

DRAFT ONE

ANALYSIS OF THE NATIONAL POLICY ON FAMILY IN KENYA AND GUIDELINES FOR THE PLAN OF ACTION FOR ITS IMPLEMENTATION

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EXECUTIVE SUMMARY

Family is important and each one contributes to the growth and development of its members and consequently of the wider community. Family policies are therefore crucial and are in turn closely linked with the most relevant Sustainable Development Goals of the 2030 Development Agenda and may even be considered a prerequisite for their accomplishment.

The Government of Kenya, under the auspices of the Ministry of Labor and Protection developed a draft National Family Promotion and Protection Policy and later approached the United Nations Division for Inclusive Social Development with the request to ensure that the Draft Policy matches international standards. This Paper consists of the said analysis, recommendations on how to improve its alignment to the most relevant Sustainable Development Goals, and a guideline for the implementation of the Plan of Action.

A summary of the main findings of the analysis is as follows:

SDG 1 - to end poverty in all its forms everywhere (targets 1.1-1.7): Targets 1.1 and 1.2 are indirectly addressed under the Economy-related policy interventions. Reference to *extreme poverty* and *men, women and children living in poverty* in all its dimensions, in addition to vulnerability in general, would be more appropriate. There is a provision for tax relief and subsidies under Economy policy intervention (vi). Target 1.3 could be better reflected if a family perspective is maintained in reference to vulnerable persons. Target 1.4 is vaguely referred to in Economy policy interventions. No reference is made, however, to access to basic services, economic and natural resources, land and other property ownership and control, inheritance, new technology and financial services, including microfinance. This would need looking into.

The Draft Policy does not refer to the needs of the poor and vulnerable due to the adverse consequences of climate-related events, and other economic, social and environmental shocks and disasters (Target 1.5). Cash transfer programmes could be mentioned explicitly in this perspective, among others. The National Treasury and Planning as well as the Ministry of Devolution and the Arid and Semi-Arid Lands are well placed to spearhead this process.

SDG 2 - to end hunger, achieve food security and improved nutrition and promote sustainable agriculture (targets 2.1 and 2.2): The Policy co-relates development goals with family focused strategies expected to culminate in eradication of hunger, among other outcomes. The Ministry responsible for health is also expected to address malnutrition among other aspects of health. Targets 2.1 and 2.2 are however poorly reflected in the Draft Policy, perhaps with a vague reference under the thematic area on Economy. No mention is made of agriculture, nutrition, and food security, whereas hunger is referred to only once. Clear attention could therefore be given to these pertinent issues in the Policy. The Ministry responsible for Agriculture, Livestock, Fisheries and Irrigation, and the Ministry responsible for Industry, Trade & Co-operatives could be incorporated into the institutional framework for implementation.

SDG 3 - to ensure healthy lives and promote well-being for all at all ages (targets 3.1-3.4, 3.6, 3.8): Health is presented in its direct relation with development. The Draft recognizes the role of the family in caring for the health of its members. *Well-being* is mentioned several times in the Policy. The Kenya Prisons Service and the Ministry of Health also feature as some of the key players, as do county governments and civil society.

The Policy mentions the need for family focused policies in order to reduce maternal mortality, which, together with newborn and child mortality are indirectly addressed. Article 53 of the Constitution of Kenya on the right of the child to basic healthcare is also invoked. In view of the morbidity and mortality rate in Kenya due to malaria, tuberculosis, tobacco-related diseases and road traffic accidents, the policy should speak about applicable measures in favour of family health and wellbeing. Targets 3.4, 3.6 and 3.8 are overlooked in the Policy. Skilled health providers are referred to only in the Appendix. Sanitation and hygiene are included in the family disease prevention role. The policy also ought to refer explicitly to contemporary challenges like pollution, exposure to secondhand tobacco smoke, and access to essential medicines and vaccines at affordable rates. Universal healthcare could be expressly endorsed, highlighting, inter alia, the need to fund health systems adequately and to ensure availability of enough skilled health personnel. Mental health in general should be touched on in the Policy. The universal rollout of the National Health Insurance Fund could be commended and encouraged.

The proposed policy objectives under the thematic area on Parenting include the enhancement of parents' ability and capability to protect children from exposure to, and participation in activities that may be detrimental to their all-round well-being.

The given policy interventions under parenting and marriage thematic areas although relevant for the well-being of Kenyans at all ages as envisioned under SDG 3, do not relate directly to the listed SDG Targets for purposes of this background paper.

The Ministry of Health jointly with the Ministries of Labor and Social Protection, and, the Ministry of Water and Sanitation should lead with policy implementation.

SDG 4 - to ensure inclusive and equitable quality education and promote lifelong learning opportunities for all (targets 4.1-4.7): The Policy highlights the child's right to education, with a focus on the family's primary educative role. Those in charge should prioritize the best interests of the child.

Other aspects of education referred to in the Policy have to do with promoting cultural and religious practices that strengthen the family, health education, media role in education, education on human rights, gender equality, alcohol and substance abuse, family values, and work-family balance. The Ministry of Education is expressly tasked with ensuring that all children have access to quality and inclusive education and training systems (implicit reference to targets 4.1, 4.3, 4.4 and 4.5), the involvement of families in the education of children, provision of ECD services (target 4.2), provision of psycho-social services in schools, and youth development programs emphasizing skills development and training, including trade and industry skills (4.4).

In addition to Family Education policy interventions, responsible parenting is one of the Policy guiding principles.

SDG targets 4.1-4.6 could be dealt with deliberately *in the proposed policy interventions*, making clear reference to the various targets. Target 4.7 is implicitly dealt with. "Parenting education" should be addressed explicitly so that its link with this SDG is more obvious and beneficial.

SDG 5 - to achieve gender equality and empower all women and girls (targets 5.1-5.6): The Policy speaks about gender-responsive programs and media messages. Ministry of Education is urged to teach life skills that cover gender equality issues, whereas the Ministry of Labour is to design policies and laws that ensure gender equality at the workplace.

Some of the proposed interventions under Economy are applicable here as well.

The Policy outlines the legal context of family policy, referring to the AU Plan of Action for the Family. It requires Member States to “create a conducive environment for all family members regardless of sex..., with special attention to the rights of *women and girls*” and to “ensure the survival, development, protection and participation of vulnerable groups such as children, youth, *women...*”

Some of the proposed economy policy interventions seek to boost gender equality and to empower working women.

No policy intervention addresses non-discrimination openly despite referring to it among the national values, building blocks and policy guiding principles. The Policy ought to speak about trafficking of women and girls, as Kenya is one of the countries that is more affected. Violence is dealt with in detail, although it should not be restricted to harmful practices at the risk of excluding other forms of violence. A Policy building block is protection of the vulnerable (including girls and women) against violence. Harmful practices are discussed under the thematic areas of religion and culture and family security.

In addition to some proposed Economy policy interventions, the NPFPP gives a definition of work-family balance. The involvement of men in home-based care among other areas is stated in the Policy, although not among the policy interventions. The thematic area on parenting includes a policy objective on promoting and appreciating *equal parental responsibility at home*. It also proposes a policy intervention on harmonization between work and family. The Policy should openly advocate for nurturing or enhancement of domestic responsibility skills in boys and encouraging the involvement of men in the care of the home. No reference is made to recognition and value due to unpaid care and domestic work and the supporting services or policies needed. Paid domestic work should be regulated as per the Employment Act. No indication is given regarding the need to promote women’s participation in leadership in various spheres; this could be addressed. Reproductive health is defined in the Policy. No reference is made to the right of access, nor to the Cairo and Beijing conference documents. Sexual and reproductive health and rights should be dealt with in a way that respects the evidence base of the right to informed choice.

The Ministries responsible for Youth and Gender, Labor, Interior, Foreign Affairs, Education and ICT each or jointly have a role to play depending on the specific gender issue at stake.

SDG 11- to make cities inclusive, safe, resilient and sustainable (targets 11.1, 11.3, 11.7): A policy intervention to ensure that the needs of vulnerable members of the society are prioritized in affordable housing programs is included. No mention is made, however, of their adequacy and safety, the upgrading of slums, or the corresponding basic services. The Policy needs to tackle these important issues. No direct mention is made of inclusive and sustainable urbanization, and,

participatory, integrated and sustainable human settlement planning and management. Migrant families are not mentioned as such. Intergenerational solidarity is only defined among the key terms. Playground facilities are cited, but no mention is made of green or public spaces, urbanization, inclusive cities, etc. The Policy needs to address these evident gaps.

The Ministries responsible for Lands & Physical Planning, Infrastructure, Housing & Urban Development play a key role in driving the policies to meet family needs under SDG 11. The contribution of the private sector should also be noted.

SDG 16 - to promote just, peaceful and inclusive societies (targets are 16.2, 16.3, 16.9): Abuse is mentioned regarding only older persons while exploitation is referred to protection of youth and the thematic area on family security. Violence against children is addressed, but no mention is made of trafficking of children. Rule of law is highlighted briefly, as well as family security intervention regarding sensitization and education of families on their rights and relevant laws on family security. The proposed Policy interventions regarding programmes and research studies to prevent violence and understand risk factors are crucial. The Policy can contribute to the implementation of the Protection Against Domestic Violence Act 2015 but could also broaden its scope to address other rule of law and access to justice concerns as envisaged in Target 16.3. Reference to legal identity such as birth registration is necessary insofar as it is linked to national planning and provision of social services.

The Ministry responsible for Social Protection will have a key role to play in ensuring the generation of the state of the family report as proposed in the Draft Policy. The Ministries of Interior and Defence, as well as the Department of Justice play a fundamental role in ensuring the achievement of the given targets and proposed policy interventions.

The findings are intended to boost the requested capacity building efforts so that the Government of Kenya increases its capacity to address national priorities relating to family issues, while at the same time investing in a variety of family-oriented policies that support the implementation of the 2030 Agenda for Sustainable Development. It will also enable the Government to fulfill its constitutional and international obligation of recognizing the family as the natural and fundamental unit of society and the necessary basis of social order, and the duty to recognize and protect it. It will also be better placed to enforce or review the corresponding legislation and policies by coordinating a multisectoral approach and promoting appropriate stakeholder involvement.

I. INTRODUCTION

This paper seeks to demonstrate the extent to which the National Policy on Family Promotion and Protection of Kenya (NPFPP) conforms to the 2030 Development Agenda. It includes specific targets under the Sustainable Development Goals (SDGs) 1-5, 11 and 16. The reason is that appropriate family policies are essential for the achievement of many of the goals, as repeatedly pointed out by the Secretary General of the United Nations, and subsequently adopted in resolutions by the General Assembly

The importance of the family, and, consequently, of family policies and programs is shown, drawing from notable references such as the Universal Declaration of Human Rights, the Constitution of Kenya of 2010, among others. The co-relation between the United Nations, family policies and the 2030 Agenda for Sustainable Development is discussed. Family policies are then outlined considering the Agenda in general, and then in view of the specific goals and targets. The NPFPP is thereafter introduced in a development perspective, after which it is analyzed in section VII in the perspective of the specific SDGs, the aim of this paper. Finally, recommendations are made on how to improve the conformity of the current national policy with the 2030 Agenda, and some guidelines offered for the development of an effective Plan of Action for the implementation of the current policy. Some of the insights obtained during a capacity-building workshop held in Nairobi in April 2019 are also reflected.

II. DUTIES TOWARDS FAMILY: THE MEANING AND PURPOSE OF FAMILY POLICIES

The family is owed protection by society and the State as indicated in the Universal Declaration of Human Rights.¹ The African Charter on Human and Peoples' Rights further mentions that the State has the responsibility to take care of its physical and moral health,² and to assist it,³ while also enjoining all individuals regarding their duties towards family and society,⁴ in particular to preserve the harmonious development of the family and to work for its cohesion, respect, and care.⁵

The Constitution of Kenya of 2010 in turn upholds the commitment to nurturing and protecting the well-being of the family⁶ and affirms that the family is entitled to enjoy the recognition and protection of the State.⁷ It also asserts the rights of older persons *inter alia* to receive reasonable care and assistance from their family and the State.⁸ Specific laws have been further enacted to operationalize these constitutional guarantees. These include: The Marriage Act 2014, The Matrimonial Properties Act 2014, The Protection Against Domestic Violence Act 2015, and The

¹ United Nations 1948 - Art 16(3)

² African Union 1981 - Art 18(1)

³ African Union 1981 - Art 18(2)

⁴ African Union 1981 - Art 27(1)

⁵ African Union 1981 - Art 29(1)

⁶ Government of Kenya 2010 - Preamble

⁷ Government of Kenya 2010 - Art 45(1)

⁸ Government of Kenya 2010 - Art 57(d)

Social Assistance Act 2014. Other relevant laws are The Children's Act 2001, The Persons with Disabilities Act 2003, The Sexual Offences Act 2006, and The Employment Act 2007.

Family policy considering the above refers to social programs, laws, and public directives designed to promote and enhance marriage, reproduction, and raising children. It also ensures child protection and child and spousal support and attempts to resolve conflicts between work and family.⁹ Other authors¹⁰ point out that family policies are intentionally designed to support families, address their problems and ultimately enhance members' wellbeing, while strengthening family relationships.

Family policy development, implementation, and assessment should be prioritized in the policymaking agenda of any state, considering the state obligation to recognize and protect it,¹¹ and cognizant of the need for harmonious multistakeholder engagement.¹² It should be kept in mind that family policies are mainly to help families fulfill their functions, taking into account the resources and capacity families already have. The evidence base should incorporate input from families themselves and thereafter public awareness should be fostered at the implementation stage¹³ in order to encourage ownership and uptake of the given policy by a variety of stakeholders. Efforts should also be made to strengthen the family-centred components of existing policies and programs, counting as well on existing United Nations recommendations.¹⁴

All social and economic policies affect families¹⁵ and as per Saraceno,¹⁶ explicit family policy as such is a recent addition to social policy, even though families have long been shaped by public policies, whether or not the concept of family policies has been introduced in policymaking.

Although family policy can be established by employers and voluntary organizations,¹⁷ this paper focuses primarily on Government policy, which should, of course, consult with the private sector in order to achieve a more objective outcome.

Family policy design and implementation ought to reflect family diversity¹⁸ and respond to the respective needs of different kinds of families.¹⁹

The draft National Policy on Family Promotion and Protection in its third chapter, outlines the *rationale* for the policy and states that it is based on the constitutional guarantee to recognize and protect²⁰ the family. Its *vision* is happy and stable families for a strong society, its *mission* to

⁹ Encyclopedia.com

¹⁰ Robila 2014

¹¹ Ibid 11

¹² Ibid 11, introduction

¹³ Ibid 11, conclusion

¹⁴ United Nations 2016b

¹⁵ Encyclopedia.com

¹⁶ Saraceno 2011

¹⁷ Ibid 16

¹⁸ United Nations 2016a, 41; one of the NPFPP guiding principles is family diversity.

¹⁹ United Nations 2016c

²⁰ Here protection is taken to mean the all-round guarantee of family wellbeing by averting or eliminating real or potential danger, whether physical, moral or spiritual. Social protection would correspond to the physical or material wellbeing of the family.

promote and protect families through innovative policies, strategies, programmes, projects and services that strengthen society, and its *goal* to provide an environment that recognizes and facilitates family wellbeing and empowers families to participate in the socio-economic development of the country. Its *objectives*, for immediate purposes of this paper, include to enhance the caring, nurturing, and supporting capabilities of families, so that their members can contribute effectively to the overall development of the country, as well as empowering families and their members to identify, negotiate and maximize socio-economic and other opportunities in the country.

III. THE UNITED NATIONS, FAMILY POLICIES AND THE 2030 AGENDA FOR SUSTAINABLE DEVELOPMENT

The Division for Inclusive Social Development (DISD) of the Department of Economic and Social Affairs (DESA) is responsible for analyzing the relevance of families and family policies for the implementation of the 2030 Agenda for Social Development.²¹ To this end, several Expert Group Meetings on family policy have been organized under its auspices over the years to deal with family policy development, assessment of family policies, good practices in family policies, and importantly for this background paper, family policies and the 2030 Sustainable Development Agenda.²²

The General Assembly in turn proclaimed the International Year of the Family (IYF) in 1994.²³ The principles underlying the IYF reiterate the duty to accord families their due protection and assistance and the need to promote programs that support rather than substitute families in the discharge of their functions, thereby promoting the inherent strengths of families.²⁴

The theme of the 1994 IYF was *the Family: resources and responsibilities in a changing world* and its motto: *Building the Smallest Democracy at the Heart of Society*.

The objectives of the 1994 IYF and on its tenth anniversary in 2004 included to *increase awareness of family issues among Governments and in the private sector and to strengthen national institutions to formulate, implement and monitor policies in respect of families*.²⁵

The objectives of the twentieth anniversary in 2014 in turn were to make *concrete efforts to improve family well-being through the implementation of effective national policies, strategies and programmes, especially in the areas of poverty eradication, employment and decent work, and social integration*.²⁶

²¹ United Nations (DESA) 2019

²² Between 2009 and 2016.

²³ United Nations 1989

²⁴ United Nations 1989

²⁵ United Nations 1997

²⁶ United Nations 2011

In a resolution adopted by the General Assembly in 2016,²⁷ the IYF was endorsed as “an opportunity to undertake concerted action to strengthen family-centred policies and programmes *as part of an integrated comprehensive approach to development*”²⁸ [emphasis added] The General Assembly encouraged governments « to continue to make every possible effort to realize the objectives of the International Year of the Family and its follow-up processes and to develop strategies and programmes aimed at strengthening national capacities to address national priorities relating to family issues”. Member States were invited “to invest in a variety of family-oriented policies and programmes...to support the implementation of the 2030 Agenda for Sustainable Development”.²⁹

In 2017, the General Assembly adopted a resolution³⁰ recognizing that the twentieth anniversary of the IYF was a useful opportunity to “continue to raise awareness of the objectives of the International Year for increasing cooperation on family issues at all levels and for undertaking concerted action to strengthen family-centred policies and programmes as part of an integrated comprehensive approach to development ». The General Assembly also acknowledged that « the International Year of the Family and its follow-up processes have served as catalysts for a number of initiatives at the national and international levels, including many family policies and programmes...» and once again encouraged Governments to « continue to make every possible effort to realize the objectives of the International Year of the Family and its follow-up processes and to develop strategies and programmes aimed at strengthening national capacities to address national priorities relating to family issues and to step up their efforts, in collaboration with relevant stakeholders, to implement those objectives...».

In his 2017 report on the implementation of the objectives of the IYF³¹, the Secretary-General further emphasized the importance of investing in family policies and programmes, as tools to support the implementation of the 2030 Agenda.

The importance of families and family policies for the achievement of the Sustainable Development Goals was recognized by Member States at the 54th session of the Commission for Social Development.³² Expected challenges in understanding, addressing and solving problems are due to the interlinked nature of the SDGs and targets.³³

Specific perspectives and activities are outlined in the section below.

²⁷ United Nations 2016b

²⁸ United Nations 2016b - preamble

²⁹ United Nations 2015a

³⁰ United Nations 2017a

³¹ United Nations 2017b

³² United Nations 2016c

³³ United Nations 2016a

IV. FAMILY POLICIES AND THE 2030 SUSTAINABLE DEVELOPMENT AGENDA

It has been explicitly recognized that an integrated comprehensive approach to development requires strengthening family-centred policies and programmes.³⁴ Such an approach to development necessitates family policies in areas such as poverty, work-family balance and intergenerational issues, which in turn can contribute to “ending poverty, ending hunger, ensuring a healthy life and promoting well-being for all at all ages, promoting lifelong learning opportunities for all, ensuring better education outcomes for children, achieving gender equality and the empowerment of women and girls and eliminating all forms of violence, in particular against women and girls”³⁵. The IYF is intended as one of the means to achieve these aims.³⁶ The General Assembly has also invited Member States to support the implementation of the 2030 Agenda for Sustainable Development by investing in the relevant family policies and programmes as important tools for, inter alia, “fighting poverty, social exclusion and inequality, promoting work-family balance and gender equality and the empowerment of women and girls and advancing social integration and intergenerational solidarity”³⁷.

The importance of families and family policies for the achievement of Sustainable Development Goals³⁸ - especially those relating to poverty eradication, healthy lives, education and gender equality - was also recognized by Member States during the 54th session of the Commission for Social Development in 2016. Family-oriented policies often have untapped potential to contribute to achieving several national development goals.³⁹

The General Assembly has acknowledged⁴⁰ that the IYF has served as a catalyst for family policies and programmes related to poverty and hunger, well-being of all at all ages, and that it can boost developmental efforts. Governments and relevant stakeholders have been encouraged to implement the IYF objectives, especially those related to fighting poverty and hunger and ensuring the well-being of all at all ages. The General Assembly further encourages Member States to promote work-family balance, the achievement of gender equality and the empowerment of women and girls, inter alia, « through flexible working and leave arrangements, parental leave, affordable, accessible and good quality childcare and initiatives to promote the equal sharing of household responsibilities, including unpaid care work, between men and women »⁴¹. The General Assembly also encourages Member States to invest in family policies and programmes that promote strong intergenerational interactions, such as, « intergenerational living arrangements and parenting education, to promote inclusive urbanization, intergenerational solidarity and social cohesion »⁴².

In his 2017 report⁴³, the Secretary-General echoed the importance of family policies and programmes particularly aimed at fighting poverty, social exclusion and inequality, promoting

³⁴ United Nations 2016b preamble; United Nations 2017a

³⁵ United Nations 2017b

³⁶ United Nations 2016b

³⁷ United Nations 2015a

³⁸ United Nations 2019

³⁹ United Nations 2016a, 9

⁴⁰ United Nations 2017a

⁴¹ United Nations 2017a

⁴² United Nations 2017a

⁴³ United Nations 2017b

work-family balance and gender equality and the empowerment of women and girls, and advancing social integration and intergenerational solidarity, as tools to support the implementation of the 2030 Agenda.

The repeated co-relation between family policies and specific SDGs – in this case SDG 1 (poverty), 2 (hunger), 3 (healthy lives), 4 (quality education), and 5 (gender equality and empowerment of women and girls) - forms the backdrop of the current paper, to which is added SDG 11 (sustainable cities and communities) and 16 (peace, justice, and strong institutions). The next section discusses these specific goals in detail.

V. FAMILY POLICIES IN THE PERSPECTIVE OF SDG 1-5, 11, 16

a) Family Policies and Sustainable Development Goal 1

Sustainable Development Goal 1 is **to end poverty in all its forms everywhere**.⁴⁴ The given targets hereunder (1.1-1.7) are relevant for family policies.

1.1 By 2030, eradicate extreme poverty for all people everywhere, currently measured as people living on less than \$1.25 a day

1.2 By 2030, reduce at least by half the proportion of men, women and children of all ages living in poverty in all its dimensions according to national definitions

1.3 Implement nationally appropriate social protection systems and measures for all, including floors, and by 2030 achieve substantial coverage of the poor and the vulnerable

1.4 By 2030, ensure that all men and women, in particular the poor and the vulnerable, have equal rights to economic resources, as well as access to basic services, ownership and control over land and other forms of property, inheritance, natural resources, appropriate new technology and financial services, including microfinance

1.5 By 2030, build the resilience of the poor and those in vulnerable situations and reduce their exposure and vulnerability to climate-related extreme events and other economic, social and environmental shocks and disasters

1.a Ensure significant mobilization of resources from a variety of sources, including through enhanced development cooperation, in order to provide adequate and predictable means for developing countries, in particular least developed countries, to implement programmes and policies to end poverty in all its dimensions

⁴⁴ United Nations 2015a, 2015b

1.b Create sound policy frameworks at the national, regional and international levels, based on pro-poor and gender-sensitive development strategies, to support accelerated investment in poverty eradication actions

Unemployment and social exclusion are among the causes of poverty, whereas hunger and malnutrition are some of its manifestations.⁴⁵ Low-quality jobs and vulnerable employment are contributors to persistent poverty and inequality. More than 70% of workers in sub-Saharan Africa⁴⁶ are in vulnerable employment.⁴⁷

Up to 42% of the population in sub-Saharan Africa lives below the poverty line⁴⁸ and 9 out of 10 children living in extreme poverty⁴⁹ are in sub-Saharan Africa.⁵⁰

The General Assembly has encouraged Member States to provide universal and gender-sensitive *social protection systems* in order to reduce poverty. These include “*targeted cash transfers* for families in vulnerable situations, such as when headed by a single parent, in particular those headed by women”.⁵¹ These should be accompanied other measures such as “*access to basic services, high-quality education and health services*”.⁵²

Policymakers are further urged to *create an enabling environment to generate productive employment and job opportunities for the poor and marginalized* and formulate *strategies and fiscal policies that stimulate pro-poor growth and reduce poverty*.⁵³

Universal, nationally appropriate social protection systems and measures that safeguard individuals throughout the life cycle are necessary in order to end poverty. By 2030, these systems and measures should substantially cover the poor and the vulnerable⁵⁴ and help to ensure they, in particular, have equal rights to economic resources, as well as access to basic services, ownership and control over land and other forms of property, inheritance, natural resources, appropriate new technology and financial services.⁵⁵

⁴⁵ United Nations 2015b

⁴⁶ Sub-Saharan Africa, unless otherwise stated, automatically includes Kenya.

⁴⁷ United Nations 2016a, 44

⁴⁸ Cited in United Nations 2016a: The analysis for sub-Saharan Africa is based on five dimensions: health, nutrition, water, sanitation and housing for children under 5; and education, information, water, sanitation and housing for children aged 5 to 17. See www.unicef-irc.org/publications/pdf/brief7_multidimensional_child_deprivation_monetary_poverty_ssa_layout.pdf.

⁴⁹ Extreme poverty is defined for the purposes of the present report as living on less than \$1.90 a day.

⁵⁰ United Nations 2016a, A7

⁵¹ United Nations 2017a, 6

⁵² United Nations 2017a, 6

⁵³ United Nations 2017a, 6

⁵⁴ SDG 1, Target 1.3

⁵⁵ SDG 1, Target 1.4

Poverty eradication policies, strategies and programmes are one of the means to improve family well-being⁵⁶ and foster family functioning and reduction of risky behaviors.⁵⁷ Family policies in the area of poverty are in turn necessary to achieve an integrated comprehensive approach to development.⁵⁸ Investment in the relevant family policies and programmes is thus one of the tools for fighting poverty.⁵⁹ Family policies related to poverty can help to achieve the Sustainable Development Goal number 1, thus boosting developmental efforts.⁶⁰ Social protection systems can double up as family policies and means to achieve SDG 1.

The bottom-line: investing in relevant family policies and programmes is essential for the achievement of the Sustainable Development Goals, in this case number 1. Policies and programmes inter alia aimed, but not limited to fighting poverty and social exclusion, will support the implementation of the 2030 Agenda. The family has a key role to play in enhancing social integration and ensuring full and productive employment.⁶¹

b) Family Policies and Sustainable Development Goal 2

Sustainable Development Goal 2 is **to end hunger, achieve food security and improved nutrition and promote sustainable agriculture.**

Targets 2.1 and 2.2 are the more applicable ones and state as follows:

2.1 By 2030, end hunger and ensure access by all people, in particular the poor and people in vulnerable situations, including infants, to safe, nutritious and sufficient food all year round.

2.2 By 2030, end all forms of malnutrition, including achieving, by 2025, the internationally agreed targets on stunting and wasting in children under 5 years of age, and address the nutritional needs of adolescent girls, pregnant and lactating women and older persons

Statistics⁶² show that majority of the world's hungry people live in developing countries,⁶³ the most recent projections regarding sub-Saharan Africa indicated a rate of undernourishment of almost 23 per cent. One in three children in developing countries suffer stunted growth and 23 million primary-school age children in Africa attend classes hungry. As of 2018, world hunger appeared to be on the rise.

⁵⁶ United Nations 1989

⁵⁷ United Nations 2016a, 45

⁵⁸ United Nations 2016b preamble; United Nations 2017a

⁵⁹ United Nations 2015a.

⁶⁰ United Nations 2017a

⁶¹ United Nations 2016c

⁶² United Nations website (accessed April 2019)

⁶³ These, unless stated otherwise, include Kenya.

Family policies and programmes such as those related to poverty can contribute to ending hunger; government efforts to realize the objectives of the IYF can therefore contribute to this end.⁶⁴ Other relevant policies are those to do with children's health, development and nutrition.⁶⁵

Ending intergenerational transmission of poverty is crucial for reducing both poverty and hunger. Some guiding principles include the scaling up of given policies and programmes, ensuring their financial sustainability and as shown above, targeting vulnerable families, and addressing structural factors underlying poverty and hunger, all of which can help to end poverty and achieve several SDG 1 and 2 targets.⁶⁶

c) Family Policies and Sustainable Development Goal 3

The goal is **to ensure healthy lives and promote well-being for all at all ages.**

The relevant targets are the following:

3.1 By 2030, reduce the global maternal mortality ratio to less than 70 per 100,000 live births

3.2 By 2030, end preventable deaths of new-borns and children under 5 years of age, with all countries aiming to reduce neonatal mortality to at least as low as 12 per 1,000 live births and under-5 mortality to at least as low as 25 per 1,000 live births

3.3 By 2030, end the epidemics of AIDS, tuberculosis, malaria and neglected tropical diseases and combat hepatitis, water-borne diseases and other communicable diseases

3.4 By 2030, reduce by one third premature mortality from non-communicable diseases through prevention and treatment and promote mental health and well-being

3.6 By 2020, halve the number of global deaths and injuries from road traffic accidents

3.8 Achieve universal health coverage, including financial risk protection, access to quality essential health-care services and access to safe, effective, quality and affordable essential medicines and vaccines for all

Among the requirements to achieve the abovementioned targets is improved skilled delivery care (3.1), more efficient technologies for clean fuel use and education on tobacco risks (3.3), and more efficient funding of health systems, improved sanitation and hygiene, increased access to physicians, and more tips on ways to reduce pollution.⁶⁷

Statistics⁶⁸ indicate that four out of every five child deaths are in sub-Saharan Africa (and Southern Asia). In addition, the maternal mortality ratio is 14 times higher in developing regions, and that

⁶⁴ United Nations 2017a, 2016b

⁶⁵ United Nations 2016a, 11

⁶⁶ United Nations 2016a, 12, 182

⁶⁷ United Nations 2015b

⁶⁸ United Nations website (accessed April 2019)

only half of women in developing regions receive the recommended amount of health care they need. AIDS is the leading cause of death among adolescents in Africa.

Health services can contribute to *poverty reduction* and thus the development goals. Families and family policies are important for the attainment of this SDG, among others.⁶⁹ Achievement of SDG 5 regarding gender equality will aid with the attainment of SDG 3.⁷⁰

Work-family balance is also an important component of SDG 3. It entails the reconciliation of the demands of paid work with those of the family.⁷¹ This has major repercussions on the health of all in the psychological and mental health perspective, as well as physical health, dietary and lifestyle habits, and child and adolescent health.

Involved fatherhood boosts children's health and behavior in the short and long term. The wellbeing of mothers and the fathers themselves is also enhanced. The need for supportive family environments, free of violence and neglect is key to achievement of this SDG.⁷²

Note should also be taken of the positive impact of high-quality marital relations and parenting behaviors to mental and physical health, as well as the benefits of good family relations and support to treatment adherence and illness adaptation.⁷³

d) Family Policies and Sustainable Development Goal 4

The goal is **to ensure inclusive and equitable quality education and promote lifelong learning opportunities for all.**

The relevant targets are:

4.1 By 2030, ensure that all girls and boys complete free, equitable and quality primary and secondary education leading to relevant and effective learning outcomes.

4.2 By 2030, ensure that all girls and boys have access to quality early childhood development, care and pre-primary education so that they are ready for primary education.

4.3 By 2030, ensure equal access for all women and men to affordable and quality technical, vocational and tertiary education, including university.

4.4 By 2030, substantially increase the number of youth and adults who have relevant skills, including technical and vocational skills, for employment, decent jobs and entrepreneurship.

4.5 By 2030, eliminate gender disparities in education and ensure equal access to all levels of education and vocational training for the vulnerable, including

⁶⁹ United Nations 2016c

⁷⁰ United Nations 2016c

⁷¹ United Nations 2016a, 92

⁷² United Nations 2016a, 183

⁷³ United Nations 2016a, 115

persons with disabilities, indigenous peoples and children in vulnerable situations.

4.6 By 2030, ensure that all youth and a substantial proportion of adults, both men and women, achieve literacy and numeracy.

4.7 By 2030, ensure that all learners acquire the knowledge and skills needed to promote sustainable development, including, among others, through education for sustainable development and sustainable lifestyles, human rights, gender equality, promotion of a culture of peace and non-violence, global citizenship and appreciation of cultural diversity and of culture's contribution to sustainable development.

As aptly observed, sustainable development is founded on quality education. Among its benefits is that it can boost innovative capacity with regard to the prevailing world problems.⁷⁴ Family-oriented policies including investments in early childhood education and facilitation of parental involvement in their children's education have, inter alia, led to improved outcomes for children and thus the greater likelihood of achieving SDG 4.⁷⁵ Stable, supportive and well-functioning families have been upheld as "primary educators for young children and indispensable to their emotional well-being impacting their educational achievement"⁷⁶.

The goals listed above are particularly relevant for Kenya like other developing countries, as backed by available data: 57 million primary-age children in developing countries are out of school and more than half of children that have not enrolled in school live in sub-Saharan Africa. In 2016, only 41 per cent of children in sub-Saharan Africa participate in early childhood and primary education, against the 70 per cent global average. In the same year, about 61 per cent of teachers in sub-Saharan Africa were trained, compared to the 85 per cent global average.

For children from impoverished families to access quality education, educational scholarships, teacher training workshops, building of schools and improvement of water and electricity access to schools are necessary.⁷⁷

High-quality education is recognized as one of the measures that make social protection systems more effective.⁷⁸

The International Year of the Family and consequent family policies are in turn expected to contribute to promoting, inter alia, lifelong learning opportunities for all (including parenting education), and ensuring better education outcomes for children.⁷⁹ High-quality childcare has additionally been heralded as a sure means to higher educational achievement and consequent prospects later in life.⁸⁰

⁷⁴ United Nations 2018

⁷⁵ United Nations 2016c; 2016a, 21

⁷⁶ United Nations 2016a, 20

⁷⁷ United Nations 2016a

⁷⁸ United Nations 2017a

⁷⁹ United Nations 2017a

⁸⁰ United Nations 2016a, B 24

Other areas ⁸¹ are: free schooling and minimized costs ; helping parents educate children ; cash transfers that encourage school attendance and completion ; incentives to channel migration remittances to education, and, better government coordination regarding education work.

Education is also a gendered issue thus overlapping with SDG 5 in relation to girls' and women's access to educational among other resources, the need to focus on the education prospects of girls and women⁸² and to address the prevailing sociocultural barriers.

e) Family Policies and Sustainable Development Goal 5

The goal is **to achieve gender equality and empower all women and girls.**

The targets are:

- 5.1 End all forms of discrimination against all women and girls everywhere.
- 5.2 Eliminate all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation.
- 5.3 Eliminate all harmful practices, such as child, early and forced marriage and female genital mutilation.
- 5.4 Recognize and value unpaid care and domestic work through the provision of public services, infrastructure and social protection policies and the promotion of shared responsibility within the household and the family as nationally appropriate.
- 5.5 Ensure women's full and effective participation and equal opportunities for leadership at all levels of decision-making in political, economic and public life.
- 5.6 Ensure universal access to sexual and reproductive health and reproductive rights as agreed in accordance with the Programme of Action of the International Conference on Population and Development and the Beijing Platform for Action and the outcome documents of their review conferences.
- 5.a Undertake reforms to give women equal rights to economic resources, as well as access to ownership and control over land and other forms of property, financial services, inheritance and natural resources, in accordance with national laws
- 5.b Enhance the use of enabling technology, in particular information and communications technology, to promote the empowerment of women
- 5.c Adopt and strengthen sound policies and enforceable legislation for the promotion of gender equality and the empowerment of all women and girls at all levels

⁸¹ United Nations 2016a, 184

⁸² United Nations 2016a, B 21 and 23

Gender equality has been heralded as “a necessary foundation for a peaceful, prosperous and sustainable world”.⁸³ Economies will be more sustainable, and societies and humanity at large will benefit.⁸⁴ Among the harmful practices that are prevalent in Kenya is child marriage and female genital mutilation. Under the current constitutional framework, Kenyan women/girls now have equal inheritance rights, right to own property, and the country has a specific statute dealing with domestic violence. The current constitution is also much more favourable regarding representation of women in public positions, although the reality is yet to match the letter of the law.

Promoting work-family balance is an important means to boost gender equality. Relevant family-oriented policies and programmes include financial investment in childcare and consideration of those who care for frail and disabled family members, maternal and paternal leave policies,⁸⁵ and workplace flexibilities.⁸⁶ Some of the ways that women are empowered through favourable childcare policies is increased maternal employment and access to good quality work, as well as greater father-child bonding, better sharing of unpaid care and household tasks and more fulfilled fathers.

A family perspective is also required, if gender equality and empowerment initiatives are to succeed; the role of the family in the lives of women and girls should not be overlooked.⁸⁷ Girl and women empowerment begins in families.⁸⁸ The family as a context for teaching gender roles also deserves attention.⁸⁹

Other issues affecting women and thus needing attention are: risk of maternal mortality, micronutrient deficiencies, access to secondary and tertiary education, gender-based violence, discriminatory law, practices, attitudes and norms, and, recognition and support of caregiving and unpaid work in families.⁹⁰

f) Family Policies and Sustainable Development Goal 11

This goal is about **making cities inclusive, safe, resilient and sustainable**.

The given targets are:

11.1 By 2030, ensure access for all to adequate, safe and affordable housing and basic services and upgrade slums.

11.3 By 2030, enhance inclusive and sustainable urbanization and capacity for participatory, integrated and sustainable human settlement planning and management in all countries.

⁸³ United Nations 2018

⁸⁴ United Nations 2018

⁸⁵ Some flexibility may be advisable as seen in Belgium, Germany, Norway, Slovakia, Russian Federation

⁸⁶ As in Denmark and Netherlands

⁸⁷ United Nations 2016a, 149-151

⁸⁸ United Nations 2016a, 185

⁸⁹ United Nations 2016a, 151

⁹⁰ United Nations 2016a 142, 143, 144, 147,

11.7 By 2030, provide universal access to safe, inclusive and accessible, green and public spaces, in particular for women and children, older persons and persons with disabilities.

95 per cent of urban expansion will be in the developing world, which makes this SDG directly relevant for Kenya. Additionally, rapid urbanization is exerting pressure on fresh water supplies, sewage, the living environment, and public health, a firsthand experience in the city of Nairobi. Levels of air pollution in urban areas globally are also way above the safety standard, with fatal consequences in some cases.⁹¹

In 2018, the challenge many cities face in managing rapid urbanization was reported. This includes “ensuring adequate housing and infrastructure to support growing populations, to confronting the environmental impact of urban sprawl, to reducing vulnerability to disasters”.⁹² The number of people living in slums globally increased by over 70 million.

Inclusive cities necessitate family-friendly policies. They can enhance social integration and intergenerational solidarity, if they are accessible to people of all generations and address their specific needs. They should facilitate meeting and interaction across the ages, multigenerational living arrangements and provide intergenerational sites.

Relevant policies comprise urban planning, legislative measures, community programmes, investments in shared intergenerational sites, among other initiatives.

Migrant families should also benefit from policies favouring the family as a unit and which support intergenerational connections.

g) Family Policies and Sustainable Development Goal 16

The goal is **to promote just, peaceful and inclusive societies**. The focus targets are:

16.2 End abuse, exploitation, trafficking and all forms of violence against and torture of children.

16.3 Promote the rule of law at the national and international levels and ensure equal access to justice for all.

16.9 By 2030, provide legal identity for all, including birth registration.

Evidence⁹³ shows that only 46 per cent of sub-Saharan Africa have their births registered. Other trends captured under this goal include: psychological aggression, physical punishment and violent forms of discipline; trafficking in persons majority of whom are women and girls mainly for sexual exploitation or forced labour; detention without sentencing; demand for bribes, birth registration, killing of journalists and others involved in crisis situations; implementation of freedom-of-

⁹¹ United Nations 2018

⁹² United Nations 2018

⁹³ United Nations 2018

information laws and policies, and, national human rights organisations that meet international standards.

Positive parenting is one of the ways of contributing to SDG 16.⁹⁴ It entails guiding and supporting children in a friendly family atmosphere, rather than using authoritarian methods and punitive measures.⁹⁵ It prevents violence and strengthens family resilience.

The above commentary offers a “blueprint” for analysing the Kenya Draft National Policy, to see the extent to which it conforms to the 2030 Development Agenda and thereafter proposing guidelines for the plan of action and its implementation. The next sections will present this perspective in detail.

VI. THE NPFPP KENYA IN A DEVELOPMENT PERSPECTIVE

The NPFPP is the product of a wide consultative process and a multi-sectoral approach is required for its application.⁹⁶ It is premised on the constitutional guarantee of the commitment of the Kenyan people to nurture and protect the well-being of the individual, the family, communities and the nation⁹⁷ and the constitutional provision that the family is the natural and fundamental unit of society and the necessary basis of social order, thus deserving recognition and protection by the State.⁹⁸ This is in harmony with important international and regional documents like the *Universal Declaration on Human Rights* and the *The African Charter on Human and Peoples' Rights*, which provide respectively as follows:

*The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.*⁹⁹

*The family shall be the natural unit and basis of society. It shall be protected by the State which shall take care of its physical health and moral.*¹⁰⁰

*The State shall have the duty to assist the family which is the custodian of morals and traditional values recognized by the community.*¹⁰¹

The Policy guiding principles are *stable marriage, responsible parenting, family diversity, family resilience, community participation, human rights and partnerships*. The proposed building

⁹⁴ United Nations 2016a, 189

⁹⁵ United Nations 2016a, 47 and See also Robert E. Larzelere and others, “Children and parents deserve better parental discipline research: critiquing the evidence for exclusively ‘positive’ parenting”, *Marriage and Family Review*, vol. 53, issue 1 (2017). Available from www.tandfonline.com/doi/full/10.1080/01494929.2016.1145613.

⁹⁶ Cfr. chapter five on the institutional framework for its implementation

⁹⁷ Government of Kenya 2010 - Preamble

⁹⁸ Art 45(1)

⁹⁹ United Nations, 1948 - Art 16 (3)

¹⁰⁰ African Union 1981 - Art 18(1)

¹⁰¹ African Union 1981 - Art 18(2)

blocks are *family values, protection of the vulnerable, family education and empowerment, family cohesion, and, security.*

The NPFPP aims at providing a coherent and comprehensive framework for the implementation and monitoring of policies and programmes in furtherance of this constitutional guarantee.¹⁰² The family can then participate better in the development process of the country. As such, the overall goal of the NPFPP is *to provide an environment that recognizes and facilitates family well-being and empowers families to participate in the socio-economic development of the country.*¹⁰³ In the national context, it is foreseen that it will contribute to the achievement of Vision 2030, Kenya’s national development blueprint, which is motivated by a collective aspiration for a better society by the year 2030.¹⁰⁴

The specific objectives of the Family Policy are given as follows¹⁰⁵ [emphasis added]:

- a) Enhance the caring, nurturing and supporting capabilities of families *so that their members are able to contribute effectively to the overall development of the country;*
- b) Develop the capacities of families to establish social interactions that contribute towards promoting a sense of community, cohesion and national solidarity;
- c) Empower families and their members by enabling them to *identify, negotiate and maximize socio-economic and other opportunities available in the country for sustainable development;*
- d) Enhance programs that support families with persons with disabilities and other vulnerable family members to participate in every sphere of society;
- e) Monitor and evaluate the State of the Family periodically through research;
- f) Mainstream interventions that promote and protect the family in all policies, strategies, programmes and projects.
- g) To promote intergenerational transfer of societal knowledge, norms,¹⁰⁶ etc.

The NPFPP covers nine thematic areas, namely, *marriage, parenting, religion and culture*¹⁰⁷, *education, health, economy, vulnerability and social protection, media*¹⁰⁸, and, *family security.*

The next section analyzes the NPFPP in light of the specified SDGs and some of the corroborating reports and resolutions.

VII. NPFPP IN LIGHT OF GIVEN SDGs AND TARGETS

This section directly addresses the topic of the paper, which consists of a detailed analysis of the Draft Policy in the perspective of each of the seven SDGs and the respective targets. The strengths

¹⁰² Ministry of Labour and Social Protection 2019 - Foreword

¹⁰³ Ministry of Labour and Social Protection 2019 - chapter three

¹⁰⁴ Government of Kenya, 2008

¹⁰⁵ Ministry of Labour and Social Protection 2019 - Executive Summary

¹⁰⁶ The mention of “taboo” can be problematic as some taboos may not foster family wellbeing.

¹⁰⁷ As religion is part of culture, the heading could read Culture alone.

¹⁰⁸ A better heading and focus would be “New Technologies”, so as to include social media.

and weaknesses are highlighted, with the latter forming the basis of the recommendations and plan of action made at the end of this document.

a) NPFPP and SDG 1 on Poverty

Some key terms defined in the NPFPP are:

Social protection: policies and programmes that protect people against risk and vulnerability, mitigate the impact of shocks, and support people from chronic incapacities to secure basic livelihoods.

Vulnerability: inability of individuals, communities and societies to withstand adverse impacts from multiple stressors to which they are exposed.

These two elements constitute one thematic area in the NPFPP, as discussed below.

The Draft Policy was developed as a reflection of the potential that the family must contribute, inter alia, to eradication of poverty. A family focus is deemed necessary if this SDG, among others, is to be achieved. The Policy echoes the UN General Assembly Resolution on the ‘Follow-up to the twentieth anniversary of the International Year of the Family and beyond’ encouraging governments to invest in family-oriented policies and programmes as important tools for fighting poverty, among other aims. The potential or actual co-relation between single-parent family headed households and family poverty, a growing likelihood in Kenya, is highlighted in the discussion regarding types of families.

Economy is one of the thematic issues addressed in the draft Policy. The effect of the economy on families is highlighted and the importance of considering families in economic planning duly recalled. The specific policy objective is to strengthen the family through the effective implementation of policies, strategies and programmes on socio-economic development goals that support the family well-being.

The policy interventions are outlined¹⁰⁹ (in part as the author deems more relevant) those shown below.¹¹⁰

- i. Mainstream¹¹¹ family needs in economic planning policies, strategies and programmes.
- ii. Promote reasonable and gainful employment and adequate standard of living for all families.
- iii. Promote entrepreneurship skills...early in life through the formal, non-formal and informal empowerment programs.
- iv. Expand and strengthen family economic empowerment¹¹² initiatives.
- v. Identify, target and support those families who are the most vulnerable and the least likely to have alternative sources of livelihood.

¹⁰⁹ Drawn from section 4.6.3 of the NPFPP. Only those the author deems more relevant here. Some revision seems necessary but is not affected here.

¹¹⁰ The comments in the footnotes are meant to improve the draft in a separate exercise.

¹¹¹ “Integrate” would be the more appropriate term in this context.

¹¹² Policy should include a definition of empowerment.

- vi. Provide direct support to family caregivers in the form of economic and non-economic measures, such as personal income tax relief and subsidies for care of children, older persons and persons with disabilities.
- vii. Enhance social safety nets to minimizing poverty.¹¹³
- viii. Develop and adopt policies aimed at [ensuring]¹¹⁴ that persons with family responsibilities can exercise the right to work without discrimination.
- ix. Progressively monitor and evaluate the impact of fiscal and monetary policies on the institution of the family.

A related thematic area is titled *Vulnerability and Social Protection*, which is constitutionally guaranteed under Article 43 of the Constitution of Kenya. All persons have a right to social security and the State is obliged to provide appropriate social security to persons who are unable to support themselves and their dependents.

An additional motivation, as the Policy highlights, is the fact that Kenyan society has undergone notable demographic changes leading to weakened socio-economic support by extended families. Evolving family structures as depicted in the section on types of families have, in part, contributed to increased family poverty.

Vulnerable persons are “mainly Orphans and Vulnerable Children (OVC), Persons with Disabilities (PWDs), older persons, street families, offenders and ex-offenders, widows and widowers, internally and externally displaced persons, marginalized persons and pastoralists living in the Arid and Semi-Arid Lands (ASAL), among others”.

The policy objective is “to put in place legal and programmatic measures to ensure that the rights of vulnerable members of the family are protected, promoted and fulfilled”.

Among the proposed policy interventions are:

- i. Sensitize community and family members on the causes of disability to eliminate discrimination and reduce stigmatization of families of persons with disabilities.
- ii. Ensure that children with disabilities enjoy equal rights in relation to family life, including preventing their “concealment, abandonment, neglect and segregation.
- iii. Ensure that Persons with Disabilities and their families participate in the design and organization of rehabilitation services concerning themselves.
- iv. Encourage family centred extended kin fostering as the most appropriate and cost-effective placement for children.
- v. Promote measures that will enhance integration of offenders and ex-offenders to their families and the community.

¹¹³ Social safety nets are a temporary measure. Better to speak about social protection in general.

¹¹⁴ Propose removal of word in brackets and insertion of “providing extra assistance, so...”

- vi. Ensure provision of alternative income and social security to promote strong family bonds in the pastoralist communities.
- vii. Recognize widows and widowers as a distinct group in need of empowerment alongside women and girls.
- viii. Facilitate the review of existing legislation to be responsive to the plight and protection of street families.
- ix. Establish family strengthening, rehabilitative and integration programmes for street families.
- x. Develop and support programs for reducing social distance between the aged and the rest of the community.
- xi. Promote and strengthen comprehensive social security schemes in all sectors.
- xii. Establish rescue centers for victims of violence
- xiii. Ensure needs of the vulnerable members of the society are prioritized in affordable housing programs.

Targets 1.1 and 1.2 are indirectly addressed under the Economy-related policy interventions (i)-(ix) listed above. (v) comes closest to these specific targets but is still not explicit enough considering that the working definition of vulnerability is *inability of individuals, communities and societies to withstand adverse impacts from multiple stressors to which they are exposed*. Reference to *extreme poverty* and *men, women and children living in poverty* in all its dimensions, in addition to vulnerability in general, would be more appropriate. Cash transfer (of any type) is mentioned in the glossary of terms, but not in the body of the draft. Grants and allowances are not referred to as such, but there is a provision for tax relief and subsidies under Economy policy intervention (vi). The Draft Policy urges funding of research on marriage and family to demonstrate its contribution to socio-economic development. These and related provisions are important considering that 34% of the Kenyan population lives under the poverty line and the consequent emigration of young people for work and education opportunities abroad.¹¹⁵

Target 1.3 could be better reflected if the policy objective referred to vulnerable *families* rather than vulnerable members of the family, so that the focus remains on the collective rather than individuals per se. In addition, any family that has a vulnerable member should be considered potentially or actually vulnerable and the persons classified as vulnerable, such as the aged, widows and widowers, should always be considered as members of a family.

Target 1.4 is vaguely referred to in Economy policy interventions (i), (ii) and (ix). No reference is made, however, to more concrete and vital measures such as access to basic services, economic and natural resources, land and other property ownership and control, inheritance, new technology and financial services, including microfinance. One area requiring attention is the 57.8% average of ownership of the urban land on which dwellings are built and the 66% average ownership of agricultural land. The illegal and irregular acquisition or allocation of public and private land is also a challenge in Kenya, as is well known.

¹¹⁵ Kenya National Bureau of Statistics 2014

Target 1.5 sheds light on the needs of the poor and vulnerable due to the adverse consequences of climate-related events, and other economic, social and environmental shocks and disasters. The Draft Policy does not make reference to these situations. Two pertinent occurrences are the occasional flooding due to the El Niño phenomenon, as well as increased likelihood of malaria transmission in the non-endemic areas due to temperature and rainfall cycles associated with climate change.

b) NPFPP and SDG 2 on Hunger

The Policy co-relates development goals with family focused strategies expected to culminate in eradication of hunger, among other outcomes. The Ministry responsible for health is also expected to support implementation of this Policy by addressing malnutrition among other aspects of health. **Targets 2.1 and 2.2** are however poorly reflected in the Draft Policy, perhaps with a vague reference under the thematic area on Economy. Despite their obvious relevance for Kenya, no mention is made of agriculture, nutrition, and food security, whereas hunger is referred to only once.

c) NPFPP and SDG 3 on Health and Wellbeing

Health is one of the nine thematic areas covered in the policy implementation framework and good health is rightly presented in its direct relation with development. The Draft recognizes the role of the family in caring for the health of its members, from the prevention phase. The impact of mortality and morbidity is first felt in the family. The Policy also notes the leadership role of the government's Ministry of Health, including in the area of policymaking.

The policy objective is to ensure that every member of the family can access the highest attainable standard of health care.

The policy interventions under Health require the Government, in collaboration with relevant stakeholders to:

- i. Sensitize the community on accessing and utilization the best maternal, neonatal and child health care facilities with qualified personnel based on international best practices and standards.
- ii. Encourage parents to take a lead role in teaching and counselling their children on responsible sexual behaviour founded on family values.
- iii. To promote Community outreach programs on family mental health wellbeing.
- iv. Support and strengthen community and family counselling programs.
- v. Develop and enforce ethical guidelines aimed at protecting those who are mentally challenged (physical and psychologically)
- vi. Ensure that health facilities have well equipped geriatric units with adequate qualified personnel to specifically handle older persons' health problems.

- vii. Promote primary behaviour change and risk avoidance as a way of ensuring an all-round healthy family.
- viii. Ensure revival and sustainability of health education and extension services in communities
- ix. Provide a supportive framework for private sector participation in the health sector and determine the exact role, place and function as they partner with the government interventions in health care.
- x. Ensure well equipped and accessible facilities with adequate qualified personnel to assist persons with disabilities.

Well-being is mentioned several times in the Policy in relation to the definition and aims of family policy, healthy families, and reproductive health. It is also co-related to stable marriages and referred to in the parenting and economy thematic areas. The Kenya Prisons Service and the Ministry of Health also feature as some of the key players, as do county governments and civil society. Policy review should also be guided by family wellbeing.

Concerning **Targets 3.1 and 3.2** of the SDGs, the Policy mentions the need for family focused policies in order to reduce maternal mortality, which, together with newborn and child mortality are indirectly addressed in the first policy intervention.

With regard to target 3.3, the Policy invokes Article 53 of the Constitution of Kenya on the right of the child to basic healthcare, among other entitlements. It reflects the need to help families cope with HIV/AIDS, among other diseases, and, furthermore, the Ministry for Education is urged to ensure that life skills curricula incorporate HIV/AIDS, among other elements. The Ministry for Health has a key role to play in the implementation of the Policy by ensuring that families have access to affordable and high-quality health services. It should develop family-focused policies and programmes that address the mental and physical wellbeing of families and conduct health promotion and education at community level. Malaria is mentioned in the Appendix, among the facts and figures related to health, but that is all. No mention is made of tuberculosis, neglected tropical diseases and hepatitis.

Targets 3.4, 3.6 and 3.8 are overlooked as non-communicable diseases (increasing in Kenya), road accidents, universal healthcare, and, essential medicines are not mentioned at all. Skilled health providers are referred to only in the Appendix. Sanitation and hygiene are included in the family disease prevention role. There is no reference either to clean fuel, pollution, tobacco risk and the need to fund health systems or the need for greater access to medical doctors, as recommended earlier. Exposure to secondhand smoke among children and neonates is a major concern of the government of Kenya, as is indoor pollution due to cooking fuel.

The proposed policy objectives under the thematic area on Parenting include the enhancement of parents' ability and capability to protect children from exposure to, and participation in activities that may be detrimental to their physical, emotional, psychological, moral, spiritual and intellectual well-being.

The Policy Interventions under Parenting require government in collaboration with relevant stakeholders to:

- i. Promote strategies and programs that reinforce a culturally relevant role of men and women in defending their families.¹¹⁶
- ii. Promote policies that will favour harmonization between work and family as it affects the well-being of family units and all family members.
- iii. Promote programs that empower youth to be responsible future parents.
- iv. Strengthen and expand other alternative family care mechanisms and support measures to ensure rapid family placement of all children in need thereof.
- v. Promote responsible parenting through appropriate or acceptable cultural and religious values.
- vi. Invest and encourage programmes that will facilitate the interaction between the different generations in a family.
- vii. Design strategies that help prevent violence within the family.
- viii. Provide recreational facilities in communities.
- ix. Encourage and provide family and youth-focused¹¹⁷ policies.

These provisions speak, inter alia, to the emphasis given above to parenting programs, youth wellbeing, family stability and relationships, older persons' wellbeing, work-family balance, physical and mental health, parental leave requirements,¹¹⁸ involved fatherhood and conducive family environments.

The thematic area on marriage additionally points out that although Kenyan law states how marriage is to be conducted, more action is needed in order to ensure that families emerging from marital unions form a sound basis of the social order as envisaged in the Constitution. Some of the policy interventions are to help people understand human sexuality in view of marriage as the best option, encouraging and promoting dispute resolution mechanisms, couple support to foster stable marriages, and, promoting positive cultural aspirations that are consistent with the dignity of married persons.

Despite their relevance for well-being of Kenyans at all ages as envisioned under SDG 3, the provisions above do not relate directly to the listed targets for purposes of this background paper.

The Ministry responsible for Social Development is the key player regarding family life support and strengthening of families. It is designated to be the one in charge of coordinating activities aimed at contributing to the successful implementation of the NPFPP, as well as the alignment of government policies, legislation and initiatives to family wellbeing. It is mandated, inter alia, to ensure family and caregiver access to social security and social assistance programs.

d) NPFPP and SDG 4 on Quality Education

¹¹⁶ This could read: "...in safeguarding the wellbeing and integrity of their families."

¹¹⁷ Changed to "youth-focused".

¹¹⁸ Also, under Economy – policy intervention xi

The Policy highlights the constitutional and Children’s Act provisions regarding the child’s right to education. The focus of the Policy is on the family’s primary educative role, understood to include the right and duty to choose the kind of education their children should receive. This education is aimed at the development of a child’s full potential, teach them to respect human dignity, prepare them for a responsible life. Those in charge should prioritize the best interests of the child. Education of the family is aimed at enriching the whole family.

The policy objective is to promote and encourage *parents, caregivers and guardians to provide education and exercise their right* as the primary educators of their children.

The proposed policy interventions under Family Education require the Government in collaboration with relevant stakeholders to:

- i. Sensitize and empower caregivers to educate those in the family
- ii. Design and enhance family enrichment programs
- iii. Encourage collaboration between caregivers and schools and family enrichment programmes.
- iv. Empower the family with age appropriate content that builds a core understanding to human dignity and build social and interpersonal skills.
- v. Identify and nurture talent within the family.
- vi. Document best practices on Family Education Initiatives

Other aspects of education referred to in the Policy have to do with promoting cultural and religious practices that strengthen the family, health education, media role in education, education on human rights, gender equality, alcohol and substance abuse, family values, and work-family balance. The Ministry of Education is expressly tasked with ensuring that all children have access to quality and inclusive education and training systems (implicit reference to targets 4.1, 4.3, 4.4 and 4.5), the involvement of families in the education of children, provision of ECD services (target 4.2), provision of psycho-social services in schools, and youth development programs emphasizing skills development and training, including trade and industry skills (4.4).

In addition to Family Education policy interventions (ii) and (vi) above, there is a full thematic area dedicated to parenting, and responsible parenting is one of the Policy guiding principles. Parenting is defined as the process of promoting and nurturing the physical, emotional, social, spiritual and intellectual development of a child from conception to adulthood.

SDG targets 4.1-4.7 could be dealt with deliberately *in the proposed policy interventions*, making clear reference to the various aspects, namely: the various levels of education, namely, primary, secondary (4.1), early childhood development, care and pre-primary education in readiness for primary education (4.2), technical, vocational and tertiary education (4.3), and, youth and adults with relevant skills (4.4). Missing as well is overt reference to gender disparities in education (4.5), universal literacy and numeracy (4.6), as well as lifelong learning. The aspects of relevant skills for youth and adults such as entrepreneurship, as well as a focus on knowledge and skills for sustainable development (4.7), are implicitly dealt with.

e) **NPFPP and SDG 5 on Gender Equality**

The Policy speaks about gender-responsive¹¹⁹ programs that support understanding of sexuality in the context of marriage, as well as gender-responsive media messages that depict families and marriages in a positive light. Ministry of Education is urged to teach life skills that cover gender equality issues, whereas the Ministry of Labour is to design policies and laws that ensure gender equality at the workplace. It should also mainstream education on human rights, gender equality, and work-life balance in workplaces.

Other proposed interventions under Economy are listed below.¹²⁰

- i. Develop strategies and programmes to help individual workers reconcile their employment and family responsibilities.
- ii. Ensure the implementation of the existing legislation regarding maternity and paternity leave.
- iii. Encourage flexible working hours for families with children and/or infirm.
- iv. Encourage the creation of suitable breastfeeding rooms¹²¹ in the workplace (both in Government offices and in private companies) for women with small children.
- v. Encourage the creation of a enough places in nursery schools to facilitate that those women who have had a child and want to get back into the labour force, and do not have other arrangements, can do so.

The Policy outlines the legal context of family policy, referring to the AU Plan of Action for the Family. It requires Member States to “create a conducive environment for all family members regardless of sex..., with special attention to the rights of *women and girls*” and to “ensure the survival, development, protection and participation of vulnerable groups such as children, youth, *women...*”

Some of the proposed economy policy interventions (ii-v above)¹²² seek precisely to boost gender equality and to empower working women. Empowerment of widows (and widowers) is also promoted. The Policy also recommends the development and adoption of policies aimed at ensuring that persons with family responsibilities (like everyone else) can exercise the right to work without discrimination, as well as education on work-life balance under the Ministry of Labour. Other significant provisions are to do with policy implementation still by the Ministry of Labour, to monitor *employment* conditions, fair practices regarding maternity leave, and fostering conditions conducive to creation of employment. Employers in the private Sector can foster a family-friendly work environment and honor obligations related to maternity leave, work-family balance, and even factor in family responsibility leave. Corporate Social Responsibility initiatives could support efforts to implement family policies.

Target 5.1: Non-discrimination is one of the national values that could be replicated at family level, as the Policy points out, whereas Article 60 of the Constitution protects against discrimination in law, customs, practices related to land and property. Protection of the vulnerable

¹¹⁹ The definition of gender-responsive is recommended, but not yet effected.

¹²⁰ Ref. 4.6.3 ix, xi-xiv of the NPFPP

¹²¹ Also referred to as lactation rooms or lactarium.

against discrimination, violence and abuse is one of the building blocks of the Policy and in turn the Policy guiding principles include equality and non-discrimination. No policy intervention addresses this target openly though.

Target 5.2: Violence is dealt with in detail, for example the reference to the Prevention Against Domestic Violence Act of 2015, which defines violence as encompassing” child marriage, female genital mutilation, forced marriage, forced wife inheritance, interference from in-laws, sexual violence within marriage, virginity testing and widow cleansing”. This indirectly touches on the private and public sphere, but should not be restricted to harmful practices, at the risk of excluding other forms of violence, for example in the cyberspace. A Policy building block is protection of the vulnerable (including girls and women) against violence.

Target 5.3: Harmful practices are discussed in detail as shown above, and also as per Article 55 of the Constitution (protection against harmful cultural practices and exploitation) and under the thematic areas of religion and culture and family security. The former highlights the government role to review and make laws to eliminate cultural practices that are against human dignity, while encouraging preservation of good cultural practices at the family level by strengthening intergenerational links.

Target 5.4: In addition to proposed Economy policy interventions (i) and (ii) above, the NPFPP defines work-family balance as “...an individual’s perceptions of the degree to which s/he is experiencing positive relationships between work and family roles, where the relationships are viewed as compatible and at equilibrium with each other”. The involvement of men in home-based care and care of orphaned children and those with disabilities and other vulnerable ones, as way to ease the burden on women is stated in the Policy, although not among the policy interventions. The thematic area on parenting includes a policy objective on promoting and appreciating *equal parental responsibility at home* and in the public sphere. It also proposes a policy intervention on harmonization between work and family owing to its effect on the well-being of family units and all family members. No reference is made to recognition and value due to unpaid care and domestic work and the supporting services or policies needed.

Target 5.5: Despite its relevance for Kenya, no indication is given regarding the need to promote women’s participation in leadership in various spheres.

Target 5.6: Reproductive health is defined in the Policy as “a state of complete physical, mental and social well-being in all matters relating to the reproductive system”. It is noted that the Division of Family Health in the Ministry of Health oversees this aspect of health, among others, by developing national guidelines on standards of healthcare. No reference is made to the right of access, nor to the Cairo and Beijing conference documents.

f) NPFPP and SDG 11 on Sustainable Cities

Target 11.1: The Policy Draft includes a policy intervention to ensure that the needs of vulnerable members of the society are prioritized in affordable housing programs. No mention is made of their adequacy and safety, the upgrading of slums, or the corresponding basic services. This area is of vital importance in Kenya considering that in 2014, only 36% of households nationally had access to electricity, 43% of rural households had an earth/sand floor, 53% slept in one room, and

75% used solid fuels that increased the occurrence of indoor pollution. 61% of Kenya's urban population lives in slums, and one of the biggest slums in the world – Kibera – is home to about 700,000 people.

Target 11.3: No direct mention is made of inclusive and sustainable urbanization, and, participatory, integrated and sustainable human settlement planning and management. Social integration is addressed in the perspective of offenders and ex-offenders, vis-à-vis their return to their families and the community,¹²³ and, street families needing strengthening, rehabilitation, and integration¹²⁴. Migrant families are not mentioned, except as expected, as one of the vulnerable groups needing attention by AU Member States (refugees).¹²⁵ Intergenerational solidarity is defined among the key terms, but no mention is made thereafter yet statistics show that the household age distribution is highest in the brackets of 14 and below, and 70 and above.

Target 11.7: Playground facilities are cited under the thematic area on parenting to provide recreational facilities in communities¹²⁶ but no mention is made of green or public spaces, urbanization, inclusive cities, etc.

g) NPFPP and SDG 16 on Peaceful Societies

Target 16.2: The Policy draft discusses abuse referring only to older persons.¹²⁷ Exploitation is mentioned regarding protection of youth¹²⁸ and the thematic area on family security. Violence against children is addressed under protection of vulnerable persons and family security thematic areas. No mention is made of trafficking of children, although important for Kenya.

Target 16.3: Rule of law is highlighted under Article 10 on national values, as well as family security intervention regarding sensitization and education of families on their rights and relevant laws on family security. Access to justice is not referred to at all.

Target 16.9: No reference is made to legal identity such as birth registration. Statistics showed that 67% of children under 5 are registered, although slightly fewer have a birth certificate. The lowest percentage is found in Western, Nyanza, and North Eastern Province.

The next section contains recommendations drawn from the analysis above.

VIII. RECOMMENDATIONS ON HOW TO IMPROVE THE CONFORMITY OF THE CURRENT NATIONAL POLICY WITH THE 2030 AGENDA.

The Draft Policy partly or indirectly reflects the Sustainable Development Agenda, as has been shown in Section VII of this paper. Some recommendations are made below on aspects that could

¹²³ 4.7.3 (v)

¹²⁴ 4.7.3 (ix)

¹²⁵ African Union 2004

¹²⁶ 4.2.3 (viii)

¹²⁷ Art 57 Constitution of Kenya 2010; in the definition of dysfunctional families, under the building block of protection of vulnerable persons, and, in the thematic area of family security

¹²⁸ Art. 55 Constitution of Kenya 2010

be given more attention to improve the NPFPP conformity with the Agenda. Part of their justification can be found in the Appendix of the NPFPP on facts and figures about family.¹²⁹

a) SDG 1 on Poverty

Cash transfer programmes could be mentioned explicitly in the draft Policy, making specific reference to existing programs like “Inua Jamii” for elderly persons. They should be encouraged, and other vulnerable situations identified and/or responded to. They could be related to adverse weather conditions and climate-related events or general hardship in arid and semi-arid lands, as well as street families. Conditional cash transfers could be recommended as well, pegged, for example, to school attendance of those coming from situations of extreme poverty or famine-prone areas. The role of social workers is indispensable for these programs to achieve the desired goals. The legal framework should be reinforced in order to protect the rights encompassed under target 1.4 (economic and natural resources, among others).

The National Treasury and Planning as well as the Ministry of Devolution and the Arid and Semi-Arid Lands are well placed to spearhead this process by offering incentives and promoting family enterprises and cooperatives among other income-generating initiatives.

b) SDG 2 on Hunger

Hunger is an ever-present challenge in Kenya, due to drought, famine, corruption, extreme poverty, family breakdown, among other factors. Food insecurity headcount rate stood at 32.0 percent of the population, the equivalent of 14.5 million people and 9% of women aged 15-49 are thin or undernourished.¹³⁰ Clear attention could therefore be given to food security and nutrition in the Policy, drawing insights from Articles 43 and 53 of the Constitution of Kenya, as well as the Food & Nutrition Security Policy of 2011. Kenya, besides, is an agriculture-based economy with more people venturing into agribusiness; clear mention should be made of this in relation to family policies.

The Ministry responsible for Agriculture, Livestock, Fisheries and Irrigation, and the Ministry responsible for Industry, Trade & Co-operatives could be incorporated into the institutional framework for implementation.

c) SDG 3 on Health and Wellbeing

In view of the morbidity and mortality rate in Kenya due to malaria,¹³¹ tuberculosis, tobacco-related diseases and road traffic accidents, the policy should speak about measures that are in place or that need to be introduced or revised for the betterment of individual and family health and wellbeing. In addition, the policy ought to refer explicitly to contemporary challenges like pollution and access to essential medicines and vaccines at affordable rates. Universal healthcare, one of the pillars of the current government, could be endorsed, highlighting, inter alia, the need to fund health systems adequately, to promote community health centres, and to

¹²⁹ Reference is also made to the Recommendations by the UN Expert Group Meeting (2016)

¹³⁰ Kenya National Bureau of Statistics 2014

¹³¹ Leading cause of morbidity and mortality in Kenya with more than 70% of the population at risk of infection.

train, retain, and recover medical doctors and other health personnel, including mental health professionals. Skilled health providers are fundamental for reduction of maternal mortality. Mental health, a growing concern in Kenya, should be touched on in the Policy, addressing suicide prevention and other aspects of wellbeing. Malaria prevention and immunization against TB should also be given special attention. The universal rollout of the National Health Insurance Fund¹³² should be commended and encouraged. Health education should be a key component of parenting education in general.

The Ministry of Health jointly with the Ministries of Labor and Social Protection, and, the Ministry of Water and Sanitation should lead with policy implementation.

d) SDG 4 on Quality Education

The last National Literacy Survey conducted revealed that 38.5% of the adult population lacked education and those between 15 and 19 had a 69.1% literacy rate. Mention should thus be made of the different levels of education, namely, primary, secondary, as well as technical, vocational and tertiary education, as well as boosting of innovative capacity literacy at all stages of life. Implementation of free primary and secondary education, together with related costs, should be endorsed and promoted within the Policy. This could be done bearing in mind Vision 2030, which has set clear goals in this regard.¹³³ The ongoing revision of the school curriculum could be mentioned in light, for example, of its promotion of direct parental involvement in the learning process of children, as well as its effort to boost the overall development of the learner. Abolition of tax on school materials and uniforms could be suggested. Refugees and migrant children should be able to integrate into the school system, a fact that may be worth mentioning explicitly.

It is also important to speak explicitly of investing in “parenting education” so that its link with this SDG is more obvious and beneficial.

The Ministry of Education should be directly involved.

e) SDG 5 on Gender Equality

It is important to tackle pertinent contextual issues such as child marriages and other issues driven by harmful cultural practices in a forthright manner. Alternative, dignified rites of passage for girls could be promoted, whereas older women who make a living from this practice could be helped to find other sources of income. Legislation alone is not enough to eradicate prevailing practices and multisectoral approaches are needed. Incentives such as grants or scholarships could be offered to parents of girls where their risk of early marriage is more prevalent.

The Policy ought to speak about trafficking of women and girls, as Kenya is one of the countries that is more affected. Unpaid care is a global issue and it is important that this be dealt with in the national context. Recognition and compensation deserve to be mentioned in view of the

¹³² Such as the “Linda Mama” initiative for maternal health needs.

¹³³ Government of Kenya 2008

greater awareness of its value. Family responsibility leave could also be commented on in view of the need to take care of aged, ill, or persons with disabilities within the family. Health personnel could be urged through this Policy to promote the presence of the father during antenatal and postnatal visits.

Paid domestic work should be regulated by the Employment Act as foreseen because many families hire domestic help in Kenya, yet many are relatively unaware of the rights of their employees as well as the need to train them adequately for their care-giving role. Sexual and reproductive health and rights should be dealt with in a way that respects the right to informed choice, including the consequences of abortion, the side effects of artificial contraception, and the effectiveness and health benefits of natural methods of fertility regulation, all of which are ordinarily obscure in the understanding of many Kenyan women and men. Incorporation of a family perspective in policies related to gender equality, children and youth well-being, mental health promotion, HIV/AIDS intervention is needed.

The Policy should openly advocate for nurturing or enhancement of domestic responsibility skills in boys and encouraging the involvement of men in the care of the home. This would be a positive reflection of the changing social and economic dynamics and increase attention on an area where culture needs to change for the realization of gender equality.

The Ministries responsible for Youth and Gender, Labor, Interior, Foreign Affairs, Tourism, Education and ICT each or jointly have a role to play depending on the specific gender issue at stake.

f) SDG 11 on Sustainable Cities

The Policy needs to highlight the needs of the urban population living in slums, informal settlements or in inadequate housing in Kenya, which stood at 7.9% in 2014.

The Policy needs to address the evident need for green and public spaces in urban areas and towns, the challenges of urbanization in general, how to design inclusive cities, ways to foster intergenerational solidarity in the country (for example by investing in intergenerational sites), and how to integrate migrant families better. Concrete ideas could be drawn from the UN-IFFD (International Federation for Family Development) global project “Inclusive Cities for Sustainable Families” with the possibility of direct collaboration at county level.¹³⁴

The Ministries responsible for Lands & Physical Planning, Infrastructure, Housing & Urban Development play a key role in driving the policies to meet family needs under SDG 11. The contribution of the private sector towards making cities and communities sustainable through housing construction should be lauded and emulated.

¹³⁴ IFFD (accessed April 2019)

g) SDG 16 on Peaceful Societies

Reference should be made to birth registration insofar as it is linked to national planning and provision of social services.¹³⁵ Regions needing special attention are Western, Nyanza, and North Eastern, in addition to poorer communities in general since registration numbers are shown to increase with wealth.

Security is a major concern in Kenya and the proposed Policy interventions regarding programmes and research studies to prevent violence and understand risk factors are crucial. The Policy can contribute to the implementation of the Protection Against Domestic Violence Act 2015, but could also broaden its scope to address other rule of law and access to justice concerns as envisaged in Target 16.3.

The Ministry responsible for Social Protection will have a key role to play in ensuring the generation of the state of the family report as proposed in the Draft Policy. The Ministries of Interior and Defence, as well as the Department of Justice play a fundamental role in ensuring the achievement of the given targets and proposed policy interventions.

CONCLUSION

While the overall analysis shows a certain degree of alignment to the specific Goals (1-5, 11 and 16), several gaps emerge, which require careful attention if the NPFPP is to contribute to the achievement of the Sustainable Development Goals, as envisaged for family policies generally.

In particular, cash transfer programs could be endorsed as recommended under SDG 1 with a further push to embed them in law, and food security, nutrition and agriculture mentioned with reference to SDG 2. The leading causes of mortality and morbidity could receive more attention in relation to SDG 3, coupled with the strategic measures required to achieve universal healthcare, such as adequate proportion of healthcare personnel and facilities. Free primary and secondary school education, as well as parental involvement with the new competency-based curriculum could be endorsed as per SDG 4. Parenting education could be mentioned explicitly in reference to this SDG. Regarding SDG 5, trafficking of women, unpaid care, family responsibility leave, regulation of domestic work, correct information regarding sexual and reproductive health, and, domestic skills of boys and men, are among the context-relevant issues emerging. Green and public spaces and inclusive cities and intergenerational sites are among the issues worth mentioning in view of SDG 11.

The most relevant Ministries and Departments are named under the given SDGs and should be explicitly named in the institutional framework of the Policy. Thereafter, they should be actively engaged in the implementation and monitoring of diverse aspects and the achievement of the corresponding SDG goals and targets.

¹³⁵ The Ministry of Interior is currently conducting a mass registration exercise named “Huduma Namba” to collect biometric data.

IX. GUIDELINES FOR THE DEVELOPMENT OF AN EFFECTIVE PLAN OF ACTION FOR THE IMPLEMENTATION OF THE NATIONAL POLICY ON FAMILY PROMOTION AND PROTECTION

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1. Introduction
2. The Goal
3. Objectives
4. Priority Areas
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6. Role of Stakeholders
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8. Conclusion

1. Introduction

This section contains Guidelines for the Plan of Action drawn in part from the Draft National Policy on Family Promotion and Protection as well as the analysis of the extent of its conformity to the 2030 Development Agenda.

This Plan of Action will enable the Government of Kenya to fully adopt and operationalize the NPFPP, assured that it matches international standards. To do so, the Government will need to commit to provide the economic resources needed for the relevant policies and programmes to take effect. It will also need to guarantee the basic services required, while mobilizing various stakeholders and other key players in the implementation, monitoring and evaluation of this Policy and the related programmes.

Taking into account the specific Sustainable Development Goals, the Plan of Action outlines the priority areas and the corresponding issues and challenges, objectives and activities, followed by a brief discussion on the follow-up, evaluation and monitoring mechanisms. The role of stakeholders and the place of legislation is also emphasized.

2. The Goal

The goal of the Plan on Action for the Implementation of the National Policy on Family Promotion and Protection is to ensure that the vision and overall goal of the NPFPP is realized through the collective efforts of the Government, stakeholders, and people of Kenya, with the support of the regional and international community.

3. Objectives

The Plan of Action is aimed at assisting the Government of Kenya to:

- i. Realize the Policy vision of happy and stable families for a strong society;

- ii. Achieve the overall goal of the Policy to provide an environment that recognizes and facilitates family well-being, and empowers families to participate in the socio-economic development of the country;
- iii. Identify the priority areas and the corresponding objectives and activities in order to formulate and implement appropriate policies and programmes;
- iv. Ensure that the implementation of the National Policy contributes to the achievement of the 2030 Sustainable Development Agenda;
- v. Foresee and formulate appropriate solutions to the issues and challenges likely to be encountered in the implementation of the Policy;
- vi. Specify the role of stakeholders and the place legislation in the implementation of the Policy;
- vii. Determine the mechanisms for monitoring and evaluation of the Policy and related programmes.

4. Priority Areas¹³⁶

The ones listed below correspond to the specified Sustainable Development Goals and their corresponding targets, while incorporating the proposed policy objectives and interventions contained in the NPFPP. Some input is drawn directly from the African Union Plan of Action on the Family in Africa.

- i. Poverty Eradication
- ii. End Hunger, Achieve Food Security, Improve Nutrition, Promote Sustainable Agriculture
- iii. Health and well-being
- iv. Quality education; lifelong learning opportunities
- v. Gender Equality
- vi. Inclusive, safe, resilient and sustainable Cities
- vii. Just, peaceful and inclusive societies

4.1 Poverty Eradication

Issues and challenges: Up to 42% of the population in sub-Saharan Africa lives below the poverty line and 9 out of 10 children living in extreme poverty are in sub-Saharan Africa. 34% of the population (16.4 million) in Kenya live under poverty line of US\$1.90 as of 2016; 16% of children age 0 to 14 grow up in these households.

Objective: To end poverty in all its forms everywhere in Kenya and to strengthen the family through the effective implementation of policies, strategies and programmes on socio-economic development goals that support the family well-being.

Activities: The Government should

¹³⁶ The proposed activities are partly drawn from the current version of the NPFPP. They could be modified as the document is further refined.

- i. Implement nationally appropriate social protection systems and measures for every Kenyan, substantially covering the poor and vulnerable;
- ii. Ensure that all men and women, in particular the poor and the vulnerable, have equal rights to access economic resources, as well as basic services, ownership and control over land and other forms of property, inheritance, natural resources, appropriate new technology and financial services, including microfinance;
- iii. Reduce the exposure and vulnerability of the poor and those in vulnerable situations to climate-related extreme events and other economic, social and environmental shocks and disasters;
- iv. Integrate family needs in economic planning policies, strategies and programmes;
- v. Promote reasonable and gainful employment and adequate standard of living for all families;
- vi. Promote entrepreneurship skills early in life through the formal, non-formal and informal empowerment programs;
- vii. Expand and strengthen family economic empowerment initiatives;
- viii. Identify, target and support those families who are the most vulnerable and the least likely to have alternative sources of livelihood through conditional/unconditional cash transfers;
- ix. Develop and adopt policies aimed at providing extra assistance, so that persons with family responsibilities can exercise the right to work without discrimination;
- x. Provide direct support to family caregivers in the form of economic and non-economic measures, such as personal income tax relief and subsidies for care of children, older persons and persons with disabilities;
- xi. Progressively monitor and evaluate the impact of fiscal and monetary policies on the institution of the family;
- xii. Ensure provision of alternative income and social security to promote strong family bonds in the pastoralist communities.

5.2 Hunger and Food Security, Nutrition and Sustainable Agriculture

Issues and challenges: Majority of the world's hungry people live in developing countries; the most recent projections regarding sub-Saharan Africa indicated a rate of undernourishment of almost 23 per cent. One in three children in developing countries suffer stunted growth and 23 million primary-school age children in Africa attend classes hungry. Hunger is an ever-present challenge in Kenya, due to drought, famine, corruption, extreme poverty, family breakdown, among other factors. The food insecurity headcount rate in 2016 stood at 32.0 percent of the population, an equivalent of 14.5 million people who are unable to consume the minimum daily calorific requirement of 2,250 Kilocalories (Kcal) as per expenditures on food.

Objective: To end hunger, achieve food security and improved nutrition and promote sustainable agriculture.

Activities: The Government should

- i. Ensure access by all people, in particular the poor and people in vulnerable situations, including infants, to safe, nutritious and sufficient food all year round;
- ii. End all forms of malnutrition and address the nutritional needs of children below 5 years, adolescent girls, pregnant and lactating women and older persons and promote nutrition education and counselling in communities with a focus on children, women and adolescents;
- iii. Promote community-based strategies for monitoring the nutritional status of vulnerable groups, in particular, children, women especially of child-bearing age and elderly persons;
- iv. Promote diversity in food production, distribution and consumption patterns;
- v. Enhance food and nutrition information dissemination through education and communication activities and public participation;
- vi. Foster mechanization of agriculture to ease the burden on those who till the land and build the capacity of the community in agriculture;
- vii. Support the growing agribusiness industry;
- viii. Promote better systems of storing and preserving food;
- ix. Implement effectively an early warning system for potential causes of food deficit;
- x. Promote sustainable and cost-effective marketing mechanisms for food crops;
- xi. Review periodically agricultural policies as well as food and nutrition policies;
- xii. Achieve food security by ensuring a safe and nutritionally adequate food supply at the national level, a reasonable degree of stability in the supply of food, as well as physical, social and economic access to ensure enough food for all families at all times.

5.3 Health and Well-being

Issues and challenges: Four out of every five child deaths are in sub-Saharan Africa; the maternal mortality ratio is 14 times higher in developing regions, and only half of women in developing regions receive the recommended amount of health care they need. AIDS is the leading cause of death among adolescents in Africa.

Objective: to ensure healthy lives and promote well-being for all at all ages, guaranteeing that every family accesses the highest attainable standard of health care.

Activities: The Government should

- i. Ensure reliable health information, education and communication, including evidence-based prevention and treatment approaches;
- ii. Promote primary behaviour change and risk avoidance as a way of ensuring an all-round healthy family;
- iii. Reduce the maternal mortality ratio in the country inter alia by increasing the number of skilled health providers;
- iv. End preventable deaths of newborns and children under 5 years of age inter alia by promoting breastfeeding;
- v. End the epidemics of AIDS, tuberculosis, malaria and neglected tropical diseases and combat hepatitis, water-borne diseases and other communicable diseases by mobilization and efficient and targeted use of resources;
- vi. Reduce premature mortality from non-communicable diseases through prevention and treatment;
- vii. Reduce the number of deaths and injuries from road traffic accidents;
- viii. Promote mental health and well-being, including community outreach programs on family mental health, applying ethical guidelines that protect the mentally challenged, and encouraging suicide prevention initiatives;
- ix. Enhance the capacity of the family to provide care and support for ailing or disabled members; put in place support mechanisms to assist and remunerate care-givers;
- x. Foster partnerships between families, civil society organizations, government agencies and international organizations in the fight against preventable causes of morbidity and mortality;
- xi. Achieve universal health coverage, including financial risk protection, access to quality essential health-care services by trained personnel and access to safe, effective, quality and affordable or free essential medicines and vaccines for all;
- xii. Develop appropriate policies for the training, recruitment, retention and motivation of health care providers especially for rural areas.
- xiii. Ensure that health facilities are well equipped with adequate qualified personnel to specifically handle older persons' health problems and to assist persons with disabilities;
- xiv. Provide a supportive framework for private sector participation in the health sector.

5.4 Quality Education; Lifelong Learning Opportunities

Issues and challenges: 57 million primary-age children in developing countries are out of school and more than half of children that have not enrolled in school live in sub-Saharan Africa. In 2016, only 41 per cent of children in sub-Saharan Africa participated in early childhood and primary education, against the 70 per cent global average. In the same year, about 61 per cent of teachers in sub-Saharan Africa were trained, compared to the 85 per cent global average. The last Kenya National Literacy Survey conducted showed that 7.8 million

(38.5%) of the adult population lacked education. Those between the ages of 15 and 19 had a 69.1% literacy rate.

Objective: to ensure inclusive and equitable quality education, promote lifelong learning opportunities for all, and, promote and encourage parents, caregivers and guardians to provide education and exercise their right as the primary educators of their children.

Activities: The Government should

- i. Ensure that all girls and boys complete free, equitable and quality primary and secondary education, including by building more schools in rural areas and/or improving existing facilities;
- ii. Ensure that all girls and boys have access to quality early childhood development, care and pre-primary education by strengthening and/or developing sufficient programs;
- iii. Ensure equal access for all women and men to affordable and quality technical, vocational and tertiary education, including university;
- iv. Increase the number of youth and adults who have relevant skills, including technical and vocational skills, for employment, decent jobs and entrepreneurship, including through access to new technologies;
- v. Eliminate gender disparities in education and ensure equal access to all levels of education and vocational training for the vulnerable, including persons with disabilities and other special needs, and children in vulnerable situations;
- vi. Ensure that all youth and a substantial proportion of adults, both men and women, achieve literacy and numeracy by allocating adequate funding;
- vii. Ensure that all learners acquire the knowledge and skills needed to promote sustainable development;
- viii. Support family enrichment programs and document best practices on Family Education Initiatives to complement the formal school system;
- ix. Promote the participation of parents in the educational affairs of their children and encourage collaboration between caregivers, schools and family enrichment programmes;
- x. Empower the family with age-appropriate content that builds a core understanding of human dignity and builds social and interpersonal skills;
- xi. Integrate refugees and migrant children into the school system.

5.5 Gender Equality

Issues and challenges: Among the harmful practices that are prevalent in Kenya is child marriage and female genital mutilation. 21% of women aged 15-49 had been circumcised in 2014, with a growing trend of performing the rite at younger ages. The prevalence is highest in the North Eastern region. Other issues affecting women are risk of maternal mortality (cause of 14% of deaths to women aged 15-49), micronutrient deficiencies, access to secondary and

tertiary education, gender-based violence, discriminatory law, practices, attitudes and norms, and, recognition and support of caregiving and unpaid work in families. In Kenya, 15.9% of women age 18-24 were married by age 18 and 11.9% had a child by age 18. Among women age 18-24 living in the poorest 40% of households, 25.4% were married before age 18, or nearly half of the total.

Objective: to achieve gender equality and empower all women and girls.

Activities: The Government should

- i. End all forms of discrimination against all women and girls everywhere in the country and in all sectors;
- ii. Eliminate all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation;
- iii. Eliminate all harmful practices, such as child, early and forced marriage and female genital mutilation;
- iv. Recognize and value unpaid care and domestic work through the provision of public services, infrastructure and social protection policies and the promotion of shared responsibility within the household and the family as nationally appropriate;
- v. Ensure women's full and effective participation and equal opportunities for leadership at all levels of decision-making in political, economic and public life;
- vi. Ensure that sexual and reproductive health and rights are properly understood and upheld, respecting the right to informed choice, including the consequences of abortion, side effects of artificial contraception, the effectiveness and health benefits of natural methods of fertility regulation, and prevention of miscarriages and obstetric complications during childbirth;
- vii. Develop strategies and programmes to help individual workers reconcile their employment and family responsibilities;
- viii. Ensure the implementation of the existing legislation regarding maternity and paternity leave;
- ix. Encourage flexible working hours for families with children, elderly, infirm or disabled members;
- x. Encourage the creation of suitable lactation rooms in the workplace for women with small children;
- xi. Encourage the creation of sufficient places in nursery schools to facilitate that those women who have had a child and want to get back into the labour force, and do not have other arrangements, can do so;
- xii. Ensure the regulation of paid domestic work as per the Employment Act and foster adequate training of domestic workers, majority of whom are women, for their care-giving role.

- xiii. Promote positive masculinity, for example through nurturing or enhancement of domestic responsibility skills in boys and encouraging the involvement of men in the care of the home.
- xiv. Ensure the incorporation of a family perspective in policies related to gender equality, children and youth well-being, mental health promotion and HIV/AIDS intervention.
- xv. Engage the National Gender and Equality Commission to periodically obtain their input on specific issues.

5.6 Inclusive, safe, resilient and sustainable Cities

Issues and challenges: 95 per cent of urban expansion will be in the developing world; rapid urbanization is exerting pressure on fresh water supplies, sewage, the living environment, and public health. Levels of air pollution in urban areas globally are also way above the safety standard, with fatal consequences in some cases. In 2018, the challenge many cities face in managing rapid urbanization was reported. This includes ensuring adequate housing and infrastructure to support growing populations, to confronting the environmental impact of urban sprawl, to reducing vulnerability to disasters. The number of people living in slums globally increased by over 70 million. In Kenya, the proportion of urban population living in slums, informal settlements or inadequate housing stood at 7.9 percent from in? 2014.

Objective: to make cities inclusive, safe, resilient and sustainable.

Activities: The Government should

- i. Ensure access for all, and especially vulnerable families, to adequate, safe and affordable housing and basic services, including by periodic review of housing policies and facilitating home ownership;
- ii. Upgrade all slums and other informal settlements;
- iii. Enhance inclusive and sustainable urbanization that fosters intergenerational solidarity and integrates migrant families;
- iv. Support devolution in order to deter rural-urban migration;
- v. Provide universal access to safe, inclusive and accessible, green and public spaces in every town;
- vi. Ensure the provision of recreational facilities in all communities in both rural and urban areas.

5.7 Just, peaceful and inclusive societies

Issues and challenges: In Kenya, the coverage rate is only 58% for births per annum. Kenya is also prone to terrorist attacks, ethnic conflict especially around election time, child trafficking, child abuse, and, difficult access to justice.

Objective: to promote just, peaceful and inclusive societies.

Activities: The Government should

- i. End abuse, exploitation, trafficking and all forms of violence against and torture of children;
- ii. Promote rule of law, democracy, good governance, equal access to justice for all and respect for human rights, including during the election period;
- iii. Provide legal identity for all, including birth registration;
- iv. Ensure the implementation of the Protection Against Domestic Violence Act 2015;
- v. Promote alternative and conflict resolution and dispute resolution mechanisms involving families, elders and religious leaders in the mediation process;
- vi. Support peace promotion and counterterrorism efforts in the region.

5. Follow-up, Evaluation, and Monitoring Mechanisms

In order to implement the Plan of Action, the Government of Kenya should design and implement programs, projects and services that help to achieve the objectives and activities corresponding to the stated priority areas. The specific deliverables should be identified, and timelines set; the role and specific focus of stakeholders and service providers needs to be clearly stated. The Government and the individual Ministries should indicate how economic resources will be obtained and allocated, adhering to the established accountability measures. Monitoring and evaluation mechanisms of the Plan of Action will need to be clearly defined and implemented in order to assess progress made, improve service delivery, plan and allocate resources and report to key stakeholders and partners. The Ministry responsible for Social Development would take charge of the monitoring and evaluation and the consolidation of data generated by the respective government departments.

6. Role of Stakeholders

The Government will lead the implementation of the Plan of Action, and at the same time develop partnerships with civil society, private sector, and the regional and international community and development partners. The implementation should be devolved to County level.

6.1 Key Government Ministries and Departments are those responsible for:

Social Protection (or Social Development) (as the lead agency); Education; Agriculture; Livestock, Fisheries and Irrigation; Industry, Trade & Co-operatives; Devolution and the Arid and Semi-Arid Lands; Health; Interior; Defence; Youth and Gender; Labor; Interior; Foreign Affairs; Tourism; ICT; Lands & Physical Planning, Infrastructure, Housing & Urban Development; Water & Sanitation; the Department of Justice, and the Kenya Prisons Service.

6.2 County Governments

These will play a corresponding role to national government at county level using the mechanisms available and ensuring that the benefits reach the sub-county level.

6.3 Civil Society

Non-governmental organizations and community and faith-based organizations are key players in the implementation of the Plan of Action due to their contact both with families, government, and service providers.

6.4 Private Sector

Employers are among the key stakeholders due to the family-friendly workplace policies they can establish and promote. Through their corporate social responsibility projects, they can conduct and/or support activities that help to implement the Plan of Action.

6.5 Regional Community

The African Union should play an oversight role in the implementation of the Plan of Action, with appropriate reference to the AU Plan of Action on the Family in Africa. They can ensure the creation of structures, family advocacy, policy development and implementation, mobilization of resources, coordination, monitoring and evaluation, capacity building and partnership to generate a periodic report on the status of the family.

6.6 International Community

Led by the United Nations and its partner institutions, the international community can support and guide the implementation and follow up of this Plan of Action in conformity with the 2030 Development Agenda.

6.7 Development Partners

These will play a key role in funding and holding the Government accountable for the allocation and utilization of economic resources.

7. Legislative Requirements

These play a critical role at an international, regional, and national level. Some key documents at the respective levels include:

7.1 International: Universal Declaration of Human Rights and the other international human rights covenants; the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW); the Convention on the Rights of the Child; select Conventions by the International Labor Organization; the Programme of Action of the International Conference on Population and Development (ICPD), the Beijing Platform for Action, among others.

7.2 Regional: The African Charter on Human and Peoples' Rights and the African Union Plan of Action on the Family in Africa are particularly significant.

7.3 National: The Constitution of Kenya 2010 has a pivotal role. It is important that the constitutional guarantees contained in Article 43 (1) on health, housing and sanitation, hunger and food, clean and safe water, social security and education are implemented and monitored according to the relevant laws and policies. The rights of the child and of women should also be upheld through law as stated in the Constitution and provided for under the Births & Deaths Registration Act. One of the laws required as per Art. 53(1)(a) is to ensure that the right of every

child to a name and nationality from birth is protected. Some fundamental Statutes are the following: The Marriage Act 2014, The Matrimonial Properties Act 2014, The Law of Succession Act 1972 (as amended), The Protection Against Domestic Violence Act 2015, The Children 's Act 2001, The Social Assistance Act, 2013, The Persons with Disabilities Act 2003, The Sexual Offences Act 2006, the Employment Act 2007 and the Health Act 2017.

Several policy documents play a complementary role such as Health Policy and ICT Policy.

8. Conclusion

This draft Plan of Action, with supporting contextually-relevant and reliable statistical data¹³⁷, can go a long way in helping the Government of Kenya realize its goal of addressing national priorities relating to family issues and to invest in policies that help to achieve the 2030 Development Agenda for the benefit of the Kenyan people. Existing policies should not be duplicated, rather prevailing gaps should be identified and addressed accordingly. Political commitment is fundamental both at the national and the county level. Overall, focus should be on the family rather than the individual, with families being empowered to make the right decisions.

¹³⁷ The Kenya National Bureau of Statistics could be engaged to collect family policy-relevant data.

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