

COUNTY GOVERNMENT OF TAITA TAVETA



AFFIRMATIVE ACTION POLICY 2014.

ACRONYMNS

CBO- Community Based Organization

CEC-County Executive Committee

CEC-County Executive Committee member

CLWD- Children Living with disabilities

COK 2010- Constitution of Kenya 2010

CSOS-Civil Society Organizations

CWSN- Children with Special Needs

ECD-Early Childhood Development

FBO-Faith-Based Organization

FIDA- Federation of Women lawyers

GBV-Gender-Based Violence

HIV-Hetero Immunodeficiency Virus

ICT-Information Communication Technology

KCPE-Kenya Certificate of Primary Education

KCSE-Kenya Certificate of Secondary Education

NACADA-National Authority for Campaign against Alcohol and Drug Abuse

NGOs-Non Governmental Organizations

PLWD- Persons Living with Disability

DEFINITION OF TERMS

Gender-based Violence-Refers to violence meted out to people belonging to a particular gender

Gender Equality-equal treatment of men and women, boys and girls so that they can enjoy the benefits of development including equal access to and control of opportunities and resources.

Gender responsiveness-Action taken to correct gender imbalances.

Affirmative action-Action taken on a temporary basis in favor of a disadvantaged group so as to enhance equity.

Empowerment-A process of equipping people with knowledge and skills aimed at helping them to critically analyze their situations and hence take appropriate action to improve their status.

Gender equity- This is the process of being **fair** to both men and women and to ensure equity, strategies are normally put in place to compensate for the disadvantaged gender/ group.

Marginalized Group- According to the constitution, this is a group of people who because of laws or practices before, on, or after the effective date of the new constitution were or are disadvantaged by discrimination on one or more of the grounds in Article 27(4) (race, sex, pregnancy, marital status, health status, ethnic or social origin color, age, disability religion, conscience, belief, culture, dress language or birth (COK, 2010:260).

When used in this policy, these are people residing in the county who due to historical injustices have been disadvantaged in terms of accessing services such as education, health, employment and representation in decision-making bodies.

Older members of society: These are men and women aged above 65 years residing in the county who do not benefit from any retirement scheme and have no social security measures in place.

Marginalized Regions/ Areas- These are regions that have for a long time been discriminated in terms of allocation of resources and development.

Boda boda business: Refers to the use of motorbikes to transport passengers from one place to another.

Vulnerable- These are people who can easily be hurt or harmed physically, mentally or even emotionally.

County government: Refers to the Taita Taveta County Government.

Non formal education: This is any organized systematic educational activity conducted outside the framework of the formal system to offer selected types of learning to certain groups of people within the county and may include courses and seminars.

Mbangara-Refers to Taita local brew.

People living with disabilities definition-These are people who have physical, sensory or mental impairment including any visual, hearing, learning or physical capacity which impacts adversely on social, economic or environmental participation.

LEGAL AND POLICY CONTEXT

According to the Kenyan Constitution 2010, affirmative action “affirmative action includes any measure designed to overcome or ameliorate an inequity or the systemic denial or infringement of a right or fundamental freedom. It is against this background that the Taita Taveta county government affirms its commitment and its determination to ensure an inclusive society through the affirmative action policy.

Constitution of Kenya (2010)

Article 197, 177, 81, 53, 54, 55, 56, and 57, Of the Constitution of Kenya 2010 draw attention to the need to ensure representation of persons with disabilities, women, youth and marginalized communities. Specific sections from the constitution are as shown below:

Persons with disabilities

According to the constitution of Kenya 2010, a person with any disability is entitled to:

- a) to be treated with dignity and respect and to be addressed and referred to in a manner that is not demeaning
 - b) to access educational institutions and facilities for persons with disabilities that are integrated in the society to the extent compatible with the interests of the person
 - c) to reasonable access to all places public transport and information
 - d) to use sign language Braille or other appropriate means of communication and
 - e) To access materials and devices to overcome constraints arising from the persons disability.
- 2) The state shall ensure the progressive implementation of the principle that at least five percent of the public in elective and appointive bodies are PLWD.

Youth

The state shall take measures including affirmative action to ensure that the youth

- a) access relevant education and training
- b) have opportunities to associate be represented and participate in political, social economic and other spheres of life
- c) access employment and
- d) are protected from harmful cultural practices and exploitation

Minorities and marginalized groups

The state shall put in place affirmative action programmes designed to ensure that minorities and marginalized groups-

- a) participate and are represented in governance and other spheres of life
- b) are provided special opportunities in educational and economic fields
- c) are provided special opportunities for access to employment
- d) develop their cultural values, languages and practices and
- e) Have reasonable access to water health services and infrastructure.

GOAL

The overall goal of this policy is to promote participation; inclusiveness and equity in social, economic and political spheres of life of all residents of Taita Taveta County with a view to enable them to actively contribute to sustainable growth of the county.

OBJECTIVES OF THE POLICY

- a) To eliminate all forms of discrimination in social, political and economic spheres of life.
- b) To enhance the rights as enshrined in the COK 2010
- c) To promote gender equity and equality in education and employment.
- d) To ensure inclusion of marginalized groups, the youth, women, the older members of the society, and persons with disabilities.
- e) Empowerment of the disadvantaged groups.
- f) To promote the access to justice for the marginalized groups and regions.

This policy will therefore focus on persons with disabilities, women, girls, youth, the older members of the society and marginalized communities. The areas of interventions and strategies are guided by the contextual realities facing these groups of people.

A. PERSONS WITH DISABILITIES

Background

Free and compulsory basic education is a right that is enshrined in the COK 2010. Although a lot of effort has been made to provide education, children with special needs have often been left out right from ECD, where the foundation of their learning is laid. It is only at primary school levels where special education teachers are found. There is need to ensure that CLWD access quality basic education. Moreover, CLWD and PLWD are sometimes exploited and abused by members of their families, communities and teachers.

Some parents have also denied these children their survival, developmental, participatory and protection rights. Furthermore, PLWD and CLWD face challenges in accessing services at places of work, schools as well as public offices. This is because the design of these places did not put the needs of these people into consideration. For instance most of these buildings can only be accessed by use of staircases making it difficult for these people to access the buildings.

PLWD have also been denied equal opportunities in employment and adequate education aimed at helping them to pursue careers of their choice. In most cases, PLWD have been restricted to careers such as tailoring and leather work among others. Very few of them are available in the white collar jobs.

Objective

The objective of this policy is to:

- a) Increase enrolment, retention and transition **rates of CLWD**
- b) Create a conducive learning environment and trained personnel for CLWD.
- c) Promote the representation and participation of PLWD.
- d) To ensure the CLWD access their survival, developmental, protection and participatory rights.
- e) To develop an accountable monitoring and evaluation system for impact assessment.

- f) To ensure that CLWD and PLWD access services in schools and public offices.

STRATEGIES

- a) County to construct at least one special education school per Sub County for CLWD.
- b) The county government shall sensitize and create awareness to the community on the rights of CLWD.
- c) County to train existing and newly recruited ECD teachers on special education.
- d) The county to develop a database for PLWD and CLWD.
- e) County government shall provide bursaries for PLWD and CLWD to help them advance their careers of choice.
- f) The county government shall create a special fund for CLWD and PLWD.
- g) The county government shall ensure the progressive implementation of the principle that at least five percent of the public in elective and appointive bodies are PLWD.
- h) County government shall ensure enforcement of law on those who abuse the rights of CLWD.
- i) The county government in conjunction with the ministry of public works shall ensure that **markets and all and public institutions** are accessible to CLWD and PLWD.
- j) All schools shall have special washrooms for CLWD and PLWD
- k) All vulnerable children and GBV survivors shall be exempted from medical charges.
- l) The county government shall develop accountability, monitoring and evaluation tools for impact assessment.

A. WOMEN

Women representation in employment has been an issue of concern in Taita Taveta County for many years. Most of the women in the county practice subsistence farming and unpaid care work. Although a lot of emphasis has been put on the gender rule in the new constitution, the number of women in employment has remained significantly low. One of the reasons as to why women are few in employment circles is due to among other reasons, the negative cultural beliefs and attitude that women cannot perform effectively, and the few number of women who have attained the right educational levels to enable them to be employed.

The number of women who have gone beyond primary and secondary levels is still low. A number of women still perform domestic chores despite the fact that they have been educated upto form four. This shows that their potential has not been fully exploited. This is attributed to poverty and lack of support from their partners to enroll them in colleges. Of utmost concern is the dismal number of women with graduate and post graduate qualifications in the county. This in a way limits women's possibility of competing with their male counterparts when it comes to jobs requiring high qualifications.

In addition, women in Taita Taveta County have continuously been subjected to sex and Gender-Based Violence (GBV) both at home and at work. For instance, women face gender unfriendly working environments such as long working hours for breastfeeding and pregnant mothers. In some circumstances, women working in the mining sectors and sisal estates have been subjected to sex and gender based violence (GBV). Majority of the majority of these cases go unreported due to the following reasons

- cultural inhibitions
- women's dependence on men for financial support
- Women's acceptance of GBV as part of their life.

- Existence of a weak reporting system.

Moreover, women for many years have been underrepresented in leadership circles both in politics and other areas. In terms of politics, even where women have offered themselves, the society prefers men to women.. This could be attributed to the belief that leadership is still a male preserve. Partly, women have been unable to compete effectively with men when seeking political leadership positions due to economic constraints because unlike men, historically they could not own property hence they cannot acquire loans to fund their campaigns.

Generally, the existence of retrogressive patriarchal systems among the people of Taita Taveta County has contributed immensely in perpetuating the aforementioned situation. Surprisingly, these patriarchal systems are so ingrained in the social set up that women have been unable to challenge the status quo. As a result, women have continued to experience these challenges. There is need therefore to adopt strategies to help improve as well as reverse the situation.

OBJECTIVES

The objectives of this policy are as follows:

- a) To improve women representation and participation in employment and leadership
- b) To empower women economically.
- c) To promote gender responsive policies.
- d) To eliminate GBV cases as well as to ensure that victims of GBV get justice.
- e) To challenge existing negative patriarchal systems.

Interventions and Strategies

To achieve the above objectives, the county government shall:

1. Build the capacity of women with a view of empowering them economically, socially and politically.
2. Create a special women's education fund aimed at sponsoring women to pursue education to the highest levels.
3. Sponsor women willing to undertake highly specialized courses like medicine, law and engineering.

4. Partner with other organizations and carry out sensitization programmes to sensitize public on the roles and rights of women.
5. Sensitize public to change their attitude towards women's ability to lead.
6. Establish at least one GBV rescue and reporting center per sub-county.
7. Partner with other legal aid organizations to ensure that GBV cases are dealt with conclusively and expeditiously.
8. Ensure that all organizations operating within the county are gender responsive by observing the following:
 - Adhering to the two thirds gender rule in employment, promotions and forming of committees.
 - Providing gender disaggregated data of their employees.
 - Incorporating clauses that encourage women to apply for the jobs in their advertisements.
 - Ensuring that work environments are gender responsive.
9. Develop gender compliance commitment forms to ensure gender responsive working environments.
10. The county government shall ensure that special GBV sections aimed at handling GBV cases are established in hospitals. These victims shall be exempted from paying medical fees.
11. The county shall also liaise with the ministry of interior and national coordination to ensure that special reporting desks are established in police stations and hotline reporting numbers for GBV cases availed to the public.
12. Develop well planned rural trading centers and markets that are easily accessible. A good rural roads network system shall also be provided in these centers so as to increase opportunities for women in the farming sector.

B. GIRLS

For many years the enrolment, retention, transition and completion rates for girls have been low while the dropout and absenteeism rates have been high. Some of the contributing factors in the aforementioned rates have been caused by early pregnancies, marriage and harmful cultural practices that continue to exist. Other factors have been the little importance attached to girls' education and gender insensitive school environments.

The performance of most girls in science and mathematics in secondary schools has not been satisfactory. Among the factors that have attributed to this is the negative attitude towards these subjects and the few role models available in these areas.

OBJECTIVES

- a) To promote the enrolment, retention, transition and completion rates.
- b) To eliminate the harmful cultural practices affecting the girl child.

Strategies and Interventions

1. The county shall offer bursaries to girls from poor families to enable them pursue their education.
2. The county government in partnership with other organizations shall promote sensitization through girl child rights clubs in schools.
3. Guidance and counseling programmes shall be strengthened at all levels of education.
4. County government shall ensure enforcement of law on those who violate the rights of the girl child.
5. Ensure implementation of the re-entry policy for young mothers and encourage them to enroll in non-formal centers.
6. The county shall construct one rescue center in each sub-county for psychosocial support of girls whose rights have been violated.
7. Sensitization of the community on girl child rights.
8. Provide budgetary allocation and partner with other agencies that provide sanitary towels especially those from very poor families.
9. The county government shall develop accountability monitoring and evaluation tools for impact assessment.

BOYS

Boys' dropout rates have been on the increase especially because most of them engage in income earning activities such as the bodaboda business and cattle grazing. They have also become victims of child labour in plantations and mining firms. As a result boys' transitional and completion rates are likely to reduce.

In some cases, boys have also been sexually abused hence affecting their development. For example in Mwatate sub county alone 18 cases of sodomy were reported in the year 2013. The number could be higher because majority of the cases are not reported. Worse still, the reported cases sometimes are not dealt with conclusively due to lack of sufficient evidence, late reporting, bribing and intimidation of witnesses and laxity of the law enforcers.

Moreover, boys have been known to engage in alcohol, drugs and substance abuse as well as other unlawful acts. As a result, they find themselves in conflict with the law. Partly, the cultural belief that the boy is superior to the girl child has negatively affected the boy child. This is especially because the boy child is privileged to enjoy some freedoms which the girl child is denied as a way of protecting her. Thus the boy child has been in conflict with the law as a result of enjoying these freedoms.

OBJECTIVE

1. To promote the enrolment, retention, transition and completion rates of the boy child.
2. To curb alcohol drug and substance abuse
3. To eliminate all forms of abuse against boys.
4. To reduce boy child labor and the number of the boys in conflict with the law.

STRATEGIES AND INTERVENTIONS

To address the aforementioned challenges the county government shall:

1. Offer bursaries to boys from poor families to enable them pursue their education.
2. Partner with other agencies to promote sensitization through boy rights clubs in schools.

3. Ensure that guidance and counseling programmes are strengthened at all levels of education.
4. Ensure effective legislation and enforcement of law on:
 - those who violate the rights of the boy child
 - licensing of entertainment premises
 - drug and substance abuse
5. Create awareness on the effects of alcohol drug and substance abuse, engagement in unlawful acts as well as the rights of children.
6. Establish rescue centers for boys whose rights have been violated as a way of protecting the witnesses.
7. Establish one children remand home to cater for children in conflict with the law

C. THE YOUTH

For many years, the youth, who are about 60% of the total population, have been underrepresented in employment and leadership circles. The county faces a challenge of youth underemployment and unemployment with majority of them engaged in manual and unskilled jobs. Moreover, those who engage in small scale businesses perform dismally due to lack of proper skills on how to manage the businesses.

Majority of the youth therefore indulge in alcohol, drugs and substance abuse, unlawful organizations and anti-social behavior as a way of escaping from the reality that faces them. This has also been attributed to lack of support from parents especially when it comes to giving their children the share of the family property.

OBJECTIVE

- a) To ensure inclusion of youths in employment and decision-making organs.
- b) To eradicate the issue of alcohol, drugs and substance abuse, engagement in anti-social behavior and unlawful organizations.
- c) To empower youths economically so as to contribute meaningfully to the development of the county.

Strategies and Interventions

To achieve the aforementioned objectives the county government shall:

- a) Ensure that funds are set aside to sponsor youths willing to undertake training.
The county can also partner with institutions within the county so as to ensure that as many youths as possible benefit from these courses.
- b) Upgrade and rebrand one youth polytechnic per sub-county to offer ordinary diploma training on the different grades.
- c) Create awareness to the public on the importance of Youth polytechnics and non-formal education.
- d) Partner with the ministry of youth and train the youth on the available business opportunities in the county as well as skills on how to manage the businesses and access loans.

- e) Through the ministry of youth, intensify training on the processes of obtaining loans available for the youths as well as processes involved in registration of youth groups.
- f) Enforce the rule that stipulates that 30% of the tenders to be given to the youths so as to empower them economically.
- g) Establish one alcohol, drug and substance abuse rehabilitation Centre for youths.
- h) Ensure that youths are well represented in employment, decision-making bodies and committees.
- i) Ensure that the designs of advertisements are youth friendly to encourage them to apply.
- j) Ensure that investors and other organizations operating within the county develop strategies that will ensure more youths are represented.
- k) Establish and equip one stop shop youth empowerment center in each sub-county to provide recreational and mentorship programmes as well as ICT and library facilities.

E. MARGINALISED COMMUNITIES AND REGIONS

According to the Kenyan constitution 2010 (COK 2010) section 260, a marginalized group is “a group of people who because of laws or practices before, on, or after the effective date were or are disadvantaged by discrimination on one or more of the grounds in Article 27(4) (race, sex, pregnancy, marital status, health status, ethnic or social origin color, age, disability religion, conscience, belief, culture, dress language or birth”.

Taita Taveta comprises of indigenous diverse number of communities such as wasaghala, wataweta, wataita and the wata commonly referred to as wariangulo and wapare.

Over the years some communities have been underrepresented in terms of leadership, education and employment opportunities. The cultural values, language and practices of some of the marginalized communities have often been considered inferior.

Infrastructural development has also been slow in some regions with some regions unable to access basic facilities like education and health. This has made these regions to lag behind in terms of development.

OBJECTIVES

- a) This policy aims at ensuring the inclusion of the marginalized communities in all spheres of life such as education, employment and leadership.
- b) It also aims at providing the basic infrastructure in the marginalized areas.

Strategies and Interventions

To attain the above objectives the county government shall:

- a) Create a data base so as to identify the marginalized communities and areas in the county.
- b) Empower the marginalized and people living in marginalized areas.
- c) Encourage representation of the marginalized communities.
- d) Prioritize community projects located in marginalized areas in budgetary allocations.

- e) Sensitization of marginalized communities to enable them understand their rights as well as enable them to get knowledge on the available opportunities.
- f) Involve the marginalized communities in defining their development projects and in coming up with solutions to their problems.
- g) Ensure that the cultural values and practices of the marginalized communities are respected and promoted through cultural events and other celebrations.

F. MEN

Most men in Taita Taveta county are addicted to alcohol especially the local brew commonly referred to as Mbangara. This has made most of these men to neglect their family responsibilities because they spend a lot of time drinking. Thus in most families women bear the burden of bring up children single handedly. If this situation continues, the boy child may lack proper role models to emulate resulting in a vicious circle of a generation of irresponsible men. To protect its generation, the county government shall adopt a number of strategies to address this problem.

Objectives

To eradicate the problem of excessive drinking among men

To inculcate a culture of responsibility in our men

STRATEGIES

- a. The county shall create at least one alcohol rehabilitation centre in every sub-county
- b. Men mentorship clubs shall also be established in each ward
- c. The church and professional counselors shall be involved in guiding and counseling these men especially those at rehabilitation centers.
- d. The county shall intensify sensitize of the public on the dangers of excessive alcohol at public barazas and other media.
- e. Encourage men to join youth and women groups as a way of empowering themselves economically

THE VULNERABLE AND OLDER MEMBERS OF SOCIETY

There is an increasing number of older people above 65 years of age in the County. Some people of this age have not had an opportunity to be employed and have had no social security measures in place. Of special mention are people of this age who have been subsistent farmers and as they grow older they lack the energy to continue farming in order to meet their basic needs. In some situations, the offspring of the older members of society are unable to cater for the demands of

the older members of society due to their low income levels and their own family commitments. This in some situations has made the old members of society to become beggars hence lowering their dignity. Some have also suffered abuse and abandonment because they are looked at as a burden to their family members and society in general.

People living with HIV and AIDS have often been neglected by their families without proper care. Moreover, children found to be HIV positive need to be taken care of in terms of ensuring that they enjoy their survival, and developmental rights just like other children.

GBV survivors also experience psychological problems as a result of the experience they go through as well as the stigma from the family and public in general.

OBJECTIVES OF THE POLICY

1. To ensure that the older members of society live in dignity free from abuse
2. To ensure that the older members of society are accorded reasonable care and assistance.
3. To ensure that older members of the society participate fully in the affairs of the county.

Measures and Strategies

- a) The county government shall maintain an up to date data base of all aged persons in the County and specifically those that need state intervention to ensure they live in dignity, are free from abuse and receive care and assistance
- b) The County government shall set aside a fund to supplement the national government's programme for cash transfers for the aged to be cared for within their own environment and families.
- c) The county government shall establish one old people's home to care for those who have no family members to take care of them. A stringent process shall be followed to make sure only those who meet the specified criteria (to be developed by the CEC in charge of social services) are brought to such a home
- d) The county government shall involve the old members of the society in decision making as well as development activities.

- e) **The county shall create a retirement scheme for the unemployed persons as a long term solution.**
- f) County shall carry out sensitization programmes on the need support HIV positive persons and GBV survivors.
- g) The older members of society and HIV positive persons shall be exempted from user fees in all county public hospitals.
- h) GBV survivors and HIV positive persons shall be provided with adequate Guidance and Counseling services at the public hospitals.

IMPLEMENTATION

For effective implementation of this policy, the following agencies will be involved:

- a) The County Government
- b) The gender and social development department.
- c) Children's department
- d) The department of tourism sports and Culture
- e) Community Based Organizations (CBOs), Non-Governmental Organizations (NGOs) and Faith-Based Organizations (FBOs).
- f) The ministry of education
- g) Development partners
- h) The community.
- i) Youth department.
- j) The ministry of information
- k) Law enforcers
- l) The judiciary
- m) Internal coordination and administration
- n) Public Health Officers in the County.
- o) Kenya Bureau of Statistics
- p) The ministry of health

MONITORING EVALUATION AND ACCOUNTABILITY FRAMEWORK

Monitoring, evaluation and accountability will be very vital for the effective and efficient implementation of the affirmative action policy. This will entail the collection, gathering, analysis and use of data and information to determine the progress of implementation. Periodic evaluation of the strategies will be an integral part of the implementation of the policy with a view to improving and incorporating new strategies. The findings from data collected during the monitoring process will also be used for planning and interventions.

This policy will also be reviewed after a period of two years to take into account emerging issues and trends.

For purposes of monitoring, evaluation and accountability, an Affirmative action sub-county committee shall be formed in each sub county. This committee shall be chaired by the sub county administrators. The sub-county committees shall comprise the following members:

- a) The sub-county administrators
- b) One representative from the gender and social services department
- c) One person from the children's department
- d) A representative from the women groups
- e) A youth representative
- f) FBO representative
- g) One person representing people living with disabilities.
- h) Children's representatives: boy and girl.
- i) One person from the following departments:
 - The national government.
 - NACADA
 - Education
 - NGOS

At the county level the committee shall be chaired by the CEC member in charge of social services. Other members shall comprise:

- a) The chairperson and secretary from each sub county committee.
- b) One representative from each sub county

The county affirmative action policy committee shall prepare and submit a progress report through CEC in charge of social services for onward submission to the governor who shall include it in his/her annual report to the county residents.

The public through the public participation forums shall provide feedback on the report to the county government.

N.B. The public and all stakeholders shall also be monitoring the implementation of the affirmative action policy.

