

**GENDER EQUALITY AND EDUCATION IN KENYA: A CASE STUDY OF
WOMEN IN TECHNICAL AND VOCATIONAL EDUCATION AND TRAINING IN
NAIROBI AND KIAMBU COUNTIES**



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DECLARATION

I, **AKAMA SANDRA KEMUNTO**, declare that this is my original work and that the same has not been presented to any institution of higher learning for the award of a diploma, degree or post-graduate qualification.

Signature..... Date.....

AKAMA SANDRA KEMUNTO

This project has been presented for examination with my authority as the university supervisor.

DR. NKATHA KABIRA

Signature..... Date.....

DEDICATION

I dedicate this paper to all persons striving to change the narrative of access to education for women in Kenya.

ACKNOWLEDGEMENTS

I wish to express my deepest gratitude to The Almighty God for the strength, wisdom and courage to go through this journey of learning and discovery. To Dr. Nkatha Kabira for the patient supervision and continuous guidance which enabled me to gain better perspective on my project paper. To Elizabeth Wambiri and Jackeline Kiramana for the teamwork throughout the year and the constant reminder that it can be done. Indeed, we have done it. To my siblings, Kwamboka, Andrew and Melissa, your discipline and diligence has always been my motivation to finish this paper. Finally, to my parents Mathew Akama and Vane Akama, thank you for your constant support, guidance and mentorship throughout my studies. I could not ask for better role models.

LIST OF STATUTES

The Constitution of Kenya, 2010

Technical Vocational and Education Training Act No. 29 of 2013

Education Act Chapter 211 Laws of Kenya

Universities Act Chapter 210B

Industrial Training Act Chapter 237

INTERNATIONAL TREATIES

African Charter on Human and People's Rights, 1982 Treaty No. 26363

African Youth Charter, 2006

Beijing Declaration and Platform for Action, 1995

Convention on Technical and Vocational Education 1989

Convention on the Elimination of All Forms of Discrimination Against Women, 1979

East Africa Community Treaty, EAC XIV 1999

International Covenant on Civil and Political Rights, 1966 Treaty No. 14668

International Convention on Economic, Social and Cultural Rights Treaty No. 14531

United Nations Educational, Scientific and Cultural Organisation Convention against
Discrimination in Education, 1960

TABLE OF TVET INSTITUTIONS

Nairobi Technical Training Institute

Karen Technical Training Institute for the Deaf

Institute of Meteorological Training and Research

Kenya Technical Trainers College

Kabete National Polytechnic

Thika Technical Institute

Kenya Institute of Surveying and Mapping

National Youth Service Engineering Institute

Kenya Water Institute

Institute of Energy Studies and Research

ABBREVIATIONS

CEDAW	Convention on the Elimination of all Forms of Discrimination Against Women
CHED	Commission on Higher Education
CSO	Civil Society Organisations
EAC	East Africa Community
GAD	Gender and Development
ILO	International Labour Organisation
MEB	Malaysia Education Blueprint
MoE	Ministry of Education
NGO	Non-Governmental Organisation
NPSTI	National Policy on Science Technology and Innovation
SDGs	Sustainable Development Goals
STEM	Science, Technology, Engineering and Mathematics
STVE	Science, Technology and Vocational Education
TESDA	Technical Education and Skills Development Authority
TVET	Technical, Vocational, Education and Training
TVETA	Technical, Vocational, Education and Training Authority
UNESCO	United Nations Education Scientific and Cultural Organisation
WID	Women in Development

ABSTRACT

This study examines the effectiveness of legislation and policies towards enhancing gender equality in access to education in Kenya. It uses the example of women in Technical and Vocational Education and Training (TVET) institutions in order to demonstrate that by failing to provide implementation mechanisms in the law, education institutions fail to adhere to Gender Equality and Affirmative Action principles. The study, therefore, focuses on data drawn from ten TVET Institutions to prove the above. The study employs a mixed methodology approach and relies on fieldwork conducted in ten public TVET institutions in Nairobi and Kiambu counties. Questionnaires and interviews were used to collect both qualitative and quantitative data that were analysed. The study relies on the Liberal, Socialist and Marxist feminist theories which explore the freedom of women in the access to education as a tool of empowerment and a means of enhancing independence and better standards of living. The study found that gender equality is still an issue not adequately addressed in the institutions of education due to a lack of oversight and implementation mechanisms to ensure accountability. It therefore concludes that despite established laws and policies, the inadequacy of implementation mechanisms in TVET institutions in general has led to a gap in the attainment of gender equality. The relevant stakeholders should therefore take drastic measures to ensure that institutional policies are in line with the national and international goal of attaining gender equality in education.

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CHAPTER ONE

INTRODUCTION

1.0 Introduction

With the promulgation of a new Constitution in 2010, Kenyans gained a renewed urge to work towards attaining gender equality in economic, social and cultural spheres.¹ The right to access to education at all levels was not left behind. The Constitution requires protection of human rights to enhance justice and protect the human dignity of its citizens.² The right to education has further been termed as a multifaceted right in that it impacts the ability of individuals to understand, access and participate in realising other rights.³ The right to education is intrinsically valuable towards the empowerment of all human beings.⁴ It has therefore been the goal of the Ministry of Education to enhance equality by introducing affirmative action mechanisms in the enrolment of students in learning institutions.⁵

Despite having an established legislative background towards achieving the right to education, the same has not provided adequate and effective direction on the attainment of gender equality in Technical and Vocational Training (TVET) Institutions in Kenya. There is a failure in the formulation and implementation of legislation and policies in the achievement of improved enrolment and participation of women in the access to TVET institutions in Kenya.

1.1 Problem statement

The crisis in TVET is evidenced by the persisting inequality in access, especially between men and women. Although the right to education is one that is guaranteed by the constitution and adequately provided for in legislation, nevertheless gender biases continue to dominate and

¹ Constitution of Kenya, 2010

² *ibid*, Article 19(2)

³ Peirre Claude, '*The Right to Education and Human Rights Education*' (2005) P. 36-63

⁴ Constitution of Kenya, Article 43 (1) (f)

⁵ GoK, Gender policy in education, Ministry of Education: Government Printer. (2015) p.8

thrive due to the inadequacy of inclusive policies and implementation mechanisms focused on gender mainstreaming and the attainment of gender equality in TVET.

1.2 Justification of the study

The evidence is overwhelming that education improves the quality of life. It enables employment, political participation, better healthcare, productivity in all market sectors and finally, it gives people the ability to improve their standard of living.⁶ The ministry of education has not done any focused study on the implementation of legislation and policies on gender mainstreaming and equality in TVET institutions. This paper will show the gap that exists in terms of the generation of policies and their implementation.

This study is justified on the basis that the transition of female students to tertiary TVET institutions has been a challenge. Although there are legal policies concerning education, gender disparity continues to prevail in the enrolment, retention as well as the performance of girls.⁷ Policy implementation must be advanced in order to ensure that gender equality is achieved and the enrolment of female students in technical training institutions increases. The direct connection between the gender disparity and the high poverty rate of women as compared to men cannot be ignored. The lack of equality leads to subsequent effects of poverty and slow development of the state due to the exclusion of women.⁸

1.3 Research Objectives

1. To provide a historical understanding of the evolution of education since the pre-colonial period to date and the place of TVET in these developments.

⁶ Department for International Development, *'Girls Education; Towards a Better Future for All'*, (DFID, January 2005)

⁷ Omukhulu. D. M, *'Gender mainstreaming in TVET institutions in Kenya.'* African Journal of Technical and Vocational Education and Training. (2016) 7

⁸ *ibid*, 21

2. To analyse the existing gaps in the legislative and policy frameworks that contribute to lack of their implementation towards enhancing gender equality in TVET.
3. To use selected TVET institutions in Kenya as case studies to analyse the extent of implementation of laws and policies to enhance gender equality.
4. To draw lessons from other jurisdictions on their best practices in the structure and regulation of TVET.
5. To make recommendations towards realising gender equality in TVET.

1.4 Research Questions

1. What are the historical developments of technical and vocational education and training in relation to gender equality in Kenya?
2. Why is the current legal framework failing to address the issue of gender equality in TVET comprehensively?
3. Have the legislative and policy instruments on education adequately addressed the issue of gender equality in TVET institutions?
4. What lessons can be learnt from other jurisdictions on the best practices to enhance gender equality in TVET?
5. What recommendations can be made to address this issue?

1.5 Research Methodology

This study adopted a mixed methodology approach having historical, doctrinal and empirical research methodologies. The historical research method is useful in giving perspective on the evolution of the systems of education in Kenya and brings out necessary issues that need to be explored in order to understand how the current position on equality and access to TVET came to be. Doctrinal Research is defined as research that is based on certain legal arguments through the analysis of statutory provisions.⁹ This method was useful in the analysis of the statutory

⁹ Amrit Kharel, '*Doctrinal Legal Research*' (Allahabad Law Agency, India, 2006) 16

and policy frameworks on TVET education and their provision on gender equality. The empirical design was also useful in collecting firsthand data from selected TVET institutions on the factors that lead to gender inequality.

Ten TVET institutions were selected for the study in order to provide data on the extent of implementation, and to elucidate the existing problems that have contributed to gender inequality in the institutions. The study focuses on public TVET institutions in Nairobi and Kiambu counties with an aim of collecting comprehensive data on the inclusiveness of institutional practices towards enhancing gender equality, and whether these practices are in line with existing policies. This was undertaken by administering questionnaires and conducting interviews. This method was selected due to the lack of adequate secondary data through published government and institutional reports providing an analysis of the extent of monitoring and implementation of laws and policies on gender equality in TVET institutions.

Analysis of secondary data was also done through relevant academic books, journals, and articles addressing the issues of gender equality in education to gain a better understanding of the historical background and the existing legal and institutional frameworks. The study further analyses the practices of Germany, Malaysia and The Philippines to outline key lessons on the management of gender equality in TVET institutions within their jurisdictions. These jurisdictions were chosen due to their recorded success in attaining gender parity in the TVET sector of education through effective and efficient implementation of regulations. These jurisdictions have shown the results of proactive participation of both state and non-state actors in the implementation of laws and policies in ensuring gender mainstreaming.

1.6 Hypothesis

This research proceeds on the presumption that whereas legislation on gender equality in education in Kenya exists, it has failed to consider the gender gap in TVET and this has hampered equitable access to technical and vocational training for women.

1.7 Theoretical Framework

Different strands of feminist jurisprudence and feminist theories can be used to explain the historical and contemporary role and status of women in the access and participation in the education sector. Various scholars have contributed to the different schools, albeit with distinctive limitations and shortcomings arising from the analysis and development of the schools of thought. Below is an analysis of the same with respect to inclusion and gender mainstreaming in access to education.

In Kenya, women experience discrimination in education. Human rights activists have therefore embarked on creating awareness of women's rights to bring forth equality. This study is based on three schools of thought, namely Liberal Feminist Theory, Socialist Feminist Theory, and Marxist Feminist Theory which offer a critical exploration of women's subordination and subjugation based on their sex.

1.7.1 Liberal Feminist Theory

The liberal feminist theory is critical to this research in that it views legal constraints as a significant cause to women's subordination and critiques notions that are damaging and discriminatory to women. Theorists also argue that women should be granted the same freedom of choice given to men in exercising the right to make personal decisions in all aspects of life.¹⁰ Early liberal feminists include Mary Wollstonecraft, and Harriet Taylor.¹¹ Initially, they fought

¹⁰Patricia A. Cain, '*Feminism and the Limits of Equality*', Georgia Law Review Vol 24 (1990) 803.

¹¹Wayne. M, '*Jurisprudence from the Greeks to postmodernism.*' Cavendish Publishing Limited (1997)116.

for increased representation in politics and later on pushed for recognition of women in education. They believed that the traditional roles in society imposed by men limited the expertise and experiences of women thereby hindering them from participating in public life.

For the liberal women movement, education for girls and young women was seen as the most critical path to women's emancipation.¹² They believed that patriarchal men-women relations can be changed through education and discrimination in politics and employment can be abolished by giving girls more access to higher education and training. Liberal feminists hold the view that existing educational systems are structured in a manner that limits their participation in certain areas of study.¹³ Today girls and women studies that have by now been accepted in many schools, universities, and colleges, draw much of their legitimacy from this liberal feminist theory. The claim for equal access to education continues.

1.7.2 Socialist Feminist Theory

This paper also relies on the Socialist Feminist Theory which argues that the significant contributors to women's oppression and subordination to men is the existence of patriarchy and capitalism. They consider capitalism and sexism as inseparable.¹⁴ Since access to education has a direct link to economic growth and development, denying women access to education in order to enable them to attain the skills required to control resources has led to their oppression. Capitalism empowers men to assume control of the means or modes of production, thereby making women and girls to depend on men primarily.

Conclusively the above-stated theory explains how women were considered powerless and subordinate to men. Feminists therefore seek to eliminate women's oppression and

¹²Skoczylas. M, '*Challenging Narratives: The Women's Liberation Movement in Pittsburgh in the 1970s*' , University of Pittsburgh, (2011)32

¹³Maria Miers, '*Patriarchy and Accumulation on a World Scale: Women in the International Division of Labour*' ,London Zed Books Ltd (1986) p.20

¹⁴Patricia Kameri Mbote, '*Gender Considerations in Constitution Making: Engendering Women's Rights in the Legal Process*' , (University of Nairobi Law Journal, 2003) 158

subordination. They challenge the existing injustices and existing discriminatory systems that hinder a woman's progress and access to education.

1.7.3 Marxist Feminist Theory

Marxist feminism attributes the oppression of women as a function of economic forces that subjugate women as an economic underclass.¹⁵ Lisa Vogel argues that Marxist feminism has a dualist approach; female economic production as a means of existence and on the other side, sexual reproduction that is unremunerated.¹⁶ Lisa Vogel's analysis asserts the socio-cultural basis of occupational segregation of women within the labour force and attributes economic oppression to distinct biological differences between men and women. This similar attitude is adopted, especially in the enrolment of female students in TVET institutions that are dominated by men and socially categorised to be for the male gender. This research paper therefore shall endeavour to analyse and contribute to the theoretical gaps created by the above feminist jurisprudence and analyse female empowerment from a legislative viewpoint and how this affects the overall participation of women in TVET institutions in Kenya.

1.8 Literature Review

The concept and structure of this research paper was significantly informed and influenced by different scholarly contributions concerning access to education, gender mainstreaming, and female inclusion in TVET Institutions. These areas were discussed in articles and publications by various authors. This section therefore analyses various works in three thematic areas; gender mainstreaming in education, implementation of affirmative action in education and finally the place of gender equality in TVET institutions in Kenya.

¹⁵Johanna Brenner, *'Debating Marxist-Feminism Women and the Politics of Class'*, *Political Weekly*; Vol. 42; No. 35; (20087) 3545-3546

¹⁶ Vogel Lisa, *'Marxism and the Oppression of Women: Toward a Unitary Theory'*, Leiden, (Brill Publishers, 2013)

1.8.1 Gender in Education

Recent trends and research on gender in education show that there is a considerable disparity between the male and female gender in access to education. A report by Walker and Baron in 1983 indicated that the education system was patriarchal in nature. The report stated that for the individual, cultural norms of appropriate gender behaviour were dictated by the patriarchal nature of society, and these roles and ideals were therefore carried on to schools.¹⁷

This social structure was therefore assumed to regulate and dictate the accepted practices in the economic and political spheres where women could participate. The way in which resources were distributed, rights and obligations were determined by law and the way the state intervened in personal life and welfare, all show the preservation of gender distinction, the reinforcement of gender discrimination and the sustaining of the marginal position of women.¹⁸

Walker further states that, girls and boys have been cultured in a patriarchal nature at the individual level, but social structure perpetuates this idea even more at the collective level.¹⁹

The issue raised above is therefore that it is patriarchy, the preserve of a male structure in society through social components of life such as family and marriage is responsible for girls showing little confidence in their ability to succeed in certain areas in education.²⁰ Therefore, if such societal arrangements and cultural ideologies were absent, then women would perform just as well as men. This kind of practice has also been argued to influence the choice of specialisation and selection of subjects from early stages of studies with girls subject choices clustering around the arts subjects, and boys consistently choosing the scientific, mathematical and technical areas of study.

¹⁷Walker. S, Barton. L, '*Race, Class and Education*', (London, Flamer; 1983).

¹⁸Otiende. E.J, Njoroge, K. G, '*Education, Gender and Democracy in Kenya*', Friends of the Book Foundation, (Nairobi ,2001)27-46

¹⁹Walker. S, Barton. L, '*Race, Class and Education*', (London, Flamer; 1983).

²⁰ Ibid

Mary Wollstonecraft, emphasises that the reason for unequal access and enjoyment of the right to education by women is due to the societal constructs of the role of women in society. She further argues that women's growth should not be subject to the approval of men and that social practices that forced women to be treated as subordinate to men should be done away with.²¹ Wollstonecraft asserts that women's feelings of inferiority have increased because of their treatment. She claims women must be empowered to determine their place in society with no influence from social constructs of a patriarchal nature.²²

According to Dr, Kabiru Kinyanjui, the access of females to educations is generally a reflection of economic development. In areas where women are empowered with education, they contribute in economic growth within various industries by applying the skills they acquired through education.²³

He further states that an analysis of gender equality in education must begin with an analysis of the concrete reality in which the provision of education is carried out with the assumption that policies reflect the reality of the situation. A research into the economic, political, and social realities and how this reality relates to the provision of education between sexes must be undertaken, since the educational system is to a large extent a product of those factors. Changes in these sectors influence the dynamics of access to education. He therefore emphasises that further research must be conducted in order to shed light on the impact of economic, political, social, and cultural practices towards enhancing equity in access to education.²⁴

²¹ Wollstonecraft, M, ' *Thoughts on the Education of Daughters with Reflections on Female Conduct in the More important Duties in Life.*' London 1787, (Cambridge University Press, 2014)

²² Ibid

²³ Kinyanjui Kabiru, ' *Education and inequality in Kenya: Some Research Experience and Issues.*' Working paper no. 373, Nairobi, (Institute for Development Studies, University of Nairobi 1981)

²⁴ Kinyanjui, Kabiru, ' *Education and inequality in Kenya: Some Research Experience and Issues.*' Working paper no. 373, Nairobi, (Institute for Development Studies, University of Nairobi 1981)

1.8.2 Gender Mainstreaming in Education

Gender mainstreaming includes the creation of mechanisms that will enable the inclusion of gender perspectives in all activities. This requires the development of techniques that enable a dynamic view that puts gender equality at the center of all discussions.²⁵ Gender mainstreaming is defined as the means of monitoring the impact of any social, political, economic or cultural action upon both sexes.²⁶ It works as a means of ensuring equal benefiting from various programmes with an aim of attaining gender equality.

Professor Eddah Gachukia states that education is a critical tool in the liberation of women from negative socio-cultural influences and influences that inhibit women's participation in development. She further points out that it is not enough to increase the number of women receiving an education. The relevance and dynamism of the entire curriculum must also be interrogated. This ensures that women are always equipped with the necessary skills to participate in an evolving society.²⁷

Misola argues that the gender gap in TVET institutions is far more significant than what is experienced in other sectors of education. Girls are grossly disadvantaged in terms of access and participation. She noted that, as much as TVET education generally faces a common problem of inequality at the institutional level, some parts of the world had training institutions with an increased participation of women through the deliberate efforts of both governmental and non-governmental actors to enhance equality by introducing practices that encouraged women to participate in TVET.²⁸ An education policy was formulated by The Ministry of

²⁵Rao Aruna, Kelleher D. *“Unraveling Institutionalised Gender Inequality”* Occasional Paper series No.8 Toronto: AWID (2002)

²⁶United Nations Economic and Social Council (ECOSOC), *‘Gender Mainstreaming Implementation Framework,’* Resolutions and Decisions Adopted by ECOSOC at its substantive session of April 2003

²⁷Gachukia. E, *‘Women in Education; Changing the Mainstream: Celebrating Women’s Resilience.’* (2018)152

²⁸Misola K. N, *‘Improving the participation of women students in TVET programmes formerly dominated by males; the experience of selected colleges and technical schools in the Philippines.’* Handbook on monitoring and evaluation of educational projects and programmes (UNESCO-UNEVOC International Centre, 2009) 27

Education Science and Technology in Kenya to provide for the goals and strategies that should be implemented in order to achieve gender equality.²⁹

According to Derbyshire, the main hindrance to attaining gender equality was the lack of implementation and monitoring of the progress of legislative frameworks towards this end. Some of the problems he has identified that contribute to this situation include the existence of negative social and cultural attitudes together with lack of capacity to ensure implementation.³⁰ It was noted that as much as case studies are done regarding TVET institutions, there has not been any monitoring report done in Kenya regarding implementation of these policies.³¹

A crucial argument made for female education is the fact that it influences the extent of equal participation in public life.³² Access to relevant training in education enables the improvement of people's social, political and economic lives, increased literacy levels and better earning thereby reducing the rate of poverty in the country. Women face more challenges than men in trying to access education and this has led to inequality in accessing opportunities.³³ Gross inequalities between women and men still prevail, and poverty rates for women are higher than for men as a result of the existing discrimination in the access of opportunities for educational advancement. This has in turn affected women's ability to get gainful employment.³⁴

1.8.3 Affirmative Action and Education

Affirmative action acts as a means of promoting equality in access to opportunities. Various institutions adopt it to create opportunities for minority groups to be included in political,

²⁹GoK (2007). Gender policy in education, Ministry of Education: Government Printer.

³⁰Derbyshire. H. '*Gender Manual: A Practical Guide for Development Policy Makers and Practitioners*', London, European Institute for Gender Equality (2002) 108

³¹Omukhulu. D. M, '*Gender mainstreaming in TVET institutions in Kenya.*' African Journal of Technical and Vocational Education and Training. (2016) 21

³²Walby Sylvia. '*The European Union and Gender Equality; Emergent varieties of Gender Regime.*' Social Politics: International Studies in Gender, State & Society, (Volume 11, Issue 1, Spring 2004),4–29

³³Onyango Akeyo, '*Determinants of Gender Mainstreaming in Technical, Industrial, Vocational and Educational Training (TIVET) Institutions in Nyanza Province - Kenya*, (MA Research Project, University of Nairobi, 2001)

³⁴Ibid, 18

social, economic, and cultural activities. Affirmative action is used to provide structures that will assist in eliminating inequality in the past by positively discriminating certain groups in society in order to enhance their ability to catch up with a society that has constantly left them behind. This definition is in line with Dessler, who asserts that affirmative action involves the elimination of present effects of past discrimination.³⁵ Affirmative action also works towards eliminating the under-representation of minority groups in society. Affirmative action works with the goal of achieving equality for all groups of people and creates an environment that enables all people to enjoy self-development.³⁶

According to Stephanie M. Wildman, Affirmative action seeks to reduce the existing biases and privilege in enrolment in any institution of learning. It forces educational institutions to review their enrolment policies in order to enhance a non-discriminatory practice in access to education. The structures and practices of our society produce a general preference of male over female students.³⁷

The constitution provides for the inclusion of women in decision making roles, with various articles providing for gender equality. The Bill of rights in chapter four provides for the right to equality and freedom from discrimination.³⁸ This therefore provides the basis of gender equality by providing the right that women are entitled to equal treatment. Article 27(6) provides for the state's obligation to take various steps, including affirmative action to eliminate discrimination.³⁹ In most cases, the existence of discrimination is hard to identify, especially in specialisation fields within higher education institutions of learning due to the norms under which we live.

³⁵Dessler, Gary, *'Human Resource Management.'*(Upper Saddle River, N.J: Prentice Hall, 2003) 63

³⁶ Ibid

³⁷ Stephanie M Wildman, *'Affirmative Action: Necessary for Equality for All Women'*(Berkeley La Raza LJ 2001) 429

³⁸The Constitution of Kenya, 2010, Article 27

³⁹ Ibid

The Education and Gender Sector Policy seeks to advocate for operationalisation of TVET funds to provide bursaries, loans, and scholarships for disadvantaged groups, to promote female admission through affirmative action programmes in admissions to TVET institutions, To increase female participation, and to institute mechanisms for adherence to the National Framework to provide alternative pathways for TVET graduates to access higher education.⁴⁰ The policy also provides gender empowerment as one of its strategies and intends to enhance career guidance and placement services for all trainees in TVET institutions to support them in career planning.⁴¹ The new TVETA Strategic plan of 2018-2022 gives hope for solving the problem of poor implementation, by providing for a monitoring and evaluation framework to enable assessment of progress towards achieving the objectives of the strategic plan.⁴²

Little has been written about gender equality in TVET institutions and based on the literature that has been reviewed above, it is evident that a gap exists in discussions on the existence of implementation mechanisms through which gender equality in TVET can be attained. While we see the above authors discuss the existing issues in access to formal education, none of them address the problem of inequality in TVET specifically. The study therefore seeks to address this gap by researching and identifying the causes of inequality in TVET and suggest means of enhancing gender equality through the implementation of gender laws and policies in TVET education in Kenya.

1.9 Chapter Breakdown

Chapter one provides for the background, statement of the problem, justification of the study, research objectives, research questions, research methodology, hypothesis, theoretical framework, and literature review. Chapter two shall give a historical and contextual analysis

⁴⁰ Republic of Kenya, Ministry of Science and Technology, Education and Training Sector Gender Policy-2015,20

⁴¹ Ibid

⁴² Republic of Kenya, Technical and Vocational Education and Training Authority Strategic Plan 2018-2022, 76

of the evolution of the education sector and the place of gender equality in TVET in Kenya. Chapter three shall provide a critical and legal analysis of the Technical and Vocational Education and Training Act, the Education and Gender Training Gender Policy, and the Education Act. This chapter will seek to establish an understanding of the existing legal framework and its effectiveness. Chapter four shall provide findings based on data collected from TVET Institutions in Nairobi, and Kiambu Counties. Chapter five will analyse best practices in other jurisdictions to draw lessons on effective implementation mechanism. Finally, chapter six shall provide a conclusion and recommendations based on the research question.

CHAPTER TWO

HISTORICAL BACKGROUND

2.0 Introduction

This chapter seeks to analyse the historical background and contextualise the political, social, cultural, and economic dynamics of the education sector during various stages in Kenya's societal development. The pre-colonial period will shed light on the structures that existed before colonial rule, the attitudes towards education in Kenyan culture, and specifically the variance in access to education for the female gender in comparison to that of the male gender. This will be contrasted with developments after independence and the progress that has been made by the state in improving the quality of education and enhancing equality in access to education to date.

2.1 Pre-Colonial Period

In the pre-colonial period, education in Africa was generally viewed as a necessity in understanding and participating in the social, political, economic, and cultural activities of any particular community.⁴³ Indigenous education was acquired through transmission from generation to generation, by passing down wisdom and critical skills necessary for survival with the primary aim being to prepare and integrate the young into various social roles.⁴⁴ These skills varied in different tribal groups and were mainly acquired through observation and practical teachings of various skills. Education in traditional Africa was intended to ensure that every person was useful and played a role in the society.⁴⁵ The family unit played an integral role in ensuring the passing down of skills for survival and acceptance in the social structure

⁴³Aïcha Bah-Diallo, *'Basic Education in Africa.'* (JICA Research Institute, March 1997)

⁴⁴Seroto. J, *'Indigenous Education during the Pre-Colonial Period in Southern Africa,'* University of South Africa, (2016) 78

⁴⁵Abosi. C, Kandjii-Muranghi, Vanqa, T. P. *'Education in Botswana'* Gaborone, (Macmillan Botswana Publishing (Pty) Ltd. 1995) 1-41

by teaching customs, traditions, and the roles individuals were expected to play in society.⁴⁶ These forms of indigenous education not only instilled cultural knowledge and necessary communal skills but also had a technical and vocational aspect to the training.⁴⁷ An example is in the Maasai community where construction of the homes was done by the women who developed skills in building to provide shelter for their families. The men, on the other hand, were taught at an early age the art of making iron tools such as arrows and bows which were used by the warriors to hunt and to protect their community.⁴⁸

2.2 Colonial Period

The shift from pre-colonial to the colonial era saw an erosion of indigenous education with the introduction of Christianity and the westernisation of administrative systems.⁴⁹ In colonial Kenya, education was initially used as a means of imparting basic literacy skills of reading and writing to enable the teaching of Christianity and religious practices by the missionary settlers. Education was limited to the elementary level and was purely christian oriented missionary education.⁵⁰

The British Government later felt that a purely christian-oriented education system was inadequate since it did not impart the Africans with basic skills that could benefit the government whose administrative needs were increasing. The government, therefore, increased their involvement in improving the system of education. In 1924, a commission of inquiry was established to look into the education needs of the protectorate. The East Africa Commission

⁴⁶Dama Mosweunyane, *The African Educational Evolution: From Traditional Training to Formal Education.* Higher Education Studies; Vol. 3, No. 4 (Canadian Center of Science and Education, 2013)

⁴⁷ Watson. K, *Technical and Vocational Education in Developing Countries: Western Paradigms and Comparative Methodology.* (Comparative Education Vol 30, No.2, 1994)85-97

⁴⁸Kerubo Isanda, *African Indigenous Education as Practiced by the Maasai of Kenya.* (Master Research Project, University of Nairobi, 2016) 38-50

⁴⁹Mwiria Kilemi, *Education for subordination: African Education in Colonial Kenya.* (History of Education Journal, Vol 20 issue 3, 1991) 63-71

⁵⁰ Beck A, *Colonial Policy and Education in British East Africa, 1900 – 1950.* (Journal of British Studies, Vol. 5, No. 2, May1966)115-138

of 1924 studied the methods employed in financing education and suggested a new approach toward education by increasing funding on a larger scale.

An independent American commission named the Phelps-Stokes Commission further undertook a study in 1925 and reiterated the findings of the 1924 British commission, stating that funds set aside for education were much less compared to needs of the government.⁵¹

Although missionaries initially faced a lot of protest by the Africans in the process of establishing missionary schools, this changed with the new socio-economic systems introduced by the white man which required an adaptation to their systems in order to survive.

To enable a better structured system of education, the colonial government invited Professor J. Nelson Fraser as an advisor on matters relating to African Education. He generated what is now known as the Fraser report, which focused on developing a scheme for industrial training.⁵²

The report guided the colonial government in generating an education directorate which formulated a system of learning for the Africans, which included both general learning and industrial learning. Further, the 1925 report of the British Advisory Committee on Education proposed a system of education that improved the conditions of life of the African people. The report suggested the introduction of technical and vocational training for girls and women. The education of girls and women was however undermined on the basis that this training was given to them mainly for the reason that educated men would need educated women to marry, and did not recognise women as equal contributors to the development of the nation in their own right.⁵³

⁵¹Thomas Jones, *Education in East Africa; a study of East, Central and South Africa by the Second African Education Commission under the auspices of the Phelps-Stokes fund, in cooperation with the International Education Board.* (London, Edinburgh house press, 1925) 235

⁵² George E. Urch, *Education and Colonialism in Kenya.* *History of Education Quarterly*, Vol. 11, No. 3, pp. (Cambridge University Press, 1971)249-264

⁵³Banya K, Elu J. *The Crisis of Higher Education in Sub-Saharan Africa: The Continuing Search for Relevance.* (*Journal of Higher Education Policy and Management*, vol. 19, no. 2, 1997) 151-166.

At this time, political groups such as the East African Association headed by Harry Thuku, which were on the rise began demanding, among other things, better education for their people. This showed that African leaders appreciated education and acknowledged its importance as a key contributor to the nation's advancement.⁵⁴ Upon the attainment of independence by a majority of the colonised countries, the systems of education introduced by the colonisers was absorbed.

2.3 Post-Colonial Period

Since 1963, Kenya has undergone many changes in its education policies and regulations with the initial aim being to move away from the colonial education structure and adopt a system that would enhance the state's independence and be more suitable to the country's needs.⁵⁵

Soon after independence, the Government appointed the first education commission known as the Ominde Commission in 1964 to review existing resources and advise on the formulation of national education policies.⁵⁶ Its principal recommendation was that the education curriculum needed to be amended to become more relevant to the needs of a country that had just acquired independence. This included aligning the education system with the employment needs of the country. To this end, the report stressed the need for technical education to enhance economic development in the country.

This was however hard to achieve due to the negative attitudes instilled by the colonial system on the technical jobs and the desire to adopt knowledge that was focused towards more administrative roles with the misconception that the white man's formal education would liberate them and enable them to take advantage of opportunities.⁵⁷ The commission saw the

⁵⁴ George E. Urch, 'Education and Colonialism in Kenya.' *History of Education Quarterly*, Vol. 11, No. 3, pp. (Cambridge University Press, 1971)249-264

⁵⁵Simiyu John, 'Vocational and Technical Education and Training in Kenya: Case Studies of Two Exemplary Youth Polytechnics.' (M.A McGill, Canada June 1990) 10-27

⁵⁶ibid 27.

⁵⁷Kisilu Kitainge, 'Reforming Education and Training? Lessons from Development of Vocational Education and Training in Kenya.' (*Australian Journal of Adult Learning* Volume 44, No. 1, April 2004) 49-50

establishment of technical schools, however, the same was not practical due to a lack of workforce in terms of trained personnel, an incomprehensive curriculum and lack of funding to ensure success in training students. Soon thereafter, the Gachathi Commission of 1976 was established and came up with a report seeking to address the pandemic of unemployment that was facing the nation due to a sole focus on formal education, and strongly suggested vocational and technical education needed to be embraced in order to equip the youth with a variety of skills that would enhance innovation and a move towards self-employment.⁵⁸

The report in its effort to address the challenge of education failed to consider the progressive nature of society and strictly provided that education for women was only to the extent that it directly contributed to their role as Domestic caregivers and recommended that training for women be provided with particular emphasis on their 'economic roles' in agriculture and general family and community welfare.⁵⁹

The Mackay Commission was thereafter established in 1981 by President Daniel arap Moi.⁶⁰

A committee was appointed to prepare a report detailing recommendations for the establishment of a second university incorporating a technology based system of learning.⁶¹

The recommendations by this commission also saw the introduction of the 8.4.4 system. The new system introduced integration of TVET courses as examinable subjects at the primary and secondary levels and former technical secondary schools were converted to technical training institutes.⁶²

This reform came at the time when Kenya became a multi-party state leading to the implementation of an unexamined system of education due to a lack of participation by the

⁵⁸*Report of the National Committee on Educational Objectives and Policies (1975-1976)* 34-36 <<http://kenyalaw.org/kl/fileadmin/CommissionReports/Report-of-the-National-Committee-on-Educational-Objectives-1975-to-1976.pdf>> Accessed 8 July 2019

⁵⁹*ibid* 47.

⁶⁰Mackay.C.B, *Report of the Presidential Working Party on the Second University in Kenya*. Government Printers, September 1981

⁶¹Sifuna D.N, *Crisis in the Public Universities in Kenya*, (London: Cassell Wellington House, 1997) 219-229

⁶²*Ibid*

public in the bureaucratic government that muffled all forms of resistance towards the existing government. The Commission of Inquiry into the Education System in Kenya known as the Koech Commission was consequently formed in 1999 after the state reverted to multi-partyism in 1991.⁶³ The commission was established to look into the progress of the implementation of the 8.4.4 system of education. The commission recommended the introduction of specialisation in the high school levels, thereby allowing students to get training in skills that they were good at. These recommendations were however never officially implemented.

The original goal of technical training was to aid in preparation for work. According to UNESCO, this has remained to be the goal specifically in developing countries; however, science, technology, and innovation has further evolved the need for technical training.⁶⁴

Technical education was defined in the Gachathi report to involve ‘the acquisition of the knowledge and technical skills which are necessary for the practice of the various trades, vocations, and professions.’⁶⁵

Traditional education to which all women had access derived its legitimacy from customs. Today, school education has become the means of preparing the youth for various roles in society. According to Florida Karani, ‘education is important to the improvement of women's situation.’ Therefore, education policies are critical to women's participation in the country's development.⁶⁶ Today, TVET is considered to be very critical in the creation of employment opportunities in all sectors of the economy, leading to development and poverty reduction.⁶⁷

⁶³ Koech Davy, *Report of The Commission of Inquiry Into the Education System in Kenya.* (Nairobi: Government Printers 2019)

⁶⁴ Kenneth King, *Education Sector Technical Notes on Technical and Vocational Education and Training.* (University of Nottingham, May 2008) 3 Report of the National Committee on Educational Objectives and Policies (1975-1976) 34-36

⁶⁵ Report of the National Committee on Educational Objectives and Policies (1975-1976) 34-36
<<http://kenyalaw.org/kl/fileadmin/CommissionReports/Report-of-the-National-Committee-on-Educational-Objectives-1975-to-1976.pdf>> Accessed 8 July 2019

⁶⁶ Mary Ombeo, Ooko Ombaka, *Women and Law in Kenya: Perspectives and Emerging Issues.* (Nairobi, Public Law Institute, 1989) 23

⁶⁷ Pauline Chege, Kariuki, J, *Increasing Women Access in TVET Through ODL Programme: A Case Of Thika Technical Training Institute In Kiambu County, Kenya.* (Thika Technical training Institute, Kenya, 2015) 2

2.3.1 Gender Equality in Education at the International Level

In the international arena, discussions on equality in access to education began to widely spread during the decade of women which began in 1975 when the First United Nations Conference on women was held. Discussions on the role of gender as an essential aspect in discussing development issues in political, economic, social, and cultural areas became prominent. It was brought to the realisation of many states that women were the missing link in national development. At that time, discussions on gender equity in education emerged.⁶⁸

The third United Nations International Women's Conference held in Nairobi in 1985 marked the end of the decade given to activism and raising awareness on women's issues and concerns. In this conference, it was resolved that concerted advocacy by women's movements informing the issue of literacy and education for women would be undertaken. These discussions during the 3rd UN conference paved the way for a more pronounced movement towards addressing women's issues and further laid ground for the discussions in the 4th United Nations International Conference for Women held in Beijing in 1995. The gap between gender-sensitive laws, policies and mechanisms for implementation was identified as the principal reason for the slow rate of progress in addressing gender issues.⁶⁹

These two conferences led to the formulation of the Nairobi Forward-Looking Strategy (NFLS) of 1985 and the Beijing Platform for Action (BPFA) of 1995 where the themes of equality, development and peace in the sectors of employment and education was the central focus.⁷⁰

Education was seen as being at the core of achieving the goals of women's advancement. The NFLS indicated that in order to achieve equal participation of women toward development, it was necessary to educate them. Education was believed to be the driving force behind growth and development in a society, therefore creating a need to expand access by women to ensure

⁶⁸Ruto Sarah., Mbote-Kameri P, '*Promises and Realities: Taking Stock of the Third UN International Women's Conference.*' (African Center for Technology Studies, African Woman and Child Feature Service, 2009) 67-91

⁶⁹ibid 62.

⁷⁰Ibid 64.

their participation. This led to an adoption of the Women in Development approach (WID) in the NFLS, which guided the expansion of education and literacy opportunities for women. This approach however did not address the problem of the gender constructs of social structure which had resulted in women's disadvantaged position. The BPFA in 1995, therefore, came up with a gender and Development Approach (GAD) which argued for the removal of the structural barriers to gender equality in education and the need to address the existing negative power relations.

One of the most important international documents addressing the issue of gender and education is the Millennium Development Goals and the Sustainable Development Goals which have gone a long way in enhancing strategy formulation at the national level to ensure elimination of inequality in education.⁷¹

2.4 The Pre-2010 period

This period saw the introduction of free primary education. This went a long way in addressing the issue of poverty as a hindrance to access to education. There was increased enrolment in primary schools however, the extremely low enrolment of female students was concerning. As much as the framework provided a means to access education, girls were still significantly disadvantaged and there was a need for further sensitisation on the importance of education for the girl child.⁷² The literacy levels of girls were low. Thereafter was the formation of the Taskforce on Affordable Secondary Education. This further increased access to secondary education leading to an increased number of girls joining secondary schools as opposed to dropping out after attaining primary education due to lack of funds. The Task Force identified an increase of boarding facilities in schools would be particularly beneficial to female students

⁷¹ Ibid 71

⁷²Gachukia Eddah, *Women in Education; Changing the Mainstream: Celebrating Women's Resilience.* (2018)152

in ensuring accessibility and protection from negative socio-cultural practices that would ordinarily interfere with their studies.⁷³

At the tertiary level, the introduction of the Higher education Loans Board enhanced the enrolment of women in the institutions due to access of funds. Institutions also improved the existing facilities and the curriculum to be more gender-inclusive and sensitive.⁷⁴ Despite the positive strides taken towards enhancing access to education, it is still evident that enrolment of women in TVET institutions, especially in the fields of Science, Technology and Mathematics is still low.

2.5 The Post 2010 Period

In the Post 2010 period major strides were seen in TVET to make its presence felt in the education sector. The Ministry of education formulated the Technical Vocational Education and Training Authority under the TVET Act in 2013. This enabled the government to focus resources towards improving the standards of technical and vocational training in the country and enhance accessibility by increasing the number of institutions all over the country.

The number of female students enrolling in these institutions has steadily increased over the years. However, the number of women in STEM-based studies and some technical courses generally dominated by men is low.

2.6 Conclusion

This chapter has brought to light the systems of education and training that existed from the pre-colonial era to date. It further shows the influence of colonisation in our systems of learning and acquisition of knowledge in relation to societal needs. The historical development however

⁷³ibid152.

⁷⁴Mwatha Regina, Fatuma Chege, *'Inventory of Innovative Experiences in Girls' and Women's Education in Eastern and Southern Africa.'* (CIEFA Report, 2011) 24-33

shows a lack of consideration of the place of girls and women in the participation in technical and vocational studies.

Technical education has generally been considered to be a reserve for the male gender. This is seen from the above historical development of education generally and specifically in TVET. The various discussions on the evolution of education have focused mainly on the empowerment of men through education in order to actively participate in the development of the nation and the building of the economy. Female education was limited to particular courses and training of domestic skills with a view of enhancing the role of a woman solely as a caregiver in the home. Pre-conceived cultural notions on the role of a woman were reflected in the legislation, and there was generally inadequacy in policy and legislative provisions to enhance participation of women in the acquisition of technical skills.

Discrimination of women and their omission in the policies and plans for technical training has led to a record of low enrolment in these training institutions, especially in the fields of engineering, science and technology. This therefore justifies the need to revisit our legal and policy framework to be able to address the gap existing in the implementation of gender mainstreaming in technical and vocational training institutions.

CHAPTER THREE

LEGAL, POLICY AND INSTITUTIONAL FRAMEWORK

3.0 Introduction

In the previous chapter, we examined the historical development of education during the pre-colonial, colonial, and post-colonial era. We further shed light on the various commissions and strides taken in order to address the need to move towards a more suitable system of education for our nation. In doing so, the shortcomings of the process in inclusiveness regarding gender equality are seen. There was minimal access to education in Technical and Vocational Education and Training Institutions (TVET), and the reforms suggested by the various commissions set up ignored the right of women to participate in this sector of education and to be enrolled in learning institutions.

This chapter seeks to analyse the legal, policy and institutional framework to find out whether the current instruments have portrayed a different picture of the attitudes towards gender mainstreaming in TVET Institutions and whether the legislative provisions are adequate and are being implemented accordingly. The main argument that will come out in this chapter is that the regulation of TVET has failed to adequately provide for the means of enhancing gender mainstreaming in the TVET Institutions and implementation capacity is not provided. There is, therefore, a gap between existing written legislation and its implementation.

3.1 National Level

3.1.1 The Constitution of Kenya, 2010

The constitution provides for the right to education.⁷⁵ This right is available to every person as is espoused in article 27 which requires equal enjoyment of rights. The article provides for the responsibility of the state to enable the realisation of this right by creating the necessary

⁷⁵ The Constitution of Kenya, 2010, Article 43

legislation and initiating affirmative action programmes and policies to redress continuing or past discrimination that has caused certain groups to be disadvantaged.⁷⁶

In ensuring the achievement of this goal in Technical and Vocational Education, the ministry of education has generated and adopted various legislative instruments to assist in meeting the goal on the provision of education. It has also created the gender in education policy which recognises that there is lack of gender parity.

3.1.2 Technical and Vocational Education and Training Act

The Act provides as a guiding principle that there shall be no gender discrimination among other grounds.⁷⁷ Further, the Act establishes the Technical, Vocational and Education Training Authority which is mandated with the function of providing the criteria to be used in admitting students within technical institutions to ensure gender parity and equality.⁷⁸

Towards this end, the TVET Authority established a strategic plan for 2018-2022 with one of its objectives being to enhance gender equity and equal opportunity. This is to be achieved through advocating gender balance across institutions, advocating gender mainstreaming in programmes and generation of policies for disadvantaged groups.⁷⁹

The Ministry of Education further developed a sessional paper providing for the reform of education and training to enhance sustainable development in Kenya.⁸⁰ The Paper provides that one of the strategies towards improving TVET is to use affirmative action to increase participation of women and gender mainstreaming.

The Universities Act of 2012 also provides under section 3(1)(j) that the objects of university education shall include the promotion of gender-balanced equality of opportunity.

⁷⁶ *ibid*, Article 27

⁷⁷ Technical Vocational and Education Training Act, 2013 Section 3(2)

⁷⁸ *ibid*, Section 7(f)

⁷⁹ Technical, Vocational education and Training Authority Strategic Plan 2018 - 2022, p. 31

⁸⁰ Policy Framework for Reforming Education and Training for Sustainable Development in Kenya. Sessional Paper No. 1 of 2019

On the face of it, it may be easy to agree that the legislation has adequately provided for gender equality in access to education, specifically in TVET Institutions. The missing link, however, is in the implementation of the regulations put in place. Before the 2018-2022 strategic plan, there existed the 2013-2017 strategic plan and there was no report released on its achievements. The process of evaluating and implementing these policies is lacking, and mechanisms of enhancing accountability do not exist, thereby leaving a gap in implementation. The various legislative instruments recognise the need to mainstream gender issues into the institutional framework of TVET. Further, the Ministry of Education has provided the Education and Training Sector Gender Policy of 2015.⁸¹ This reviewed the Gender in Education Policy of 2007 to incorporate emerging issues that have implications on gender equity and equality in the education sector.⁸²

Despite this recognition, assessments undertaken indicate that gender mainstreaming has been weak. The structures, mechanisms, and processes put in place to ensure gender mainstreaming have failed in ensuring proper planning, setting of priorities, the allocation of resources and having effective implementation, monitoring and evaluation mechanisms.

There has been no evaluation of the previous and current policy to shed light on the progress in its implementation in enhancing equality in access to education generally and specifically regarding TVET. There is no clarity on the financing mechanisms, enrolment progress and incorporation of affirmative action to enhance gender equality.

⁸¹ Ministry of Education, Science and Technology, Education and Training Sector Gender Policy, 2015

⁸² Ministry of Education, Gender in Education Policy, 2007

3.2 Regional Instruments

3.2.1 African Charter on Human and People's Rights (Banjul Charter)

Article 17(1) of the Charter guarantees the Right to Education for every individual.⁸³ The Protocol to the charter provides for the state's obligation to take measures to eliminate gender discrimination and enable equal opportunities and access to education and training.⁸⁴ It also recognises the need for states to ensure provision training for women in all disciplines.

3.2.2 African Youth Charter, 2006

Article 13 of the charter provides for the right to education and skills development.⁸⁵ It obligates state parties to ensure accessibility to all young persons and states should provide vocational training that is relevant and suitable for employment opportunities and expand access by developing centres in rural and remote areas.⁸⁶ Article 23 recognises the plight of women and girls and requires states to take steps to ensure their participation in educational institution.⁸⁷

3.2.3 Continental Strategy for Technical and Vocational Education Training

Although it is not binding, the TVET Action Guide is meant to provide direction to member states of the African Union on the creation of national policies which support vocational education towards increasing development in the economy, reduction of poverty and improved standards of living in states. It recognises that gender-based inequality of opportunities exist and the attitudes towards some professions and the engendered stereotypes have led to the exclusion of women and girls in those sectors that are seen as a reserve for men. The strategy focuses on shifting the paradigm from viewing young people as job seekers to enabling them

⁸³ Organisation of African Unity (OAU), *African Charter on Human and Peoples' Rights ("Banjul Charter")*, 27 June 1981,

⁸⁴ *ibid*

⁸⁵ African Union, *African Youth Charter*, 2 July 2006,

⁸⁶ *ibid*, Article 14(4)(e)

⁸⁷ *ibid*, Article 23

to be creators of new opportunities through innovation by embracing TVET. The strategy also encourages states to pay special attention to attendance rates for women and the inclusiveness of TVET content.

3.2.4 The Protocol on the Establishment of the East African Science and Technology Commission

This protocol was established in agreement by the three member states of the East Africa Community to enable cooperation in the development and implementation of science and technology. Not much has been done towards the implementation of their strategies, and no specific efforts have been focused towards gender mainstreaming in Kenya.⁸⁸

3.2.5 Republic of Kenya Third Medium Term Plan of Vision 2030 (2018-2022)

This plan recognises the importance of improving the quality of TVET to enable global competitiveness and economic growth. It therefore provides for the restructuring of the education system to promote the competitiveness of the people in both the global and local market. It further provides for the expansion of TVET institutions by supporting the improvement of education quality and providing training relevant to industry needs.

While the document has widely appreciated the importance of TVET in the development of the country, and has advocated for the advancement and enhancement of this training, it has failed to take cognisance of the issue of gender equality in this area and has made no specific mention of strategies focused towards enhancing dual enrolment of women and men.

⁸⁸ The East African Community, Protocol on the Establishment of the East African Science and Technology Commission (EASTECCO), 2008

3.3 Institutional and Administrative Framework

3.3.1 Technical and Vocational Education and Training Authority (TVETA)

TVETA is established by the TVET Act and is mandated to regulate the TVET sector in general. Its functions are listed in the act and include creating an admission criterion for the training institutions which enables equity, accessibility and gender parity. This therefore includes the duty to ensure gender equality in the enrolment processes and enhancing gender mainstreaming in the institutions. The authority is however unable to implement this since admissions are still under the mandate of the Ministry of Education through the Kenya Universities and Colleges Central Placement Services.

3.3.2 TVET Curriculum Development Assessment and Certification Council (TVET-CADCC)

The TVET Curriculum Development, Assessment and Certification Council is mandated to design and develop Curricula for training institutions.⁸⁹ This institution is mandated to review the curriculum of TVET Institutions and ensure relevance in training provided in the institutions. Within its assessment measures, it fails to mention the need for eliminating gender stereotypes that discourage enrolment of either men or women in various courses.

There is an increased gender disparity in higher education institutions, with the enrolment of men in higher learning institutions being greater than that of women. Based on this fact, the government has tried to formulate strategies to address this gap. This has, however seen very minimal implementation with very low enrolment and participation of women in TVET persisting.

⁸⁹ TVET Curriculum Development, Assessment and Certification Council, Standards for Competency Assessment Centers, 2015

The constitution under Article 21 provides for the progressive realisation of some of the fundamental rights and freedoms provided for in the constitution. This is justified by the fact that it would require necessary plans and strategic implementation in order to ensure the full attainment of fundamental rights. We see this approach in the move toward attaining gender equality and access to education. This progressive realisation has however been used as an excuse to justify a lack of proper implementation mechanisms specifically in gender equality in TVET institutions.

The court stated in the case of *Michael Mutinda Mutemi v Permanent Secretary, Ministry of Education & Ors [2013] eKLR*,⁹⁰ that the Government should be proactive in enhancing policy frameworks for education. It therefore stressed that the fact that the right should be attained progressively does not mean that the government should not make immediate strides towards addressing these rights.

3.3.3 The Forum for African Women Educationalists. (FAWE)

FAWE was formed in 1992 after the World Conference on Education for All (EFA). At its inception, the participation of women in Africa in education was reviewed and it was established that women in Africa were the most vulnerable when it came to access to education. The organisation was composed of African women ministers of education and vice-chancellors of universities.⁹¹ This group of women made an impact in resource mobilisation at national and international levels towards improving the quality of education for women and more importantly, eliminating the factors that hindered access for women.⁹² Currently, the organisation consists of thirty-four states in Sub-Saharan Africa. The organisation uses various

⁹⁰Petition No. 133 of 2013 *Michael Mutinda Mutemi v Permanent Secretary, Ministry Of Education & Others [2013] eKLR*.

⁹¹ Federation for African Women Educationalists; <<http://fawe.org/>> Accessed 21 September 2019.

⁹²*ibid*

forms of advocacy through policy and strategic partnerships to ensure attainment of their goal.⁹³

The organisation has also generated an intervention to empower girls through technical and vocational education and training especially in post-conflict situations. This is the case in Burundi, Liberia, Somalia, Guinea and Sierra Leone.⁹⁴ These programmes have assisted in breaking gender stereotypes in various areas that were considered male dominated. It has also increased the scope of opportunities available to women therefore improving their ability to compete in the economic market and improve their standards of living.⁹⁵ FAWE has enabled remarkable policy improvement by ensuring a more gender inclusive regulatory framework. The organisation emphasises that TVET should be seen as an equally important method of learning in the education sector as other formal methods of learning that are more popular.⁹⁶ This will enable acquisition of employable skills.

To ensure this, a more prominent presence of TVET in policies and legislation must be ensured, with an emphasis on gender equality and provision for means of achieving the same. Interventions in TVET by FAWE in Kenya are yet to be seen, however, in the area of Science Technology Engineering and Mathematics, FAWE developed a STEM model to enable the participation of girls in STEM at all levels. This model was initiated in 2005 in Kenya among other African states.⁹⁷

⁹³ibid

⁹⁴ibid

⁹⁵ibid

⁹⁶ibid

⁹⁷ibid

3.4 International Instruments

3.4.1 Convention on the Elimination of All Forms of Discrimination against Women, 1979

This convention is a key instrument for the protection and enhancement of women's rights all over the world. It obligates members to take necessary steps to eliminate discrimination against women.⁹⁸ State parties are therefore required to allow the CEDAW Committee to monitor the progress made towards the implementation by making regular reports to the committee.⁹⁹

The CEDAW Committee recognised that a critical technical and vocational area in which girls and women are under-represented is in the use of ICT skills.¹⁰⁰ It recommended that in order to promote equality in the access and use of new technologies, access to information and employment opportunities in related industries, schools need to address barriers that result in their exclusion.¹⁰¹

3.4.2 UNESCO Convention against Discrimination in Education, 1960

This convention is seen as a standard setting instrument issues of equality in access to education. Article 3 of the convention provides that state parties should get rid of any statutory provisions or administrative practices that cause discrimination and enhance equality in admission in educational institutions.¹⁰² The convention further advocates for equality in accessing opportunities for education. During the creation of the convention, a recommendation against discrimination in education was also adopted with the intention of

⁹⁸UN General Assembly, *Convention on the Elimination of All Forms of Discrimination Against Women*, December 1979, United Nations, Treaty Series, vol.1249, p.13,]

⁹⁹ Hanna Beate Schöpp-Schillin; *The Role of the Convention on the Elimination of All Forms of Discrimination Against Women and its Monitoring Procedures for Achieving Gender Equality in Political Representation*, Budapest - Hungary, 2004, p. 1]

¹⁰⁰ Committee on the Elimination of Discrimination against Women; General recommendation No. 36 on girls' and women's right to education, 2017

¹⁰¹ Ibid, p. 14

¹⁰² UN Educational, Scientific and Cultural Organisation (UNESCO), *Convention Against Discrimination in Education*, 14 December 1960,

enabling states such as Kenya that have not ratified the convention to contribute in their own capacity towards enhancing equal access to education.

3.4.3 Convention on Technical and Vocational Education, 1989

This convention addresses TVET education explicitly and provides for state obligations to frame policies and formulate programmes and curricula for technical and vocational education within their respective education systems. Article 3 provides that contracting states shall not discriminate on the grounds of sex among others. States are also obligated to work towards the equal access to technical and vocational education and opportunities. Kenya has not ratified this convention.

3.4.4 The Beijing Declaration and Platform for Action, 1995

The Declaration and Platform for Action recognised that gender equality is a human right and must be realised in all aspects of life. The declaration specifically recognised the need to improve the access to education for women by setting targets towards the achievement of this goal. The strategic objectives on education brought out in the action plan include ‘ensuring equal access to education, eradicating illiteracy among women, improving access to vocational training, providing necessary monitoring and implementation resources and providing lifelong education and training for women.’ To this end, states are required to take necessary action to address various areas of concern for women globally, including in education.¹⁰³

3.5 Conclusion

This chapter has analysed the legal framework governing the education sector and TVET specifically. Through this analysis, we have been able to see the shortcomings of the various legislative frameworks and institutions mandated with the task of ensuring gender

¹⁰³ United Nations, *Beijing Declaration and Platform of Action, adopted at the Fourth World Conference on Women*, 27 October 1995.

mainstreaming in TVET, towards enhancing the participation of women. The instruments and institutions discussed above show that the legislative framework fails to recognise that the issue of gender equality is one that persists in TVET institutions and have failed to take adequate direction on the manner in which gender equality should be achieved.

CHAPTER FOUR

RESEARCH FINDINGS AND DATA ANALYSIS ON ENROLMENT DISPARITIES IN TVET INSTITUTIONS

4.0 Introduction

In Chapter Three, the study shows that the existing legislative framework on TVET insufficiently addresses gender equality and further lacks an implementation strategy to ensure its attainment in the access to education. This chapter scrutinises the situation on the ground in order to understand the cause of the existing gaps in our policies. The chapter draws its data from a study of ten TVET institutions by comparing the data on the enrolment of students in technical courses, specifically the STEM courses.

This chapter presents findings of research carried out among national and county level technical training institutions. The target group for this study was institutions providing tertiary level training in TVET in Nairobi and Kiambu counties. Instruments used for data collection in the study include institutional questionnaires and oral interviews of the academic registrars and principals of the institutions. In general, the study revealed that although there is progress in enhancing gender mainstreaming in their institutions, further legal adjustments need to be made to achieve full compliance of institutions on gender equality in various courses of study.

4.1 Research Findings and Data Analysis

4.1.1 Gender mainstreaming through internal gender policies

The study found that out of the ten institutions analysed in the study, only two institutions had internal gender policies tailored to deal with issues specific to the institution.¹⁰⁴ The respondents from the institutions with internal gender policies indicated that the internal

¹⁰⁴ Kenya Technical Training College gender policy, 2019 and Kenya Institute for surveying and mapping gender policy

policies were reviewed annually, and reports were presented to the institution's administration to indicate the progress made and areas of improvement.¹⁰⁵

Some of the issues addressed in the internal gender policies include: the disparity in enrolment in the various courses, the availability of facilities to accommodate female students to enhance quality of their stay and access to education in the institutions, the review of enrolment records and targets set, the enhancement of a gender-sensitive curriculum, the creation of complaints management mechanisms, the establishment of a gender committee in the institutions, the implementation of affirmative action and performance tracking through the review of the previous year's reports.

These Institutions have set up committees to inform their gender mainstreaming strategies and to enhance their goals by ensuring the monitoring of progress in various activities as outlined in the gender policies. For instance, in the Kenya Technical Training College, the committee is mandated with the responsibility of ensuring creation of awareness through advertisement and career fairs to discredit negative assumptions that affect enrolment. Additionally, the committee has the responsibility of ensuring that the curriculum is gender-sensitive, and adopting a gender-inclusive manner of imparting knowledge on students, among other activities.¹⁰⁶

The committee gives periodical reports on their progress, challenges, and achievements within the academic year, and further provides for disciplinary mechanisms and complaints

¹⁰⁵Interview with Ndung'u Joseph, Director of Planning and Quality Assurance in Kenya Technical Training College, Muguta Bernard, Academic Registrar of Kenya Institute of Surveying and Mapping.

¹⁰⁶ Interview with the Director of Planning and Quality Assurance Mr. Joseph Ndung'u from the Kenya Technical Training College indicated that the institution often carries out awareness on importance of gender inclusivity and accessibility of STEM in TVET in secondary school career fairs.

management avenues to address gender-related matters. Moreover, it gives recommendations on areas of improvement and reports on progress made.¹⁰⁷

Notably, the institutions with specific internal gender policy frameworks have experienced faster growth within the institutions to address gender-related issues in the enrolment of students. This is attributed to the strategic focus of resources towards the achievement of gender equality as it has been made a priority.¹⁰⁸ The Respondents in these institutions state that before the generation of specific internal policies, it was difficult to prioritise gender mainstreaming and gender equality within the institution since there was no focusing of resources and personnel towards its achievement. Further, the Ministry was seen to actively step in where there is a vibrant internal system in institutions to enhance gender equality.¹⁰⁹

The remaining eight institutions stated that they adopted the national gender and education policy.¹¹⁰ There was, however, no specific document in the institution addressing gender gaps, other than enrolment data and statistics. Further, the institutions had no strategic plans to ensure gender mainstreaming. The institutions majorly relied on government initiatives, if any, to enhance equality. One of the respondents, however, highlighted that it was critical to have gender policies specific to the institutions in order to ensure the attainment of gender equality at an institutional level, and that would provide a yardstick to measure progress made by the institutions.¹¹¹

¹⁰⁷ The two institutions having internal policies indicated that these reports were used to review and improve the institutional gender policies to address the existing gaps.

¹⁰⁸ Mr. Ndung'u from Kenya Technical Training College emphasised that the existence of an active internal gender committee together with an internal gender policy has enabled faster growth in enrolment compared to previous years when an internal gender policy did not exist. This is evidenced by increased female enrolment in engineering courses by 38% between 2018 to 2019.

¹⁰⁹ *ibid*

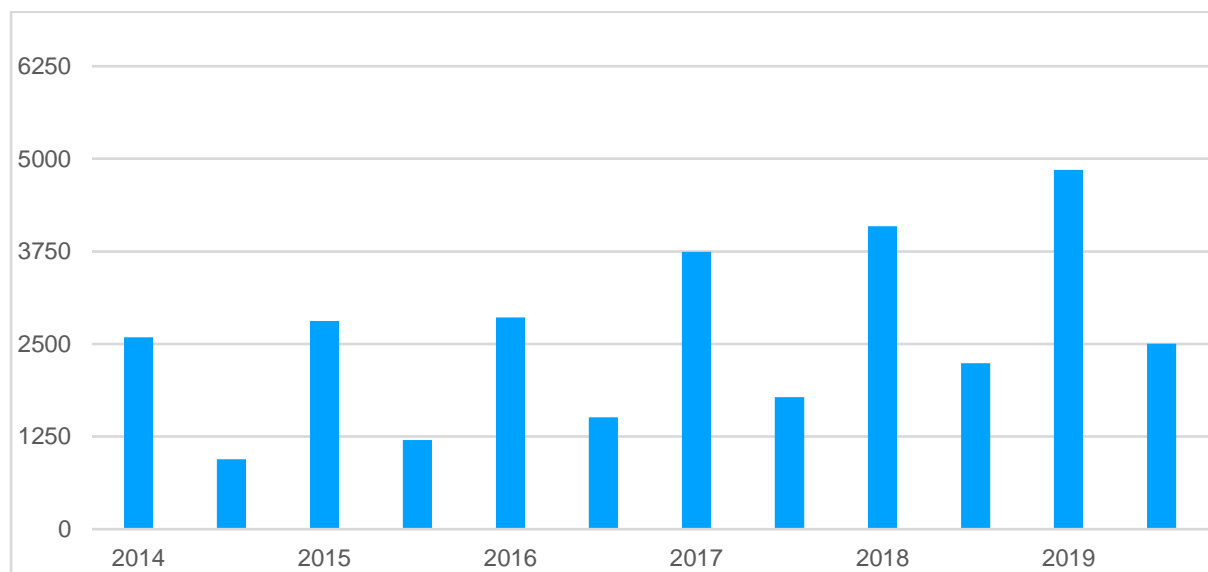
¹¹⁰ Nairobi Technical Training Institute, Karen Technical Training Institute for the Deaf, Institute of meteorological Training and Research, Kabete National Polytechnic, Thika Technical Institute, National Youth Service Engineering Institute, Kenya Water Institute, Institute of Energy Studies and Research, East African School of Aviation.

¹¹¹ Kabete National Institute Academic Registrar Ontara Oreti stated that as much as funding was gotten from the government, transparency and accountability on the usage of these funds is lacking and this could be resolved

4.1.2 Pace of Implementation of gender mainstreaming in selected institutions.

The study also sought to find out whether the general gender policies, either internal or adopted have or are being implemented in the institutions to enhance equality in enrolment and its adoption within the institutional curriculum and courses offered. The data collected on enrolment is as follows:

Bar Graph Showing Male and Female ratio of Enrolment from 2014 – 2019.



source: Author

This graph shows that throughout the years, the enrolment of female students in the institutions has always been lower than that of males. Despite this fact, an increase in the number of female students enrolling has been noted. However, the existing gap is still significantly wide.

The study found out that the disparity in enrolment especially in Science, Technology and Mathematics (STEM) related courses was due to negative societal attitudes and stereotypes on the capabilities of women or men in various courses. It was further stated by the respondents

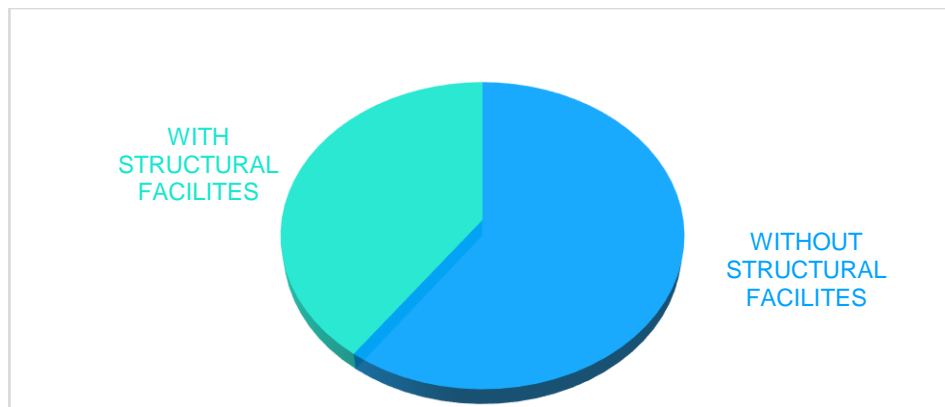
through an internal regulatory system that would show the impact of the government aid towards eliminating gender inequality.

that the students are not encouraged to take up technical courses in university. This has resulted in low enrolment to STEM courses.¹¹² All of the participants in the research agreed that gender sensitisation is critical in changing the attitudes of students. Other than gender stereotypes, the marketability of specific courses should also be advertised to encourage women to venture into an area that matches and requires their skill set.

4.1.3 Availability of Structural Facilities.

It was confirmed that in six of the institutions, facilities were inadequate to ensure the accommodation of female students on campus. This included the availability of hostels and sanitary facilities. There was a general agreement that the engendering of the institutional infrastructure was necessary to ensure the preparedness of institutions to accommodate more female students.¹¹³

Pie Chart Showing Availability of Adequate Structural Facilities to Accommodate Female Students



Source: Author

¹¹² All the institutions in the study supported this view. Musyimi Simon, a Principal Meteorologist and the head of Research and Developmet in the Institute of Meteorological Training and Research, indicated that pre-existing cultural and social stereotype have hindered efforts of the institution in increasing female student enrolment in the institution.

¹¹³ Karen Institute for the Deaf, Kenya Water Institute, Thika Technical Institute, Kenya Institute of Surveying and Mapping, Nairobi Technical Training Institute, Institute of Energy Studies and Research.

4.2 Barriers to Policy Implementation.

During the process of implementation of policies, it is inevitable for challenges to arise therefore requiring awareness of the faults that exist in the implementation processes to enable committed efforts towards filling these gaps.

4.2.1 Lack of Sensitisation

A common issue running across all institutions was the lack of sensitisation towards breaking gender stereotypes in the participation of either men or women in courses traditionally seen to be a reserve of either gender. As is seen in the table above, it is clear that in the STEM-related courses, there is a higher enrolment of male than female students, whereas, in the hospitality courses, the female enrolment was higher. According to two respondents, the primary cause of this was simply the existing gender stereotypes causing low enrolment of women or men in either sector.¹¹⁴

4.2.2 Monitoring and Evaluation of Implementation of Gender Policies

The institutions that participated in this study indicated that among those that had internal gender policies, there is a provision for the creation of a committee specifically tasked with the duty of ensuring implementation of the guidelines.¹¹⁵ The committees receive financial support to conduct gender sensitisation, data collection and reporting on progress. There are also bursaries created specifically for female students who cannot afford tuition and accommodation costs in the institutions. The respondents within these institutions indicated that the committees report annually with a requirement to indicate the progress within the year and to account for financial allocation and the improvements or failures towards increased enrolment.¹¹⁶ The committees are also tasked with ensuring inclusive provisions on gender

¹¹⁴Kenya Technical Trainers College and The Kenya Institute of Surveying and Mapping.

¹¹⁵ Ibid

¹¹⁶ Ibid

mainstreaming within all the institutional policies in order to reduce the existing gap in the implementation of gender equality in all aspects.

Some institutions indicated that there are implementation targets, having short, medium and long term goals requiring the institutions to provide progress reports.¹¹⁷ It was, however, a concern in these institutions that the time frames for implementation were too stringent hence leading to no progressive implementation and poor outcomes.

4.3 Communication among various stakeholders.

Another challenge to the smooth implementation of Gender Mainstreaming policy was the lack of a communication strategy for gender mainstreaming. This had affected the establishment of linkages among players in gender mainstreaming; budgeting for the activities involved; and monitoring for success or failure between various stakeholders including the Ministry of Education and various institutions. It was thus affecting the overall outcome of the efforts of gender mainstreaming. A respondent stated that one of the problems faced was that the Authority did not have a clear communication strategy to ease communication between TVET institutions and the TVET Authority to monitor their progress towards gender equality.

4.4 Identified Challenges

The scarcity of funds due to inadequate budgetary allocation posed a significant challenge. This constraint thus limited the scope and type of publicity that could be generated for Gender Mainstreaming. This constraint comes from a lack of clarity in strategy on how advocacy would be carried out and what it would cost. Another challenge was unskilled workforce for Gender Mainstreaming. This constraint was especially significant in the appointment of

¹¹⁷ Kenya Technical Trainers College, Kabete National Polytechnic, Institute of Energy Studies and Research, Nairobi Technical Training Institute, Karen Technical Training Institute for the Deaf.

members in institutional gender committees.¹¹⁸ These appointments do not require qualification in gender-related training thus those who are appointed do not guarantee the best outcome based on skill and capability of enhancing gender equality.

The respondents also reported a lack of interest and ignorance from the parties concerned with the implementation of the policy, mainly where top management was concerned. This meant that the senior management was not able to adequately articulate the agenda of Gender Mainstreaming in their respective organisations because it was sometimes overlooked and not made a priority in the institutions. Some respondents agreed that culture and traditions which define the woman's position in the society were still a significant challenge that led to resistance to change.

Inadequate support from the TVET authority also posed a challenge. Their commitment towards gender mainstreaming is minimal, as has been indicated by the above respondents. There are no reports on the progress on implementation of both internal or national gender policies or the requirement of the same as a necessity for accreditation. This has therefore led to no obligation on institutions to work towards enhancing gender equality in enrolment.

4.5 Role of the Technical, Vocational Education and Training Authority.

The TVET Authority is mandated with the responsibility of prescribing the admission criteria for institutions to promote equity.¹¹⁹ The TVET Act further provides that in discharging its mandate, the implementing authorities shall ensure that training is availed without discrimination.¹²⁰ Additionally, TVETA has the mandate to accredit TVET institutions in

¹¹⁸ In the Institutions with internal gender policies, the respondents indicated that the committee members had no particular expertise or gender related training.

¹¹⁹ Technical and Vocational Education and Training Act, No. 29 of 2013, Section 7

¹²⁰ *ibid*, section 3

Kenya. This includes the registration and monitoring of the institutions to ensure compliance with the relevant regulations provided under the Act.

While in theory, and according to the regulations it is required that the authority monitors the progress in implementation of ministry policies including the national gender policy on education, there were evident inadequacies in the implementation of the policies and the same have not been taken as an immediate concern requiring the involvement of the authority. The primary reason identified by respondents in TVET institutions was the fact that enrolment of students was not within the Authority's mandate as it was carried out by the Ministry and internally by the institutions. It was further indicated that in the accreditation process, the authority does not consider compliance with policies, or the existence of policies in an institution. It mostly focused on the availability of structural institutions, trained personnel and funding in order to accredit the institution.¹²¹ It was stated that while gender equality is a major concern, it is yet to be put at the forefront of the issues to be addressed by the authority. It was further confirmed that while the policy requires review and reporting on the progress of implementation, no reports have been done by both the Ministry of Education and the authority on the same.

4.6 Performance Contracts

Five of the respondents agreed that mandatory reporting on Gender Mainstreaming through performance contracts promoted Gender Mainstreaming activities.¹²² The effectiveness of the performance was majorly anchored on the fact that the performance contracts require public institutions to carry out various activities, including gender mainstreaming in order to earn the support of the government for their institutions in return. This aspect is meant to force gender

¹²¹ Interview conducted with an official in the Technical and Vocational Education and Training Authority on August 9th 2019

¹²² Three of these institutions did not have internal gender policies, but indicated that there were general performance contracts with the government addressing various issues including gender equality.

mainstreaming into planning within institutions. The findings above may be evidence that though it takes time, performance contracts could end up being an essential tool for implementation and monitoring gender mainstreaming.

4.7 Gender Policy Awareness

The respondents were asked whether they provide any gender awareness sensitisation sessions to lecturers, students and support staff in the institution. Out of the ten institutions, only those that had internal gender polices confirmed that they carry out gender awareness sensitisation. This was provided for in their internal policies. Policy awareness is therefore lacking in TVET institutions. This is a significant contributor to poor implementation since the critical participants in ensuring equality are not involved in the implementation of the policy.

4.8 Conclusion

In this chapter, the study explored how the survey had addressed the research objectives. The findings confirmed that indeed, the disparities between men and women regarding access to technical education and training did exist. The survey also established that the most popular approach towards gender mainstreaming was the use of gender policies and performance contracts. However, since there are no legal implications for not adhering to these policies, there is no environment for discussion and feedback regarding Gender Mainstreaming.

These findings confirm that a different approach to tackling gender inequality that would require more participation of the regulatory authority and the Ministry of Education for greater effectiveness is needed. In the next chapter, the study discusses the practices of other jurisdictions to draw lessons on how they have managed to increase enrolment and attain gender equality in TVET.

CHAPTER FIVE

LESSONS FROM TVET PRACTICES IN GERMANY, MALAYSIA AND PHILIPPINES

5.0 Introduction

The previous chapter has given a case study analysis of gender equality in Kenyan TVET institutions and has shed light on the existence and implementation of education laws and policies on gender equality in various TVET institutions, and challenges faced towards enhancing inclusivity and gender mainstreaming in these institutions. In this chapter, the research shall analyse the progress in Malaysia, Philippines and Germany towards enhancing and attaining gender equality in TVET.

The study will look at the legal, institutional and policy frameworks, the general trends in improving gender equality in TVET and will finally draw lessons from their practices that have enabled them to close the gender gap in TVET education constantly. The study relied on these jurisdictions due to their recorded success in attaining gender parity in the TVET sector of education through effective and efficient implementation of regulations. These jurisdictions have shown the results of proactive participation of both state and non-state actors in the implementation of laws and policies in ensuring gender mainstreaming. Further, they have incorporated better pathways that ensure efficient transition of students into TVET institutions through introduction of TVET training at early stages of training. This has enabled a self-correcting system that has needed lesser efforts of affirmative action.

This chapter argues that in order to ensure that Kenya improves access to TVET by women, the government must be willing to develop effective monitoring systems and increase the involvement of various stakeholders towards gender equality in TVET in Kenya.

5.1 Policy, Legislative and Institutional Frameworks

5.1.1 Malaysia

The problem of gender inequality in education was recognised as a severe problem in Malaysia as early as the 1960s. The areas of science and technology were mainly male-dominated and gender stereotyping was commonplace in society.¹²³ The government, therefore, focused its efforts toward increasing involvement in STEM by both male and female students. The state introduced the 60:40 policy which enabled the introduction of specialisation and mainstreaming of STEM education at an early stage of learning. This policy enabled students succeeding in STEM-related subjects to specialise in the same at the secondary level.¹²⁴

The Malaysian National Policy on Science Technology (NPSTI) and Innovation correctly recognised the importance of involving women towards their goal of scientific advancement. Further, the government of Malaysia formulated the Malaysia Education Blueprint (MEB) 2013 - 2025, which was a strategic plan formulated after a review was carried out on the effectiveness of their education system. This blueprint identified TVET as an area that needed focused initiatives on equality over the next decade.¹²⁵

5.1.2 Philippines

In 1991, the Philippine Congress passed laws on the involvement of women in development and nation-building. The Act promoted the integration of women as full and equal partners of men in development. This led to the government setting aside funds to support activities for women in this area. The government further made an executive order directing government

¹²³Dato. S.M, 'Malaysia Report on Women in STEM: A study on involvement of girl students in STEM in residential schools and in day schools.' (Curriculum Development Division, 2015)

¹²⁴ UNESCO, 'A complex formula: Girls in STEM in Asia.' Paris, 2015

¹²⁵ Ministry of Education. *Malaysia Education Blueprint 2013-2025*, Putrajaya Annual report 2015.

agencies to set aside funds with the purpose of institutionalising gender and development efforts in all sectors of the government.¹²⁶

In 1994, the Philippine government took special recognition of TVET and initiated the formulation of education regulations and policies specific to TVET. Through its Republic Act 7796, it created the Technical Education and Skills Development Authority (TESDA) which was mandated to provide quality technical education relevant to the development needs of the country.¹²⁷ In 2004, TESDA and the Commission on Higher Education (CHED) worked towards developing a framework that would enable smoother transition and progression to higher education in TVET. This system led to an increase in the involvement of women in areas of specialisation that were traditionally male-dominated.¹²⁸

5.1.3 Germany

Germany is recognised as one of the most developed nations in the world. This is to a great extent attributable to its advanced technological and innovative industries which supply the world at large. Towards achieving such success, the government mainly invested in their education system to ensure the impart of the necessary skills to enable such success in their industries.¹²⁹ The education system is administered and regulated at the level of federal states, with each state regulating the transition through the various levels of education.¹³⁰ At the institutional level of the German education system, the state largely relies on an interdependent

¹²⁶ Misola K. N, *‘Improving the participation of women students in TVET programmes formerly dominated by males; the experience of selected colleges and technical schools in the Philippines.’* Handbook on monitoring and evaluation of educational projects and programmes (UNESCO-UNEVOC International Centre, 2009)

¹²⁷ Republic of the Philippines, Republic Act No. 7796, Technical Education and Skills-Development Act of 1994”

¹²⁸ Dancel.U.A, *A Reflection Paper on CHED and TESDA:A Summary of Organisational Structures, Visions, Missions and Functions*, (Governor Andres Pascual College, 1992) 12

¹²⁹ Yehualashet.G.Y, *‘Have Higher Education Institutions Mainstreamed Gender to Contribute Towards Gender Equality And Women Empowerment? A Case Study of the Policies and Practices of Two Tertiary Institutions In Ethiopia.’* (Master of Arts thesis University of South Africa, 2010) 52

¹³⁰ Müller U, *‘Gender Equality Programmes in German Institutions of Higher Education—The North Rhine-Westphalia Case.* (Higher Education in Europe Volume 25, 2000- Issue 2, 2010) 25

relationship between the government and the private sector. This was explained as a dual system of education whereby school-based learning was integrated with work-based practice.¹³¹ This was further made possible by the introduction of different pathways whereby immediately after secondary school education students can opt to transition into vocational training whereby apprenticeship skills are acquired through in-company training and formal training systems.¹³² This enabled better training focused on the needs of the labour market. A study indicated that as of 2011, 67% of the German population held degrees from the vocational training system. This German method has been used as a model to design TVET systems in several other countries with success.¹³³

5.2 Gender Mainstreaming and Equality in TVET

5.2.1 Malaysia

To enhance development towards economic growth, the government of Malaysia identified STEM as an essential area that would enhance this transformation.¹³⁴ Towards this end, the government sought to capitalise on the participation of women in achieving this common national goal. In the Malaysian education report of 2015, it was indicated that more than 50% of students in STEM-related courses were women.¹³⁵ The government further increased girl schools and science schools to improve the quality of STEM education in specialisation. It was identified that the existence of inclusive policies explicitly targeting women and girls and the attention of the government towards their implementation played a significant role in increasing the enrolment of women in STEM courses. The Malaysian Woman Policy (MWP)

¹³¹ibid

¹³²ibid

¹³³Ngure, S. W. 'Stakeholders' perceptions of technical, vocational education and training: the case of Kenyan micro and small enterprises in the motor vehicle service and repair industry.' (Dphil Thesis, Edith Cowan University, 2013) 22-43

¹³⁴ Gillen, J, Mossel, A.C, 'The Prospects of Measures for the Advance of Gender Equality in TVET.' (The Regional Cooperation Platform for Vocational Teacher Education in Asia [RCP], 2013) 38

¹³⁵Farhana Mannan, Sailesh Sharma, Kazi Enamul Hoque, 'Predictive Validity of Gender and Experience of Teachers into Malaysian Women Principal's Instructional Leadership Practices.' (Malaysian Online Journal of Educational Management (MOJEM), Volume 4, Issue 3, 52 – 67, July 2016) 53-62

of 2009 also indicated the government's goal of developing women's human capital and the need to empower women in education aimed at innovation. The policy in line with this goal outlined the specific actions that needed to be taken by government agencies, the private sector, and the civil society.

5.2.2 Philippines

Women's groups who felt that women were left out and not accorded the opportunity to participate in various sectors of the economy and nation-building, in general, lobbied for the inclusion of women in development through legislation and policies that indicated the steps towards increased participation of women in development. This led to the generation of the legislation outlined above.¹³⁶ The existence of a vibrant private sector which actively participates in providing TVET training also helped to enhance efficiency with the institutions of learning being predominantly privately owned. With a variety of TVET providers, the authority devised a means of ensuring efficient and effective monitoring and regulation.¹³⁷ This was achieved by the creation of a unified system of accreditation and registration, with its mandate specifically including the necessity of ensuring gender equality within institutions. This led to an increase in enrolment of female students in courses that are generally male-dominated.

The government, however, noted that despite efforts made towards promoting enrolment of women in TVET, there was a transitional challenge whereby many women could not make it past the secondary school level of training into higher education. The government, therefore, developed and implemented an ascension system that enabled smooth transition to higher

¹³⁶Tikky. L, '*Reconceptualising TVET and Development: towards a capabilities and social justice approach.*' (HDCA conference, September, Jakarta, Indonesia ,September 2011) 18

¹³⁷ibid

education in TVET.¹³⁸ Presently, the country faces a continued increase of female enrolment in TVET, especially in the STEM courses of computer science and information technology. Education institutions further took steps to improve their infrastructure with the aid of both governmental and non-governmental actors in analysing the curricula to ensure gender inclusivity, increasing of accessible physical resources, provision of training materials for teachers thereby leading to an expansion of these institutions and increased enrolment of female students. Financial assistance was also introduced through scholarship programmes for female students sponsored by the government.

5.2.3 Germany

Traditionally, men in Germany recorded higher participation in education than women. However, towards the end of the 19th Century, these trends changed indicating a significant improvement in enrolment and attainment of degrees in tertiary institutions by women. The state attained gender parity in education in the early twentieth century and an increase in enrolment of female students than male, leading to a reversal of the gender gap in education. The introduction of pathways that enabled transition to Technical training through both institutional training and apprenticeship where hands-on skills were acquired largely contributed to involvement and absorption of women not only in TVET institutions, but also into the labour market.

The apprenticeship approach to TVET education has enabled reduction of youth unemployment with a statistic showing that in 2012, 66% of apprenticeship graduates remaining employed by the firms in which they obtained training. Concerning female

¹³⁸ Bhatta, K, '*Gender Equality and Social Inclusion in Vocational Education and Training.*' (Journal of Advanced Academic Research (JAAR), Vol 3. No 2, January 2017) 37

enrolment, an increased interest in ensuring gender parity in all industries was noted.¹³⁹ This has seen improvement over the years in involvement of female students in STEM courses with specific attention in engineering where women largely acquire practical skills on innovation and production through apprenticeship.¹⁴⁰

5.3 Key Lessons

5.3.1 Malaysia

The main reason attributed to the success in increased enrolment of women in TVET courses is the formulation of comprehensive and inclusive policies that are backed by efficient implementation through regular monitoring and regular action plans.¹⁴¹ The introduction of STEM girl schools has also significantly worked to their advantage. This has been an affirmative action step of creating more conducive environments for learning outside a patriarchal society where gender stereotypes hinder the enrolment of girls in mixed schools. This promoted a secure, inclusive, and equal learning environment.¹⁴²

Community involvement also enabled the government to be held accountable and to maximise on contributions from the private sector, civic socialite and non-governmental organisations towards gender equality in TVET. Other than monetary contributions, these institutions contribute expertise and advice to the government. Active participation and involvement in international organisations have enabled the Malaysian government to maximise on international collaborations. Malaysia committed to work with UNESCO in 1958. In 2015, the

¹³⁹ Gillen. J, Mossel. A.C, *'The Prospects of Measures for the Advance of Gender Equality in TVET.'* (The Regional Cooperation Platform for Vocational Teacher Education in Asia [RCP],2013) 38-39

¹⁴⁰ *ibid*

¹⁴¹ Sulaiman. L. N, *'Technical and Vocational Education in Malaysia: Policy, Leadership, and Professional Growth on Malaysia Women.'* (Canadian Center of Science and Education, Vol. 11, No. 24; 2015) 158

¹⁴² *ibid*, 162

Malaysian government approved a proposal by the International Bureau of Education of UNESCO to work together towards strengthening the STEM curricula for girls.¹⁴³

5.3.2 Philippines

This study showed that the Philippines had active institutional initiatives that were designed to increase the participation of female students. Furthermore, the government involved vital players from the private sector and non-governmental organisations in order to assist with research, financial support and scholarships for female students and industry linkages to support participation of women male-dominated TVET programmes.¹⁴⁴

The mandatory setting aside of funds in all government sectors to improve gender equality in development in all institutions further promoted the smooth transition of women into employment in diverse industries.

5.3.3 Germany

This discussion reveals that while in many other countries, the government needed to make specific initiatives towards ensuring gender mainstreaming in education, we find that in Germany, the economic, social, cultural and political systems enabled a self-correcting society supported by a unique education system which was dual in nature and incorporated TVET at an early stage of education. The early transition into specialisation and the use of apprenticeship training through the private sector ensured the acquisition of necessary labour market skills. This has seen involvement of women in TVET. This has been enabled by strong linkages between the government and the private sector. Further, the regulation of education

¹⁴³Tikky. L, *'Reconceptualising TVET and Development: towards a capabilities and social justice approach.'* (HDCA conference, September, Jakarta, Indonesia, September 2011) 18

¹⁴⁴Bhatta. K, *'Gender Equality and Social Inclusion in Vocational Education and Training.'* (Journal of Advanced Academic Research (JAAR), Vol 3. No 2, January 2017) 37

by the federal state has ensured a more social integration with specific focus and monitoring provided in all regions.

5.4 Conclusion

This chapter has examined experiences in Malaysia, the Philippines and Germany. The approaches to TVET in these states have shown that while gender inequality has constantly existed in education, specific affirmative action steps through an inclusive legislative framework combined with effective monitoring and implementation efforts has enabled them to continually improve their quality of education and increase the participation of women. Successful reforms in these jurisdictions has led to and improved efficiency in TVET institutions. The adoption of these systems in Kenya will see a drastic improvement in gender equality in TVET.

CHAPTER SIX

SUMMARY, CONCLUSION, AND RECOMMENDATIONS

6.0 Introduction

The main objective of this study was to find out the reason for persisting gender inequality in TVET Institutions in Kenya. The study investigated the existing legislation and policies on gender equality and education in Kenya to find out whether there was a gap in the implementation of these instruments within the institutions. Although the right to education is guaranteed and various instruments adopted, it is the finding of the study that implementation in TVET Institutions is not considered. This is due to a lack of specific focus of legislation towards gender equality in TVET. These institutions therefore fail to adhere to the existing legislation. Chapter One outlined the purpose of the study, the problem identified and introduced the research questions to be addressed in the study.

The historical background was discussed in chapter two, where the pre-colonial, colonial, and post-colonial developments in education laws and policies, and the place of gender equality in education both locally and internationally were discussed. Chapter three outlined the current legal, institutional and policy framework on education in general and in TVET specifically. The chapter brought to light the absence in legislation on consideration of the uniqueness of TVET and the fact that more strides and efforts were needed to enhance gender equality compared to formal education. Chapter Four analysed the findings from TVET institutions on the extent of implementation of existing gender laws and policies in education in order to enhance equal participation. Interviews were conducted and data collected and discussed in the chapter showing the extent of implementation of gender policies at the institutional level. This chapter summarises the findings of the study. It concludes the study according to the questions asked. The chapter also gives recommendations and suggestions for further research and evaluation to improve gender mainstreaming in the TVET sector.

6.1 Summary of the study

This study sought to critique the extent of implementation of gender laws and policies in TVET institutions in Kenya. The study also looked at the existing gaps in the implementation process and existing strategies to aid in the enhancement of gender mainstreaming. This study was conducted in ten TVET institutions in Nairobi and Kiambu. The study also relied on the Liberal, Socialist and Marxist Feminism theoretical framework, which address the inequalities in equal access of opportunities between men and women. A historical study was also undertaken to understand the evolution of education in Kenya in the pre-colonial, colonial and post-colonial era.

Information was also acquired from documents from the TVET Authority and the Ministry of Education. Questionnaires were used in the case study to elicit more information. The data collected from the study was presented as seen in the previous chapter and various findings were made, and conclusion drawn as discussed below.

6.2 Conclusion

TVET has been considered as one of the essential means for promoting inclusion. It has been termed as a solution to creating diverse opportunities for individuals outside the formal education system, by creating more opportunities for employment, leading to better standards of living and alleviation of poverty. From the evaluation, the conclusion was that strategies on gender mainstreaming existed in written law, however, implementation was lacking in the TVET institutions. The sector has also not maximised on opportunities in collaborating with the private sector to improve the TVET curricula in general and to increase funding from non-governmental actors. Gender mainstreaming efforts were being made at the institutional level, although gender awareness was not properly carried out to enlighten stakeholders on the positive impact of inclusive education systems.

The government provided bursaries for female students thereby encouraging the implementation of performance contracts in order to continue enjoying close government support. On perceptions and attitudes towards gender mainstreaming in TVET institutions, respondents agreed that cultural issues, negative stereotyping and retrospective cultural practices were hindering gender mainstreaming. It can therefore be concluded that numerous challenges still hinder the implementation of policies on gender equality in TVET Institutions.

6.3 Short Term Recommendations

6.3.1 Monitoring and Reporting Mechanisms

This research recommends that the TVET Authority must, as a matter of urgency begin to generate an internal committee to specifically deal with monitoring of the progress of TVET institutions in enhancing gender equality. This entails a requirement of mandatory quarterly reports from the institutions. Further, non-compliant institutions must be penalised and repeat offenders should be deregistered. This introduction will enable the institutions to structure their efforts in an organised manner and ensure the allocation of financial resources towards this end.

6.3.2 Frequent evaluation and progress reports

Monitoring and evaluation are essential in providing reports on the achievements of the goals in a policy. Monitoring also ensures that implementing agencies are kept accountable and gives feedback on the necessity of adjustments in policies based on any changes in the course of implementation. Evaluation assesses the impact of the policy and other factors that come into play.¹⁴⁵ Regular audits are also essential to ensure that allocated financial resources are used

¹⁴⁵ Pillay Pundi, *Higher education financing in East and Southern Africa.* (Center for Higher Education Transformation (CHET), 2010) 29

accordingly and geared specifically towards the agenda of gender equality in TVET institutions.

6.4 Medium Term Recommendations

6.4.1 Enabling conditions to enhance gender mainstreaming in TVET institutions.

To ensure the success of policies in engendering education, the government must create an environment which allows for the success of existing legislation and policies. This will include participatory planning, which is more likely to include the voice of all stakeholders in the policymaking process, hence creating a shared vision and goal towards sensitisation on the challenge of gender inequality and the steps that need to be taken to overcome it.

TVET institutions should also endeavour to have regular meetings with stakeholders with an aim of making them aware of gender mainstreaming and the benefits that could come of it. Gender awareness trainings should be conducted for members of staff in the institutions, specifically those tasked with the duty of implementation within the institution. Career guidance forums should also be introduced in these institutions to inform students of the vast opportunities available for both men and women. This will go a long way in eliminating gender stereotypes that causes low enrolment in certain courses for women.

The ministry and the authority must also create a necessity in the creation of internal gender policies in TVET institutions as these are seen to be more effective than merely adopting existing frameworks for gender mainstreaming. This will enable the solving of institution-specific problems more effectively and efficiently.

6.4.2 Financial provision.

The Ministry of Education must do more to implement the gender policy in education. This can be achieved through financial support for institutions to help in implementing gender mainstreaming activities. Financial support from non-governmental agencies and transnational

co-operations should be encouraged in order to provide finances together with advanced experience which will help to achieve gender equality.

6.5 Long-Term Recommendations.

6.5.1 Introduction of Efficient TVET Pathways.

In 2012, UNESCO held the Third International Congress on Technical and Vocational Education and Training. In its general report, states were encouraged to introduce pathways that were flexible and enabled the transition of students in various levels of learning. This was to be made possible by creating a link between TVET and general education to enable a more flexible transition.¹⁴⁶ As seen in the previous chapter on the case study in Germany, the main reason for the tremendous success faced by the country in TVET is the integration of flexible pathways that not only ensure high transition rates, but also ensure students are equipped with skills that are relevant to the existing labour market.

These pathways are especially important for girls and women since they are highly disadvantaged. By introducing these linkages, participation of women will increase thereby resulting in equitable access to TVET. The Technical and Vocational Education and Training Authority together with the Ministry of Education in Kenya must therefore work together towards introducing flexible pathways and further creating awareness on the available opportunities for women.

6.5.2 Involvement of national and international stakeholders.

The existence of the National Gender Policy is a clear indication that the government of Kenya is desirous of gaining from the gains associated with gender-sensitive policies in its departments. Commitment in the implementation of international treaties on gender equality,

¹⁴⁶ UNESCO, General Report on the Third International Congress on Technical and Vocational Education and Training On '*Transforming TVET: Building skills for work and life*' Shanghai, (2012)

such as CEDAW and the Beijing Platform of Action, will keep the government on their toes on the implementation of international norms and standards on gender equality. This will enable the engendering of all education-related policies and strengthen the existing institutional frameworks towards gender equality. In order to hold the government of the day responsible for the commitment and the implementation of the gender equality legislation in place, there needs to be institutional support from within the government itself and from civil societies.

6.6 Suggestion for Further Research.

Drawing from the above, it is crucial to consider the following areas for research and evaluation. A research on the underlying causes of gender inequality other than inadequacy in existing gender regulation and policies and weak implementation should be undertaken. This will assist in finding out why various stereotypes hinder the progress of women in specific sectors of education.

Further, the impact of lack of access to technical training for women towards economic development and the relation to increased poverty especially for women should be researched. The hindrance of access to TVET education for women has, in turn, led to a high number of school dropouts and untrained women, leading to the inability to participate productively in the involvement in industries requiring specific technical skill sets and creation of opportunities for themselves. These studies will in the long run create more awareness of the problem of gender inequality and hopefully open doors for more effective solutions in the future.

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APPENDIX ONE

INTERVIEW SCHEDULE

STUDY TITLE: GENDER EQUALITY AND EDUCATION IN KENYA: A CASE STUDY OF WOMEN IN TECHNICAL AND VOCATIONAL EDUCATION AND TRAINING IN NAIROBI AND KIAMBU COUNTIES

RESEARCHER: SANDRA KEMUNTO AKAMA

SUPERVISOR: DR. NKATHA KABIRA

INTRODUCTION

Thank you for giving me an opportunity to conduct this interview with you. I am pursuing a Masters in Law (LLM) at the School of Law, University of Nairobi. As part of the requirement for an award of the LLM Degree, I am expected to write a research paper in my area of choice in the legal realm. I have chosen to write a project paper on **Gender Equality and Education in Kenya: A Case Study of Women in Technical and Vocational Education and Training in Nairobi and Kiambu Counties**.

This questionnaire is administered as part of my research on the topic aforementioned. The aim of this study is to analyse the adequacy of existing legislative and policy frameworks in addressing gender equality in TVET Institutions in Kenya and further to investigate on the existing gap in implementation of these laws and policies in attaining gender equality in TVET institutions in Kenya.

The interview will take approximately 30 minutes.

As a participant in this interview, please note the following

- a) Your participation in this interview is purely voluntary and you can withdraw from the process at any time during the interview.
- b) The information you give will be treated with strict confidentiality.
- c) You are free to ask for clarifications at any point in the course of the interview
- d) Your responses will be recorded in the questionnaire only.

Do you agree to participate in the interview?

YES _____

NO _____

Please sign below to signify your consent

BACKGROUND INFORMATION

NAME (optional) _____

AGE _____

OCCUPATION _____

DATE _____

TIME OF INTERVIEW

START _____ **END** _____

1. Does your institution have an internal gender policy?

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(i) If not, which internal regulations or policies address the issue of gender equality if any?

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2. How has your institution addressed gender gaps in enrolment to courses offered?

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3. What special measures exist in your institution to ensure that gender balance can be attained in the enrolment of students?

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4.How many students were enrolled between the years 2014 - 2019 (specify number of male and female students.

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5.What steps have been taken to enhance gender sensitisation of students and staff members in the institution?

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Observations:

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