

Report on

**A Political Economy Analysis on Nairobi and Kisumu Counties' implementation of
AGPO and NGAAF programmes**

To: KPO-NTA-KEFEADO

December 2020

Executive summary

The Constitution of Kenya (2010) guarantees equality and inclusion among citizens, and outlines rights and privileges of all citizens including special interest groups (SIGs); youth, women and persons with disabilities (PWDs). Underscored is the need for equity in the formulation of policies, strategies, plans and interventions for the country's sustained development. The elaborate Bill of Rights applies to all laws and binds all State organs and all persons in order to preserve individuals and community dignity, promote social justice, and realize the potential of all human beings (Article 20(2)). Further, all State organs and officers are obliged to address the needs of SIGs in Article 21. Additionally, countries have developed various legislative frameworks that respond to needs and rights of SIGs such as the *United Nations Convention on the Rights of Persons with Disabilities* at the global level, *Protocol to the African Charter on Human and People's Rights on the Rights of Persons with Disabilities*, and the *East Africa Community Policy on Persons with Disabilities* at regional level and *Disability Act* at national level.

Despite the efforts, there persists challenges in inclusion of SIGs groups in the social, economic, political and decision-making processes. The challenges include barriers to social, economic and political development of PWDs, women and youth manifested in various adverse outcomes, including limited access to business opportunities, and political representation. More so limited equal access to social and economic opportunities among the SIGs explains why they have limited access to public services. To this end, '*Chambua*' project on *Enhancing Inclusive Taxation*, a pilot project implemented in Nairobi and Kisumu Counties by a consortium of three organizations namely; Kenyan Paraplegic Organization (KPO), National Taxpayers Association (NTA) and Kenya Female Advisory Organization (KEFEADO) aims to promote PWDs, women and youth's access to productive resources, and open inclusive spaces for political, social and sustained economic development.

This study undertook a Political Economy Analysis (PEA) in Nairobi and Kisumu Counties to understand the socio-economic and political factors that influence success or failure of rights holder groups' access to productive resources, develop a checklist of allies that can strengthen the advocacy voice and examine the existing systems, structures and procedures affecting how rights holder groups access and benefit from these public resources. The aim of the PEA is to identify key issues in the implementation context including the legal framework and status of implementation, mapping key actors and stakeholders and their ability to influence decision making in the security sector and entry points for successful implementation of the *Chambua* project. The PEA study also shared on how critical committees at county assembly level (that is, budget appropriation, legal affairs, house business and the liaison committees) engage in public participation, Access to Government Procurement Opportunities (AGPO) and management of affirmative action funds.

Methodology

The study applied quantitative and qualitative data collection, through a research design (including tailored political economy analysis context-specific questions in line with the project; acquisition of secondary data and information and; data collection and processing. The National Taxpayers Association provided context specific units in administering the tools and assisted in identification of focal persons who were interviewed. Qualitative data collection involved Focus Group Discussions (FGDs) in Nairobi and Kisumu while ensuring representation of: both gender, persons with disabilities and the youth. Key Informant Interviews (KIs) were conducted in each county of the project area. The tools administered to the target respondents included: Instrument 1: PWDs, Youth, Women Organizations' Questionnaire; Instrument 2: Individual PWDs, Youth and Women Questionnaire; Instrument 3: Key Informant Interview Questionnaire. Cumulatively, in both counties, the study team interviewed 20 organizations and 91 individual respondents; carried out 5 FGDs and various KIs.

Main Findings

On the **respondents**, results show that most of the respondents had the National ID card while a small number of targeted respondents were *NHIF* card holders. Relative to women and youth, PWDs had the lowest access rates to the PWD card. Education was identified as one of the critical empowerment factors that influence overall participation of special interest groups in socio-economic processes. In terms of educational attainment, most (over 60 per cent) caregivers, PWDs, Youth and women had secondary level education in both study areas. Moreover, the results showed that most of the respondents in Nairobi and in Kisumu financed their own education with minimal external intervention being observed in Nairobi. Results further show that, over 90 percent of the respondents in all the respondent's categories faced challenges in financing their education in Nairobi and Kisumu. The results further show that most of the PWDs were physically disabled followed by visual impairment. From the study results, 56 percent of the disabilities were caused by an accident, while 31 percent were born with the disability in Nairobi while in Kisumu County-19 percent were caused by an accident and 25 percent were caused by an illness.

In relation to access to business support programmes, results show that in Nairobi majority of youths were not aware of AGPO, 10 percent and 38 percent of women and youth respectively were aware. In Kisumu 56 percent, 50 percent and 40 percent of the youths, women and PWDs respectively were aware of AGPO. Ownership of the AGPO certificate was low in both sites with 25 percent of the PWDs interviewed in Nairobi possessing the certificate and only 10 percent of the youth and women in Kisumu possessing the certificates. The study results revealed that participation in NGAAP was low. However, the registration to groups was high.

The study further assessed the socio-economic and political factors that affect rights holder groups. In terms of economic activities, PWDs and Women were largely self-employed. Caregivers in Kisumu were unable to work while in Nairobi they were unemployed. The study

also showed that youths were engaged in a mixture of economic activities with a large proportion in Kisumu being unemployed. The nature of business engaged by the respondents who were self-employed were largely sole proprietorships with about 50 percent of the youths in Nairobi entering into partnerships. The sizes of these business were micro or small as they employed between 1 and 4 employees. In order to finance their growth most of the respondents of all the categories used personal funds.

Government has played a critical role of initiating affirmative action plans and initiatives such as AGPO and NGAAF. SIGs on the other hand have the role of actively engaging the government to ensure that opportunities formulated and availed meet the needs of SIGs. The study therefore sought to know whether the respondents had ever sought any government opportunity under the affirmative action. The study revealed that mostly the youths were the ones seeking opportunities in government with the most sought opportunity item being employment. The systems and procedures for accessing the affirmative action opportunities were observed to be complex and weakly targeted.

Tax relief measures are meant to increase the disposable income of the target beneficiaries. According to the study, caregivers in Kisumu were not aware of the tax relief for PWDs although about 29 percent of the PWDs were aware of the tax relief. In Nairobi 50 percent of the caregivers and PWDs were aware of the tax relief. The study shows that the main reason for the low uptake of tax reliefs is the challenge in getting the exemption certificate.

To increase mobility and communication PWDs require assistive devices. The study found out that most PWDs and caregivers in Nairobi had access to assistive devices while in Kisumu about half of the PWDs had access to assistive devices while all the caregivers had assistive devices which had been donated. Assistive devices used by PWDs were either donated or purchased. The study found out that 50 percent of the PWDs in Nairobi received their assistive devices as donations, while 30 percent were from the government while in Kisumu most of the PWDs purchased their own devices.

Youth empowerment is a critical component in enhancing youth participation in economic processes. The study results show that most of the Youth in Nairobi and a quarter of the Youth in Kisumu had applied to a youth empowerment opportunity that has been offered by the government, NGO or the CSO. The most common youth empowerment opportunity for the youth was community work which was being offered by the government especially through the Kenya Youth Empowerment and Opportunities Project.

Additionally, the study revealed that women in Kisumu participate and benefit from initiatives that are aimed at supporting gender equality, poverty reduction, crisis prevention and management, environmental and sustainable development and democratic governance. In order to grow and be empowered one has to find out empowerment opportunities and pursue them. This study revealed that women and youth had applied for women empowerment opportunities in both Nairobi and Kisumu Counties.

In Nairobi, caregivers to PWDs had also applied for women empowerment opportunities. The study further revealed that the opportunities that were commonly applied by the women was community work and business in Nairobi. PWDs and Caregivers mostly applied for funding opportunities. This shows the differences in the needs and priorities of the different categories of the respondents.

Further to the socio-economic status, the study reviewed laws, regulations and reforms aimed at supporting inclusion of special interest groups. The study found out that various international instruments are in place to support the inclusion of special interest groups and to guide countries in the implementation of the human rights agenda. The international instruments have a variety of names including ‘agreement’, ‘charter’, ‘convention’, ‘protocol’, and ‘treaties’, and all are signed exclusively between State parties. The International instruments reviewed include: Treaties and conventions; Economic Social and Cultural Rights; Convention on the Rights of Persons with Disabilities; Convention on Civil and Political Rights; Convention on Elimination of All Forms of Discrimination Against Women; International Labour Organizations Conventions; African Charter on Human and Peoples Rights; Domestic legal and institutional frameworks; and The Constitution. Kenya has ratified a number of conventions that seek to promote gender equality and non-discrimination, and Article 2(6) of the Constitution makes them part of national laws.

The Governing Body of the International Labour Organization (ILO) has identified various conventions as "fundamental" and another four as “priority.” Kenya has ratified all the Fundamental Conventions except for the Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87). **The National Legislations-Acts of Parliament reviewed include;** Employment Act 2007; National Youth Employment Authority Act 2015; Persons with Disabilities Act 2003; Political Parties Act (2011); Electoral Code of Conduct 2011; Preservation of Human Dignity and Enforcement of Economic and Social Rights Bill 2015.

National Policies reviewed include; Kenya Vision 2030, Sessional Paper No.3 on National Policy and Action Plan on Human Rights 2014, National Policy on Older Persons and Aging 2009, National Social Protection Policy 2011, Sessional Paper No. 2 of 2006 on Gender, Equality and Development, and Kenya National Youth Development Policy 2019.

Parliament is under obligation to make legislation and policies and other measures, including setting standards that will enhance equality and non-discrimination and achieve the progressive realization of the rights guaranteed in Article 43 of the Constitution, among other aspects of the Bill of Rights.

Public participation especially in the budget making process is an essential component in managing public funds. The study revealed a very low participation of the respondents at the County. Although the study shows that the youth participate in decision making processes but their rate was very low at 13 percent in Nairobi and 25 percent in Kisumu

County. As for the PWDs, their participation was limited at 17 percent. Women participation in Nairobi was low and limited in Kisumu at 11 percent.

From the study in Kisumu, (Seme, Manyatta, Muhoroni and Nyakach), it was found out that most community members have no information on the government funds and on the acts, laws and regulations that govern them. Some of them indicated they had no interest at all, on how the affirmative action initiatives apply to them. A few members though, had little information about the Acts for example, the National Act 2010 for PWDs, two third gender rule and the tax exemption rule. The PWDs confirmed that they were normally exempted from tax payment once they show the disability card.

Recommendations

Therefore, the study makes the following recommendations:

- i) Enhance outreach activities
- ii) Enhance advocacy
- iii) Enhance affirmative action through increased budgetary allocation, reduction of conditions
- iv) Encouragement on formation of self-help groups
- v) Facilitate participation of SIGs
- vi) Public awareness campaigns on available opportunities and services
- vii) Training of SIGs on government services and entrepreneurial skills

The state and non-state actors to create awareness on the available opportunities for the different categories of the beneficiaries (PWDs, Youth and Women); Provide funding to access some or all the essential services needed to empower them such as education and access to critical cards; Provide access to legislative forums where their voices can be heard and their inputs valued in decision and policy making. Proposed suggestion on the cards included consolidation into one card and enabling access to services in all hospitals for the NHIF card and access to loan for the disability card; Enough time should be given for people to read through the budget documents before making their contributions and suggestions; budget documents to be presented in non-technical and various languages for ease access by SIGs; Representatives from the special interest groups should be chosen to participate in the decision making and budget making process.

Proper management of public funds to avoid issues of embezzlement; What is discussed and suggested by the people should be put into consideration by the counties when making policies; Awareness creation by provision of training and education; Devolve government funds to ward level; Benchmarking needs to be done from counties like Kwale where people are offered regulatory and structured forms that educate them about their rights; Provision of care givers e.g. sign language interpreters during public participation; Tax exemptions to be offered not only to PWDs but also to women and youth because they all belong to the special interest groups; If there are any opportunities, the three special interest groups should be given first priority; There should be reduction in the cumbersome procedures followed while accessing NGAAP and AGPO

funds ; There should be formation of groups at *mashinani* (sub national) level to represent the interests of the youth, women and PWDs. Offer capital for them to also startup businesses and encourage business subcontracting targeting SIGs.

Actors and stakeholders that can strengthen the advocacy voice and have the ability to influence decision making include county governments, national government agencies, community-based organization, faith based organizations and other non-state actors. There is also need for strengthening advocacy voice and reviewing the **existing systems, structures and procedures** affecting SIGs participation in social economic and political activities.

Table of Contents

Executive summary.....	ii
Acronyms and abbreviations	xii
I Background and Study Context.....	1
1.1 Introduction	1
1.2 About “Chambua” project.....	4
1.3 Purpose and objectives of the study.....	8
1.4 Justification: Why Political Economy Analysis.....	9
2 Laws, Regulations and Reforms Aimed at Supporting Inclusion of Special Interest Groups.....	10
2.1 International instruments: Treaties and conventions	10
2.1.1 Economic Social and Cultural Rights	11
2.1.2 Convention on the Rights of Persons with Disabilities	12
2.1.3 Convention on Civil and Political Rights	12
2.1.4 Convention on Elimination of All Forms of Discrimination Against Women ..	12
2.1.5 International Labour Organizations Conventions	12
2.1.6 African Charter on Human and Peoples Rights	14
2.2 Domestic legal and institutional frameworks	15
2.2.1 The Constitution.....	15
2.2.2 National Legislations-Acts of Parliament	17
2.2.3 National Policies	20
2.2.4 Emerging issues and gaps in legislations	22
3 Methodological Approaches.....	23
3.1 Scope of work.....	23
3.2 Sample design.....	24
3.3 Data collection and management.....	25
3.4 Data Description and Sources	25
3.4.1 Sample size	25
3.4.2 Registration	25
3.4.3 Age	26
3.4.4 Gender	27
3.4.5 Marital Status.....	27

3.4.6	Education.....	28
3.4.7	Persons Living with Disability (PWDs)	29
4	Analysis and Findings.....	Error! Bookmark not defined.
4.1	Role of Institutions in affirmative actions	30
4.1.1	Profile of Institutions surveyed	30
4.1.2	Key contributions of Institutions	30
4.2	Uptake of AGPO and Affirmative Action Funds	31
4.2.1	Access to Business Support programmes.....	Error! Bookmark not defined.
4.2.2	Awareness of AGPO and AGPO Membership/Certificate	31
4.2.3	NGAAF	32
4.2.4	Registered Group.....	33
4.2.5	Access to Government Empowerment Initiatives.....	34
4.3	Economic Empowerment.....	35
4.3.1	Economic activities.....	35
4.3.2	Nature of business	36
4.3.3	Financing business for growth.....	36
4.3.4	Challenges faced at work and proposed solutions	37
4.3.5	Challenges faced in Business and proposed solutions	37
4.3.6	Business benefits from the government affirmative initiative?.....	37
4.4	Social Empowerment	38
4.4.1	Disability mainstreaming	38
4.4.2	Access to Education.....	45
4.4.3	Youth Empowerment.....	47
4.4.4	Women Empowerment	48
4.4.5	Social empowerment opportunities	50
4.5	Political empowerment	50
4.5.1	Political opportunities	50
4.5.2	Challenges that the organization face in service delivery of the political empowerment opportunities.....	51
4.5.3	Solutions to the challenges that the organization face in service delivery of the political empowerment opportunities.....	51
4.6	Status of Public Participation.....	52
4.6.1	Participation in decision making.....	53
4.6.2	Conducted public participation at the County Level	55

4.7	Mapping key actors and stakeholders and their ability to influence decision making.....	57
4.8	Trends and emerging issues in socioeconomic and political environment of special interest groups	58
4.8.1	Challenges that are faced in the organization by the youth and women	62
4.8.2	Solutions to the challenges that youth and women face in organizations.....	62
4.8.3	Reaching out.....	63
4.8.4	Challenges in reaching out	63
4.8.5	Economic empowerment opportunities	63
4.8.6	Challenges the organization face in delivering services	64
4.8.7	Solutions to the challenges the organization face in delivering services	65
5	Recommendations.....	67
5.1	Further comments on empowerment of special rights groups.....	Error! Bookmark not defined.
5.2	Measures towards strengthening the participation of right holder's groups	67
5.3	Recommendations.....	68
5.4	Action plan	70

List of Figures

Figure 1: Registration status for PWDs, women and youth 2020 (%)	26
Figure 2: Age categories of the Respondents (%).....	26
Figure 3: Gender of the Respondents (%)	27
Figure 4: Marital Status of the Respondents (%)	28
Figure 5: Education level of the Respondents (%)	28
Figure 6: Disability types for PWDs (%)	29
Figure 7: Cause of Disability (%).....	29
Figure 8: NGAAF Registration (%)	32
Figure 9: Membership to a group (%)	33
Figure 10: Groups respondents belong to.....	33
Figure 16: Participation in Government Programmes (percent)	34
Figure 11:Economic Activity of the Respondents (%)	35
Figure 12: Self-employment (%)	36
Figure 13: Modes of Financing Business Growth (percent).....	36
Figure 14: Respondents who have benefitted from Government Affirmative Initiatives (percent).....	37
Figure 22: Percentage of respondents who had access to assistive devices	43
Figure 26: Mode of Financing Education by Respondents (percent)	46
Figure 29: Percentage of respondents who applied for any youth empowerment opportunity.....	47
Figure 30: Percentage of respondents who have participated in empowerment initiative	48
Figure 31: Percentage of women respondents who have sought women empowerment opportunity ...	48
Figure 32: Percentage of respondents by opportunity applied.....	49
Figure 33: Percentage of respondents who are aware of the County Budget Economic Forum (%).....	53
Figure 34: Percentage of respondents who have participated in public participation at the County	54

Acronyms and abbreviations

AGPO	Access to Government Procurement Opportunities
CAT-OCIDTP	Convention Against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women ();
CIC	Implementation of the Constitution
CRC	Convention on the Rights of the Child
CRPD	Convention on the Rights of People with Disabilities
EAC	East African Community
ERC	Energy Regulatory Commission
FGDs	Focus Group Discussions
ICCPR	International Covenant on Civil and Political Rights
ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESR	International Covenant on Economic and Social Rights
ICMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families
ICPAK	Institute of Certified Public Accountants, Kenya
ID	Identification
KEFEADO	Kenya Female Advisory Organization
KPO	Kenyan Paraplegic Organization
LSK	Law Society of Kenya
NCPD	National Council for Persons with Disabilities
NEMA	National Environmental Management Agency
NGAAF	National Government Affirmative Action Fund ()
NGEC	National Gender and Equality Commission
NHIF	National Health Insurance Fund
NTA	National Taxpayers Association
OP-CRC-AC	Optional Protocol to the Convention on the Rights of the Child on the involvement of children in Armed Conflict
PEA	Political Economy Analysis
PIN	Personal Identification Number
PWDs	Persons with disabilities
SIG	Special interest groups
UDHR	Universal Declaration of Human Rights

I Background and Study Context

I.1 Introduction

The Constitution of Kenya espouses the need for equity to underlie all policies, strategies plans and interventions¹. It emphasizes inclusivity in providing that ‘*all sovereignty belongs to the people... directly or through... representatives... at the national and county levels.*’ It obliges State organs to ensure ‘reasonable’ access to their services countrywide (as possible). Besides equity and inclusion, Articles 10 and 232 also emphasize the following national values and governance principles which are significant for the circumstances of women, persons with disabilities (PWDs) and the youth: devolution of power; democracy and people participation; social justice; equality; human rights; non-discrimination; protection of the marginalized; integrity; transparency; accountability; and sustainable development. These ideals are strengthened by the commitment at Article 2 (6), that all international frameworks ratified by Kenya become part of the country’s laws. These imperatives apply to everyone – the public and private sectors – whenever applying or interpreting the Constitution and any laws, or making or implementing public policy decisions (Article 10 (1)). The Constitution has an elaborate Bill of Rights which applies to all laws and binds all State organs and all persons in order to preserve individuals and community dignity, promote social justice, and realize the potential of all human beings (Article 20(2)). Further, Article 21 obliges all States organs and officers to address the needs of ‘special interest groups (SIGs)’, including women, PWDs, and the youth.²

The Constitution’s Fourth Schedule provided a five-year timeframe to 2015, for the Commission for the Implementation of the Constitution (CIC) to ensure that all policies, laws and strategies were compliant, even as new frameworks were established for the full implementation of the Constitution.³ At dissolution in December 2015, CIC had performed commendably: while policies and legislation had been reviewed on women, the youth and PWDs in general, the glaring gap has been on legislating the two-thirds gender rule of Article 27(8),⁴ which is outstanding to date, meaning women have been constrained in voicing their needs in Parliament which is one of the country’s highest governance institutions..

On women rights however, the overarching reform arising from Article 59 of the Constitution (2010) has been legislation for and the establishment of the National Gender and Equality

¹ The Constitution and all Kenyan legislation is available at Kenya Law website.

² Other SIGs include Older Members of Society, Children, Minorities and Marginalized Communities, and Vulnerable Ethnic, Religious and Cultural Communities.

³ Section 2 (7) of The Sixth Schedule provides that CIC be dissolved at the end of the 5-year period

⁴ the provision that no more than two-thirds of elective or appointive office holders should be from the same gender is revisited in Articles 81(B), 102(3), 175(C), and 197(1).

Commission (NGEC), whose mandate also covers all the seven SIGs.⁵ NGEK aspires for a society that is free from gender inequality and all forms of discrimination, driven by compliance with all related policies, laws and practices. However, the actualization of gender equality requires custom-made commitments across the varied sectoral contexts in which discrimination occurs. Thus, efforts have been made to develop nationwide databases that distinguish not just biological sex differences, but the socially-constructed gender differences attendant on those biological differences. The government has had several gender policies since the late 1990s launch of the initiative,⁶ leading to the 2019 version.⁷ Directorate of Gender Mainstreaming initiatives of the 2000s developed capacity among sector duty bearers for strategies integrating gender in all their activities.⁸ NGEK for instance led the way with a framework for gender responsive budgeting,⁹ which the Council of Governors has also espoused.¹⁰ The government also ensured Kenya Vision 2030 was gender mainstreamed. A 2019 gender assessment concludes that despite the various efforts, gender equality remains an aspiration.¹¹

On PWDs too, the Constitution (2010) provoked various initiatives including a revamping of the National Council for Persons with Disabilities focused on inclusivity and integrity.¹² Its focus areas include managing the National Development Fund for Persons with Disabilities, cash transfers, albinism, job placements and advisory services. Article 54(20) ring-fences five percent of all employment in appointive and elective bodies for PWDs, while Article 81 (c) makes their fair representation a principle of the electoral system, with legislation attending to their effective participation (Article 88(2)). Consequently, seats are reserved for them in the National Assembly (Articles 97 (1)), Senate (Article 98(1)), and County Assemblies (Article 177 (1)). Disability has also been mainstreamed in the manner of gender mainstreaming,¹³ even if it has not had equal

⁵ The SIGs include children, the **youth, women**, minorities and marginalized groups and communities, older members of society, and **PWDs**. See <https://www.ngekenya.org/>

⁶ See Wanjiku, MK (2013). Gender Mainstreaming in Policies and Programmes in Kenya. Pathways to African Feminism and Development: Rebuilding the Broken African Pot (Volume No 1 Special Issue May 2013)

⁷ See <http://psyg.go.ke/wp-content/uploads/2019/12/NATIONAL-POLICY-ON-GENDER-AND-DEVELOPMENT.Pdf>

⁸ See <https://gender.go.ke/gender-mainstreaming/>

⁹ See NGEK (2014), Guidelines for Gender Responsive Budgeting (GRB) in Kenya. Nairobi: NGEK. Available at <https://www.ngekenya.org/downloads/NGEC-GRB-Guidelines-For-National-Govt-In-Kenya.Pdf>

¹⁰ see <https://cog.go.ke/46-news-highlights-old/474-gender-responsive-budgeting>

¹¹ See <https://www.women2030.org/wp-content/uploads/2019/06/kenya-gwa-women2030-gender-assessment-2018-compl.pdf>

¹² <http://ncpwd.go.ke/>

¹³ see <https://afri-can.org/wp-content/uploads/2015/10/IMPLEMENTATION-OF-DISABILITY-POLICY-IN-KENYA-POST-2015-Mdgs.Pdf> <https://Afri-Can.Org/Wp-Content/Uploads/2015/10/IMPLEMENTATION-OF-DISABILITY-POLICY-IN-KENYA-POST-2015-Mdgs.Pdf>

attention.¹⁴ Rhowerder (2020) in a publication titled “An *Inclusive Futures*” provides a most up-to-date summary of the contemporary context of PWDs in Kenya.¹⁵

The third SIG category of focus is that of the youth who are also addressed in the various articles of the Constitution already mentioned above. Kenya’s current total fertility rate – 3.4 births per woman of child-bearing years, rapidly increases the children (aged below 18) and youth (ages 18-34) share of the growing national population. The Kenyan economy has a very low – near stagnant – growth in the formal sector share of employment. This leads to excessive reliance by the youth, mostly inexperienced, on an overcrowded informal sector for jobs. Meanwhile, the Constitution (2010) has spawned numerous initiatives designed to increase people participation in government, especially that of the youth, both through elections, and through public appointments.^{16,17 and 18.}

Thus, as noted above the three SIG categories focused on in this study have all been affected in socio-economic and political contexts using the human development approach as a measure. Kenya has invested heavily in poverty reduction, with the share of people living below the poverty line diminishing significantly – from 46.7 percent in 2005/06 to 36.1 percent in 2015/16; but regional rates reflect wide inequalities; rates above 80 percent Turkana, Mandera, Wajir and Marsabit, compared to rates below 30 percent for Meru, Nyeri, Kirinyaga, Kiambu and Nairobi. On literacy, 33 counties have rates above 90 percent based on the Kenya Demographic and Health Survey 2014 data, while female illiteracy is also significantly higher than male illiteracy. Further, teenage pregnancies stand between 25 percent and 40 percent in six counties, including Homa Bay, Narok, West Pokot, Samburu and Tana River.

For political participation, the mandate of the National Gender and Equality Commission (NGEC) is to monitor participation of SIGs in socio-economic and political spheres of society. Thus, during the 2017 general elections, NGEC monitored the inclusion of SIGs, and reports its findings in *The Milestones- Equality and Inclusion in the 2017 Kenyan General Election*.¹⁹ NGEC reported significant obstacles to SIG participation, including low participation at party level, weak financing capacity,

¹⁴ See Wakhungu, Faith Namachanja (2017), Assessment of Disability Mainstreaming Policy Implementation Status in Selected Public Universities in Kenya. Also see See Kabare, Krystle (2018), Social Protection and Disability in Kenya. Working Paper: October 2018, and Opini, Bathseba (2010), A review of the participation of disabled persons in the labour force: the Kenyan context. *Disability & Society*, Volume 25, 2010 – Issue 3.

¹⁵ See Rohwerder, B. (2020). Kenya Situational Analysis. Disability Inclusive Development.

1 ¹⁶ See Davanne, Claire (2019), How Kenya Is Empowering Youth To Participate In Government Budgeting. World Bank Blogs. At <https://blogs.worldbank.org/governance/how-kenya-empowering-youth-participate-government-budgeting>

¹⁷ See Mzalendo Trust (2019), Claiming the Space: Youth Inclusion and Participation in Kenya’s Parliament. At https://info.mzalendo.com/media_root/file_archive/Claiming_the_Space_GDY4IEq.pdf

¹⁸ Business Call to Action (2017), Tackling youth unemployment in Kenya through public-private collaboration. <https://www.businesscalltoaction.org/news/tackling-youth-unemployment-kenya-through-public-private-collaboration>

¹⁹ The report is available at <https://www.ngeckenya.org/Downloads/Equality-and%20Inclusion-in-the-2017-Kenyan-General-Election.pdf>

SIGs insensitive polling processes, specific violence against SIGs, amongst many other factors.²⁰ It recommended greater political party attention to SIG constraints, such as financing, which the Independent Electoral and Boundaries Commission (IEBC) should also address, while also enhancing tailor-made civic education. Greater attention should be paid to security, and SIGs should also be engaged in the management of elections. The government with support from non-state actors is therefore committed to implementing various initiatives on engagement of PWDs, youth and women in governance and leadership initiatives including participation or representation in organs of decision making on matters of social, economic and political progress for sustained development. One of such projects is the *Chambua* project which is currently at pilot stage.

1.2 About “Chambua” project

“Chambua” project on Enhancing Inclusive Taxation is a pilot project funded by Voice and implemented in Nairobi and Kisumu Counties by a consortium of three organizations namely; Kenyan Paraplegic Organization (KPO), National Taxpayers Association (NTA) and Kenya Female Advisory Organization (KEFEADO). The project recognizes that the engagement of PWDs in governance and leadership encompasses participation or representation in organs of decision making on matters of social, economic and political progress; and is important for sustained development. Participation in leadership requires removal of obstacles that hinder competitiveness in appointments, election and nominations to various levels of governance or that hamper the effectiveness of affirmative action initiatives. For instance, political inclusion entails the freedom to exercise the right to participate in uptake of government opportunities such as the Access to Government Procurement Opportunities (AGPO) and the National Government Affirmative Action Fund (NGAAF)²¹.

Box 1: About AGPO

The Access to Government Procurement Opportunities (AGPO) program is founded on the Constitution of Kenya, 2010 Article 227 on the fair, equitable, transparent and cost-effective public procurement of goods and services, the Constitution of Kenya, 2010 Article 55 on affirmative action and the Public Procurement and Asset Disposal Act, 2015. The legal requirement for women, youth and persons with disabilities to access 30 percent of Government Procurement Opportunities is being implemented within the context of the AGPO program which was officially launched by His Excellency the President, Uhuru Kenyatta on 16th October, 2013 in Nairobi County.

²⁰ For example, see Ndirangu, Lorna Njambi (2017), Influence of Political Culture on Women Participation in Politics in Nairobi and Kajiado *Strategic Journal of Business and Change Management*, Vol 4, No 3 (2017).

²¹ For AGPO details, go to <http://www.agpo.go.ke>. For NGAAF, go to <http://www.ngaaf.go.ke>

The aim of the AGPO program is to facilitate the enterprises owned by women, youth and persons with disabilities to be able to participate in Government opportunities. This is to be made possible through the implementation of the legal requirement that 30 percent of Government procurement opportunities be set aside specifically for enterprises owned by these groups. As a result, the program is aimed at empowering youth, women and PWDs by giving them more opportunities to do business with Government. Steps towards joining access to government procurement opportunities include:

Step 1 – Register a business enterprise at the Attorney General’s Office in the form of a sole proprietorship business, partnership business or a limited company. The enterprise owned by youth, women or persons with disabilities shall be a legal entity that -

- a. is registered with the relevant government body; and
- b. has at least seventy percent membership of youth, women or persons with disabilities and the leadership shall be one hundred percent youth, women and persons with disabilities, respectively.

Step 2 – If business is a partnership, get a partnership deed from a lawyer, if it is a limited company a CR12 from the registrar of Companies (system generated soft copy).

Step 3 – Acquire a PIN and tax compliance/ tax exemption certificate from the Kenya Revenue Authority website.

Step 4 – Acquire all required certifications from professional bodies and authorities such as National Construction Authority, Insurance Regulatory Authority, ICPAK, LSK, National Council for Persons with Disabilities, NEMA, ERC and all other authorized bodies.

Step 5 – Open a bank account for the business and acquire a bank reference from the bank.

Step 6 – Access the website www.agpo.go.ke and register online or visit your nearest Huduma Center for assistance

Preference and reserved groups:

The Public Procurement and Asset Disposal Act 2015 defines the preference and reservations groups for 30 percent public procurement as follows: youth, persons with disabilities and women. ‘Youth’ as defined by the Kenyan Government, refers to young people between the ages of 18 years and 34 years. A youth-owned enterprise refers to a legally registered business in the form of a sole proprietorship, partnership or limited company. For both the partnership and the limited company, the ownership in form of capital invested or shares owned should be at-least 70 percent for the youth.

For a procuring entity, it shall allocate at least thirty percent of its procurement spending for the purposes procuring goods, works and services from micro and small enterprises owned by youth, women and persons with disabilities. For the purpose of implementation, a procuring entity shall implement the requirement through its budgets, procurement plans, tender notices, contract awards and submit quarterly reports to the Authority.

Qualification:

For the purpose of benefiting from preference and reservations schemes, an enterprise owned by youth, women or persons with disabilities shall be a legal entity that:

- i) Is registered with the relevant government body;
- ii) and has at least seventy percent membership of youth, women or persons with disabilities and the leadership shall be one hundred percent youth, women and persons with disabilities, respectively

Eligibility Criteria:

- i) Pursuant to section 156 of the Act, a person shall be qualified to benefit from preference and reservation scheme, if the person meets the requirements of section 55 of the Act.
- ii) A person shall not be qualified to benefit from a preference and reservation scheme-
 - a. as a contracting firm, unless that person is qualified as a local contractor or a citizen contractor; or
 - b. as a micro enterprise or an enterprise owned by a disadvantaged group unless the person is registered by the National Treasury as such upon application.
- iii) All small, micro and medium enterprise groups or disadvantaged groups that have been registered by the National Treasury shall automatically be included in the list of registered suppliers of a procuring entity upon submission of the National Treasury Registration certificate

Regions where exclusive preference shall apply:

- i) The regions preference and reservations schemes applied shall be:
 - a. Counties
 - b. Sub-counties
 - c. Constituencies; and
 - d. Wards.
- ii) Local preference and reservations shall be applicable in the counties, sub-counties, constituencies and wards, where citizen contractors are based and operate.

- iii) Citizen contractors who are based and operate in the regions specified in sub-regulation (I) above, shall be given exclusive preference when participating in procurements using funds from the county government or any devolved Fund except where it is established that local capacity is not available.

Source: GOK, AGPO website

Box 2: About NGAAF

The National Government Affirmative Action Fund (NGAAF) is a semi-autonomous government agency (SAGA) under the Ministry of Public Service, Youth and Gender Affairs, in the State Department of Gender Affairs. The Fund was enacted through Legal Notice No.24 of the Public Finance Management Act, 2012 and published on 13th February 2015. The Fund is governed by the Public Finance Management Act, 2012 (National Government Affirmative Action Fund), Regulations 2016. The Fund is one of government initiatives anchored on the Vision 2030 development blue print under the Social Pillar to address the plight of vulnerable groups by reducing poverty and inequality through enhanced access to financial facilities for socio-economic empowerment among women, youth, persons with disabilities, needy children and elderly persons in the country.

The fund objectives include:

- i) Enhancement of access to financial facilities for affirmative groups;
- ii) Support of value addition initiatives by the affirmative action groups;
- iii) Socio cultural development and nurturing of talent for affirmative action groups including promotion of art, music and sports;
- iv) Enhancement of access to services for survivors of gender-based violence, female genital mutilation, child or forced marriages through establishment of rescue centers and legal aid centers and other similar facilities;
- v) Support of affirmative action groups through bursaries and scholarships to access education opportunities;
- vi) Establishment of drugs and substance abuse and rehabilitation and counseling centers in conjunction with relevant government agencies.
- vii) Conducting civic education and community sensitization on National Government affirmative Action programmes and policies; and
- viii) Any other function necessary to give effect the provision of this paragraph.

So far, the fund has awarded bursaries to more than 660 students both in secondary and tertiary institutions; and enhanced financial facilities to various groups to boost their economic projects and value addition projects. These include Umoja Ngenia Women Group, Segera Boda Boda SGH, Nareto Women group, Nanyok Entim, Sweetma CBO, One More Day For

Children, Nyahururu Alpha Stage Hawkers among others. The fund complements other funds such as the Youth Enterprise Fund, Uwezo Fund and Women Enterprise Fund. NGAAF also sets aside some funds to nurture the talents in all fields for improved status of individuals in society.

Source: GOK, NGAAF

In response to the global commitments to be more responsive to the needs and rights of special interest groups including PWDs, countries have developed various policy and legislative frameworks. As an example, the global policy dialogue (2006) culminated in the development of the United Nations Convention on the Rights of Persons with Disabilities while the regional level has the Protocol to the African Charter on Human and People's Rights on the Rights of Persons with Disabilities, and the East Africa Community Policy on Persons with Disabilities. At the national level, Kenya enacted the Disability Act which established the National Council for Persons with Disabilities and developed a Plan of Action on disability mainstreaming. The Constitution guarantees equality and inclusion, and also outlines PWD rights and privileges.

The main objective of the Chambua programme is to promote the access of PWDs, Women and Youth to productive resources, and open and inclusive spaces for political, social and sustained economic development. It is therefore imperative to assess the level of inclusion of PWDs in county governments. This will also involve evaluation of the extent to which various legislative and policy frameworks have integrated and mainstreamed various principles of inclusion and equality, and propose strategies for improved political representation for PWDs in decision making processes at national, county and institutional levels, and in the private and informal sectors.

1.3 Purpose and objectives of the study

The purpose of this current study was to undertake Political Economy Analysis (PEA) in Nairobi and Kisumu Counties so as to understand the socio-economic and political factors that influence success or failure of rights holder groups access to productive resources as well as open and inclusive spaces for political participation, develop a checklist of allies that can strengthen the advocacy voice and examine the existing systems, structures and procedures affecting how rights holder groups access and benefit from these public resources.

The aim of the PEA is to identify key issues in the implementation context including the legal framework and status of implementation, mapping key actors and stakeholders and their ability to influence decision making in the security sector and entry points for successful implementation of the project. The PEA targets among others, civil society, residents, national and county security actors, local governance structures and oversight bodies. Further, the PEA study reflected on the impact of political appointments in key decision-making units, the power relation between the

rights holders and the duty bearers and how the two are engaged in public participation in the budget and decision-making processes. The PEA study also shared on how critical committees at county assembly level (i.e. budget appropriation, legal affairs, house business and the liaison committees) engage in public participation, AGPO and management of affirmative action funds.

The PEA is important in understanding the political, economic and social processes promoting or blocking change. Specifically, the study objectives – and indeed, its terms of reference (TOR), were to:

- i) Assess and profile the socio-economic and political factors that help to better understand the contexts and power relations in which the rights holder groups (Women, Youth, and Persons with Disability) operate.
- ii) Analyse the existing county systems and procedures affecting public participation, and access to AGPO and affirmative action funds, and highlight the gaps needing attention.
- iii) Recommend measures to strengthen the participation of rights holder groups, particularly, marginalized groups of women faced with violence and exploitation, youth and PWDs.

The *Chambua* project consortium partners intend to use the output of the PEA study to support programming interventions after the pilot phase.

1.4 Justification: Why Political Economy Analysis

Political processes and dimensions of a country influence the economic outcomes in the country. Researchers have in the recent past undertaken the interaction of political and economic processes within a society to better understand how they relate so as to inform policy and programming. By definition, politics is considered to be the formal and informal ways through which cooperation and/or contestation occurs in a society producing certain outcomes both in the political environment and in the economy. Political Economy Analysis (PEA) is concerned with the interaction of political and economic processes within a society²². PEA aims to situate development interventions within an understanding of the prevailing political and economic processes in society. The key political and economic processes include the distribution of power and wealth between different groups and individuals, and the processes that create, sustain and transform these relationships over time.'

PEA analysis has been heralded as an important tool to support more politically feasible and therefore more effective development strategies by enabling the setting of realistic expectations of what a certain programme can be achieved, timescale, and the risks involved and possible ways of mitigating them.

²² Collinson, S. (Ed.). (2003). *Power, livelihoods and conflict: case studies in political economy analysis for humanitarian action*. Humanitarian Policy Group. London: Overseas Development Institute. <http://www.odi.org.uk/sites/odi.org.uk/files/odi-assets/publications-opinion-files/289.pdf>.

According to Mcloughlin, (2014)²³ PEA complements conventional governance assessments by providing a deeper level of understanding about state capability, power, accountability and responsiveness. PEA has played a pivotal role in documenting the link between politically informed programming and better development outcomes.

In Kenya special interest groups such as PWDs, women and youth continue to face challenges in accessing productive resources despite the political goodwill and enactment of laws to support them. Among the challenges they face is inequalities in the distribution of roles, access and control over resources, employment patterns and participation in politics and decision making. These challenges are also observed in formal business (Ngethe, Katumanga & William, 2004).

In order to heighten SIGs empowerment in Kenya a closer focus need to be given to education as it has been identified as an essential catalyst for improving SIGs such as women's, youth's and PWDs' living standards and enabling them to exercise greater voice in decision making in the family, the community, the workplace, and the political arena. Although SIGs remain grossly under-represented in national politics, there are signs of some improvement in SIGs political empowerment²⁴

2 Laws, Regulations and Reforms Aimed at Supporting Inclusion of Special Interest Groups

2.1 International instruments: Treaties and conventions

Various international instruments are in place to support the inclusion of special interest groups and to guide countries in the implementation of the human rights agenda. The international instruments have a variety of names including 'agreement', 'charter', 'convention', 'protocol', and 'treaties', and all are signed exclusively between State parties. The framework provides 'Optional Protocols' that allow non-state actors with interests in particular aspects of human rights to engage States with respect to adherence to treaty provisions.²⁵ The UN system defines a set of nine 'Core' HR instruments to include several treaties, some of which are supplemented by Optional Protocols dealing with specific concerns under respective treaties. These core HR treaties include:

- i) Universal Declaration of Human Rights (UDHR);
- ii) International Covenant on Economic and Social Rights (ICESR);

²³ Mcloughlin, C. (2014). *Political Economy Analysis: Topic Guide* (2nd Ed.) Birmingham, UK: GSDRC, University of Birmingham.

²⁴ Ngethe, N., Katumanga, M., & Williams, G. (2004). *Strengthening the Incentives for Pro-Poor Policy Change*.

²⁵ For example, Kenyan civil society organizations have been at the forefront in ensuring the government delivers on its HR commitments, and consequently also make submissions to international monitoring bodies, such as the March 2014 UPR. See UN General Assembly (2015).

- iii) International Covenant on Civil and Political Rights (ICCPR);
- iv) International Convention on the Elimination of All Forms of Racial Discrimination (ICERD);
- v) Convention on the Elimination of All Forms of Discrimination against Women (CEDAW);
- vi) Convention on the Rights of the Child (CRC);
- vii) Convention Against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment (CAT);
- viii) International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (ICMW)²⁶; and
- ix) Convention on the Rights of People with Disabilities (CRPD).

For ratified instruments, State parties should present a status report within two years, and should thereafter submit two-to-five-year periodic progress reports on adherence to the instrument's principles, as provided by respective monitoring committee frameworks. Monitoring committees evaluate country performance and, where necessary, provide appropriate guidance on improved performance. Kenya's reporting status with respect to the nine instruments and single optional protocol it has acceded to is that only two treaties out of the seven ratified have not yet been complied with, i.e. ICERD and CEDAW and the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in Armed Conflict (OP-CRC-AC); which was ratified in 2002.

Kenya has ratified a number of conventions that seek to promote gender equality and non-discrimination, and Article 2(6) of the Constitution makes them part of national laws. A few of these treaties, conventions, and charters are discussed below.

2.1.1 Economic Social and Cultural Rights

This treaty requires States to ensure that men and women enjoy equal rights in all their economic social and cultural rights,²⁷ including the rights to work,²⁸ social security (which includes social insurance), and paid leave or leave with adequate social security benefits (which in the case of working mothers includes reasonable period before and after childbirth).²⁹

²⁶Kenya has not yet *ratified* this treaty despite being a major host of refugees on the continent. Ratification means national ownership of a framework, which should go along with the appropriate alignment of the domestic frameworks – the constitution, laws, policies, institutions, and strategies – for the delivery of the obligations under the said conventions.

²⁷ Article 3

²⁸ Article 6 and 7

²⁹ Article 10

2.1.2 Convention on the Rights of Persons with Disabilities

The purpose of the disability convention is to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all PWDs, and to promote respect for their inherent dignity.³⁰ For this to be realized, governments are expected to adopt appropriate legislative, administrative and other measures for the implementation of the rights recognized in the convention, and to take all appropriate measures to eliminate discrimination based on disability by any person, organization or private enterprise.³¹ The convention guarantees the rights of PWDs with respect to education,³² employment,³³ social protection,³⁴ and in participation in political and public life.³⁵

2.1.3 Convention on Civil and Political Rights

The rights to be enjoyed under this convention include the right to take part in the public affairs by both men and women.³⁶ These rights have to be enjoyed equally and without discrimination.³⁷

2.1.4 Convention on Elimination of All Forms of Discrimination Against Women

This is the main convention that promotes equality and non-discrimination against women in political, economic, social, cultural, civil or any other fields.³⁸ The rights protected include in the areas of political and public life,³⁹ representation,⁴⁰ education,^{41,42} and economic and social benefits.⁴³

2.1.5 International Labour Organizations Conventions

The Governing Body of the International Labour Organization (ILO) has identified eight conventions as "fundamental" and another four as "priority." The Priority Conventions are also referred to as 'Governance Conventions', since they cover governance issues. The Fundamental Conventions cover essential or elemental principles and rights at work, and it is ILO's aim that they be universally ratified.

³⁰ Article 1

³¹ Article 4.

³² Article 24.

³³ Article 27.

³⁴ Article 28(2).

³⁵ Article 29.

³⁶ Article 25 and 29.

³⁷ Article 2 and 3.

³⁸ Article 1

³⁹ Article 7

⁴⁰ Article 8

⁴¹ Article 10

⁴² Article 11

⁴³ Article 13

As is evident from Table 2.1, Kenya has ratified all the Fundamental Conventions except for the Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87). That convention protects the right of workers' and employers' organizations to organize locally and internationally. The Convention also protects workers' and employers' organizations from dissolution or suspension by administrative authorities. Even though Kenya has not ratified the Convention, the Labour Relations Act 2007 adequately provides for the provisions contained in the Convention. However, the Act is not explicit on protection from dissolution through administrative action – a provision that is prominent within the Fundamental Convention on Freedom of Association and Protection of the Right to Organize Convention 1948. This may be a drawback, since it is likely that the mere threat of an administrative dissolution may limit some forms of association.

Table 2.1: ILO's fundamental conventions and their ratification status by Kenya

	Year of ratification	Status
Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87)	Not ratified	Not in force
Right to Organize and Collective Bargaining Convention, 1949 (No. 98)	1964	In force
Forced Labour Convention, 1930 (No. 29)	1964	In force
Abolition of Forced Labour Convention, 1957 (No. 105)	1964	In force
Minimum Age Convention, 1973 (No. 138)	1979	In force
Worst Forms of Child Labour Convention, 1999 (No. 182)	2001	In force
Equal Remuneration Convention, 1951 (No. 100)	2001	In force
Discrimination (Employment and Occupation) Convention, 1958 (No. 111)	2001	In force

Source: http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:11200:0::NO::PI1200_COUNTRY_ID:103315, Accessed 29-12-2020

As its name suggests, the Equal Remuneration Convention 1951 (No. 100) obliges ratifying members to promote and ensure application to all workers of the principle of equal remuneration for men and women workers for work of equal value. The Discrimination (Employment and Occupation) Convention 1958 (No. 111) obligates ratifying members to “declare and pursue a national policy designed to promote equality of opportunity and treatment in respect of

employment and occupation with a view to the elimination of any discrimination.” Discrimination includes “any distinction, exclusion or preference made on the basis of color, sex, religion, or social origin.”

The regional and national levels replicate the international HR conventions. Thus, at the Africa regional level, the pertinent frameworks include the African Commission on Human and Peoples’ Rights (1987), African Charter on Human and Peoples’ Rights – Banjul Charter 1981, effective 1986, and the African Court on Human and Peoples’ Rights (2004). Others include African Charter on the Rights and Welfare of the Child (1990), Maputo Protocol (2003), and Africa Youth Charter (2006).

2.1.6 African Charter on Human and Peoples Rights

The Charter requires states to take up legislative and other measures to give effect to the rights found in the Charter.⁴⁴ This includes ensuring non-discrimination⁴⁵ and equality in participating in government and right to work.⁴⁶

In turn, the East African Community (EAC) also has its frameworks even if the operational status is somewhat unclear. The region has a Framework of the EAC Plan of Action on Promotion and Protection of Human Rights in East Africa, dated 2008, but the EAC Treaty provided for an East African Court of Justice, which does not have jurisdiction over HR issues, even if it has decided some HR cases.

The MDGs, and now the SDGs, were couched very much along the lines of HR-based approaches to development. Such an approach seeks to empower the disadvantaged, so the nature of disempowerment should shape the domestication of the international frameworks, involving *meaningful* participation of the victims (prospective beneficiaries). The framework realizes that various factors - e.g. human and financial resource constraints - may only allow the progressive realization of human rights. However, inaction - no action – is unacceptable of a ratifying State; priority and investment switching can overcome resource constraints, enabling attainment of minimum levels of interventions. The process must identify the duty-bearers’ (DB) core obligations and focus resources therein. The international community is also beholden to promote equality and inclusion. In particular, the 2030 Agenda has 17 goals for sustainable development and 169 targets. There are 11 explicit references to PWDs in the 2030 Agenda, and disaggregation of data by disability is a core principle. It is expected that the 2030 Agenda and the SDGs will influence the direction of global and national policies relating to sustainable development for the next 15 years. All plans of action must have clear, measurable medium and long-term targets, benchmarks and indicators.

⁴⁴ Article 1.

⁴⁵ Article 2.

⁴⁶ Articles 13 and 15.

2.2 Domestic legal and institutional frameworks

Kenya has also put in place various national policies, laws, administrative actions and legislations, as well as related strategic plans – to effect the international and regional obligations. The overriding instrument is the constitution of Kenya. The Constitution has a strong Bill of Rights which is a major basis upon which to develop the rest of the initiatives targeting the SIGs. Article 2(5) and (6) of the Constitution 2010 oblige the country to honour the provisions of such international and regional frameworks, meaning Kenyan policies, legislation and strategic planning should incorporate the provisions of such commitments.

Through wide consultations with stakeholders, Kenya developed Sessional Paper No. 3 of 2014, which has the National Policy and Action Plan on Human Rights.⁴⁷ The Policy identified the following key priority areas:

- i) *Civil and Political Rights*- the right to life, liberty, and security of person; access to justice; and the right to political participation;
- ii) *Economic and Social Rights*- the right to the highest attainable standard of health; the rights relating to property; the right to housing; the right to food; the right to clean and safe water in adequate quantities; the right to education; and the right to a clean environment; and
- iii) *Group Rights*- the rights of specific vulnerable groups, including women, children, PWDs, the youth, older persons, marginalized and minority groups, internally displaced persons, and refugees.

2.2.1 The Constitution

The Constitution of Kenya (2010) has provisions committing the country to the principles of equality and non-discrimination. In order to give effect to the realization of the rights protected under Article 27 (right to equality and non-discrimination), the Constitution mandates the State under Article 27(6) to take legislative and other measures, including affirmative action programmes and policies designed to redress any disadvantage suffered by individuals or groups because of past discrimination.

The Preamble to the Constitution lists equality as one of the essential values upon which to base governance. This is given legal force and emphasis by Article 10 of the Constitution, which provides the national values and principles of governance, which include, among others: 10(2a)

⁴⁷See Office of the Attorney General and Department of Justice (2014).

the rule of law, democracy and participation of the people; and 10(2b) human dignity, equity, social justice, inclusiveness, equality, human rights, non-discrimination and protection of the marginalized. These provisions have several key safeguards regarding participation and inclusion of SIGs in the society including: PWDs, women, and youth.

The Bill of Rights under Chapter Four of the Constitution also makes several provisions in relation to the SIGs. The Constitution recognizes that it is the fundamental duty of the State and all its organs to observe, respect, protect, promote and fulfill the rights and fundamental freedoms of these groups, as found in the Bill of Rights.⁴⁸ To that end, the State is obligated to take legislative, policy and other measures to ensure the enjoyment of these rights. Where the duty of government is to protect the rights under economic and social rights, such as the right to education under Article 43, the State is expected to set standards to achieve the progressive realization of these rights.⁴⁹

Article 21(3) places a duty on all State organs and all public officers to address the needs of vulnerable groups within society, including PWDs, women, and youth. Article 27 is the principal provision on equality and non-discrimination. Some of these provisions relate to the rights of the SIGs and include: 27(3) women and men have the right to equal treatment, including the right to equal opportunities, in political, economic, cultural and social spheres; 27(4) the State shall not discriminate directly or indirectly against any person on any ground, including sex, age, and disability. The constitution provides that the “State shall take legislative and other measures, including affirmative action programmes and policies, designed to redress any disadvantage suffered by individuals or groups because of past discrimination” 27(6). Article 260 interprets “affirmative action” to include “any measure designed to overcome or ameliorate an inequity or the systemic denial or infringement of a right or fundamental freedom”. Further, Articles 54, 55, and 56 provide specific provisions for the rights of PWDs, youth, minorities and marginalized groups respectively.

Article 54(1) guarantees the rights for PWDs and provides that a person with any disability is entitled to be treated with dignity and respect; and to be addressed and referred to in a manner that is not demeaning. Such a person should access educational institutions and facilities for persons with disabilities that are integrated into society to the extent compatible with the interests of the person; and have reasonable access to all places, public transport and information. Where applicable, they should be enabled to use Sign language, Braille or other appropriate means of communication, and access materials and devices to overcome constraints arising from the person’s disability. Article 54(2) further provides for the progressive implementation of the principle that at least five per cent of the members of the public in elective and appointive bodies are PWDs.

⁴⁸ Article 21(1).

⁴⁹ Article 21(2).

Article 55, which deals with the youth, requires the State to take measures, including affirmative action programmes, to ensure that the youth have access to relevant education and training; opportunities to associate, be represented and participate in political, social, economic and other spheres of life; and access employment.

With regard to the minorities and marginalized groups, Article 56 also requires the State to put in place affirmative action programmes designed to ensure that minorities and marginalized groups participate and are represented in governance and other spheres of life; are provided special opportunities in educational and economic fields; and are provided special opportunities for access to employment.

2.2.2 National Legislations-Acts of Parliament

In addition to the provisions of the Constitution, there are various national legislations covering rights issues related to PWDs, women and youth. This sub-section uses a sample of such legislation to illustrate the legislations put in place in Kenya.

a) Employment Act 2007

The Employment Act (Cap 266) addresses discrimination in employment under section 5, which obliges the Cabinet Secretary in charge, labour officers and the labour courts to promote equality of opportunity in employment. Employers should also promote equal opportunity in employment and strive to eliminate discrimination in any employment policy or practice. Employers should also not discriminate directly or indirectly against an employee or prospective employee, or harass an employee or prospective employee on grounds of sex, political or other opinion, ethnic or social origin, disability or HIV status. This is in respect to recruitment, training, promotion, terms and conditions of employment, termination of employment, or other matters arising out of the employment. These provisions give effect to Article 27 of the Constitution on discrimination. The Act further clarifies conditions that do not qualify as discrimination, such as: taking affirmative action measures consistent with the promotion of equality or the elimination of discrimination in the workplace. Further, employers should pay employees equal remuneration for work of equal value.⁵⁰

b) National Youth Employment Authority Act 2015

This Act was passed in 2015 and took effect in April 2016. It aims to give effect to Article 55(c), which seeks to ensure access to employment for the youth, and Article 56(c), which requires that special measures be undertaken to ensure employment access for minorities and

⁵⁰ This provision operationalizes ILO Convention No 100.

marginalized groups. The Act applies to the national and county governments, and for the private formal sector and informal sectors.

Some of the objects of the Act include:

- i) Providing a framework to facilitate increased employment of the youth in the national government, county government, State organs, and other public entities;
- ii) Providing a framework for, and facilitation of employment of the youth in the private sector;
- iii) Facilitating and promoting equity and diversity and eliminating discrimination in the employment of the youth; and
- iv) Giving effect to the constitutional values and principles in so far as employment of the youth is concerned.

The Act establishes the National Youth Employment Authority to oversee the employment of the youth, minorities and marginalized groups in in formal, informal or any other form of employment, locally and internationally, as well as facilitating the implementation of national government policies and county government policies on youth employment.

c) Persons with Disabilities Act 2003

The Persons with Disabilities Act No. 14 of 2003 – now under revision – has a number of provisions regarding the rights and privileges of PWDs. Section 15 of the Act prohibits discrimination by both the public and private employers in all areas. No employer shall discriminate against a PWD in relation to the advertisement of employment, recruitment, and determination or allocation of wages, salaries, pensions, accommodation, leave or other such benefits. Additionally, discrimination is not allowed over the choice of persons for posts, training, advancement, apprenticeships, transfer, promotion or retrenchment, and in relation to the provision of facilities related to or connected with employment. No person can be denied opportunities for suitable employment because of their disability.⁵¹ A qualified employee with a disability should be subject to the same terms and conditions of employment and the same compensation, privileges, benefits, fringe benefits, incentives or allowances as qualified able-bodied employees, despite being exempt from tax on all employment incomes. The Act tasks the National Council for Persons with Disabilities with securing the reservation of five per cent of all casual, emergency and contractual positions in employment in the public and private sectors for persons with disabilities. Special workplace facilities or modifications, whether physical, administrative or otherwise, should be in place to accommodate persons with disabilities. The Act sets the minimum retirement age for persons with disabilities at 74 years.

⁵¹Section 12 of the Persons with Disabilities Act.

The Persons with Disabilities Act also prohibits discrimination in admission to learning institutions, and in access to services and amenities. Section 18(1) prohibits all persons and learning institutions from denying admission to any course of study to any person on the basis of their disability, if that person has the ability to acquire substantial learning in that course. Learning institutions are also expected to take into account the special needs of PWDs with respect to, inter alia, entry requirements, curricula, and the use of facilities. However, the law allows for the establishment of special schools and institutions, especially for the deaf, blind and mentally retarded. The Act also sets out a range of measures intended to promote equal participation in elections. Sections 29 and 30, respectively, provide that PWDs are entitled to assistance from any person they choose in order to enable them to vote, and that polling stations should be made accessible for PWDs, including through the provision of assistive devices.

d) Political Parties Act (2011)

The Political Parties Act has various provisions that aim at ensuring that party membership reflects Kenya's diversity. A party can only be registered if its membership and the composition of its governing body reflect regional and ethnic diversity, gender balance, and representation of minorities and marginalized groups.⁵² The law further requires that not more than two thirds of the members of its governing body be of the same gender.⁵³ The Act establishes the Political Parties Fund, which is allocated to registered political parties after meeting the set requirements, but it should also be used to promote representation in Parliament and the County Assemblies, of women, PWDs, the youth, ethnic and other minorities, and marginalized groups.⁵⁴

The Code of Conduct for Political Parties, which all parties must sign up to, requires them to respect the right of all persons to participate in the political process, including the youth, and minorities and marginalized groups, and to respect and promote gender equity and equality, human rights and fundamental freedoms.⁵⁵ The Code further requires parties to respect, uphold and promote human dignity, equity, social justice, inclusiveness, non-discrimination, and protection of the marginalized,⁵⁶ and to respect, uphold and promote human rights and the rule of law.⁵⁷

e) Electoral Code of Conduct 2011

This Code establishes a level playing field for candidates in competitive elections. It sets out provisions that promote an atmosphere and culture of tolerance, courtesy and respect, all of which are beneficial to women's engagement in politics.

⁵² Political Parties Act 2011: section 7(2) (b) and (c).

⁵³ Ibid section 7(2) (d).

⁵⁴ Ibid section 26(1) (a).

⁵⁵ Political Parties Code of Conduct section 5 (a) and (b).

⁵⁶ Ibid section 6(d).

⁵⁷ Ibid section 6E

f) Preservation of Human Dignity and Enforcement of Economic and Social Rights Bill 2015

The bill aims at:

- i) Establishing a framework for the preservation of human dignity through the realization and enforcement of economic and social rights, which include the right to education and social protection (i.e. social security and social assistance) as provided for under Article 43 of the Constitution.
- ii) Promoting and monitoring adherence by the National Government and county governments to the provisions of Article 43 of the Constitution.
- iii) Providing a framework for the standards that are to be adhered to by the National Government and county governments in the realization of economic and social rights, and how to monitor and promote the realization of such rights.
- iv) Provide a framework for the application of the Equalization Fund to promote economic and social rights amongst the marginalized communities.

2.2.3 National Policies

There are several policies relating to equality and non-discrimination that have been developed and adopted.

a) Kenya Vision 2030

This is Kenya's long-term development blueprint. It recognizes the importance of non-discrimination and harmony across the various social divides in the country. The aim of the Vision is to transform Kenya into a newly industrializing middle-income country with a high quality of life for all citizens living in clean secure environments. The theme of the Vision's Social Pillar is 'Investing in the People of Kenya', an aspiration which should eliminate poverty and hunger, secure universal primary education and gender equality, improve maternal and child survival, and promote health insurance to subsidize health care for all, including the poor, older persons, and PWDs, among others. The Vision envisages the development of strategies aimed at increasing the participation of women in all economic, social and political decision making processes, improving access to education for all disadvantaged groups, minimizing vulnerability by prohibiting retrogressive practices, and training PWDs and those with special needs.⁵⁸

b) Sessional Paper No.3 on National Policy and Action Plan on Human Rights 2014

⁵⁸Vision 2030 Sections 5.6 and 5.7.

The aim of this policy is to enhance the realization of human rights in Kenya by providing a framework for the integration and mainstreaming of human rights in development planning, implementation and evaluations in all sectors. The policy is based on key human rights principles that include equality and non-discrimination. Some of the key issues it addresses include discrimination against women, limited access to services by PWDs, and youth unemployment.

c) National Policy on Older Persons and Aging 2009

The goal of the policy is to promote the older persons' participation towards the achievement of national development targets. It recognizes the older persons as part of the national population, whose rights should be recognized and respected, and focuses its concerns on legislation for older persons' rights, poverty and sustainable development, health, nutrition and food security, and housing and related amenities. Other concerns include the effect of culture, including gender, welfare, employment and social security, and the effects of conflict and disaster.

d) National Social Protection Policy 2011

One aim of this policy is to ensure that all Kenyans live in dignity and exploit their human capabilities for their own social and economic development by protecting individuals and households from the impact of adverse shocks to their consumption. Other aims include: supporting individuals and households to manage adverse shocks in ways that do not trap them in poverty; cushioning workers and their dependents from the consequences of income threatening risks, such as sicknesses; promoting key investments in human capital and the physical assets of households; and promoting synergies and integration among social protection providers.

e) Sessional Paper No. 2 of 2006 on Gender, Equality and Development

This provided a framework for gender mainstreaming, including the establishment of a substantive gender ministry, the National Commission on Gender and Development, and gender officers in ministries, parastatals, institutions of higher learning, and officers at the district and sub-district levels.⁵⁹ The Sessional Paper recognizes the social cultural attitudes held by men and women, and that the socialization process is important in determining the unequal status between men and women. The development process also impacts differently on men and women.

f) Kenya National Youth Development Policy 2019

This identifies the most important issues needing attention to include youth participation in community and civic affairs towards national development, alongside unemployment and under-employment, education and training, sports and recreation, arts and culture, the environment, the media, and empowerment. This policy is underpinned by the principles and values of equity

⁵⁹See Osiro (2015: 9).

and accessibility, gender inclusiveness, and good governance, while also appreciating that the youth also include PWDs, HIV and AIDS victims, dropouts, and street youth.

2.2.4 Emerging issues and gaps in legislations

Parliament is under the obligation to make legislation and policies and other measures, including setting standards that will enhance equality and non-discrimination and achieve the progressive realization of the rights guaranteed in Article 43 of the Constitution, among other aspects of the Bill of Rights.⁶⁰ The State is also obligated to enact legislation to enable it to fulfill its international obligations ratified in respect of human rights and fundamental freedoms, which can promote equality and inclusion. Additionally, Article 2(5) and (6) oblige the country to honour the provisions of international and regional human rights frameworks, meaning Kenyan policies, legislation and strategic planning should incorporate the provisions of such commitments.

In light of the above requirements, the State has not yet fully fulfilled its mandate in the following areas:

- (a) Article 21(2): the State shall take legislative, policy and other measures including setting up of standards to achieve the progressive realization of the rights guaranteed under Article 43. In that respect, a Bill on economic social rights is still pending in the Senate regarding the standards that would allow for a close monitoring of the implementation of this right.
- (b) Article 21(4) requires the State to enact legislation to fulfill its international obligations in respect of human rights and fundamental freedoms.
- (c) Article 27 (6) provides that the State shall take legislative and other measures, including affirmative action programmes and policies designed to redress any disadvantage suffered by individual groups because of past discrimination and provide for benefits.
- (d) Article 54(2) requires the State to ensure the progressive implementation of the principle that PWDs account for at least five per cent of the members of public elective and appointive bodies.
- (e) Article 55(c) declares that the State shall take measures, including affirmative action programmes, to ensure that the youth access employment. It will be important to monitor the implementation of this law to ensure that the youth and the marginalized communities are guaranteed employment. While the law has been passed, the same has not taken effect.

⁶⁰ Article 21 (2) constitution

- (f) Article 56 requires the State to put in place affirmative action programmes to ensure that minorities and marginalized groups:
 - i. Participate and are represented in governance and other spheres of life;
 - ii. Are provided with special opportunities in educational and economic fields; and
 - iii. Are provided with special opportunities for access to employment.
- (g) The State is required to take measures to ensure the rights of older persons, including their receipt of reasonable care and assistance from their families and the State.
- (h) Article 100 requires Parliament to enact legislation to promote the representation therein of women, PWDs, the youth, ethnic and other minorities, and marginalized communities.
- (i) Article 185 provides that the County Assembly may make any laws necessary for or incidental to the effective performance of the functions under the Fourth Schedule.
- (j) Article 197 requires Parliament to enact legislation to prescribe mechanisms to protect minorities within counties, and to provide for how communities and cultural diversity of the county is reflected in County Assemblies and County Executive Committees.
- (k) There is need to develop and implement up to date action plans for the enforcement of the various policies and laws.

3 Methodological Approaches

This section of the report outlines the methodology of the study by highlighting the scope; approach and sample design, data collection and management as well as characteristics of respondents.

3.1 Scope of work

The study team undertook Political Economy Analysis (PEA) in Nairobi and Kisumu Counties. The PEA helped identify key issues in the implementation context; establishing legal frameworks; and status of implementation. Questions for PEA task were designed to help assess political, economic and social processes promoting or blocking change in the inclusion of PWDs, women and youth. The analysis tackled various questions including: Who are the key actors and

stakeholders and their ability to influence decision making in the security sector and entry points for successful implementation of the project; What is the impact of political appointments in key committees and the power relation between the marginalized groups and the duty bearers; How do the Marginalized groups and policy makers/duty bearers engage during public participation forums and specifically the budget making process and during decision making?; How do critical committees at county assembly level (i.e. budget appropriation, legal affairs, house business and the liaison committees) engage in public participation, AGPO and management of affirmative action funds. Specifically, the study focused on three key dimensions including:

- i) **Assessment of the socio-economic and political factors in the contexts and power relations relating to marginalized persons**, data collection was undertaken on the participation and voice of PWDs, Women and Youth in the budget making processes in Nairobi and Kisumu counties. The special focus on AGPO and NGAAF sought to determine whether procedures, allocations and utilization were inclusive and responsive of their needs and priorities.
- ii) **Assessment of county systems and procedures affecting public participation and access to AGPO and affirmative action funds**, the *Chambua* project's main concern was with the realization of the inclusivity mandated by Articles 10 (2) and 232 of the Constitution. Consequently, the study considered: the extent of engagement of PWDs and Women during public participation forums; the extent of attention paid to their needs at the decision making-table even when they are absent; Kisumu and Nairobi counties' implementation of AGPO and NGAAF; Is there participation of the PWDs and women in the budget making process?; Are PWDs and women included in overseeing management of the National Government Affirmative Action Fund?
- iii) **Recommend measures that are needed to strengthen the participation of right holder's groups, particularly, marginalized groups of women faced with violence and exploitation, youth and PWDs. Interventions for the systems and procedures are also put in place.** In designing the intervention measures, the study focused on ways to include PWDs and women in critical decision-making processes such as budget making process. The analysis included ways to support PWDs and women to engage in public participation platforms where marginalized groups directly engage with policy makers; and to legally establish structures like the County Budget and Economic Forum (CBEF) and inclusion of special interest groups. The research team also developed a checklist of allies that can strengthen the advocacy voice targeting the targeted special interest groups.

3.2 Approach and sample design

The study adopted both qualitative and quantitative tools using the Political Economy Analysis (PEA) Approaches.

Approach: Desk review, key informant interviews and focus group discussions were used to obtain observations and facts about the subject matter. Such an approach is most suitable to ascertain the status and challenges faced in implementation and design of affirmative action.

Survey Strategy and sampling: The research involved quantitative and qualitative data collection, through a) research design, b) acquisition of secondary data and information and c) data collection process. The National Taxpayers Association (the client) provided context specific units in administering the tools and assisted in identification of focal persons to be interviewed.

3.3 Data collection and management

The tools for data collection were developed and agreed on with the client.: Elaborate and finalized tools for qualitative and quantitative data collection were developed and shared with the client for providing comments and feedback. Final tools were used in data collection.

Qualitative data collected through Focus Group Discussions (FGDs) in Nairobi and Kisumu while ensuring representation of: both gender, persons with disability and the youth. Key Informant Interviews (KIIs) were conducted in each county of the project area. The tools administered to the target respondents are attached in Annexure I. The tools included: Instrument 1: PWDs, Youth, Women Organizations' Questionnaire; Instrument 2: Individual PWDs, Youth and Women Questionnaire; Instrument 3: Key Informant Interview Questionnaire.

Quantitative data quality: The quality of data is essential and the research team therefore included the quality control linked to data collection and supervision of data entry. Field interviewers and supervisors were sufficiently trained on data quality. The research team took a lead role in ensuring data quality and progress tracking.

Cleaned data and data analysis: The research team cleaned the data files in *SPSS* and *stata* format, complete with any files or other relevant material and of a clear and complete codebook and guidelines for data interpretation and understanding.

3.4 Data Description and Sources

3.4.1 Sample size

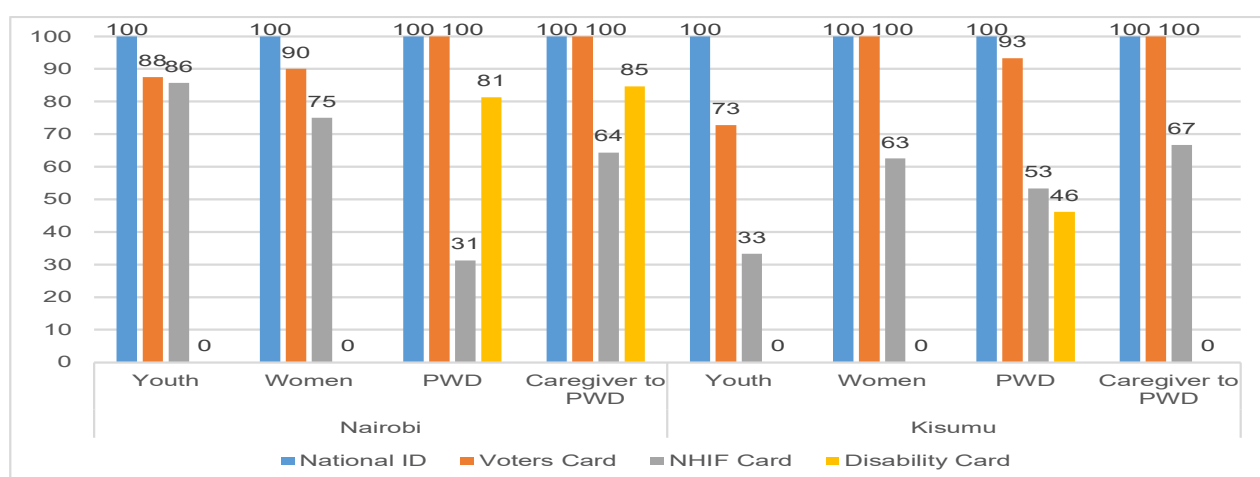
The study interviewed 91 key informants in Kisumu and Nairobi counties, designed to ensure that data collected was representative of the SIG distribution in the study area, for acceptable inferences and recommendations. The interviewees included 10 youths, 10 Women, 16 PWDs and 15 caregivers to PWDs in Nairobi and 11 youths, 10 Women, 16 PWDs and 3 caregivers to PWDs in Kisumu.

3.4.2 Registration

The study assessed respondents' possession of key identification documents such as National ID, Voters card, NHIF card and Disability card. These cards enable access to various services, opportunities and for exercise of individual rights including access to formal financial services, gainful employment and voting during national elections (National ID), access to enhanced

healthcare (NHIF card), access to some affirmative funds (disability card) and access to some government services. The results show that all the respondents had the National ID card while *NHIF* card number had the lowest possession (Figure 1). Relative to women and youth, the PWDs had the lowest access rates to the *NHIF* card with respective proportions of 31 per cent and 53 per cent of the respondents in Nairobi and Kisumu counties, respectively.

Figure 1: Registration status for PWDs, women and youth (%)



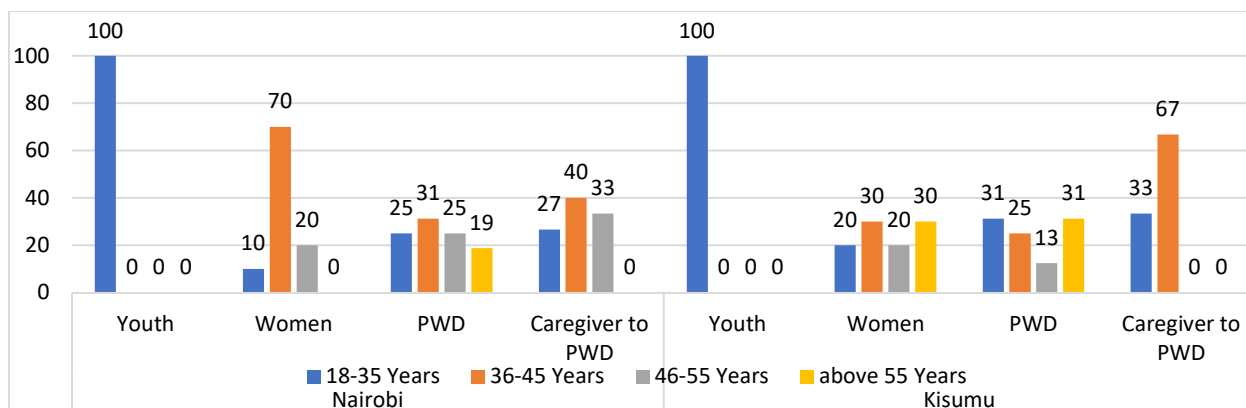
Source: PEA Data (2020)

The KIIs reported that the National ID enabled access to services, job applications and financial transactions. The voters' card allowed the exercise of the democratic right to vote, while the NHIF card subsidized access to medical care. The Disability card was beneficial in government support and access to assistive devices, education, cash transfers and medical care.

3.4.3 Age

Figure 2 shows the age distribution of the respondents across the two study sites. In Nairobi, 70 percent of the women were aged 36 to 45, compared to 31 percent for the PWDs. In Kisumu, 67 percent of the caregivers were aged 36 to 45, compared to 25 percent for PWDs, 31 percent of who were aged between 18 and 35.

Figure 2: Age categories of the Respondents (%)

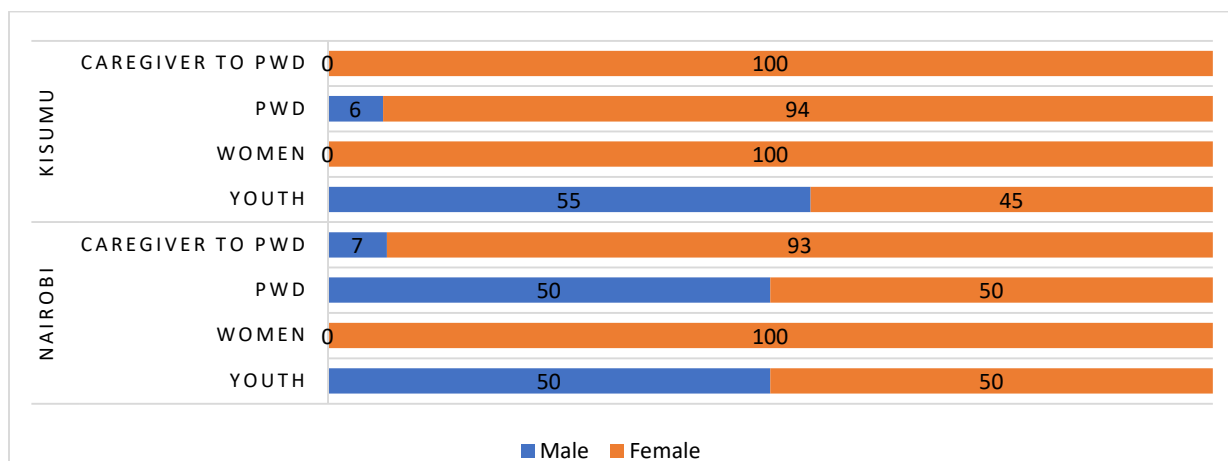


Source: PEA Data (2020)

3.4.4 Gender

Figure 3 shows that all the caregivers in Kisumu were female, compared to 93 percent in Nairobi. Further, 94 percent of the PWDs in Kisumu were female, compared to 50 percent Nairobi. However, the youth were equally distributed by sex in both study sites.

Figure 3: Gender of the Respondents (%)

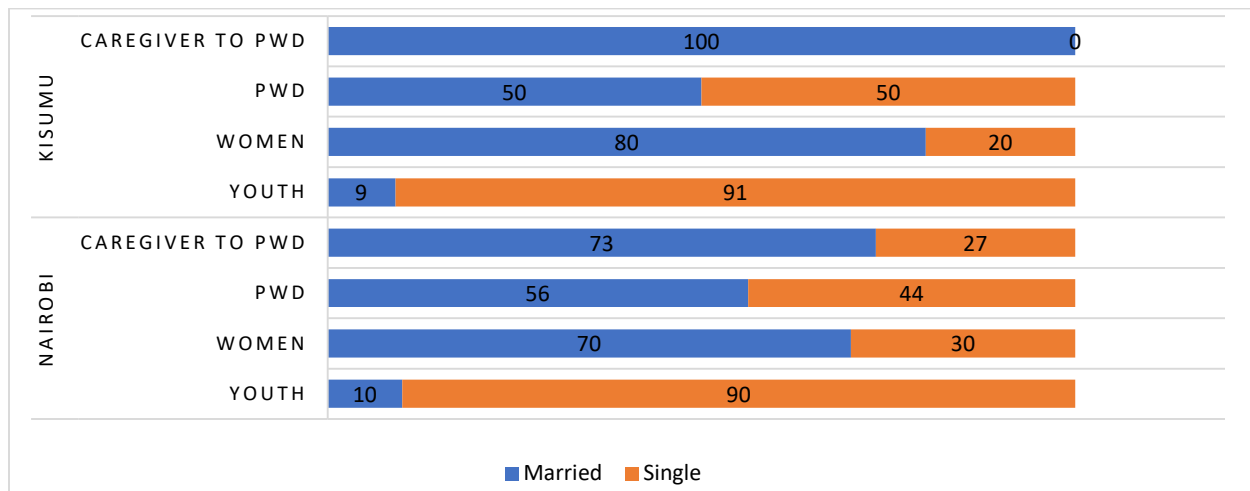


Source: PEA Data (2020)

3.4.5 Marital Status

Figure 4 shows that among the caregivers, 100 percent in Kisumu were married compared to 73 percent in Nairobi. For PWDs, 50 percent and 56 percent were married in Kisumu and Nairobi respectively. Marriage stood at about 10 percent for the youth in both study sites, and at 80 percent and 70 percent for the women in Kisumu and Nairobi, respectively.

Figure 4: Marital Status of the Respondents (%)

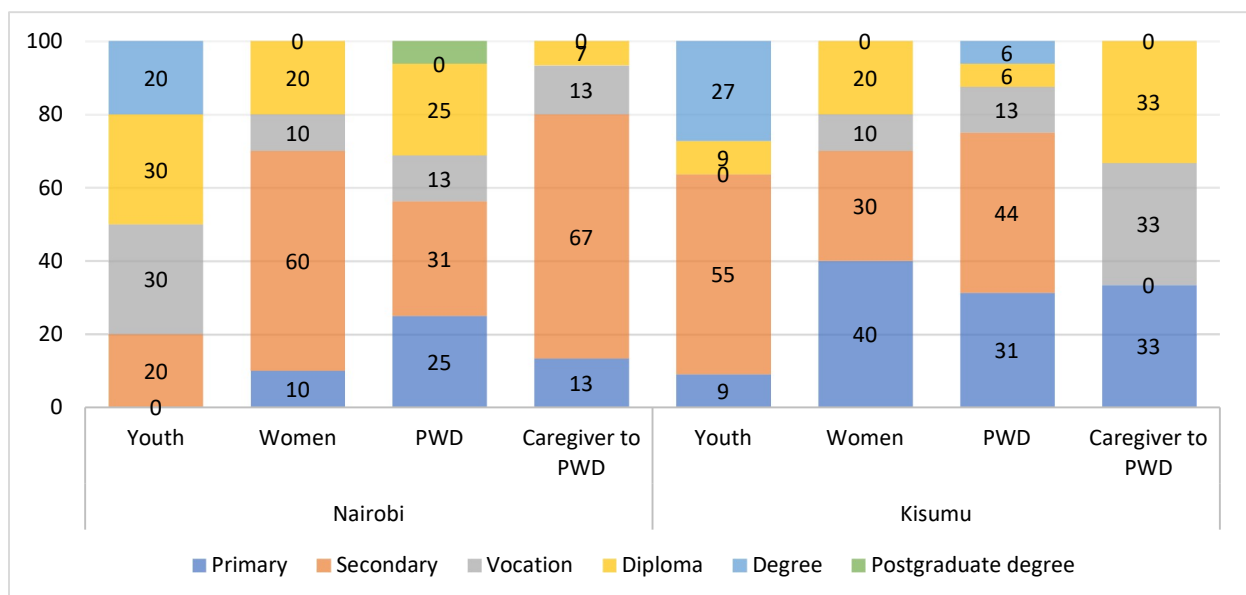


Source: PEA Data (2020)

3.4.6 Education

On education, Figure 5 shows that a third of Kisumu caregivers had secondary level education compared to 67 percent for Nairobi. The rates stood at 44 percent for Kisumu PWDs compared to 31 percent for their Nairobi counterparts; and 55 and 20 percent respectively for the youth in Kisumu and Nairobi. The secondary education rates stood at 30 percent and 60 percent for Kisumu and Nairobi respectively.

Figure 5: Education level of the Respondents (%)



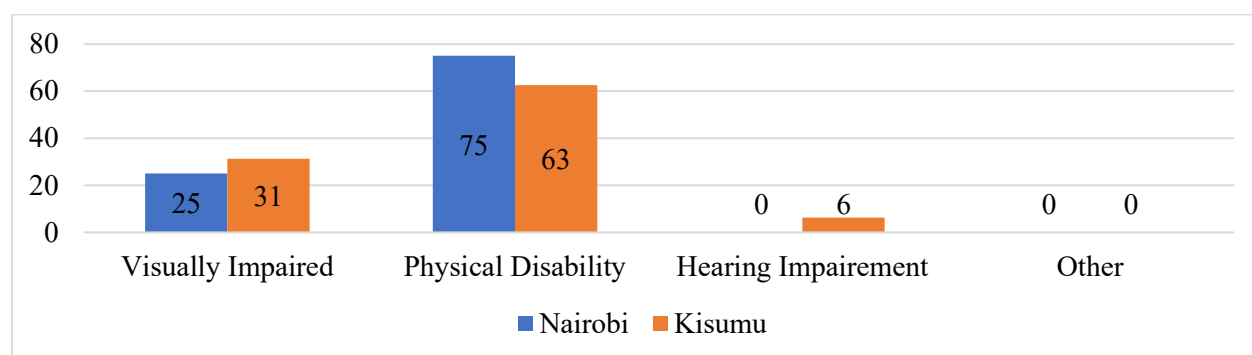
Source: PEA Data (2020)

3.4.7 Persons Living with Disability (PWDs)

3.4.7.1 Disability

The study encountered only three types of disability, as reflected in Figure 6. The most prominent disability for both Nairobi and Kisumu was physical, with respective rates of 75 percent and 63 percent. Visual disability stood at 31 percent for Kisumu and 25 percent for Nairobi.

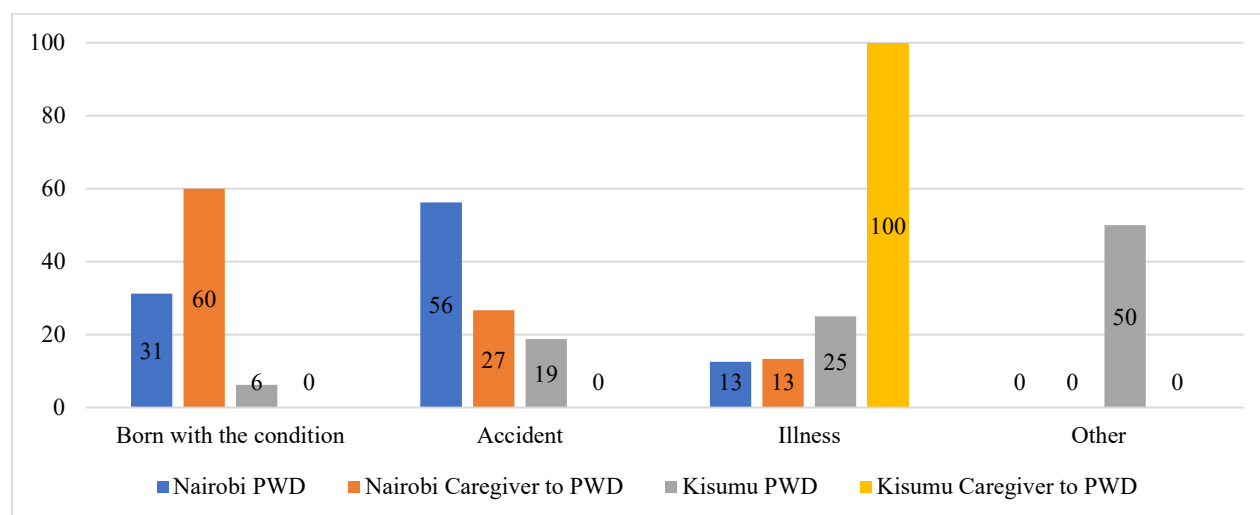
Figure 6: Disability types for PWDs (%)



3.4.7.2 Cause of Disability

Figure 7 shows the distribution of the different causes of disabilities among PWDs. According to the results 56 percent were caused by an accident, 31 percent were born with the disability and 13 percent were caused by an illness in Nairobi while 19 percent were caused by an accident, 6 percent were born with the disability and 25 percent were caused by an illness in Kisumu County.

Figure 7: Cause of Disability (%)



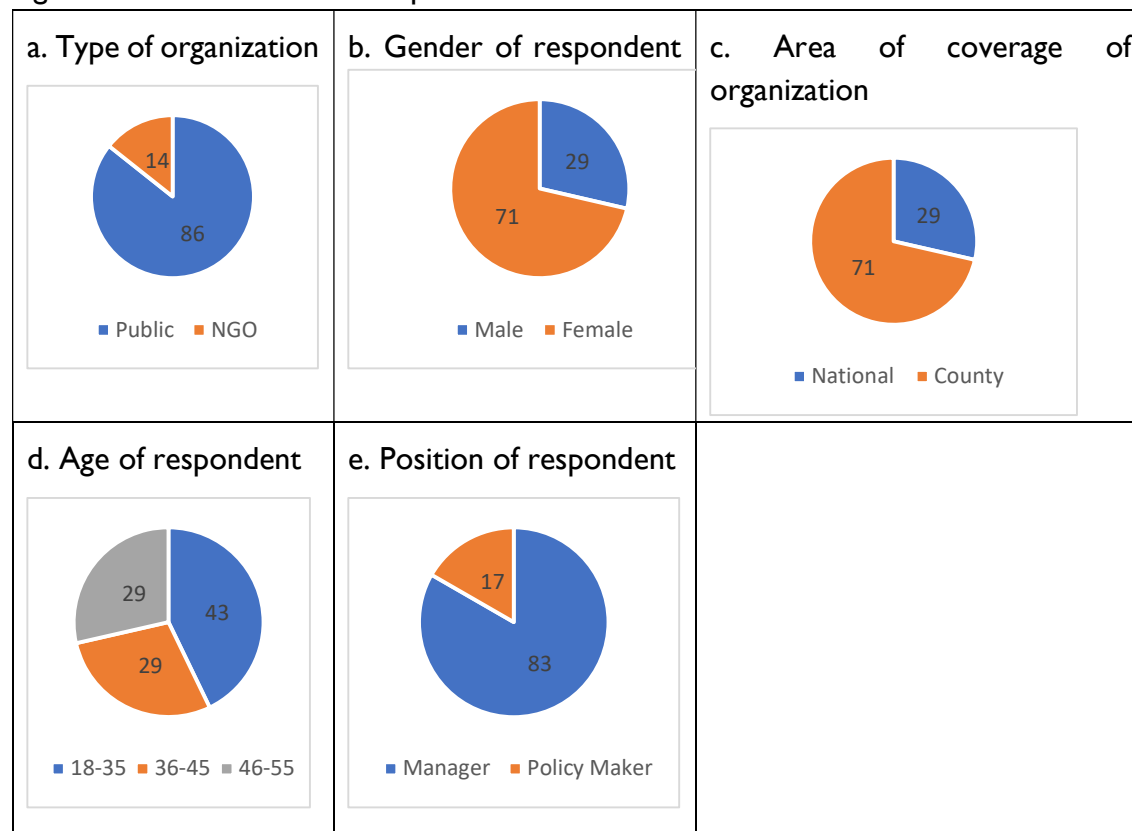
The FGDs were held in Nairobi and Kisumu (Seme, Manyatta, Muhoroni and Nyakach) and covered over 30 participants. Key informant interviews were also held with key policy makers in the two study counties.

4 Role of Institutions in affirmative actions

4.1 Profile of Institutions

Mixed profile approach was used to establish what different organizations have done, are doing or plan to do in order to empower the special rights groups within the organizations or those that interact with the organizations as it seeks to achieve its objectives (figure 2). The survey's institutional coverage was 86% 86% were public while 14% were Non-Governmental Organizations. These were represented by key respondents including female (71%) and male (29% being male, county government (71%) and nationwide (29%). The respondents were mainly managers (83%) and the rest policy makers (17%), with 29 percent each in age groups 18 to 35 and 36 to 45, and 43% in age group 46 to 55. These provided a strong degree of confidence that the responses were made by persons of authority and technical expertise required in such an assessment.

Figure 2: Characteristics of respondents



4.1.1 Key contributions of Institutions

It was observed that organizations operation is key in empowering the employees to attain their goals. Among the employees in many organizations are special rights groups. For the special rights groups to perform their duties they need to be empowered. The best way of empowering them

is the development of organizations policies to support them. The results show that all the organizations had internal policies on PWDs, Youth and Women.

National government Initiatives

1. Has developed policies on disability, gender, youth, and women empowerment
2. Policy on AGPO
3. Policy on NGAAP
4. Established institutions like NCPWD, NGEC, NGAAP,

Government of Kisumu County Initiatives

1. Has policies on youth, women and PWDs empowerment
2. Established PWD Board
3. Established Women Fund
4. Established Youth Fund
5. Advisor to the Governor on Matters Disability

Government of Nairobi County Initiatives

1. Has policies on youth, women and PWDs empowerment
2. Established PWD Board
3. Established Women Fund
4. Established Youth Fund

Civil Society Organizations Initiatives

1. Have established networks with government institutions
2. Conducts advocacy for robust policies in ensuring affirmative action improves
3. Raises funds for supporting the affirmative agenda
4. Conducts mentorship of youth, Women and PWDs
5. Mobilizes members to participate in policy processes like public participation
6. Provides memorandum to governments for consideration

4.2 Uptake of AGPO and Affirmative Action Funds

4.2.1 Awareness of AGPO and AGPO Membership/Certificate

Table 2 shows the awareness and membership of the respondents to the AGPO. According to the results youths were not aware of AGPO, only 10 percent of the women were aware while 38 percent of the PWDs were aware in Nairobi. In Kisumu 56 percent of the youths were aware of AGPO, 50 percent of the women were aware while 40 percent of the PWDs were aware. Ownership of the AGPO certificate was low in both Cities with 25 percent of the PWDs interviewed in Nairobi possessing the certificate and only 10 percent of the Youth and Women in Kisumu possessing the certificates. The rest of the groups had no possession of the certificate. In seeking to understand the reason for poor awareness and possession of AGPO certificate, it

was found out that the SIGs had a challenge in accessing information on their existence and their benefits.

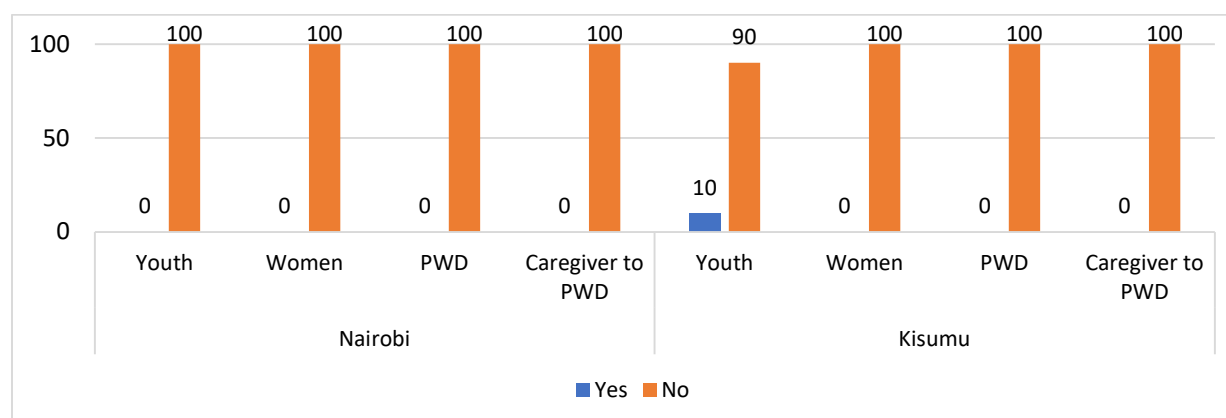
Table 1: AGPO awareness and Possession of the AGPO Certificate

County	Category	Aware of AGPO/NGAAF	Not Aware	AGPO Member	Non AGPO Member
Nairobi	Youth	0	100	0	100
	Women	10	90	0	100
	PWD	38	63	25	75
	Caregiver to PWD	13	87	0	100
Kisumu	Youth	56	44	10	90
	Women	50	50	10	90
	PWD	40	60	0	100
	Caregiver to PWD	33	67	0	100

4.2.2 NGAAF

Figure 8 shows respondents who were suppliers with NGAAF. According to the results, respondents were not suppliers with NGAAF only 10 percent if the youth in Kisumu stated that they were suppliers with NGAAF.

Figure 8: NGAAF Registration (%)



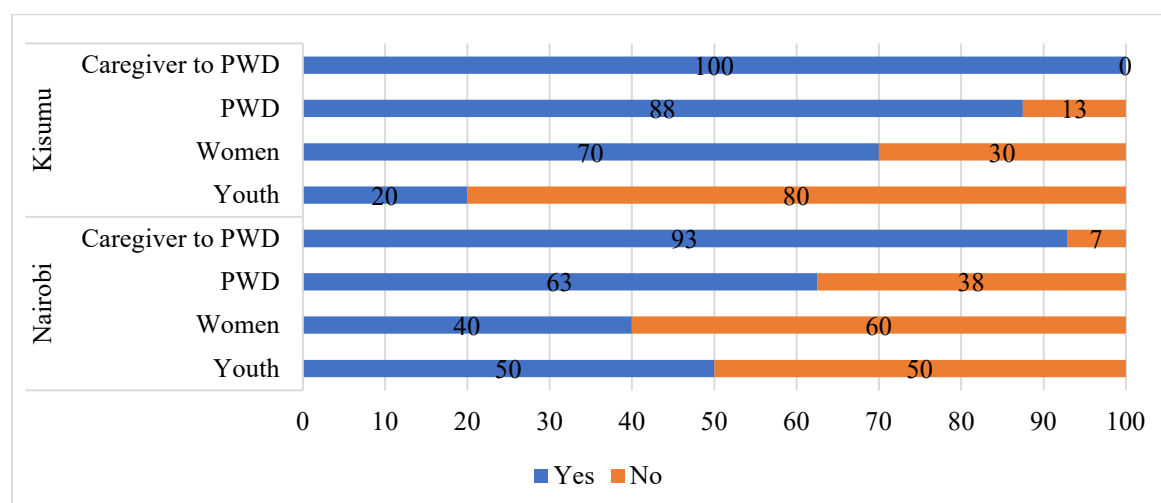
Nairobi FGD: From the duty bearer's aspect, information on AGPO, NGAAF and public participation during decision making is not well disseminated to the intended groups and a majority of the intended beneficiaries are not aware that such opportunities exist. For the few who are aware, they experience various bottlenecks (lengthy procedures to getting required documents that qualify beneficiaries to apply for the opportunities). Low uptake of AGPO and NGAAF is furthermore linked to fear of prolonged discrimination experienced by targeted beneficiaries who then choose to rarely go for such opportunities believing that they belong to a certain caliber of persons. For instance, for grants meant for the youth, there is a belief that such opportunities are for the politically connected beneficiaries.

Kisumu: Youths, PWDs and women have heard of AGPO and NGAAF, Women enterprise fund, Uwezo fund, and Biashara fund opportunities but the uptake rate is very low. This is linked to lack of awareness on the respondent's part evidenced by lack mandatory certificates that could help them apply and easily access such opportunities. Though the initiatives exist, only a few people access these opportunities while majority of the rightful target groups at the county and ward level are left out. For example, only a few PWD companies repeatedly access the AGPO opportunities

4.2.3 Registered Group

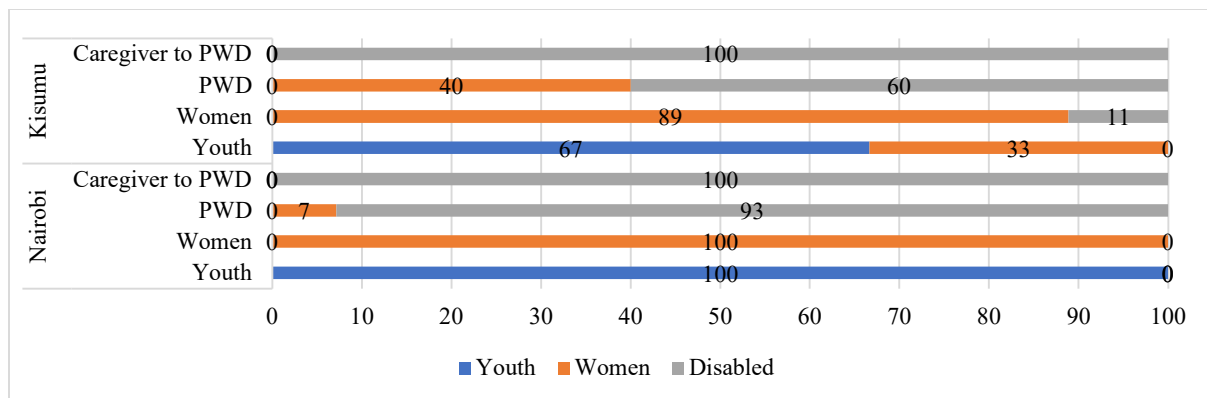
Membership to a group was high among the respondents. In Kisumu, only the youth had a lower membership rate at 20 percent while in Nairobi it was the women at 40 percent (Fig 9).

Figure 9: Membership to a group (%)



The groups that the respondents were members matched with their specific needs. PWDs were members of groups of people with disability, women were members in women groups and youths were members of the youth groups (Fig 10). Membership to groups provides synergy of the members 'ability to actively campaign for their rights as well as provide a better platform for empowerment.

Figure 10: Groups under which respondents belong

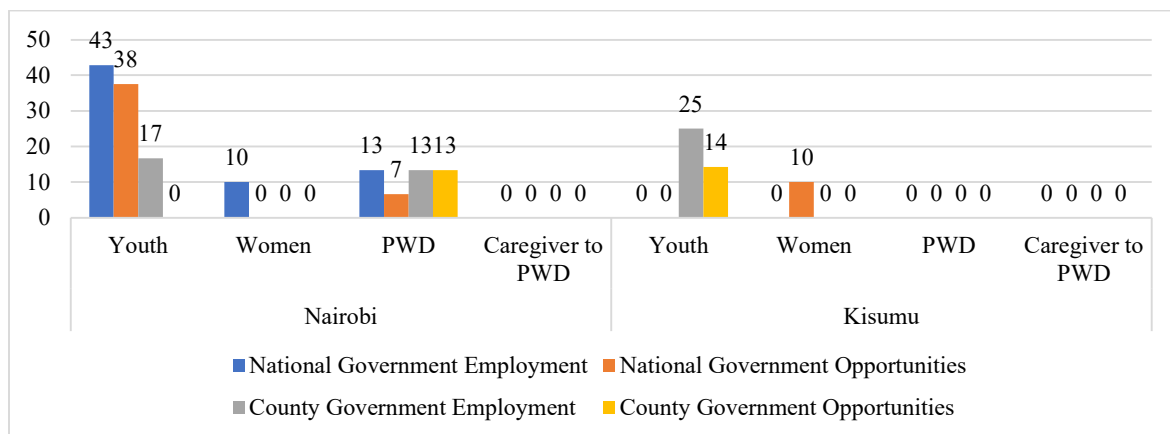


4.2.4 Access to Government Empowerment Initiatives

4.2.4.1 Ever sought the following government opportunity under affirmative action plan

Even though the government has the role of initiating affirmative action's plans, SIGs on the other hand have the role of actively engaging the government to ensure that the opportunities are formulated and availed. The study also sought to know whether the respondents had ever sought any government opportunity under the affirmative action. The study revealed that mostly the youths were the ones seeking opportunities in government with the leading sought opportunity item being employment (Figure 15).

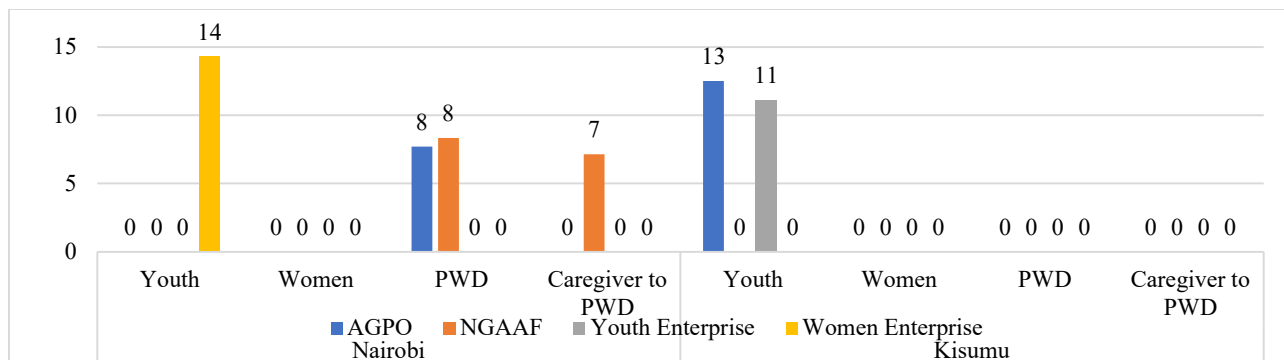
Figure 5: Sought Government opportunity under affirmative action interventions (percent)



4.2.4.2 Ever participated in any of the government programmes

In the quest to find out participation levels of the respondents in government programmes, the study found out that there was a very low participation in all the listed government programmes. Interestingly, in Kisumu only the youth seemed to participate while in Nairobi youth and PWDs participated though in a limited way (Figure 16).

Figure 116: Participation in Government Programmes (percent)



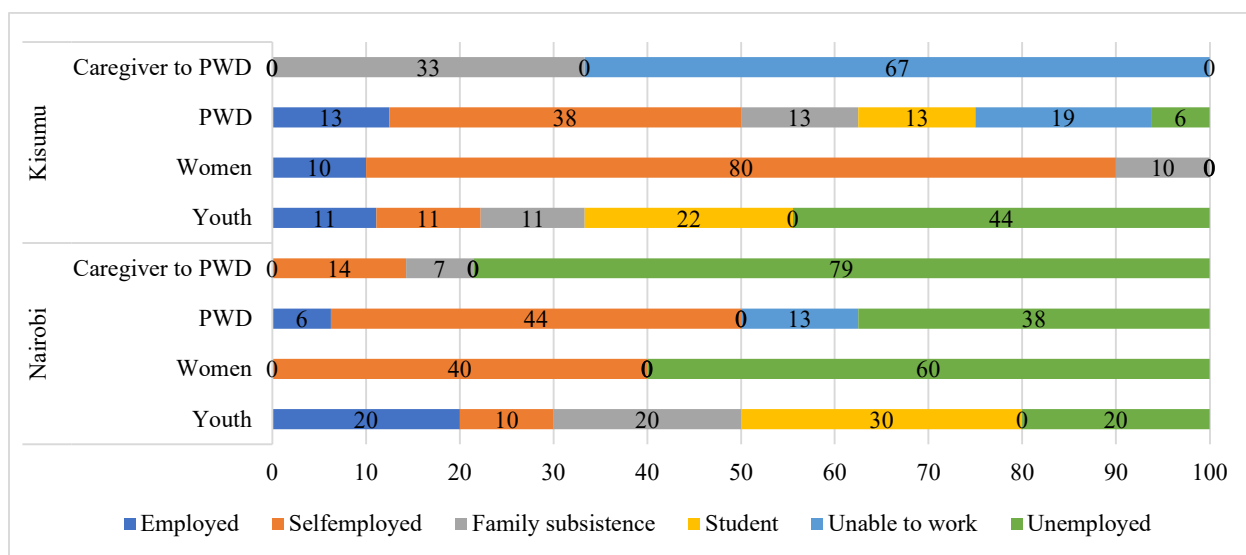
Some of the ways the respondents stated that they had participated in government initiatives was by applying for loan and attend training. According to them the participation benefited them as it enabled them access funding. However, the participation was not optimal in that the SIGs reported encountering a variety of challenges in accessing government backed funding initiatives. These challenges included lack of awareness, lack of funds, delayed disbursement, and long processing procedures. The respondents therefore proposed the following solutions; Adequate funding of these institutions, create awareness and improvement of the speed of processing and disbursement of loans

4.3 Economic Empowerment

4.3.1 Economic activities

In terms of economic activities, PWDs (38 percent and 44 percent in Kisumu and Nairobi respectively) and Women (80 percent and 40 percent in Kisumu and Nairobi respectively) were largely self-employed. Caregivers in Kisumu were unable to work while in Nairobi they were unemployed. The study shows that youths are engaged in a mixture of economic activities with a large proportion in Kisumu (44 percent) being unemployed (Figure 11).

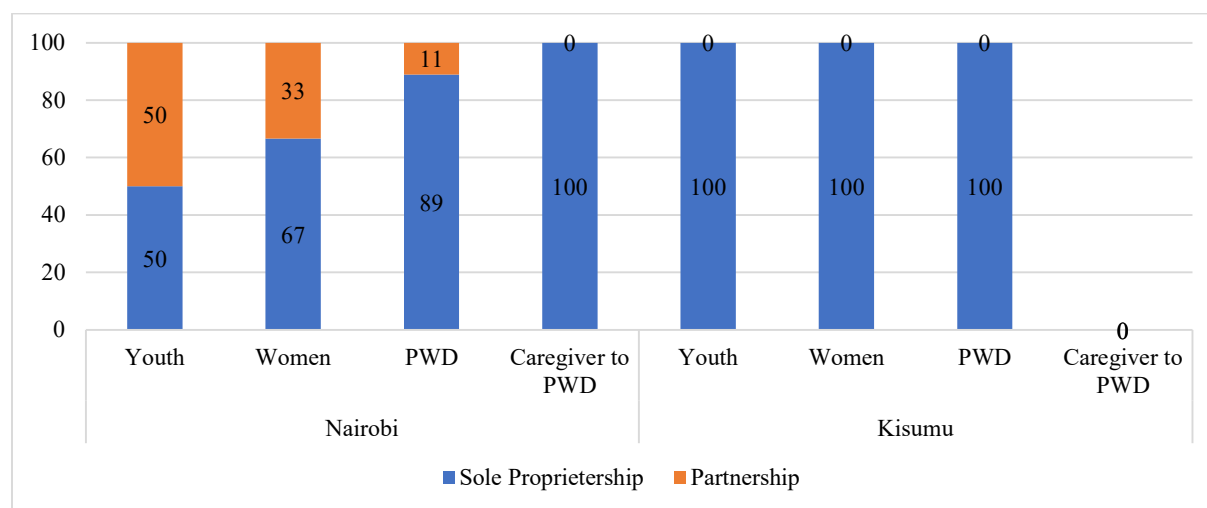
Figure 12: Economic Activity of the Respondents (%)



4.3.2 Nature of business

The nature of business engaged by the respondents who were employed were largely sole proprietorships with about 50 percent of the youths in Nairobi entering into partnerships (fig 12). The sizes of these business were micro or small as they employed between 1 and 4 employees.

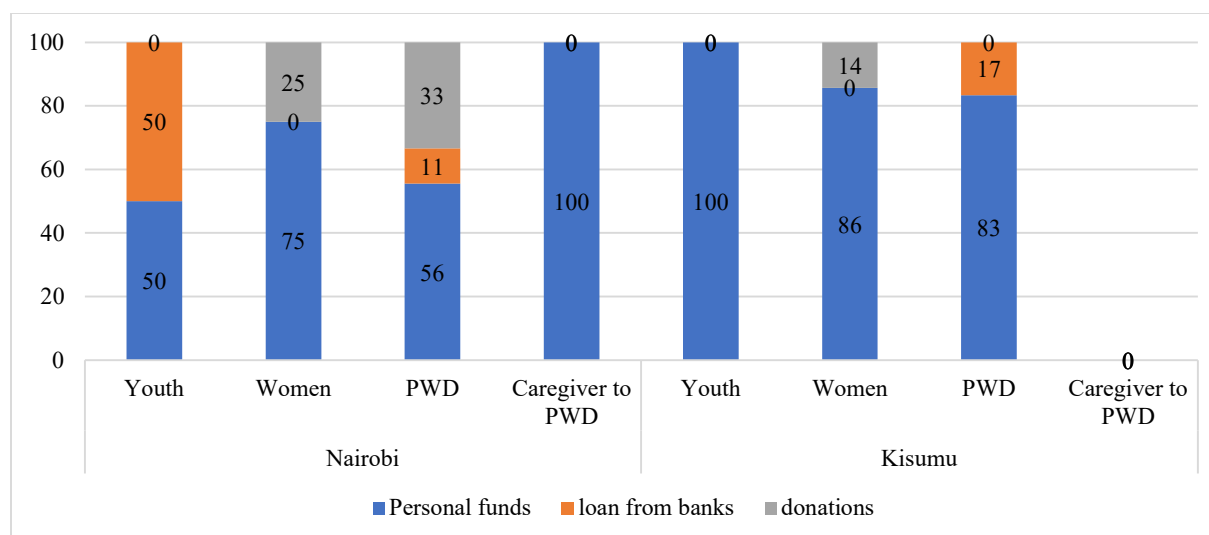
Figure 13: Self-employment (%)



4.3.3 Financing business for growth

In order to finance their growth most of the respondents of all the categories used personal funds (Fig 13). The results show that 50 percent of the youth respondents in Nairobi borrowed funds from banks to finance their business growth. In Nairobi about 33 percent financed their business growth from donations.

Figure 14: Modes of Financing Business Growth (percent)



4.3.4 Challenges faced at work and proposed solutions

The respondents who were employed stated that they faced challenges at their work places. The challenges that they faced at work varied and included delayed payment, long working hours and difficulty in accessing the work stations for the PWDs. In order to address these challenges, the respondents recommended construction of ramps to ease PWDs access to work stations and salary increment commensurate to the amount of work done and period of time the work was done.

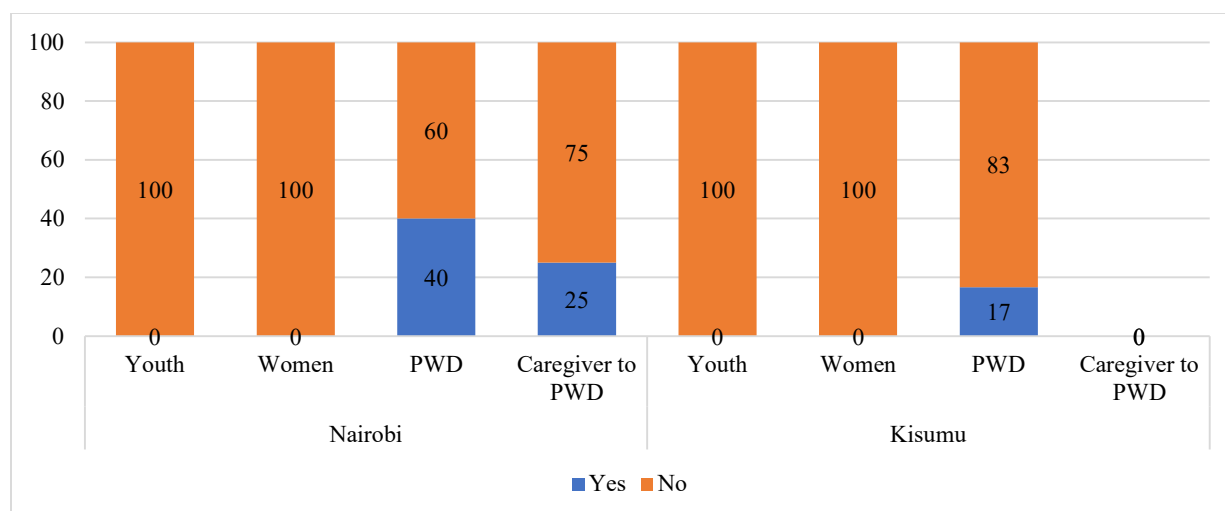
4.3.5 Challenges faced in Business and proposed solutions

Similarly, those in business highlighted the main challenges that they faced in running their businesses. Among the challenges identified were negative effects associated with COVID-19 pandemic, increased competition, delays in payments by clients, gender discrimination, lack of capital and inability to access the market. To enable the business navigate these challenges, the respondents proposed provision of grants or loans or capital to businesses, easy access to government tenders, improved marketing channels for the SIGs business entities and reduction of taxes.

4.3.6 Business benefits from the government affirmative initiative?

The Constitution mandate State organs to empower the citizenry irrespective of gender, age and physical ability. Therefore, the Government has the role of educating the SIGs on the available opportunities for their empowerment. In terms of benefiting from the government affirmative initiatives, women and youth stated that they have never benefited in both study sites while about 40 percent and 17 percent of the PWDs in Nairobi and Kisumu respectively stated that they had benefited from the government initiatives (Fig 14).

Figure 15: Respondents who have benefitted from Government Affirmative Initiatives (percent)



FGD- Nairobi: Some of the common challenges experienced by women, youth and PWDs in the access to government affirmative initiatives in Nairobi City County include high poverty levels especially with the people in slums, lack of access to education and relevant information. In addition, there is a growing concern in some parts of the county where government officials are taking advantage of PWDs via groups to reap the benefits that ought to have benefited these minority groups

In Kisumu County, there is a huge lack of awareness and information on what the initiatives are and lack of interest on how to access benefits put in place through the various initiatives. What they have accessed is Uwezo fund via registered groups. Respondents expressed reluctance in registering for such initiatives due to associated interest rates they have to incur once they access loan opportunities. Political interference is a significant barrier during County Budget and Economic Forums where politically influenced individuals represent politicians' own agenda.

It is evident that from the two counties under review, residents lack awareness of the existing government affirmative initiatives. This calls for extra efforts in sensitizing these targeted groups of the available affirmative initiatives, how they can assess and how beneficial it is to them.

4.4 Social Empowerment

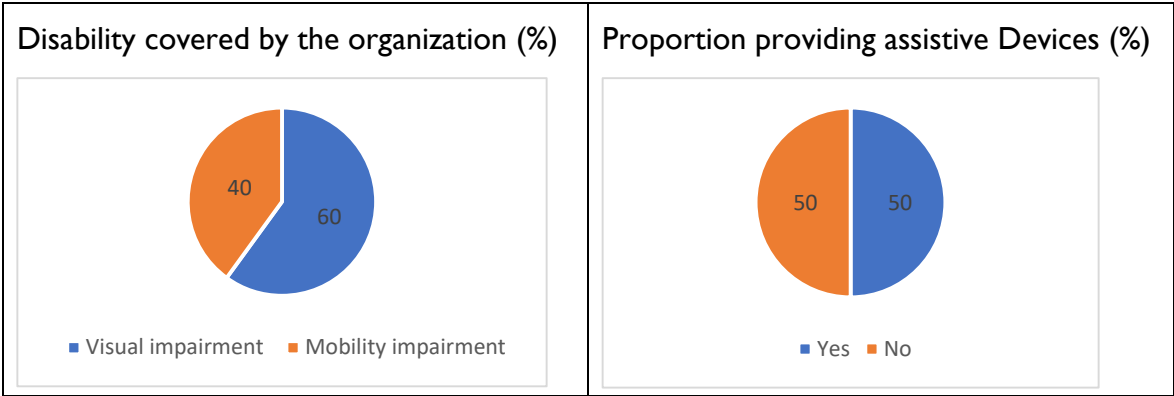
4.4.1 Disability mainstreaming

4.4.1.1 Disability support

In developing the organizational policy, it is paramount for the policy formulators to know that there exists difference in disabilities and this needs formulation of policies that take into account these difference. The results of the survey show that 60% of the disability covered by the organization policies were visual impairment while only 40% of the disability covered by the organization policies were mobility impairment (Fig. 7).

Development of policies to take care of special rights group has to go beyond and implement tangible actions geared towards making the workplace conducive. One way of making the workplace conducive is by providing assistive devices to the difference groups especially PWDs. The results show that half of the organizations provided assistive devices to the PWDs. Provision of the assistive devices is important as it helps the PWDs better perform their duties and contribute to nation building (Fig. 8).

Figure 2: Provision of assistive devices for PWDs



Key Achievements

Kisumu County

Kisumu County legislated its Persons Living with Disability Act in 2014, which provided for PWD rights and rehabilitation; to achieve equalization of opportunities for PWDs; to establish the County Board for Persons with Disabilities; and for connected purposes. The county has made significant strides in mainstreaming disability, youth and women issues into policy frameworks. Some of the outstanding achievements include:

- i. Out of the 1.5 million residents of Kisumu, 39,929 are PWDs who have been accorded rights and privileges as enshrined in the 2010 Constitution of Kenya.
- ii. As of 2020, 43 companies belonging to PWDs are doing business worth 53million with the county. Employment and provision of equal opportunities has seen 124 PWDs secure jobs across all carders.
- iii. The county has successfully enacted the Kisumu County Persons Living with Disability Act, 2014, making Kisumu the first county to have a disability law in Kenya.
- iv. The county has continued to strengthen its partnership with Kenya Society for the Blind on PWDs on the implementation of UN convention on the rights of PWDs and ensured disability is mainstreamed in the SDGs.

- v. The PWDs in the counties have been benefiting from bursaries given by county and legislators from the county and are in the process of amending some policies to provide own fund account to cater for their unique challenges.

Nairobi County

Nairobi County

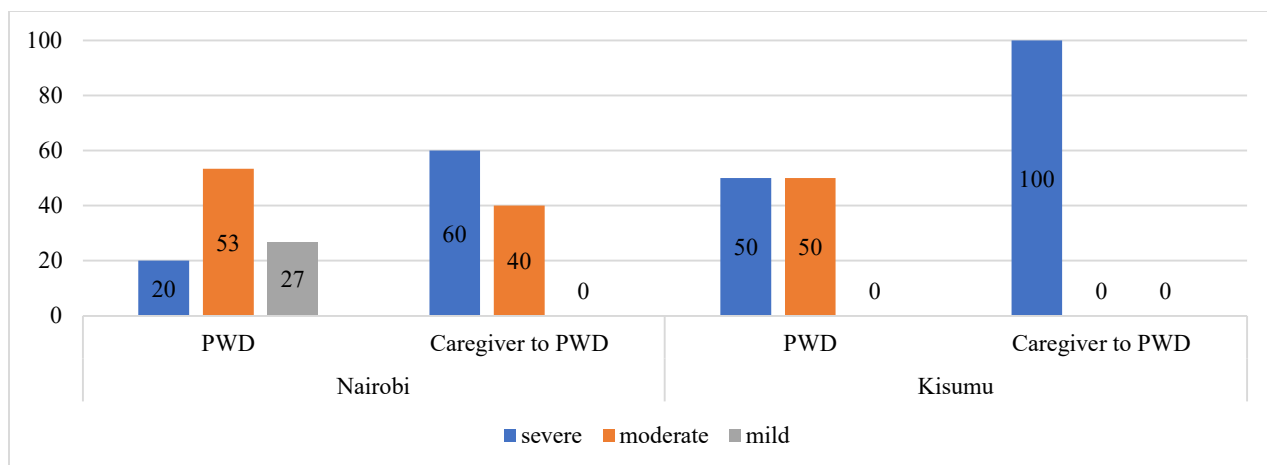
legislated its Persons Living with Disability Act in 2015, which provides for the rights and rehabilitation of persons with disabilities; to achieve equalization of opportunities for persons with disabilities; to establish the County Board for Persons with Disabilities; and for connected purposes. The county has made significant strides in mainstreaming disability, youth and women issues into policy frameworks. Some of the outstanding achievements include:

- i. The county have established policy strategies that guide PWDs, women and youths in cases of injuries, and violence.
- ii. For greater PWD independence, the county has increased the numbers receiving rehabilitation services from 146 persons in 2013 to 1,650 persons in 2019.
- iii. The number of health workers trained or updated on disability and rehabilitative care services have increased from 100 in 2013 to 400 health professionals in 2019.
- iv. The county has increased awareness on plight of persons with disabilities and as a result reducing stigmatization on PWDs,
- v. The county in collaboration with Kenya Society for the Blind on PWDs have been making sensitization to all upcoming buildings and existing ones to ensure they factor in the concerns of the PWDs.

4.4.1.2 Severity of the disability

The study established that in Nairobi caregivers were taking care of PWDs with severe disability and moderate while in Kisumu they take care of the severely disabled PWDs (Figure 17). Further analysis show that PWDs in Nairobi had moderate disability (53 percent) while in Kisumu they had severe to moderate disability at 50 percent respectively.

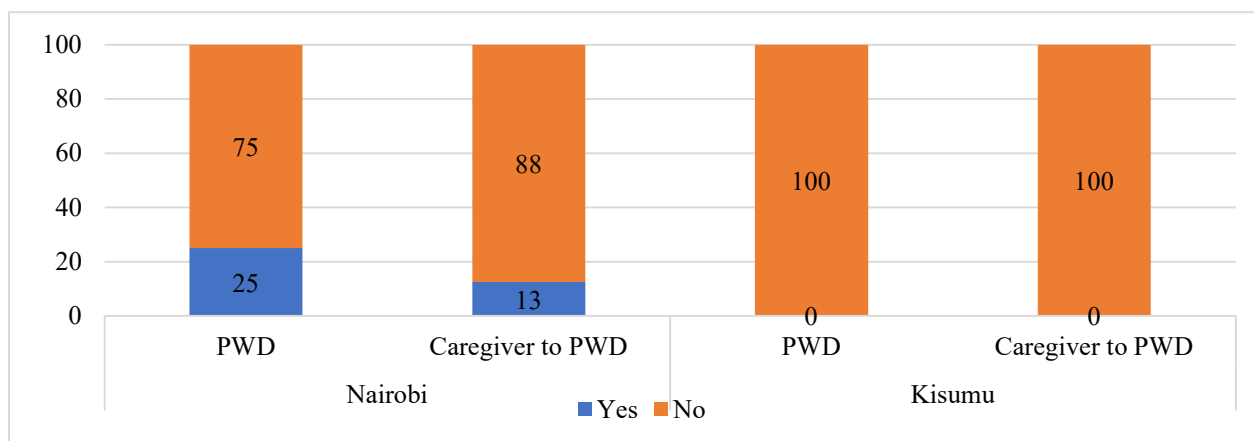
Figure 17: Severity of Disability (%)



4.4.1.3 Receiving any cash transfers

In order to support the PWDs in running their day to day activities, the results show that only 20 percent of the PWDs in Nairobi received cash transfers while none in Kisumu received cash transfers (Figure 18). The cash transfers were mainly from the government and sometimes it was challenging to access them because of lack of identification.

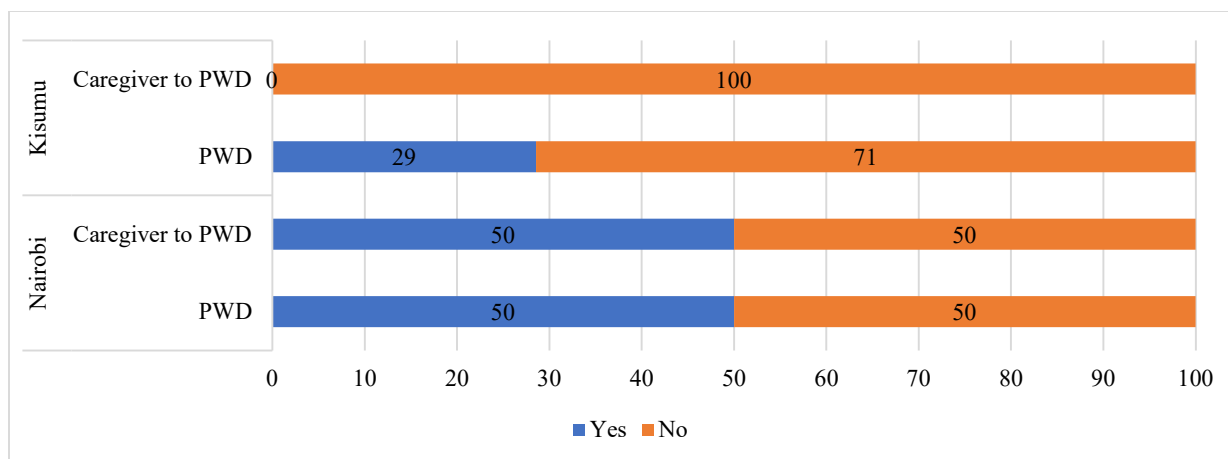
Figure 18: Receiving Cash Transfer (percent)



4.4.1.4 Aware of tax relief

Tax relief are meant to increase the disposable income of the target beneficiaries. According to the study, caregivers in Kisumu were not aware of the tax relief for PWDs although about 29 percent of the PWDs were aware of the tax relief. In Nairobi 50 percent of the caregivers and PWDs were aware of the tax relief (Figure 19).

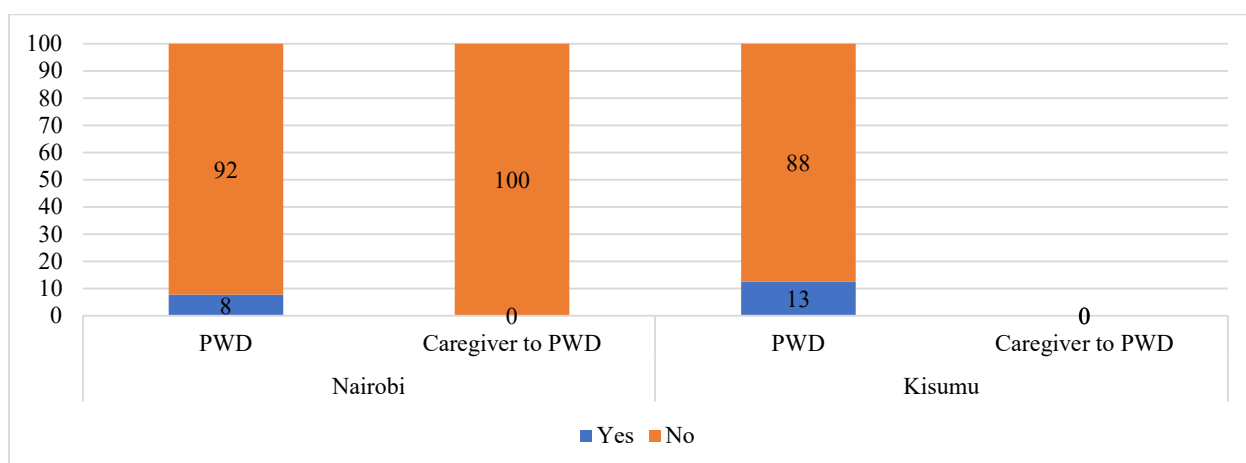
Figure 19: Percentage of respondents who are aware of Tax relief



4.4.1.5 Income exempt from tax

The study shows that over 90 percent of the PWDs income was not exempt from tax (Fig 20). This is in tandem with the low levels of awareness identified. Therefore, there is need to increase awareness of the tax exemption and enroll more PWDs to enjoy the tax reliefs.

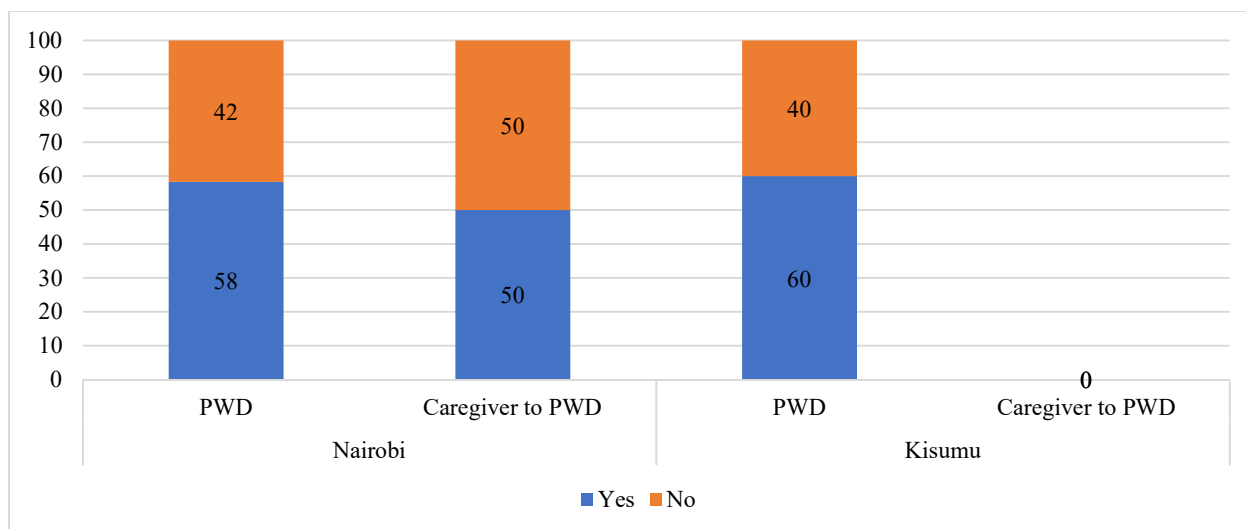
Figure 20: Percentage of respondents whose Income is Exempt from tax



4.4.1.6 Challenges in getting the exemption certificate

The study shows that the main reason for the low uptake of tax reliefs is the challenge in getting the exemption certificate. According to the results about 50 percent of the PWDs and the caregivers reported experiencing challenges in accessing exemption certificate (Figure 21).

Figure 21: Share of respondents who experienced challenges in accessing exemption certificate (%)



In Nairobi City County, respondents were aware that PWDs income is exempted from taxation but the exemption process is so long and the certificate is revoked after every five years requiring the beneficiary to apply again. PWDs are only exempted only if working in the formal employment sector. Targeted beneficiaries who engage in formal businesses do not get waivers on their income, licenses, work permits and other required documentations that enable business operation.

Similarly in Kisumu County, the respondents were aware of exemptions effected on PWDs income and specifically those in the formal sector. However, there is a lot of bureaucracies such that some PWDs who have PWD cards, have taken an assessment and have medical letters proving they qualify to be exempted PWD exemption act, are still paying taxes. Therefore, it is important to point out that PWDs have to be registered with the National Council of People with Disability (NCPWD) for one to enjoy all tax-relief measures applicable to the registered PWDs.

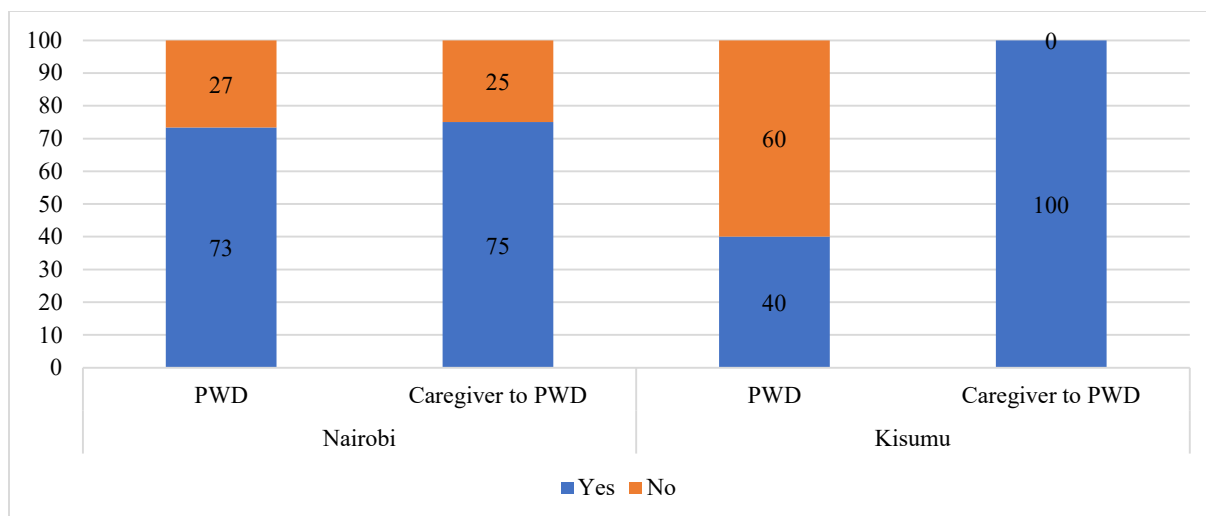
4.4.1.7 Challenges faced by PWDs in accessing cash transfer, assistive devices and proposed solutions

Challenges faced by PWDs in accessing funds cash transfer was noted as lack of transparency in recruitment while challenges in accessing exemption certificate was noted as lack of medical certificate or record. Among the devices used by PWDs included crutches, wheelchair, white cane and artificial lamb. The respondents identified the challenges PWDs face in accessing devices and caregivers as lack of funds, lack of card and lack of information. To overcome these challenges, the respondents proposed access to money and information and government to intervene to pay caregivers.

4.4.1.8 Access to any assistive device/product

To increase mobility and communication PWDs require assistive devices. The study found out that PWDs (73 percent) and caregivers (75 percent) in Nairobi have access to assistive devices while in Kisumu only 40 percent of the PWDs have access to assistive devices while all the caregivers had assistive devices (Figure 22).

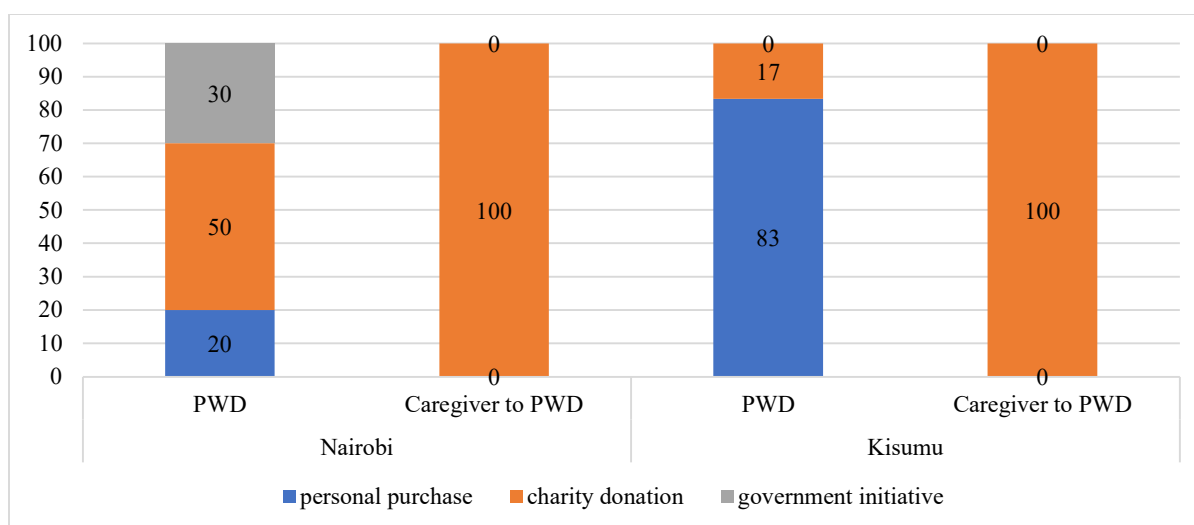
Figure 162: Percentage of respondents who had access to assistive devices



4.4.1.9 How did you access the device?

The assistive devices used by PWDs are either donated or purchased. The study found out that 50 percent of the PWDs in Nairobi received their assistive devices as donations, while 30 percent were from the government. In Kisumu 83 percent of the PWDs used their money to buy the devices. In both study sites caregiver assistive devices were donated (Figure 23).

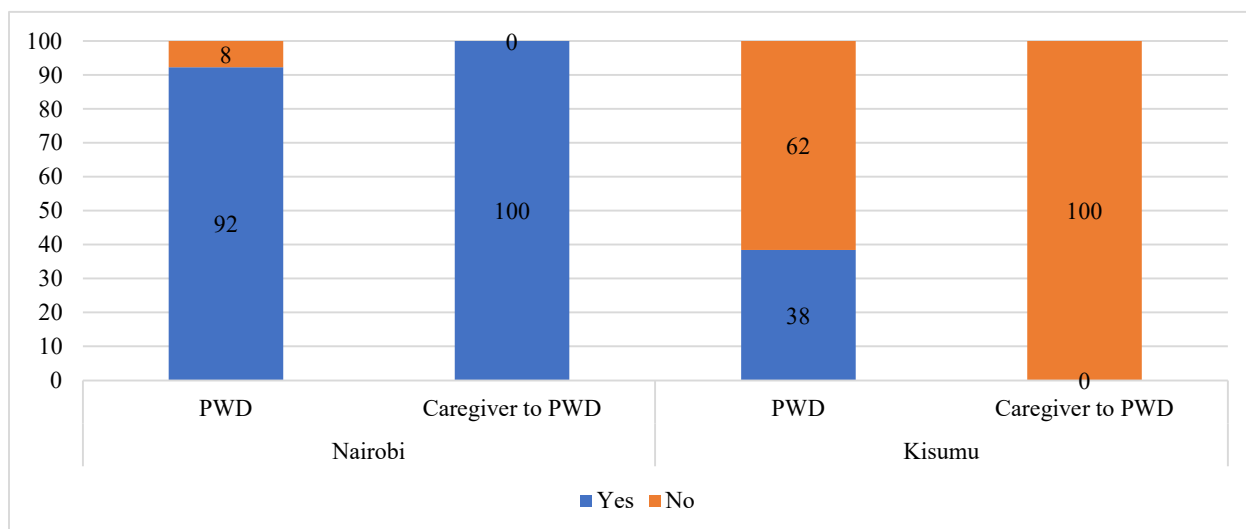
Figure 23: Percentage of respondents by methods of accessing the assistive devices (%)



4.4.1.10 Challenges in accessing assistive devices

It is important to note that accessing these devices has its challenges as reported by 92 percent of the PWDs and 100 percent of the caregivers in Nairobi. In Kisumu, only 38 percent of the PWDs stated that they faced challenges in accessing the assistive devices (Figure 24).

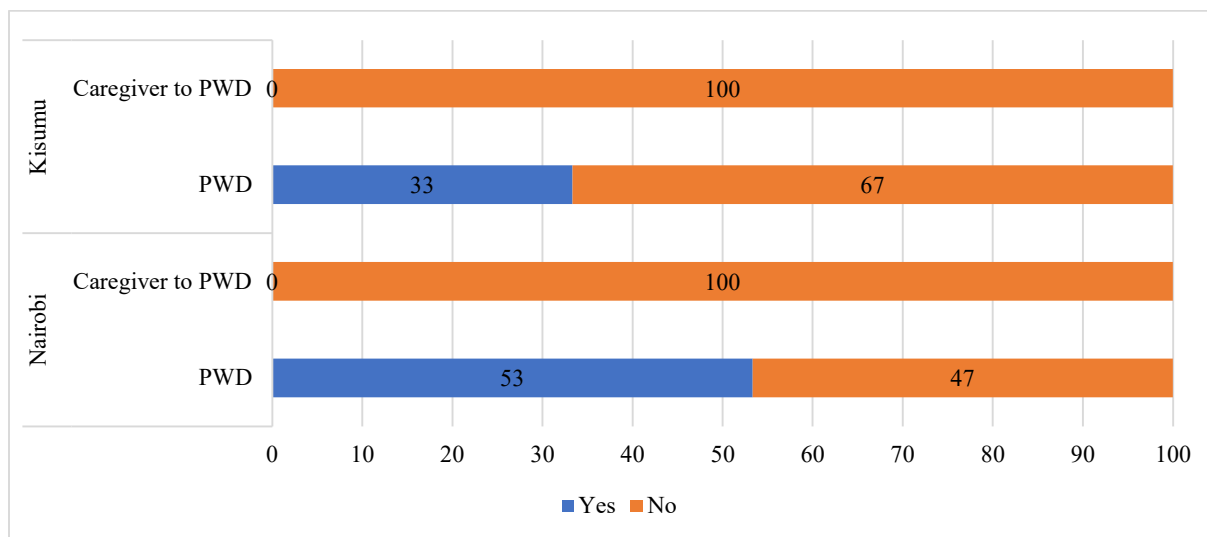
Figure 24: Percentage of respondents who faced challenges in accessing the assistive devices (%)



4.4.1.1 Requires to have a care giver/assistant

Depending on the disability severity, some PWDs may require caregivers. The study results show that 33 percent and 53 percent of the PWDs in Kisumu and Nairobi respectively required caregivers (Figure 25). The role of caregivers is critical as it enables the attendant PWDs perform or undertake certain activities with ease.

Figure 5: Percentage of respondents (PWDs) whose Condition require caregiver



4.4.2 Access to Education

4.4.2.1 Challenge in financing your education

According to the results of the study, most of the respondents in Nairobi (70 percent and over) and in Kisumu (88 percent and over) financed their own education. External intervention to financing education was observed in Nairobi though at a very minimal level. The personal financing was similar across the different categories interviewed (Figure 26).

Figure 26/17: Mode of Financing Education by Respondents (percent)

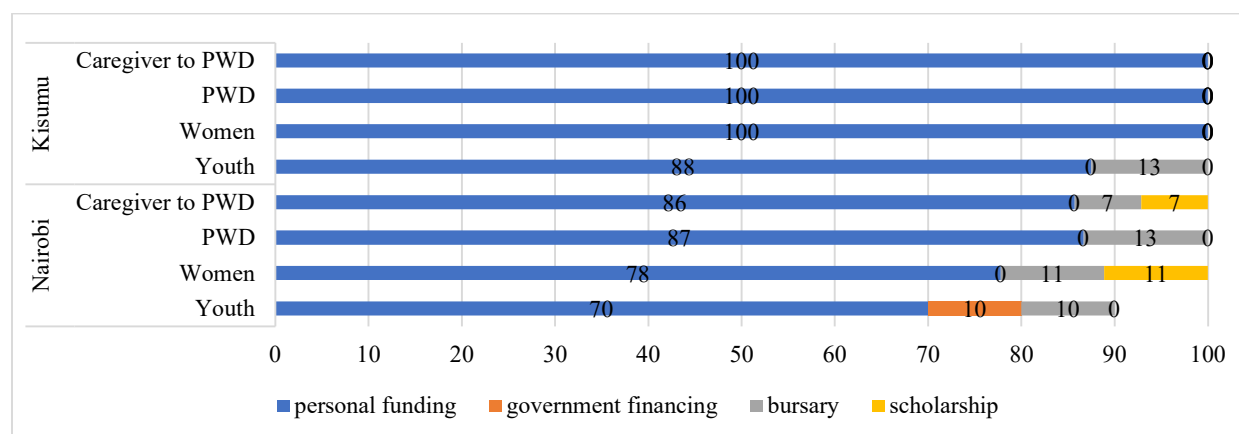
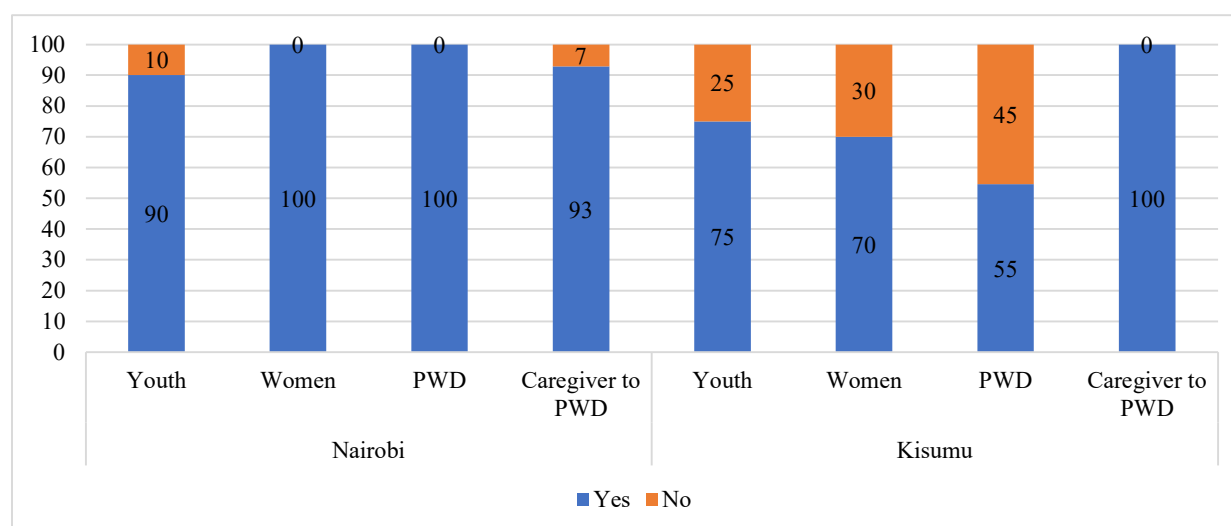


Figure 27 shows that most of the respondents faced challenges in financing their education. According to the results, over 90 percent of the respondents in all the respondent's categories faced challenges in Nairobi while in Kisumu a majority (though relatively lower than Nairobi) faced education financing challenges. The high level of challenges can be attributed to the fact that most of the respondents were financing their education (Figure 27). In regards to challenge in funding education, the respondents further identified lack of fees, delays in school fees payment and lack of uniform as the main challenges. Additionally, the respondents identified the following challenges in financing their training; challenge in funding training, lack of fees, delays in school fees payment, lack of uniform, lack of transport, poor infrastructure and lack of learning resources.

The proposed solutions to the challenges identified in funding education and training are hiring of more teachers, provision of bursaries, building of more schools or expanding and equipping the existing ones, providing teaching and learning resources.

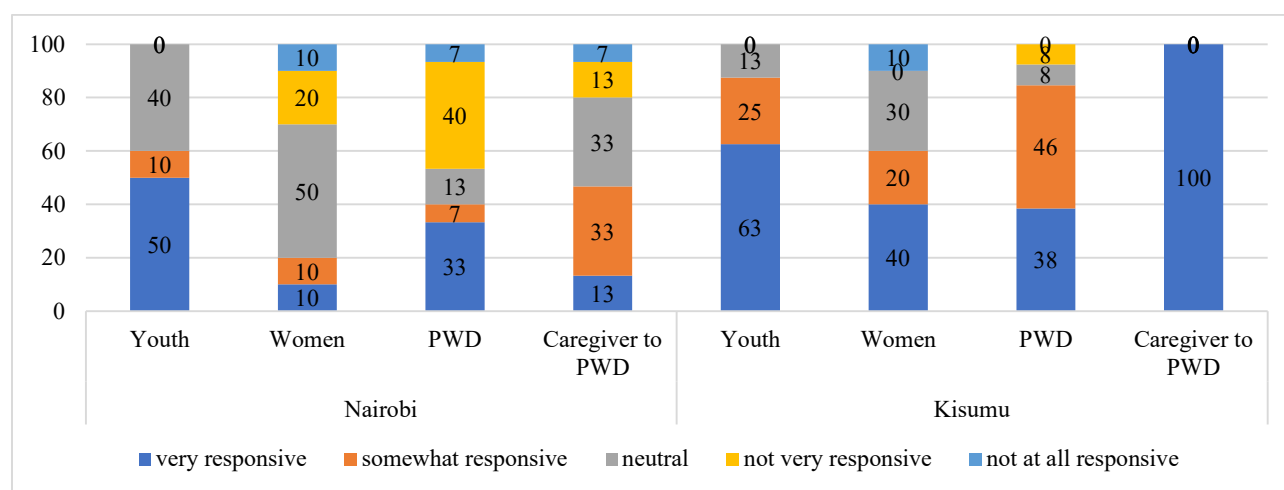
Figure 27: Respondents who Faced Challenges in Financing Education (%)



4.4.2.2 Extent of responsiveness of the learning/training approaches to rights holders education needs

In terms of responsiveness of the learning or training approaches to the education needs, most women in Nairobi were neutral while in Kisumu most women (40 percent) stated that it is responsive. Most youths in both counties on the other hand believe the approaches are responsive while most PWDs in Kisumu believe it is somewhat responsive and most of those in Nairobi were of the opinion that it was not very responsive (Figure 28).

Figure 28: Responsiveness of the training approaches to needs (percent)

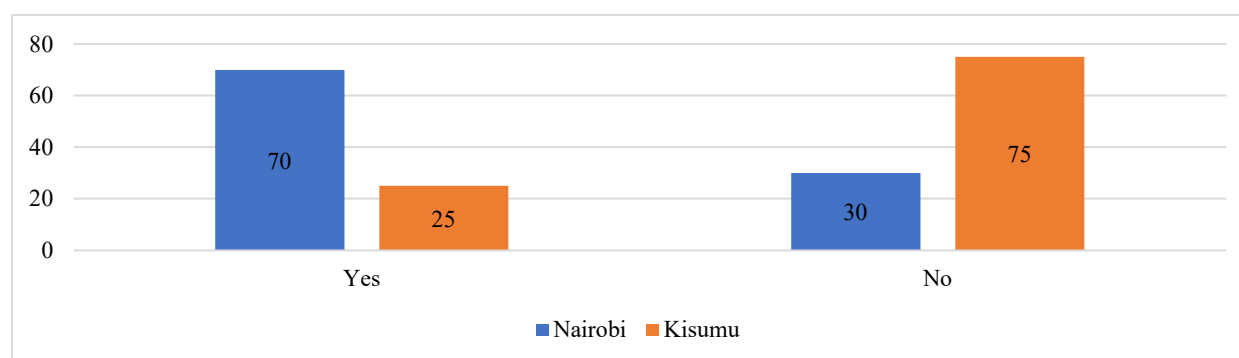


4.4.3 Youth Empowerment

4.4.3.1 Applying for any youth empowerment opportunity

Youth empowerment is a critical component in the development of our Country. The study results show that 70 percent of the Youth in Nairobi and 25 percent of the Youth in Kisumu had applied to a youth empowerment opportunity that has been offered by the government, NGO or the CSO (Figure 29).

Figure 18: Percentage of respondents who applied for any youth empowerment opportunity



4.4.3.2 Opportunity

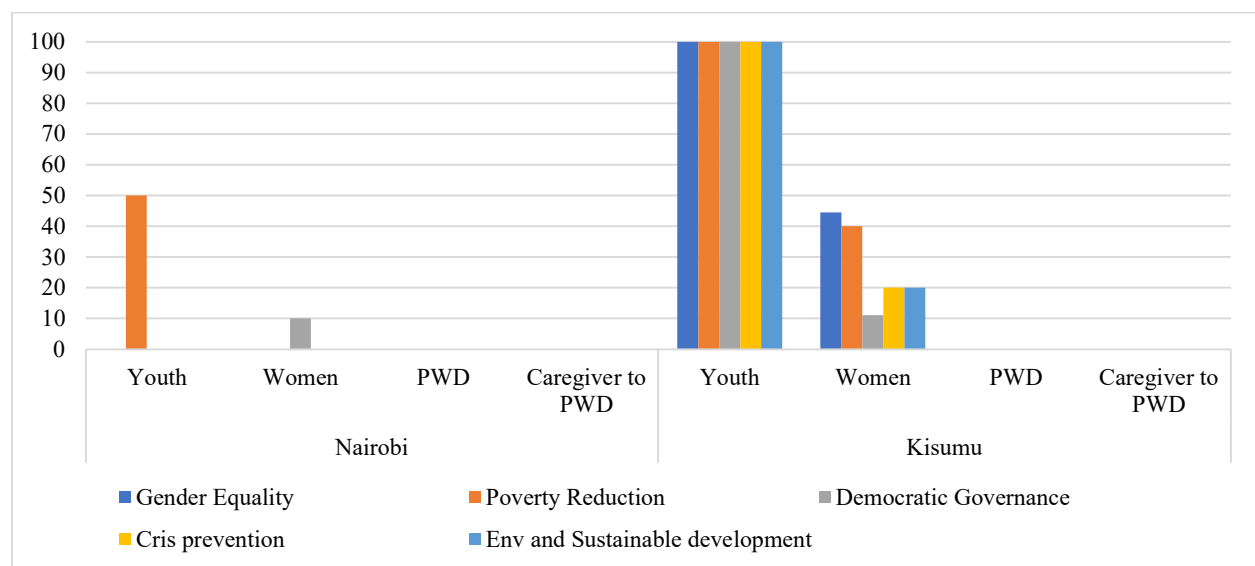
The most common youth empowerment opportunity for the youth was community work which was being offered by the government especially through the Kenya Youth Empowerment and Opportunities Project.

4.4.4 Women Empowerment

4.4.4.1 Benefited and or participated in any SIG initiative

The study revealed that women in Kisumu participate and benefit from initiatives that are aimed at supporting Gender equality, Poverty reduction, crisis prevention and management, environmental and sustainable development and democratic governance (Fig 30).

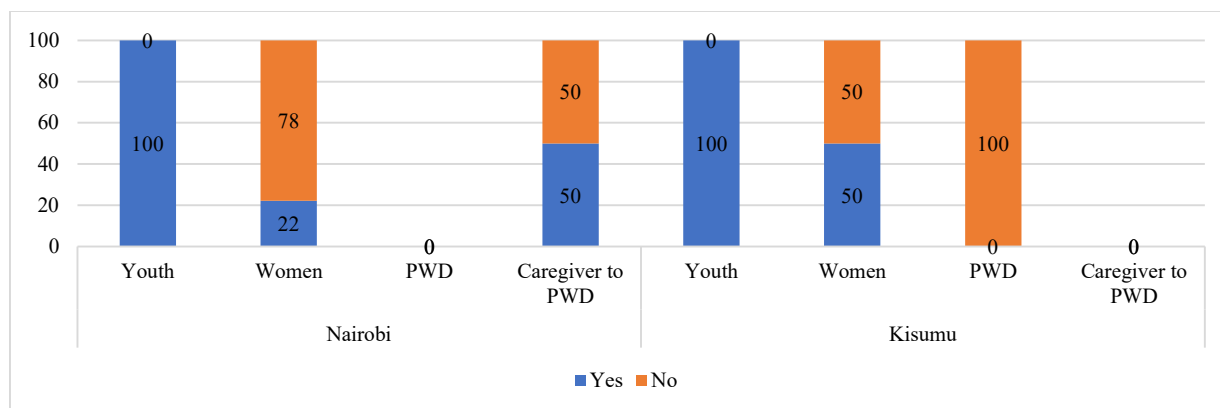
Figure 19: Percentage of respondents who have participated in empowerment initiative



4.4.4.2 Applied for any women empowerment opportunity

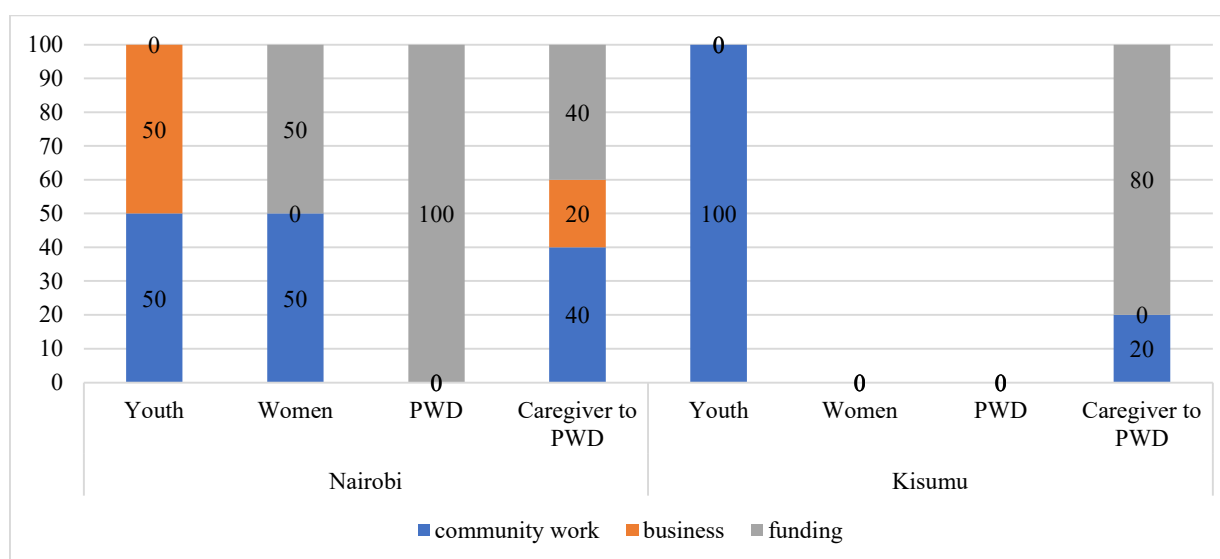
In order to grow and be empowered one has to find out empowerment opportunities and pursue them. This study revealed that women and youth have applied for women empowerment opportunities in both Nairobi and Kisumu Counties. In Nairobi, caregivers to PWDs have also applied for women empowerment opportunities (Figure 31).

Figure 20: Percentage of women respondents who have sought women empowerment opportunity



The study further revealed that the opportunity that was commonly applied by the women was community work and business in Nairobi. PWDs and Caregivers mostly applied for funding opportunities. This shows the differences in the needs and priorities of the different categories of the respondents (Figure 32).

Figure 21: Percentage of respondents by opportunity applied



4.4.5 Social empowerment opportunities

The study sought to identify the social empowerment opportunities that the organization have for PWDs, youth and women. According to the responses, some of the social empowerment opportunities that the organization have for PWDs include bursaries, White canes, Assistive devices, T-shirts, Volunteer counselors, social welfare eg. cash transfers, Trainings to share information, Linking PWDs to partners, Promoting and supporting disability relief research and innovation and Mobilizing resources for the PWDs.

Further, the responses show that some of the social empowerment opportunities that the organization have for youths include provision clothing (Tshirts), computer training skills, sports activities, organization of gender forums on typical issues and Library services. In regards to women social empowerment opportunities, the respondents stated the following opportunities; Entertainment functions, Recovery centres, Sports, Employment opportunities, Group support, Allocation of funds for gender/women programs and instituting policies systems and structure to address gender based violence.

4.4.5.1 *Challenges faced in delivering social empowerment opportunities*

Delivering the social empowerment opportunities is not without its challenges. According to the respondents, when organizations are delivering social empowerment opportunities to PWDs, they face the following challenges; poor infrastructure, lack of funds, complex group dynamics, small budgetary support, discrimination (PWD, Youth, women), and lack of mechanism to monitor and evaluate their activities. Additionally, the challenges faced while delivering to youths was identified as small budgetary support while for the women it was small budgetary support and mainstreaming the women activities is far from being actualized

4.4.5.2 *Solutions to Challenges faced in delivering social empowerment opportunities*

To overcome the challenges that the organizations face in service delivery of the mentioned social empowerment opportunities to the PWDs, the following solutions were proposed; increase budget allocation, CSO to supplement government activities, civic education to be done in every ward, and Training on Conflict resolution mechanism and Law enforcement

To overcome challenges encountered while delivering to the youth, the following solutions were proposed; budget allocation, affirmative action, and 5% of funds allocation to Youth and PWD, AGPO. To overcome challenges encountered while delivering to the women, the respondents proposed increased budget allocation and advocating and implementing gender responsive activities.

4.5 Political empowerment

4.5.1 Political opportunities

The study also sought to know the political empowerment opportunities such as policies created in support of PWDs, youth and women. According to the respondents, political empowerment

opportunities created for PWDs include representation in nominal County assembly Board and management positions, creation of PWD wing, PWD parliamentary council, PWD fund, creation of appointive positions, development of mentorship for election and nomination, and linkage leadership.

For the youths, the political empowerment opportunities created include groups leadership, youth council, having a youth policy, youth council, youth fund and promoting the affirmative action, nomination in political posts, youth budgetary allocation advocacy, strategic committee engagement. As for the women, the political empowerment opportunities created include groups' leadership skills, formation of the women caucus, development of the gender policy, women enterprise fund at the county, and appointment and nomination in political posts

4.5.2 Challenges that the organization face in service delivery of the political empowerment opportunities

The challenges that the organization face in service delivery of the political empowerment opportunities to PWDs include lack of Money to participation, No Sponsorship to political events, Poor Infrastructure, High demand and the low budget allocation, and Inactivity and low exposure. While for the youths they include non-inclusion in leadership High demand and low budget allocation Limited resources. As for the women, the challenges include low budget allocation, Inactivity and dirty campaign language.

4.5.3 Solutions to the challenges that the organization face in service delivery of the political empowerment opportunities

The solutions proposed for the challenges that organizations face as they deliver political empowerment opportunities for the PWDs include implementing policies e.g. the enacted policies and legislative frameworks, increased nominations to political position, capacity building and advocacy. For the youths the solutions to the challenges include promotion of the youth wing while for the women it is increased nominations and leadership at the party grassroots to include women.

4.6 Status of Public Participation

Public participation including political representation entails the right to political participation and representation by all groups, including the youth, women and PWDs. The right to non-discrimination is enshrined in Article 27 of the Constitution which represents a substantial improvement on this right as provided in Article 27 (4) of the constitution which prohibits discrimination on the grounds: “race, sex, pregnancy, marital status, health status, ethnic or social origin, colour, age, disability, religion, conscience, belief, culture, dress, language or birth”). Further, Article 27 (8) demands that not more than two-thirds of the members of elective public bodies shall be of the same gender. Articles 97, 98, 100, 177 and 82 guarantee fair representation of persons with disabilities. This has led to substantial gains in SIGs representation in various political engagements.

The main obstacle to SIG participation in the country’s socio-economic and political realms is invariably the diverse cultural contexts across the country. Notwithstanding the constitutional imperatives on unconditional public participation, many Kenyan societies continue to believe that women should be seen and not heard. This leads to denial of opportunities for women; but it also leads to women doubting their own capacities to participate, often seeking authority to do so from their male peers. Thus for example, women legislators might have not been fully at the forefront of the campaigns for legislation of the two-thirds gender rule. Indeed, senior Kenya Women Parliamentary Association officials actually joined opposition to the NGEK initiatives.⁶¹

Additionally, the women’s material disadvantages mean they have to rely on support over resources. Biases, such as over land ownership, entry into business, reproductive health decisions (such as how many children/when), mean that women cannot decide independently on political participation. Women’s weak participation in and control of political parties also means they have marginal access to party resources, especially campaign funding. Additionally, women are marginalised by psychological and physical violence specifically, as well as generally.

For the youth, the main problem is opportunities for skill acquisition, especially for self-employment. Thus many of the youth are unable to take advantage of the free or heavily subsidized education offered by the government. Women among them – girls, are disproportionately disadvantaged, especially by cultures that see no need to invest in education since they will be married off. During the education years too, girls face obstacles, such as the ability to cope with the onset of menstruation in a school environment.

⁶¹ See NGEK (2018), Journey to Gender Parity in Political Representation Search of a framework for the realisation of the not more than two-thirds gender principle in Kenya. At <https://www.ngekenya.org/Downloads/Journey-to-Gender-Parity-in-Political-Representation.pdf>

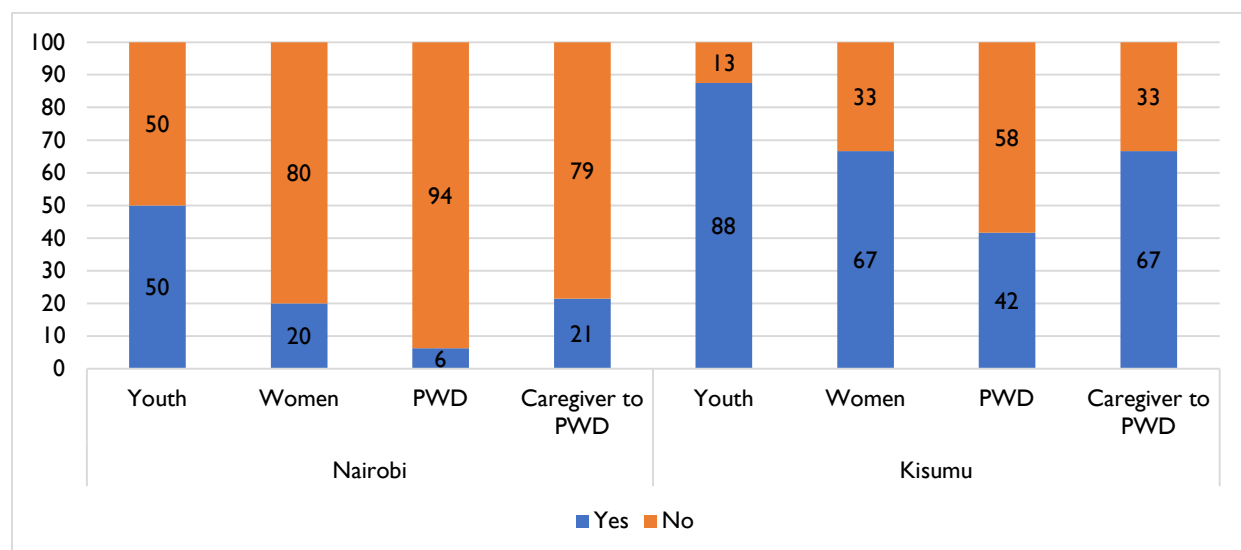
4.6.1 Participation in decision making

Of the areas for which inquiry was made on the existence of frameworks for liaison committees involvement in promoting participation, the survey findings show that the approval rating was at least above average. Both Kisumu and Nairobi Counties had the legal and budget committees in place. However, perceptions on the effectiveness of such frameworks varied greatly across respondent groups. Frameworks had an effectiveness in the committee participation by budget committee was high. However, the effectiveness for PWDs committee participation in advocacy and awareness campaigns was low.

4.6.1.1 County Budget Economic forum

The study reveals that respondents especially the Youth (88 percent) and the Women (67 percent) from Kisumu had heard about the County Budget Economic forum than in Nairobi where only 50 percent of the youth and 20 percent of the women have heard about the forum (Figure 22).

Figure 22: Percentage of respondents who are aware of the County Budget Economic Forum (%)



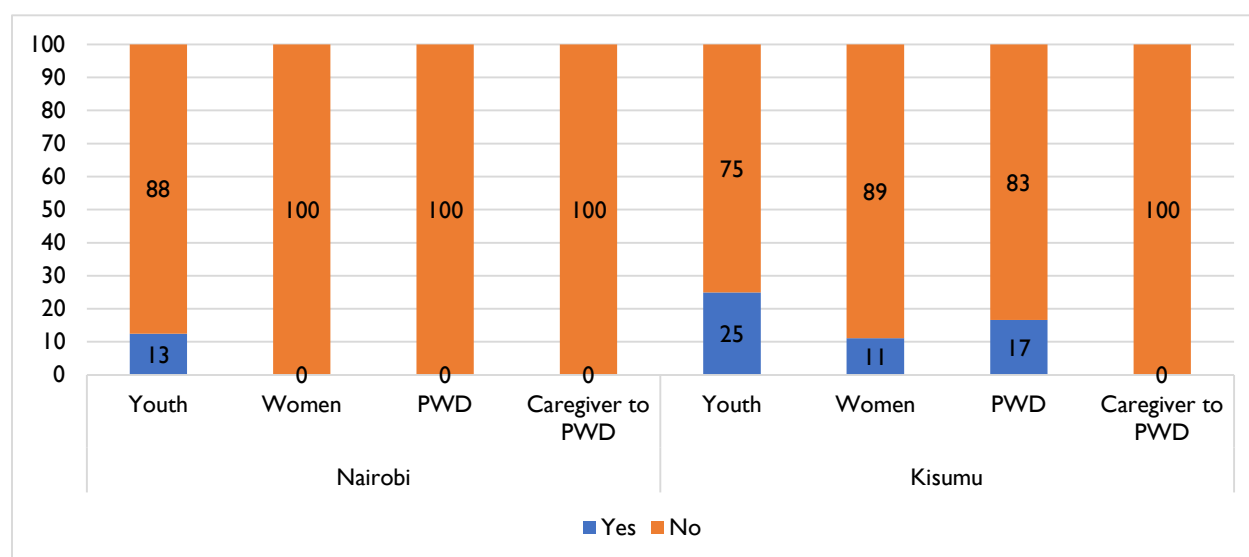
Further, the respondents indicated that enough time was not given for people to read through the budget documents before making their contributions and suggestions; budget documents were presented in technical format and in English making them inaccessible especially by illiterate SIGs and PWDs with sight impairment. Further, a limited number of special interest groups were selected to participate in the decision making and budget making process.

4.6.1.2 Public Participation at the County

Public participation especially in the budget making process is an essential component in managing public funds. The respondents stated that they had participated in government initiatives by applying for loan and attend training. The participation benefited them as it enabled them access

funding. Challenges faced in accessing govern backed funding initiatives included lack of awareness, lack of funds, delayed disbursement, and long processing procedures. The study revealed a very low participation of the respondents at the County. Although the study shows that the youth participate their rate was very low at 13 percent in Nairobi and 25 percent in Kisumu County. As for the PWDs, their participation was non-existent in Nairobi and limited at 17 percent in Kisumu County. Women participation in Nairobi was non-existent and limited in Kisumu at 11 percent (Figure 34).

Figure 23: Percentage of respondents who have participated in public participation at the County



4.6.1.3 Engagement in public participation forums (availability of signs language interpreters)

In both Nairobi and Kisumu Counties, there exists public participation forums, but respondents confirmed that most do not participate due to lack of interest as well as time. For the few who have attended, there is no consideration for public participants with different abilities. As examples, there is lack of language interpreters, sign language interpreters, and braille. Furthermore, the scheduled dates for the public participation forums is not clearly and exhaustively communicated. These factors explain why right holder groups are not well represented in the forums.

In addition, it was noted that the, the kind of economic empowerment channeled to PWDs is inadequate and informal in nature. This is a significant contributor to the failure to have the intended beneficiaries access initiatives set up for them and prevents their inclusion during decision making processes. Additionally, PWDs working in the informal sector are not at all empowered to access channeled initiatives that have so far been set up by Governments of Kenya.

The slow systems, structures and procedures in Nairobi County influenced by bureaucracies contribute to a lot of corruption, back and forth that makes registration to the above

opportunities hard and tedious for the youths and PWDs. The intended targeted groups therefore tend to show minimal interest in accessing AGPO, NGAAP opportunities.

However, in Kisumu the PWDs find it challenging to access implemented initiatives for businesses and public participation because their nature of physical disability is not taken care of, this is evidenced by the lack of assistive structures. There is a lot of bureaucracies in the processes which make the procedures to uptake of the initiatives complex and tedious. However, Huduma center and E-citizen account have made the process much easier but many targeted individuals lack know how on how to go about opening such accounts. There is public participation forums that is aired via radio and this locks out persons with hearing impairment and language barrier becomes an emerging factor preventing inclusivity of the right holder groups. During public participation forums, pamphlets and brochures are shared but this excludes the blind who can only read via braille structures and therefore prevents their right to get knowledge of existing initiatives and their engagement in public participation thus limits their contribution to decision making processes.

4.6.2 Conducted public participation at the County Level

4.6.2.1 Engagement

The study sought to find out how the organizations engaged the PWDs, Youth and women at the County Level. The respondents stated that they engaged the PWDs through, reaching out the group by communication with memos, soliciting their input in policy making, bargain for budget allocation, formation of group leaders, and sponsorship of their projects and programmes. Women were engaged through group communication to share information, activism to raise awareness on the women issues and invitation to public forums to collect views on how to promote women issues in policy formulation. As for the youths they are engaged through invitation to public hearings for them to submit their memorandum, through radio and WhatsApp communication, and petitions to include more youths in decision making positions.

4.6.2.2 Challenges faced while conducting public Participation

The challenges faced by the organization in engaging the special interest group differs. For instance, for PWDs, the challenges include lack of transportation, rigidity of existing policies, passive participants, political interference, low invitation to board room meetings, language barrier, low mobilization, poor turnout and poor access to infrastructure, culture values.

The challenges faced when dealing with women include low participation poor timing of meeting and far location for women to attend, low mobilization and poor turnout, women activities, and the difficulties of the rural setting. When dealing with the youth the following challenges were reported; lack of facilitation, low mobilization and poor turnout.

4.6.2.3 Recommendation to strengthen public participation

The respondents were asked to provide recommendations that can be used to strengthen public participation among the special interest groups. According to the responses, to strengthen PWDs participation the following recommendations were provided; continuous exercise and not instant or a one-day event, positive attitude cultivation, facilitation in attendance to meetings, inclusivity in all decision-making meetings, mobilization should be improved, projects from the groups should not have differences, should have their right to access information as provided in article 33 of the constitution.

To strengthen women participation, the respondents recommended facilitation of the women to attend and make their input, inclusivity in the decision-making forums, mobilization should be improved, and women should have their right to access information as provided in article 33 of the constitution. To strengthen youth participation, the respondents recommended facilitation to attend and provide their input in meetings, inclusivity in the decision-making forums, mobilization should be improved, and should have their right to access information as provided in Article 33 of the Constitution.

4.7 Mapping key actors and stakeholders and their ability to influence decision making

Mapping key actors and Stakeholders is a key step in stakeholder management and more so to win support from others and achieve success. The mapping process is important as it aids in identifying, prioritizing and understanding stakeholders. Prioritizing stakeholders encompasses an assessment of their power, influence and interest. The purpose of the entire process is to inform stakeholder management – which includes deployment of resources and stakeholder communication.

The process of mapping key stakeholders was achieved through a process of brainstorming. The list of stakeholders was prioritized base on power and influence. This resulted in the power/interest grid represented below. The respective position of a stakeholder on the grid shows actions one may need to take with them. Stakeholders with high power and high interest such as the national and county governments must be fully engaged for interventions to be successful.

Table 3: Mapping key stakeholders

Power	High	<ul style="list-style-type: none">• Local employer associations• Foreign governments	<ul style="list-style-type: none">• National government• County government• Ministry in charge of youth and line ministries, departments and agencies• Development partners
	Low	<ul style="list-style-type: none">• Some SIGs	<ul style="list-style-type: none">• SIGs (youth, women and PWDs)• NGOS• Community based organization• Faith based organizations
		Low	High
		Interest	

There are high power and less interested groups, such as foreign governments especially in the developed world and to some extent employer associations. There is need to exert effort to keep them abreast with development and their stake in them.

Low power highly interested (and the less interested) people such as the SIGs should be adequately engaged. Some of these groups include individuals who may be discouraged and fall off the labour market. Identifying and addressing the obstacles they face as well as provision of adequate information would go a long way to make interventions more effective. This process

will require not only the identification of their respective information requirements but also the best way to communicate with the groups.

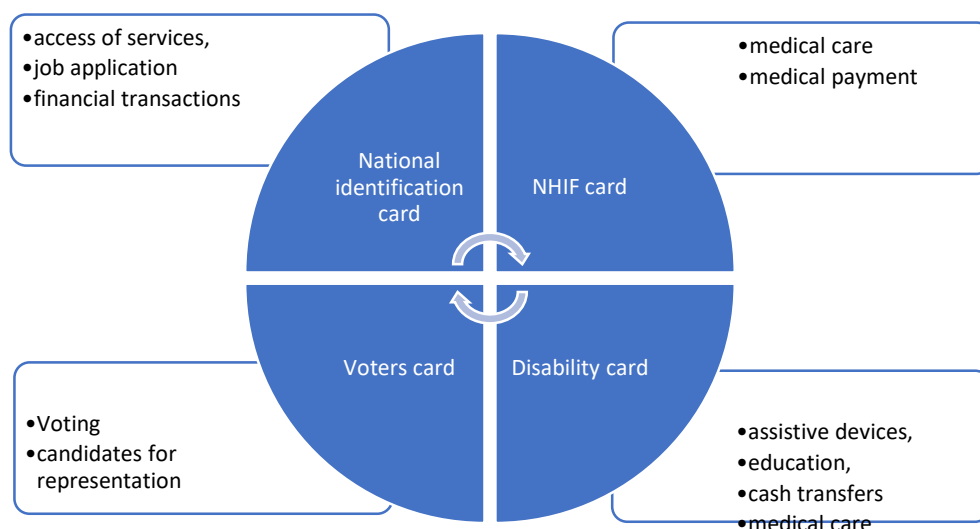
4.8 Trends and emerging issues in socioeconomic and political environment of special interest groups

I. Registration cards

The study asked those without the registration documents the reasons for not having cards. According to the responses some said that the time is not yet for their voter's card while lack of NHIF Card was occasion by lack of funds for the monthly payment. As for the Disability card the respondents without stated that they were not aware of their existence and took long to process.

According to the respondents the cards had benefited them in the following ways. National ID had benefited them by making access of services, job application and financial transactions easy. The voters card was beneficial in exercising the democratic right to vote while NHIF card improved access to medical care and payment of the same. Disability card was beneficial in receiving government support and access to assistive devices, education, cash transfers and medical care.

Figure ...: Uses of cards.



Proposed suggestion on the cards included consolidation into one and enabling access to services in alla hospitals for the NHIF card and access to loan for the disability card

II. AGPO

Less than half of the AGPO registered firms are owned by women (41.1 percent) and PWDs (4.9 percent), implying that youths are yet to exploit the opportunities offered by AGPO. Concerning AGPO, the main challenge was highlighted as lack of information on their existence and their benefits. The existing empowerment schemes related to AGPO such as Uwezo,

Women Trust Fund, and Youth Enterprise Trust Funds, are not providing the adequate and requisite targeted assistance to women, youth and people with disability as was anticipated for meaningful economic empowerment. Other common challenges noted in the two counties under review include the fact that procurement procedures are complex, burdensome and costly for new entities; the public procurement contracts involve higher bid, proposal, and compliance costs; most procurement criteria are very technical and require specialized bidding skills. This inhibits women, youth and People with Disabilities (PWDs) because most of them lack the business knowledge and skills to tender for government contracts. A further review of the programme reveals that, special groups do not have sufficient capital to engage in that type of contracting.

III. Challenges at Work Stations and their solutions

The challenges that employees face at work included delayed payment, long working hours and difficulty in accessing them for the PWDs. Additionally, there is a big employment gap difference between the disable and non-disabled people. According to the respondents, not all employees are confident that their organization is able to support an employee with a disability depending on the nature of work, the location of the office and type of disability.

In order to address these challenges, the respondents recommended construction of ramps and salary increment. In addition, businesses and government can establish a one-stop-shop around workstations to help PWDs and other employees to access essential services while in their workstations within a shorter period of time. The government should also encourage employers and business owners to provide on-job training and seminars for PWDs to enhance their confidences in taking up managerial positions in their workstations.

Challenges in Business and their solutions

For those in business their challenges included the Covid 19 pandemic, competition, delays in payments by clients, gender discrimination, lack of capital and market. Other common challenges reported in the counties include the lack of access to capital, mentorship and networks. The fact that the minority groups have not embrace the need for organizing themselves into groups or 'jamaas' limits them from accessing financing or loans offered by government or banking institutions. Further, lack of mentorship in business results to failure and closer of most small businesses in the counties.

The government should provide tax exemptions for small business started by minority groups, provide grants or loans or capital, easy access to government tenders, and improve marketing for products and services offered by these groups.

Challenges faced by PWDs

Challenges faced by PWDs in accessing funds cash transfer was noted as lack of transparency in recruitment while challenges in accessing exemption certificate was noted as lack of medical

certificate or record. Among the devices used by PWDs included crutches, wheelchair, white cane and artificial limb. The respondents identified the challenges PWDs face in accessing devices and caregivers as lack of funds, lack of card and lack of information. To overcome these challenges, the respondents proposed access to money and information and government to intervene to pay caregivers.

Challenge in funding education and training

In regards to challenge in funding education, the respondents identified lack of fees, delays in school fees payment and lack of uniform as the main challenges. Additionally, the respondents identified the following challenges in financing their training; challenge in funding training, lack of fees, delays in school fees payment, lack of uniform, lack of transport, poor infrastructure and lack of learning resources

The proposed solutions to the challenges identified in funding education and training are hiring of more teachers, provision of bursaries, building of more schools or expanding and equipping the existing, providing teaching and learning resources

IV. Participation in government initiatives

Currently, at the national level women constitute only 28 percent of the members of parliament from both houses (Senate and National Assembly). In the case for PWDs, the National Assembly has 9 MPs with disabilities out of 350 comprising 6 MPs and 3 elected MPs. This implies that there is only 2.6 percent representation of PWDs in the parliament against the 5 percent Constitution aspiration. Across all the counties, there are only 77 Members of County Assembly (MCAs) with disabilities out 349.

The respondents stated that they had participated in government initiatives by applying for loan and attend training. The participation benefited from the initiatives as they enabled them access funding.

Challenges faced in accessing govern backed funding initiatives included lack of awareness, lack of funds, delayed disbursement, and long processing procedures. The respondents proposed the following solutions; Adequate funding of these institutions, create awareness and improvement of the speed of processing and disbursement of loans.

Challenges facing special right groups in engaging in political appointments and political influence with policy makers in the County. Some of the common challenges and gaps noted in the two counties include:

- i. Lack of capacity and strategy for promoting gender equality: In most political party's policy makers, program planners, implementers present in the two counties under study lack basic gender awareness and sensitization requirements. Gender integration is a mechanical process and proper skills to do so are lacking. There are weaknesses in political parties' capacity to analyse and address gender equality issues. The political

parties generally in Kenya do not plan their activities throughout the electoral cycle or prepare well in advance, on how they are going to include women, youth and PWDs in electoral positions and appointment positions. Even though Kenya has chosen to mainstream gender equality in political parties through policy frameworks, political parties are yet to embrace this globally accepted approach.

- ii. Gender insensitive party structures: Political parties are yet to comply with two-thirds gender rule in their respective governance structures as a way of promoting political gender equality. Some parties do not have a representation of women, youths and PWDs in their top official positions such as party leader, chairpersons, secretary-generals, and organizing secretaries positions.
- iii. Socio-cultural factors: Culture and traditions constitute a major external barrier especially in some parts of Kisumu County; this is barrier to women, youth and PWDs political empowerment. Gender stereotyping, patriarchy, socialization and lack of societal awareness on gender issues affects the progress of empowering this group to assess productive resources through influential positions.
- iv. Lack of capacity for women, youth and PWDs to under their roles in political space and their influence in decision-making. This is largely contributed by high literacy levels amongst the PWDs and women in the county relative to the male gender.
- v. Unequal Gender Relations in the political parties is still evident in the political parties represented in the two counties. Some entitlements, responsibilities and identities of men and women in relation to one another is still defined by their gender.
- vi. The literacy differences between women, youth and PWDs also hampers the efforts of economic and political empowerment targeting this group. For instance in Kisumu, (Seme, Manyatta, Muhoroni and Nyakach) , it was found out that most community members have no information on the government funds and on the acts, laws and regulations that govern them. Some of them indicated they had no interest at all, to how these issues apply to them. Few members though, had little information about the Acts for example, the National Act 2010 for PWDs, two third gender rule and the tax exemption rule. Some of the PWDs confessed that they were normally exempted from tax payment once they presented the disability card.

Factors that contribute to lack of participation and accessing the funds

- i. Lack of enough time to go through the budget documents. Minimal time is give to the three special interest groups, (youth, women and PWDs) to review and internalize the budgets to provide views and opinions regarding their interests. Additionally, some of the people in the group are illiterate and lack capacity to review budget documents or contribute to the budget debates.
 - a. -

- ii. There physical and impairments conditions also limit them from participating. For instance, those with hearing and visually impaired are not assisted in to interpret and understand the budget documents.
- iii. For one to receive some of these funds, they must be occupied and be doing something, of which most of the youths do not qualify. Most PWDs completely have no businesses to undertake
- iv. Long and cumbersome procedures to be flowed while accessing NGAAF and AGPO funds.

Most of the youth, PWDs and women in Seme, Nyakach and Manyatta areas of Kisumu are not knowledgeable about NGAAF, AGPO and Biashara fund. They also don't understand much about the acts and regulations governing them. Serious training, awareness creation and sensitization needs to be done.

Challenges facing special right groups in engaging with policy makers in the County

- Difficult accessing their office or the policy makers
- Lack of respect especially to PWDs
- Opinions are no taken into consideration
- Lack of communication
- Tribalism
- Corruption

4.8.1 Challenges that are faced in the organization by the youth and women

In development of organization policies special focus need to be given to the special rights group. Proper identification of the challenges these groups face is key in ensuring that the policies are responsive to the needs of the group. This study also sought to understand the major challenges that youth and women face in the organization that may require attention, and the expected solutions.

The respondents stated that the youths faced a number challenges. These challenges ranged from female employment bias, Favoritism in employment, limited exposure to support programmes, no sound infrastructure and facilities to maximize production and failure to strictly adhere to equal opportunities for the youth. According to the respondents, women faced challenges such as tough work environment, lack of finance, Land disputes, poor self-esteem, lack of support, and failure to strictly adhere to affirmative action and succession planning

4.8.2 Solutions to the challenges that youth and women face in organizations

The respondents were asked to state solution that can ensure that the challenges faced by the women and youth in organizations are overcome. According to the respondents, the challenges faced by the youths can be overcome through provision of training opportunities especially in management courses at the Kenya School of Government, inclusion of youths in the planning and

execution of decisions, supporting the youths politically and improving the work environment by putting in place infrastructure and facilities to maximize productivity

In order to solve women challenges, the respondents identified management courses, implementing the two thirds gender rule and taking of affirmative action measures to ensure representation of the women at all level of the institution as the key solutions.

4.8.3 Reaching out

The study also endeavored to find out how the organizations reach out to PWDs, Youth and Women. According to the respondents, organizations reach out to PWDs by inclusive hiring at the village council (5%), department training, formation of Committee on PWD, formation of technical groups and workshops, public participation and capacity building, Affirmative action, Working with PWD groups and allocation of funds for PWDs programs.

In terms of reaching the youth, the organizations reach out to them using Mosques/Churches, Community Based Organizations, using National days to promote youth involvement, maintenance of a 30% proportion in all recruitments and establishing a sustainable youth responsive system. As for reaching out to women, the respondents stated the need to embrace the affirmative action (2/3 gender rule) on human resource issues such as recruitment to address gender inequality.

4.8.4 Challenges in reaching out

The study sought to know the challenges faced by the organizations in reaching out to the PWDs, Women and youths. According to the responses gathered, the respondents stated that the organizations faced challenges with PWDs were agitation, complaints that hotels are not friendly, uncomfortable Vehicles, lack of fuel to undertake community work, women are afraid to come out to air their views, lack of money, impassable roads, unreachable rural setting, and failure by the assembly to embraced braille for communication and lack of mentorship council for PWD.

In regards to the youths, the respondents stated that the organization lack money to reach out the youths and that there are no affirmative action measures to ensure representation of the youth at all level of the institution. In reaching the women, the respondents stated that the organizations are constrained by time and too much political interference in mainstreaming gender in the execution of our structure systems plans

4.8.5 Economic empowerment opportunities

The study also sought to know the economic empowerment opportunities that the organizations have for the PWDs, Youth and the women. According the responses economic empowerment opportunities that the organizations have for the PWDs include provision of market stalls, employment, funding and loan provision, training, access to AGPO, Trade fund, Women, Youth and PWD fund, Cash transfers/Social assistance programmes, facilitate of registration, COVID investment in business, ensuring 5% appointment compiler PWDs.

For the youths, economic empowerment opportunities that the organizations have include, Funding and Loans, training, linking them to institutions, access to affirmative funds, Employment, sports investment, and promotion of youth employees to facilitate gender progression. According to the respondents, economic empowerment opportunities that the organizations have for the women include funding and training, provision of seed capital for the business, access to loans and employment, training, advocacy for employment and leadership opportunities, linkages for business, employment and leadership and provide protection to women during pregnancy in times of work proving to be harmful.

- **Economic challenges**

- i. Inability of marginalized groups to invest and make savings resulting to poor standards of living and violation of human rights. Many youths and PWDs rely on uninterrupted home and community services and support. The poorest communities in almost any county tend to be the minority group that have been targets of longstanding exclusion in economic empowerment. Therefore, poverty within minority communities must be viewed as both a cause and a manifestation of the diminished rights, opportunities and economic advancement available to the members of that community in the county as a whole. Without a targeted focus on their needs and rights, they will remain disproportionately impoverished.
- ii. A decline in household incomes due to an increase in unemployment rates especially during COVID-19 period among women, youth and PWDs has led to over stretched household income. The hard-hit sectors have a high share of youth and women in informal employment thus increase unemployment rates and high dependency ratio. Without a more coherent effort to reduce poverty through targeted strategies that specifically reach out to minority communities, the counties will fail to achieve, or sustain, the important targets set within their county integrated development plans and Vision 2030.

4.8.6 Challenges the organization face in delivering services

The study sought to under the challenges that the organization face in delivering services targeting PWDs, youth and women. According to the respondents, organizations face the following challenges while delivering services targeting PWDs; Late disbursement of funds from National Treasury, small Budget, lack of registration with AGPO, Limited resources for women works, Femi-economist yet to take root, Peri-urban setting is poor, Ring-fencing jobs and non-actualization of the budget for PWDs.

As for the challenges that the organization face in delivering services targeting the youth, the respondents stated that small budget, challenges while registering with AGPO, inadequate infrastructure and facilities to maximize youth productivity. As for challenges that the organization face in delivering services targeting the women, organization face the challenges of a limited budget just like the youths and PWDs and non-actualization of the adherence to 2/3 gender rule.

4.8.7 Solutions to the challenges the organization face in delivering services

The solutions that the respondents provided for solving the challenges faced while delivering services to PWDs include county funds to be given early as budgeted, increase in budget allocation, Mass training in PWDs needs, applying the femi-economist approach, undertaking public awareness campaigns, Mentorship and taking affirmative action measures to ensure representation of PWDs, which may include ring-fencing job for PWDs

To address the challenges faced while delivering to the youths, AGPO Registration, 5% employment set aside for youths, Budgetary Allocation to finance youth activities and improve the work environment by putting in place infrastructure and facilities to maximize productivity were the proposed solutions.

The respondents also stated that to address the challenges faced while delivering services to the women implementing affirmative action, reaching out programmes and campaign, increased budgetary allocation, establishing the extent of the imbalance and putting in place time bound affirmative action program to ensure women programmes are successful are pivotal.

- **Social Challenges**

- iii. Poverty is the main challenge women, youth and PWDs faced both in Kisumu and Nairobi counties. According to National Council for Persons with Disabilities, most of the people with disabilities are poor and therefore some of them lack essential needs such as clothing and food.
- iv. Lack of incentive by women, youth and persons with disability to participate in political leadership
- v. Reduced investment in the education of women, youth and persons with disability. It continues to be a less viable option in some communities due to the perception that there would not be a return in the investments due to inherent biases in economic participation.
- vi. Drug abuse and alcoholism may increase due to hindrances in economic participation that result in idleness and the need to be less conscious of the surrounding problems.
- vii. Society forgoes the gains in the participation of women at the household level where an economically empowered woman contributes to the empowerment of her children and in turn, of society.

- **Psychological costs**

- i. Most women, youth and PWDs fall into a trap of depression when they lack finances or have remained unemployed for long. This has led to increased cases of suicidal population due to diminishing sense of self-worth.
- ii. The PWDs sometimes loses their self-esteem and a sense of control over one's own life due to inadequate means to meet basic needs.

- iii. Women, persons with disability and youth may have been conditioned to believe that economic participation is not their right which in itself is a violation of human rights.

Gaps in existing systems, structures and procedures affecting SIGs participation in social economic and political activities

- i. **There is a big employment gap** difference between the disable and non-disabled people. According to the respondents, not all employees are confident that their organization is able to support an employee with a disability depending on the nature of work, the location of the office and type of disability.
- ii. **Access to AGPO and NGAAF by special interest group is coupled by numerous challenges.** SIGs are facing various bottlenecks including lengthy procedures of getting required documents that qualify beneficiaries to apply for the opportunities, lack of certification that could help them apply, and easily access such opportunities.
- iii. **Lack of sufficient and extensive sensitization of existing government initiatives targeting SIGs.** Currently, participation of SIGs in accessing existing government initiatives is not optimal due to various challenges including lack of awareness, lack of funds, delayed disbursement, and long processing procedures.
- iv. **Low uptake of tax reliefs.** Some SIGs in the counties are experiencing challenges in accessing exemption certificates. Also, low levels of awareness and enrolment/registration of PWDs limits the number of potential people enjoying government initiatives such as tax reliefs.
- v. **Low levels of education relative to other groups of people.** The SIGs are still experiencing challenges in accessing education since majority of them are financing their own education, therefore more often they are unable to raise the required amount of fees or trainings.
- vi. **Existences of socio-cultural beliefs** still affects the women empowerment in some parts of the counties. Many Kenyan societies continue to believe that women should be seen and not heard. This leads to denial of opportunities for women; but it also leads to women doubting their own capacities to participate, often seeking authority to do so from their male peers. Thus for example, women legislators might have not been fully at the forefront of the campaigns for legislation of the two-thirds gender rule.
- vii. **Women, Youth and PWD's weak participation** in and control of political parties also means they have marginal access to party resources, especially campaign funding.
- viii. **Low technical skills among the SIGs, especially for self-employment.** This limits the SIGs from taking advantage of the fee or heavily subsidized opportunities and tax reliefs related to start-up business targeting this group.
 - **Legal Gaps**
- ix. **Two-thirds gender rule of Article 27(8) of the Kenyan Constitution has not been met:** The persisting legislative gap on matters related to special interest groups is the implementation of two-thirds gender rule. This implies that women have been constrained from accessing potential to voice their needs in one among the country's highest institutions such as parliament.
- x. **Economic social rights bill is still pending.** The Senate has not yet passed the bill on economic social rights that would allow for a close monitoring of the implementation of progressive realization of the rights guaranteed under Article 43 of the Constitution.
- xi. **Legislation of affirmative action programmes and policies designed to help special interest groups has not been legislated.** Article 27(6) of the Constitution of Kenya requires

senate to formulate these policies and programmes to redress any disadvantage suffered by individual groups because of past discrimination and provide for benefits.

- xii. **Implementation of 5 percent representation of PWDs IN public elective and appointed bodies has not been met in both counties.** This is a violation of Article 54 (2) of the constitution.
- xiii. **Even thou, the law pursuant to Article 55 (c) of the Constitution has been passed, implementation of it has not taken effect.** These are the measures taken by government, including affirmative action programmes, meant to ensure that the youth and marginalized communities are guaranteed of employment.

5 Conclusion, Measures and Recommendations

5.1 Conclusion

The study sought to undertake a political economic analysis of AGPO and NGAAP while focusing on women, youth and PWDs. For the PWDs the emerging areas of intervention include introduction of cash transfer programme, public awareness on tax exemption, provision of separate medics for the PWDs, development of the COVID recovery strategy for PWDs, training the PWDs on budget process and advocacy in PWDs budget allocation. For the women, creation of awareness and improving access to AGPO certification while for the youth the additional comments included registration of sole proprietorship, promotion of Youth business, developing customized programs for the youths and increasing budgetary allocation to youth programmes and activities.

5.2 Measures towards strengthening the participation of right holder's groups

Over most of the issues arising from the Constitution (2010), it is important for national policy and legislative frameworks to be in place and fully operationalized, so that sub-national entities, such as individual state and non-state institutions and county governments build on those national experiences. Indeed, that national prioritization is important because the Fourth Schedule of the Constitution (2010) gives a monopoly over policy to the national government – meaning other entities must look to the national government for guidance, lest their own frameworks violate the Constitution (2010). The biggest obstacle at the national government level has been the lack of an adequate political will to implement the Constitution (2010), which has in turn undermined the development and operationalization of national level policies, legislation and strategies.

Thus for example, while Articles 10 and 232 are very clear on public participation, the National Assembly was in 2018 only considering a draft public participation policy⁶² and legislation.⁶³ This meant that individual entities had to come up with their own ideas of what public participation

⁶² See <https://statelaw.go.ke/wp-content/uploads/2020/07/Kenya-Draft-Policy-on-Public-Participation.pdf>

⁶³ See http://kenyalaw.org/kl/fileadmin/pdfdownloads/bills/2018/PublicParticipationBill_2018.pdf

should look like.⁶⁴ Indeed, the weak political will is reflected in the fact that currently there are three participation bills under discussion, one in the Senate, and two in the National Assembly.⁶⁵

The second area of attention for public participation is civic education *for public participation* (emphasis intended). Besides the Constitution (2010), various policy and legislative frameworks underscore the need for continuous civic education. Public participation is a pre-requisite for all planning and budgeting is emphasized by Parts III and IV of the Public Finance Management Act (PFMA) for the National and County governments, respectively. The County Government Act (CGA) also devotes Part X to Civic Education while Part VIII is on Citizen Participation. Importantly, Part IX is on Public Communication and Access to Information. In effect both PFMA and CGA imply that these activities are inseparable: ignorant citizens without access to information cannot participate in planning, budgeting and monitoring development implementation.

Much of the information in planning and budgeting is of a very technical nature, requiring investment in its being distilled for consumption by a public whose literacy levels are in places quite low. Besides distilled the jargon, there is a need to consider the processes of conducting public participation: when and where it is conducted; who is invited through what means; and very importantly, the opportunity cost of the public attending. This last point is about what *wananchi* sacrifice from their daily schedules in order to spend a whole day – often – discussing plans and budgets.

A further important consideration that is related to the cost of attending is the incentive to make that sacrifice. Feedback is critical for future attendance: what happened to/with the last plan is important for interesting individuals in participating in planning and budgeting in future.

5.3 Recommendations

- I. Enhance outreach activities
- II. Enhance advocacy
- III. Enhance affirmative action through increased budgetary allocation, reduction of conditions
- IV. Encouragement on formation of self-help groups
- V. Facilitate participation of SIGS
- VI. Public awareness campaigns on available opportunities and services

⁶⁴ For example, see CRECO (2014), Model Policy Framework for Public Participation in County Governments. Also see Ministry of devolution and Planning and Council of Governors (2016), County Public Participation Guidelines. At file:///C:/Users/Acer/Downloads/Ministry-of-Devolution-Planning-and-Council-of-Governors-%E2%80%93-County-Public-Participation-Guidelines-2016.pdf

⁶⁵ See Birgen RS and EM Okoth (2020), Our Role in Securing Public Participation in the Kenyan Legislative and Policy Reform Process. Natural Justice. At <https://naturaljustice.org/our-role-in-securing-public-participation-in-the-kenyan-legislative-and-policy-reform-process/>

- VII. Training of SIGS on government services and entrepreneurial skills
- VIII. The national and county Governments needs to invest in programmes that build employable skills for minorities, particularly women, who are often excluded from the labour market or at higher risk of unemployment. This could include the development of traineeships targeted for minorities; the provision of adult education, in areas where minorities live, that would include vocational training and qualifications for higher-skilled sectors; targeted scholarships and research fellowships for higher education; and free access to language and literacy training. Ensuring equal access to new technologies for minorities, including in the energy and information communications technology sectors, can counteract growing inequality gaps and increase the productive skills capacity of minorities.
- IX. The national and county governments needs to put in affirmative action programmes designed to ensure that minorities and marginalized groups participate and are represented in governance and other spheres of life; are provided special opportunities in educational and economic fields; and are provided special opportunities for access to employment as guided by Article 56 of the Constitution. This has not yet been done exhaustively in the two counties under study.
- X. The government should accelerate the compliance of all the nine treaties to support the inclusion of special interest groups and to guide countries in the implementation of the human rights agenda. Currently, Kenya's reporting status with respect to the nine instruments and single optional protocol it has acceded to is that only two treaties out of the seven ratified have not yet been complied with, i.e. ICERD and CEDAW and the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in Armed Conflict (OP-CRC-AC).
- XI. The county governments also need to strengthen the tracking and monitoring some of the proposed policies and regulations meant enhance support towards PWDs, youths and women. For instance, the council should ensure employers including county governments comply with the existing policies, including complying with the 5 percent threshold stipulated in the Constitution.
- XII. The county government in collaboration with the National Council for Persons with Disabilities should create awareness on the available opportunities for the different categories of the respondents (PWDs, Youth and Women). In addition, the council should also ensure that in employment, youths and PWDs have access to fair and equitable opportunities in the job market.
- XIII. The counties should consider provision of more digitized aide such as computerized wheelchairs, digitized guide, and hearing aids to facilitate their moments from one place to the other in their daily hustles.

- XIV. To address high illiteracy levels and bridge the employment gap among the special interest groups, the county governments in collaboration with the NCPWD should run campaign to encourage these young persons with disabilities to attend vocational centres to gain skills such as tailoring, knitting, agriculture, costume jewelry, and textile skills among others. These courses will equip them with necessary skills to engage them in productive employment.
- XV. *Instead of GoK sharing inclusive opportunities to targeted beneficiaries or advertisement for public participation via non-inclusive platforms (TV, radio, newspapers), the County government could proactively identify the beneficiaries and keep regularly updated database of targeted recipients to whom they can share information and track within departments. There is need for GoK to create awareness to the targeted beneficiaries at the county level. This ensures that they clearly understand information under these statutes.*
- XVI. *Though the initiatives are established at the national government level, implementation, awareness and structures should be fast-tracked at the county/grassroot level to ensure all targeted right holder groups in the country can benefit from the initiatives.*
- XVII. *Government should take initiative to educate right holder groups not only at the national but also the county level on the existing initiatives.*
- XVIII. *Government should consider increment of fund allocation to the implemented initiatives so as to capture all groups and individuals in the right holder groups once awareness rate increases.*

5.4 Action plan

The *Chambua* project consortium partners intend to use the output of the PEA study to support programming interventions after the pilot phase. The Table below covers key action areas for consideration:

the socio-economic and political factors that influence success or failure of rights holder groups access to productive resources as well as open and inclusive spaces for political participation, **develop a checklist of allies that can strengthen the advocacy voice** and examine the **existing systems, structures and procedures affecting how rights holder groups access and benefit** from these public resources.

The aim of the PEA is to identify key issues in the implementation context including the **legal framework and status of implementation, mapping key actors and stakeholders and their ability to influence decision making in the security sector and entry points for successful implementation of the project**. The PEA targets among others, **civil society, residents, national and county security actors, local governance structures and oversight bodies**. Further, the PEA study reflected on the **impact of political appointments**

in key decision-making units, the power relation between the rights holders and the duty bearers and how the two are engaged in public participation in the budget and decision-making processes. The PEA study also shared on how **critical committees at county assembly level (i.e. budget appropriation, legal affairs, house business and the liaison committees)** engage in public participation, AGPO and management of affirmative action funds.

The PEA is important in understanding the political, economic and social processes **promoting or blocking change**. Specifically, the study objectives – and indeed, its terms of reference (TOR), were to:

- i) Assess and profile the socio-economic and political **factors** that help to better understand the contexts and power relations in which the rights holder groups (Women, Youth, and Persons with Disability) operate.
- ii) Analyse the existing **county systems and procedures** affecting public participation, and access to AGPO and affirmative action funds, and highlight the gaps needing attention.
- iii) Recommend **measures to strengthen the participation** of rights holder groups, particularly, marginalized groups of women faced with violence and exploitation, youth and PWDs.

Table 4: Emerging issues and recommendations

	Area	Issues	Recommendations/activities	Responsibility
I.	Legal and legislative frameworks	Design monitoring and evaluation modalities for assessing implementation of the international and National policies and legal frameworks targeting special interest groups including women, youth and PWDs	The county governments also need to strengthen the tracking and monitoring some of the proposed policies and regulations meant enhance support towards PWDs, youths and women. For instance, the council should ensure employers including county governments comply with the existing policies, including complying with the 5 percent threshold	County government, National government and NCPWD

			stipulated in the Constitution.	
2.	Strengthening systems and procedures	<p>Some of the PWDs lack awareness of the existences of tax exemptions especially for those who are unemployed. The procedure for renewal is also cumbersome for them.</p> <p>Huduma Centres and e-citizen services have enhanced service delivery. It will be important to continuously improve Huduma and e-citizen services while developing specific products that target the youth, women and PWDs</p>	Simplification of tax exemption certificates for PWDs. Consider merging of the requisite cards into one Card for enhanced efficiency in service provision.	National government, County government and the NCPWDs
3.	Legal framework (bidding treaties)	Currently, Kenya's reporting status with respect to the nine instruments and single optional protocol it has acceded to is that only two treaties out of the seven ratified have not yet been complied with, i.e. ICERD and CEDAW and the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in Armed Conflict (OP-CRC-AC.	The government should accelerate the compliance of all the nine treaties to support the inclusion of special interest groups and to guide countries in the implementation of the human rights agenda	NCPWD, County Government and National Government

4.	Public participation	Consider interpretation of materials into braille, Kiswahili and local languages to enable participation by all relevant target groups. Public participation should consider caregivers.	To address high illiteracy levels and bridge the employment gap among the special interest groups, the county governments in collaboration with the NCPWD should run campaign to encourage these young persons with disabilities to attend vocational centres to gain skills such as tailoring, knitting, agriculture, costume jewelry, and textile skills among others. These courses will equip them with necessary skills to engage them in productive employment.	County government and National government.
5.	Access to government opportunities and Tenders	Lack of commitment and compliance by counties on ensuring Article 56 of the Constitution is adhered to in the county appointments and opportunities is still unmet.	The government needs to put in affirmative action programmes designed to ensure that minorities and marginalized groups participate and are represented in governance and other spheres of life; are provided special opportunities in educational and economic fields; and are provided special opportunities for access to employment as guided by Article 56 of the Constitution. This has not yet been done exhaustively in the two counties under study.	County and National Government

6.	Employment levels	Lack of capacity for women, youth and PWDs to under their roles in political space and their influence in decision-making. This is largely contributed by high literacy levels amongst the PWDs and women in the county relative to the male gender	Governments should invest in programmes that build employable skills for minorities, particularly women, who are often excluded from the labour market or at higher risk of unemployment. This could include the development of traineeships targeted for minorities; the provision of adult education, in areas where minorities live, that would include vocational training and qualifications for higher-skilled sectors; targeted scholarships and research fellowships for higher education; and free access to language and literacy training.	County and National Government
----	-------------------	---	---	--------------------------------

References

Collinson, S. (Ed.). (2003). *Power, livelihoods and conflict: case studies in political economy analysis for humanitarian action*. Humanitarian Policy Group. London: Overseas Development Institute. <http://www.odi.org.uk/sites/odi.org.uk/files/odi-assets/publications-opinion-files/289.pdf>

McLoughlin, C. (2014). *Political Economy Analysis: Topic Guide* (2nd Ed.) Birmingham, UK: GSDRC, University of Birmingham.

Ng'ethe, N., Katumanga, M., & Williams, G. (2004). *Strengthening the Incentives for Pro-Poor Policy Change*.

Annexure

KISUMU COUNTY KEY INFORMANT INTERVIEW SCHEDULE/PROGRAM

Key Informant for PEA study	Name	Contact	Interview day	Time	Mode of interview (Virtual (ZOOM or Google meet) or Person interview)
1. Chair of the Disability Board -			7 th Dec 2020	10.00am- 11.00 am	Person/call /virtual
2. Advisor to the Governor on Disability	Caroline Agwanda	0710663990074 2881052	7 th Dec 2020	11.30am- 12.30pm	Person/call /virtual
3. County Trade Department	Bovince , Director Trade	0723106441	7 th Dec 2020	2.30pm- 3.30pm	Person/call /virtual
4. County Gender Department	Addah Omedi	0722475702/07 70666575	7 th Dec 2020	4.00am- 5.00pm	Person/call /virtual
5. County Social Services Department	Mr. Mudhune	0726254378	8 th Dec 2020	10.00am- 11.00 am	Person/call /virtual

6. County Assembly (County Assembly have nominated Youth, women and PWDs representatives)	Hon Oraro, Speaker of the Assembly	0721269082	8 th Dec 2020	11.30am-12.30pm	Person/call /virtual
	Hon. Consolata,PWD Representative		8 th Dec 2020	2.30pm-3.30pm	Person/call /virtual
7. Tax Exemptions Department at Kisumu KRA office			9 th Dec 2020	2.30pm-3.30pm	Person/call /virtual