



SOUTH

SOLUTIONS FROM THE DEVELOPING WORLD

Governance and Social-Development Experts

UNIT 3, LAVINGTON GREEN, JAMES GICHURU ROAD
P.O. BOX 25626, LAVINGTON 00603
NAIROBI, KENYA
TEL +254 20 434 8835/6/7
FAX +254 20 434 8837
south@south.co.ke

Also in Zambia:
Flat 6, Plot 12G
Roan Road, Kabulonga
P. O. Box 75 P/Bag E835
Lusaka, Zambia

Final report on the evaluation of Sida support to the UNICEF Country Programme in Kenya



Report prepared by: Pauline Nyamweya, Atsango Chesoni,
Nansozi Muwanga, Eric Ogwang,
Jackson Karanja, Karuti Kanyinga and
Julia Sloth-Nielsen

8 November 2006

TABLE OF CONTENTS	Page
LIST OF TABLES OF KEY FINDINGS AND RECOMMENDATIONS.....	III
LIST OF CHARTS.....	III
LIST OF FIGURES.....	III
PHOTOS	IV
LIST OF ACRONYMS.....	V
EXECUTIVE SUMMARY	7
1. INTRODUCTION	19
1.1 Programme Focus.....	19
1.2 Evaluation Objectives	20
1.3 Methodology.....	21
1.4 Limitations	21
2. KEY FINDINGS	21
2.1 The Programme’s Relevance.....	22
2.2 The Results Framework.....	25
2.3 Achievement of Results	27
2.3.1 Progress in implementation	27
2.3.2 Constraints Faced during Implementation	28
2.4 Outputs for Children.....	37
2.4.1 Child Protection	37
2.4.2 Child Participation	46
2.4.3 CRC and ACRWC Reports	49
2.4.4 Gender mainstreaming	50

2.5	Institutional Capacity Building	54
2.5.1	Appreciation of duty bearer/claim holder concepts	55
2.5.2	Technical skills	59
2.6	Social Mobilization	61
2.6.1.	Social Budgeting	61
2.6.2.	Partnerships.....	63
2.6.3	Linkages with other Programmes.....	65
2.7	Unexpected Results.....	66
3.	CSO PARTICIPATION.....	67
3.1	Value Added by UNICEF	67
3.2	Outputs for Children from CSO Partnership.....	69
3.3	Capacity Building of CSOs	72
3.4	Funding Modalities.....	73
3.4.1.	Disbursements	73
3.4.2.	Liquidation Requirements	74
3.4.3.	Financial Reporting.....	75
3.4.4.	The CSO internal funds management controls.....	76
3.5	Next Steps.....	77
4.	CONCLUSION	79
5.	ANNEXURES.....	81
	ANNEXURE I: SIDA FUNDS DISBURSEMENTS SCHEDULE (.....	81
	ANNEXURE II: CSO CASE STUDIES	82
	ANNEXURE III: LIST OF DOCUMENTS CONSULTED.....	100
	ANNEXURE IV: LIST OF PERSONS INTERVIEWED.....	101
	ANNEXURE V: EVALUATION INSTRUMENTS	102
	ANNEXURE VI: KEY EVALUATION QUESTIONS	114

List of Tables of key findings and recommendations

Programme's Relevance	24
The Results Framework	26
Achievement of Results.....	37
Outputs for Children	54
Appreciation of duty bearer/claim holder concepts.....	59
Training and technical skills	61
Social Mobilization.....	66
Unexpected Results:	67
CSO Participation.....	79

List of Charts

Responses on the Programme's Objectives	23
Contributing Factors to Successful Implementation	28
Constraints faced during Implementation	30
Responses on Gender Disaggregated Data.....	51
Awareness of HRAP.....	56
Challenges faced during Training.....	60
The Communities' Contribution to the Impact of Programme.....	64
Efficiency Audit of CSO Expenditure	71
Comparative Analysis of Periods of Disbursements of Funds to CSOs	74

List of Figures

Figure 1: Responses on Methods of Assessment of Results.....	34
Figure 2: What HRAP does	55
Figure 3: Responses on Role and Motivation of Implementing Partners.....	57
Figure 4: Added Value of Social Budgeting.....	62

Figure 5; CSOs' Capacity Levels 76

Photos

Media Strategies for awareness raising on protection of children 39
Focus Group Discussions with students from Isiolo Boys and Isiolo Girls Secondary Schools
on Child Participation: 47

List of Acronyms

AAC	–	Area Advisory Council
ACRWC	–	African Charter for the Rights and Welfare of the Child
AIA	–	Appropriations in Aid
B.Com.	–	Bachelor of Commerce
CBO	–	Community Based Organisations
CDF	–	Constituency Development Fund
CEDAW	–	Convention on Elimination of All Forms of Discrimination
CLAN	–	Children Legal Action Network
CPA	–	Certified Public Accountant
CPAP	–	UNICEF Country Program Action Plan
CRADLE	–	The Child Rights, Advisory, Documentation & Legal Centre
CRC	–	Convention on the Rights of the child
CSO	–	Civil Society Organisation
CWS	–	Child Welfare Society
DDO	–	District Development Officer
ERS	–	Economic Recovery Strategy for Wealth and Employment Creation
FBO	–	Faith Based Organisation
FGD	–	Focus Group Discussion
FGM/C	–	Female Genital Mutilation/Cutting
GJLOS	–	Governance Justice Law and Order Sector Reform Program
GOK	–	Government of Kenya
HIV/AIDS	–	Human Immunodeficiency Virus / Acquired immune Deficiency Syndrome
HRAP	–	Human Rights Approaches to Programming
IEC	–	Information, Education and Communication
IMEP	–	Integrated Monitoring and Evaluation Plan
ITMC	–	Inter-ministerial Technical Committee
KAACR	–	Kenya Alliance for the Advancement of Children’s Rights
KCO	–	Kenya Country Office
KESSP	–	Kenya Education Sector Support Plan
KIA	–	Kenya Institute of Administration
KIPPRA	–	Kenya Institute for Public and Policy Research and Analysis
KNCHR	–	Kenya National Commission on Human Rights
Km	–	Kilometer
KSSHA	–	Kenya Secondary Schools Head-teachers Association
MDGs	–	Millennium Development Goals
M&E	–	Monitoring and Evaluation
MOEST	–	Ministry Of Education, Science and Technology
MOPND	–	Ministry of Planning and National Development
NCCS	–	National Council for Children’s Services
NGO	–	Non Governmental Organisation
NSC	–	National Steering Committee

OVC	–	Orphans and Vulnerable Children
PMG	–	Paymaster General
PPPM	–	Program Policy & Procedures Manual
Sida	–	Swedish International Development Agency
TB	–	Tuberculosis
TORs	–	Terms of Reference
UN	–	United Nations
UNDAF	–	United Nations Development Assistance Framework for Kenya 2004 -2008
UNDG	–	United Nations Development Group
UNICEF	–	United Nations Children’s Education Fund
UNIFEM	–	United Nations Fund for Women
USAID	–	United States Agency for International Development

Executive Summary

1. Introduction

Sida and UNICEF entered into a three year agreement effective January 2004, under which Sida is providing thematic support to UNICEF's Child Protection and HIV/AIDS Programme, and certain activities in the Strategic Planning Monitoring and Evaluation Programme and the Communication, Participation and Partnership Programme, both of which are cross-sectoral programmes. The Child Protection Programme has six projects, four of which are substantially supported using Sida funding: Youth and HIV/AIDS; Gender Violence, Discrimination, Exploitation and Female Genital Mutilation; Children orphaned by AIDS; and Juvenile Justice. The thematic funding also covers three civil society Organisations (CSOs) active in the area of children rights and advocacy. These CSOs: The Child Rights, Advisory, Documentation & Legal Centre (CRADLE), Children Legal Action Network (CLAN) and Kenya Alliance for the Advancement of Children's Rights (KAACR), previously received direct support from Sida.

The objective of this evaluation of the Sida funded components was to look at planned activities and actual achievements, outputs and progress towards outcomes and to report on the findings. To achieve the objectives of this assignment the evaluation team:

- Held briefing sessions with UNICEF and Sida as well as with the Steering Committee of the programme.
- Consulted with the Steering Committee on the design of the evaluation and received comments on the evaluation instruments.
- Shadowed UNICEF during the Medium Term Review meetings held in Nairobi.
- Held interviews with stakeholders in Nairobi, at the districts and at the community level. A structured questionnaire guided the interview sessions.
- Conducted field visits and held Focus Group Discussions with implementing partners, community members and children in Nairobi, Kwale, Garissa, Isiolo, Mombasa, Kisumu, Homabay, Suba, and Turkana Districts.
- Undertook case studies of the three CSOs.
- Reviewed the literature on the programme.

The evaluation team experienced several limitations in carrying out this assignment. Notably, most of the Sida supported programmes are in the early stages of implementation. Secondly, implementation of the programme is based on annual work-plans which are not directly linked to a logical framework. Thirdly, the wide programmatic and geographical coverage of the Sida-supported components was a challenge given the short period of the evaluation. Finally, the current implementation arrangement in which different individuals from the same institution are responsible for implementation of different components of the programme turned out to be a logistical problem.

Notwithstanding the fact that very few of the planned activities had been completed at the time of conducting this evaluation, there are several observations to make on the relevance and effectiveness of the activities and immediate results. These observations are made as against the following standards:

- The key evaluation questions in the terms of reference
- The requirements in results based management and human rights based approach to programming, which are the key focus of the Sida funded components of the UNICEF/GOK CPAP.
- The criteria of relevance, efficiency, effectiveness and sustainability

The following is a summary of the key findings with specific recommendations to address the findings. The recommendations are classified into immediate and long-term, with immediate recommendations targeting the medium term review of the GOK/UNICEF CPAP for 2004-2008, while long term recommendations may be considered during the development of subsequent CPAPs and future support by Sida.

2. Achievement of Planned Results

(a) Conceptual Framework and Design

The programme is relevant to the country's development objectives and is in line with the strategic plans of the implementing CSOs. A major challenge, nonetheless, is how to ensure systematic institutionalization of programme objectives through the new contract performance management approach introduced in the public sector. Linking the programme objectives and activities to this results based management system will have the effect of ensuring sustainability of the programme – specifically the components by the public institutions – and at the same time facilitate adequate integration of the programme in GoK systems and process.

An assessment of the Results Framework reveals that while it is useful for assessing the delivery process of the programme to determine if the programme has remained on the right track, it does not provide a logical framework to guide the implementation process, facilitate monitoring of implementation and provide a solid base for performance evaluation. The annual work-plans are a useful tool in this respect, but their present format does not provide any indicators. The presentation format is also not clear on implementing institutions and their outputs. It is generally difficult to related activities to outputs or even to identify gaps that require future intervention.

Recommendations

Immediate:

1. Political leadership of the programme needs to be re-emphasized by stakeholders, and strengthened to spearhead and champion the programme

and ensure the inclusion of its key outcomes in future work-plans and performance targets.

2. The Gok lead agency should ensure that priority is given to the programme and intensify specific activities around information, education and advocacy for the rights of children and women and key messages on the programme outcomes among the implementing partners.
3. The programme's work-plans need to be critically reviewed and a results schedule developed for each component work-plan that clearly provides for each of the outputs, the intended results and indicators to assess achievement of the result.

Long-term:

1. Initial work-plans should be developed by implementing partners in consultation with the respective UNICEF programme manager, and activities to be implemented under the CPAP across identified programme components including a clear statement of the CPAP outcome to be achieved and indicators for measuring results.
2. The work-plans from the different implementing partners should be harmonized at a review meeting called specifically for that purpose to avoid duplication and confirm the strategic and practical importance of proposed activities and results.
3. A comprehensive work-plan which is institution based, (rather than programme based) be prepared and approved for signing off and operationalisation in a stakeholders meeting.

(b) Implementation Progress

Progress in implementation of the various components of the project is largely in its nascent and/or pilot stages. These delays are attributed to several factors:

- internal bureaucratic delays in both Sida (Stockholm) and UNICEF (New York) during the negotiations on the modalities of Sida's support to UNICEF;
- delays in the signing off of work-plans by some of the component's partners;
- delays in the release of funds by Sida.

As a result most activities were set back by almost a year in 2004/2005.

The process of implementation is uneven among the different programme areas. Part of this unevenness could be attributed to the late start of the programme in general. The nature of some of the activities and development approaches being engaged in under various programme components are also largely innovative and experimental and with long term policy implications, and needed more consultations, buy-in and planning before implementation could begin. The activities implemented were in the areas of policy development, surveys, capacity building, awareness-raising and service delivery. The factors often cited as contributing to the successful implementation of activities were the convergence

of opportunity and priorities, the eventual availing of the funds, and the participation of stakeholders.

There are still a number of significant constraints to programme implementation, including; late funding, capacity of partners, lack of a common understanding on roles and responsibilities, inadequate consultations, lack of monitoring and evaluation and instances of resistance to the programme.

Recommendations

Immediate:

1. The annual work-plans need to be adjusted in an in-depth review and revision exercise involving all stakeholders, and the outstanding activities prioritized according to their continued relevance and contribution to desired outcomes (as informed by the recommendations in the subsequent sections of this report).
2. The review of the work-plans should be informed by the following interventions to address the identified constraints:
 - Capacity assessments, capacity building objectives, and the delivery and follow up methods for the implementing partners.
 - A results-based M&E capacity building programme for all implementing partners be designed and implemented, preferably before the next annual work plan's implementation.
3. The inclusion of CBOs from marginalized areas as implementing partners, and to build their capacity to assist in the implementation of projects among their respective communities.
4. More frequent structured consultations between UNICEF and implementing partners and stakeholders to address both programmatic issues and other emerging concerns and mechanisms put in place to ensure institutionalization of the programme..
5. Restructuring of the membership of the Inter-Ministerial Technical Committee be done, and regular National Steering Committee and Inter-Ministerial Technical Committee meetings be held to share information and ensure continued political commitment to the programme.
6. UNICEF should design a Funding Schedule to ensure that funding and disbursements are carried out in accordance to an annualized profile that is synchronized with the implementing partners work-plans.
7. The MOPND should conduct an inter-ministerial training in the use of the PMG system for GoK partners
8. UNICEF should communicate financial information to implementing partners in time and in particular amendments made to budgets, Appropriations in Aid (AIA) returns and details of funds sent to the Treasury and transferred to the Paymaster General for implementation of activities.

Long-term:

A rigorous consultative planning process should be put in place by UNICEF, placing the CPAP annual planning and budgeting cycle in a more strategic context, especially the GOK MTEF and performance contracting processes.

(c) Actual Results

(i) Outputs for Children

The activities that were carried out have produced significant outputs for children, including in some instances identifiable outcomes. There have, however, been variations in terms of the processes and strategies of achieving the results and the different levels at which the outputs have been achieved.

The activities have produced various results for children at national level (development of the OVC policy, enactment of the Sexual Offences Act, review of the Children's Act, the CRC and ACWRC reports, consensus and guidelines on child participation and allocation of funding to the OVC Cash Transfer); at district and community levels (awareness on the Children Act and on violence against children sexual exploitation of children and FGM, change of attitude to violations of children's rights) and for children (direct financial and material assistance for OVCs, legal aid, acquisition of life skills, and the exercise of their rights to participation, development and expression among others). The effective and efficient programme interventions are those that are achieving outputs for children at the community, district and national level.

Coverage of activities was both nationwide (end violence campaign, juvenile justice, child participation and CRC and ACWRC reporting) and also with respect to selected districts (OVC Cash Transfer, Youth and HIV AIDS, Gender Violence and FGM/C and sex tourism). There are various strategies being utilized to achieve outputs including research, information and education, advocacy, training, technical assistance and the media.

Particular strengths were noted:

- The consultative and participatory approaches applied by implementing partners in the interventions have been a major contributing factor to the achievement of the outputs especially at district and community levels. However in some activities, the process of consultation has led to delays in implementation due to a general lack of appreciation of the benefits to children.
- The research based interventions which have ensured their relevance, impact and acceptance. The interventions are based on identified need from either baseline surveys or national statistics. This is also an important prerequisite for results monitoring.
- The effective utilization of simplified messages, for example through leaflets and posters. These messages should be translated and communicated to local communities to raise awareness at the district level. Effective utilisation of the media, and partnership with the media has also provided extensive national coverage of the programme activities. It has

also greatly increased awareness on the protection of children at both the district level and nationally. This particular aspect is a cost effective way of ensuring visibility and protection of children's rights. It also seems to be an area where UNICEF has particular expertise and comparative advantage and should be mainstreamed throughout the programme.

Two general weaknesses were noted. First, commitment to child participation at the national level is undermined by differences in conceptualisations as well as divergences about the most appropriate entry point to operationalise it. Secondly, There is no formalised gender mainstreaming process strategy in the CPAP and the gender responsive outputs that exist are mainly at project level.

In terms of outstanding activities, the development of the National Plan for Children in particular needs to be taken up as a priority for the remaining period of the programme and clear responsibility allocated in this regard.

A general observation was made with regard to sustainability, especially the in relation to the OVCs intervention. It is noteworthy that the government has now been convinced to commit resources to support OVCs as a result of this intervention, and it is critical that this political will be nurtured and sustained at the highest political levels to ensure continued and increased allocation of funding and other support by the government. This will also ensure national coverage of successful intervention, and particularly that OVCs from the poorest households countrywide are reached.

Recommendations

Immediate:

1. To be effective all child protection programme interventions should seek to achieve three main outputs:
 - Strengthening of the national systems for the protection of children and women
 - Empowering communities to address social practices affecting children and women
 - Protecting and empowering children especially those vulnerable to abuse.
2. The prioritization of future programme interventions should have as an important criterion, the achievement of the above outputs and results for children at multiple levels.
3. Replication of successful pilot activities be guided by more detailed evaluations, need, the long-term impacts and sustainability.
4. An appropriate and cost effective mix of strategies be employed to ensure achievement of outputs at multiple levels and in particular the use of the media and effective communication tools in knowledge transfer and awareness raising on the rights of children at all levels.
5. Advocacy initiatives, especially by the CSO partners, should be integrated and mainstreamed in the programme activities to create more demand for national action on protection of children's rights.

6. The participatory, and partnership processes be continued to sustain results, and key internal and external stakeholders be consulted and engaged in setting outputs, indicators and targets.
7. In order to address process delays:
 - The process of consultations should be specifically factored into the work-plans during the planning process with specific outputs and outcomes
 - Political will and buy-in for the programme be secured by the implementing partners at high levels of decision making.
8. UNICEF should use synthesised interpretations to develop a coherent tool to guide the implementation of programmes at different levels.
9. UNICEF should develop a gender mainstreaming strategy for the CPAP and specific gender equality indicators and targets.
10. UNICEF facilitates the conduct of a gender training needs assessment for all UNICEF KCO program staff and implementing partner project officers and develop appropriate capacity building and training programs. This should be part of a continuous process, rather than a one – off event.

Long-term:

1. Future activities and outputs and results be determined by a national baseline survey on the rights of children and women in Kenya. This will obviate the need for each programme intervention to conduct its own baseline survey, and will be more cost and time efficient in terms of programme delivery.
2. UNICEF partners with UNIFEM to identify and develop strategies to address structural barriers to gender equality that are impediments to the achievement of the programme outcomes.

(ii) Institutional Capacity Building

There were two main strategies being supported by Sida funding: The HRAP Community Capacity Development at national, district and community level; and the Capacity Development Initiative to enhance the partners' capacity to effectively manage financial resources and social budgeting with a particular emphasis on budget tracking and analysis for children. The training was carried out by consultants from KIPPRA (social budgeting), KNCHR (HRAP) and KIA (Financial Regulations), in consultation with the Ministry of Planning and National Development.

While HRAP awareness has imparted the necessary knowledge to duty bearers trained, for it to be effective and lead to internalization of the concept of duty bearer, it must be combined with an institutional culture of respect for and protection of human rights and HRAP application. HRAP awareness raising has produced comparatively more results and opened up democratic space for claim holders, but the emphasis is on the changes in peoples lives (effect) and not enough focus on demand strategies and for the realization of children and women's rights in particular.

The training on financial procedures was generally useful to the implementing partners and targeted the relevant cadre of officers. In terms of utilization of the training it however emerged that some of the officers trained are not engaged in implementing UNICEF funded projects, either due to transfers or simply due to the fact that the wrong people were trained. The training also focused on the GOK implementing partners and procedures in order to improve their overall Overseas Development Assistance absorptive capacity. The three CSOs stated that they had not received any training on UNICEF financial procedures.

It appears that the approach being taken on institutional capacity building in terms of acquisition of technical skills under the programme is not as effective as it could be for a number of reasons. Firstly the training sessions that have taken place are not sufficiently focused. They are generic and there is broad coverage both in terms of content and participation. Secondly, there is no follow up of the training to ensure that it was useful and is being utilized. Finally, given the innovative interventions under the UNICEF programme the capacity needs of the different implementing partners will differ and will require training and capacity building (as well as follow-up) interventions designed to meet their specific needs.

Recommendations

Immediate:

1. HRAP training in terms of capacity and methodologies should be institution-based and should especially target the political and highest levels to ensure an institutional culture and duty to fulfil children and women's rights.
2. Mechanisms for institutionalising HRAP be developed (a) at project level a HRAP Matrix be designed to assess compliance by implementing partners (b) at institutional and individual levels the observance of HRAP be integrated into performance appraisals.
3. The HRAP sensitization at District level be replicated in other districts and cascaded down to division level, and more emphasis be placed on the strategies to effect structural changes for the realization of children and women's rights.
4. Training interventions that aim to build institutional capacity are based on adequate assessments of capacity needs
5. Monitor and evaluate capacity building results.
6. Human capacity development within the programme should be linked with institutional capacity needs and development and comprehensive and integrated training programmes implemented.

(iii) Social Mobilization

The main activities that has contributed to social mobilization in the programme and that are being supported by Sida are the social budgeting and the rights-based initiatives and methodologies. The social budgeting initiative has been able to mobilize the targeted communities at district level to influence social sector allocation and expenditure in the national budgetary processes. Social

mobilizations interventions that engage the national level in this respect will however need to be better planned and managed to be effective, and also avoid any duplication and parallel structures at the district level.

The programme has capacity to mobilize communities to demand for their rights, and has been able to create partnerships by using participatory and consultative methodologies. There is however no universal emphasis on children and women's rights by the communities, and the communities are not homogeneous in terms of needs, understanding and interpretation of key concepts, and receptiveness to new programmes.

Linkages between implementing partners and other Sida-supported programmes working in the area of children's rights were also observed, notably the GJLOS programme and with Save the Children Sweden, as well as linkages with UNDP on the MDGs.

Recommendations

Immediate:

1. Effective linkages between the district observatory teams and the district and national level planning, budgetary and monitoring and evaluation processes be created.
2. For optimal practical impact, "communities" as a descriptor should be disaggregated by expectations and needs particularly in the sensitization on children and women's rights and rights based approaches.
3. More pro-active partnerships be initiated between the GOK and CSO implementing partners to ensure co-ordinated and sustained social mobilization.
4. The linkages between programmes for the advancement of children and women's rights be institutionalized at both decision making and programmatic levels.

Long-term

UNICEF and the implementing partners should link communities with organizations and programmes that have expertise and are engaging on realization of children and women's rights at structural level, to ensure greater impact.

(d) Unexpected Results:

One unexpected result, which has probably been influenced by the current heightened political atmosphere in Kenya, was the overwhelming ownership expectations and demand at the community level. This particular result needs to be properly managed as the programme proceeds. In particular the UNICEF and the implementing partners must ensure that the programme outputs and results are realistic and achievable.

Some MOEST officials, some teachers and head teachers were initially sceptical about children's participation, assuming that children claiming their rights were a key cause of strikes and school conflict. The evaluation has found that attitudes have changed and that the participation of children is now viewed by education officials as a solution to school conflict and strikes.. Similar reactions were also found in the Youth and HIV/AIDS life skills curriculum in schools.

Recommendations

Immediate:

1. UNICEF and the implementing partners must ensure that the programme outputs and results are realistic and achievable and must manage communities' expectations in this regard.
2. A risk management strategy should be developed to deal with political and other risks that may arise from similar future interventions.

3. CSO Participation

The three CSO organisations reported more intensive interaction with UNICEF, but due to both programme related and other pre-existing external reasons, this has not led to a more cohesive integrated program among the three partner CSOs. The CSOs were particularly appreciative of the hiring by UNICEF of a finance assistant who has assisted in their financial capacity building.

The geographic coverage and programmatic scope of some CSOs activities have shrunk as a consequence of funding support to only those activities in their strategic plans that are in line with UNICEF's/Gok CPAP. This notwithstanding, there have been significant capacity building gains to the CSOs as a result of the UNICEF partnership, and considerable outputs realized for children at national, community and individual level resulting from the Sida support. It is particularly significant to note that out of the disbursements made to implementing partners between 2004 to September 2006, those made to CSOs amount to 47% of the total disbursements. (Kshs 32,242,245/=). Among the CSOs, CRADLE has received the least amount of funds (Kshs 1,263,154/=) which is 3.9% of the amounts disbursed to the CSOs. A significant percentage of the disbursed amounts (72%) was used to meet the administrative costs and salaries of the CSOs.

UNICEF has put in place the financial controls which are necessary (including the liquidation procedures) if funds given to the CSOs are to be used in a transparent and accountable manner. However, there is genuine concern that there are delays in funds disbursements, which not only lead to delays in project implementation but also inconvenience the CSOs. The system of blocking any further disbursements was said to be too rigid, especially given the limited capacity of implementing partners to liquidate. It was suggested that improved information and communication flows could be an alternative way of solving the problem.

The CSOs are also at different stages of organizational development and have different capacity levels, and CRADLE in particular does not have a qualified

accountant employed on a full time basis unlike the other two CSOs. It was also found out that UNICEF has not conducted financial training for the CSO implementing partners. This led to a communication gap, with the CSO implementing partners initially not knowing what was expected of them in terms of the required financial procedures.

Recommendations

Immediate:

1. A CSO programme liaison officer be appointed by UNICEF to identify and assist in resolving outstanding issues affecting the CSOs, and provide them with future programmatic and liaison support.
2. UNICEF to consider having a separate envelope and work-plans for the CSOs to facilitate alignment with their Strategic plans and safeguard their watchdog role.
3. It may be more cost efficient and in the long run sustainable for the CSOs to move towards project based planning, with activities, budgets, and expenditure being disaggregated into projects.
4. General financial communication between UNICEF and CSO implementing partners should be streamlined
5. Disbursement of funds should be on the basis of valid contracts entered into with the CSOs.
6. CRADLE should as a matter of urgency improve its financial management capacity to be able to effectively address the outstanding financial issues with UNICEF.
7. Formal training on UNICEF's financial procedures be conducted for the CSOs and simplified finance manual and the reporting templates be provided to the CSOs. Both the Accountants and project officers from the CSO partners should attend such training.

Long term:

1. The reimbursement policy should specifically be agreed upon by UNICEF and the respective CSO partners and on contract.
2. A review of the disbursement ratios with a view to increasing the tranche amounts.

4. Conclusion

Our overall assessment is that taking into account the significant delays in the programme start-up, there has been some progress made towards the implementation of the stated activities. Future activities need to be reviewed and refocused and we have made some recommendations on the process and content of such review and refocusing. There are however a number of significant constraints that must be addressed immediately to ensure successful completion of the programme activities, notably, sustained political will, frequent and more structured consultations, communication on financial procedures, the systematic transfer of required technical skills to implementing institutions, and strengthening the participation of the CSOs.

More important though in terms of realization of results, the implementing partners now need to focus on the intended results rather than outputs, and provide specific indicators to assess the achievement of the results. In addition the monitoring and evaluation of these results needs to be mainstreamed among all the implementing partners.

Drawing from the successes and outputs and outcomes achieved in the programme so far, the prioritization of the remaining activities, and future Sida support should be guided by the following:

- (a) Programme interventions that seek to achieve three main outputs:
 - Strengthening of the national systems for the protection of children and women
 - Empowering communities to address social practices affecting children and women
 - Protecting and empowering children especially those vulnerable to abuse.
- (b) The achievement of the above outputs and results for children at multiple levels.
- (c) Considerations of need, the long-term impacts and sustainability.

Finally, the evaluation team underscores the need for high-profile visibility and championing of the programme as one of the most effective ways of achieving results, and that the necessary actions by UNICEF and the lead agency be undertaken in this regard.

1. INTRODUCTION

1.1 Programme Focus

1. The primary objective of Swedish development cooperation with Kenya during the period 2004-2008 is to contribute to poverty reduction. Within the context of this overall objective, development cooperation efforts are focused on four inter-related programme areas. These are: pro-poor growth; social development; sustainable management of natural resources; and democratic governance. The poverty situation in Kenya and the government's strategies to reduce poverty which are articulated in the Economic Recovery Strategy for Wealth and Employment Creation (ERS), have influenced the choice of these programme areas.
2. In terms of implementation, the Sida country strategy emphasizes three approaches:
 - Participatory and transparent dialogue at all levels, both politically and within the programme. Specific areas for concern in this regard are equality, including gender equality, the rights of children, sustainable management of national resources and measures to combat HIV/AIDS
 - Mainstreaming democracy and human rights concerns in all programmes
 - Direct support for measures promoting democratic governance with the aim of strengthening access by the poor to their rights and promoting needed reforms.
3. Sida identifies various modes of cooperation with a major proportion of support being channeled through government structures, including support through multilateral support programmes co-financed by Sida, (such as the UNICEF support), and continued support through NGOs, both local and international. of Sida's strategic decision to channel a substantive portion of their development budget for Kenya via the UN system was influenced by a number of factors, one of which was that the programme principles and policies of UNICEF were very similar to Sida's priorities on strategies and areas for development cooperation.
4. The UNICEF Country Programme Action Plan (CPAP) 2004-2008 is anchored within the United Nations Development Assistance Framework (UNDAF) for Kenya for the period 2004 -2008. There are four main areas of cooperation in UNDAF that are informed by Kenya's development priorities, the full range of human rights and the Millennium Development Goals (MDGs). The four areas are governance and rights; reduction and mitigation of the impacts of HIV/AIDS, malaria and TB; strengthening national and local systems for

emergency preparedness, response and mitigation and contributing to sustainable livelihoods and environment.

5. The CPAP specifically aims at contributing to the realization of the rights of children and women through policy support and a combination of capacity building and support for service delivery at district and community levels. This is in the context of the Kenyan state's commitment to women and children – illustrated in the signing and ratification of the Convention on the Rights of the Child (CRC) and the Convention on Elimination of All Forms of Discrimination against Women (CEDAW), and the enactment of the Children Act. The human rights approach to programming (HRAP) guides the UNICEF interventions. A sizeable share (60%) of the available resources are to be directed to district and community interventions, for the purpose of establishing safety nets particularly for vulnerable children and supporting quick response to humanitarian emergencies. Three learning districts, namely Nairobi, Kwale and Garissa, were selected to facilitate and test the integrated planning and implementation of activities in order to better assess the efficacy of the programme. Specific components are however being implemented across the 15 districts targeted in the programme.
6. Sida is currently providing thematic support to UNICEF's Child Protection and HIV/AIDS Programme and certain activities in the Strategic Planning Monitoring and Evaluation Programme, and the Communication, Participation and Partnership Programme, both of which are cross-sectoral programmes. The Child Protection Programme has six projects, four of which are substantially supported using Sida funding: Youth and HIV/AIDS; Gender Violence, Discrimination, Exploitation and Female Genital Mutilation; Children orphaned by AIDS; and Juvenile Justice.
7. The thematic funding also covers three civil society Organisations (CSOs) active in the area of children rights and advocacy. These CSOs: The Child Rights, Advisory, Documentation & Legal Centre (CRADLE), Children Legal Action Network (CLAN) and Kenya Alliance for the Advancement of Children's Rights (KAACR), previously received direct support from Sida.

1.2 Evaluation Objectives

8. Sida and UNICEF entered into a three year agreement effective January 2004. The objective of this evaluation of the Sida funded components was to look at planned activities and actual achievements, outputs and progress towards outcomes and to report on the findings.

1.3 Methodology

9. To achieve the objectives of this assignment the evaluation team:
 - Held briefing sessions with UNICEF and Sida as well as with the Steering Committee of the programme.
 - Consulted with the Steering Committee on the design of the evaluation and received comments on the evaluation instruments.
 - Shadowed UNICEF during the Medium Term Review meetings held in Nairobi.
 - Held interviews with stakeholders in Nairobi, at the districts and at the community level. A structured questionnaire guided the interview sessions.
 - Conducted field visits and held Focus Group Discussions with implementing partners, community members and children in Nairobi, Kwale, Garissa, Isiolo, Mombasa, Kisumu, Homabay, Suba, and Turkana Districts.
 - Undertook case studies of the three CSOs.
 - reviewed the literature on the programme. The various documents provided crucial information which complemented information from the primary sources.

1.4 Limitations

10. The evaluation team experienced several limitations in carrying out this assignment. Notably, most of the Sida supported programmes are in the early stages of implementation. Evaluation of the results and impact of the various components proved to be a challenge. Secondly, implementation of the programme is based on annual work-plans which are not directly linked to a logical framework. This made it difficult to assess the appropriateness of interventions and logical progression towards the achievement of the stated outcomes. Thirdly, the wide programmatic and geographical coverage of the Sida-supported components was a challenge given the short period of the evaluation. Finally, the current implementation arrangement in which different individuals from the same institution are responsible for implementation of different components of the programme turned out to be a logistical problem. The evaluation team had to consult several individuals from the implementing partners to get a complete picture of activities being implemented.

2. KEY FINDINGS

11. Notwithstanding the fact that very few of the planned activities had been completed at the time of conducting this evaluation, there are several observations to make on the relevance and effectiveness of the activities and immediate results. These observations are made as against the following standards:

- The key evaluation questions in the terms of reference (attached as Annexure VI)
 - The requirements of results based management and human rights based approach to programming, which are the key focus of the Sida funded components of the UNICEF/GOK CPAP.
 - The criteria of relevance, efficiency, effectiveness and sustainability
12. The team has summarised the key findings in each of the sections that follow, and made specific recommendations to address the findings. The recommendations are classified into immediate and long-term, with immediate recommendations targeting the medium term review of the GOK/UNICEF CPAP for 2004-2008, while long term recommendations may be considered during the development of subsequent CPAPs

2.1 The Programme's Relevance

13. There is a convergence between the Sida, UNICEF and GoK programme priorities, both in terms of content and approach. The programmes are also relevant to Kenya's development priorities and are in line with national and international obligations to protect the rights of children and women. The programme is also relevant to the participating CSO's; priorities of the programme reflect those in the CSOs strategic plans.
14. This convergence is commendable because programme activities are contributing to similar objectives/goal. In our view, the relevance of the programme to the partners' priorities has resulted in a high sense of commitment of all the partners. This is illustrated by their participation in the formulation and assent to the various programme implementation documents. This notwithstanding, there are some concerns about the programmes visibility and some raised by the CSOs have regarding the programme coverage. These are discussed in detail in section 3.
15. 63% of the implementing partners are clear that the programme aims to improve the overall welfare of children as shown in the Chart 1 below. The other objectives reported also relate to improving the rights of children in one way or another. However it appears that achieving gender equality is not a priority for the implementing partners.

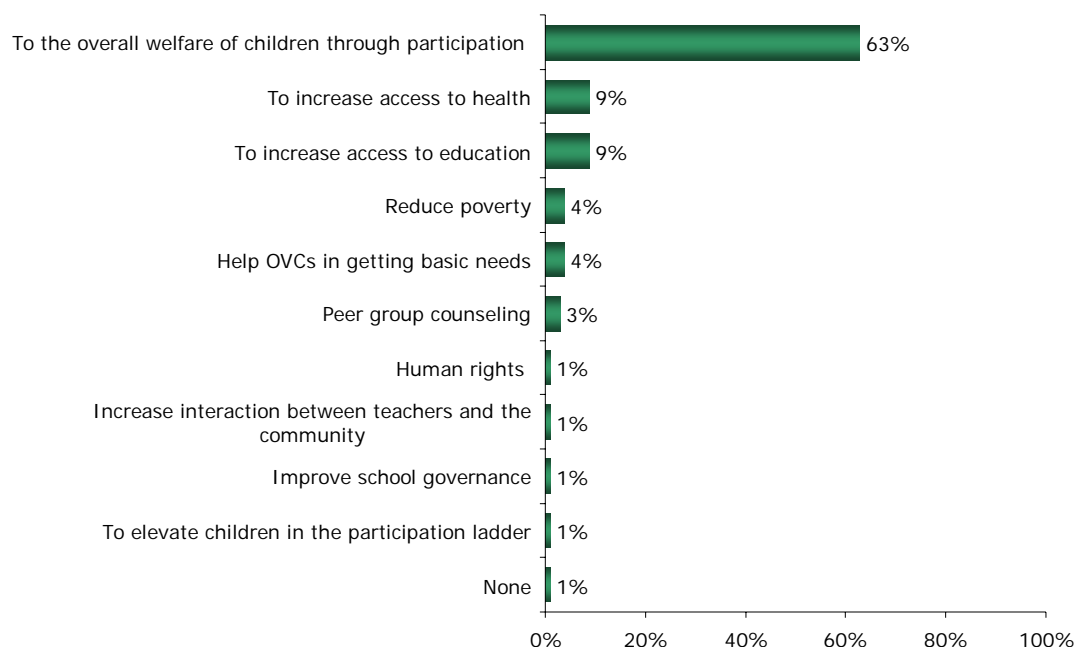
“What is the overall objective of the programme?” N=67

Chart 1: Responses on the Programme's Objectives

16. After programme implementation commenced, the GoK introduced a contract performance management approach in the public sector. This is now making the programme relevance an issue of focus because it introduces both an opportunity and a challenge. As an opportunity, it will enable the partners to commit themselves to the objectives and the set targets of the programme. It will facilitate faster institutionalization of children's and women's rights as well as HRAP interventions in the programme. It will nonetheless be a challenge because it will mean that the programme will not be flexible in terms of accommodating all the CPAP activities. There are already instances in the implementation of CPAP activities when activities specific to the realization of children rights such as the formulation of the National Plan of Action for Children, have taken a back seat in favour of what were perceived to be more important national priorities i.e the conduct of the Economic Survey.
17. We note that employing a results-based approach to programme management is significant in numerous ways. It has the effect of changing the dynamics of institutional relations, budgeting and resource allocations, personal political agendas, and public perceptions of governmental effectiveness. It could also attack strong, vested interests that sometimes hinder smooth programme implementation. In view of this, there is a need to identify champions of Results Based Management within the programme to ensure the institutionalization and sustainability of this approach which will also facilitate achievement of programme objectives and CPAP outcomes. This is particularly

important since one of the CPAP outcomes is the increased political mobilization for children's rights issues as a means of enhancing the capacity of key national and local institutions for improved governance.

18. The above findings show that the programme is relevant to the country's development objectives and that it is in line with the strategic plans of the implementing CSOs. A major challenge, nonetheless, is how to ensure systematic institutionalization of programme objectives through the new contract performance management approach introduced in the public sector. Linking the programme objectives and activities to this results based management system will have the effect of ensuring sustainability of the programme – specifically the components by the public institutions – and at the same time facilitate adequate integration of the programme in GoK systems and process. Indeed this will create an even deeper sense of ownership.

Recommendations

No.	Finding	Recommendation
1	The programme is relevant to the country's development objectives and is in line with the strategic plans of the implementing CSOs. A major challenge, nonetheless, is how to ensure systematic institutionalization of programme objectives through the new contract performance management approach introduced in the public sector. Linking the programme objectives and activities to this results based management system will have the effect of ensuring sustainability of the programme – specifically the components by the public institutions – and at the same time facilitate adequate integration of the programme in GoK systems and process.	<i>Immediate:</i> Political leadership of the programme needs to be re-emphasized by stakeholders, and strengthened to spearhead and champion the programme and ensure the inclusion of its key outcomes in future work-plans and performance targets.
2	The understanding of the overall objectives of the programme components varies, and achieving gender equality does not seem to be a priority among implementing partners.	<i>Immediate:</i> The Gok lead agency should ensure that priority is given to the programme and intensify specific activities around information, education and advocacy for the rights of children and women and key messages on the programme outcomes among the implementing partners.

Table of findings and recommendations 1: Programme's Relevance

2.2 The Results Framework

19. The UNDAF has a Strategy and Action matrix which identifies the areas of cooperation - the national development goal, the expected outcomes, the cooperation strategies, major lines of action and the contributing UN agencies.
20. The UNDAF outcomes for the Sida funded components of CPAP are the enhanced capacity of key national and local institutions for improved governance, to reduce further spread of HIV/AIDS, and improve the quality of life of those affected by HIV/AIDS.
21. A baseline survey conducted in 2002 in the three UNICEF/GOK learning districts provided baseline data on some of the indicators that are in the CPAP result matrices. UNICEF/GOK activities in these Districts were evaluated in January and February 2006 using the variables in the same indicators, and some additional variables added on the new approach to programming i.e. the HRAP.
22. In addition most of the programme components have undertaken baseline surveys as starting points for monitoring and evaluating results. Each of the Programme components and projects have developed annual work-plans which identify the expected outputs and monitoring activities; the key activities and annual output targets; and the timeframes, responsible parties and planned budget for the activities.
23. An assessment of these documents reveals that they are useful for assessing the delivery process of the programme and to determine if the programme has remained on the right track towards the achievement of planned outcomes. The programme, however, does not have a logical framework to guide the implementation process, facilitate monitoring of implementation and provide a solid base for performance evaluation. In particular the work-plans do not provide any indicators at all, while the CPAP only provides for output and outcome indicators, but none for impact. In addition, an examination of the indicators used in the Baseline Survey of the three learning districts reveal that most of them were quantitative. There were very few qualitative indicators that are suitable for assessing outcomes and impact. Monitoring progress toward the expected outcomes requires that information be derived in the logic model from all results levels, at different time frames, and for different stakeholder needs.
24. At the same time, it is necessary for work-plans to show all the activities an institution is implementing under CPAP, including the Sida-supported ones. This is important for two reasons. First, it will facilitate better alignment with institutional strategic and performance plans. Secondly, it will make it easier for implementing institutions to relate activities to outputs and by that make it easy to identify gaps for future programmatic intervention. Three, it will

facilitate better coordination of activities within the institution. This is a more realistic presentation than the current one where it is difficult to get a holistic picture of the various components. We also recommend that all outputs and activities in CPAP be presented in one section rather than shopping for them in each UNDAF outcome area.

Recommendations

No.	Finding	Recommendation
1	An assessment of the Results Framework reveals that while it is useful for assessing the delivery process of the programme to determine if the programme has remained on the right track, it does not provide a logical framework to guide the implementation process, facilitate monitoring of implementation and provide a solid base for performance evaluation.	<p><i>Immediate:</i></p> <p>The programme's work-plans need to be critically reviewed and a results schedule developed for each component work-plan that clearly provides for each of the outputs, the intended results and indicators to assess achievement of the result.</p> <p><i>Long-term:</i></p> <ul style="list-style-type: none"> Initial work-plans should be developed by implementing partners in consultation with the respective UNICEF programme manager, and activities to be implemented under the CPAP across identified programme components including a clear statement of the CPAP outcome to be achieved and indicators for measuring results. The work-plans from the different implementing partners should be harmonized at a review meeting called specifically for that purpose to avoid duplication and confirm the strategic and practical importance of proposed activities and results. A comprehensive work-plan which is institution based, (rather than programme based) be prepared and approved for signing off and operationalisation in a stakeholders meeting.
2	The work-plans are a useful tool in the programme but their present format does not provide any indicators. The presentation format is also not clear on implementing institutions and their outputs. It is generally difficult to related activities to outputs or even to identify gaps that require future intervention.	

Table of findings and recommendations 2: The Results Framework

2.3 Achievement of Results

2.3.1 Progress in implementation

25. Progress in implementation of the various components of the project is largely in its nascent and/or pilot stages. These delays are attributed to several factors:
- internal bureaucratic delays in both Sida (Stockholm) and UNICEF (New York) during the negotiations on the modalities of Sida's support to UNICEF;
 - delays in the signing off of work-plans by some of the component's partners;
 - delays in the release of funds by Sida.
- As a result most activities were set back by almost a year in 2004/2005. Sida has since revised its procedures and are now allowed to make in-country funding and contracting decisions.
26. The process of implementation is uneven among the different programme areas. Part of this unevenness could be attributed to the late start of the programme in general. UNICEF attempted to mitigate the situation by using their regular resources to fund some of the Sida supported activities. Those that received this funding were able to implement some activities in 2004. However, this was not possible for all components. Implementation of most of the activities started in 2005 after receipt of the Sida funds. The nature of some of the activities and development approaches being engaged in under various programme components are also largely innovative and experimental and with long term policy implications, and needed more consultations, buy-in and planning before implementation could begin. Examples are the Child Participation programme and the Cash Transfer, and Youth and HIV/AIDS Life Skills projects.
27. The activities implemented were in the areas of policy development, surveys, capacity building, awareness-raising and service delivery. The factors often cited as contributing to the successful implementation of activities were the convergence of opportunity and priorities, the eventual availing of the funds, and the participation of stakeholders. Additionally, there was a ready audience and firm belief in the benefits of child centred policies. Some of those interviewed observed that child participation in schools can contribute to several positives changes in schools, including better discipline, less unrest, and higher academic performance. In addition, among the government institutions including NCCS and KSSHA, the promotion and integration of child participation into existing schools structures conform to international conventions that stipulate the rights of the child.

28. The three CSO partners had lost staff as a consequence of the lack of funding in 2004/2005. They all cited the commitment to and passion for children's rights as reasons contributing to their continued survival.
29. On the whole, implementing partners cited several factors as contributing to the successful implementation of the programme. Cooperation with stakeholders and availability of donor funds topped the list. Others cited commitment or interest from the community as well as use of skilled personnel. The Chart below shows some of these responses.

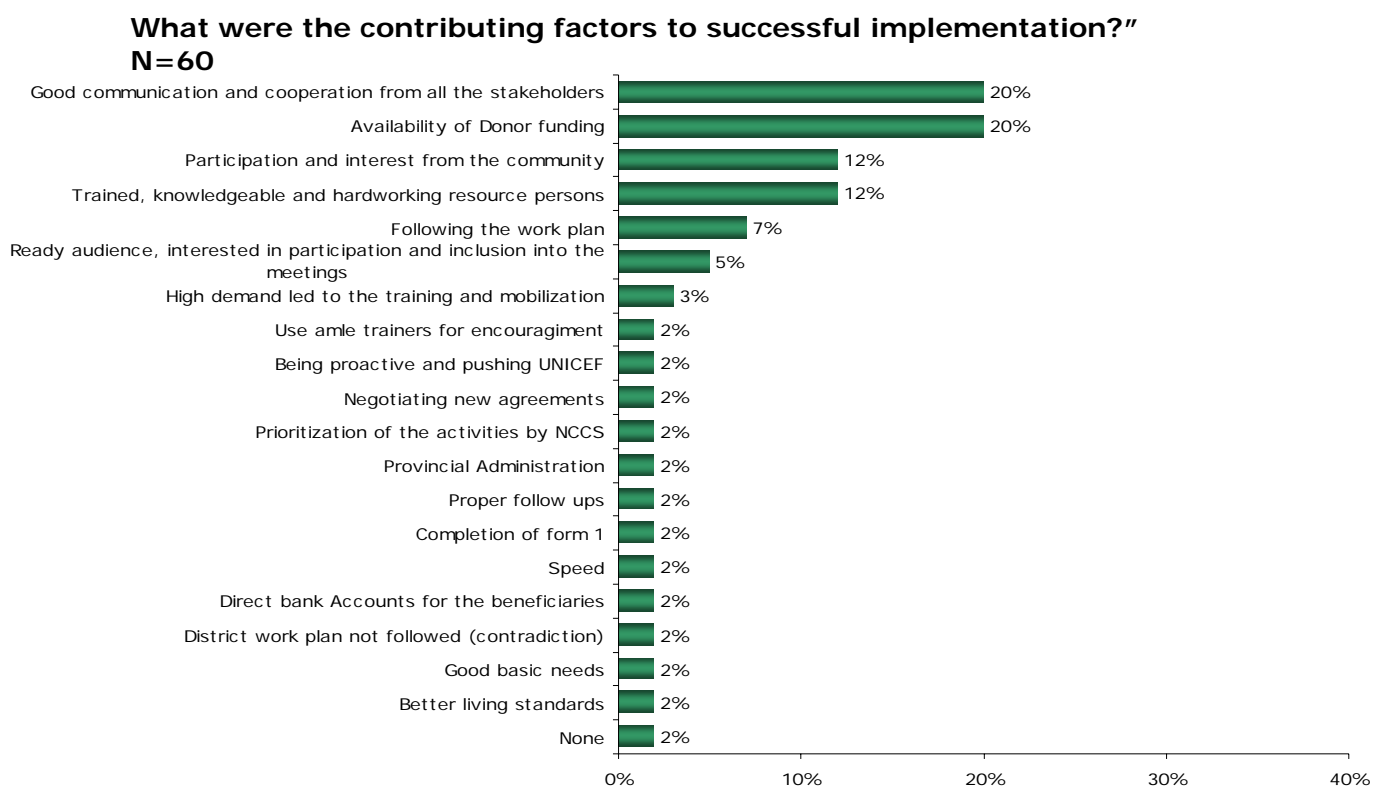


Chart 2: Contributing Factors to Successful Implementation

2.3.2 Constraints Faced during Implementation

(a) Funding

30. The CSO partners identified lack of funds as causing delays in implementation. Other partners underlined lack of communication between UNICEF head office and field offices. They reported delays in receiving supplies and equipment procured by UNICEF, and the Ministry of Planning and National Development officials, both at the national and district levels. Specifically, some observed

that in most instances UNICEF sent the supplies and materials directly to beneficiaries without informing the implementing partners. This resulted in supplies remaining at points of delivery without the knowledge of the beneficiaries and sometimes without information on the identity of the intended beneficiary. At other times, there were conflicting claims of ownership, which made it difficult to keep an inventory of supplies received under the programme.

31. Funding in the programme is provided by UNICEF based on the budgets which are derived from the negotiated annual work-plans. Implementing partners raised concern about the budgeting process on three levels: First, at the preparation level, they observe that they are not consulted on the final figures, and that there were many instances where the implementing partners did not know how much budget had been approved by UNICEF. For example in the Children's department, UNICEF commits a lump sum amount and then informs the Treasury. Such a lump sum might not be equal to the government's estimates and there may be no clarity of specific budget lines. Some CSOs also stated that some items in their strategic plans were not acceptable to UNICEF. Such items had to be realigned to fit into the UNICEF programme.
32. The second concern raised was the timing of the budget preparation. Some partners claimed that the timing came too late to be reflected in government estimates for the financial year. This also has contributed to delay in the implementation of activities, because implementation had to wait for the approval of the supplementary budget by Parliament. Finally there were instances when UNICEF apparently gave out more funds than what was indicated in the budgets of the implementing partners. For example the Children's department printed estimates for 2004 were Kshs 5,535,000 but the expenditure showed a figure of Kshs 6,900,000. Some GOK implementing partners also reported that UNICEF does not send timely Appropriation in Aid (AIA) reports, leading to delay in the departments' financial reporting.
33. UNICEF explained that budgeting decisions are based on previous experiences in implementing similar activities, which ensures compliance with UNICEF's own internal procedures and checks. For example, the UNICEF internal review committee has to approve the budgets through a peer review process. UNICEF also admitted that uncertainty about decisions on donor funding does cause some delays in communicating how much funding will be committed to a particular component. However, with effect from this year, UNICEF is aligning their financial year with Kenya's financial year.
34. The Government policy of centralized payment through the Paymaster General (PMG) has proved to be a constraint. UNICEF channels funds to GOK implementing partners through the External Resources Department and paid to the Paymaster General. While the implementing partners acknowledged that this system does promote accountability, they also pointed out that there

is no communication about the funds channelled to the Paymaster General, with the result that funds can lie there for months with no knowledge of its purpose. Sometimes funds are even returned to UNICEF. For instance, the Cash Transfer and Youth and HIV/AIDS programs experienced delays due to disbursements through the Paymaster General (PMG). The Girls Soccer Program in Kwale had conducted all activities on time until 2006, when they experienced delays due to the centralisation of funding through the PMG. Also, both in Kwale and Garissa the Cash Transfer beneficiaries had to be paid in a lump sum since none of their monthly payments arrived on time after institution of the PMG system.

- 35. There were also a number of other constraints identified other than funding, as illustrated in Chart 3. Significant constraints noted were the lack of capacity and facilities; lack of clarity on the roles and responsibilities of the different partners; inadequate consultations; lack of monitoring and evaluation skills and lastly resistance to the programme.

What are the main challenges/constraints faced during the implementation of the activities?"
N= 120

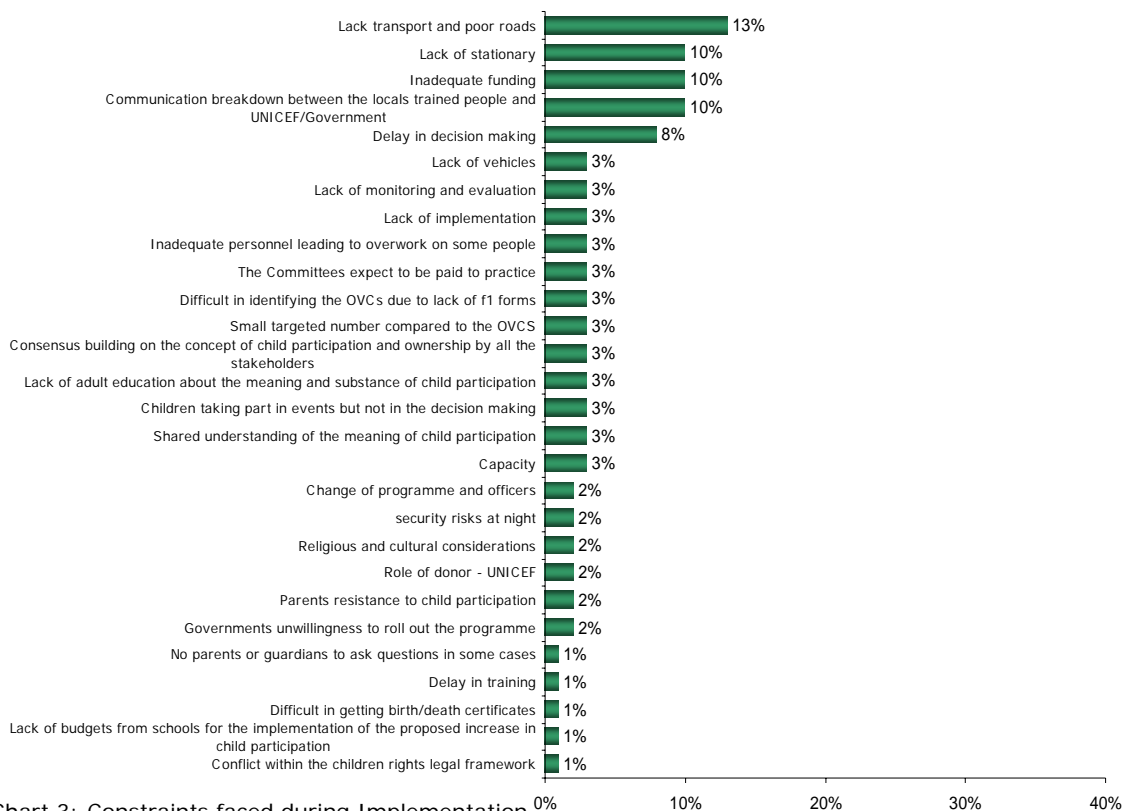


Chart 3: Constraints faced during Implementation

(b) Capacity

36. There is lack of capacity among implementing partners, which was particularly evident in the area of financial administration among the CSO partners. All CSO implementing partners have experienced challenges in liquidating funds. The issue of inadequate staffing was particularly stressed at the district level, where in most cases the coordination of the UNICEF programme was in the hands of one individual, who also had other duties to perform. UNICEF has designated one of its Programme Managers as the district work-plan coordinator for two of the learning districts, and employed two project officers in one of the learning Districts (Garissa), but this has apparently not solved the problem.
37. The capacity of the implementing partners to implement some of the more innovative interventions such as the Cash Transfer Subsidy Project is also lacking. Specific skills deficiencies include insufficient knowledge of banking systems and procedures. The Children Department is seriously understaffed, and even with recent recruitment of Children Officers, a district can only have a maximum of 2 children officers. Lack of facilities such as motor vehicles and computers were cited in the districts visited as a key constraint, particularly in Isiolo and Turkana which are vast districts with poor infrastructure. The lack of infrastructure in Garissa District, will also prevent beneficiaries from taking advantage of the use of the postal system in the cash transfer program. Postal services in Garissa District are only available in Iftin which is in the town – beneficiaries from all other locations would have to travel considerable distances (up to 250 km in some instances) to reach the nearest post office.
38. While infrastructure development is not possible within the programme, the constraint may be addressed by the inclusion of CBOs from marginalized areas as implementing partners, and to build their capacity to assist in the implementation of projects among their respective communities.

(c) Roles and Responsibilities

39. There appears to be lack of a common understanding on the roles of the respective partners as well as on some key concepts such as child participation. At the conceptual level, the CPAP is grounded on the assumption that all implementing partners should have a common understanding of the key tenets of the CRC, and this finding underscores the need for intensified IEC activities among the implementing partners.
40. At the implementation level, some of the implementing partners are of the view that UNICEF's responsibility is to provide both financial and technical facilitation in the programme. Some implementing partners, however, felt that UNICEF is overstepping its mandate and implementing activities. They perceived implementation as making programme decisions and the UNICEF policy of undertaking procurement. UNICEF did acknowledge that

implementing partners sometimes misconstrued the strategic leadership that UNICEF is required to provide in the programme, as 'implementation'. The risk posed by micro-management by UNICEF is the resultant disempowerment of the implementing partners.

41. There were also instances cited of overlap and duplication of roles and responsibilities between NCCS and the Children's department that affected implementation, since it was not clear which institution between the two was responsible for certain activities. This particular problem is now being addressed in the review of the Children Act. The same was also reported between the NCCS and the Ministry of Planning and National Development with regard to the development of the National Plan of Action for Children.
42. There is need for each of the implementing partners, including UNICEF, to identify and agree on their respective strategic strengths and competencies in the implementation of future activities. The institution-based work-plans that were recommended in section 1 is one mechanism that would clearly allocate roles and responsibilities among implementing partners.

(d) *Inadequate consultations*

43. Inadequate consultations between UNICEF and the implementing partners have led to ownership of the programme becoming an issue of concern. Several partners alluded to UNICEF staff as "overstretched" and unavailable for consultations. This in turn affected the pace of implementation. They also noted that consultations with UNICEF are mainly unstructured; they are conducted through telephone calls, emails and general correspondence. Some were of the view that high turnover of staff both at UNICEF and at the level of the implementing partners, could have interrupted information flow and affected consultations.
44. However, the Cash Transfer project reported a structured consultation process. Team meetings are held every Monday and meetings with the Steering Committee once every month. Quarterly meetings are held with the Children's Department. This needs to be replicated across all the programmes and projects.
45. The lack of consultation has already affected implementation of some activities. In the Ministry of Gender it resulted in a situation where implementation was held up for over a year and eventually the Gender Department threatened not to take the funding from UNICEF until their concerns were addressed.
46. Lack of adequate and structured consultations has evolved in some tensions in the relations between UNICEF and some of the implementing CSOs. Some of the CSOs complained that they are treated as departments of UNICEF. More specifically, both KAACR and CRADLE complained about UNICEF treating their

institutions (the CSOs) like extensions of UNICEF “departments” or “activities”. They further noted that their relationship with UNICEF did not recognize them as independent institutions.

47. UNICEF’s Programme Policy and Procedures Manual (PPPM) provides for a mandatory consultative process for the continued engagement of partners on questions of children’s and women’s rights. In this regard, the Ministry of Planning and National Development has been designated as the government coordinating agency with respect to the current CPAP. There are however unique challenges that emerge in the Kenyan context that are primarily rooted in the fact that has since 2004 the country has been in a state of transition, and Government and civil society institutions are in a state of flux. There has been great movement of personnel and in respect of the GOK inadequate institutional memory mechanisms.
48. Concern was also raised about internal coordination by UNICEF, with implementing partners saying that information does not seem to be shared across UNICEF programmes. For example it was stated by implementing partners in Isiolo that they have had consecutive visits from different UNICEF programme staff seeking the same information. UNICEF confirmed that they regularly hold various management and programmatic meetings to discuss the programme, but may need to improve both its horizontal and vertical information flows.
49. There is therefore need for the programme partners to also address the issue of ensuring institutional memory of programme activities and outputs by instituting better mechanisms of institutional documentation and sharing of programme information,

(d) Monitoring and Evaluation

50. The implementing partners have no standardized internal mechanisms and skills for monitoring the implementation of activities and managing the implementation for achievement of the desired outcomes. Training on M&E was provided as an aspect of the training on HRAP. Asked how they assessed achievement of results, about one quarter argued that they do so through follow up and supervision visits as well as through community representatives. Another significant group argued that they do so through the registration of children for the OVC programmes. Only 11% of the responses indicated undertaking joint monitoring and evaluation. From this it is clear that there is no comprehensive and systematized approach to assessment of results.

“How are you able to assess the achievement of results?”**N=27**

Follow up - supervision visits and community representatives	26%
Registering children (OVC)	22%
Ministry of Health Statistics	11%
Joint Monitoring and Evaluation	11%
Impossible	7%
None	7%
From social enquiries	4%
Increased number of people registering for the project	4%
Checking on the living standards	4%
Don' Know	4%
Total	100%

Figure 1: Responses on Methods of Assessment of Results

51. The basic elements of results monitoring used for a range of interventions and strategies are:
- Baseline data to describe the problem or situation before the intervention
 - Indicators for outcomes
 - Data collection on outputs and how and whether they contribute toward achievement of outcomes
 - More focus on perceptions of change among stakeholders
 - Systemic reporting with more qualitative and quantitative information on the progress toward outcomes
 - Done in conjunction with strategic partners
 - Captures information on success or failure of partnership strategy in achieving desired outcomes.¹
52. The programme’s Integrated Monitoring and Evaluation Plan (IMEP) lists the key studies and evaluations to be conducted over the programme period, and was to provide training, as well as develop and standardize formats and tools to facilitate regular monitoring and evaluation. It was also explained by UNICEF that the joint review meetings are aimed at building the M&E capacity of the implementing partners, but these are few and far between. As shown in the chart above a sizeable 18% of the implementing partners were not able to identify and assess the results achieved so far.
53. Designing and building a reporting system that can produce accurate, timely, and relevant information on the performance of the programme requires experience, skill, and real institutional capacity. This capacity for a results-based reporting system has to include, at a minimum, the ability to successfully construct indicators; the means to collect, aggregate, analyze,

¹ Jody Zall Kusek and Ray C. Rist , *Ten Steps to a Results-Based Monitoring and Evaluation System : A Handbook for Development Practitioners* , 2004, The World Bank, Washington D.C

and report on the performance data in relation to the indicators and their baselines; and managers with the skill and understanding to know what to do with the information once it arrives.

(e) Resistance

54. The reported instances of resistance were from certain government departments, and from parents in areas where the programme is being implemented. Resistance from government was reported in the life skills activities under the Youth and HIV/AIDS project, and in the Child Participation project. The result was that a considerable part of the period was spent in consultations with the departments and stakeholders in the education sector to arrive at a consensus understanding and get their cooperation in implementing activities. This confirmed by teachers in Isiolo who expressed the fear that students participation would empower them to the extent of bypassing the schools regulations and protocol. Parents were also reported to be generally resistant to the concept, viewing it as yet another set of children's rights.
55. Part of this resistance could be explained by the fact that the National Steering Committee (NSC) and the Inter-Ministerial Technical Committee (ITMC) have not been meeting regularly, due to the busy schedules of the NSC members and the unwieldy nature of the IMTC. The NSC is set up under the CPAP to be in charge of the overall policy and broad direction for the programme and is co-chaired by the Permanent Secretary in the Ministry of Planning and National Development (MOPND) and UNICEF country representative. It is made up of Permanent Secretaries of the key line Ministries that are implementing activities in the programme, and the co-chairs of the ITMC. The ITMC is comprised of Planning Officers, Finance Officer and technical project managers from the implementing partners and other invited stakeholders. It is in charge of the day to day management of the programme and the Chief Economist at the MOPND and the Senior Programme Officer are co-chairs.

Recommendations

No.	Finding	Recommendation
1	Implementation started late due to delayed funding. Late disbursement of funds by Sida and UNICEF and the financing procedures under the programme were also responsible for delays in disbursements.	<p><i>Immediate:</i></p> <ul style="list-style-type: none"> • UNICEF should design a Funding Schedule to ensure that funding and disbursements are carried out in accordance to an annualized profile that is synchronized with the implementing partners work-plans. • The MOPND should conduct an inter-ministerial training in the use of the PMG system for GOK partners • UNICEF should communicate financial information to implementing

No.	Finding	Recommendation
		<p>partners in time and in particular amendments made to budgets, Appropriations in Aid (AIA) returns and details of funds sent to the Treasury and transferred to the Paymaster General for implementation of activities.</p> <p><i>Long-term:</i></p> <ul style="list-style-type: none"> • A rigorous consultative planning process should be put in place by UNICEF, placing the CPAP annual planning and budgeting cycle in a more strategic context, especially the GOK MTEF and performance contracting processes.
2.	Some activities have been implemented although the status of implementation has been uneven across the programme components.	<p><i>Immediate:</i></p> <ul style="list-style-type: none"> • The annual work-plans need to be adjusted in an in-depth review and revision exercise involving all stakeholders, and the outstanding activities prioritized according to their continued relevance and contribution to desired outcomes (as informed by the recommendations in the subsequent sections of this report).
3.	There are still significant constraints to programme implementation, including; capacity of partners, lack of a common understanding on roles and responsibilities, inadequate consultations, lack of monitoring and evaluation and instances of resistance to the programme..	<p><i>Immediate:</i></p> <p>1.The review of the work-plans should be informed by the following interventions to address the identified constraints:</p> <ul style="list-style-type: none"> • Capacity assessments, capacity building objectives, and the delivery and follow up methods for the implementing partners. • A results-based M&E capacity building programme for all implementing partners be designed and implemented, preferably before the next annual work plan's implementation. <p>2.The inclusion of CBOs from marginalized areas as implementing partners, and to build their capacity to assist in the implementation of projects among their respective</p>

No.	Finding	Recommendation
		<p>communities.</p> <p>3. More frequent structured consultations between UNICEF and implementing partners and stakeholders to address both programmatic issues and other emerging concerns and mechanisms put in place to ensure institutionalization of the programme..</p> <p>4. Restructuring of the membership of the IMTC, and regular National Steering Committee and Inter-Ministerial Technical Committee meetings be held to share information and ensure continued political commitment to the programme.</p> <p>Clear delineation and allocation of responsibility in the work-plans among the implementing partners.</p>

Table of findings and recommendations 3: Achievement of Results

2.4 Outputs for Children

56. The activities that were carried out have produced significant outputs for children, including in some instances identifiable outcomes. There have, however, been variations in terms of the processes and strategies of achieving the results and the different levels at which the outputs have been achieved. There are also a number of outputs that were not in the original CPAP results matrix. These emerging outputs have largely been as a result of the thematic funding by Sida that has provided opportunity for great innovation and flexibility in terms of programme partnerships and interventions.
57. This is illustrated below for each of the programme components supported by Sida, as analysed against the expected outputs and their effectiveness in producing results. We are not able to make any firm conclusions on the cost efficiency of interventions, given that we were only able to get financial information on disbursements made to implementing partners (Annexure I), but not on the actual amounts expended for each programme and project.

2.4.1 Child Protection

58. The outputs that were envisaged in the child protection programme were the enhanced capacity of duty bearers and communities to implement the Children Act, and the protection of vulnerable children especially OVCs and those

affected by violence and FGM. There are a number of project activities that have been carried out under the Child Protection component. These are discussed below.

a) *End Violence Against Children Campaign*

59. The campaign was initiated following the findings of a United Nations Study on Violence Against Children in Kenya, which was published with Sida support. The campaign, also supported by Sida, aims at mobilizing more than 20 districts to inform, motivate and empower Kenyans to take action to stop violence against children. Two campaigns have already been held in Naivasha and Kiambu districts. Expected results include district-wide provision of information on where to go for help against violence, preparation of plans and fund raising for community policing, safe houses, emergency hotlines, safe schools, better health services for victims of violence, access to justice and promoting the establishment of community protection centers.
60. The campaigns were very well covered by the Kenyan media and effectively raised a national profile outside of the target districts.
61. Activities commenced in July 2006 and campaigns are yet to start in Garissa and Thika Districts. It is therefore too early to determine what the direct benefits to children have been under the project. It is imperative that this activity and the subsequent monitoring interventions on children affected by violence be integrated into the work-plans to facilitate easy assessment of the benefits to children.
62. A study on Child Sex Tourism at the Kenyan coast was undertaken and the report is being finalized for dissemination. Interventions at community level aimed at direct protection of the affected children are planned, including training hotel establishments and other stakeholders on the code of conduct to protect children against sexual exploitation, and monitoring and reporting for action incidences of sexual exploitation of children.
63. Tackling child sex tourism effectively is going to require a sustained effort in the long-term, building on the solid initial profile of the UNICEF campaign. It therefore ought to be considered as a key activity for future support. In addition the project now needs to address interventions that have more direct benefits to the affected children. It is also necessary to identify other areas in the country where children are vulnerable to sexual exploitation and replicate the same activities to be able to efficiently and effectively deal with this particular violation of children's rights. The team for example was informed that this is also an emerging problem in Isiolo district, arising from the location of army barracks in the district.
64. It is our view that the end violence campaign intervention has effectively utilised simplified messages through leaflets. These messages should be

translated and communicated to local communities to raise awareness at the district level. Different communication channels should be explored in this regard. Effective utilisation of the media, and partnership with the media has also provided extensive national coverage of the above activities. It has also greatly increased awareness on the protection of children at both the district level and nationally. This particular aspect is a cost effective way of ensuring visibility and protection of children's rights and seems to be an area where UNICEF has particular expertise and comparative advantage.

- 65. This and other interventions, such as the Child Participation Programme are also research-based interventions, which have ensured their relevance, impact and acceptance. The interventions are based on identified need and the baseline surveys conducted are also an important prerequisite for results monitoring.

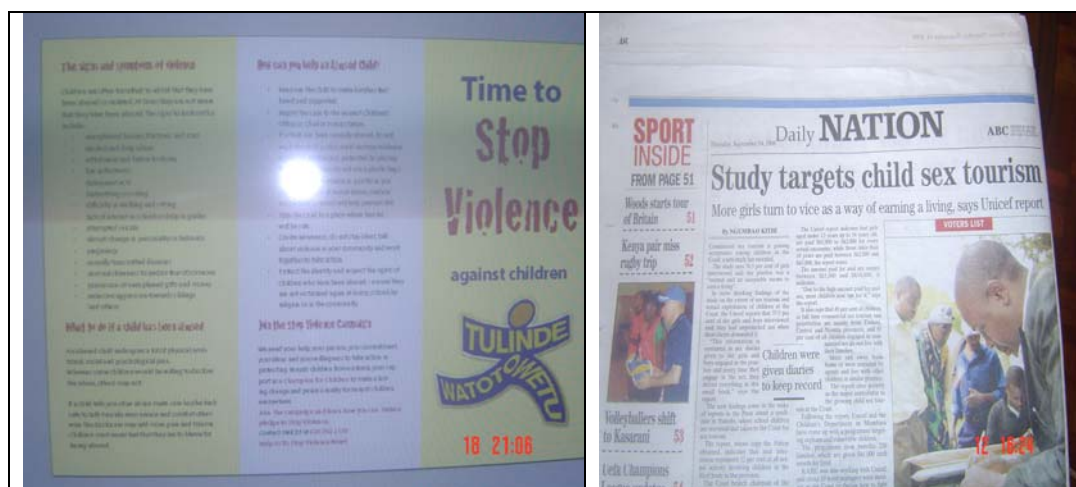


Photo 1: Media Strategies for awareness raising on protection of children

b) Gender Violence and Female Genital Mutilation/Cutting (FGM/C):

- 66. Implementation of the activities under the Gender Violence and Female Genital Mutilation/Cutting project are meant to reduce the incidence of FGM/C in selected communities. The activities that have been undertaken consist of the following:

- 12 Community dialogues on FGM/C;
- Sensitization of 90 religious leaders on FGM;
- Trained 20 religious leaders change agents;
- 78 health staff from 5 districts trained on FGM issues;
- FGM Symposium for Islamic Religious Scholars;

- Training on Human rights in relation to gender based violence and FGM for the Inter-Ministerial Committee on FGM and Staff of the Ministry of Gender Sports, Culture and Social Services.

There has been awareness raised by the activities, and the media was also able to document change of attitude on the issue of FGM as a result of the symposium on FGM for Islamic religious leaders².

67. The Sida support was used to recruit an officer to coordinate the above-mentioned activities and other gender violence and FGM/C and emergency activities in North Eastern Province, including undertaking an assessment of the effects of drought on children in the province. Funding for most of the activities was provided by the Italian Government. Sida support was therefore more effective by way of provision of technical expertise to coordinate UNICEF activities in the targeted communities, especially where capacity of implementing partners is lacking.
68. To be cost effective and sustainable, the provision and support of technical expertise should in principle be guided by two main factors:
- Implementation of short term activities that have long term impacts such as those that fundamentally change deeply rooted conditions that undermine the full implementation of CRC and CEDAW ,
 - Capacity building of implementing partners and empowerment of the communities

c) *Juvenile Justice:*

69. The main objective of the juvenile justice project is to increase access to justice to children who are victims of abuse, neglect and discrimination; and those who are in conflict with the law. Most of the activities under this project were to be undertaken by way of specific agreements between UNICEF and selected CSOs that work in the areas of advocacy on child rights, legal aid and child rights paralegals. The selected CSOs were CLAN, CRADLE and KAACR. The support includes the administrative costs of the three CSOs including payment of their salaries, and also certain activities in their strategic plans. Activities being implemented by the CSOs include:
- i. Training of communities and paralegals and lawyers on the Children Act, protection of children's rights and reporting procedures under the CRC.
 - ii. Provision of legal aid to children, public interest litigation involving discriminatory provisions of the Children Act and

² See special report on the symposium reported in *The Standard* newspaper .

- facilitation of pro bono services by trained lawyers in cases involving children.
- iii. Training of police and prison officers to be child friendly and monitoring child protection units and facilities at police stations and prisons.
 - iv. Training of children on their rights through formal (CRADLE) and non-formal (CLAN) education systems.
70. More details on the CSO outputs in this regard are provided in section 3 of this report.
71. One particular outcome from the CSO engagement has been the child friendly policies and laws have also come into effect through their advocacy work and technical assistance. In particular: the review of the Birth and Death Registration Act; the HIV/AIDS Bill, the Child Labour Policy, review of the Children's Act (all due to the work of KAACR's Legal and Policy Committee which partners with the relevant parliamentary committees and line ministries). CRADLE was instrumental in the initiation and enactment of the Sexual Offences Act 2006 and has been key to advocating for legislation on trafficking in persons. The CRADLE provided technical support to CSOs participating in the campaign for the enactment of the Sexual Offences Bill and in doing so provided statistical data and information about the impact of child sexual abuse. The CRADLE also mobilised public demonstrations in support of the Sexual Offences Bill and was key to focusing public attention on Parliament to bring about this legislation. CLAN was an advisor to the Children's Department on the Rules for the Charitable Organisations and Adoption Rules. They were also asked to contribute to the Prisons Act that is under review. All three CSOs have been key in the review of the Children's Act.
72. The outputs from the CSOs are particularly useful in advocacy initiatives; they assist in creating demand for reform at both national, community and individual levels. This is important in monitoring the service delivery by the GOK implementing partners and for providing visibility to the programme. The advocacy and reform outputs by the CSOs therefore need to be streamlined in the programme. Issues pertaining to the strengthening of the CSO participation are discussed in greater detail in section 3 .
73. Among the GOK implementing partners, 46 new Children's Officers were trained on the Children Act under this project during the period before deployment to their respective district of operation. Training was also provided to the Area Advisory Councils AACs in Garissa and Nairobi districts. The training for the Kwale district AAC was held up by GOK financial procedures. Technical and financial support was also provided to the Judiciary in terms of the provision of computers and training of magistrates on procedures under the Children Act at the national level.

74. The increased knowledge of the Children Act was a specific output at district level and national level, and has improved the capacity of the targeted children officers and institutions in dealing with issues affecting children. This activities need to be intensified in terms of both coverage and content, to be able to achieve the desired outcome of enhanced capacity of national and local institutions for the protection of children.

(d) Emergency Plan

Much of the activity reported as being undertaken with respect to the 2005 Emergency project was still at a preparatory stage, due to the delay in identification and engagement of a qualified project officer, and subsequent necessary negotiations with the communities. The following activities have been undertaken

- Rapid assessments of children's needs during drought emergency that is age and gender specific was conducted in Garissa by relevant GOK Departments, CBOs & NGOs in Nov 2005 and April 2006.
- The Area Advisory Council in Garissa District has approved and identified a building for a "child friendly protection centre"
- AAC members from Dertu, Iftin and Balambala locations were trained on children's rights.
- The former UNICEF Child Protection Chief visited Garissa and the Dadaab refugee camps in early 2005 where she held meetings with the Children's Department and UNHCR staff. A follow up planning meeting was held in Nairobi attended by UNHCR and UNICEF staff.

75. Sida funds are paying for the project officer's salary, and the other considerations with regard to technical assistance as explained in the foregoing also apply to this project.

(e) Orphans and Other Children made Vulnerable by HIV/AIDS (OVC Cash Transfer)

76. In 2004, the GOK (through the Department of Children's Services) with UNICEF support developed a cash transfer subsidy project in aid of poor households with O.V.C. The project was first implemented in selected areas of Nairobi, Garissa and Kwale district where poor households were identified and provided with Kshs 1,000/- monthly to use for the health and nutrition of OVC. The pilot phase has just been completed and plans are underway to scale it up radically – from 500 families in the pilot phase (2004) to 8000 intended families in 7 districts in the next phase. The scaled up initiative will increase the amount provided to the selected households to Kshs 2000/= per month.
77. The OVC project was reviewed in 2005. After the review, the method and eligibility criteria for choosing the beneficiary households as well as disbursement methods changed. The second phase of the programme is now awaiting implementation following the review.

78. To facilitate the implementation of the programme, stakeholders in the district formed an Area Advisory Council (AAC) and were trained on the principles and how to implement the OVC cash transfer program. The AAC then trained Locational OVC Committees. Once trained the Location OVC Committee identified the households with OVC before the beneficiaries were chosen and a final training given on how to implement the cash transfer from the donors to the beneficiaries.
79. The Cash transfer program has yielded direct benefits to children both at an individual and community level, but also at the national level. From 2005/2006 financial year, GOK has allocated funds towards the programme, and it is now part of GOK strategy policy on OVC. Other donors notably the World Bank and DFID have also committed funding to the program.
80. This intervention clearly has valuable and important outputs for children and needs to be supported. However given the additional sources of funding for the project, there is a need to develop a comprehensive approach and framework for this component because entry of new parties brings on board new challenges. In this regard, UNICEF should identify strategic activities for the Sida component, re-evaluate the focus of Sida-supported interventions, and particularly channel the funds to the emerging needs of the programme that have not received adequate attention in order to strengthen the results and ensure sustainability. One notable intervention that has already been identified in the constraints to implementation of this project is the capacity-building of the implementing partners.
81. Sida funds were also used to support activities by the Child Welfare Society (CWS), which was originally being funded by USAID. The activities that were supported were:
- Emergency interventions for OVCs including medical aid, food and clothing;
 - Training of the board members on the adoption regulations arising from the fact that for a long time the CWS was the only legal adoption agency in Kenya;
 - Facilitating the participation of children in the OVC policy development;
 - Provision of a vehicle
 - Meeting of their administrative costs.
82. A general observation with regard to the current OVCs intervention is on their sustainability. It is especially noteworthy that the government has now been convinced to provide funds to support OVCs, and it is critical that this political will be nurtured and sustained at the highest political levels to ensure continued and increased allocation of funding by the government. This will also ensure national coverage and that OVCs from the poorest households countrywide are reached.

(f) Youth and HIV/AIDS:

83. The interventions in the project seek to target children in and out of school with life skills and AIDS education through various youth movements, and through the formal school system. The expected outcome is reduction in HIV/AIDS transmission among children and the youth. In terms of implemented activities, the Girls Soccer Clubs in Kwale District got off to a roaring start. Rising from an initial 6 primary school teams (in August 2003) to 236 primary school and 26 secondary school teams (in 2005); and 2 out-of-school teams (in August 2003) to a current 67 (2005). In addition 6 secondary schools and 25 out-of-school teams have applied for inclusion.
84. The Girls' Soccer program has resulted in the establishment of two Sida funded Youth Friendly Centres in Kwale District. The community in Ukunda has so "embraced" the Girls' Soccer program that they have donated some buildings and grounds to be used for the Diani Youth Friendly Centre including the land where the girls play soccer
85. Several major outputs for children have been observed at individual, community and district levels.
- 40% of the girls playing soccer have been tested for HIV/AIDS
 - 30 girls have been trained in life skills
 - Girls' confidence has been built. They've been instances of girls challenging boys when they make unwelcome advances. In Samburu Division of Kwale District, there was an incident where one of the girls who were on the team punched a boy who was making unwelcome advances. The District Senior Sports Officer noted as follows:
"We've observed that initially when the girls come onto the program, they do not speak in public but as they stay in the program they begin to voice their concerns publicly and even challenge us".
 - Youth involved in the youth friendly Diani Youth Friendly Centre reported that eight youth who had substance abuse problems had been successfully rehabilitated.
86. The program has also created a forum through which girls can claim their rights to development, freedom of expression, play and leisure.
- Girls and young women have enhanced their health and physical fitness – their rights to equal access to social amenities which are provided for under both CRC and CEDAW have thus also been realized.
 - 80 girls and young women from Matuga, Msambweni and Samburu Divisions have been trained as referees and coaches and are currently contracted by the local soccer federation to officiate in matches including those of boys. The fact that the program results in income generation has enhanced its positive perception within the communities. A number of

these girls have invested their allowances in buying goats and a piece of land (Fatuma Mbeti) thus adding to their personal and family wealth. (However since not all the data was age disaggregated its not possible to say how many of the female referees and coaches are girls i.e. under the age of 18.

- Three girls: Zainab Nyamvula, Sita Juma and Zainabu Abdisalam have won scholarships to secondary school as a consequence of their football skills.
87. The youth have also been exposed to national and international policy making processes:
- Their chairperson represented them at the recent Global Youth Forum.
 - The Girls' Soccer and Youth Friendly Centres have created opportunities to expose the leadership and organizational skills of members of the community who have formed the local organizing committees and have been charged with other responsibilities.
 - Youth at the Diani Youth Friendly Centre also stated that they had been exposed to new partners in the private sector as a consequence of the program. Several private sector actors such as the Alliance Group of Hotels and Safaricom are sponsoring the installation of some of the facilities at the centre such as the library.
88. The program has also contributed towards transforming communal attitudes towards women and girls. During the FGD with the youth at the Diani Youth Friendly Centre, they also said that they had changed their attitudes towards girls – who they had previously thought were “not strong enough” to play football.
89. The project was to be implemented in all the learning districts, but the activities implemented so far have been in Kwale District. We recommend that the activities be implemented in the other learning districts, so as to validate the conclusions made from the Kwale activities, and also inform replication of the intervention countrywide as well as its sustainability.
90. Consultations with the GOK (Ministry of Education, Science and Technology (MOEST), and the Kenya Institute of Education) on the inclusion of life skills as part of the formal school curricula commenced during the period, with the aim of institutionalising HIV/AIDS prevention within the school system. It however took a long time to convince the government officials that the project was a viable one, mainly because of its innovative nature and the concept of life skills as contributing to HIV/AIDS reduction was also not generally understood and appreciated.

2.4.2 Child Participation.

91. The overall aim of the child participation programme is to establish sustainable, routine opportunities for children to democratically participate in school governance at primary and secondary level. The long term vision is for the establishment of elected student councils in schools that could potentially provide a forum for elected children's community councils that could also participate in Area Advisory Councils. The programme promotes the children's right to participation.
92. This intervention has largely been influenced by the fact that most of the current funding for children's participation is event driven with a hand-picked lucky few selected to travel and appear on discussion panels, conferences etc. Much of this participation is 'tokenism' and the lack of transparency, obligation or opportunity for children to report back to their peers on these events sends a damaging message.
93. There are various activities that have been implemented. A rapid assessment/documentation of current practice on child participation in Kenya was done. A stakeholders workshop on child participation to review feedback on current practice on child participation was organized and took place attended by 140 participants. (NCCS coordinated the Adult forum of the workshop, while Save The Children - Canada coordinated the children's forum of the workshop). As a result of the workshop, the status of child participation was reviewed and the document: "The Guidelines on Child Participation in Kenya" was drafted. Although the Kenya Education Sector Support Plan (KESSP) does not yet include children's participation, an Aide Memoire published in 2005, with lobbying from UNICEF, includes reference to children's participation in school governance. There are however no clear guidelines on how their participation should be organized.
94. UNICEF, NCCS and the Children's Participation Committee developed TORs and hired a consultant to conduct a baseline assessment of children's participation in Kenya. The results of the draft report were presented at a workshop for MOEST officials representing key divisions in June 2006. The MOEST conducted their own assessment of children's participation in schools in July 2006, and teams from the MOEST and UNICEF visited several districts, and collected data on over 2,300 schools. The data has been analysed and a draft report prepared for presentation by MOEST officials to the PS.
95. The results achieved so far by the programme are:
 - i. A broad partnership to promote student participation in schools has been established between NCCS, MOEST and UNICEF.

- ii. The concept of children's participation in schools has been endorsed by the primary Schools and Secondary Schools Head Teachers Associations.
 - iii. Draft Guidelines on Children's Participation in Kenya have been prepared through the NCCS and Children's Participation Committee.
96. Other outputs anticipated in order to achieve the stated outcomes are:
- i. Commitment of the MOEST to children's participation evidenced in the KESSP Investment Programmes
 - ii. A series of workshops by the MOEST on children's participation with children, teachers and other stakeholders in various provinces.
 - iii. Incorporation of the democratic participation of children in school governance and the election of prefects in the amended Education Act.



Photo 2: Focus Group Discussions with students from Isiolo Boys and Isiolo Girls Secondary Schools on Child Participation:

97. Students were involved in the baseline survey as well as participating in development of the child participation guidelines and its launch. This was confirmed during the focus group discussions held with students at Isiolo Girls and Isiolo Boys High Schools. It emerged that students participation in school governance is already a reality in the two schools the team visited. In Isiolo Boys School kamukunji's (meetings) are held every fortnight with the school administration to address problems the students face. The last such meeting had discussed the issue of teacher and student absenteeism from class and resolved on actions to be taken. They also held regular meetings with prefects and had counseling sessions with teachers and guest speakers.

98. In Isiolo girls, there is a system of election of prefects by the students, class meetings with the class teachers are held every Tuesday of the week, and dormitory meetings with the teacher in charge of the dormitory every Thursday of the week. In addition there is a Students' Council made up of elected prefects and other student representatives that regularly meets with the students and forwards their concerns to the school administration. In addition, students hold regular open forums with the school's headmistress. Some results from these consultations that were cited by the students include a decrease in teacher absenteeism, less vandalism (broken windows), repair to toilets and drainage in the dormitories, and improvement in students' academic performance.
99. This particular finding however needs to be confirmed by the results of the baseline survey. In any event, the programme needs to refocus its outputs to participation at other decision-making levels that affect students. It is important to note that most of the needs that students expressed were with respect to facilities at schools, (teachers, libraries, laboratories, dormitories, school transport, security) and lack of school fees. It would therefore be useful to have structured student participation at the levels where decisions on these issues are made.
100. During the interviews the concept of community participation was narrowly defined by the implementing partners as parents (of current pupils) or opinion leaders. As a result it is difficult to ascertain to what extent communities were involved in the process of the survey and /or the development of the child participation guidelines. The interviews with NCCS and KSSHA revealed that they had different ideas about the importance of child participation and also on how it can be operationalised. For example, the NCCS viewed child participation as being part and parcel of the whole development of the child in their multiple roles and settings – as someone's child, as a student, and as part of the community. KSSHA on the other had conceptualized child participation from an institutional perspective. Understandably, the expected outcomes of the child participation process for these two institutions differ significantly, with KSSHA having narrower expectations than the NCCS.
101. The differences in the understanding of the objectives of the programme might also lead to variations in both the content and programming methods away from the rights based approach that is at the core of the CPAP. This conceptual difference needs therefore to be addressed by specific activities aimed at convergence and the selection of one dominant conceptual framework.
102. The programme directly contributes to the achievement of one of the main rights of children under the CRC, that of participation, yet the process of reaching a consensus with the government was drawn out. While it is important that the stakeholders are all involved and participate in the programme's design and implementation, it is also important for the implementing partners at the outset to be made aware of the basic

foundations of the programme, namely the CRC, and for political buy-in to be secured for the programme activities. This should specifically be planned for, and may assist in avoiding future “process” delays in the implementation of the programme.

2.4.3 CRC and ACRWC Reports

103. The CRC and ACRWC report preparation and submission was implemented under the Strategic Planning, Monitoring and Evaluation component. The main outcome that was expected was to build the government's capacity to respond to children's issues and sensitize policy makers and stakeholders on policy gaps relating to children. The activities were implemented nationwide and coordinated by NCCS and KAACR. The CRC report was completed and submitted to the CRC Committee in Geneva, while the ACRWC report has been submitted to the Attorney General's office for onward transmission. The CRC report has been disseminated to all Children Officers, and more copies are being printed for wider dissemination.
104. The CRC reporting process was also highly participatory and consultative, leading to increased awareness on children's rights not only at the National level, but also district level (Children Officers) and community level (the AAC and children themselves). For example simultaneous regional report preparation workshops were held for children and adults. In focus groups discussions with children in Garissa, Kwale and Isiolo, they readily identified the rights that particularly affected them such as the right to education, parental care and to protection from harmful cultural practices such as FGM and early marriage.
105. The activities were however considerably delayed, and the CRC report for example was submitted late. There seems to have been lack of coordinated planning as well as lack of capacity at the NCCS to initiate this activity, and given the processes of consultations that need to take place, future activities need to be planned and implemented on time.
106. The development of the National Plan for Children needs to be taken up as a priority for the remaining period of the programme. Indications are that there is lack of clarity as to which implementing partner, between the MOPND and NCCS is the responsible party, and there seems to have been a tug of war in this respect. One of the reasons also given in the delay of implementation was that the MOPND had other priorities, namely the national Economic Survey that needed to be implemented first, and this again underscores the need for political will and prioritisation of the programme among implementing partners.

107. The main result at the national level has been the fulfillment of Kenya's national and international obligations towards the realization of the rights of children. The CRC and ACWRC report preparation exercise also exposed a number of policy gaps which set in motion the discussions on the preparation of the National Plan for Children, the Child Participation Guidelines and the review of the Children Act. A major outcome has been the enhanced capacity of the participating institutions and communities to prepare the CRC and ACWRC reports, and to monitor the observance and application of the CRC, ACWRC and Children Act.

2.4.4 Gender mainstreaming

108. The UNICEF Kenya CPAP 2004-2008, approach towards gender is largely through a "project" approach, such as the Gender Violence and FGM/C Program and Girls' Soccer. *UNICEF's Short Guide to Program Policy & Procedures*, (as Revised in July 2005) provides that country offices should assess and monitor the extent of gender mainstreaming in the supported programme using a set of tools that are provided. UNICEF in addition has senior staff who are trained in gender mainstreaming. UNICEF KCO is also a member of the UNDG Gender Thematic Group which is chaired by UNIFEM. This however does not seem to have translated to institutional capacity for gender mainstreaming within the programme.

109. The Kenya 2004-2008 CPAP lacks an overall gender mainstreaming strategy. Although several processes and activities engaged in are gender responsive this is not necessarily as a consequence of deliberate measures undertaken by UNICEF to ensure their gender responsiveness. Gender responsiveness arose as a consequence of pre-existing implementing partner policies. Outside of programs designated as being part of the Gender Violence and FGM/C and Girls' Soccer Programs, there did not appear to be a deliberate strategy to ensure the gender responsiveness of projects and implementing partner institutions. Various causes were identified:

- UNICEF KCO lacks a formal induction process that would ensure that all incoming staff have undergone gender training;
- Whilst most implementing partners had strategies to ensure participation of both sexes in activities such as inviting both sexes to activities and targeting fifty/fifty representation – most lacked follow up and monitoring mechanisms to ensure that these targets had actually been achieved.
- There were some structural barriers as well. These included male dominated cultures; higher incidence of illiteracy amongst women which prevented them from being able to take advantage of training opportunities; and the fact that senior decision making positions in the civil service are male dominated..

“Is data for the programme gender disaggregated?”
N=18

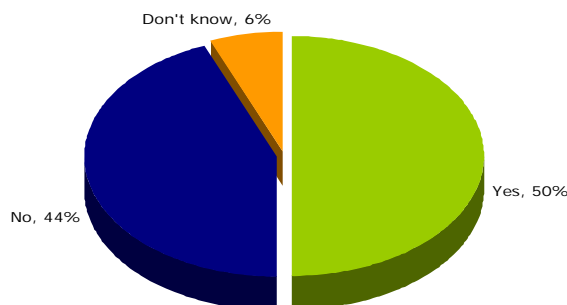


Chart 4: Responses on Gender Disaggregated Data

- Since the main monitoring and evaluation framework for the CPAP is the UNDAF framework it lacks specific gender equality indicators for the various activities and programs under the Child Protection and HIV/AIDS component, this is one of the areas in which the Results Framework of the CPAP needs to be stepped down – through the development of specific indicators for gender equality for the program.
- UNICEF KCO’s designated gender focal point is charged with other tasks which results in gender equality activities not being a priority as they have to compete with other program responsibilities. What is more the gender focal point has not received training to capacitate her to play her role effectively.

110. There is also a tendency for gender to be equated with girls and women. Other than one partner (KAACR) most of the partners articulated addressing gender equality as addressing girls and women’s inequality only. Whilst it is true that girls and women are the primary victims of gender inequality, there are forms of gender inequality that specifically affect boys practises such as moranism for example take boys out of the education system. There is therefore need to ensure that in addressing gender inequality, the exclusion and marginalisation of both sexes as a consequence of gender inequality are addressed.

Recommendations

No.	Finding	Recommendation
1	<ul style="list-style-type: none"> • The activities have produced various results for children at national level (development of the OVC policy, enactment of the Sexual Offences Act, review of the Children’s Act, 	<p><i>Immediate:</i></p> <p>1. To be effective all child protection programme interventions should seek to achieve three main outputs:</p> <ul style="list-style-type: none"> • Strengthening of the national systems for the protection of children

No.	Finding	Recommendation
	<p>the CRC and ACWRC reports, consensus and guidelines on child participation and allocation of funding to the OVC Cash Transfer); at district and community levels (awareness on the Children Act and on violence against children sexual exploitation of children and FGM, change of attitude to violations of children's rights) and for children (direct financial and material assistance for OVCs, legal aid, acquisition of life skills, and the exercise of their rights to participation, development and expression among others)</p> <ul style="list-style-type: none"> • The effective and efficient programme interventions are those that are achieving outputs for children at both the community, district and national level. 	<p>and women</p> <ul style="list-style-type: none"> • Empowering communities to address social practices affecting children and women • Protecting and empowering children especially those vulnerable to abuse. <p>2. The prioritization of future programme interventions should have as an important criterion, the achievement of the above outputs and results for children at multiple levels.</p>
2	<p>Coverage of activities was both nationwide (end violence campaign, juvenile justice, child participation and CRC and ACWRC reporting) and also with respect to selected districts (OVC Cash Transfer, Youth and HIV AIDS, Gender Violence and FGM/C and sex tourism)</p>	<p><i>Immediate:</i> Replication of successful pilot activities be guided by considerations of more detailed evaluation, need, the long-term impacts and sustainability.</p>
3	<p>The consultative and participatory approaches applied in the interventions have been a major contributing factor to the achievement of the outputs especially at district and community levels. However in some activities, the process of consultation has led to delays in implementation due to a general lack of appreciation of the</p>	<p><i>Immediate:</i> 1. The participatory, and partnership processes be continued to sustain results, and key internal and external stakeholders be consulted and engaged in setting outputs, indicators and targets. 2. In order to address process delays:</p> <ul style="list-style-type: none"> • The process of consultations should be specifically factored into the work-plans during the planning process

No.	Finding	Recommendation
	benefits to children	with specific outputs and outcomes <ul style="list-style-type: none"> • Political will and buy-in for the programme be secured by the implementing partners at high levels of decision making.
3	There are various strategies being utilized to achieve outputs including research, information and education, advocacy, training, technical assistance and the media.	<i>Immediate:</i> An appropriate and cost effective mix of strategies be employed to ensure achievement of outputs at multiple levels and in particular the use of the media and various communication tools in knowledge transfer and awareness raising on the rights of children at all levels. Advocacy initiatives, especially by the CSO partners, should be integrated and mainstreamed in the programme activities to create more demand for national action on protection of children's rights. <i>Long-term:</i> Future activities and outputs and results be determined by a national baseline survey on the rights of children and women in Kenya. This will obviate the need for each programme intervention to conduct its own baseline survey, and will be more cost and time efficient in terms of programme delivery.
4	Commitment to child participation at the national level is undermined by differences in conceptualisations as well as divergences about the most appropriate entry point to operationalise it.	<i>Immediate:</i> UNICEF should use synthesised interpretations to develop a coherent tool to guide the implementation of programmes at different levels.
5	There is no formalised gender mainstreaming process strategy in the CPAP and the gender responsive outputs that exist are mainly at project level.	<i>Immediate:</i> <ul style="list-style-type: none"> • UNICEF should develop a gender mainstreaming strategy for the CPAP and specific gender equality indicators and targets. • Conduct gender training needs assessment for all UNICEF KCO program staff and implementing partner project officers and develop

No.	Finding	Recommendation
		<p>appropriate capacity building and training programs. This should be part of a continuous process, rather than a one – off event.³</p> <p><i>Long-term:</i></p> <ul style="list-style-type: none"> • UNICEF partners with UNIFEM to identify and develop strategies to address structural barriers to gender equality that are impediments to the achievement of the programme outcomes.

Table of findings and recommendations 4: Outputs for Children

2.5 Institutional Capacity Building

Capacity building to key national and local level institutions in the programme was aimed at effective pro-poor budgeting, programming and effective governance, in order to implement child and gender-friendly interventions both at national and district level. There were two main strategies being supported by Sida funding: The HRAP Community Capacity Development at national, district and community level; and the Capacity Development Initiative to enhance the partners' capacity to effectively manage financial resources and social budgeting with a particular emphasis on budget tracking and analysis for children. The training on Financial Regulations, HRAP and Social Budgeting and which was supported by Sida, was undertaken under the Strategic Planning, Monitoring and Evaluation component. National training workshops were held in Naivasha for HRAP, and in Nairobi (KIA) for Financial Regulations and Social Budgeting. There have also been district workshops on HRAP and Social Budgeting held in Kwale, Isiolo and Turkana Districts. Participants at the workshops were drawn from government departments and community representatives namely CSOs, FBOs, youth and women organizations. The training was carried out by consultants from KIPPR (social budgeting), KNCHR (HRAP) and KIA (Financial Regulations), in consultation with the Ministry of Planning and National Development

³ In a recently conducted evaluation of UNICEF's East and Southern African regional and Kenya Country offices (ESARO and KCO), staff in a sample group of 10 stated were least confident about their capacity to support gender sensitive program evaluation and conduct gender mainstreaming training and briefing sessions for male and female colleagues. Only one staff member of the sample group had received training to "support" them "in implementing gender mainstreaming" in their program. 90% of the sampled staff had received their formal gender training prior to joining UNICEF ESARO and KCO. See Rosa Muraguri – Mwololo, Ph.D, *UNICEF's Gender Mainstreaming Evaluation – Phase 1, Draft Self-Assessment Pilot Report – ESARO and KCO Offices, Nairobi, August 2006*

2.5.1 Appreciation of duty bearer/claim holder concepts

111. One of the expected outputs from the HRAP training was the strengthened capacity of duty bearers at national and local levels to implement the Children Act. The HRAP approach is centered on the two main agents in the human rights discourse: rights-holders and duty-bearers. All human beings belong to the first group and human rights are supposed to be held equally and inalienably. By signing human rights treaties, States are the principal duty bearer in their respective countries. These oblige the State to respect, protect and fulfil all human rights committed to for all citizens. While governments have a legal obligation to protect and achieve human rights, "other actors" such as organisations and individuals also have moral obligations to respect and promote human rights. Thus, at the core of a rights-based approach is a "two-pronged" strategy of aiming to realise human rights by:

- Strengthening duty-bearers to fulfil their obligations; and,
- Empowering rights-holders to invoke their rights.

112. These strategies are supposed to ensure changes in structures and peoples lives, once the rights holders demand their rights and duty holders fulfill their obligations, eventually resulting in more democratic processes and poverty reduction as illustrated in figure 2 below.

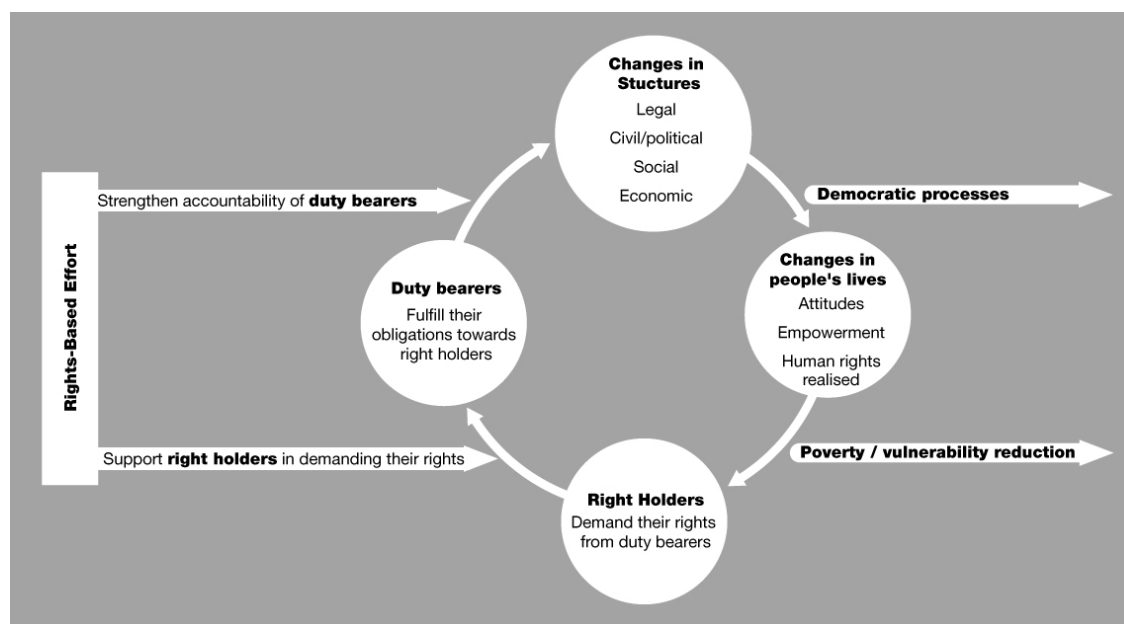


Figure 2: What HRAP does

Source: Cecilia M. Ljungman, "A Rights-Based Approach to Development" in Britha Mikkelsen's *Methods for Development Work and Research - A New Guide for Practitioners*, 2ed. Sage Publications, New Delhi, February 2005

113. The process of achieving human rights is central to a rights-based approach to development. It is presumed that an individual is the subject of his or her rights as well as an active participant in his or her development. The achievement of human rights is therefore dependent on the participation of individuals and groups; and must be applicable in the daily lives of people. Therefore in HRAP rights should not only be promoted and protected by duty-bearers, but practised and experienced by rights-holders.
114. Most interviewees (76%) were aware of HRAP as shown in chart 5 below.. This knowledge of HRAP was largely attributable to training by UNICEF under the programme and also previous training from, and interactions with UNICEF. What is more significant however is that there were some implementing partners who did not know of HRAP (24%), and this is a concern because HRAP is an integral part of the CPAP, and a priority for both Sida and UNICEF.

Are you aware of the human rights-based approach programming?" N=42

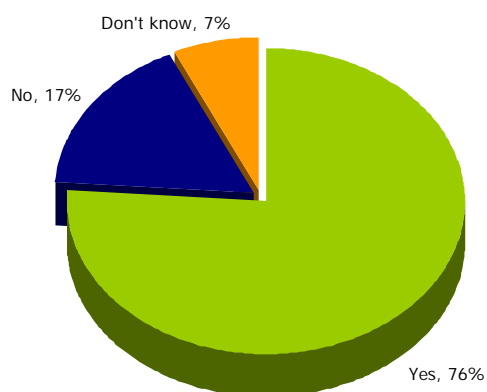


Chart 5: Awareness of HRAP

115. What was also quite significant was that there were some implementing partners who were not aware of HRAP, but who were working with children, and who had internalized their sense of responsibility and duty, which one respondent termed as "both a legal and moral responsibility" to protect the rights of children. When specifically asked what their role and motivation is in implementing the activities under the programme, 22% said it was their social responsibility, a significant number alluded to the protection of various human rights of children and only 2% of the respondents mentioned their legal responsibilities under the international human rights instruments. This is illustrated in Figure 3 below. Therefore while the training and knowledge on HRAP has been useful in providing the human rights perspective to duty bearers, the programme should move towards building an institutional culture

of the HRAP approach among implementing partners. This will require that implementing partner's capacities and methodologies be adequately developed.

Why are you implementing the activities (your role and motivation) in the programme?"

N=46

Help improve the living standards of the OVCs	33%
Social responsibility	22%
Key stakeholder in this area	14%
Like to see children in school for its their human right	9%
To meet programme objectives	7%
Participation make a difference in governance and student discipline	7%
To develop the young people	4%
To ensure the whole welfare of the child as stipulated in international conventions	2%
Advised to do so	2%
Total	100%

Figure 3: Responses on Role and Motivation of Implementing Partners

116. In HRAP, rights-holders are not supposed to be mere passive recipients but active subjects that are expected whenever possible, through their actions, discourse or legal claim, to invoke and demand their rights whether individually or collectively. This particular result on the part of claim holders has clearly been realized by the training so far carried out, which has opened up democratic space for communities trained. The beneficiaries in Isiolo are now interrogating the CDF priorities as a result of the training they received, and are considering suing the local Member of Parliament for misuse of funds. The DDO in Isiolo reported increased interest in the development activities in the district from community members, and that he had also used the HRAP to train the Social Development Committee in the district. The members of the Diani Youth Friendly Centre stated that they were not willing to "forcefully evict" a family that had occupied a house that was part of the buildings that had been donated to them by the local community for the Youth Friendly Centre. The reason given was that this would "violate the family's rights."
117. There is a very high level of awareness and appreciation among the trained beneficiaries, arising from the knowledge gained on the duties of government as a duty bearer and their right to claim performance, especially service delivery, from the government. The beneficiaries are now seeking more training at lower levels in the district, as a means of getting the members of the community to demand for improvements in their standard of living.
118. There however does not seem to be any particular focus by the communities on demanding for the realization of children and women's rights, and it was opined that once the government performs its duties as demanded, there will

also be benefits to children and women realized. The reason given was that most of the areas where action is demanded such as provision of water, schools, health services disproportionately negatively affect women and children.

119. Future interventions must now emphasis that the demand should be for the realization of rights in their totality, which entails certain changes in structures as well, as illustrated in Figure 1, above. The emphasis on the realization of children's and women's rights over and above other human rights must be also specifically stressed, and the specific structural changes needed to effect this realization highlighted.
120. Some interviewees questioned UNICEF's own grounding in HRAP particularly in respect of the issues of consultation raised in section 2.3.2. UNICEF confirmed that it had trained all its programme personnel on HRAP, although it emerged that such training and emphasis should be sustained with respect to new UNICEF staff, and across all programme components.

Recommendations

No.	Finding	Recommendation
1	While HRAP awareness has imparted the necessary knowledge to duty bearers trained, for it to be effective and lead to internalization of the concept of duty bearer, it must be combined with an institutional culture of respect for and protection of human rights and HRAP application.	<p><i>Immediate:</i></p> <ul style="list-style-type: none"> • HRAP training in terms of capacity and methodologies should be institution-based and should especially target the political and highest levels to ensure an institutional culture and duty to fulfil children and women's rights. • Mechanisms for institutionalising HRAP be developed (a) at project level a HRAP Matrix be designed to assess compliance by implementing partners (b) at institutional and individual levels the observance of HRAP be integrated into performance appraisals.
2	HRAP awareness raising has produced comparatively more results and opened up democratic space for claim holders, but the emphasis is on the changes in peoples lives (effect) and not enough focus on demand strategies and for the realization of children and women's rights in particular	<p><i>Immediate:</i></p> <p>The HRAP sensitization at District level be replicated in other districts and cascaded down to division level, and more emphasis be placed on the strategies to effect structural changes for the realization of children and women's rights.</p>

Table of findings and recommendations 5: Appreciation of duty bearer/claim holder concepts

2.5.2 Technical skills

121. Technical skills were imparted in a number of ways, through training in financial procedures, HRAP, Social Budgeting and M&E. Knowledge transfer also occurred in consultations with the UNICEF project staff, as well as with the consultants recruited for various interventions. Materials and equipment purchases also enhanced capacity, as in the case of the resource centre established for NCCS, motor vehicle procured, and provision of computers. The major investment though was in training (as shown in Annexure I in the disbursements of Kshs 4,299,000/= to Kenya Institute of Administration, and the disbursements made to the District Development Offices in Kwale, Turkana, and Isiolo who were coordinating the trainings in the districts).
122. The training on financial procedures was generally useful to the implementing partners and targeted the relevant cadre of officers. In terms of utilization of the training it however emerged that some of the officers trained are not engaged in implementing UNICEF funded projects, either due to transfers or simply due to the fact that the wrong people were trained. There is clearly a need for proper identification of the right participants for training within the CPAP context, and also follow up measures instituted by the trainers to monitor and evaluate the effectiveness of the training. The training also focused on the GOK implementing partners and procedures in order to improve their overall Overseas Development Assistance absorptive capacity. The three CSOs stated that they had not received any training on UNICEF financial procedures.
123. The financial management training at national level also covered the concept of social budgeting. However the data collection and budgetary analyses at district level was done by KIPPRA, who also provided the technical backstopping for the district workshops. The HRAP training in addition to the HRAP concept as summarized in the foregoing, also covered resource mobilization, proposal writing and M&E,
124. It appears that the approach being taken on institutional capacity building in terms of acquisition of technical skills under the programme is not as effective as it could be for a number of reasons. Firstly the training sessions that have taken place are not sufficiently focused. They are generic and there is broad coverage both in terms of content and participation. For example the HRAP training which in addition also covered resource mobilization, proposal writing and M&E, was held over a period of three days. While there may be knowledge gained it may not necessary be at the level or depth required at the institutional level. Secondly, there is no follow up of the training to ensure that it was useful and is being utilized. One of the reasons why training is not utilized is because the trained staff are soon thereafter transferred to other

departments, as has happened in the Ministry of Planning and National Development and in NCCS. Finally, given the innovative interventions under the UNICEF programme the capacity needs of the different implementing partners will differ and will require training and capacity building (as well as follow-up) interventions designed to meet their specific needs. This is further illustrated by the chart below:

What challenges and/or constraints were faced with regard to the training?"

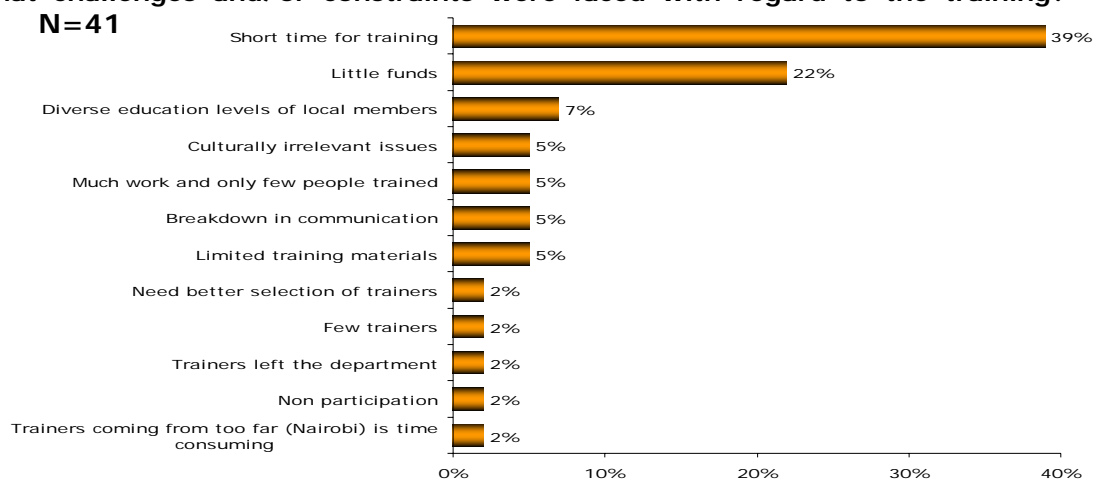


Chart 6: Challenges faced during Training

125. There is thus some concern on the critical question of whether new skills were acquired and translated into improved organizational performance. There are no standard quality assurance processes for the underlying diagnosis and design of training measures, and training interventions have generally been undertaken without an organizational training needs assessment or a comprehensive training plan. Staff are being trained for specific tasks when they are not always in a position to apply their new skills or are not being retained in the institutions long enough to use the training. There is also no strategy for dissemination of that training among the other staff of each implementing partner.
126. There is a need to make a clear distinction between training interventions aimed at imparting technical skills, and sensitization interventions for awareness raising and plan for them separately. While the financial training seems to have been in the latter category, the HRAP and Social budgeting trainings were more of awareness raising intervention to introduce and increase knowledge on the two concepts. The training especially at institutional level on the two areas need to move beyond awareness raising.

Recommendations

No.	Finding	Recommendations
1	<ul style="list-style-type: none"> • Imparting of technical skills remains fragmented and ad hoc -designed and managed operation by operation. • Training interventions have generally been undertaken without an organizational training needs assessment or a comprehensive training plan. and interventions are not routinely tracked, monitored, and evaluated. 	<i>Immediate</i> <ul style="list-style-type: none"> • Training interventions that aim to build institutional capacity are based on adequate assessments of capacity needs • Monitor and evaluate capacity building results.
2	There is a need to make a clear distinction between training interventions aimed at imparting technical skills, and sensitization interventions for awareness raising and plan for them separately	<i>Immediate</i> Human capacity development within the programme should be linked with institutional capacity needs and development and comprehensive and integrated training programmes implemented.

Table of findings and recommendations 6: Training and technical skills

2.6 Social Mobilization

127. Social mobilization is an approach and tool that enables people to organize for collective action, by pooling resources and building solidarity required to resolve common problems and work towards community advancement. It is a process that empowers communities to organize their own democratically self-governing groups or community organizations which enable them to initiate and control their own personal and communal development, as opposed to mere participation in an initiative designed by the government or an external organization. The main activity that has contributed to social mobilization in the programme and that are being supported by Sida are the social budgeting and the rights awareness initiatives.

2.6.1. Social Budgeting

128. Social budgeting is a process of identification and mainstreaming spending at the local level by local institutions, and the use and of information gathered at

local level to develop and deliver social services that a community needs. It is a process through which budget as a policy instrument and a tool of development is initiated and sustained by the people themselves. The social budgeting initiative under the CPAP seeks to mobilize communities' participation in the budgeting process by the training district participants, and the establishment of district observatories to spearhead the information gathering and analysis and to influence budgetary allocations and expenditures to the social sectors in the national budgetary processes. The added value of social budgeting in this respect is illustrated in the figure below:

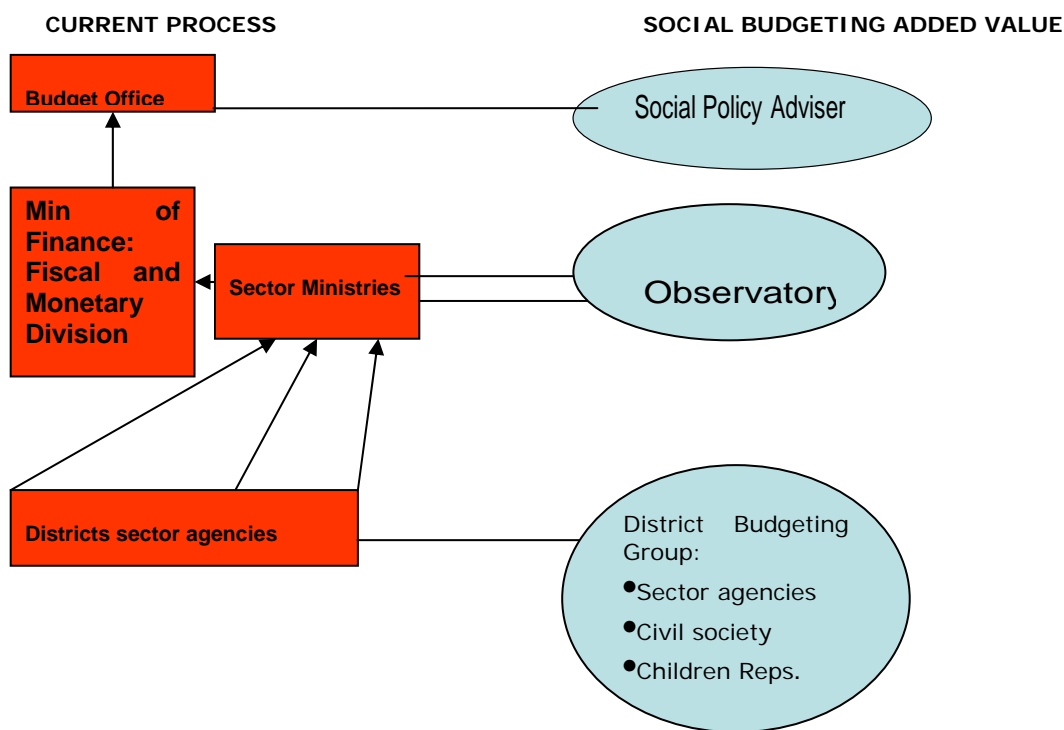


Figure 4: Added Value of Social Budgeting

Source: Kenya Institute of Administration (KIA), "GOK-UNICEF Financial Guidelines: A Presentation To 'District Officers' Financial Management Course" held at KIA - Kabete, Nairobi. 28th November – 3rd December 2005

129. What has emerged from the social budgeting project and HRAP is a dichotomy between the national and community level with regards to mobilization. The district observatory teams are raring to go, but the national observatory is yet to be inaugurated. Political buy-in at the national level has been affected by

the changes in the high level government officials, and as a result the process has been protracted. The social policy advisor is also yet to be recruited. The result is that the communities feel powerless to act in the face of seemingly indifferent officials at the national level, and their enthusiasm is waning. Creating demand for good governance through social mobilization must be complemented with increased capacity of both communities and government to respond to this demand. Capacity building of the government institutions is especially critical to provide a clear exit strategy for the programme in terms of replication and sustainability. This further reinforces the finding that the concept of duty bearers and understanding of their responsibilities are yet to be institutionalised, especially at national level, and the need for sustained dialogue with high-level government officials to ensure buy-in and political leadership for the programme.

130. It may be necessary to reexamine the entire social budgeting structure especially within the district system to ensure that there are no parallel structure and duplication of efforts. It was for example observed in Turkana District that a number of structures already do exist, performing more or less the same functions as the district observatory, namely the District Development Committee, the District Executive Committee, the District Information and Documentation Centre and the District Steering Groups (the last structure exists only in districts where the Arid Lands Project is being implemented). Some of these structures are being coordinated by the same government official coordinating the district observatory team, and may take precedence especially with the introduction of performance management in government. It was noted however that community and stakeholder participation in some of these structures is non-existent. It might be more effective to strengthen existing government structures at district level and national level to ensure that local needs and social sector planning is mainstreamed in government budgetary processes. The opportunity is clearly present since, as was confirmed both in Isiolo and Turkana, the government's bottom up budgetary structure exists only theoretically but is not operational.

2.6.2. Partnerships

131. An effect of the consultative and participatory processes that have been applied in the programme has been increased networking both at national and community level. The CRC reporting process was made possible by the partnership between KAACR and NCCS, and also made it possible for NCCS to interact with many stakeholders some of whom it has subsequently entered into partnership with (e.g Plan International and Save the Children UK). The HRAP and Social Budgeting training at the district level has demonstrated the capacity that the programme has to mobilize communities to demand for their rights, by using participatory and consultative methodologies. The

beneficiaries at Isiolo and Turkana explained how the training on HRAP has also enabled them to provide services to other organisations in the district.

132. Interestingly there were several instances where implementers and the community had not participated in program formulation but had developed a sense of ownership. For example, the Girls' Soccer in Kwale although originated by Government of Kenya and UNICEF staff has drawn interest from the local community. The local community in Diani has donated buildings and grounds to be used by the Youth to set up the Diani Youth Friendly Centre (DYFC). With respect to the Cash Transfer program in Kwale, the community members are demanding greater participation in the selection of beneficiaries and the fact that they have been consulted on the processes has led to them playing an important role in ensuring accountability.
133. Culturally appropriate and strategic interventions have also contributed to community ownership. The Gender Violence and FGM/C workshop with Muslim Scholars was an excellent example of the use of culturally appropriate means in an intervention. Given how recent it is one cannot yet judge what the long term implications of this will be. Over 80% of the responses on community contribution to the outputs in the programme recorded a positive contribution as illustrated in the the chart below :

How have the community contributed to the impact of the programme? N=20

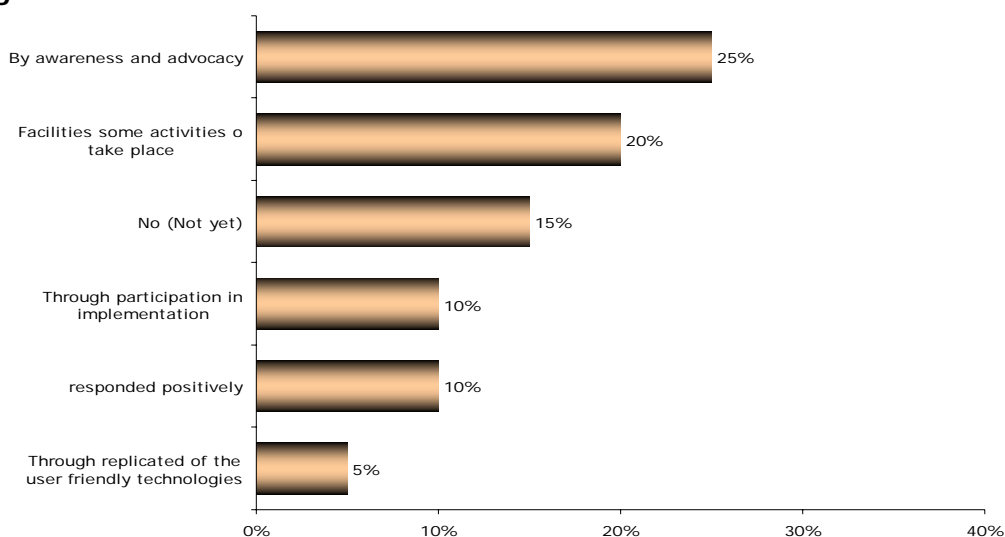


Chart 7: The Communities' Contribution to the Impact of Programme

134. It was however generally observed that the communities did not emphasise on the realization of children's rights, and when asked, most responded that it would be one of the natural impacts of their mobilizing activities. The above findings also illustrate that communities are not homogeneous in terms of needs, understanding and interpretation of key concepts, and receptiveness to

new programmes. Partnerships between the GOK and CSO implementing partners need to be more actively pursued to be able to maximize value in the programme in terms of social mobilization.

2.6.3 Linkages with other Programmes

135. There have been of the CPAP with other programmes that are being funded by Sida. Notably, Sida has funded CRADLE to mobilising civil society, and mapping out areas of strategic interests for engagement in and around GJLOS. GJLOS is a sector-wide reform programme (SWAp) being implemented by government institutions involved in service delivery in the areas of justice, law and order. CRADLE was elected focal point for the CSOs engaging in GJLOS, and they have also been able to meet several times to discuss terms and principles for engagement, to interact with donors, and to prepare their collective inputs into various GJLOS processes. In particular various thematic CSO networks have been formed, including one on Juvenile Justice and another on Paralegal training, which are engaging on children and women's rights issues in the various thematic groups in GJLOS.
136. UNICEF also participates in the Donor Coordinating Group of GJLOS. The Children Department is also implementing activities under GJLOS, and has enhanced interactions and interventions on juvenile justice, especially on the diversion of children in conflict with the law, through Sida support to Save the Children Sweden.
137. Linkages were also observed during the HRAP training in Turkana District between UNICEF and UNDP, which also included training on the MDGs conducted by UNDP. This is a particularly effective way of providing linkages not only at an institutional and programmatic level, but also at the conceptual level in terms of the foundation principles of the programme.

Recommendations

No.	Finding	Recommendation
1	The social budgeting initiative has been able to mobilize the targeted communities to influence social sector allocation and expenditure in the national budgetary processes. Social mobilizations interventions that engage the national level in this respect will however need to be better planned and managed to be effective, and also avoid any duplication and parallel structures	<p><i>Immediate</i></p> <ul style="list-style-type: none"> • Effective linkages between the district observatory teams and the district and national level planning, budgetary and monitoring and evaluation processes be created. <p><i>Long-term</i></p> <ul style="list-style-type: none"> • UNICEF and the implementing partners should link communities with organizations and programmes that have expertise and are engaging

No.	Finding	Recommendation
	at the district level.	on realization of children and women's rights rights at structural level, to ensure greater impact.
2	The programme has capacity to mobilize communities to demand for their rights, and has been able to create partnerships by using participatory and consultative methodologies. There is no universal emphasis on children and women's rights by the communities, and the communities are not homogeneous in terms of needs, understanding and interpretation of key concepts, and receptiveness to new programmes.	<i>Immediate</i> <ul style="list-style-type: none"> • For optimal practical impact, "communities" as descriptors should be disaggregated by expectations and needs particularly in the sensitization a on children and women's rights and rights based approaches. • More pro-active partnerships be initiated between the GOK and CSO implementing partners to ensure co-ordinated and sustained social mobilization.
3	There have been linkages between implementing partners and other Sida-supported programmes working in the area of children's rights, notably the GJLOS programme and with Save the Children Sweden, as well as with UNDP on MDGs	The linkages between programmes for the advancement of children and women's rights be institutionalized at both decision making and programmatic levels.

Table of findings and recommendations 7: Social Mobilization

2.7 Unexpected Results

138. One unexpected result, which has probably been influenced by the current heightened political atmosphere in Kenya, was the overwhelming ownership expectations and demand at the community level.
139. This particular result needs to be properly managed as the programme proceeds. In particular the UNICEF and the implementing partners must ensure that the programme outputs and results are realistic and achievable.
140. Some MOE officials, some teachers and head teachers were initially sceptical about children's participation, assuming that children claiming their rights were a key cause of strikes and school conflict. The evaluation has found that attitudes have changed and that the participation of children is now viewed by education officials as a solution to school conflict and strikes. The UNICEF/GOK programme has re-focused the rights message. It stresses the role of children

as citizens of the school community, aiming to identify strategies through which they can make positive contributions. Similar reactions were also shown in the Youth and HIV/AIDS life skills curriculum in schools.

Recommendations

No.	Finding	Recommendation
1	The overwhelming ownership, expectations and demand at the community level need to be properly managed.	<i>Immediate:</i> <ul style="list-style-type: none"> UNICEF and the implementing partners must ensure that the programme outputs and results are realistic and achievable and must manage communities' expectations in this regard.
	There have been instances of scepticism and resistance from implementing partners and stakeholders to some of the interventions based on their perceived effects.	<i>Immediate:</i> <ul style="list-style-type: none"> A risk management strategy should be developed to deal with political and other risks that may arise from similar future interventions.

Table of findings and recommendations 8: Unexpected Results:

3. CSO PARTICIPATION

3.1 Value Added by UNICEF

141. Sida had until December 2003, directly funded three CSOs (CLAN, CRADLE and KAACR) working in the area of children's rights and in particular advocacy, juvenile justice, children's participation and provision of legal aid services. Two of these organizations, CLAN and CRADLE are fairly new institutions having been established in 1998 and 1997 respectively. Both the CLAN and CRADLE are registered as charitable trusts. KAACR is one of the largest oldest children's rights organizations in Kenya. Founded in 1988 and an umbrella organisation it has membership drawn from grassroots CBOs it is also one of the oldest human rights organizations in the country. In fact the Kenya Alliance for the Advancement of Children was not registered by the Government of Kenya until 1995 due to the fact that it had the word "Rights" in its title in the end they were only registered after dropping it but allowed to keep the acronym KAACR. KAACR is registered under the NGO Coordination Act 1990.
142. Although UNICEF had partnered with KAACR in the past and has had relationships with CSOs working in the socio-economic rights field it was not on the scale anticipated by the new partnership in which it was to play the role

of Financial Management Agency (FMA). UNICEF perceives its partnership with the CSOs as an opportunity for the more effective delivery of services to children in particular in respect of the areas of juvenile justice and legal aid, both of which are areas in which the GoK's capacity is limited, since the Government does not provide legal aid. UNICEF also perceives the partnership as an opportunity to deliver legal aid services to Northern Kenya a part of the country that is particularly currently under-served.

143. Sida's decision to channel funding to CSOs through UNICEF was motivated by the belief that CSOs would catalyze the realization of children's and women's rights by virtue of UNICEF's international expertise and credibility, and confirmed that the channelling of program support through UNICEF had indeed lifted the burden of direct programme management off Sida staff. This was mainly arising from the fact that their staffing levels were not increasing in tandem with their funding levels, and it was becoming increasingly difficult for Sida to effectively manage the programmes that they were funding.
144. The three CSO organisations reported more intensive interaction with UNICEF staff than was the case with Sida staff. However, there is no agreement between the three CSOs as to the quality of this interaction. KAACR phrased it as follows:

We spend about 70% of our time and resources accounting back to UNICEF instead of implementing programs e.g. you make a return to UNICEF in May and they do not get back to you until July or August about that return and its one receipt that they don't accept and they send the whole file to KAACR to remove that receipt. Then it takes another three weeks for it to get to the UNICEF finance office and you receive the reimbursement in another three months. It takes six months to get the reimbursement and we are probably talking about Kshs. 400,000/-.

145. Whilst CLAN on the other hand termed the interaction as follows:

In respect of supervision, UNICEF has done better than Sida did. We interact intensively with the staff at UNICEF and are constantly in touch with them.

The CRADLE describes its relations with UNICEF as having declined subsequent to the Sida/ UNICEF partnership. Both CRADLE and KAACR pointed to UNICEF's comparative technical advantage which they perceive as not being fully exploited in the current arrangement. Thus whereas UNICEF's perceived comparative advantage is in respect of its technical expertise, the Financial Management role has led to more interaction on the basis of administrative support rather than technical. All three partners expressed the desire for more technical support.

146. The interaction with UNICEF does not seem to have led to a more cohesive integrated program between the three partner CSOs, nor in greater value in delivering results for children. Two of the CSOs (CLAN and CRADLE) both stated that in their perceptions, there was more jockeying for position between the CSOs (CLAN) whilst CRADLE characterised it as “competitiveness” of a negative character. However, whilst CRADLE attributes it to dynamics that have evolved during the course of the UNICEF partnership, CLAN attribute it to pre-existing tensions between the partners that may have become exacerbated. Regardless of the origin and/or source, relationships between UNICEF and CRADLE are tense. The tense environment has had a negative impact for the programme as it has resulted in a situation where the net effect has been that the services available to children are shrinking – stakeholders who need to work together are involved in disputes with each other
147. Finally, one of the unintended consequences of the UNICEF partnership, is that CSO activities are now subject to Government approval. Due to the nature of agreement between UNICEF and the GoK, the agreements between UNICEF and the CSOs are subject to GoK approval. So, for example, the purchase of a motor vehicle for CRADLE, was approved by the Children’s Department. KAACR noted that the documents that they fill in when making a request for an advance are titled CAGS (Cash Assistance to Government). The CSOs feel, therefore, that they may have ceded an important part of their autonomy. CSOs feel that they play an important watchdog role in relation to the state and that this role can be compromised if the state is in a position of authority over CSOs and in particular can control their access to finances. The concern is also evident that Government approval could facilitate surveillance over CSOs by the state, which historically has been a problem in Kenya, particularly for CSOs in the human rights sector

3.2 Outputs for Children from CSO Partnership

148. There have been several major outputs for children at the individual, community and national levels as a consequence of the Sida support to UNICEF’S partnership with the CSOs.
149. KAACR’s outputs are as follows:
- Leadership was taken by KAACR in the preparation of Kenya’s second periodic report on the CRC. KAACR has a long history of working on monitoring the CRC and were actually responsible for advocating for the first country report to be made.
 - KAACR also coordinated, prepared and organised the submission of an NGO complementary report. This report was reviewed by the Committee on 2nd October 2006. KAACR ensured that there were two children’s representatives who attended the Committee’s session.

- The institutionalisation of the dissemination of the budget report nationwide and its analysis by citizens to see what it has for children. This emerged out of a process in which KAACR worked with the Institute for Economic Affairs (IEA) whereby KAACR's Child Poverty Committee focused on monitoring the budget.

150. CLAN's has had various outputs:

- CLAN's paralegals have been providing complementary services to the Children's officers in Kwale and Kibera (Nairobi).
- Charitable organisations e.g. Rattansi Trust and a Catholic Italian organisation called AVSI are consulting CLAN for social enquiries before a child qualifies for sponsorship.
- 15 children were trained by CLAN in childtochild counselling. This was in collaboration with a children's home in Kibera. This children's experiences has transformed the way CLAN works with child survivors of abuse as it led to a breakthrough in helping child victims of abuse to open up. UNICEF is now funding CLAN to engage in a longer term and more vigorous program to train children in childtochild counselling.
- CLAN also conducted diversion workshops (diversion is a concept from one of the international rules whereby children in conflict with the law are diverted from the justice system so that they are saved from its rigours.) As a consequence of this training, the police are now increasingly seeking alternatives to preferring charges against children save in situations where they are charged with a capital offence and will call CLAN and "ask for help in disposing of the matter without charging the child."
- Legal aid services for children in Garissa District, are now being provided by CLAN.

151. CRADLE's activities have had various outputs for children. We were however not able to identify from CRADLE which outputs are solely attributable to Sida support:

- The Sexual Offences Act 2006, which is an outcome of an initiative of the CRADLE. The Sexual Offences Act has several child friendly provisions including the recognition of the status of "vulnerable" witnesses, who may be declared so on the basis of their age and harsher punishments statutory minimum sentences for the rape of minors. The CRADLE was one of the two institutional hosts of the committee that provided technical support to Honourable Njoki Ndungu M.P, who moved the bill in Parliament.
- Increased media and public awareness about child sexual abuse. The CRADLE provided technical support to CSOs participating in the campaign for the enactment of the Sexual Offences Bill and in doing so provided statistical data and information about the impact of child sexual abuse. The CRADLE also mobilised public demonstrations in support of the Sexual Offences Bill and was key to focusing public attention on Parliament to bring about this legislation.

- Public interest litigation: the CRADLE has instigated public interest litigation in various areas of law that have implications for children's rights – including challenging the Children Act on the grounds that it discriminates against children born outside of wedlock.
- The CRADLE has been key to initiating legislation on trafficking in persons
- Psychosocial support through counselling was provided to 400 children in 2004. (This program has now been disrupted, as their counsellor left the organisation on 30th April 2006 as the CRADLE could no longer afford her salary)
- 700 children in a year access the CRADLE's legal aid services which include mobile legal aid clinics.
- 1500 children are reached through the CRADLE's "letter link" and school talks, where children are educated about their rights. The information derived from the Letter Link magazine indirectly enables children's input into the legislative and policy process as it informs CRADLE's discussions with parliamentarians and policy makers.
- CRADLE has also been participating in the Children's Caravan which is part of UNICEF's Stop Violence Against Children campaign.

152. It is particularly significant to note that out of the disbursements made to implementing partners between 2004 to September 2006 (see Annexure I), those made to CSOs amount to 47% of the total disbursements. (Kshs 32,242,245/=). Among the CSOs, CRADLE has received the least amount of funds (Kshs 1,263,154/=) which is 3.9% of the amounts disbursed to the CSOs. A significant percentage of the disbursed amounts (63%) was used to meet the administrative costs and salaries of the CSO personnel implementing the activities as shown in the following chart:

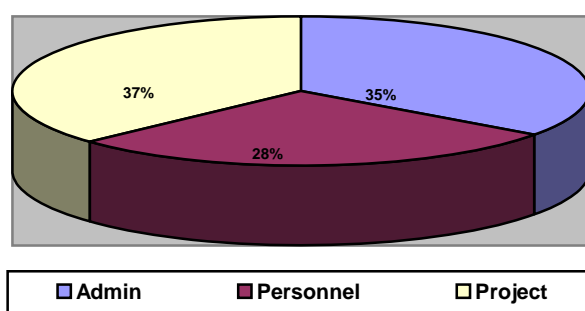


Chart 8: Efficiency Audit of CSO Expenditure

153. While the expenditure on administrative costs and salaries beyond the agreed 20% limit set by UNICEF was agreed upon between Sida, UNICEF and the CSOs, it may be more cost efficient and in the long run sustainable for the CSOs to move towards project based planning, with activities, budgets, and expenditure being disaggregated into projects. Efficiency is then achieved by attributing funding to certain projects and outputs, and in the long run will makes it possible for the CSOs to also raise funding from donors who traditionally do not fund administrative costs.

3.3 Capacity Building of CSOs

154. Initially all three CSOs suffered a loss in staff and finances. CLAN and CRADLE both went into debt, when the first year of funding was delayed. CLAN however has not only recovered but is flourishing and growing as a result of its partnership with UNICEF. Both its geographic and programmatic capacities have been increased with the organisation being asked to expand its services into UNICEF's focus districts of Garissa and Kwale. Programmatically they are now disbursing funds to CBOs in Garissa. Funding for this program is from the Ford Foundation, however CLAN attributes their partnership with the Ford Foundation to UNICEF. CLAN say that their networks have also been expanded especially at an international level. Both KAACR and CRADLE reported that their capacity has actually been "destroyed" as a consequence of the UNICEF partnership.
155. Both KAACR and CRADLE's geographic coverage and programmatic scope have shrunk as a consequence of the challenges and constraints encountered in the UNICEF partnership. Their initial understanding was that that UNICEF would support the activities in their Strategic Plans, as had been the case previously with Sida. However it turned out that only those activities in their work-plans that are in line with UNICEF's/Gok CPAP, and that are approved by UNICEF could be funded. In Cradle's case they are no longer able to provide services in Suba a geographical area that they had been in. Although Cradle's Suba OVC program was included in the strategic plan that Sida agreed to fund, UNICEF was not willing to fund this component. KAACR's financial resource base enabled them to draw on some of their own resources when monies from UNICEF were not received. All the three CSOs stated that they drew on their networks and links with communities to implement activities when they did not have the resources.
156. In respect of improved facilities, both the CRADLE and CLAN had received motor vehicles from UNICEF. Both KAACR and CLAN reported an increase in the number of GOK institutions that they are now networking with as a consequence of the UNICEF partnership. CLAN has succeeded in growing its program with the Prisons Department, whilst KAACR is now working with the Ministry of Planning as a consequence of the UNICEF partnership.

157. The Sida UNICEF mediated partnership has led to an increased interaction between the three CSO and state agencies. The CRADLE has been contracted by Sida to conduct training in human rights based approaches for GoK line ministries and other NGOs under the GJLOS program. All three CSOs have participated in the UNICEF Stop Violence Against Children Campaign which also facilitated intensified interactions with the private sector as well. CLAN in particular reports intensified referral services and interactions with charities such as the Rattansi Trust.

3.4 Funding Modalities

3.4.1. Disbursements

158. Sida releases money to the UNICEF New York office, which in turn sends the money to the UNICEF office in Nairobi. UNICEF Nairobi disburses the money to the implementing partners after they have made their requests. For the CSOs the funding is provided directly to them, except in respect of procurement which is done by UNICEF according to UNICEF procedures. The funds are either disbursed as an advance or on a reimbursement basis. The tranche system (UNICEF pays monies in three tranches of 30%, 30% and 40% which have to be accounted for before the next tranche is released) for example, is not suitable to some activities such as workshops. There were instances where UNICEF was disbursing funds without contracts. During the period 2004-2006, CRADLE received about Kshs 9,192,334 but only one contract of Kshs 1,788,144 was signed and UNICEF has been disbursing the un-contracted amount on a reimbursement basis, based on previously agreed work-plans. When UNICEF does not disburse the exact amounts requested, it does not communicate the reasons to the implementing partners.
159. The implementing partners who receive funds on a reimbursement basis are forced to use other donors' funds for Sida activities. The following are examples of how long the processing of disbursements was taking for the CSOs:

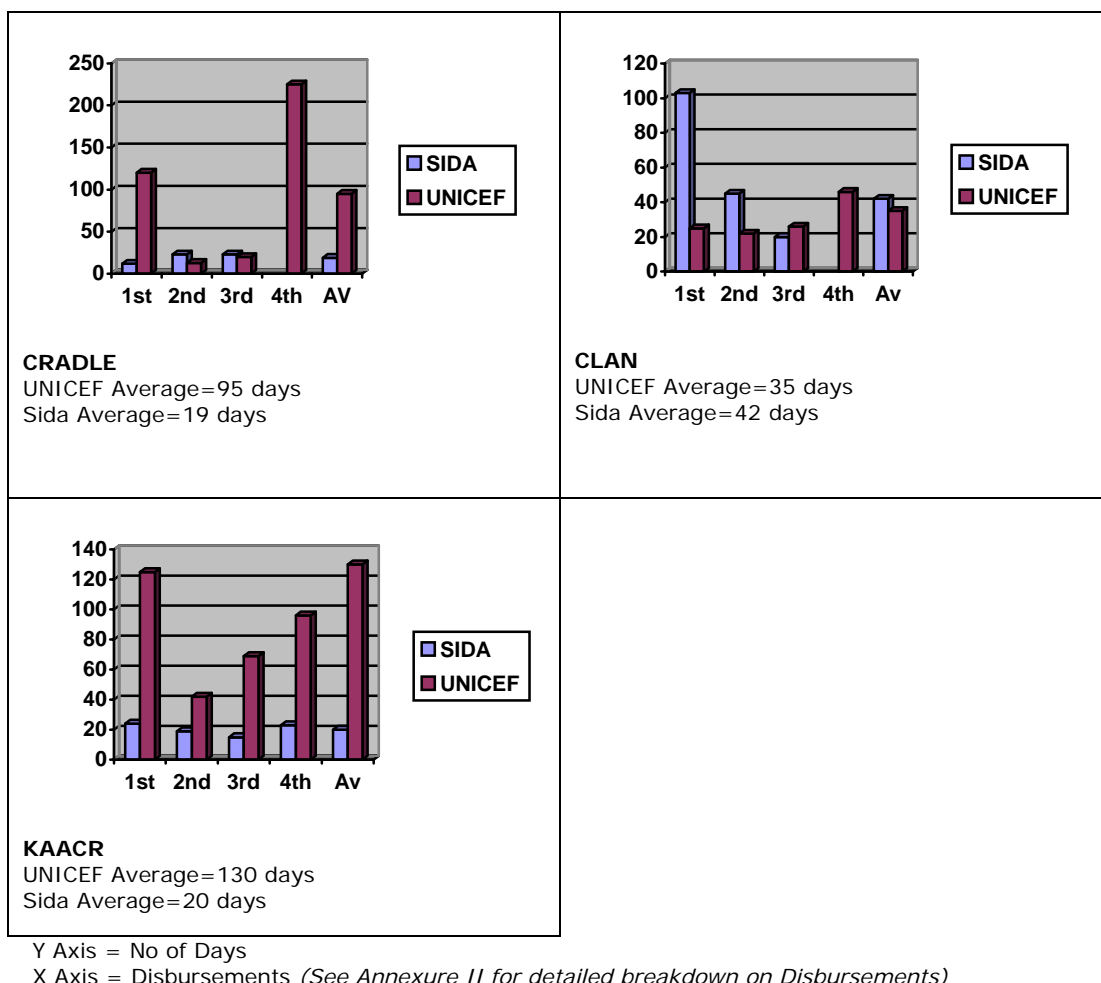


Chart 9: Comparative Analysis of Periods of Disbursements of Funds to CSOs

160. Consequentially all three organisations are still owed monies by UNICEF for activities undertaken in the first year of implementation. UNICEF however maintains that the organizational and accounting capacity of some of the CSOs needs to be strengthened to be able to cope with the demands of the UNICEF financial procedures, and has engaged a finance assistant specifically for this purpose.

3.4.2. Liquidation Requirements

161. UNICEF requires that implementing partners account and report on the advanced funds within 6 months. UNICEF’s system blocks any disbursement where an implementing partner is over 6 months in arrears in its financial reporting in any of its projects. This means a beneficiary running more than one UNICEF project can not get funding for all the projects if one of them is in

reporting arrears. This implies that an implementing partner can stay for 6 months without submitting any financial reports. (Some even stay beyond the six months). Six months is such a long period considering that the review of the financial reports is supposed to bring out any weaknesses so that they can be rectified within the earliest possible time.

162. This system of blocking any further disbursements was said to be too rigid, especially given the limited capacity of implementing partners to liquidate, and should be revised. It was also suggested that improved information and communication flows could be an alternative way of solving the problem.
163. CLAN were not of the opinion that there is a need to make a recommendation to the UNICEF Comptroller, with regards to UNICEF's regulations on liquidation of funds. KAACR were of the opinion that UNICEF's liquidation procedures are not suitable to certain types of activities and institutions in particular the tranche system. UNICEF's reimbursement system in which partners are expected to "spend and claim" with no guarantee of an agreement (CRADLE has no agreement with UNICEF whilst KAACR has only had "quarterly agreements," based on "mini-proposals" and say they have never had "continuous funding for a year since 2004;") is an extremely risky system from the CSOs perspective.
164. Furthermore the "spend and claim" system places strain on the institution and is in conflict with current accountability norms as it encourages inter-donor borrowing, which is the precise situation that led to both the CRADLE and CLAN losing other funding partners when they could not repay borrowed funds on time. KAACR survived due to the fact that it is an older and larger institutions and therefore had some resources on which it could draw – however KAACR staff too spoke of having reached an extent where they could no longer afford to expend monies without an advance from UNICEF. As non-profit institutions few CSOs have the kind of resources necessary to maintain a "spend and claim" system. Furthermore the lack of agreements creates an environment of an uncertainty.

3.4.3. Financial Reporting

165. All the implementing partners are required to comply with the UNICEF Financial reporting guidelines. The implementing partners submit the original payment vouchers and a cash request letter any time they have exhausted their funds. UNICEF has different officers depending on the unit who receive and review the financial returns. The review is at done at four levels:

- (i) The first review is done by the program officer or assistant in the programme section

- (ii) The programme section then forwards the report to the operations (Finance) section for review by the Finance Assistant.
 - (iii) The operations section on review returns the reports to the programme section for approval by the head of section/programme officer
 - (iv) The head of section on approval sends the returns to the finance section for the final acceptance.
166. The Programme section raises and clears any issues arising from the financial returns with the concerned implementing partner before forwarding the reports to the Finance section. Other than in the Child protection unit, program assistants who do the first review are non-accountants. Feed back on the financial review is not written and is mostly by telephone or visit to the implementers.

3.4.4. The CSO internal funds management controls

167. Other than for CRADLE, the CSOs reported that they had financial management capacity to handle the UNICEF programme. The CLAN reported that its capacity for financial accountability had been greatly improved through its exposure to UNICEF's systems and that they had "even had to hire someone with graduate accounting qualifications." Noting that one thing that they "appreciate about UNICEF is that their accounting procedures are rigorous." The CSOs are at different stages of organizational development and have different capacity levels, as illustrated in figure 5 below and in greater detail in Annexure II. CRADLE in particular does not have a qualified accountant employed on a full time basis unlike the other two CSOs..

CSO	No of Programme Staff	No. of Financial Staff
KAACR	nine (9) program staff all of whom are involved in implementing Sida funded activities since Sida funds all programs. The organisation has	Two (2) accounting staff. The finance manager is a graduate holding a BCom and is CPA level 6. The financial assistant is also a BCom and CPA level 3.
CLAN	Twelve(12) program staff, six (6) of whom are engaged in implementing Sida/UNICEF funded activities. The CLAN has	Two (2) accounting staff. The qualifications of the accounts staff are as follows: Bachelor of Commerce, accounting option; whilst the second accounts' staff member has a diploma in accounting.
CRADLE	Three (3) program staff One (1) Consultant Two (2) Legal Interns	Three Financial Consultants (Qualifications not availed)

Figure 5; CSOs' Capacity Levels

168. The low financial management capacity of CRADLE has resulted in a situation whereby it is not able to promptly respond to UNICEF's funding and reporting

requirements and has been receiving monies on a reimbursement basis – which has been problematic in respect of some of its programs such as the psycho-social support component of its legal aid, especially programs that require funding for the relevant program officers salaries.

169. None of the CSOs had received formal training from UNICEF with regards to its financial procedures. All three had had to learn on the job. Further, none of the finance officers from any of the CSOs reported having received UNICEF's financial guidelines. The absence of a formalised and structured approach towards capacity building, has resulted in a highly uneven approach towards capacity building with respect to the three CSOs. CLAN requested some financial training for its financial staff and technical support particularly in the area of case management. CLAN did recommend that UNICEF's financial staff be encouraged to interact with the CSO partners and undergo human rights training as there are within UNICEF, financial decision makers who are not exposed to the reality on the ground. KAACR also raised the same concern.
170. KAACR cited its long standing relationship with UNICEF and contacts that they had made in the process as enabling factors in the successful implementation of whatever programs it has undertaken. Personalised systems however tend to be opaque and do not lend themselves well to accountability principles – they are vulnerable to the evolution of discriminatory and patronage practices. UNICEF therefore urgently needs to address the issue of a formalised, structured and institutionalised approach to partnership and capacity building.

3.5 Next Steps

171. CLAN is the only one of the three implementing CSO partners that would voluntarily continue in an arrangement with UNICEF as the financial management agency. In interviews, KAACR and the CRADLE both were of the opinion that this is not a role that UNICEF is suited to and would prefer an alternative arrangement were this possible. CLAN did also state that there is need for procedures in UNICEF to be streamlined and in particular ensure the elimination of the delays in the disbursement procedures which are still persistent. KAACR were of the opinion that should UNICEF continue in the role of financial management agent there is need for it to establish separate structures that are more appropriate to supporting CSOs as the current structures are more suited to Government partnerships.
172. The contribution that CSOs make to the programmatic outputs and outcomes are acknowledged by both Sida and UNICEF. Of specific importance are certain activities in which the CSOs have a comparative advantage such as advocacy for children rights, provision of legal aid and legal assistance. The CSOs have indeed provided technical services on children rights to GoK departments under the UNICEF programme and other reform programmes. In the GJLOS programme for example, CRADLE was elected as the focal point for CSO

engagement. It is therefore crucial that a lasting solution to the tensions created in the UNICEF programme be found, to enable CSOs continued participation in the programme.

Recommendations

No.	Finding	Recommendation
1	The three CSO organisations reported more intensive interaction with UNICEF, but this has not led to a more cohesive integrated program among the three partner CSOs. The CSOs were particularly appreciative of the hiring by UNICEF of a finance assistant who has assisted in their financial capacity building.	<i>Immediate:</i> A CSO programme liaison officer be appointed by UNICEF to identify and assist in resolving outstanding issues affecting the CSOs, and provide them with future programmatic and liaison support.
2	The geographic coverage and programmatic scope of some CSOs activities have shrunk as a consequence of funding support to only those activities in their strategic plans that are in line with UNICEF's/Gok CPAP. This notwithstanding, there have been significant capacity building gains to the CSOs as a result of the UNICEF partnership, and a number of out puts for children at national, community and individual level resulting from the Sida support.	<i>Immediate:</i> UNICEF to consider having a separate envelope and work-plans for the CSOs to facilitate alignment with their Strategic plans and safeguard their watchdog role.
3	47% of the total disbursements to implementing partners between 2004 and September 2006 were made to the CSOs, of which 63% was expended on administrative and salary costs.	It may be more cost efficient and in the long run sustainable for the CSOs to move towards project based planning, with activities, budgets, and expenditure being disaggregated into projects.
4	UNICEF has put in place the financial controls which are necessary if funds given to the CSOs are to be used in a transparent and accountable manner. However, there is genuine concern that there are delays in funds disbursements, which not only lead to delays in project implementation but also	<i>Immediate:</i> 1. General financial communication between UNICEF and CSO implementing partners and financial monitoring by UNICEF should be streamlined. In particular: <ul style="list-style-type: none"> • Disbursement processes should be speeded up. • Implementing partners should be required to submit their financial

No.	Finding	Recommendation
	inconvenience the CSOs. The system of blocking any further disbursements was said to be too rigid, especially given the limited capacity of implementing partners to liquidate.	<p>returns more frequently. This would minimize issues which would need to be resolved before disbursements</p> <ul style="list-style-type: none"> • Issues arising from the review of the implementer's financial returns should be formally communicated to the implementers. • UNICEF should initiate field financial monitoring. <p>2. Disbursement of funds should be on the basis of valid contracts entered into with the CSOs.</p> <p><i>Long term:</i></p> <ul style="list-style-type: none"> • The reimbursement policy should specifically be agreed upon by UNICEF and the respective CSO partners and on contract. • A review of the disbursement ratio with a view to increasing the tranche amounts.
5	The CSOs are at different stages of organizational development and have different capacity levels, and in particular CRADLE does not have a qualified accountant employed on a full time basis unlike the other two CSOs.	<p><i>Immediate:</i></p> <p>CRADLE should as a matter of urgency improve its financial management capacity to be able to effectively address the outstanding financial issues with UNICEF.</p>
6	UNICEF has not conducted financial training for the CSO implementing partners. This led to a communication gap with the CSO implementing partners initially not knowing what was expected of them in terms of the required financial procedures.	<p><i>Immediate:</i></p> <ul style="list-style-type: none"> • Formal training on UNICEF's financial procedures be conducted for the CSOs and simplified finance manual and the reporting templates be provided to the CSOs. Both the Accountants and project officers from the CSO partners should attend such training.

Table of findings and recommendations 9: CSO Participation

4. CONCLUSION

173. Our overall assessment is that taking into account the significant delays in the programme start-up, there has been some progress made towards the implementation of the stated activities. Future activities need to be reviewed

and refocused and we have made some recommendations on the process and content of such review and refocusing. There are however a number of significant constraints that must be addressed immediately to ensure successful completion of the programme activities, notably, sustained political will, frequent and more structured consultations, communication on financial procedures, the systematic transfer of required technical skills to implementing institutions, and strengthening the participation of the CSOs.

174. More important though in terms of realization of results, the implementing partners now need to focus on the intended results rather than outputs, and provide specific indicators to assess the achievement of the results. In addition the monitoring and evaluation of these results needs to be mainstreamed among all the implementing partners.
175. Drawing from the successes and outputs and outcomes achieved in the programme so far, the prioritization of the remaining activities, and future Sida support should be guided by the following:
 - (a) Programme interventions should seek to achieve three main outputs:
 - Strengthening of the national systems for the protection of children and women
 - Empowering communities to address social practices affecting children and women
 - Protecting and empowering children especially those vulnerable to abuse.
 - (b) The achievement of the above outputs and results for children at multiple levels.
 - (c) Considerations of need, the long-term impacts and sustainability.
176. Finally, the evaluation team underscores the need for high-profile visibility and championing of the programme as one of the most effective ways of achieving results, and that the necessary actions by UNICEF and the lead agency be undertaken in this regard.

5. ANNEXURES

ANNEXURE I: SIDA FUNDS DISBURSEMENTS SCHEDULE (AS AT 30TH SEPTEMBER 2006)

ITEM	IMPLEMENTING PARTNERS	AMOUNT DISBURSED		
		2004	2005	30 Sept. 2006
1	A MILLION UNITED AGAINST AIDS	256,500		
2	CHILD LIFE TRUST	347,850	115,950	
3	CHILDREN'S LEGAL ACTION NETWORK (CLAN)	4,148,013	6,758,118	7,122,005
4	DISTRICT CULTURAL OFFICER - KWALE	1,178,360		
5	DISTRICT DEVELOPMENT OFFICER - KWALE	944,200	630,406	
6	DISTRICT SPORTS OFFICER - KWALE	1,519,210		306,200
7	JIPE MOYO WAITHAKA	76,688	25,263	
8	KENYA ALLIANCE FOR ADVANCEMENT OF CHILDREN	3,633,744	9,317,211	
9	KENYA PARTNER	788,785		
10	NORTHERN AID	846,825		
11	OFFICE OF THE VICE PRESIDENT AND MINISTRY OF HOME AFFAIRS	3,602,000	6,655,736	
12	PROVINCIAL CHILDREN'S OFFICER - NAIROBI	2,084,000	878,400	
13	TEENS WATCH CENTRE	232,400		
14	THE CHILD RIGHTS, ADVISORY, DOCUMENTATION & LEGAL CENTRE	1,263,154		
15	DISTRICT CHILDREN'S OFFICER - KWALE		328,400	
16	DISTRICT DEVELOPMENT OFFICER - ISIOLO		1,277,500	
17	DISTRICT DEVELOPMENT OFFICER - TURKANA		960,000	
18	KENYA INSTITUTE OF EDUCATION		4,943,400	
19	KENYA INSTITUTE OF ADMINISTRATION		4,299,000	
20	MERTI INTEGRATED DEVELOPMENT PROGRAMME		716,100	
21	PROVINCIAL CHILDREN'S OFFICER - GARISSA		1,036,500	
22	MINISTRY OF GENDER, SPORTS, CULTURE & SOCIAL SERVICES			884,185
23	CHILD WELFARE SOCIETY OF KENYA			708,580
24	MINISTRY OF GENDER - DEPT OF SPORTS, NORTH EASTERN			340,000
	TOTAL	20,921,728	37,941,983	9,360,969

ANNEXURE II: CSO CASE STUDIES

1. Purpose of the Case Studies

The terms of reference for this evaluation provided that a more detailed analysis of the three CSOs that were directly funded by Sida prior to 2004 and to which funding is now channelled through UNICEF, which acts as the Financial Management Agency (FMA). The three CSOs are CLAN, CRADLE and KAACR. In particular the evaluators were to answer eight questions namely:

- To what extent has the strategy of channelling program support for the CSOs through UNICEF helped to lift the burden of direct programme management off the backs of Sida staff?
- Have the three organisations that used in the past to be managed directly by Sida enjoyed a more intensive interaction with UNICEF staff than was the case previously the case with Sida staff?
- Has this interaction led to a more cohesive integrated program between the three agencies and has the interaction with UNICEF staff resulted in greater value in delivering results for children than was the case when the programmes were directly managed by Sida staff?
- To what extent has the program managed to build institutional capacity of the three organisations?
- Has capacity been built within the civil society organisations for improved accountability and liquidation of use of funds?
- Are UNICEF regulations with regard to liquidation of funds unreasonably stringent to the extent that a recommendation can be made to UNICEF's Comptroller that regulations should be modified?
- How have the internal funds management controls varied between the three organisations and to what extent has capacity building by the UNICEF program varied between the three organisations?
- To what extent has UNICEF facilitated networking between the Government institutions and CSOs and supported advocacy on this issues to the GOK for policy formulation/review?

In order to fulfil this aspect of the terms of reference, the evaluation team conducted an in-depth case study of the three CSOs.

2. Methodology

The methodology used for the case studies was as follows:

- In – depth one on one interviews were conducted with the senior management staff and/or members of the boards of the three CSOs were interviewed.
- The questionnaire that had been administered to all the other key informants was administered to all three CSOs.
- Sida and UNICEF staff were interviewed
- The CSOs projects and offices were visited in field locations where they existed
- A detailed study of the financial procedures and mechanisms of the three CSOs was also undertaken

3. Introduction

The agreement between UNICEF and Sida provides that SEK 4-5 million per year will be disbursed to select CSOs working in the area of children's rights. The designated CSOs are CLAN, CRADLE and KAACR. All three CSOs had until 2004 received funding directly from Sida. The three CSOs were at different stages in their agreements with Sida at the time that the Sida UNICEF agreement came into effect – although CLAN had been funded by Sida from its onset, they had just completed a new three year work plan for the period 2004-2006, which had not yet been submitted to any funding partners. KAACR had had a negotiated agreement with Sida with regards to the funding of elements of its ten year strategic plan based on a proposal that was submitted to Sida in November 2003. CRADLE received an "e-mail" from Sida, informing them that future funding would be channelled through UNICEF. From Sida's perspective, all previous agreements with the three CSO partners were extinguished by its agreement with UNICEF.

UNICEF for its part has entered into agreements with the CSOs in order to ensure the fulfilment of certain components of its CPAP in particular the Juvenile Justice Program and the SPM & E components. These components of the CPAP were not as comprehensive as the scope of CSO activities previously funded by Sida and were not necessarily in pursuit of the goals that the CSOs originally intended to achieve. Furthermore whilst Sida appears to have envisioned greater cohesiveness between the CSOs and some strengthened capacity as a consequence of the channelling of funding through UNICEF, these are not objectives of the CPAP and would not therefore be addressed through the activities agreed on between UNICEF and the CSOs. There is therefore a lack of clarity and divergence in understanding between the CSOs, Sida and UNICEF as to the goal and objectives of Sida funding to UNICEF and the consequential partnership with the CSOs. Particularly given that Sida funding to UNICEF is "**thematic funding**" and therefore UNICEF appears to perceive itself as having unfettered discretion with regards to the utilisation of the funds – whilst some of the CSO partners appear to think that UNICEF is merely charged with "**holding**" funds on their behalf.

The CSOs no doubt provide services in key areas in which the state either has no capacity to do so (such as Legal Aid and Juvenile Justice) or historically not charged with such as watchdogs – hence a local check on the state. In addition CSOs also play a key advocacy roll, lobbying for and seeking to create a child friendly legal and policy environment. Kenya historically has a vibrant civil society sector which has evolved and been intimately involved in the democracy and multi-party movements. All three CSOs that were directly funded by Sida for example played a key role in ensuring that children's rights concerns were incorporated within the national constitutional reform process resulting in several clauses within the Draft Constitution that recognised and protected children's rights. All the three CSOs funded by Sida fall into what is historically known in Kenya as the Governance and Human Rights Sector. Historically human rights CSOs have had a tense relationship with the Government, KAACR for example was not registered because the word "Rights" was contained in its original title. One of the challenges and opportunities of the Sida UNICEF partnership therefore is that the CSOs are now in a team with the GoK.

All three CSOs were largely dependent on Sida for funding. KAACR and CRADLE received 70-80% of their funding from Sida, whilst CLAN received 100% of its funding from Sida. UNICEF also has different and more rigorous financial procedures than Sida, for example UNICEF only meets 20% of an institution's administrative costs. The transition from being directly funded to having an FMA has therefore had a differential impact on the three CSOs which were all at different stages in their development at the time that Sida chose to stop funding them directly. The first year of indirect funding, 2004, was particularly testing as due to internal procedures of Sida, funding was delayed by close to a year. In the end

UNICEF drew on some of its own regular resources as an interim measure. This stop gap measure was however not comparative to the annual incomes of the three CSOs. UNICEF was able to leverage approximately Kshs. 1,000,000 against annual budgets in the range of Kshs. 12 million. How the three CSOs have dealt with and/or survived that first year, illustrates their institutional maturity and capacity to deal with a crisis.

KAACR is the oldest of the three organisations as it was founded in 1988, whilst the CRADLE and CLAN were registered in 1997 and 1998 respectively. The CRADLE and CLAN are also both trusts whilst KAACR is registered under the NGO Coordination Act, which has different legal governance requirements. What is more, the KAACR is an umbrella and membership organisation with a grassroots presence in many parts of the country. Both the CLAN and CRADLE are in direct service provision – providing mainly legal aid and psycho-social support services to children. KAACR had had a longstanding relationship and interactions with UNICEF although not on the scale which the FMA relationship required.

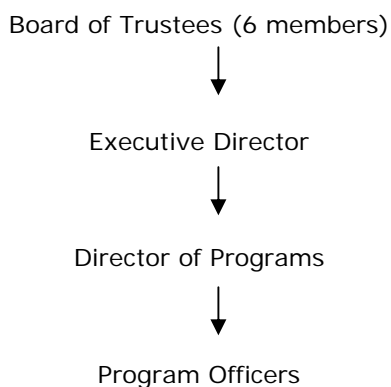
4. CLAN

CLAN had just embarked on a new three year work plan for the period 2004-2006, when Sida entered into its agreement with UNICEF. Their partnership with UNICEF has resulted in the organisation growing and expanding both programmatically and geographically. The CLAN is now providing grants to CBOs and has offices in Garissa.

4.1. *Governance and Administrative Structure*

CLAN is a registered trust. Its governance structure is one in which it has a board of trustees with six (6) members which is responsible for policy direction, decision making and fundraising.

CLAN's Governance and Administrative Structure



Currently the CLAN has twelve (12) program staff, six (6) of whom are engaged in implementing Sida/UNICEF funded activities. The CLAN has two (2) accounting staff. The qualifications of the accounts staff are as follows: Bachelor of Commerce, accounting option; whilst the second accounts' staff member has a diploma in accounting. Accounting staff do not handle programming issues, however **"when meetings are held on matters that are strictly financial, accounting staff accompany programme staff."**

4.2 *Contributory Factors to Successful Implementation*

CLAN's board played a key role in supporting the institution in the first year of transition to indirect funding when there was a delay in the receipt of funds from UNICEF. They not only provided guidance, they also engaged in fundraising activities. Initially CLAN responded to their reduced funding by engaging in inter-donor borrowing, which proved to be a dangerous strategy as it landed them in debt and cost them a donor. When CLAN realised that the funding was not going to be available on the previous scale, they made **"strategic adjustments"** which was facilitated by the **"flexible"** nature of their work plan. This entailed amongst other actions, seeking alternative funding and working within the budgetary ceilings provided by UNICEF. Twinning activities that were not funded by UNICEF with compatible activities that had been funded, e.g. the legal clinics were twinned with community awareness activities. CLAN also strengthened their financial accounting systems by investing in an accountant with graduate qualifications. In addition, they chose to **"minimise"** conflict with UNICEF once they **"realised the delays were beyond their [UNICEF's] control."** This approach has paid off resulting in them interacting **"intensively"** with UNICEF staff who they describe as doing **"better than Sida in respect of supervision."** They were particularly approving of the rigour that UNICEF's accounting procedures have introduced into their institution. UNICEF's **"rigorous"** accounting procedures have therefore resulted in CLAN having enhanced and strengthened financial accountability systems.

4.3. *Relations to Other Sida/UNICEF Funded CSOs*

CLAN were of the opinion that the partnership with UNICEF had not led to more cohesive interactions with the other two Sida/UNICEF funded CSOs. They described themselves as seeming to **"be at different stages of implementation and therefore not at par."** CLAN is the only one of the three CSOs that appears to have grown out of the partnership with UNICEF. Its networks with other institutions, nationally and internationally have also grown. They say that in respect of their relationship to KAACR and the CRADLE **"there is no difference between our previous relationships and now – we were working in pretty much the same way."** They perceive the impact of the UNICEF partnership on the relationship between the three CSOs appears to have resulted in a competitive relationship characterised by **"posturing and clamouring for attention."** Their response to this has been a **"strategic decision to talk less and work more."** They attribute this competitiveness to **"pre-existing tensions"** between the three CSOs which may have been exacerbated by some of the challenges in the Sida/UNICEF partnership such as the delays in funding within the first year.

4.4. *Institutional Capacity*

CLAN's institutional capacity has been strengthened through its partnership with UNICEF. Initially this was not the case though. Like the other two Sida/UNICEF funded CSOs, they lost staff in the first year of the partnership; however they responded to this crisis as an opportunity to strengthen their systems. Their institutional capacity has been built in four primary ways:

- Improved institutional facilities such as computers and a vehicle.
- Geographic and programmatic expansion: CLAN have expanded to the Kwale and Garissa Districts both of which are geographic areas that they did not operate in prior to the UNICEF partnership. Becoming the first legal aid organisation to offer services in Garissa District. Their office in Garissa had only been open for a month at the time of conducting the evaluation, so it is not possible to assess yet what the impact is however in conversations with local residents they were appreciative of the fact that they now have a legal aid facility. The geographic expansion to Garissa has also resulted in programmatic expansion in that as a consequence of their presence in Northern Kenya (an underserved area) the Ford Foundation was willing to fund them to

provide small grants to local CBOs. Prior to the partnership, CLAN was not working in this programmatic area.

- Strengthened financial accountability: CLAN now have a graduate finance officer, which they did not, prior to the UNICEF partnership. They describe their capacity for accountability and liquidation of funds as having **“been improved by exposure to UNICEF’s systems.”** Sida, they noted, **“only used to ask for financial and narrative reports.”** They would visit frequently but this was **“monitoring not accountability.”** So the **“sudden exposure to strict accounting procedures has built [CLAN’s] capacity.”**
- Enhanced and intensified partnerships and networks: CLAN’s networks with both local and international institutions have grown immensely as a consequence of its partnership with UNICEF. CLAN identifies the area of facilitating these linkages as one of UNICEF’s comparative advantages.

4.5. Capacity for Financial Accountability

As noted earlier, CLAN’s financial accountability capacity has been strengthened through its partnership with UNICEF. In their opinion, UNICEF’s liquidation procedures are not **“so rigorous that there is need to make a recommendation to the UNICEF Comptroller.”** They described the UNICEF liquidation process as follows:

The UNICEF liquidation procedure is that a project contract agreement starts immediately you disburse 80% of the funds – you can return the document to them and they disburse. It was bad initially because the money was very little. One is given the money in tranches of 30%, 30% and 40% but when the Sida money came it was fine. The amounts were bigger. Why should we yell about Government accountability and yet we do not want to subject ourselves to the same procedures and controls. The system is not friendly to small organisations but for our level of implementers I think there is no problem.

CLAN is the only one of the CSO partners for which disbursement currently takes a shorter period than it did during the time when they were directly funded by Sida (an average of 35 days as opposed to the 42 days it used to take with Sida).

4.6 Comparative Analysis of Disbursement to CLAN

(a) UNICEF

Request No.	Date requested	Date received	Days taken	Amount requested	Amount sent Kshs	Difference Kshs
1	20 May 2004	14 July 2004	25	536,432	536,432	
2	27 July 2004	18 Aug 2004	22	536,432	536,432	
3	16 Sept 2004	12 Oct 2004	26	715,243	715,243	
4	Nov 2004	31 Dec 2004	46	2,896,336	2,896,336	
5	Feb 2005	8 April 2005	53	2,896,336	2,896,336	

6	5 Oct 2005	16 Nov 2005	42	3,861,336	3,861,336	
7	2 May 2006	30 May 2006	28	6,950,735	6,950,735	
Equipment	26 June 2006		>140			

Average (cash only) = 35 days

(b) SIDA

Request No.	Date requested	Date received	Days taken	Amount requested	Amount sent Kshs	Difference Kshs
1	17 Aug 2001	28 Nov 2001	103	1,500,000	1,500,000	
2	17 Oct 2001	1 Dec 2001	45	6,500,000	1,320,000	5,180,000
3	13 June 2002	2 July 2002	20	2,500,000	2,500,000	
4	29 April 2003	21 Mar 2003	21	10,666,875	10,666,875	
M/Vehicle	26 Jan 2002	26 Apr 2002	90			

Average = 42 days

The UNICEF disbursement and liquidation procedures therefore appear to work more efficiently for CLAN than Sida's did. They did however raise some concerns with regards to the liquidation and procurement processes, noting that they still experience delays particularly in the area of procurement. Furthermore, they observed that whereas they are now conversant with the UNICEF systems they did have to learn on the job resulting in some costly mistakes simply because they did not understand the system. They therefore recommended a more structured approach towards the financial capacity building, which should include exposing their financial staff to UNICEF's financial staff. They also recommended that UNICEF's financial staff undergo Human Rights training – this is due to the “insensitivity” of UNICEF's financial systems to the “reality of children's rights.”

4.7. GoK Partnership and Impact on Policy

CLAN's partnerships with the GoK and other partners have been deepened as consequence of their partnership with UNICEF. They also report incidents of increased confidence by partners observable in referrals by new private sector partners and requests for the provision of services by GoK institutions. The CLAN has also been instrumental in the evolution of child friendly policy in several areas, in particular in relation to children in conflict with the law – due to their close relationship with the Prison's Department. This culminated in the Prison's Department requesting their participation in the review of the Prisons Act. The Children's Department for its part, requested that CLAN open its new offices in Garissa – CLAN paralegals are also supplementing and providing support to the Children's Department in Kwale and Kibera. Finally CLAN was an advisor to the Children's Department on the Rules for the Charitable Organisations and Adoption Rules; this partnership may have led to increased referrals from private charities such as the Rattansi

Trust. CLAN sum up the interactions that they are now involved in as “**tremendous**” noting that “**that is one area that UNICEF is strong at.**” CLAN's enhanced networking has led to their influencing policy in the following ways and areas:

- CLAN paralegals are providing supplementary services to Children's Officers in Kibera and Kwale.
- Local authorities requesting training for their staff especially those who deal with children.
- Training for the Prisons Department staff on children's rights. As well as training for borstals in particular Shikutsa in Kakamega and Shimo La Tewa in Mombasa.
- Weekly visits to the Langata Women's Prison and also Kamiti. This is based on an agreement with the Prisons Department.
- Direct provision of legal aid to children in conflict with the law, for example a thirteen year old girl who was being held at the Langata Women's Prison on a murder charge. Through CLAN's investigations it was established that the child she was accused of killing had actually died of natural causes.
- Training on diversion, resulting in the Police requesting CLAN's support in alternative ways of disposing with matters where there is a child in conflict with the law.
- Review and enactment of the following laws and/policies that are pertinent to the rights of children: the Draft Constitution; The Adoption Rules, which were drafted by CLAN; the Sexual Offences Bill (they partnered with the Kenya National Commission on Human Rights (KNCHR) on this and wrote to MPs explaining the importance of the Bill as well as issued an advert in support of the Bill). The development of the Regulations for Charitable Institutions. CLAN is also currently influencing the prisons to make sure that they are child friendly. They will soon be reviewing the Borstal Institutions Act and UNICEF has agreed to fund CLAN to provide support on that review.

In conclusion, CLAN has grown out of its partnership with UNICEF there is demonstrable strengthening of its capacity in several areas as a consequence of the partnership.

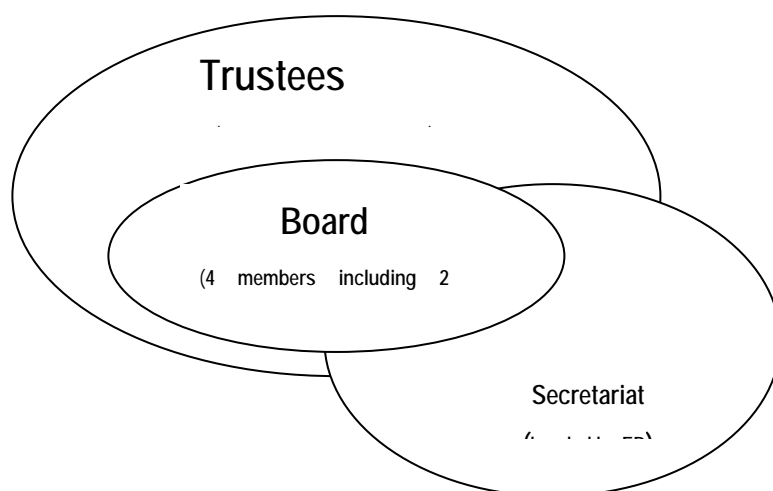
5. CRADLE

The CRADLE was until 2004 directly funded by Sida. They were implementing their 2001 – 2005 Strategic Plan at the time that Sida entered into its agreement with UNICEF. Sida would fund several elements of the CRADLE's Strategic Plan on an annual basis. The CRADLE's capacity has been eroded as a consequence of the challenges encountered in its partnership with UNICEF. It has shrunk both geographically and programmatically as a consequence and in interview, was described by its CEO as currently “**operating in crisis.**”

5.1. *Governance and Administrative Structure*

The CRADLE is a registered trust with three (3) trustees, a four (4) member management committee (board) and a secretariat that is headed by the chief executive officer. Two of the trustees sit on the board. The chief executive officer is both a trustee and board member. An analysis of the CRADLE's governance structure therefore illustrates conflation of roles that places undue strain on one office and ultimately individual – the chief executive officer.

CRADLE's Governance and Administrative Structure



The CRADLE currently has 3 program staff members all of whom are engaged in implementing Sida activities, as Sida funds contribute 80% of the organisation's funding. The CRADLE has a financial assistant and two financial consultants with the following qualifications: The former financial assistant who is currently a financial consultant is a CPA I with a Business Administration Diploma; whilst one of the financial consultants is a CPA II with 12 years experience as an accountant. The second financial consultant is an ACCA and FCCA with 28 years work experience in different industries at different levels including audit firms. The CRADLE observe that one of the ways in which their capacity has been eroded is through the loss of staff as a consequence of cutbacks due to their not being to access funds from UNICEF. In 2006 alone they have lost 6 staff members as they could not afford to pay their salaries. One of the areas in which the CRADLE's capacity has therefore been eroded is its financial and administrative capacity. In 2003 when it began its partnership with UNICEF, the incumbent Finance Officer was an individual holding BSC with CPA (K) and with five (5) years work in experience. Currently the organisation does not have a financial officer and is dependent on three financial consultants. Accounts staff used to handle program issues in respect of budgeting (jointly with program staff) and financial reporting.

CRADLE Staff Before and After the Sida/UNICEF Partnership

	DEPARTMENT	BEFORE	AFTER
1.	MANAGEMENT	1 Executive Director	1 Executive Director
		1 Programs Administrator	-
2.	POLICY AND LEGISLATIVE ADVOCACY PROGRAM	1 Senior Program Officer	1 Program Officer
		1 Legal Intern	1 Project Assistant (Consultant)
3.	RESEARCH, MONITORING AND DOCUMENTATION PROGRAM	1 Program Assistant	-
		1 Legal Intern	-
4.	CHILD RIGHTS PROGRAM	1 Program Officer	1 Program Officer
		1 Legal Intern	-
5.	LEGAL AID PROGRAM	1 Senior Program (Legal Officer)	-

		1 Legal (Project) Officer	1 Legal Officer
		1 Counselling Psychologist (Project Officer)	-
		3 Legal Interns	2 Legal Interns
		1 Court Clerk	1 Court Clerk
		1 Receptionist	1 Receptionist
		1 Driver	1 Driver
6.	FINANCE DEPARTMENT	1 Finance Officer	3 Finance Consultants
		1 Finance Assistant	
		1 Finance Intern	
		2 Finance Consultants	
	TOTAL WORK FORCE	22	13
	DIFFERENCE		9

5.2. *Contributory Factors to Successful Implementation*

Despite the challenges, the CRADLE has continued to provide services, albeit on a reduced scale. Initially the CRADLE responded to the delay in funding by borrowing from other donors. This proved to be a dangerous strategy as not only did it land them in debt and cost them a donor, the CRADLE is still claiming monies owed to them by UNICEF since 2004. What is more since the CRADLE has been unable to meet UNICEF's funding requirements, they do not have an agreement with them and are operating on a "**spend and claim**" basis, which is extremely risky. Their response has been to borrow not only from other donors but also to expend a reserve fund that the Trust had set up. They are now re-strategising and have cutback considerably. These cutbacks have affected both their geographic and programmatic capacity. The CRADLE now no longer offers psychosocial support and is focusing on public interest litigation in the provision of its legal aid services. Finally the CRADLE cites the commitment of their staff, trustees and board members as well as members of their Technical Committee who have rendered their expertise for services at a reduced rate as contributory factors to the CRADLE's continued ability to provide services.

5.3. *Relations with Other Sida/UNICEF Funded CSOs*

The CRADLE note that they interacted "**more closely with Sida**" than they have with UNICEF. They characterise their interactions with UNICEF as "**financial rather than technical**;" and are of the opinion that "**UNICEF's area of comparative advantage is technical support not financial management**." Furthermore they were of the opinion that there is need for UNICEF to designate a staff member whose task it would be to specifically support the CSO partners. They noted that that UNICEF had hired a protection officer to do so however "**she was being given a lot of other child protection duties – and wasn't available**." CRADLE was of the opinion that the partnership with UNICEF has not led to a more cohesive and integrated program between the three CSOs formerly directly funded by Sida. They note that some of the networking activities in which they were meant to be the lead agency such as the Juvenile Justice Network have been affected by their lack of financial support. They characterise the current relationship between the three CSOs as "**competitive**."

5.4 *Institutional Capacity*

CRADLE characterised their institutional capacity as having been "**destroyed**" by their partnership with UNICEF. This was premised on the fact that they have lost 9 staff members, and are no longer offering certain services such as psychosocial support. They

also are no longer providing services in Suba – one of the geographic areas in which they were providing OVC support. This was one of the programs that was previously funded by Sida, that UNICEF was not willing to support. As a consequence they state the **“partnership with UNICEF has taken us back five years and [they] have reduced [their] budget by Kshs. 20,000,000/- (Kshs. Twenty Million).”**

Despite the fact that the CRADLE's programs are shrinking, the partnership with UNICEF and Sida has built their capacity in an unexpected way. The CRADLE is providing support to Sida in providing technical support to their initiatives to provide HRAP training to other institutions. UNICEF itself has drawn on the expertise of one of its board members to undertake an evaluation of its “Learning Districts Approach.” In addition through the UNICEF partnership, the CRADLE participated in the UN Study on Violence Against Children. Thus the challenge appears to lie not in strengthening the CRADLE's technical capacity but rather their administrative capacity.

5.5. *Capacity for Financial Accountability*

The area in which the CRADLE seems to have most suffered a loss in its capacity is with respect to its capacity for financial accountability. Not only did the CRADLE lose monies in the first year of its partnership with UNICEF, it is yet to recover those monies. Furthermore the fact that it was in debt precipitated a loss in its qualified finance staff, the very people the organisation required to respond to its crisis casting it into a spiral whereby it now did not have the administrative capacity to qualify for UNICEF's funding requirements. As noted above, currently the CRADLE has no permanent and full time financial administration staff and is dependent on three consultants. On the question of capacity for financial accountability the CRADLE observed that **“the capacity that has been built is the ability to do things in a UNICEF way.”** UNICEF's systems, they observed, were **“more expensive”** and resulted in **“higher overheads.”** This they attribute to the fact that **“the amount of time it takes to account has a direct proportion to what you pay for the service;”** noting that **“it takes longer to account to UNICEF than [their] other partners.**

The situation is compounded by delays experienced. Whereas with Sida it took an average of 19 days for funds to be disbursed, with UNICEF the average was 95 days. Furthermore they observed that in Sida's case where the delay was due to their own internal bureaucracy, **“they'd give you a letter explaining so.”** The same does not hold for UNICEF. All these factors have precipitated a credibility crisis for the institution.

5.6 Comparative Analysis of Disbursement to CRADLE

(a) UNICEF

Request No.	Date requested	Date received	Days taken	Amount requested	Amount sent Kshs	Difference Kshs
1	10 May 2004	7 Sept 2004	120	536,434	536,434	
2	23 Sep 2004	6 Oct 2004	13	536,434	536,434	
3	14 Oct 2004	3 Nov 2004	20	715,245	715,245	

4	12 Oct 2005	25 May 2006	225	1,897,674	1,369,396	528,278
5	18 Jan 2006	3 Apr 2006	75	3,104,657	3,612,084	-507,427
6	5 April 2006	28 July 2006	114	2,617,098	2,422,741	194,357

Average=95 days

(b) SIDA

	Date requested	Date received	Days taken	Amount requested	Amount sent Kshs	Difference Kshs
1	29 May 2001	10 June 2001	12	3,610,000	3,610,000	
2	9 Dec 2001	22 Dec 2001	23	3,375,500	3,375,500	
3	18 Jun 2003	9 Jul 2003	23	12,000,000	11,687,000	313,000

Average= 19 days

Given the fact that the CRADLE is an organisation that is engaged in direct delivery of services, its financial crisis has also resulted in a net loss of services to children. The CRADLE provided psychosocial support to 400 children a year, for example, they will no longer be providing any such support as one of the cutbacks was to let go of their Counsellor on 30th April 2006. As they observed:

The challenge that we face is that Sida has been our main donor. We are in direct service provision, we can't tell children "wait to be raped in December when the money is here!"

In respect of their capacity for liquidation of funds, the CRADLE observed that there is need to distinguish between CSOs and Government. The **"lack of ability to 'liquidate'"** they observe is **"a problem of large bureaucracies not small institutions like CSOs."** They noted that the number of procedures one has to undertake in a large bureaucracy in order to spend money are longer and far exceed those in a smaller institution.

They were also of the opinion that **"UNICEF liquidation procedures are too stringent"** and thought **"that a recommendation should be made to the UNICEF Comptroller."** The systems they observed, **"work for UNICEF because it's a large institution; its very expensive for a small institution."** They cited the following example:

We submitted our budget and work plan for 2006 in October 2005. In February 2006 the UNICEF program officer told us she had lost it. So we re-sent it immediately. In May 2006 she complained about the size of the budget. We had tried to claim for the money spent in 2004 and 2005 but were told that UNICEF does not work like that. So we were told to submit a budget for 2006 and keep re-claiming for 2004 and 2005. All our communications were oral.

Lack of formal communication from UNICEF and the fact that they were not familiar with UNICEF's systems also contributed to delays. They asserted that they **"often don't get**

information about what is happening and have to ask one of the other partner CSOs.” The fact that they also do not have a written contract with UNICEF has contributed to an operational climate that is characterised by uncertainty and mistrust.

5.7 GoK Partnership and Impact on Policy

Whilst the CRADLE say they are not working with new GoK partners as a consequence of the UNICEF partnership, they do say that their relationships with the Government have **“been deepened”** as a result of the partnership. UNICEF and Sida both have provided fora through which the CRADLE could provide technical support to the GoK and other CSOs especially in the area of Human Rights Based Approaches as well as preventing violence against children, through for example the “Stop Violence Against Children Campaign”. On the international front, UNICEF facilitated CRADLE’s participation in the UN Study on Violence Against Children and their attendance at various children’s rights fora within the region. The CRADLE has influenced policy and law in the following areas:

- The Sexual Offences Act 2006, which is an outcome of an initiative of the CRADLE. The Sexual Offences Act has several child friendly provisions including the recognition of the status of “vulnerable” witnesses, who may be declared so on the basis of their age and harsher punishments statutory minimum sentences for the rape of minors. The CRADLE was one of the two institutional hosts of the committee that provided technical support to Honourable Njoki Ndungu, who moved the bill.
- Increased media and public awareness about child sexual abuse. The CRADLE provided technical support to CSOs participating in the campaign for the enactment of the Sexual Offences Bill and in doing so provided statistical data and information about the impact of child sexual abuse. The CRADLE also mobilised public demonstrations in support of the Sexual Offences Bill and was key to focusing public attention on Parliament to bring about this legislation.
- Public interest litigation: the CRADLE has instigated public interest litigation in various areas of law that have implications for children’s rights – including challenging the Children Act on the grounds that it discriminates against children born outside of wedlock.
- The CRADLE has been key initiating legislation on trafficking in persons
- Review of the Children’s Act

CRADLE did raise a concern that as a consequence of the UNICEF/GoK agreement, the GoK has the authority to approve purchases made by UNICEF on CRADLE’s behalf. This is a loss in CRADLE’s autonomy.

5.8 Conclusion

The transition from direct to indirect funding has been extremely challenging for the CRADLE. Whilst the challenges encountered by the institution may have been precipitated by the initial delays in disbursement of funding by Sida to UNICEF and the subsequent inability to recover monies borrowed to tide the institution over that period there are also internal factors that appear to have rendered the CRADLE particularly vulnerable. In moving forward therefore, there is need to not only address the issue of any outstanding monies owed to the CRADLE but also the issues of its financial systems and governance structures which are weak. These concerns can only be addressed through a deliberate and targeted formal capacity building intervention that would require in the immediate the

placement within CRADLE of a competent financial officer familiar with UNICEF's financial systems.

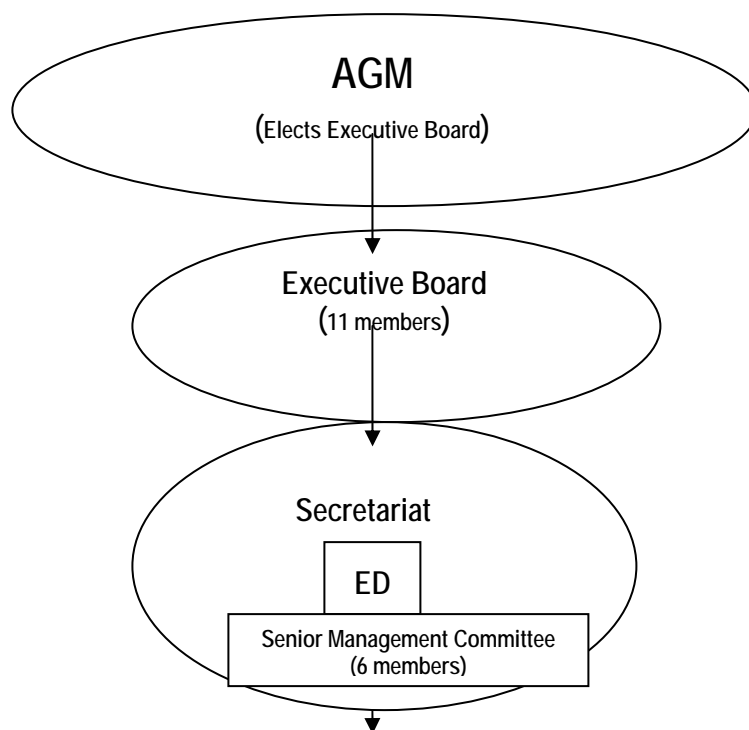
6. KAACR

KAACR is the oldest of the three CSO partners and the only one registered under the NGO Coordination Act. It is also an umbrella institution and has a stronger grassroots presence than both CLAN and the CRADLE. KAACR had enjoyed a long standing relationship with UNICEF prior to Sida's decision to channel funding through them. KAACR had also negotiated an agreement with Sida on the basis of a proposal that was based on its ten year strategic fund, at the time that Sida entered into its agreement with UNICEF. KAACR however noted that they found that they had to negotiate a new with UNICEF and that several of the activities that had been previously funded by Sida were not compatible with UNICEF's CPAP and so were not funded. Consequentially KAACR too has neither grown programmatically nor geographically as a consequence of its partnership with UNICEF. In fact there are several programmatic and geographical areas that it was operating in that it no longer does so.

6.1. *Governance and Administrative Structure*

KAACR is the only one of the three CSOs that has an elective governance structure. Ultimately authority vests in the Annual General Members Assembly which elects the Executive Board, which consists of eleven (11) members. The task of the Executive Board is to provide guidance and direction. The organisation has a Secretariat which is headed by the Executive Director who is supported by a Senior Management Committee whose membership consists of six (6) staff members.

KAACR's Governance and Administrative Structure



Currently KAACR has nine (9) program staff all of whom are involved in implementing Sida funded activities since Sida funds all programs. The organisation has two (2) accounting staff. The finance manager is a graduate holding a BCom and is CPA level 6. The financial assistant is also a BCom and CPA level 3. Accounts staff does not handle program matters they however interact with program staff at the level of budgeting and monitoring.

6.2. *Contributory Factors to Successful Implementation*

The fact that KAACR is an older institution and therefore had more financial resources was a contributory factor in its ability to deal with the delay in funding in the first year of funding from UNICEF. Therefore unlike the CRADLE and CLAN, KAACR did not run into debt but they were unable to continue operating on the previous scale and lost staff – although they have subsequently replace them, they have also had to retrain their new staff. An additional factor in KAACR's successful implementation of activities has been the fact that they had worked with UNICEF before and had some knowledge of UNICEF's systems and procedures as well as personal contacts within UNICEF. KAACR also relied on its committed staff and board members as well as national membership to tide it through and enable implementation of activities.

6.3. *Relations to Other Sida/UNICEF Funded CSOs*

KAACR's networking with CLAN and Cradle has not been enhanced as a consequence of the partnership with UNICEF. They observed that they “**interact more in the network that is facilitated through the Royal Netherlands Embassy (RNE)**”. One of the factors that enables the RNE interaction is the fact that there is “**a specific vote for networking**

under that grant.” They observe that when they do work together with the CLAN and CRADLE, it’s because they **“have a common interest.”**

6.4. *Institutional Capacity*

KAACR’s describe their institutional capacity as having been **“destroyed”** by the partnership with UNICEF. Although they **“interact”** more with UNICEF staff than they did with Sida, the value of these interactions are questionable. The basis of interactions with UNICEF is financial administration they observe that:

We spend about 70% of our time and resources accounting back to UNICEF instead of implementing programs e.g. you make a return to UNICEF in May and they do not get back to you until July or August about that return and its one receipt that they don’t accept and they send the whole file to KAACR to remove that receipt. Then it takes another three weeks for it to get to the UNICEF finance office and you receive the reimbursement in another three months. It takes six months to get the reimbursement and we are probably talking about Kshs. 400,000/-. It’s a very long and slow process.

As a result of their lack of funds they lost their staff and credibility. They note that this was a loss not just to themselves but the entire children’s rights sector as these staff were experts who had built training over years and are no longer working in the children’s rights sector. During the period of 2004-2006 they have lost four staff (two program officers and two finance officers).

Furthermore, they observe that that the UNICEF makes program decisions without consulting them. UNICEF’s systems they observe are more suited to working with Government and they perceive themselves as **“an addendum to the Sida/UNICEF agreement.”** Whilst UNICEF observes that this concern is a familiar one and that the partners have spoken about it several times, there is the question of identity and whether or not as a consequence of the partnership institutions feel a loss of identity. Further is this loss of identity in the overall interests of the program and ultimately children’s rights? Is there a tension between HRAP and in particular the principles of ownership and sustainability and the loss of identity?

6.5. *Capacity for Financial Accountability*

KAACR has graduate finance staff. They however have only received what they term as **“mini proposals”** from UNICEF, i.e. they are currently on quarterly agreements with UNICEF which do not lend themselves well to some of the activities that they are engaged in. They were of the opinion that **“a recommendation should definitely be made to the UNICEF Comptroller that the regulations should be modified if UNICEF is to support NGOs.”** To illustrate the challenges posed by UNICEF’s tranche system they gave the following example:

The three month contracts do not work for small programs. We were to host a national workshop for children on the CRC, it cost Kshs 900,000/- and imagine it was paid to us in three tranches. Were we supposed to have the children come and go back and then conduct other activities and account to UNICEF? As we talk we only received the 30% in May 2006. In addition we’ve not been refunded for the October 2005 – February 2006 quarter.

KAACR also has agreements with more than one department in UNICEF, they are in an agreement with both the Child Protection and SPM&E departments. They have therefore had the experience of having their monies blocked because an activity with one department is not yet complete whilst another contract is running concurrently and therefore the UNICEF financial system shows them as owing money to UNICEF. On average, UNICEF takes longer to disburse money to KAACR than Sida did: UNICEF takes an average of 130 days as compared to Sida's 20 day average.

6.6 Comparative Analysis of Disbursements to KAACR

(a) UNICEF

Request No.	Date requested	Date received	Days taken	Amount requested	Amount sent Kshs	Difference Kshs
1	April 2004	2 Sept. 2004	125	4,188,743	1,294,831	2,893,912
2	Feb 2005	12 Apr 2005	42	3,424,797	3,424,797	
3	4 Aug 2005	12 Oct 2005	69	3,316,679	3,316,679	
4	1 Dec 2005	6 Mar 2006	96	880,500	880,500	
5	13 Oct 2005	Aug 2006	321	1,431,500	838,717	592,783

Average = 130 days

(b) SIDA

Request No.	Date requested	Date received	Days taken	Amount requested	Amount sent Kshs	Difference Kshs
1	14 Aug 2000	7 Sep 2000	24	801,600	801,600	
2	30 May 2001	18 June 2001	19	3,425,000	3,425,000	
3	10 Feb 2002	25 Feb 2002	15	7,500,000	7,500,000	
4	26 Feb 2003	21 Mar 2003	23	17,640,000	17,067,000	573,000

Average = 20 days

6.7. GoK Partnership and Impact on Policy

KAACR report that their "interactions with Government have been enhanced" through their partnership with UNICEF. In particular UNICEF's SPM&E Department has facilitated partnerships between KAACR and the NCCS, Civil Registration and the Ministry of Planning. KAACR had never worked with the Ministry of Planning before and now intend exploiting that interaction in order to meet with District Development Officers (DDOs). Areas in which KAACR is influencing policy and law include:

- Kenya has made a second periodic report on the CRC, leadership was taken in this area by KAACR which have a long history of working on monitoring the CRC and were actually responsible for advocating for the first country report to be made.

- KAACR also coordinated, prepared and organised the submission of an NGO complimentary report. This report was reviewed by the Committee on 2nd October 2006. KAACR ensured that there were two children's representatives who attended the Committee's session.
- The institutionalisation of the dissemination of the budget report nationwide and its analysis by citizens to see what it has for children. This emerged out of a process in which KAACR worked with the Institute for Economic Affairs (IEA) whereby KAACR's Child Poverty Committee focused on monitoring the budget.
- The review of the Birth and Death Registration Act; the HIV/AIDS Bill, the Child Labour Policy, review of the Children's Act (all due to the work of KAACR's Legal and Policy Committee which partners with the relevant parliamentary committees and line ministries.
- The review of the Children's Act.

7. Conclusion and Recommendations

The transition from direct to indirect funding has had a differential impact on the three CSOs. Both internal and external factors appear to have contributed to the impact of the transition. Whilst the CLAN has no objection to continuing with UNICEF as an FMA, but recommend some streamlining in respect of addressing delays in disbursement, KAACR and CRADLE are of the opinion that UNICEF's comparative advantage lies in the area of technical support, not financial management. UNICEF for its part envisions a Kenya in which the partnership between the three CSOs and the Kenyan state is such that legal aid, amongst other services for children, is provided by the CSOs and subsidized by the Kenyan Government. Currently the Kenyan Government currently does not provide legal aid save to persons charged with capital offences. All three CSOs had deepened their interactions with the GoK enabling them to enter into new areas of support – for example the CRADLE is now providing HRAP training. These sentiments notwithstanding, certain factors were observable as having contributed to successful implementation where it occurred. In particular:

- Both KAACR and CLAN have stronger institutional governance structures than the CRADLE – this appears to have been a contributory factor in their capacity to cope with the crisis that occurred when there was a delay in receipt of the monies from Sida in the first year of the Sida/UNICEF agreement. In essence, in a time of crisis where the KAACR chief executive officer had at least eleven (11) people to call on for support and the CLAN's six (6), the CRADLE's CEO had two (2).
- A clear and formalized agreement as to the roles, responsibilities and obligations of all parties. Both KAACR and CLAN have had written agreements with UNICEF; whereas the CRADLE has only ever had one for the first payment from UNICEF's regular resources – that was intended as a stop gap measure.
- Knowledge and understanding of UNICEF's systems and procedures – including personal contacts and previous experience of working with UNICEF. KAACR cited their previous experiences with UNICEF as a factor in successful implementation – as they had some previous knowledge – albeit limited of UNICEF's systems as well as contacts who they "**could call on**" to find out what was happening with respect to their contracts. Whilst CLAN did report more intensified interactions with UNICEF's staff than the CRADLE who had less interactions with UNICEF's staff than had been the case with Sida.

There were also certain common constraints

- Ignorance of UNICEF's systems and financial procedures in the first year as well as the absence of a formalized and structured approach towards capacity building – contributed to the creation of an environment of uncertainty.
- Lack of a mutually agreed long term agreement framework with clear targets for the institutions has also exacerbated the climate of uncertainty.
- Conflict between some of Sida and UNICEF's administrative and financial procedures that have considerable implications for partner institutions – for example the fact that Sida funded up to at least 70% of the administrative costs of all three organizations whilst UNICEF funds only up to 20% of the same needed to be taken into consideration in the transition period and a cushion put in place for the institutions that would have equipped them for the transition.
- Short term agreements and the spend and claim systems that do not lend themselves well to certain types of activities such as legal aid – whereby the primary contribution from donors occurs by virtue of payment of salaries of skilled staff.

The following recommendations are made in light of the above success factors and constraints:

- That UNICEF develop a structured and formalized approach towards capacity building. This should include capacity needs assessments of partner institutions as well as milestones and targets. The capacity building should address the issue of corporate governance and the roles that boards play.
- There be formalized agreements between UNICEF and the CSOs and that they occur on at minimum annual basis.
- There is need for a specific intervention in respect of the CRADLE, which is currently operating in crisis. Such intervention would include would entail the placing of a competent financial officer within the institution, who is conversant with UNICEF's financial procedures. This should be accompanied by the institution of a capacity building processes that specifically addresses the CRADLE's financial systems and would entail creating mutually agreed targets that would enable the CRADLE to build its financial capacity.
- Collective planning that would allow the three organizations to identify areas of convergence and potential collaboration.
- UNICEF designate a specific officer to act as a liaison between itself and the CSO partners.

ANNEXURE III: LIST OF DOCUMENTS CONSULTED

(TO BE INSERTED)

ANNEXURE IV: LIST OF PERSONS INTERVIEWED

(TO BE INSERTED)

ANNEXURE V: EVALUATION INSTRUMENTS**A. QUESTIONNAIRE FOR IMPLEMENTING PARTNERS**

NAME OF INTERVIEWEE: _____

DESIGNATION OF INTERVIEWEE: _____

INSTITUTION: _____

DATE: _____

PLACE OF INTERVIEW: _____

NAME OF INTERVIEWER: _____

PROGRAMME COMPONENT/PROJECT _____

South Consulting has been contracted to evaluate the Sida-funded components of the UNICEF Country programme, and we have been informed by UNICEF that your institution/department is an implementing partner, and/or has participated in the implementation of the programme. We would greatly appreciate your assistance in providing us with the information requested in this questionnaire. The programmes referred to in this questionnaire are only the ones your institution/department is implementing or has implemented that are funded or supported by UNICEF, and specifically between 2004 to-date.

I. IMPLEMENTATION.

1. Are you implementing or have you implemented any activities under the UNICEF Country programme?
(1) Yes (2) No
2. Are you aware of the SIDA-funded components of the UNICEF Country programme?
(1) Yes (2) No

[If answered 'yes' to Q.1 above]:

3. What is the overall objective of the programme?

4. How was the programme formulated?

5. (a) Did you participate in the formulation of the programme?
(1) Yes (2) No

(b) If answer to Q 5 (a) is yes, at what stage of the programme's period did you participate?

6. Please describe specific activities that are being implemented by your department/institution. (The nature and no of activities) *(Cross check against component's work plan)*

7. (a) Which activities have not been implemented?

(b) If some activities which were planned for between 2004 -2006 have not been implemented, what were the reasons for this (per activity)? (Probe for detail, internal issues, external factors, etc.)

8. What were the contributing factors to successful implementation? (internal and external) List top 3:

9. What are the main challenges/constraints faced during the implementation of the activities? List top 5.

10. How, if at all, have the challenges/constraints been addressed? (use same order as in Q9)

11. What recommendations can you make regarding future implementation based on your experience in the UNICEF-funded programmes?

II. TRAINING

12. Have you or your organisation/institution received any training in the programme?
 (1) Yes (2) No (3) Don't Know

13. If answer to Q. 12 is yes what was the focus of the training and how has it been utilized?

Training Focus	Provider	How utilized

14. What challenges and /or constraints were faced with regard to the training?

15. What recommendations would you make about future training under the programme?

III. EFFECTIVENESS

16. Why are you implementing the activities (role and motivation) in the programme?

17. What have been the results achieved so far. *(Please emphasise on distinction between activities and results)*

18. (a) Were any of these results not foreseen or surprises?
(1) Yes (2) No

(b) If answer to Q. 18(a) is yes, which ones and why did they occur?

19. How are you able to assess the achievement of these results?

20. (a) Are you aware of the human rights-based approach programming ?
(1) Yes (2) No(3) Don't Know

(b) If answer to Q. 20(a) is yes, how have you used it in the programme?

21. (a) Did children participate in the implementation of activities?
(1) Yes (2) No(3) Not Relevant

(b) If answer to Q. 21(a) is yes, how and what was the effect?

22. (a) Did the communities participate in implementation of activities?
(1) Yes (2) No(3) Not Relevant

(b) If answer to Q. 22(a) is yes, how and what was the effect?

IV. IMPACT

23. Who are the main target group or beneficiaries of the programme?

24. How many of the targeted groups or beneficiaries are-*(Ask for and cross check with relevant documents)*

1. Male? _____

2. Female? _____

25. How were programme beneficiaries chosen?

26. (a) Were both sexes (males and females) involved in programme planning?
 (1) Yes (2) No

(b) If answer to Q. 26(a) is yes, how and at what stage?

27. Is data for the programme gender disaggregated?
 (1) Yes (2) No

(If answer is yes, ask for and cross check with relevant documents)

28. (a) How is the implementation of activities impacting on the target group/beneficiaries?

(1) At individual level

(2) At project level

(3) At District level

(4) At National Level

(b) If activities are not impacting on the target groups / beneficiaries, why not?

29. How are children benefiting from the programme at all the levels mentioned above?

30. How many more children are you reaching as a consequence of the programme?

31. What mechanisms do you have in place for ensuring that both boys and girls benefit from the programme?

32. What impact has the programme had on any national policies/laws that are child friendly?

33. What recommendations would you make to achieve greater impact under the programme?

V. NETWORKING AND SOCIAL MOBILIZATION

34. (a) Has the UNICEF programme assisted you with enhanced interactions and networking?
(1) Yes (2) No

(b) If answer to Q. 34(a) is yes how and at what levels? (give specific examples)

(C) If answer to Q. 34(a) is no, why not?

35. Are you implementing activities in the programme in collaboration with any other institution /department? If so give details.

36. Has the programme enabled you implement activities in collaboration with any other institution/department?

(a) Have you engaged in any advocacy initiatives as a result of the programme?
(1) Yes (2) No

(b) If answer to Q 37 (a) is yes, what has been the outcome?

c) If answer to Q. 37(a) is no, why not?

37. (a) Do you think the programme has contributed to the ability of communities to claim their own rights?
(1) Yes (2) No

(b) If answer to Q. 38 (a) is yes please explain.

38. (a) In your opinion do the children/community identify with the programme as their own programme?

(1) Yes (2) No

(b) Please explain your answer to Q 39 (a)

39. How have the community/children contributed to the impacts of the programme?

VI. INSTITUTIONAL ARRANGEMENTS

40. What responsibility/ies does UNICEF have in relation to the programme?

41. Has UNICEF been able to undertake its required tasks? Please explain.

42. (a) Do you have adequate staff to implement the programme

(1) Yes (2) No

(b) Please explain your answer to Q. 43(a)

43. (a) Do your staff have the required skills to implement the programme

(1) Yes (2) No

(b) Please explain your answer to Q. 44(a)

44. How has UNICEF provided technical assistance during the implementation of the programme?

45. In what ways has your department/institution benefited from participating in the UNICEF programme?

46. What are the benefits of the current arrangements with UNICEF?

47. What are the weaknesses of the current arrangements with UNICEF?

VII. FINANCIAL INFORMATION AND FUNDING MODALITIES

48. (a) What is/was the basis and process of planning for the budget?

49. Please provide the following financial information on the programme from 2004 :

Financial Year	Planned /Budgeted Amount	Received Amount	Expended amount	Remarks on Timeliness
2004				
2005				
2006				

50. (a) Were supplies and equipment received according to plan?
(1) Yes (2) No

(b) If answer to Q 51(a) is no, what were the reasons?

51. Have you been trained on financial procedures by UNICEF?
(1) Yes (2) No

52. What assistance in financial management has your institution/department received from UNICEF?

53. (a) Are you able to apply the financial procedures?
(1) Yes (2) No
(b) What are the difficulties faced?

54. (a) Do the financial procedures conflict with your internal financial procedures?
(1) Yes (2) No

(b) Please explain your answer to Q. 55 (a)

55. How often are financial returns submitted to UNICEF?

56. (a) Does UNICEF give feedback on the financial returns?
(1) Yes (2) No
(b) If answer to Q. 62(a) is yes, after how long? (approximate)

57. Do the UNICEF financial staff visit your offices for financial monitoring

58. Do you operate a separate bank account for the UNICEF funds?

59. What are the strengths of the current funding modalities?

60. What are the weaknesses of the current funding modalities?

61. What suggestions can you make to improve the funding modalities?

THANK YOU.

B. CHECKLISTS OF ISSUES FOR FOCUS GROUP DISCUSSIONS (FGD)

(i) Community and Beneficiaries FGD

1. Programme Results

Area of Inquiry	Indicators
1.1. State of Implementation	<ul style="list-style-type: none"> o Awareness of UNICEF programme o Participation in the programme's planning, implementation and budgeting o What activities have been implemented - no, places, levels o Effects of implementation- in the community, to children, at what levels, gender differentials o Reasons that contributed to successful implementation. o What needs to be changed/ improved?
1.2. Effectiveness of Implementation	<ul style="list-style-type: none"> o Awareness of human rights approach o Whether human rights approach applied in the programme, if so how? If not, reasons. o Did children participate in the programme, if yes, how and at what levels? What were the effects? o Did communities participate in the programme and how? What were the effects? o Do communities identify with the programme? o Were gender issues addressed in the programme? How? o What is the motivation for participation? o Which children's rights promoted, how? o Any other rights which have been promoted?
1.3. Obstacles & opportunities	<ul style="list-style-type: none"> o What are some of the current obstacles to implementation? o Are there some opportunities / untapped potentials of the programme?

Impact

Area of Inquiry	Indicators
2.1. Changes to children rights, policies and practices, democratic space, CSO's and communities capacity	<ul style="list-style-type: none"> o Positive and negative impacts of the programme o How, evidence/examples, numbers and places o At what levels? o What contributed to impact? o Recommendations
2.2 Mobilization	<ul style="list-style-type: none"> o What new knowledge and skills learnt as a result of the programme. o How have new knowledge/skills been applied? o Constraints faced.

	o Recommendations
--	-------------------

(ii) UNICEF FGD

Area of Inquiry	Indicators
1.1. UNICEF's Role	<ul style="list-style-type: none"> o What do you consider to be UNICEF's mandate/responsibilities in respect of the Sida funded components of the UNICEF/GOK programme? o What are the constraints/challenges faced in carrying out the mandate? o What changes would you recommend in UNICEF's role for future programmes?
1.2. Programme/Work-plan Formulation and Implementation	<ul style="list-style-type: none"> o How and when programme formulation done? o Who participated in the formulation of the programmes? o When did programme implementation actually start? o How do you apply HRAP in the programmes? o What are the constraints faced in applying HRAP and programme implementation. o What is the most important unintended consequence of the programme (both negative and positive)? o Recommendations.
1.3. Budget Preparation and Disbursement of funds	<ul style="list-style-type: none"> o How were budgets arrived at? o When were funds requested from Sida? o When were funds received from Sida? o When were funds disbursed to implementing partners? o Procedures of Approval, Disbursement, Reimbursement to implementing partners. o Constraints faced o Recommendations
1.4. CSO Relationships	<ul style="list-style-type: none"> o Current status with regard to agreements with CSO's o What are benefits of partnering with CSOs o What are the challenges of partnering with CSOs o Recommendations
1.5. Communication and Coordination	<ul style="list-style-type: none"> o What mechanisms are in place internally for communicating and coordinating at an intra-programme level o How do you communicate and coordinate activities with implementing partners. o Who is responsible for coordination of Sida/UNICEF programme (both at national and district levels) o Constraints faced?

	<ul style="list-style-type: none"> o Recommendations?
1.6 M&E	<ul style="list-style-type: none"> o How do you assess progress? o How do you assess results? o Is there an M&E framework? o How is M&E carried out? o Are implementing partners trained in M&E/RBM? o Constraints? o Recommendations?

(iii) Sida FGD

Area of Inquiry	Indicators
1.1. Programme Management	<ul style="list-style-type: none"> o What difference has the entry of UNICEF made? o Is the Programme achieving what it was meant to achieve? Has it been altered in any way since its inception? o How often does UNICEF provide programme updates? o What challenges do you face in getting information about the programme from UNICEF? o Who is responsible for the Sida-funded components of the UNICEF programme- at Sida and UNICEF? o Any savings made? o Any losses made? o What is the most important unintended consequence of the programme (both negative and positive)? o Recommendations
1.2. CSO Relationships	<ul style="list-style-type: none"> o What do you consider to be the main changes in relationship with CSOs o Comments in terms of past experience with CSOs <i>vis-a-vis</i> present relationship o Current status with regard to agreements with CSOs o Any review meetings held with CSOs o Constraints, challenges faced with CSOs o Recommendations
1.3. Disbursement of funds	<ul style="list-style-type: none"> o When request made by UNICEF? o When were funds disbursed? o Procedures of Approval and Disbursement. o Constraints faced o Recommendations
1.4 M&E	<ul style="list-style-type: none"> o How is M&E carried out? o How often are programme meetings held with UNICEF? o Constraints o Recommendations

ANNEXURE VI: KEY EVALUATION QUESTIONS

The key customer of this evaluation are Sida management with Government of Kenya and UNICEF as secondary customers. The core issue to address is to ask whether the partnership between Sida and UNICEF is valuable enough to continue the relationship, terminate the relationship, or continue the relationship with modifications.

In order to do this the evaluators will focus on answering the following key evaluation questions:

1. Bearing in mind that this is a mid point evaluation in the course of the 2004-08 country programme to what extent are the results planned for achievement by the end of 2008 likely to be achieved as described in the UNDAF and Country Programme Action Plan results matrix? What key results is the programme now working towards that have emerged as important result areas that are not described in these two results matrixes. Make recommendations with respect to the extent to which these new results should be introduced into the revised results matrixes that will be an output of the overall mid-programme review.
2. In answering this question evaluators are asked to the extent possible to categorise results into:
 - a. Institutional results especially related to building institutional capacity especially with regards to a human rights based approach to programming
 - b. Outputs for children nationwide
 - c. Outputs for children at district level in districts in which the programme is active
 - d. Outputs for children at community level in specific communities where the programme is active
3. What kind of social mobilization activities have taken place around children's rights and what is planned in the last two years of the 2004-08 programme
4. To what extent has the programme been able to contribute to existing or to promote new networks around child protection issues and particularly to strengthen cooperation between civil society organisations and government institutions.
5. To what extent do government officials and civil society representatives associated with the programme understand the concept of duty bearer and claim holders and are aware of their own duties and responsibilities with respect to working towards the realization of children's rights
6. To what extent has the programme managed to open up democratic space that enables claim holders to interact with duty bearers in the realization of their rights? Within the confines of resource constraints what more could be done to help claim holders realize their rights paying particular attention here to the proposed use of Sida funds over the next few years as articulated in proposal that forms one of the key background documents for this evaluation?

The following questions are specific questions that focus on the three civil society organisations that were previously managed by Sida and who, from the start date of the MoU between Sida and UNICEF, were from there on managed by UNICEF

1. To what extent has the strategy of channeling programme support for CRADLE, CLAN and KAACR civil society organisations through UNICEF helped to lift the burden of direct programme management off the backs of Sida staff. Have the three organisations that used, in the past, to be managed directly by Sida enjoyed a more intensive interaction with UNICEF staff than was the case previously the case with Sida staff. Has this interaction led to a more cohesive integrated programme between the three agencies and has the interaction with UNICEF staff resulted in greater value in delivering results for children than was the case when the programmes were directly managed by Sida staff?
2. To what extent has the programme managed to build institutional capacity of the three organisations? Has capacity been built within the civil society organisations for improved accountability and liquidation of use of funds? Are UNICEF regulations with regard to liquidation of funds unreasonably stringent to the extent that a recommendation can be made to UNICEFs Comptroller that regulations should be modified?
3. How have the internal funds management controls varied between the three organisations and to what extent has capacity building by the UNICEF programme varied between the three organisations.
4. To what extent has UNICEF facilitated networking between Government Institutions and Civil Society Organisations.

2.1.1 Evaluation outputs

A powerpoint presentation and associated report (no longer than 20 pages) focusing on the evaluation questions detailed elsewhere in this TOR. A final report to be delivered one month after a debriefing meeting and taking cognizance of remarks made by the steering committee for the evaluation at the time of the debriefing meeting. To the extent possible the report will be guided by the UNICEF evaluation standards that form an annex to these evaluation terms of reference.

The final report will be a formal and tabled input into the mid-term review of the 2004-08 country programme action plan.