Program.
- vi. Formalize the use of elderly professionals for skills/knowledge transfer to the young generation and institutionalize quality care support for the elderly and implement a framework for long-term investment options to grow the pool of funds for cash transfers.
- vii. Put in place structured dissemination of information to all the targeted groups; ensure consistent and timely disbursement of funds; and implement a mechanism for graduation/exit strategy using a robust monitoring system.
- viii. Increase both the coverage and amount to all recipient categories: OVC, PWSDs, OP, HSNP.
- ix. Implement long-term solutions to hunger vulnerability.
- x. Made more accessible the identification of PWSDs, care givers while the registration of persons with disabilities (PWDs) should be pursued by the village heads or religious leaders; eliminate the registration fee.
- xi. Target female-headed households as a category of vulnerable, because such households are associated with higher likelihood of poverty.

Agenda 6 (b): The National Health Insurance Fund

Objective: Push for fast-tracking of the implementation of Universal Health Care (UHC).

Key Findings

- i. Section 3 is likely to deny critical services to many poor women and youth who can hardly afford their daily meals as there are no options for the registration of jobless women and youth who are unable to register for the Fund due to financial challenges.
- ii. The NHIF is mandated to deduct 1.7% from salaried Kenyans earning more than KES 100,000, while those in the informal sector contribute a flat rate of 500 shillings per month. This raises questions on fairness, as the highest contributors do not enjoy the full benefits of the cover. Besides, there is lack of clarity on the criteria for *'indigent people'*.
- iii. Section 8 of the member registration regulations makes it an offence for a

person who does not register as a member and such person is made liable to a penalty not exceeding 20,000 shillings. Besides, defaulters are fined.

- iv. The regulation demands provision of proof of marriages for the inclusion of spouses yet, the majority of potential beneficiaries do not have marriage certificates.
- v. The NHIF provides that only hospitals that have facilities for use of biometric identification and are able to file e-claims and send bills to NHIF are to be contracted. However, this may be a challenge to people in marginalized areas of the country who are forced to travel long distances to reach the listed facilities.
- vi. Claims to be made simultaneously from both the private insurer and the NHIF.
- vii. The regulation provides that those on private insurance cover must exhaust their limits before the NHIF offsets the deficit.

Policy Recommendations

- i. Establish a non-contributory fund and a non-contributory card to all vulnerable groups, including the OVC, the elderly, PWSDs and households including those receiving cash transfers under the Inua Jamii Program.
- ii. Entrench mechanisms for information dissemination to women and other vulnerable groups on how to obtain a recommendation as special contributors as most people who fall under this category may fail to enjoy the benefits due to lack of awareness.
- iii. Expand the list of legible health facilities in marginalized areas and publish a clear partnership policy between NHIF and private insurance providers.

Agenda 6 (c): Youth Employment Program -Kazi Mtaani

- i. Limited opportunities despite being a tool of job creation and youth empowerment.
- ii. Favoritism, corruption and lack of transparency during the hiring process.
- iii. Earning, though very critical, was inadequate as the beneficiaries worked for only 2 weeks per month; and also, the coverage was low.
- iv. Lack of proper protective gear.
- v. Limited opportunities, as the coverage of the programme in Phases 1 and 2 was low, and only in some counties.
- vi. Neighborhoods were cleaned and the program created jobs, and generally empowered the youth. 54.9 percent used the earnings to pay rent, whereas

86.2% to buy food, 14.2% for medical expenses and 30.9% paid school fees.

- vii. There was reduction of crime in the neighbourhood, and some of the beneficiaries invested their earnings into small businesses.

Policy Recommendations

- i. Put in place a legislative framework for Kazi Mtaani, as an affirmative action so as to ensure sustainability of the program.
- ii. Expand the program to cover at least 30 percent of the youth who are not in education programs and are unemployed and in training.
- iii. Provide public utilities for lactating young women and for child care.
- iv. Design and package the Youth Employment Program -Kazi Mtaani to include business development skill, entrepreneurship training, financial literacy, with a view of long-term sustainability benefits and exit strategy.
- v. Provide appropriate protective gear, tools of work such as cutting machines and an enabling environment for special categories women (nursing mothers, expectant women).
- vi. Improve channels of communication to ensure the inclusiveness of all youth.
- vii. Establish an independent monitoring and evaluation team to carry out continuous assessment of the progress and measure the impact of *Kazi Mtaani*, using gender disaggregated data.
- viii. Provide a mechanism for partnership between the state and other stakeholders, including women's organizations, local self-help groups and private organizations to keep and publicize data and opportunities for the youth through the Kazi Mtaani programme.

Agenda 6 (d): Support to the Education Sector

Objective: Advocate for measures leading to reduced care work for women and girls and ensure that the girl child returns to school after pandemics or crises.

Key findings

- i. There was increased child care work for women and girls due to lock down and closure of schools, with women taking an additional role as educators.

- ii. With the implementation of homebased Covid-19 recovery, the care work for women was further increased.
- iii. There was an increase in cases of gender-based violence against women and girls.
- iv. A high number of girls became pregnant during the time of the Covid -19 lock down and were not able to return to school after the schools were re-opened.
- v. The support to the education sector provided, though very critical was limited: the ICT interns would cover approximately 3.1 % of all public schools in Kenya.
- vi. The hiring of 10,000 teachers added on approximation only one teacher to only one third of the public schools in Kenya. An acquisition of 250,000 locally fabricated desks would add on average only 8 desks per all public primary and secondary schools in Kenya.



A participant explains a point during the WEE Hub data collection exercise in Busia.

Recommendations

- i. Increase support and extend coverage to more primary and secondary schools in all counties of Kenya.
- ii. Develop partnerships and collaborations to enhance digital learning.
- iii. Extend support to counties to implement the ECDE Policy so as to reduce the child care work through early childhood education.
- iv. Prioritize public child care investments in the counties to ensure quality and affordable access of such utilities for working women with children who are under 4 years of age.
- v. Increase annual budgetary allocation for school infrastructure and equipment.
- vi. Implement frameworks to ensure that girls go back to school after pandemics and crises and develop skilling programmes for those who do not go back.
- vii. Establish safe houses and shelters, provide psychosocial support for GBV survivors.



WEE Hub researcher heads a validation workshop after data collection in Busia County.

Agenda 6 (e): Ensure Increased Participation of Women in Employment Opportunities Created through Economic Stimulus Programs

Objective: Advocate for increased women-owned business and women worker beneficiaries in economic stimulus programs aimed at increased employment opportunities

Key findings

- i. Most jobs created through economic stimulus packages targeted public works (for Kazi Mtaani, support to SMEs in the construction and car manufacturing sectors), local artisan or Jua Kali sector (for hospital beds and school desks fabrication) while women are less represented as workers or owners of businesses in these sectors.
- ii. For the agricultural sector where women are the majority of the small-scale farmers, the fertilizer support through e-vouchers programme covered approximately about 3 percent of all small-scale farmers in Kenya and only in 33 counties. Women are likely to indirectly benefit from support to the horticultural sector as they form a large proportion of workers on the farms or at the packaging houses.
- iii. Support to hotels in terms of soft loans, though critical to the sector, did not mean that workers in this sector, including women would remain in employment.

Recommendations

- i. Ensure at least a third (33 percent) of the firms benefiting from economic stimulus packages support are women owned.
- ii. Put a conditional requirement for the firms benefiting from economic stimulus programmes that they demonstrate continued employment of workers.
- iii. For the support to agricultural sector, expand to cover all the 47 counties, while also ensuring that at least 50 percent of the beneficiary small-scale farmers are women.

Agenda 6 (f): Ensure Women-Owned MSMEs Benefit from Packages Providing Access to Finance

Objective: Advocate for increased benefits by women-owned MSMEs from government interventions through economic stimulus programs targeting increased liquidity.

Key findings

- i. 65% of informal businesses are solely owned by women while they own only 13% of the formal businesses.
- ii. The majority of women-owned businesses are in the MSME category (employing 1-9 people).
- iii. Support to SMEs liquidity provided under economic stimulus packages, including VAT exemptions and/or access to credit through the Credit Guarantee Scheme (CGS), targeted formal business enterprises, hence women benefited less from these programmes.

Recommendations

- i. Supplement these programmes by complementary measures aimed at promoting transitioning of women businesses from informal to formal.
- ii. Enhance the spread of affirmative action funds such as WEF, UWEZO Fund, YEDF so as to reach women.
- iii. Enforce requirements of AGPO in public procuring.

Agenda 7: Women and Labour Laws

Objective: To advocate for the review of national and county legislative policy and institutional programmes to safeguard women's employment rights by reviewing the gender-neutral drafting of the employment and labor laws.

Key findings

- i. There is a discrimination of women in the informal sector as most of the legislations address only formal employment.
- ii. Women and, especially those in the informal sector, are not able to enjoy the benefits that come with collective bargaining as well as other benefits such as maternity leave.
- iii. There is no protection for women in the informal sector and the 20-employee limit on the sexual offenses policy should be repealed.
- iv. The laws are silent on issues of pregnant and nursing mothers and their working conditions.
- v. There is an assumption in the current legislation that all jobs are contractual.

- vi. The current policy and regulations are gender neutral, thus exacerbate gender inequalities.

Policy recommendations

- i. Review the labour regulatory regime in order to address the existing gender gaps so as to ensure the protection of women in the informal sector.
- ii. Repeal prejudicial provisions in the Employment Act and other labour related laws e.g., the policy regarding the 20-employee limit on sexual offenses and the reporting system for sexual harassment and also respond appropriately to the technology driven market and non-contractual employment.
- iii. Review employment legislations and regulations to ensure domestic workers are protected inside and outside the country policies.
- iv. Mainstream gender in the Labour regulatory regime, taking into account workers in both the formal and informal sectors.
- v. Include women in collective bargaining by having women in informal sectors join unions and also have women in union leadership positions.

Agenda 8: Women and Employment

Objective: To advocate for enhanced participation of women in employment in all sectors of the economy.

Key Findings

- i. There are higher rates of female unemployment and lower rates of their participation in the labour force compared to men.
- ii. There are lower rates of female participation in the formal sectors of the economy compared to men.
- iii. Unpaid domestic and care work continues to remain unrecognised and unmeasured, yet it contributes to a higher percentage of time use for the women.
- iv. Unfair work environment limits the ability of women to compete favourably in the employed sectors and scale the ladder (progress in their careers) with issues such as maternity leaves hampering their development.
- v. There are policy issues in the Employment Act of 2007 that disproportionately affect women, including: gender blind provisions on discrimination of Section 5(3); the limitation of sexual harassment provisions to the formal sector with a minimum of 20 employees for a company to have a sexual offences policy;

silence on safety precautions and conducive working environment for pregnant women, and the assumption that all employment is legally contractual.

- vi. The National Occupational Safety and Health Policy 2012 is gender blind and only focused on employees within the formal sector with no proper guidelines for the informal sector where the majority of women fall.
- vii. The Kenya National Social Protection Policy is gender neutral with no social security for those in the informal sector which employs more women than men.



Elizabeth Obanda from UN Women makes a presentation during the National Consultative Meeting convened by the UoN WEE Hub, held at the Hilton Hotel.

Policy Recommendations

- i. Review the legal frameworks and legislations so that they recognize and value the contributions of women in the unpaid care and domestic work.
- ii. Ensure employment policies favour the progression and enhancement of women in their careers, including providing equal paternity and maternity leaves to help prevent a situation where women are left behind when men undergo trainings, etc. That includes flexible working arrangements (FWA) as a means for retaining women at work, enabling work-life balance, and fitting in the women's role as primary caregivers.
- iii. Put in place employment policies that provide mechanisms to target the employment of a certain ratio of lower age cohorts of females who are facing a high unemployment rate, for instance, by increasing the number of people absorbed through the Public Service Internship Program (PSIP).
- iv. Put in place measures to encourage more women to work in the untapped and underutilized sectors such as mining, quarrying, construction, manufacturing, digital economy, and entertainment by providing the required training and mentorship, specific programs and incentives (in partnership with actors in the sector) so as to increase women participation.
- v. Strengthen the role of the Labour Department in the implementation of legal frameworks on employment, including provisions on lactation spaces and child care facilities by employers in the private and public sectors.
- vi. Establish partnerships between State and non-State sectors purposed to address gaps in employment and entrepreneurship, for skill development and implementation of labor laws and policies.
- vii. Review the Employment Act, Work Injuries Benefits Act and the Occupational Safety and Health Act so as to conform with modern best practices on gender responsive employment and policies such as the National Action Plan on Business and Human Rights that provides for the labor sector as one of the focus sectors.
- viii. Put in place policies and laws that offer creative solutions that create a more favorable environment for small and micro-enterprises that promote women's entrepreneurship, including the Micro and Small Enterprises Act, that has not been fully realized.

- ix. Provide policy provisions to enable women in informal business groups to form a national organization – Kenya National Association of Women in Informal Business (KNAWIB).
- x. Put in place a mechanism for enhancing collaboration between the State Department of Gender and other partners in conducting regular assessment on the status of women in both the public and private labor sectors in order to identify women specific needs in the labor regulatory regime.

Agenda 9: Women in Cross Border and International Trade

Objective: To advocate for an enhanced participation of women in cross border and international trade taking advantage of regional trade arrangements of EAC, COMESA and AfCFTA as well as AGOA, EAC- EU EPA, WTO, among others

Key Findings

- i. *Chamas* are the main source of business financing among cross border traders as indicated by 28.9% of the respondents
- ii. 79.3% (664 of the 844) cross border traders in Busia and Namanga had not received any kind of trade related training.
- iii. 55.4% indicated they did not have knowledge of the laws and regulations governing CBT, with this figure being much higher in Busia than in Namanga (62.4% versus 44.5 %) respectively.
- iv. The major constraint faced by cross border traders is limited (lack) of access to information/knowledge related to trade (39.7%).
- v. 40 percent of the respondents observed that there were cases of insecurity associated with CBT. This was highest in Namanga (81.2%) compared to 56.6% in Busia.
- vi. The main perpetrators of insecurity against traders at the Busia border were security agents (34.6%) while at Namanga they were fellow traders (38.3%).
- vii. An overwhelming majority of the respondents, 96.7% had not received any training on GBV.
- viii. 45.2% of the respondents are aware of gender-based violence reporting mechanism, with the remaining 54.8% of the respondents not being aware of any reporting mechanism.



The WEE Hub research team conducting focus group discussions in Busia for the research project in Childcare and women's economic empowerment. The WEE Hub, in partnership with CCGD and *Uthabiti*, has set up a childcare facility in Busia border town.

Policy Recommendations

- i. Implement business incubation programmes for women enterprises in cross border trade.
- ii. Create awareness and training for cross border traders on regional (EAC, COMESA, AfCFTA), AGOA, EAC- EU EPA and WTO trading regimes.
- iii. Carry out sensitization and training on security and GBV in cross border trade.
- iv. Promote establishment of affordable and high-quality public childcare centers at cross border trade areas as complementary measures to the existing regional trade regimes such as STR.
- v. Establish quality safe shelter facilities run and financed by the government (fully funded and functional).

Agenda 10: Child Care and Women's Work

Objective: Advocate for investment in public child care; support to childcare and ECDE and change in gender norms for the reduction and redistribution of care work.

Key findings

- i. 47% of business women studied in Busia and Namanga, and who are involved in cross border trade needed child care but only 6.3% of these women had access to childcare.
- ii. To cope with childcare responsibilities, 19% of those needing childcare but could not access one went to work with their children; 31% opened their businesses late, 27% missed work while 26% closed their businesses early.
- iii. The main challenge with regards to childcare was high cost (29 percent), low quality (29 percent) and complete lack of childcare (24% of the respondents).
- iv. Effects of reduced time spent on business (88%), reduced profits 83%, constrained women from traveling long distances to reach markets that offer better prices (60%), reduced participation in networks (40%).
- v. Provision of quality child care facilities at the work place encourages men to drop and pick their children from the facilities.

Policy Recommendations

- i. Develop and implement a policy on unpaid domestic care work.
- ii. Create awareness on the need to recognize, reduce, redistribute and reward domestic unpaid care work.
- iii. National and county governments should invest in providing affordable and quality public childcare.

Agenda 11: Care Economy and Unpaid Care Work

Objective: Advocate for government investment in accessible public childcare as well as for gender responsive budgeting and increased budget allocations to sectors that affect care work

Key findings

- i. There is no legislative framework to quantify and reward unpaid care work, time use and service.
- ii. Unpaid care work reduces the amount of time women invest in productive work/business and negatively impacts on women's economic empowerment.
- iii. There is limited prioritization by National and County governments budgets on sectors that enhance women's economic empowerment. Furthermore, there are persistent budget cuts in social programs supporting women's care work.

- iv. There is weak public participation, particularly by women, in the budget process both at the National and County levels. However, it is encouraging that the National Treasury, the Parliament and county governments are interested in views from public participation.
- v. There is budgetary deficit on neonatal services, preventive health and reproductive health; and the social protection programmes.
- vi. Women are directly affected by perennial water stress in many rural and poor urban households; high energy costs that drive them to unhygienic options; high cost and limited subsidy in the agricultural sector that exacerbates food insecurity, and high cost of education that leads to a disproportionate dropout of girls.

Policy Recommendations

- i. Develop and implement a framework that recognizes care work as a contribution to the GDP.
- ii. National and County Governments should put in place an adequate budget to support childcare and early childhood education, including provision of quality child care facilities with qualified personnel.
- iii. Allocate adequate resources to sectors (ECD, agriculture, food security, health, water, and energy) that support child care and women's work at both national and county level budgets.
- iv. Put in place mechanisms to enhance the participation of women in the formulation of both the national and county level budgets (including the public participation).
- v. Put in place a legislative framework to quantify and remunerate women's care work
- vi. Establish partnerships between the State Department of Gender, UN –Women and other Non–governmental organizations to train women leaders, grass-roots women's organizations/groups, county and national planners on gender budgeting.

Agenda 12: Other Critical Policies for WEE

Objective: Advocate for development and implementation of policies that support WEE.

Advocacy points

- i. Complete the development, adoption and implementation of the National Policy Women Economic Empowerment (NPWEE) currently being developed by the Ministry for Public Service, Gender; Social Protection, Senior Citizens Affairs and Special Programs and ASALs.
- ii. Advocate for development, adoption and implementation of a policy on unpaid care and domestic work.
- iii. Implement the legislation on land rights so that women are not left landless when their husbands pass on.
- iv. Patent women products for international markets.
- v. Provide free legal representation for vulnerable women e.g., those who need legal assistance such as those in land widow eviction due to customary laws, rape, SGBV.



From right: the KBC MD Mr. Samuel Maina, the Vice Chancellor, UoN Prof. Stephen Kiama, Jessie Shawver from Bill and Melinda Gates Foundation and the WEE Hub Leader Prof. Wanjiku Kabira during the signing of an MoU for dissemination of the WEE Hub's research findings.

4. Strategies towards Realization of the Priority Agenda

To realize the common agenda for women's economic empowerment over the next three years, the following strategies are recommended:

- i. Establishment of a National Women in Business Network that can negotiate on behalf of women, both in the formal and informal sectors of the economy.
- ii. Advocacy for the recognition of care work; provision of quality child care facilities with qualified personnel and, more particularly, the implementation of Article 43 of the Kenya Constitution on socio-economic rights.
- iii. Awareness creation to advance women's agenda on formalizing their *chamas* and businesses.
- iv. Dissemination of information on policies related to WEE through FM stations, community leadership and CBOs in the counties.
- v. Make proposals to the National Treasury as well as other ministries and state departments implementing economic stimulus programmes to ensure these programmes take into account the needs of women, girls, men and boys.
- vi. Make proposals to the Kenya National Bureau of Statistics to report all data, including that of beneficiaries of social protection in a gender disaggregated manner.
- vii. Mobilize and share information with women leaders and grassroots women's organizations for participation in the National and County budget processes.
- viii. Work in collaboration with women at County levels to ensure active participation in formulation and amendment of legislation relevant to gender responsive budgeting, AGPO, Affirmative Action Funds, social protection such as *Inua Jamii*, NHIF, school feeding program, and breastfeeding Bill, employment and care economy among others.
- ix. Negotiate with banks to train small scale women traders to access loans and credit.
- x. Negotiate with banks and government officers from the Ministry of Trade and Industrialization to train small scale women traders on how to access loans and credit.
- xi. Mobilize women traders to engage the County governments and push for provision of childcare facilities in trading centers.

- xii. Sensitize women traders on the existing laws and regulations governing cross border trade and engage the Ministry of Trade and Industrialization at County and National levels to publish and disseminate the laws and regulations.
- xiii. Collaborate with the State Department of Gender and other non–state partners to train women rights-based approach to sexual gender-based violence (SGBV) and existing reporting mechanism and services for SGBV in order to protect their rights and enhance greater participation in the economy.
- xiv. Organize policy dialogues between the women leaders and other implementing partners.
- xv. Strengthen the women County gender networks through training and sharing of information in order to support their participation in budget making process in sectors related to child care and care economy.
- xvi. Organize regular information forums and networking sessions.
- xvii. Monitoring the progress of NABWEE in relation to policy advocacy.
- xviii. Any other strategy the UON WEE research team and the NABWEE Steering Committee considers necessary to move the agenda forward.
- xix. Advocacy for an affirmative action provision for the participation of women in hitherto male dominated sectors such as the manufacturing industry, extractive industry (oil, gas, metals, minerals) transport, construction, energy, engineering, architecture and areas related to climate change and environmental degradation.

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INITIATIVES FOR WHAT WORKS FOR WOMEN'S
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AFRICAN WOMEN STUDIES CENTRE



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