

Gender Equality and Empowerment of Women and Girls: The Implementation of SDG 5 in Kenya

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Abstract

The purpose of this paper was to analyse the implementation of the United Nations (UN) Sustainable Development Goal (SDG) number five. The UN prescribed the Sustainable Development Goals, targets and indicators for global development, but the implementation was left to individual countries. This paper attempts to identify and document Kenya's strategies to implement SDG 5 and the challenges faced. The paper adds to exiting literature on SDGs. SDG 5 seeks to achieve gender equality and empower all women and girls. The paper used desktop research to collect data which was reviewed and analysed thematically. Government policies and laws dealing with gender issues in Kenya were analyzed, and how they have had an impact on the implementation of the SDG. The paper found that Kenya has advanced in formulation of laws and policies aimed at gender equality. Further, it established that the challenges which hinder the attainment of SDG 5 include: cultural barriers, limited funds and poor application of the laws and policies dealing with issues of gender and empowerment of women and girls. The paper concludes that Kenya has sufficient laws, policies and institutions to enable the country attain SDG 5, but the implementation has lacked behind because of the challenges mentioned above. The paper recommends that the government should put in place measures that facilitate more participation of women and girls in development activities. Further, the government should empower women and girls through training, and thereafter facilitate them to access resources and own property. Deliberate efforts should be put in place to protect women from gender-based violence. Lastly, policy should be formulated to address unpaid care and domestic work.

Keywords: Development, Gender, Goals, Groups, Kenya, Sustainable, Targets, Vulnerable, Youth.

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INTRODUCTION

Sustainable Development Goals (SDGs), also known as 'Agenda 2030' are 17 global goals adopted by all United Nations member states in 2015, and came into effect in January 2016. The main purpose of SDGs is to change the lives of people, and the world, for the better. They are envisioned to bring to the world life changing developments that would end poverty, destroy hunger, eliminate discrimination against women and girls, protect the planet and ensure that all people enjoy peace and prosperity by 2030. To enable their realization, the SDGs are divided into 169 targets and 230 indicators. They are the blueprint to achieve a better and more sustainable future for all (UN, 2020). The SDGs replaced the Millennium Development Goals which were in place from the year 2000, and were supposed to have been met by

2015. The SDGs can be divided into social, economic and environmental pillars, which are interconnected, that is, action in one will affect outcomes in the others.

Agenda 2030 acknowledges the role of gender equality and empowerment of women and girls in the implementation of SDGs through Goal number 5, as well as through the commitment of mainstreaming gender through all the other goals (Rudolf, 2020). SDG 5 focuses on gender equality and empowerment of women and girls. Gender equality is a human rights principle and a cornerstone of the 2030 Agenda. Women attained an important place in the SDGs because of persistent gender inequalities in the world. It is therefore imperative and urgent that gender, as a cross cutting development issue, be addressed in a multidimensional way for the rights of women and

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girls to become a reality and for SDGs to deliver for women and girls as equal partners (Rudolf, 2020).

It has been noted that gender based discrimination and exclusion of women is deeply entrenched in all societies and state structures of the world (Rudolf, 2020). Gender gaps between men and women are the results of gender-based power relations within all states of the world. This causes structural discrimination of women in political, economic and social fields, which can only be overcome by women's equal and full participation at all levels. SDGs transformative potential is on women equal participation, their empowerment, equal access to resources, and freedom from gender-based violence.

There is need for synergies in SDG number five to warrant particular attention in line with the need to reduce gender inequality in society. The disadvantages facing women and girls affect half of the world's population. This makes efforts to reduce gender inequality and expand opportunities for women a necessary and an urgent aspect of any effort to reduce overall inequality, whether in income or access to resources or services (UN, 2019).

The responsibility for the attainment of the UN Sustainable Development Goals, targets and indicators rest with individual countries. Different countries have, therefore, put in place various strategies that are unique to their situation. Like other member countries of the UN, Kenya has put in place strategies to attain SDG 5, but these efforts have not been documented systematically. Further, the challenges faced by individual countries, including Kenya, while implementing the strategies are not adequately documented. This paper adds to existing literature to fill in this gap.

The implementation of SDG number five is dependent on government commitment and monitoring by Civil Society Organizations. These organizations should hold their governments to account; pushing for acceleration where progress has not been made; and safeguarding the gains made in realization of SDG number five by ensuring that the nation does not backtrack.

Thus, this paper examines the steps that Kenya has taken to translate SDG 5 into tangible realities. It focuses on the achievements and challenges facing the implementation of SDG 5. As mentioned earlier, SDG number five focuses on the attainment of gender equality and empowering all women and girls.

THEORY

Related existing works on the implementation of SDG 5 in Kenya are limited. Kameri-Mbote (2000), examines violence against women in Kenya and outlines the general international and national legal frameworks within which violence against women is dealt with and highlights the fact that the international legal instruments dealing with women's human rights were not domesticated. Kameri-Mbote (2000), also discusses the procedural laws that have a bearing on violence against women, but are not dealt with by Kenyan law. Although this work predates the introduction of SDGs, it provided guidance when examining laws and policies touching on implementation of SDG 5.

Similarly, Khasakhala-Mwenesi et al. (2003), examine gender violence in Kenya and point out that, in spite of the government enacting the National Commission on Gender and Development Act of 2003 to help in coordination and gender mainstreaming, many concerns still remain unresolved. Khasakhala-Mwenesi et al. (2003), noted that the Children Act of 2001 classifies children exposed to domestic violence and female genital mutilation (FGM) as children in need of care and protection. Despite this, domestic violence is still prevalent in Kenya. Although the study by Khasakhala-Mwenesi et al. (2003), covers a period before the introduction of SDGs, it provides a background on the attempt of the Kenyan government to deal with gender-based violence.

In another study, Kamau (2010), acknowledges the challenges Kenyan women face as they attempt to engage in political leadership. The study focuses less on the challenges women politicians face on the road to politics, and more on the perceptions, experiences, visions, achievements and the lived experiences that have shaped their leadership perspectives and approaches. The study challenges us to think beyond numbers and to examine what women politicians

actually do and aspire to do within and outside parliament. It seeks to confirm, in the Kenyan case, the view held by many gender scholars that women do bring a different perspective from men when in leadership positions.

In a study that examines gender equity and the role it can play in achieving inclusive development in Kenya, Muigua (2018), points out that despite its importance and constitutional recognition, gender equity has not been realized in Kenya due to uneven access to resources, poverty, lack of education and negative cultural practices. Muigua (2018), notes that gender participation in sustainable development efforts requires empowerment of both genders to participate in decision making.

This paper employs social sustainability approach to assess the implementation of SDG 5 in Kenya. According to Efrat and Yosef (2017), social sustainability framework is based on the premise of equity and justice and points out that less inequality and greater justice reduce the alienation of people from their living spaces. Equity, in this case, emphasizes social and economic justice, fairness in pursuing sustainability policies and development. It follows that social sustainability requires not only the creation of a just society in the present, but also the establishment of structures and processes that will guarantee lasting and continuing justice (Partridge, 2005). Social sustainability is as much about establishing on-going social and political processes for democratic and participatory change, as it is about achieving a 'state' of social justice. It entails fostering the development of people. Social sustainability is about ensuring that everyone's needs are met. It aims at providing enabling conditions for everyone to have the capacity to realize their needs. Anything that impedes this capacity is considered a barrier and needs to be addressed in order for the community to make progress towards sustainable development (Mensah, 2019). This approach is relevant in analysing how the Kenyan policies, laws and processes have endeavoured to implement SDG 5.

RESEARCH METHODS

The paper applied a desktop research and assessed government documents and other existing literature

on Kenya's efforts to achieve sustainable development with specific reference to goal number five of Sustainable Development Goals. A descriptive research design was employed where internal and external sources of data were used. Research questions were used to collect data which was analysed thematically.

RESULTS AND DISCUSSION

SDG 5 seeks to end all forms of discrimination against all women and girls everywhere, protect them from all forms of violence, harmful cultural practices, and unequal access to sexual and reproductive health, unequal land rights, unpaid care work and unequal access to leadership and decision making, while strengthening policies and enforceable legislations for gender equality. Social sustainability framework which is based on equity and justice on social and economic frontiers is, therefore, relevant to the attainment of this goal.

Strategies Before 2015

The strategies put in place before 2015 help us to understand the environment under which the SDGs were implemented in Kenya. Kenya implemented the UN Millennium Development Goals which were adopted in the year 2000. Prior to this, Kenya took part in international and national initiatives geared towards gender equality. Such ingenuities include ratification of the 1979 United Nations Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW). Other initiatives include adoption of the 1995 Beijing Declaration and Platform for Action, enacting new laws on sexual offences in 2006, formulating long term economic plans for 2008-2030, promulgating a new constitution in 2010, and enacting the FGM Act in 2010; among others. It can be argued therefore, that these initiatives, in many ways, laid the foundation upon which the implementation of SDG 5 was build. The next section discusses the aims of these ingenuities.

1995 Beijing Conference and the 2006 Sexual Offences Act

Kenya ratified the Beijing Platform for Action in 1995, which specified initiatives aimed at promoting gender equality and empowerment of women. The main purpose was to ensure equal access, control

and resource distribution so as to give chances to women to reach their potential and improve their livelihood. Eleven years after the Beijing conference, Kenya enacted the Sexual Offences Act which aimed at the prevention and the protection of all persons from unlawful sexual acts with the aim of establishing structures and processes that will guarantee lasting and continuing social justice.

Long-term Economic Blueprint 2008-2030

It is worth noting that the UN Sustainable Development Goals were adopted when Kenya was already implementing its 2008-2030 long-term economic blueprint for accelerating transformation of the country into a rapidly industrializing middle income nation by the year 2030. As a member of the United Nations, Kenya participated in the SDGs processes at national, regional and global levels, including the adoption of the SDGs agenda. Since adoption of the UN Agenda 2030, the Government of Kenya, together with non-state actors and development partners, committed themselves to the implementation, monitoring and evaluation of the agenda. Kenya Vision 2030 comprises three key pillars; Economic, Social and Political. These pillars provide the framework for the integration of the three dimensions of Sustainable Development Goals. Kenya Vision 2030 also emphasizes equity in social and economic justice, and fairness in pursuing sustainability policies and development.

Promulgating a New Constitution in 2010

Kenya's legal foundation in the implementation of SDG 5 is contained in the 2010 constitution which states,

"... under the Bill of Rights, obligates the State to address the needs of the vulnerable persons in the society with emphasis on protection of the marginalized groups in the society, among them women and persons with disability (PWDs)" (Republic of Kenya, 2017).

The Bill of Rights in the constitution provides provisions against discrimination and further provides for the protection of individual rights, including women and children. The first target of SDG number five is to the end all forms of discrimination against all women and girls everywhere. The indicator is the

formulation of legal frameworks to promote, enforce and monitor equality and non-discrimination on the basis of sex. The 2010 Constitution was intended to transform the lives of Kenyans, and particularly the marginalized groups. Existing literature, however, indicates that women, girls and other vulnerable groups in Kenyan remain significantly disadvantaged today, ten years after the promulgation of the 2010 constitution (Kimani, 2020). The FGM Act and the Gender Policy were put in place to address some of these disadvantages.

FGM Act of 2011 and Gender Policy of 2014

Gender-based violence is usually defined to include any physical, sexual, or psychological tormenting through verbal abuse, harassment, and denial of various facilities, among others. Gender-based violence occur, not only in the family, but also within the general community. The violence includes sexual harassment at the workplace and trafficking of women for prostitution and other types of exploitation. Kenya has a robust legal and policy framework prohibiting some of these forms of gender-based violence (GBV). They include the; Constitution of Kenya, Prohibition of Female Genital Mutilation Act 2011 and National Policy for Prevention and Response to Gender-Based Violence enacted in 2014. It can thus be argued that these laws and policies created an enabling environment for the implementation of SDGs.

The next section assesses the strategies put in place after 2015 to support the implementation of the SDG 5 and the challenges encountered.

Strategies after 2015

In line with the UN SDGs, Kenya's strategies to attain SDG 5 are articulated in laws, policies, commissions, and administrative institutions and financing.

Laws against Gender-Based Violence (GBV)

As a protection against Gender-Based Violence (GBV), Kenya enacted the Penal Code Chapter 63 of the Laws of Kenya, Protection against Domestic Violence Act 2015. These laws aimed at guaranteeing a lasting and continuing justice to victims. Despite this, gender-based violence is still prevalent in Kenya. This

is corroborated by the findings of a study carried out in 2014 which revealed that about 45 percent of women aged 15 to 49 have experienced physical violence, and 14 percent have experienced sexual violence (National Crime Research Centre, 2014). Another study carried out by the Civil Society in 2019 indicated that there was a notable vacuum in available official data on violence and exploitation against women because of the culture of silence surrounding gender-based violence. Majority of the cases of abuse take place within the home setup (Civil Society Report, 2019). For instance, Khasakhala-Mwenesi et al. (2003), point out that the most common form of domestic violence for adults in Kenya is spousal violence. The situation of gender-based violence in the context of COVID-19 has worsened in Kenya as cases of domestic violence, sexual violence and female genital mutilation have risen tremendously. Proponents of FGM take advantage of the lengthy school closure period, reasoning that it provides sufficient recovery time for girls who undergo the cut before the schools resume. FGM is a harmful socio-cultural traditional practice that is still prevalent in some communities in Kenya. There is also a high level of tolerance of Gender-Based Violence (GBV) in some Kenyan communities, thus significantly impairing prevention of GBV and the attainment of SDG 5. Other areas which impact on gender and need to be addressed by law and policy is unpaid care and domestic work.

Unpaid Care and Domestic Work

One of the targets of SDG number five is the need to value unpaid care and promote shared domestic responsibilities. Unpaid care and domestic work underpin all societies and contribute to the well-being and social, economic and political growth of society (Oxfam International, 2020). However, unpaid care and domestic work largely remain unrecognized and absent in public policies, including Kenya's. There is need to recognise the value of unpaid care and domestic work through the provision of public services, infrastructure and social protection policies and the promotion of shared responsibility within the family.

Unpaid care and domestic work are indispensable in contributing to the well-being of individuals, families and societies. Women and girls spend more time in unpaid care and domestic work than their

male counterparts. This hinders the ability of women to enjoy their rights and freedom to decent work, health, education, rest and leisure. It further limits women's opportunities for economic empowerment and political participation. The government should therefore come up with care policies and investment to reduce the time and intensity of unpaid care and domestic work and to redistribute the responsibility between men and women. Such laws and policies can support other laws on women participation and equal opportunity.

Laws on Women Participation and Equal Opportunity in Leadership

The fifth SDG calls for the need to ensure women's full and effective participation and equal opportunities for leadership at all levels of decision-making in political, economic and public life. Women have the right and obligation to actively participate in leadership. Kamau (2010), points out that women leadership focus on the needs of the vulnerable and the disadvantaged, an area neglected by the male dominated leadership in Kenya. In line with the Constitution, the government is supposed to enact laws to ensure that not more than two-thirds of elective or appointive positions shall be of the same sex. Ten years after the promulgation of the Constitution of Kenya, and pressing charges on the same, the country is yet to implement the two-thirds gender rule. Representation of women in various leadership and political levels in Kenya is still below the constitutional provision of not more than two-thirds in elective and appointive position. In pursuit of this goal, Kenya has undertaken a number of initiatives to pass the two-thirds gender principle in parliament. The search for a solution has been tabled before parliament and appealed severally in courts of law, but a solution has not been found. It is still a major struggle for women to access leadership positions in Kenya because of socio-cultural setting that shapes their gender roles. The historical injustices that women have experienced also make it more difficult to compete equally with men (Kamau, 2010). Rwanda, Uganda, Tanzania, Ethiopia, Eritrea and South Africa have already set the quotas for women in their national and local legislative bodies.

The other legal and policy frameworks that speak to gender equality, women and girls empowerment include; Article 27 of the Constitution which

guarantees equality and freedom from discrimination, Vision 2030 which reinforces the same, and the National Human Rights Policy and Action Plan, and National Policy on Gender and Development. These laws and policies have significantly brought about gender equality.

A Kenyan gender analysis report released by USAID in 2020 indicates that the number of women in managerial positions in Kenya is lower compared to that of men (Hyun et al., 2020). The report further points out that government civil service employs 38 percent of the labour force, of which women represent less than a quarter (23 percent) of the civil servants at the national level, and almost half (47 percent) at the county level. At the national level, women are spread fairly across the hierarchy at 18 to 30 percent. At the county level, women are concentrated at the lower level as service or operation staff and, only 23 percent of women were in managerial positions in counties. According to Kenya's Third Medium Term Plan, women who occupied senior positions in Government in 2018 were as indicated in **Table 1**.

TABLE 1: Women in senior positions in Government in 2018

Position	Percentage of Women
Cabinet Secretaries	27.2
Principal Secretaries	8.5
Governors	6.4
Members of National Assembly	21.8
Members of Senate	31.3
Magistrates	50

Source: Republic of Kenya 2018

Overall, the representation of women is still below 30% in most senior government positions. The situation is however better in the private sector, where women in top management stands at 37% (Hyun et al., 2020). This confirms that Kenya is yet to achieve gender parity. Despite this, Kenya has many policies which can promote gender equality if properly implemented. In the area of health, Kenya has good policies that can promote the well-being of women as

discussed in the section that follows.

Sexual and Reproductive Health Policies

Universal access to sexual and reproductive health and reproductive rights is one of the goals of SDG number five. For example, the Free Maternity Policy that came into effect in 2013 offers free reproductive health services. The Kenya National Health Policy 2014-2030 also addresses the importance of gender mainstreaming in planning and implementation of all health programmes. However, health systems governance has been devolved to the county governments. Thus, gender-related matters get relegated to the periphery of health plans and policies. The capacity of county health systems needs to be enhanced to be able to implement gender-responsive community health strategies. Although the access to family planning in Kenya has improved, maternal mortality, HIV infections and teen pregnancies are still high. Access to sexual and reproductive health information is limited (Hyun et al., 2020). A lot of work is therefore needed for Kenya to attain goal 5 of the SDGs.

Access, Control and Ownership of Property

There is persistent existence of gender inequalities with regard to access and control of resources in Kenya. Economic and political opportunities, as well as levels of awareness on gender equality and women empowerment are low. This made the government to enact laws in an attempt to promote gender equality and protect women inheritance of their father's and/or spouse's properties, including land. These laws override customary laws and considerations. Among them is the Marriage Act of 2014, which calls for registration of all marriages and effectively grants women a legal basis to land ownership claims. The Matrimonial Property Act protects women's rights to property acquired during marriage. The Law of Succession (Amendment) Bill 2021 gives male and female children the same inheritance rights. Despite various progressive pieces of legislation enacted in the recent past, Kenyan society is still predominantly patriarchal, and women are constantly side-lined and discriminated against, particularly with regard to land ownership, inheritance and control. Unless daughters contest their father's will in court, they end up not inheriting their parents land. It is against this

background that Kenya created the National Gender and Equality Commission in 2011. We discuss the merits of this commission in the section that follows.

National Gender and Equality Commission 2011 (NGEC)

The Kenyan constitution created the National Gender and Equality Commission 2011 (NGEC) whose mandate is to promote gender equality and freedom from discrimination, and to monitor and advise on integration of the principles of equality and freedom from discrimination in all national and county laws and policies. The Commission also conducts audits of status of special interest groups, for example, minorities, marginalized groups, persons with disabilities, women, youth and children; among others. NGEC’s activities have been impaired by a lack of adequate resources; it can only carry out its constitutional mandate in an enabling environment (Kimani, 2020). Apart from NGEC, there are other institutions created to promote gender equality, for example, the state department of Gender Affairs, which is an administrative institution.

Administrative Institutions and Funding

The State Department for Gender Affairs, under the Ministry of Public Service and Gender Affairs, is another government agency responsible for enhancing gender equality and women empowerment. Its main functions include; integrating gender into policy formulation, planning and implementation, formulation and review of gender responsive policies across sectors and ensuring integration of gender in the national budget. The agency is in-charge of generation of sex disaggregated data and tracing gender equality indicators. It is also in-charge of government affirmative action programmes aimed at empowering women including; Women Enterprise Fund, UWEZO Fund and National Government Affirmative Action Fund. The agency has sections in-charge of gender-based violence, empowerment, women in peace building and conflict resolution, and women in leadership. It is worth noting that some of the decisions made by the Ministry of Public Service have not been fully implemented. This includes the directive requiring for the appointment of gender officers at higher levels in public service (Hyun et al., 2020).

Gender equality has not been a priority for policymakers, which has resulted in the provision of inadequate financial and human resources, and limited technical capacity, especially at county level. NGEC and the National Commission on Human Rights are underfunded. They do not have the capacity to monitor the government effectively, a problem also caused by a lack of disaggregated and adequate data on gender dynamics. Although it is mandatory to collect disaggregated data, Kenyan authorities do not routinely collect relevant data, and government databases are of poor quality.

Kenya has made some strides in safeguarding the rights of women and girls through laws and policies, but more remains to be done on the implementation front. Increasing rates of gender-based and sexual-based violence, emerging and existing trends in FGM, including cross border and medicalization of the practice, as well as child marriage, need to be addressed urgently and consistently for Kenya to realize its commitments under SDG number five.

From the foregoing, it is evident that there is need to continue championing for gender equality in Kenya so as to advance the rights of women and girls and address the injustices that persistently exist to this day. Some of the areas of SDG 5 which have not been addressed by the government include unpaid care work carried out by women. The next section discusses the challenges affecting implementation of SDG 5.

Challenges affecting implementation of SDG 5

In the findings, it is noted that some of the greatest factors that contribute to slow implementation of SDG 5 are cultural barriers. Laws and policies put in place to fight harmful practices, such as FGM and early marriages, are derailed by cultural practices that are ingrained in societies. The government, in collaboration with community based organizations, is however slowly gaining success in fighting these harmful practices. The government needs adequate finances to implement the laws and policies.

Kenya, like most developing nations, experiences inadequate financial and human resources to

implement SDGs. Minimal reach to Women's Enterprise Fund, UWEZO Fund and National Government Affirmative Action Fund, due to insufficient and unsustainable funding, have been reported. Lack of knowledge of the existence of this fund by most rural women also closes them out from accessing the funds.

Lack of commitment by the national and county governments to implement the laws that promote the attainment of SDG number 5 is another challenge. Further, there is no legislation that criminalises marital rape in Kenya as required by SDG 5.

There are no policies or laws that highlight the value of unpaid care and domestic work. Data on the lives of women and girls that engage in unpaid care giving and domestic work is lacking because they are not valued by society. Unpaid work in home production, time spent in fetching firewood and carrying water, house work, childcare and eldercare, are activities carried out by women and girls, but undervalued by the society and unrecognized on official statistics. Grouping of women, people with disabilities, young people, the elderly and children together under the rubric of 'special interest groups' is another problem because the government ends up failing to consider the different dynamics and needs of each group.

Gender equality is development objective in its own right. It is integral to economic and business growth, and good development. Gender equality can boost productivity, enhance prospects for the next generation, build resilience, and make institutions more representative and effective.

CONCLUSION

Kenya has put in place several strategies aimed at implementing SDGs in order to make the lives of Kenyans better. These include progressive legislation and institutions backed by the Constitution, and laws passed in the national and county governments, targeted at establishing socio-economic equity and justice. However, the impact of these initiatives in realising SDG number five in Kenya has been minimal. For instance, between 2006 and 2020, Kenya dropped 36 places in the World Economic Forums Global

Gender Gap Index to rank number 109th out of 153 (Kimani, 2020). Gender equality is a cross-cutting development issue and the transformative potential of the SDGs depends on women's equal participation, their empowerment, equal access to resources and freedom from gender-based violence.

RECOMMENDATIONS

Since Kenya has adequate laws that guide implementation of SDGs, and specifically on SDG 5, measures that support increased participation of women and girls in development activities should be put in place. Specifically, the government should empower women and girls through training and support that is aimed at access to resources and ownership of property. The government should also ensure that more efforts are put in place to protect women and girls from gender-based violence. Lastly, policies should be put in place to cater for unpaid care and domestic work.

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