

UNIT 7: PERTINENT CONTEMPORARY ISSUES (PCI) IN EDUCATION

Introduction.

- ▶ This unit covers— PCI in education. These are pressing challenges that are facing the education sector. Hence it is important that we understand how these challenges can be addressed in our education institutions. In this unit we will discuss four major issues, namely, gender, HIV/AIDS, Alcohol and Drug Abuse (ADA), environmental issues and the effects of COVID19 in the education sector then conclude by how they can be mainstreamed in the education sector.

Gender issues

Gender terminology

- **Gender:** Refers to the socially constructed roles, responsibilities, and expectations of males and females in a given culture or society. These roles, responsibilities, and expectations are learned from family, friends, communities, opinion leaders, religious institutions, schools, the workplace, advertising, and the media. This differential valuing creates the gender division of labour and determines differences in access to benefits and decision making which in turn influences power relations and reinforces gender roles. The term ‘gender’ is sometimes used interchangeably with the term ‘sex’. The two terms are different. Sex refers to the biological and physiological differences between males and females as determined by nature.
- **Gender equality:** Is the absence of discrimination on the basis of a person’s sex in authority, opportunities, allocation of resources or benefits and access to services. It is therefore, the equal valuing by society of both the similarities and differences between men and women, and the varying roles that they play.
- **Gender equity:** Is the process of being fair to women and men. To ensure fairness, measures must be available to compensate for historical and social disadvantages that prevent women and men from otherwise operating on a “level playing field.”

- **Women empowerment:** This refers to a process of providing women entitlements and capabilities to enable them realize their full potential as human beings. Women therefore can actively participate in public life with the goal of changing the nature of power and relationships of power.
- **Gender stereotypes:** Stereotypes are structured sets of beliefs about the personal attributes, behaviours, roles of a specific social group. Gender stereotypes are biased and often exaggerated images of women and men which are used repeatedly in everyday life.
- **Gender analysis:** This is the process of examining roles and responsibilities or any other situation in regard to women and men; boys and girls, with a view to identifying gaps, raising concern and addressing them; investigating and identifying specific needs of girls and boys, women and men for policy and programme development and implementation.

- ▶ **Sexual and Gender Based Violence (SGBV):** Sexual and Gender Based Violence is any form of action directed against someone on the basis of his/her gender or sex roles. Such action may be physical, sexual or psychological violence. SGBV violates universal human rights protected by international instruments and conventions.
- ▶ **Gender issue:** This is a point of gender inequality that is undesirable and therefore needs intervention. It results from some form of gender discrimination or oppression. A gender issue arises when there is inequality, inequity or differentiated treatment of an individual or a group of people purely on the basis of social expectations and attributes of gender. Gender issues are sometimes called gender concerns.
- ▶ **Gender mainstreaming:** Gender mainstreaming has been identified as a global strategy to promote gender equality. It is process of integrating a gender equality perspective into the development process at all stages and levels. Integration occurs when issues and interventions related to gender are introduced into a project, program or policy context as a broad component or content area, without analysis and identification of gender concerns and their implications.

- Socialization: Gender is socially constructed – through socialization
- Gender norms: beliefs about women and men, boys and girls Gender roles: what men and women can and should do in households, communities and the workplace.
- Gender relations: social relations between and among women and men.
- These factors can all lead to gender inequality when they reinforce unfair differences in power relations and opportunities.

Policy and legal framework of gender

International framework

- 2000: Millennium Development Goals (MDGs)
- 1995: Beijing Platform for Action
- 1993: United Nations Declaration on Violence Against Women
- 1989: United Nations Convention on the Rights of the Child (UNCRC)
- 1985: Nairobi Forward Looking Strategies for the advancement of women (NFLS).
- 1984: Convention on the Elimination of all forms of Discrimination against Women (CEDAW)
- 1966: International Human Rights Law
- 1948: The United Nations Universal Declaration on Human Rights (UNDHR)

Regional framework

- 1979: The African Charter on the Rights and Welfare of the African Child
- 2006: African Plan of Action on Gender Policy
- 2007: Africa Union gender policy

National framework

- 2000: National Gender and Development Policy which proposes mechanisms for the implementation, monitoring and evaluation of the Policy.
- 2006: Sessional Paper No. 2 of 2006 on Gender Equality and Development.
- 2006: Sexual Offences Act.

Sexual Offences Act.

The Sexual Offences Act (2006) makes provisions about sexual offences, their definition, prevention and the protection of all persons from harmful and unlawful sexual acts, and for connected purposes:

Rape: A person commits rape if he or she intentionally and unlawfully commits an act which causes penetration with his or her genital organs; the other person does not consent to the penetration; or the consent is obtained by force or by means of threats or intimidation of any kind and is liable upon conviction to imprisonment for a term which shall not be less than ten years but which may be enhanced to imprisonment for life.

- ▶ **Attempted rape:** Any person who attempts to unlawfully and intentionally commit an act which causes penetration with his or her genital organs is guilty of the offence of attempted rape and is liable upon conviction for imprisonment for a term which shall not be less than five years but which may be enhanced to imprisonment for life.
- ▶ **Sexual assault:** Any person who unlawfully penetrates the genital organs of another person is guilty of an offence termed sexual assault and is liable upon conviction to imprisonment for a term of not less than ten years but which may be enhanced to imprisonment for life.
- ▶ **Compelled or induced indecent acts:** A person who intentionally and unlawfully compels, induces or causes another person to engage in an indecent act is guilty of an offence and is liable upon conviction to imprisonment for a term which shall not be less than five years.
- ▶ **Defilement:** A person who attempts to commit an act which cause penetration with a child is guilty of an offence termed attempted defilement and is liable upon conviction to imprisonment for a term of not less than ten years.

- ▶ **Gang rape:** Any person who commits the offence of rape or defilement in association with others is guilty of an offence termed gang rape and is liable upon conviction to imprisonment for a term of not less fifteen years but which may be enhanced to imprisonment for life.
- ▶ **Indecent act with child or adult:** Any person who commits an indecent act with a child is guilty of the offence of committing an indecent act with a child and is liable upon conviction to imprisonment for a term of not less than ten years.
- ▶ **Promotion of sexual offences with a child:** A person who promotes sexual offences with a child is liable upon conviction to imprisonment for a term of not less than five years and where the accused person is a juristic person to a fine of not less than five hundred thousand shillings.
- ▶ **Child trafficking:** A person who engages or promotes child trafficking is liable upon conviction to imprisonment for a term of not less than ten years and where the accused person is a juristic person to a fine of not less than two million shillings

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- **Child sex tourism:** A person who promotes child sex tourism, in any manner, in order to promote conduct that would constitute a sexual offence against a child, is liable upon conviction to imprisonment for a term of not less than ten years and where the accused person is a juristic person to a fine of not less than two million shillings.
- **Child prostitution:** Any person who knowingly promotes child prostitution commits the offence of benefiting from child prostitution and is liable upon conviction to imprisonment for a term of not less than ten years.
- **Child pornography:** Any person who promotes child pornography is liable to imprisonment for a term of not less than six years or to a fine of not less than five hundred thousand shillings or to both and upon subsequent conviction, for imprisonment to a term of not less than seven years without the option of a fine.
- **Prostitution with persons with mental disabilities:** A person who promotes or benefits from prostitution of a person with disabilities shall upon conviction, be liable to imprisonment for a term of not less than ten years.

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- **Sexual harassment:** Any person, who being in a position of authority, or holding a public office, who persistently makes any sexual advances or requests which he or she knows, or has reasonable grounds to know, are unwelcome, is guilty of the offence of sexual harassment and shall be liable to imprisonment for a term of not less than three years or to a fine of not less than one hundred thousand shillings or both.

- **Sexual offences relating to position of authority, and persons in position of trust:** Whoever being the superintendent or manager of a jail, remand home or children's or any institution or any other place of custody established by or under any law takes advantage of his or her official position and induces or seduces any inmate or inhabitant of such jail or institution, remand home, place or institution to have sexual intercourse with him or her, such sexual intercourse not amounting to the offence of rape or defilement shall be guilty of a sexual offence relating to apposition of authority and shall be liable upon conviction to imprisonment for a term of not less than ten years.
- **Deliberate transmission of HIV:** Any person who knowingly infects another with HIV or any other life threatening sexually transmitted disease shall be guilty of an offence, whether or not he or she is married to that other person, and shall be liable upon conviction to imprisonment for a term of not less than fifteen years but which may be for life.

- ▶ **Administering a substance with intent:** Any person commits an offence if he intentionally administers a substance to, or causes a substance to be administered to or taken by, another person with the intention engaging in a sexual activity with the alleged victim is liable on conviction to imprisonment for a term of not less than ten years.
- ▶ **Non-disclosure of conviction of sexual offences:** A person who has been convicted of a sexual offence and who fails to disclose such conviction when applying for employment which places him or her in a position of authority or care of children or any other vulnerable person or when offering or agreeing to take care of or supervise children or any other vulnerable person is guilty of an offence and liable upon conviction to imprisonment for a term of not less than three years or to a fine of not less than fifty thousand shillings or both.
- ▶ **Offences to make false allegations:** Any person who makes false allegations against another person to the effect that the person has committed an offence under this Act is guilty of an offence and shall be liable to punishment equal to that for the offence complained of.

Gender issues in the education sector

- ▶ Equal access of girls and boys to primary and secondary education has been identified by the international community as a key measure of progress towards gender equality.
- ▶ The Kenya Government, being a signatory to major international conventions and agreements on human rights and gender equality, is expected to pursue policies that lead to the realization of this goal.
- ▶ These conventions include universal declaration of Human Rights, the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the Elimination of the Worst Forms of Child Labour, the Convention on the Rights of the Child, the Beijing Platform of Action, the Dakar World Conference on Education for
- ▶ All and the Millennium Development Goals (MDGs). Kenya has therefore committed herself to pursuing gender equality in all spheres of development and putting in place measures to redress the existing inequalities.

To achieve gender equality in the education sector, the government is pursuing the following strategies:

- Creating policies to increase access for all children and improve the quality of education.
- Improving management and the learning environment to make them more gender friendly.
- Developing modalities for open and distance learning, as well as non- formal education, to enable out of school girls access secondary education.
- Mainstreaming of boys and girls with disabilities in the national examination system.
- Devising mechanisms to enhance participation of out-of-school youth in gender equitable basic literacy and education programs.
- Making deliberate efforts to deploy female teachers to rural areas and ASALs to be role model for girls.
- Ensuring gender equality in appointment of senior officers in the education sector.
- Implementing modalities and mechanisms to facilitate survival, and enhance participation and performance of girls and women in Science, Mathematics, Technology and Technical subjects and professions

Gender mainstreaming

- ▶ Effective gender mainstreaming can occur if the following are in place:
- ▶ A clear gender policy to provide proper guidance on gender mainstreaming and best practices.
- ▶ Policy on Gender Based Violence.
- ▶ A gender focal point/officer and committee to coordinate all gender mainstreaming initiatives.
- ▶ Training to create awareness on gender mainstreaming.
- ▶ Compliance level with the 2/3 gender representation policy on appointments, employment and promotions.
- ▶ Partnerships and networking with institutions that promote gender mainstreaming.
- ▶ Research and information dissemination on gender issues.
- ▶ Sex disaggregated data – all data to be classified by sex (number of males and females).
- ▶ Resource mobilization for gender mainstreaming.
- ▶ Monitoring, evaluation and reporting on gender mainstreaming. (k).
Resource center on gender mainstreaming and support services.

- ▶ Developing and implementing clear anti-sexual harassment anti-gender- based violence policies at all levels in the Ministry of education and all educational Institutions.
- ▶ Developing modalities for the provision of sanitary materials as part of learning materials.
- ▶ Ratifying and domesticating gender-related international protocols to which the Government is signatory.

HIV/AIDS ISSUES

- HIV/AIDS terminology
 - ▶ HIV: HIV is an infection that cause AIDS, and stand for Human Immunodeficiency Virus (HIV). Like all viruses, HIV cannot grow or reproduce on its own. In order to make new copies of itself it must infect the cells of a living organism. HIV belongs to a special class of viruses called retroviruses.
 - ▶ AIDS: AIDS stands for Acquired Immune Deficiency Syndrome. A person has AIDS when the virus has damaged to the immune system to allow infections and other diseases to attack and suppress the body.
 - ▶ Transmission of HIV: HIV transmits through: injection sharing (through drug use); unprotected sex; infected blood; and mother to child (where the mother is infected) You do not get HIV from: Mosquito bites or bites from other bugs; sneezes or coughs; touching, hugging or kissing a person with HIV; the urine or sweat of an infected person; public restrooms, showers or pools, sharing towels or clothing; sharing eating utensils or drinks.

- ▶ HIV/AIDS infected person: A person who is living with the virus that causes AIDS.
- ▶ HIV/AIDS affected person: A person who is experiencing the impact of HIV/AIDS through sickness or loss of relatives, friends or colleagues or a person whose life is changed in any way by HIV/AIDS due to the broader impact of the epidemic. It includes financial burden in support of the infected person.
- ▶ HIV Screening A medical test to determine a person's sero-status
- ▶ HIV/AIDS-related stigma and discrimination: This is a sign of disgrace or shame that "significantly discredits" an individual living with HIV/AIDS in the eyes of others. Stigma, discrimination, blame and collective denial make it very difficult to effectively tackle the epidemic at various stages. Stigma and discrimination associated with HIV and AIDS are the greatest barriers to preventing further infections, providing adequate care, support and treatment.

- ▶ HIV/AIDS related discrimination: This occurs when a distinction is made against an HIV/AIDS infected person and is treated unfairly and unjustly. Hospitals, for example, not offering health services to a person with HIV/AIDS, employers terminating the worker's employment, or schools refusing admission to a student on the grounds of his or her actual or presumed HIV-positive status
- ▶ Voluntary Counselling and Testing: A process that enables people to willingly undergo a medical test to know their sero-status to help them plan their lives and make informed decisions.

HIV/AIDS legal framework

- ▶ The Constitution: The fundamental rights in the Constitution provide every person with the right to equality and non-discrimination.
- ▶ The Employment Act, 2007: Under this Act, no employer should discriminate directly or indirectly against an employee on grounds of race, colour, sex, language, religion, political or other opinion, nationality, ethnic or social origin, disability, pregnancy, mental status or HIV status. The employer shall provide proper healthcare for his/her employees during serious illness. The employer can only discharge this function if the employee notifies the employer of the illness. The Act implies that there should be no discrimination on the grounds of HIV/AIDS status, and states in Section 46 (g) that HIV/AIDS does not constitute a fair reason for dismissal or imposition of disciplinary penalty on an employee.
- ▶ **HIV and AIDS Prevention and Control Act (2006):** The HIV and AIDS Prevention and Control (HAPC) Act was gazetted in January 2007. The Act makes specific reference to HIV/AIDS in relation to provision of education and information in the workplace, discrimination, privacy, confidentiality and personal rights. The object and purpose of this Act is to:

The object and purpose of the HIV and AIDS Prevention and Control Act (2006) is to:

- i. Promote public awareness about the causes, modes of transmission, consequences, means of prevention and control of HIV and AIDS;
- ii. Extend to every person suspected or known to be infected with HIV and AIDS full protection of his human rights and civil liberties by:
 - Prohibiting compulsory HIV testing save as provided in this Act;
 - Guaranteeing the right to privacy of the individual;
 - Outlawing discrimination in all its forms and subtleties against persons with or persons perceived or suspected of having HIV and AIDS;
 - Ensuring the provision of basic health care and social services for persons infected with HIV and AIDS;
- iii. Promote utmost safety and universal precautions in practices and procedures that carry the risk of HIV transmission; and
- iv. Positively address and seek to eradicate conditions that aggravate the spread of HIV infection.

- ▶ **The Occupational Safety and Health Act, 2007:** The Government enacted the Occupational Safety and Health Act in October 2007 with the aim of providing for the safety, health and welfare of workers and all persons lawfully present at workplaces and for matters connected therewith. The Act requires of the occupier and employer to ensure the safety, health and welfare at work of all persons in the workplace. Section 16 (1) prohibits persons from engaging in any improper activity or behavior at the workplace, which might create or constitute a hazard to that person or any other person. The implication of this Act, with regard to HIV, is that the employer must ensure the safety of the workplace so that employees are not at risk of infection at the workplace.

National HIV/AIDS policy framework

Principles - Public Sector Workplace Policy on HIV and AIDS (2010

- **Recognition of HIV and AIDS as a workplace issue:** HIV and AIDS is a workplace issue and should be treated like any other serious illness/condition in the workplace. This is necessary because it affects the workforce and the workplace. Furthermore, the workforce, being part of the local community, has a role to play in the wider struggle to mitigate the effects of the pandemic.
- **Fighting stigma and discrimination** HIV and AIDS affects the fundamental human rights at work, especially with regard to stigma and discrimination of workers living with the virus and those affected. There should be no discrimination and/or stigmatization of workers on the basis of real or perceived HIV status. Avoidance of stigma and discrimination in relation to workers living with HIV/AIDS is key to the success of efforts aimed at promoting HIV prevention.

- **Attention to Gender issues:** The gender dimensions of HIV/AIDS should be recognized. Women are most likely to become infected and are more often adversely affected by the HIV/AIDS pandemic than men due to biological, socio-cultural and economic reasons. The greater the discrimination of women and the lower their position/status in societies, the more negatively they are affected by HIV. Therefore, gender equity relations and the empowerment of women are vital to successful prevention of the spread of HIV infection and are pillars for strengthening women's ability to cope with HIV/AIDS.
- **Safe and Healthy Work Environment:** The work environment should be healthy and safe and adapted to the state of health and capabilities of workers, HIV-infected or not. All managers have a responsibility to minimize the risk of HIV transmission by adopting appropriate First Aid/Universal infection control precautions at the workplace.
- **Prevention** of HIV infection is preventable. Prevention of all means of transmission can be achieved through behavior change, knowledge, treatment and the creation of a stigma-free and nondiscriminatory environment. Social partners are in a unique position to promote prevention efforts, particularly in relation to changing attitudes and behaviour through the provision of information and education and in addressing socio-economic factors that fuel HIV infection.

- **Social Dialogue** A successful HIV/AIDS policy requires co-operation, willingness and trust between employers, employees, Government and other stakeholders, cultivated through dialogue among the parties concerned.
- **Screening for purpose of Employment/Recruitment** HIV and AIDS screening should not be a requirement for job seekers, recruitment or persons in employment. Testing for HIV should not be carried out at the workplace except as specified in the HIV and AIDS Prevention and Control Act with regard to HIV testing and screening.
- **Confidentiality** Access to personal data relating to a worker's HIV status shall be bound by the rules of confidentiality consistent with existing International Labour Organization (ILO) Code of Practice on HIV/AIDS and medical ethics.
- **Continuation of Employment Relationship** HIV infection is by itself not associated with any limitation in fitness to work and should, therefore, not be a cause for termination of employment. Persons with HIV-related illnesses should be allowed to work for as long as deemed medically fit for any available and appropriate work. If fitness is impaired by HIV-related illness, reasonable alternative working arrangements should be made for the infected employees.

- ▶ **Care, Support and Treatment** Solidarity, care and support should guide the response to HIV/AIDS at the workplace. All workers, including spouses and children, are entitled to affordable health services and to benefits from statutory and occupational schemes.
- ▶ **Management Responsibility:** The Government will ensure the highest-level of leadership and commitment in the national campaign against the pandemic.
- ▶ **Partnerships** The Government will be responsible and accountable for implementation of this policy and will, at all time, develop and/or strengthen partnerships to ensure success of its implementation.

- ▶ **Fair Labor Practices** Every person, whether infected or affected, has the right to fair labor practices in terms of recruitment, appointment and continued enjoyment of employment, promotion, training and benefits. No employee shall be compelled to undergo an HIV test as a requirement for any of the above. Labor practices should also be in accordance with the HIV/AIDS Prevention and Control Act 2006 and other existing labor laws.
- ▶ **Workplace Ethics:** There will be zero tolerance to sexual harassment, abuse and exploitation.
- ▶ **Greater involvement of People Living with HIV and AIDS (GIPA)** The involvement of people living with HIV/AIDS in decision making, formulation and implementation of public policies in educating and informing other workers shall be promoted at all levels of the public sector and in line with GIPA principles as spelt out in GIPA Guidelines.

Human resource management - Public Sector Workplace Policy on HIV and AIDS (2010)

The policy addresses the following human resource management rights and issues:

- ▶ **Recruitment and Promotion:** Screening of people for HIV should not be a requirement for staff recruitment and/or promotion.
- ▶ **Sick Leave:** Sick leave will be provided for as stipulated in the relevant service regulations. However, additional sick leave days will be decided by the employer on a case-by-case basis at the discretion of the authorized officers/chief executives.
- ▶ **Working Hours:** Normal working hours will continue to apply for all employees, as stipulated in the relevant service regulations. However, a more flexible approach will be applied for those who are infected or affected.
- ▶ **Counseling Services:** The Government will ensure that each ministry/department /state corporation has a pool of skilled counsellors trained from among the staff to provide counselling and referral services of

ination of Employment: The policies and service regulations and procedures pertaining to termination of services apply equally to all employees. No employee should be dismissed or have employment terminated based solely on perceived or actual HIV status.

- ▶ **Medical Privileges:** The normal provision of medical privileges will continue to apply. However, to reduce the negative effects of illness and incapacity on employees living with HIV/AIDS, the Government will take steps to improve access to comprehensive care.
- ▶ **Deployment and Transfers:** The Government shall continue to review current policies, codes and deployment and transfer practices of employees. In particular, the Government shall ensure that: As much as possible, partners and spouses are not separated to minimize vulnerability; where employees are deployed in remote areas, the period served in such areas is limited to three years. Employees in these areas will also be allowed to make frequent visits to their families; staffs requiring access to family support or medical care are deployed appropriately; and where fitness to work is impaired by illness, reasonable alternative working arrangements are made.
- ▶ **Relief Services:** The Government shall introduce workforce programs to offer relief services in essential sectors. Where an employee is temporarily unable to perform essential duties, reasonable alternatives through employee relief services shall be made. Further, special consideration will be given to employees with prolonged illness, especially during performance contracting evaluation.

- ▶ **Housing and Accommodation:** The prevailing Government policy on housing will continue to apply. Suitable accommodation for employees requiring institutional housing will be provided and, where this is not possible, employees will be allowed to reside outside the institutions and be provided with house allowance.
- ▶ **Training and Development:** The Government will: Educate and sensitize all its employees on HIV/AIDS related issues; monitor and evaluate human resource so that there is adequate supply of appropriately skilled manpower to meet the needs for service delivery; mainstream HIV/AIDS in all training institutions' curricula and undertake regular updates to respond to the dynamics of HIV/AIDS; and ensure there is appropriate recognition of HIV/AIDS-related training and development of career paths that encourage staff to work and remain in HIV/ AIDS related fields.
- ▶ **Sexual Harassment, Abuse and Exploitation:** There should be zero tolerance to sexual harassment, abuse and exploitation in the workplace. Involvement in these vices shall be treated as gross misconduct and where proven, shall lead to disciplinary action.

- ▶ **Gender Responsiveness:** HIV/AIDS affects and impacts on women and men differently due to their biological, social, cultural and economic circumstances. Application of this policy should be responsive to their different and specific needs. With the knowledge that women are at a greater risk of infection than men and carry greater burden, special consideration should be provided for prevention and impact mitigation services that target women.
- ▶ **Exposure at the Workplace:** Employees who accidentally get exposed to HIV in the course of their duties shall be entitled to immediate Post-Exposure Prophylaxis (PEP) and follow up in the form of treatment in case of infection. All employees shall be educated on the concept of PEP including emergency measures to take if an employee has been raped or accidentally exposed to HIV. Provision shall be made to ensure safety and absence of risk to health, arising from the use, handling, storage and transport of articles and substances.
- ▶ **Retirement on Medical Grounds:** HIV and AIDS is not a cause for termination of employment. As with many other illnesses, persons with HIV-related illnesses should be able to work as long as they are medically fit for available and appropriate work or until declared unfit to work by a medical board. Where an employee is medically unfit to continue working, the Government will hasten the retirement process.

- ▶ **Terminal Benefits:** Whenever an employee retires or dies due to HIV/AIDS or other reasons, the Government will facilitate speedy processing of terminal benefits. Accordingly, it will be necessary for both the employers and employees to ensure the next of kin records are updated regularly.
- ▶ **Confidentiality and Disclosure:** Disciplinary action, consistent with relevant legislation and regulations, will be taken against any employee who discloses a fellow employee's HIV sero status without consent. Creating a climate of openness about HIV/AIDS is an effective prevention and care strategy. To this end, the Government shall create a working environment in which employees can feel safe to disclose their HIV status

- ▶ **Stigma and Discrimination:** All employees have the same rights and obligations as stipulated in the terms and conditions of service. No employee or job applicant shall be discriminated against in access to or continued employment, training, promotion and employee benefits on the basis of their actual or perceived HIV status. Employees shall not refuse to work or interact with fellow colleagues on the grounds that the latter are infected or perceived to be infected. Such refusal shall constitute misconduct. Public sector institutions will be expected to actively seek to reduce and address the stigma associated with HIV/AIDs through intensive awareness creation.
- ▶ **Grievances, Concerns, Care and Support:** All authorized officers/chief executives shall establish and maintain communication channels and forum for employees to raise concerns grievances and access care and support relating to HIV/AIDs.

- ▶ **Management Responsibility:** A manager has an obligation and a responsibility to: Show leadership as part of the national campaign to address the pandemic; be educated and informed about the pandemic including new information and developments in respect of prevention and treatment; implement this policy. Continuously disseminate information about HIV/AIDS to all employees; and mainstream HIV/AIDS workplace issues in the organization's Strategic Plan and other operational documents.
- ▶ **Employee Responsibility:** It is the responsibility of an employee to take appropriate action on being informed about HIV/AIDS, to protect himself/herself and the family from infection and seek guidance and counselling where necessary. All employees must comply with the HIV/AIDS workplace policy. In addition, all employees are required to attend, lend support to and participate in all activities aimed at combating HIV/AIDS. It is the moral responsibility of every employee to know their HIV status.

HIV/AIDS MAINSTREAMING

Effective HIV/AIDS mainstreaming can occur if the following are in place:

- HIV/AIDS committee.
- Annual work plan for HIV/AIDS prevention activities. (c). Sensitization on HIV/AIDS.
- Institutional HIV/AIDS policy.
- Voluntary counseling and testing services.
- Initiatives to protect, care and provide support to the most vulnerable, including orphans, girls, those out of school and those with special needs in education.
- Partnerships for mobilising support for implementing the HIV/AIDS policy.

Alcohol and Drug Abuse (ADA) issues

Alcohol and Drug Abuse (ADA) terminology

- a) **Drug:** A drug can be defined as a substance which may be chemical, synthetic or natural which when taken can alter or modify one or more functions of the body.
- b) **Drug abuse:** Drug abuse is the use of illicit drugs or the abuse of prescription or over-the-counter drugs for purposes other than those for which they are indicated or in a manner or in quantities other than directed by a health professional. Alcohol is one of the most abused substances and the most common especially in Kenya. It is the use of any substance whether legal or illegal which damages aspects of the user's life either mental or physical health as well as one's ability to work study or function normally in the society.
- c) **Drug abuse signs:** Untidiness/deteriorating personal hygiene; burnt fingers, burnt holes in clothes and injections marks; General poor health; Sudden change in eating habits; Slurred speech and staggering walks; Truancy; Mood swings; changes in personality; asking for money unnecessarily; decline in school performance;

- d) Drug dependence:** Repeated use of a drug leads to changes in the brain and nervous system so that the user needs more of the drug in order to get the expected effect. This leads to dependence, a condition where one becomes dependent on the drug and eventually addiction. A person suffers discomfort referred to as ‘withdrawal symptoms’ when they do not take the drug.
- e) Drug abuse effects:** Alcohol and Drug abuse leads to: addiction, death, indiscipline, violence, misuse of funds by students, corruption, destruction of families, undermining family finances.
- f) Drug abuse minimization:** Harm minimization offers three major strategies: (1) Demand reduction - education to not use or use less; (2) Supply reduction - laws, including school policies, to limit availability; Harm reduction - use safely, use safer drugs;
- g) Drug education:** This is the educational programs, policies, guidelines and procedures that contribute to the achievement of broader public health goals of preventing and reducing drug use and drug related harm to individuals and society.

Policy and legal framework of Alcohol and Drug Abuse (ADA)

Narcotic Drugs and Psychotropic Substances Control Act (1994) The Government enacted the Narcotic Drugs and Psychotropic Substances Control Act in 1994. It implemented the terms and conditions of the 1988 UN Convention, to which Kenya is a party. The Act makes provision with respect to the control of the possession of, and trafficking in, narcotic drugs and psychotropic substances and cultivation of certain plants; to provide for the forfeiture of property derived from, or used in, illicit traffic in narcotic drugs and psychotropic substances and for connected purposes.

National Authority for the Campaign Against Alcohol And Drug Abuse Act (2012)

The Government established the National Authority for the Campaign Against Alcohol and Drug Abuse (NACADA) by an Act of Parliament in 2012. The functions of the Authority include to:

- i. Carry out public education on alcohol and drug abuse directly and in collaboration with other public or private bodies and institutions;
- ii. Coordinate and facilitate public participation in the control of alcohol and drug abuse;

- iii. Coordinate and facilitate inter-agency collaboration and liaison among lead agencies responsible for alcohol and drug-demand reduction;
- iv. In collaboration with other lead agencies, facilitate and promote the monitoring and surveillance of national and international emerging trends and patterns in the production, manufacture, sale, consumption, trafficking and promotion of alcohol and drugs prone to abuse;
- v. In collaboration with other lead agencies, provide and facilitate the development and operation of rehabilitation facilities, programs and standards for persons suffering from substance use disorders;
- vi. Subject to any other written law, license and regulate operations of rehabilitation facilities for persons suffering from substance use disorders;
- vii. Coordinate and facilitate, in collaboration with other lead agencies and non-state actors, the formulation of national policies, laws and plans of action on control of alcohol and drug abuse and facilitate their implementation, enforcement, continuous review, monitoring and evaluation;

- vii. Develop and maintain proactive co-operation with regional and international institutions in areas relevant to achieving the Authority's objectives;
- viii. In collaboration with other public and private agencies, facilitate, conduct, promote and coordinate research and dissemination of findings on data on alcohol and drug abuse and serve as the repository of such data;
- ix. In collaboration with other lead agencies, prepare, publish and submit an alcohol and drug abuse control status report bi-annually to both Houses of Parliament through the Cabinet Secretary;
- x. Assist and support County governments in developing and implementing policies, laws and plans of action on control of drug abuse; and
- xi. Carry out such other roles necessary for the implementation of the objects and purpose of this Act and perform such other functions as may, from time to time, be assigned by the Cabinet Secretary.

Alcohol and Drug Abuse (ADA) mainstreaming

Effective ADA mainstreaming can occur if the following are in place:

- i. Undertake independent baseline survey to establish prevalence of ADA in the institution;
- ii. Develop/implement workplace policy on prevention of ADA;
- iii. Establish an ADA prevention coordinating unit;
- iv. Strengthen the capacity of the ADA prevention coordinating unit;
- v. Undertake sensitization of staff and learners on prevention of ADA and;
- vi. Establish and operationalize an Employee Assistance Program (EAP) focusing on early identification, treatment and rehabilitation of staff and learners with Substance Use Disorder (SUD).

Equalization Fund

- ▶ An equalization fund was established by the Constitution as follows:
 - 0.5% of all revenue collected in each fiscal year by the National government is paid into an Equalization fund.
 - This fund will be used to provide basic services namely water, roads, health and electricity to marginalized areas raising these services to levels enjoyed by the rest of the country.
 - The national government may only use this fund as approved by an appropriation bill in Parliament and through grants to counties in which marginalized communities exist.
 - Money not used in any fiscal year is carried forward for use in subsequent years.
 - It is envisaged by Article 204 clause 6 that this fund will be required for 20 years after which the provisions made lapse. However, parliament may extend the longevity of the article if necessary.

Environmental Issues

Environment terminologies

- ▶ **"Benefited environment"** means that environment which has benefited through the imposition of one or more obligations on the burdened land;
- ▶ **"Environment"** includes the physical factors of the surroundings of human beings including land, water, atmosphere, climate, sound, odour, taste, the biological factors of animals and plants and the social factor of aesthetics including both the natural and the built environment;
- ▶ **"Environmental audit"** means the systematic, documented, periodic and objective evaluation of how well environmental organization, management and equipment are performing in conserving or preserving nature;
- ▶ **"Environmental education"** includes the process of recognizing values and clarifying concepts in order to develop skills and attitudes necessary to understand and appreciate the inter-relatedness among man, his culture and his biophysical surroundings;
- ▶ **"Environmental impact assessment"** means a systematic examination conducted to determine whether or not a program, activity or project will have any adverse impacts on the environment; and what extent

"Environmental management" includes the protection, conservation and sustainable use of the various elements or components of the environment; to satisfy needs of the current and future generations.

"Environmental monitoring" means the continuous or periodic determination of actual and potential effects of any activity or phenomenon on the environment whether short-term or long term;

"Environmental planning" means both long-term and short-term planning that takes into account environmental exigencies;

"Environmental resources" includes the resources of the air, land, flora, fauna and water together with their aesthetical qualities;

"Environmentally friendly" includes any phenomenon or activity that does not cause harm or degradation to the environment;

Legal framework of environment issues

The Environmental Management and Co-ordination Act, No 8 of 1999 (EMCA, 1999) provides for the establishment of an appropriate legal and institutional framework for the management of the environment and related matters. It is a framework environmental legislation that establishes appropriate legal and institutional mechanisms for the management of the environment. It provides for improved legal and administrative co-ordination of the diverse sectoral initiatives in order to improve the national capacity for the management of the environment. This is in view of the fact that the environment constitutes the foundation of national economic, social, cultural and spiritual advancement

Principles of the EMCA Act

- Every person in Kenya is entitled to a clean and healthy environment and has a duty to safeguard and enhance the environment.
- Access by any person in Kenya to the various public elements or segments of the environment for recreational, educational, health, spiritual and cultural purposes.
- Court action can be taken to prevent, stop or discontinue any act or omission deleterious to the environment.

National Environment Management Authority (NEMA)

Section 9(2) of EMCA details the statutory functions of NEMA as follows:

- i. Co-ordinate the various environmental management activities being undertaken by the lead agencies and promote the integration of environmental considerations into development policies, plans, programs and projects with a view to ensuring the proper management and rational utilization of environmental resources on a sustainable manner yield basis for the improvement of the quality of human life in Kenya;
- ii. Take stock of the natural resources in Kenya and their utilization and conservation;
- iii. Establish and review in consultation with the relevant lead agencies, land use guidelines;
- iv. Examine land use patterns to determine their impact on the quality and quantity of natural resources;
- v. Carry out surveys which will assist in the proper management and conservation of the environment;
- vi. Advise the Government on legislative and other measures for the management of the environment or the implementation of relevant international conventions, treaties and agreements in the field of environment, as the case may be;

7. Advise the Government on regional and international environmental conventions, treaties and agreements to which Kenya should be a party and follow up the implementation of such agreements where Kenya is a party;
8. Undertake and co-ordinate research, investigation and surveys in the field of environment and collect, collate and disseminate information about the findings of such research, investigation or survey;
9. Mobilize and monitor the use of financial and human resources for environmental management;
10. Identify projects and programs or types of projects and programme, plans and policies for which environmental audit or environmental monitoring must be conducted under this Act;
11. Initiate and evolve procedures and safeguard for the prevention of accidents which may cause environmental degradation and evolve remedial measures where accidents occur;
12. Monitor and assess activities, including activities being carried out by relevant lead agencies, in order to ensure that the environment is not degraded by such activities, environmental management objectives are adhered to and adequate early warning on impending environmental emergencies is given;
13. Undertake, in co-operation with relevant lead agencies, programs intended to enhance environmental education and public awareness about the need for sound environmental management as well as for enlisting public support and encouraging the effort made by other entities in that regard;

14. Publish and disseminate manuals, codes or guidelines relating to environmental management and prevention or abatement of environmental degradation;
15. Render advice and technical support, where possible, to entities engaged in natural resources management and environmental protection so as to enable them to carry out their responsibilities satisfactorily;
16. Prepare and issue an annual report on the state of the environment in Kenya and in this regard may direct any lead agency to prepare and submit to it a report on the state of the sector of the environment under the administration of that lead agency;
17. Perform such other functions as the Government may assign to the Authority or as are incidental or conducive to the exercise by the Authority of any or all of the functions provided under this Act.

Protection and conservation of the environment

No person shall, without prior written approval of the Director-General of NEMA given after an environmental impact assessment, in relation to a river, lake or wetland in Kenya, carry out any of the following activities –

1. Erect, reconstruct, place, alter, extend, remove or demolish any structure or part of any structure in, or under the river, lake or wetland;
2. Excavate, drill, tunnel or disturb the river, lake or wetland;
3. Introduce any animal whether alien or indigenous in a lake, river or wetland;
4. Introduce or plant any part of a plant specimen, whether alien or indigenous, dead or alive, in any river, lake or wetland;
5. Deposit any substance in a lake, river or wetland or in, on, or under its bed, if that substance would or is likely to have adverse environmental effects on the river, lake or wetland;
6. Direct or block any river, lake or wetland from its natural and normal course; or drain any lake, river or wetland.

Environmental Impact Assessment

Before carrying out a project, one must submit project report to NEMA, in the prescribed form accompanied by the prescribed fee.

1. The proponent of a project shall at his/her own expense and environmental impact assessment study and prepare a report for NEMA to determine whether the intended project may or is likely to have or will have a significant impact on the environment, so directs.
2. Environmental Impact Assessment studies and reports required under the Environmental Management and Co-ordination Act shall be conducted or prepared respectively by individual experts or a firm of experts authorized in that behalf by the Authority.
3. The Director-General of NEMA may, in consultation with the Standards Enforcement and Review Committee, approve any application by an expert wishing to be authorized to undertake Environmental Impact Assessment. Such application shall be made in the prescribed manner and accompanied by any fees that may be required.
4. Environmental impact assessment shall be conducted in accordance with the environmental impact assessment regulations, guidelines and procedures issued under the Environmental Management and Co-ordination Act.
5. The Director-General of NEMA shall respond to the applications for environmental impact assessment license within six months.
6. Any person who upon submitting his application does not receive any communication from the Director-General of NEMA within the stipulated time may within nine months of such submission start his/her undertaking

Environmental restoration orders

An environmental restoration order may require a person on whom it is served to –

1. Take such action as will prevent the commencement or continuation or cause of pollution;
2. Restore land, including the replacement of soil, the replanting of trees and other flora and the restoration as far as may be, of outstanding geological, archaeological or historical features of the land or the area contiguous to the land or sea as may be specified in the particular order;
3. Take such action to prevent the commencement or continuation or cause of environmental hazard;
4. Cease to take any action which is causing or may contribute to causing pollution or an environmental hazard;
5. Remove or alleviate any injury to land or the environment or to the amenities of the area;
6. Prevent damage to the land or the environment, aquifers beneath the land and flora and fauna in, on or under or about the land or sea specified in the order or land or the environment contiguous to the land or sea specified in the order;
7. Remove any waste or refuse deposited on the land or sea specified in the order and dispose of the same in accordance with the provisions of the order;
8. Pay any compensation specified in the order.

Environmental offences

any person who –

1. Hinders or obstructs an environmental inspector in the exercise of his duties under this Act or regulations made thereunder;
2. Fails to comply with a lawful order or requirement made by an environmental inspector in accordance with this Act or regulations made thereunder;
3. Refuses an environmental inspector entry upon any land or into any premises, vessel or motor vehicle which he is empowered to enter under this Act or regulations made thereunder;
4. Impersonates an environmental inspector;
5. Refuses an environmental inspector access to records or documents kept pursuant to the provisions of this Act or regulations made thereunder;
6. Fails to state or wrongly states his name or address to an environmental inspector in the course of his duties under this Act or regulations made thereunder;
7. Misleads or gives wrongful information to an environmental inspector under this Act or regulations made thereunder;
8. Fails, neglects or refuses to carry out an improvement order issued under this Act by an environmental inspector;

Mainstreaming environmental issues

(a). Environment mainstreaming activities

1. Domesticating the Environmental Policy at the workplace
2. Developing and implementing environmental awareness creation programs
3. Waste management initiatives such as the 7Rs in Waste management (Reducing, Recycling, Reusing, Refusing, Rejecting, Returning, Refilling)
4. Measures to mitigate against all forms of pollution (water, air, noise etc.)
5. Developing and implementing climate change adaptation and mitigation initiatives such as energy saving, water harvesting, etc.
6. Planting trees -Plant or support tree planting initiatives and monitor survival of the planted trees
7. Protection of riverbanks by enforcing riparian regulations
8. Promoting environmental protection and conservation through partnerships with stakeholders
9. Management of waste in Counties, Urban, Townships and Market centers.

(b).Guidelines to developing an institutional environment policy:

What is an environmental policy?

- ▶ An environmental policy for an institution/MDA is the top management's declaration of its commitment to reducing negative environmental impacts. It is a set of basic principles which guide the institution when defining objectives and targets for improving environmental performance. It is also a key tool for informing employees, customers, environmental interest groups, etc. what the institution's environmental priorities are. The institution must act according to its principles. For example, an institution cannot be committed to energy efficiency on paper, while using obsolete energy-intensive production processes in practice. If the institution has decided that energy is a key issue, it must act accordingly and back this up with resources, in so far as this is economically and financially reasonable.

Characteristics of an environmental policy

An environmental policy has the following characteristics:

- Is written clearly, concisely and in plain language so everyone can understand it.
- Is credible and realistic. It should not make promises that the institution cannot keep.
- It motivates employees to action.
- It addresses top priorities for being an efficient environmental performer.
- It gives clear direction of how it can be achieved through objectives and targets.
- Should be developed with input from staff.

Outline of an institutional environment policy

The policy should:

- State the organization's missions and core values.
- Commitment to protecting the environment, complying with relevant legislation and/or regulation, complying with relevant government policy commitments, and continuous improvement in environmental performance.
- Set timeline for periodically reviewing environmental goals.
- Be signed off by the organizations chief executive officer
- Be easily accessible and publicly available.
- Be included in staff and contractor inductions.
- Incorporated in other relevant documents

COVID -19 and its effect in schools

The COVID-19 has disrupted the traditional way of curriculum delivery that focuses on close interactions, grouping of learners and use of curriculum support materials.

- ▶ **What Causes COVID-19?**- Coronavirus disease 2019 (COVID-19) is an illness caused by the severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2).
- ▶ **COVID - 19 Transmission**- COVID-19 spreads primarily through respiratory droplets produced when an infected person coughs, sneezes or shouts. These droplets contaminate surfaces such as tables, door knobs, stair case rails etc.

Signs and Symptoms of COVID-19

► Signs and symptoms of COVID-19 may appear 2-14 days after exposure. The time between infection and development of signs and symptoms is referred to as the incubation period. Common signs and symptoms of the disease may include:

- Fever
- Cough
- Shortness of breath or difficulty in breathing
- Fatigue
- Sore throat
- Loss of taste or smell
- Headache
- Chest pain
- Diarrhoea

What to do when a learner or member of staff gets Covid-19

- ▶ Isolate the person
- ▶ If self, isolate yourself in a well ventilated room .
- ▶ Notify local health officials
- ▶ Remind staff members / caregivers monitoring the infected person to practice social distancing
- ▶ Close off the space used for isolation after the ill person leaves.
- ▶ Clean and disinfect high-touch surfaces

Health Safety and Well Being of Institutional Staff

It is natural for learners to feel stress, anxiety, grief, and worry during the ongoing pandemic. Fear and anxiety about their own health and the health of loved ones can be overwhelming and cause strong emotions.

- ▶ In today's digital world, learners also access different kinds of information and news through social media and digital platforms, some of them may not be factually true, causing further stress and anxiety.

Trauma causes Stress, Depression, Feelings of confusion, Anger and frustrations , Loneliness, Fear of the unknown, Uncertainty about the future, Anxiety, Worry, Substance abuse, Child abuse , Family conflicts Incest, Stigma and discrimination, Isolation , Family disintegration, Post-traumatic stress disorder (PTSD), Loss of power and control , Lack of psychological space, Lack of social support etc

- ▶ The school should provide an environment that will allow the staff and learners manage such effects of COVID-19.

Psychosocial Support

Psychosocial support refers to compassion, care and protection that enhance the cognitive, physical, emotional, social and spiritual wellbeing of a person.

Effective psychosocial support should be age appropriate, gender sensitive and within cultural contexts. Psychosocial support should be aligned to the need, policies and guidelines requirements for learners and staff that are affected by Covid-19.

- ▶ Strengthening guidance and counselling department
- ▶ Dissemination of child friendly psychosocial messages to the learners
- ▶ Adopt continuous health monitoring of all staff members and learners/trainees
- ▶ Management to provide face masks to all staff
- ▶ All staff members be tested for COVID-19 intermittently.

Counselling in the Context of Covid 19

Some of the benefits of counselling include:

- ▶ Maintain emotional balance and mental health, Promotes wellbeing, Productive management of trauma, Creates self- awareness and acceptance, Relieves anxiety and fear, Coping with the new normal, Offers support and comfort, Adaption and management of change, Deal with challenges more effectively, Deal effectively with maladaptive behavior.

Mainstreaming Covid -19 Messages in schools

To disseminate information about COVID 19 and its effects in schools, it is important to take note of:

- What children know about COVID-19 and source of the information such as Television and Radio, Parents, siblings, neighbors and Friends, Church/Mosque leaders, ,Magazines, newspapers, Social media; you tube, twitter, face book, WhatsApp, etc announcements, brochures etc, Ministry of health posters , brochures and pamphlets

Beyond what is shared publicly, the school can make use of: talking walls, talking paths and one on one conversations with the learners about on COVID 19 issues and the measures to be taken to stay safe.

Conclusion

- ▶ In this last Unit of Module 1, we have looked at pertinent and contemporary issues in education.
- ▶ We have looked at issues such as environmental protection, alcohol and drug abuse, HIV/AI.
- ▶ We have also examined the legal and policy framework for these issued and how schools should deal with them.