

# Strengthening the leadership and influence of women in politics in Kenya

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Cover image: A billboard for the Tuvuke Initiative in Nairobi in the lead up to the 2017 elections. Photograph by Wambui Nyamathwe Kabage.

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## Acronyms and abbreviations

CBO	Community-Based Organization
CKRC	Constitution of Kenya Review Commission
CREAW	Centre for Rights, Education and Awareness
CSO	Community Support Organizations
DFID	Department for International Development (UK)
EMP	Elected Member of Parliament
FIDA	Federation of Women Lawyers
FPTP	First-Past-the-Post
GBV	Gender based violence
IEBC	Independent Electoral and Boundaries Commission
IFES	International Foundation for Electoral Systems
KANU	Kenya Africa National Union
KEWOPA	Kenya Women Parliamentary Association
KEWOSA	Kenya Women Senators Association
KWPC	Kenya Women’s Political Caucus
MCA	Member of County Assembly
MP	Member of Parliament
MYWO	<i>Maendeleo ya Wanawake</i>
NARC	National Rainbow Coalition
NASA	National Super Alliance
NCWK	National Council of Women of Kenya
NGEC	National Gender and Equality Commission
NGO	Non-Governmental Organizations
NMP	Nominated Member of Parliament
ODM	Orange Democratic Movement
PR	Proportional Representation
RVI	Rift Valley Institute
TNA	The National Alliance
UN	United Nations
USAID	United States Agency for International Development
URP	United Republican Party

VAW	Violence Against Women
WDM	Wiper Democratic Movement
WCR	Women County Representative
WPAK	Women's Political Alliance of Kenya

# Map of Kenya's counties and former provinces



Map base derived from [www.openstreetmap.org](http://www.openstreetmap.org) and [www.mapcruzin.com](http://www.mapcruzin.com)

## Summary

Kenya's 2010 Constitution introduced a quota system designed to increase the representation of women in elective and appointive bodies of government (Article 27(b)). Article 27(8)—known as the Gender Principle—states that 'not more than two thirds of the members of elective bodies shall be of the same gender'. The 2013 elections resulted in the highest number of women in government in Kenyan history, with women holding 21 per cent of seats in the national legislature and 22 per cent of cabinet positions. Within county legislatures, an average of 33 per cent of the Members of County Assemblies (MCAs) were women, of whom 10 per cent held elective seats. Not all branches of the national government and county governments however, were compliant with the Gender Principle. Significantly, many institutions only met the quota through the nomination rather than election of women.

Devolution and the new constitution have demonstrably acted as key enablers for women seeking public office in Kenya. Yet many obstacles still remain, including new challenges that have emerged through the implementation of the same devolved constitutional system. Most critically, whilst the 2013 election outcome saw the number of women within national and county government increase, their substantive influence when in office remained constrained by institutional, legal, political, economic and social factors.

This report draws on Goetz and Hassim's (2003) theoretical framework to interrogate women's access, presence and influence within legislative and executive positions within the national and county governments of Kenya between 2013 and 2017. The results are based on a comprehensive literature view, and more than 80 interviews, 24 focus groups and a telephone survey of over 120 women legislators undertaken between October and December 2016. Key findings and policy considerations for the Government of Kenya and its partners are presented below, organized in the five overarching themes identified.

### 1. Training and support of women politicians and public servants

#### *Key findings*

- Women are doubtful about the value and past focus amongst NGOs and development partners on candidate training. Instead of teaching generic skills such as public speaking, they saw greater potential in technical training for those occupying elective and appointive positions.
- The Gender Principle has not served to strengthen the women's movement around a shared agenda. Networking between women in politics, public service and the private sector is ad-hoc, often along party lines and largely confined to Nairobi.

Comparative literature underlines the instrumental value of such networks for successfully furthering a feminist political agenda.

- Policy processes at national and county level are not well understood or fully transparent. Due both to poor public relations and biased media coverage, the legislative and development achievements of female politicians are less widely publicized.

### *Policy considerations*

- Train women in the legislature and executive at national and county level on the formal rules, system and processes of the institutions they work in to increase their effectiveness and ability to wield influence.
- Champion the achievements of women in politics and public service through the media and annual wards to challenge the perception that men are more effective than women within political arena.
- Facilitate regular meetings between women in national and county governments with women's organizations, private sector leaders, and civil society.

## **2. The rule of law**

### *Key findings*

- All women interviewed highlighted the persistence of violence, threats of violence and verbal abuse as barriers that deter women from running for office and undermines the effectiveness of those serving in political positions.
- The legal framework governing women's participation and representation in politics is robust. However, widespread failure to comply with the spirit and letter of the law, limits women's presence and influence in government. The preponderance of women filling nominated rather than elected seats suggests a shared interest amongst all main political parties in diluting the Gender Principle's transformative potential.
- Within most county legislatures the Gender Principle has been met through the nomination of additional members. A comparable mechanism for the National Assembly and Senate is not in place, with parliament remaining non-compliant between 2013 and 2017.

### *Policy considerations*

- Provide material and symbolic support to ensure cases of Violence Against Women (VAW) are prosecuted.
- Support legislation to provide a mechanism to ensure Parliament's compliance with Article 81(b).



- Support local advocacy organizations championing compliance with the Gender Principle.
- Work with the National Gender and Equality Commission, Office of the Attorney General and Independent and Electoral Boundaries Commission to monitor compliance across government, within the public service and in political parties. Ensure reporting is regular and widely accessible.

### 3. Economic barriers to access and influence within government

#### *Key findings*

- Elections in Kenya have become even more costly for candidates since the introduction of devolution. Women cite the financial costs of running a campaign as a major barrier. This affects women disproportionately who do not – as a general rule – have equal access to financial resources as male candidates.
- Those occupying nominated seats within national and county legislatures are not entitled to the same benefits, privileges and development funds as those who are elected. The ability to fund and spearhead development projects is one of the main ways in which constituents judge their representatives’ effectiveness. As most women in 2013–2017 held nominated seats, without the same resources as men, they were perceived as having less power and authority compared to their elected male colleagues.

#### *Policy considerations*

- Enact campaign finance regulations; enforcing limits that are accessible to less economically advantaged female (and male) candidates.
- Review the rules governing the different resources available to elected and nominated members with a view to introducing fair and transparent allocations and systems.

### 4. Political parties

#### *Key findings*

- The regional pattern of political party support in Kenya means that in many cases the fiercest competition takes place at the stage of primary elections. Political party structures are patriarchal and few have actively sought to increase the number and profile of women within their membership.
- Parties circumvent the spirit of the law through prioritizing male candidates for elective seats and women for nominated seats.



### *Policy considerations*

- Promote the development of a Code of Conduct for political parties with practical guidelines on how to fast-track women into office and within parties, such as through the use of female only lists for some seats and dedicated funds for female candidates.

## **5. Perceptions of women in leadership**

### *Key findings*

- Widespread confusion exists about the respective roles and responsibilities of different office bearers, particularly Women Representatives and nominated MCAs. The creation of the Women Representative position has contributed to the perception that women have ‘their’ seat and so should not be put forward by parties for other elected positions.
- Entrenched ideas about male and female roles within society sustain the perception that compared to men, women are less fit for and effective in political institutions.
- Some male politicians remain resistant to the inclusion of more women in politics seeing it as a threat to their own power base and authority within society.

### *Policy considerations*

- Sustain civic education efforts around the importance of inclusive leadership, particularly amongst youth. Continue to educate the public and political representatives about the Constitution and the responsibilities of different office bearers.
- Encourage inclusive media representation to counter public bias against women in leadership.
- Promote HeforShe initiatives to raise the profile of programmes that encourage actions by men for gender equality in politics and public service.

The results of the August 2017 elections and events that follow, will provide further insight into the trajectory of women’s descriptive and substantive representation in Kenya, and begin to answer many of the questions raised in this report concerning how citizens, politicians and public servants in Kenya are adapting to the institutional reforms introduced in 2013. It should not be taken for granted that progress towards realizing the Gender Principle can be made without the sustained engagement of all stakeholders working together towards an inclusive agenda.

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Marilyn Muthoni Kamuru, Dr Marie Berry and Margaret Monyani. They were supported in the field by Kennedy Mwangi, Dr Lanoi Maloiy and Mabel Rubadiri. The project was managed by Dr Natalie Moss (RVI). The team conducted over 80 interviews and 24 focus groups in Kilifi, Kisumu, Nyandarua and Nairobi counties in October and November 2016. Additionally, the team undertook a telephone survey of women in National and County Governments with over 120 responses. RVI would like to thank all those who participated in the research, sharing their experiences and perspectives. Respondents' contributions have been anonymised throughout.

# 1. Introduction

This report presents the findings and policy considerations of the study on *Strengthening the Leadership and Influence of Women in Politics and Public Service in Kenya*, funded by the UK Department for International Development (DFID) through the East Africa Research Fund (EARF). The first aim of the project was to map the presence of women in Kenyan politics. This entailed identifying the number of women represented in decision-making roles in the Government of Kenya at the county and national level as well as their characteristics. The second aim was to determine the barriers and enablers to women's access to political decision-making roles, and their ability to influence policies and legislation once in these roles. This report presents the literature review and findings of the qualitative research on the barriers, enablers and influence of women in politics and public service in Kenya. For a summary of the data mapping see *RVI Policy Brief: Taking stock of Kenya's Gender Principle* (June 2017). Detailed policy and programme considerations are presented in *RVI Policy Brief: Meeting the Gender Principle* (June 2017).

The findings summarized in this report will contribute to a contextualized understanding of the power dynamics that can enable women to not only strengthen their descriptive representation—the numeric presence of women in leadership roles—but also to exert more substantive influence when reaching these decision-making positions.

There have been a number of studies about women in politics in Kenya in recent years (AMWIK 2014, Adhiambo Oduol 2016, USAID 2014, FIDA 2013, Kamau 2010, Nzomo 2011, Kivoi 2014, Ohman & Lintari 2015, Biegon 2016). The findings presented here support much of the literature regarding the general barriers and enablers to women's representation in Kenyan politics. The study, which took place near the end of the first full term since the enactment of the 2010 Constitution, makes a further contribution by offering a disaggregation and political analysis of the variety of opportunities and challenges experienced by women seeking access to positions of political leadership. The study makes explicit the variations in how women gain access to and wield influence once in political positions based on regional variations and whether posts are secured in the executive or legislative branch, or spatially, at national or county level. Finally, this research deliberately accounts for the new political spaces and increased competition in various political arenas brought forth by the new constitution and the devolution, and problematizes access to power and capacity to influence based on the increased loci of political power in Kenya.

## 2. Methodology

### Research questions and theoretical framework

The study had three overarching objectives, from which the following research questions emerged:

#### *1. Mapping representation*

- i. What is the representation of women elected and appointed to the current national and county governments of Kenya?
- ii. What are the characteristics of women elected and appointed to the Senate and the National Assembly?
- iii. What are the characteristics of women elected and appointed to serve in the 47 County Governments?

#### *2. Barriers and enablers*

- i. What are the challenges to implementing the legal and policy framework that guides women's participation in Kenyan politics?
- ii. How has the structure of political parties in Kenya shaped women's ability to i. gain political positions and ii. influence policy once in these positions?
- iii. How do men and women in politics view women in politics? Do these views shape women's ability to i. gain political positions and ii. influence policy once in these positions?
- iv. What are the general attitudes towards women in politics? How do these attitudes shape the ability of politicians/women to i. gain formal political positions and ii. influence policy-making once in these positions?

#### *3. Influence of women in government on policy and development*

- i. What factors shape the ability of elected and appointed officials to influence the policy-making process in Kenya?
- ii. Is it possible to ascertain whether the increased representation of women in the GoK has had an impact on policy from 2013 to date? If so, what impact has it had? Does this vary between sectors at national level or between counties?
- iii. Has the increased representation of women in the GoK had an impact on human and economic development outcomes? If so, how? Does this vary between sectors at national level or between counties?

These questions were approached using the preeminent theoretical framework on women's political representation in Africa developed by Goetz and Hassim in *No Shortcuts to Power: African Women in Politics and Policy Making* (2003). Their approach is particularly useful in the distinction it makes between descriptive and substantive representation. Descriptive representation deals with the numeric presence of women in leadership and legislative roles. Substantive representation shifts focus from these relative numerical differences, to how gender shapes preferences, actions, and outcomes, as well as women's actual influence in the political arena. Goetz and Hassim's framework distinguishes between women's *access to, presence and influence* in politics.

The research team developed an analytical framework that privileged consideration of the outcomes and effectiveness of women's participation in politics based on the different types of political engagement and the different participatory spaces. Of particular interest was the way that different power mechanisms operated depending on the specific level or branch of government. In addition to Goetz and Hassim's framework, the research team also incorporated the framework proposed by O'Neil and Domingo (2016), which pays greater attention to the political economy of women's decision making or agency. All these theoretical approaches help to assess the points and cost of entry into Kenyan political institutions, and how power is wielded once inside such structures. Goetz and Hassim emphasize that the quality of the political space is not only determined by the state and its bureaucracy, but also by inter and intra-political party dynamics. The chosen framework looks at women's access, presence and influence in politics within civil society, at various levels in the state itself and in the political system. In the case of Kenya, this distinction between access and presence has an important impact on influence. While the presence of women is mandated by the constitution, the way women enter politics has important implications on the power and resources allocated to them. A description of how the framework was applied to the Kenyan context can be found in Annex A.

## Research approach and methodology

The study employed a mixed-methods approach combining the use of secondary sources, semi-structured interviews, focus groups and a telephone survey, for the purposes of triangulation. Table 2.1 presents the primary sources used to answer the three research objectives.

## Case study selection

The selection of the county case studies was made on the basis of the number of women elected to MCA positions in 2013. The 47 counties were ranked from highest to lowest levels of elected female representation and cases were selected from the upper, middle and lower third. An additional matrix was then developed to reflect Kenya's political diversity and DFID's regional priorities. As such, counties from the former Coast, Central

**Table 2.1: Primary resources per research objective**

<b>1. Mapping (women's presence in national and county governments)</b>	<ul style="list-style-type: none"><li>• Compilation of a dataset containing a comprehensive breakdown of the number of women in leadership positions within: 1) the National Assembly 2) the Senate 3) the Cabinet 4) Government Commissions 4) the Judiciary 5) County Assemblies and 6) County Governments' Executive positions. Dataset includes details of their name, position/ portfolio, constituency/ward, political party (where appropriate), elected/nominated/appointed status and committee membership.</li><li>• Compiled using secondary sources and from the results of a telephone survey. The research team used randomised sampling from the database to select respondents. Over 123 women were interviewed including 12 Members of Parliament and 110 Members of County Assemblies between November and December 2016. The survey focused on the characteristics of women in leadership roles (level of education, marital status, level of economic independence and cultural background).</li></ul>
<b>2. Barriers &amp; Enablers (Descriptive Representation)</b>	<ul style="list-style-type: none"><li>• In depth interviews with men and women in politics and informant interviews with stakeholders. Researchers conducted over 80 interviews in three different counties and in Nairobi/National government. The interviews were conducted with women MCAs (elected and nominated), male MCA political aspirants, county officials, representatives of local civil society and community-based organizations, former political appointees (national level), male and female MPs, and political party officials.</li></ul>
<b>3. Influence &amp; Impact (Substantive Representation)</b>	<ul style="list-style-type: none"><li>• The research team conducted over 25 focus group discussions with men and women of various socio-economic groups and religious affiliations. Team members used open-ended questions designed to produce responses about attitudes about women in governments, perceptions about development changes in their community and whether respondents associate those changes to the inclusion of more women in local politics.</li><li>• The research team worked with local experts to compose group that were stratified and clustered by a series of criteria: 1) socio-economic status; 2) gender; 3) age, and 4) urban vs. rural living.</li></ul>

and Nyanza Provinces were isolated, being historically: marginalised; ruling party constituencies and an opposition stronghold respectively. The final selection was:

- Nyandarua (former Central province): Low participation
- Kilifi (former Coast province): Average participation
- Kisumu (former Nyanza province): High participation

**Table 2.2: Gender balance in focus counties**

	Women		Men		Total	Women %	Women % of elected MCAs
	Elected	Nominated	Elected	Nominated			
Kisumu	7	11	28	3	49	37%	20%
Kilifi	2	16	33	2	53	34%	6%
Nyandarua	0	14	25	1	40	35%	0%

## Research limitations

Over the course of conducting the research, a range of methodological challenges emerged— including contextual constraints—which impact the scope of the findings.

Fieldwork was conducted in October and November 2016, ahead of political party primaries in April 2017 and the general election scheduled for August 2017. The electoral calendar meant that many of the targeted respondents were occupied with political party meetings and engagements. The impending elections also made the topic more sensitive. Many of those interviewed who were active in politics—particularly within the ruling party and the Cabinet—were reluctant to speak openly about key institutions and individuals. Research took place immediately after a highly politicized national debate on the constitutional rights of women to be represented in office and the failure of the so-called Duale Bill, which sought to enact legislation to implement Article 81(b) to guarantee parliament is compliant with the Gender Principle. It also coincided with various public interest cases filed in an attempt to compel government compliance with the Gender Principle. Difficulties of access were particularly pronounced in meetings with the focus ministries and national commissions.

Pressure on civil society activities was also increasing at the time of fieldwork, which reduced respondents’ willingness to engage with organizations and offer any opinions that could be perceived as critical of the government. Ultimately, the political context, the electoral calendar and the government’s actions on women’s rights over the



preceding three years created a challenging environment in which to explore women's influence in leadership.

Some women approached for interviews, particularly at the national level, also expressed dissatisfaction with the number of studies that have focused on women in politics that had not, in their opinion, led to many successful interventions. A number of women expressed the feeling that the studies were helpful for the researchers and donors but not for the women themselves, as year after year they continue to face the same challenges with little or no additional support.

The practice of telephone surveys in Kenya is not widespread. Unfamiliarity with the method and the interviewer meant that some research participants were reluctant to participate in the data mapping survey. Some respondents mentioned previous experiences where personal data had been misused. Researchers also encountered difficulties contacting and getting a response from senior female politicians in the National Assembly and Senate.

Lastly, during the project, it became apparent that there are specific methodological challenges associated with attempting to measure the impact of Kenyan female politicians on human and economic development outcomes. First, the absence of recent baseline studies on social and development outcomes made it impossible to make quantitative comparisons in respect of changes to key development indicators.<sup>1</sup> Second, it was difficult to disentangle the impact of women's increased representation from the impact of devolution on social and development outcomes, because both policies were implemented during the same period. Finally, devolution abolished the former system of provinces and re-structured Kenya's administrative divisions into 47 counties. As a result, much of the data on social and development outcomes at the sub-national level used the former administrative units, making comparisons to the current political units difficult.

## Implications for study

These methodological challenges shaped the type of data the research team was able to gather and the conclusions drawn. Most significantly, the team was unable to conduct interviews with members of the three focus ministries, the Ministry of Public Service, Youth and Gender Affairs or the National Gender and Equality Commission. In addition, the team was unable to evaluate empirically the impact of women in government on county-level social and development outcomes—although it was able to identify anecdotal impacts. The team could only draw limited conclusions based on the national level

<sup>1</sup> Some research has been conducted on gender equality and Human Development Indicators in Kenya (Kiriti and Tisdell 2003), and on women's representation and perceptions of development (Nyanondo 2015). However, the research team did not find recent studies that took stock of the rate of women's representation in political institutions and specific development indicators. Such a study would need to look at pre-2013 levels of women's representation at the national and county levels and specific social and development indicators in those respective political units.

survey data gathered although the team was able to secure interviews with women who had previously served in Cabinet, as well as women with leadership roles in political parties. In order to address these limitations, the team redirected focus on understanding the dynamics of women’s political leadership at the county level, as the team was able to access respondents and secure interviews with key individuals at this level. It also became clear that the effects of devolution, distinctions between nominated versus elected seats in the County Assemblies, and the process of vying in competitive elections at the county level varies substantially across counties. The team concluded that a particular focus on the county-level would be advantageous for this study, since evidence suggested an increased focus and competition for MCA and county level positions.

### 3. Literature review and context

#### Factors affecting women's access to leadership

A number of studies have explored the variables that influence women's legislative representation across the globe. Some of these variables include the number of years of female suffrage, a country's predominant religion and political culture (Oakes and Almquist 1993; Paxton 1997; Matland 1998; Kenworthy and Malami 1999). The literature inclines to the view that multi-causal explanations are more satisfactory than reductionist theories of women's empowerment (Paxton and Kunovich 2003, 2005). For example, some research has found that the representation of women in parliament is largely dependent on 'a patchwork of institutional and cultural variables,' including political regimes that prioritize gender parity, cultures or religions that are amenable towards women in power, a small number of political parties that dominate elections, and a history of women running for office (Reynolds 1999: 569).

There is general consensus in the literature on two factors that are particularly favourable for electing women legislators. First, Proportional Representation (PR) electoral systems are more likely to benefit female candidates, compared to First-Past-the-Post (FPTP). Under the PR system, party-lists allow for women to be placed on the list by political party elites, rather than

The other significant factor that has fast-tracked women's entry into politics has been the introduction of quota systems (Dahlerup and Freidenvall 2005; Paxton and Hughes 2007; Hughes, Krook and Paxton 2015). The logic behind quotas is informed by the

idea that a critical mass of certain individuals, whether women, or other underrepresented groups, is required for that group to effectively influence policy. Thirty per cent is commonly theorized to be the tipping point or critical mass of influence (Wangnerud 2009). Sub-Saharan Africa has emerged as the region with a fast growth of women's representation in politics with over half of the countries in the region having implemented quotas to facilitate women's entry into government. In addition to implementing gender

quotas in legislative branches, many African states have outpaced the rest of the world in women's representation in cabinet or executive posts (Tremblay and Bauer 2011:173).

The adoption of gender quotas has also been particularly common in countries emerging from civil war or conflict. Some literature links civil conflict and disrupted power structures to restructured gender norms, which allow women more space to manoeuvre outside of traditional gender roles, potentially giving women new opportunities to engage in politics (Tripp 2015; Hughes and Tripp 2015, Berry 2015a). Rwanda, Uganda

***Proportional Representation electoral systems are more likely to benefit female candidates, compared to First-Past-the-Post***

and Mozambique, for example, adopted gender quotas as part of their constitutional redrafting processes as they emerged from war.

There are other ways in which conflict and political transitions impact the space available to women in politics. Women involved in political conflict often develop the skills and the political capital to carve out spaces in the new landscape. These conflicts and the roles played by women in them—at home and abroad—often contribute to an available cadre of capable women candidates to stand for public office. In African post- conflict states, national women’s movements have been critical to the adoption the strategies and mechanisms that led to women’s increased representation (Bauer and Britton 2006; Tripp 2015; Berry 2015a).

Despite opportunities for progress, a number of important obstacles to women accessing positions of political power remain. Weak political parties where mobility and advancement are linked to patronage as opposed to merit are less likely to promote or nominate women to decision-making roles—particularly in very patriarchal political systems (Goetz and Hassim 2003). Violence associated with political engagement also disproportionately disadvantages women who have limited resources to protect themselves from it or to engage in it. In such contexts, some women will either chose not to vie for political posts or will withdraw from the process altogether (Krook 2017).

The gendered nature of electoral financing is also a significant hurdle to women’s access to decision-making roles (Kayini and Muriaas 2014). Party and election financing in sub-Saharan Africa is typically unregulated, usurps voters’ power and prioritizes the needs of special interest groups (Sokomani 2005). The nature of electoral campaigns in many new democracies requires often prohibitive amounts of money to pay for party membership, candidate nomination fees, campaign materials, transportation for political rallies, and, in some instances, vote buying (Ohman and Lintari 2015). Given that parties seldom have the resources to support their candidates, the latter have to invest large amounts of their own resources in order to effectively compete (Eme and Anyadike 2014).

Such contexts are compounded in Sub-Saharan Africa, as women’s income is on average below that of men, leaving them with reduced access to private or household resources. Secondly, many countries in Africa have weak inheritance protection laws for women, which limits women’s ability to provide collateral to access credit. Finally, women may have to spend more than men to convince voters of their electability (Ohman and Lintari 2015). For these reasons, women vying for political positions with ties to powerful men are often at an advantage.

## **Women’s impact on policy and gender equality**

Some comparative literature on women’s role in politics has posited the theory that increased women’s political representation leads to improved gender equality and development outcomes (Kamau 2010, 2008). A review of this literature suggests that

though an increased political profile for women increases high-level political discussions focused on socio-economic development objectives, the impact of their inclusion on development outcomes is mixed at best, and inconclusive for most sub-Saharan countries (Franceschet 2015). Additional obstacles limiting women's political impact once they are in decision-making roles remain (Aoláin, Haynes and Cahn 2011). These include corruption; persistent gender-based violence (GBV) and harassment; the absence of family-friendly schedules or policies; the dominance of male patronage networks; and incumbent versus newly elected status (see Lovenduski 2005; Wangnerud 2009; Beckwirth 2007).

Once in political roles, many women find their voices and opinions marginalized by male political actors because of the patriarchal nature of political systems. Political party elites often curtail women's ability to operate independently from the party once in elected office and view women politicians as easy to control. Women may also be assigned 'soft portfolios', such as health, tourism, housing, education, culture, while men are assigned 'hard portfolios' such as finance, trade or foreign affairs (Htun and Piscopo 2010). Such gendered assignments reinforce cultural expectations about women's roles and capabilities. In some cases, women included through quotas report not enjoying the same level of respect and authority as elected women. A study on women brought into government through quotas in Uganda showed that they are less recognized in plenary debates than their elected counterparts and therefore may not have equal influence as their male colleagues to shape legislative outcomes (Clayton et al. 2014: 389).

Evidence on the agendas and impact of elected women in sub-Saharan Africa is also mixed (Bauer & Britton 2006). African women politicians do not have a unified agenda but rather—in addition to issues related to gender inequality, education, child and healthcare—may also bring attention to land rights, poverty alleviation, HIV/AIDS, sexual freedom and violence against women issues (Bauer & Britton 2005). For example, in Rwanda, women politicians have been influential in passing reforms of benefit to women, including revisions to laws relating to inheritance, discrimination and rape (Longman 2006).

However, in Namibia, while women MPs have played a pivotal role in crafting and passing many new laws, they have 'not managed to make their national legislatures more women- or parent-friendly' (Bauer and Taylor 2005: 100). Women have made the Namibian legislative process more gender sensitive, though, with less success in implementing women friendly policies. In Mozambique, women's increased representation has not yet translated into significant 'women-centred or feminist policy initiatives' (Bauer, 2006: 107).

In many African states, the dominance of a single party in systems where power is heavily concentrated in the executive, encourages legislators to promote agendas that favour their constituency as a whole, regardless of gender. In this context, it is even more challenging for women to singlehandedly push for pro-women legislation (Salih and Nordlund 2007). In some cases, such as Uganda, women MPs, like their male counterparts, are

constrained by the ruling National Resistance Movement’s (NRM) dominance in parliament, as it compels women politicians to follow party priorities instead of promoting women friendly policies, in order to remain competitive within the party (Tamale 1999; Abebe and Woldeyesus 2013). In such contexts, it is not unusual for female politicians to have very limited interaction with women advocacy organizations outside of the government, despite having benefitted from their support when running for office.

Overall, while women in formal political offices have shaped policy discussions in new ways, there is still little evidence that an increase in women’s representation directly changes policy outcomes although there is evidence of their impact in influencing and changing legislation.

## Wider impact

The impact of women’s representation on women’s empowerment and gender equality more broadly, should be evaluated both in terms of its material and normative impacts. For even if women legislators fail to push through more gender-sensitive legislation because of constraints once in office, they may enact legislation with broader impact, and their very presence may normalise the idea of women as leaders. Indeed, studies on Rwanda and Malawi demonstrate that women’s representation in national government positions can serve an important symbolic role in equalizing opportunities between male and female youth, encouraging young girls to believe they have a bright future (Frye 2012; Berry 2015b). Even if women’s representation fails to result—at least in the short term—in more gender-sensitive policy outputs, such symbolic or normative shifts in girls’ early expectations about life outcomes may have profound implications for wider gender equality for entire generations.

*Women’s representation in national government positions can serve an important symbolic role... encouraging young girls to believe they have a bright future*

It could also be argued that female legislators’ efforts to draw attention to gender equality can encourage further inclusive discourses to emerge around the rights for example of ethnic and racial minorities, and other socially excluded, marginalized or persecuted groups including sexual minorities. Women’s potential to influence discourse—if not policy outcomes—is an important aspect of their formal political inclusion (Wangnerud 2000).

## Women in political leadership in Kenya and the region

Compared with most of its neighbours, Kenya performs poorly in respect of women’s representation within politics in spite of a historically vibrant women’s movements and arguably one the most competitive systems of multi-party democracy in the region. Kenya is no more patriarchal than its neighbours nor are women less economically empowered. Many women are recognized to have made important contributions to movements for change in the colonial and post- colonial periods, and acted as trailblazers

within the political sphere (see Box 3.1). Kenya’s poor performance in comparison with her neighbours is variously a result of a lack of compliance with the national legal framework, lack of political good will at the national leadership level and an inability to hold the government accountable to the Constitution.

**Table 3.1: Women Representation in Parliament in East Africa**

	Constitutional provision	Percentage of women in parliament	Compliance
Burundi	Yes	37.8	Yes
Ethiopia	Yes	37.2	Yes
Kenya	Yes	20.8	No
Rwanda	Yes	63.8	Yes
Somalia	Yes	13.8	No
South Sudan	Yes	26.6	Yes
Tanzania	Yes	36.6	Yes
Uganda	Yes	33.5	Yes

Source: www.quotaproject.com

### **BOX 3.1: Kenyan women movements**

- 1952 *Maendeleo ya Wanawake* established
  - 1964 National Council of Women in Kenya (NCWK) established
  - 1985 Nairobi’s hosts the 3rd World CONFERENCE ON WOMEN
  - 1985 Federation of Women Lawyers of Kenya (FIDA) established
  - 1992 National Women’s Convention organized by NCWK and Africa’s Women Development and Communication Network
  - 1992 Mothers of Political Prisoners protest
  - 1997 Women’s Political Caucus formed
  - 2001 Kenya Women Parliamentary Association (KEWOPA) established
- Sources (Nzomo 2014; Kihui 2010; Kamau 2013)



## The 2010 Constitution

Discussions about the constitution have been at the forefront of public debate since the reintroduction of multi-party politics in 1991-1992, including attempts to include affirmative action laws to increase women's representation in politics (Cottrell and Ghai, 2007). In 1997 Hon. Phoebe Asiyo (MP) put forward a motion that would have, among other things, increased the number of women in parliament and regulated party funding (Kabira and Njambi, 2010). The motion was revived by Hon. Beth Mugo MP in 2000 to institute a quota for women and with the support of women's organizations, the motion was referred to the Constitution Review Commission, which included it in the Constitutional Draft. This draft was subsequently rejected in a referendum in 2005. Despite this setback, the women's movement and women legislators continued to lobby for their increased political inclusion, which was legally enshrined in the Gender Principle in the revised 2010 Constitution (which Kenyans voted for in the 5 August 2010 referendum).

Article 27 in the Constitution's Bill of Rights not only explicitly recognises women's equality it also further provides for women's right to equal opportunities in the social, economic and political sphere, and imposes an obligation on the state to implement affirmative action to redress past discrimination (Articles 27(3) & (6). Article 27(8) also states that not more than two thirds of the members of any elective or appointive bodies may be of the same gender. The Gender Principle is unique in that unlike the usual gender quotas, it limits the maximum representation of the majority gender. The Gender Principle is therefore an explicit limitation on domination by the majority gender—a subtle but legally significant difference.

In addition to the Constitution, the legal framework includes various Acts such as the Political Parties Act (2011), the National Gender and Equality Commission Act (2011), the Elections Act (2011), among others. In short, Kenya has a robust legal framework prioritizing the inclusion of women within electoral processes.

The first post-2010 Constitution government resulted in the largest ever number of women in the national legislature—National Assembly and Senate—at 21 per cent, and the largest in the Cabinet at 29 per cent. At the county level, women in aggregate formed 33 per cent of the counties' legislatures. At the county cabinet level, some—but not all—counties complied with the Gender Principle in the compositions of the County Executive Committees (CECs). The Supreme Court of Kenya, reconstituted in 2016, is also not compliant, with men occupying 5 of the 7 positions, exceeding the maximum permissible 67 per cent. The discernible trend at both the national and county level is non-compliance with the Gender Principle. Where there is compliance, it appears reluctant and always at the bare minimum for appointive positions; for elective positions compliance is more frequently through nomination rather than election of women.

The government's non-compliance has led to a series of court cases from 2012 to 2017, initiated by women's rights organizations and the Katiba Institute, to use the judiciary to advance political rights (O'Neil and Domingo 2016). These court decisions are contributing to the legal framework on the Gender Principle. In all cases the judiciary has

consistently upheld women’s equality and leadership rights in Article 27. In the case of the Supreme Court, in 2012 the only concession they gave was for the legislation to be enacted by 27 August 2015 to provide a mechanism for Article 81(b) to ensure not more than two thirds of the national legislature were not of the same gender. Despite its defence of women’s rights, the executive and legislative branches have continued to defy the judiciary, putting the three co-equal branches of government on a collision course.

**Table 3.2: Gender balance in national and county governments**

<b>Legislative – National Government</b>					
	Member of Parliament			Senator	
	Elected	Nominated	Reserved	Elected	Nominated
<b>Men</b>	274	7	0	47	2
<b>Women</b>	16	5	47	0	16
<b>% Women</b>	6%	41.7%	100%	0%	89%

<b>Executive – National Government*</b>				
	President	Deputy President	Cabinet Secretaries	Attorney General
<b>Men</b>	1	1	12	1
<b>Women</b>	0	0	6	0

<b>Country Governments**</b>					
	Executive			Legislative	
	Governors	Deputy Governors	CECs	Elected MCAs	Nominated MCAs
<b>Men</b>	47	37	449	1,375	104
<b>Women</b>	0	10	141	75	670
<b>% Women</b>	0%	21%	24%	5%	87%

\* These figures relate to the Executive from 2013-2015. The cabinet was reconstituted in December 2015 when the number of women Cabinet Secretaries decreased from 6 to 5, whilst the number of male Cabinet Secretaries increased from 12 to 15.

\*\* These figures are based on research conducted during October – December 2016. The study found that these numbers shifted during the period.

Some politicians have argued that the full implementation of the Gender Principle is expensive. This claim was refuted by the Institute of Economic Affairs in a study, *The Cost of Representation*, commissioned by the National Women Steering Committee (a coalition of women’s rights organizations) and published in May 2015. The study argued that the Gender Principle was affordable, and could be implemented for less than a 10 per cent increase in Parliamentary costs. Despite this finding, the government continues to fail to fully implement the Gender Principle in both appointed and elective offices. The government’s refusal to comply with the Constitution and various court rulings demonstrates the weakness of the rule of law in Kenya and establishment resistance to gender equality (Makau 2001).

*Whilst Kenya has a very competitive political system, political parties themselves are historically weak without defined ideological or policy positions.*

## Doing politics in Kenya

Kenyan women’s comparative political under-representation measured against their regional peers should be seen in the Kenyan context of how politics is practiced and its institutional architecture. Whilst Kenya has a very competitive political system, political parties themselves are historically weak without defined ideological or policy positions. Party support has tended to follow ethnic lines, with electoral success dependent on the formation of strategic, ethnic alliances between ‘big men’. Alliances are transient and tend to shift during the election cycle, the only consistency being men’s dominance as heads of political parties. These men, in turn, usually secure the nomination on the presidential ticket. There are just a few notable historical examples of women who have managed to form parties or lead them. For instance, in 1997 Charity Ngilu led the Social Democratic Party (SDP), though the party eventually merged with bigger parties and Ngilu lost the leadership (but now leads NARC). Men hold top positions in most competitive parties, which not only excludes women from decision-making roles in these political parties but makes it more difficult for women to secure party nominations. Parties have weak internal structures and procedures, resulting in the dominance of patronage and informal decision-making processes.

Campaign financing in Kenya also contributes to an uneven playing field between political candidates, especially if they are female. Kenya’s Election Campaign Financing Act of 2013, which sets limits on campaign spending, has not been enforced. As such, Kenyans seeking to access political office must disburse large sums of money to register and campaign for the nomination, which if won, then requires more funds to campaign successfully for the seat. While campaigning candidates are expected to contribute to different local fundraising initiatives, provide assistance in various forms to the electorate, and demonstrate their ability once in office to deliver material improvements to their constituency. Since parties provide very little financial support, candidates with independent resources or who are able to draw on social networks are advantaged.

The preponderance of money within the political system, both in the campaign and for those in office, is an important structural barrier to women's increased representation.

Inclusive political participation in Kenya is also impacted by the instrumental use of violence. At both the national and local levels, political leverage often comes from the ability to marshal political violence to either intimidate, harass or attack candidates, politicians and voters (Nyabola 2016). Political aspirants who do not have the resources to deploy violence or are vulnerable to it, such as women, are disadvantaged, and deterred from running for office.

Finally, devolution under the 2010 Constitution has changed Kenya's political landscape and has intensified political competition. It is assumed that decentralised system will promote vertical inclusivity by allowing more people at sub-elite levels to be involved in the state bureaucracy (Crook and Manor 1998; Isaac 2000). As such, early literature on decentralization and governance often saw it as linked to subsidiarity, or delegation of responsibility to local governments, thereby opening leadership opportunities to underrepresented communities, including women. In some contexts (including Kenya) genuine decentralization is frustrated by an ongoing competition of jurisdiction between the local and central government. While previous attempts at decentralization in Kenya were used to consolidate central elite's power, devolution, as instituted by the 2010 Constitution, saw that bona fide political and financial power were distributed to county level (Cheeseman *et al.* 2016).

The 2010 Constitution's provision for devolution was instituted through the creation of 47 county governments. Under this new system, the national legislature is now bicameral with senators representing the interest of their respective counties, while governors and their deputies head the county government, which is in charge of managing the national transfer of funds amounting to a minimum of 15 per cent of the government's revenue. The governors appoint—with the approval of the county assembly the county legislature—a team of County Executive Committee (CEC) members to complete the executive branch. CECs have their own portfolio and significant influence over the formulation of the county budget and policy. Those budgets are then revised and approved by Members of the County Assembly, who, if they are elected, also have access to a ward development fund to be used for local development. MPs of the 290 constituencies still control their Constituency Development Fund, while Women Representatives in each county also have funds to allocate, which vary based in the number of wards they have (Cheeseman *et al.* 2016).

Since devolution is a recent and ongoing process, Kenya's political space remains in flux and political actors are still adjusting their strategies and behaviours to gain or maintain their influence. This has had varying effects on how the Gender Principle has been applied. Indeed, the political and economic power concentrated at county level has created a new source of competition. This competition has only increased in 2017, with

more than 20,000 candidates vying for the 1,450 elected MCA seats.<sup>1</sup> The increased competition at the county level has had three important consequences. First, it has weakened central elites' control over nominations at the county level. Second, the intensification of competition has increased the financial, political and social cost of political entry for all those who aspire to engage in county politics, leaving women at a disadvantage in a political space that should offer them new political participation opportunities. Third, given the resources allocated to various elected officials, voters have higher expectations of their county representatives in terms of service delivery and development outcomes. In this system, political actors with limited resources vested in their political post lose their relevance, and these actors, especially since 2013, are disproportionately women.

<sup>1</sup> Patrick Lang'at, 'MCA seat takes the cake as over 20,000 eye position', Daily Nation, 5 March 2017. Accessed 3 August 2017.

## 4. Barriers and enablers to access

This section explores the various factors that facilitate and hinder women’s ability to access decision-making roles. In some cases, these factors influence whether or not they will seek political office. In other situations, the factors are structural or institutional and will create obstacles or opportunities once women decide to enter into the political sphere. Some factors can act as both a barrier and an enabler depending on women’s personal characteristics or their socio-political status. This research highlights the fact that barriers and enablers to access to political leadership may vary based on the type of post one seeks or where one is vying, highlighting variations based on dynamics of access at the county and national levels of government, between the executive and legislative branches of government, as well as across counties. These distinctions will be relevant for implementing and evaluating programmes for women in politics in Kenya.

### The Constitution

What I can say about women and politics is that the Constitution has given us a chance to be in leadership positions so that we can improve the lives of women.<sup>1</sup>

There is a general consensus, at both the national and county levels, that the Gender Principle has expanded the space for women’s political participation and representation since 2010, and especially after the 2013 general election. The new legal framework has made the presence of women in government compulsory at all levels and in all branches of government. As such, national and county legislatures have increased the total number of women in leadership roles. At the national level, President Kenyatta has nominated women to head various portfolios, some of which—such as Amina Mohamed in the Ministry of Foreign Affairs and Raychelle Omamo in the Ministry of Defense—are outside traditionally ‘feminine’ fields.

Women interviewed for the study upheld the view that the Gender Principle has had a positive influence on women’s participation in politics, with some citing it as the main driver behind their decision to run for office.<sup>2</sup> The Gender Principle was an affirmation of women’s rights to be included in politics, and for some, the security of affirmative action seats alleviated some of the personal risks associated with electoral campaigning for dual gender seats. The new constitution also lowered some of the structural and institutional barriers to women’s representation by forcing the system to accommodate women. Parties that secured large number of seats in national and county legislatures have had to nominate women to fulfil gender quotas. It could also be argued that women

<sup>1</sup> Interview NY1, Nominated MCA, Nyandarua.

<sup>2</sup> Interview KE11, 15 November 2016.

vying for elected seats benefitted during this period from the publicity associated with national discussions about women's right to participate in politics.

Between male and female respondents, men perceived the Gender Principle to be a more significant enabler than women did. Men often stated that the Gender Principle offered women 'fair representation'.<sup>3</sup> Female respondents' assessments were more nuanced, particularly among women politicians within the National Assembly and in Kisumu County government. Many of these women were critical about the government's failure to fully implement the two-thirds rule. A Woman Representative explained, 'Right now there are very good laws but we politick around good laws and pretend to be implementing when in actual sense we are not implementing.'<sup>4</sup> This difference is noteworthy for two reasons. First, it seems to indicate that some men see the Gender Principle's current implementation as being sufficient for the women's advancement in representation. Second, it suggests that the women in positions of authority consider the status quo unsatisfactory.

While the comparative literature sees gender quotas as the most potent enabler of women's political access, in Kenya the Gender Principle has shortcomings that constitute an obstacle for women in the National Assembly. Women account for only 19 per cent of the National Assembly and 27 per cent of the Senate, meaning both houses are below the minimum 33 per cent mandated by the Constitution. The failure lies in the wording of Articles 97 and 98, which explicitly establishes the numbers of members in both houses but fails to provide a means to meet the Gender Principle should elections result in one gender's two-thirds dominance. This is in contrast to Article 177, which defines the composition of County Assemblies. Article 177(1)(b) states that counties shall make provision for 'the number of special seat members necessary to ensure that no more than two-thirds of the membership of the assembly are of the same gender.' All county assemblies are compliant with this Article. While the Gender Principle is provided in the Bill of Rights, Article 27 and in the principles of the electoral system, Article 81(b), the imprecise language with regards to membership at the National Assembly and Senate is an obstacle to its full implementation. Since 2012 this issue has been the subject of litigation, with the most recent decision handed down in April 2017. In all cases the courts have found that parliament is legally required to enact legislation to implement Article 81(b) for the national legislature. Parliament has, however, defied all court orders including the last judgement which required legislation is enacted by 27 May 2017.<sup>5</sup>

The Constitution is no panacea for women's representation in all branches of government. There are debates about whether or how to apply the two-thirds gender rule to executive positions such as president and deputy president, or governor and deputy governors. While women's representation has increased in legislative branches, no

<sup>3</sup> Elected male MCA, Kisumu, interview KS1, 25 October 2016.

<sup>4</sup> Interview KE7, 10 November 2016.

<sup>5</sup> CREAW, CRAWN Trust and KNHRC vs. National Assembly, Senate and Attorney General Petition 371 of 2016.



women were elected as governors in 2013, while only nine women clinched a deputy governor position. As such, the most powerful positions in Kenya remain the exclusive preserve of men.

## Political parties

Respondents have identified political parties as enablers to access. It is important, however, to nuance how parties have in some cases helped women access political posts, and under what circumstances. For the most part, political parties are vehicles to access when politicians are members of the dominant political party in the region both at the county and the national level. Political parties in Kenya generally lack an ideological basis and tend to be organized around region and ethnicity with opaque organizational structures making them difficult to navigate. According to the FIDA gender audit, 'during the 2013 elections, political party selection was assessed as one of the most pivotal factors in the success or failure of women aspirants and candidates' (FIDA 2013: 58).

Notwithstanding this, women seeking nominated positions must be selected by their party. A nominated MCA from Kilifi explained that the only way her party had been an enabler to access was through her very nomination. But she argued that the process does not come without a cost. She explained that this meant that in return, one has to 'preach the word of the party to get more members.'<sup>6</sup> But this reality is the same for men or women. Similarly, in order to get the backing of party leaders to secure the nomination on an elected ticket, one woman MCA from Kisumu explained that loyalty to the party early in the process was essential. 'You have to be loyal to the party ... For instance, if there is a senator aspirant from your ward; they will demand that you support them or they will fund another candidate against you!'<sup>7</sup> However, one Woman Representative explained that once she secured the ticket nomination for TNA, the party offered her financial assistance at the end of the campaign.<sup>8</sup> At this point of the race, her victory represented a victory for the party.

The impermanence of most political parties means that, with few exceptions, it is difficult for politicians to invest in a political party in anticipation of the next electoral cycle. For the past decade, the rise of coalition based politics where political parties form formal or informal pre-election coalitions has meant that long-term investment in a political party is difficult, since it is unclear until a year—even sometimes months—before an election which parties are the most likely to succeed. For example, ODM is the only political party to have fielded a candidate—the same candidate—in each presidential election since 2007, and only KANU has had elected members of parliament in every election from 1992 to 2013. In 2016, TNA was dissolved along with various affiliated parties to form the Jubilee Party. The challenge for politicians becomes selecting the

<sup>6</sup> Interview KF11, 26 October 2016.

<sup>7</sup> Interview KS5, 27 October 2016.

<sup>8</sup> Interview KE7, 10 November 2016.

correct political party for a particular electoral period, a choice which is itself subject to constraints.

Women seeking national and county positions have responded to this challenge by either forming their own parties or choosing to vie from less popular parties, as political personalities moved onto new electoral vehicles. In this way women have come to control smaller political parties and thereby ensure their names on the ballot by either fair or uncontested nomination processes for their positions. Some examples are Charity Ngilu with NARC, Martha Karua with NARC Kenya, and Wavinya Ndeti with Chama Cha Uzalendo. The presence and durability of these political parties presents a programming opportunity to help increase the participation of women within political parties and to increase the number of women on the ballot for general elections.

Despite the various ways in which women can capitalize on party affiliation, most respondents described parties—and the men who wield power within them—as barriers to women’s representation in politics. Internal political party processes lack of transparency mean that even though women hold party positions, party decisions are dependent on patronage and key powerbrokers who are most often men acting as gatekeepers. These party dynamics unfold differently from one county to another and between the county and national level. In places of dominant parties like Kisumu with ODM and Nyandarua with TNA, the political party can hinder women with limited political networks to access political posts. While women are busy campaigning and seeking the support of the electorate, many men attend late night meetings for back-room deals to secure the nomination. In Kisumu, one respondent noted that ‘ODM calls the shots’<sup>9</sup> and ‘determine who vies [and] who is nominated.’<sup>10</sup> Kisumu women have long been active in politics and female politicians and aspirants are acutely aware of their dependence on ODM, and were among the respondents who spoke most about party dynamics both in terms of primary competitions and winning the party’s favour.

The study found that during the 2013 elections in Kisumu, parties awarded nominations to those with close ties to the party and not necessarily those with voter popularity. Some women reported that their winning certificates of nomination were handed to other candidates. One woman MCA managed to fight and reclaim her name on the ticket. Fortunately, the IEBC already had her name on record as the winner of the party’s nomination process, and had the means to launch a legal appeal. Appeals are costly however, and many women are unable to afford legal action. In one respondent’s case, it took the support from her MP and community, who threatened to withdraw their votes if the governor refused to intervene.<sup>11</sup> While she was successful in outmanoeuvring the party’s decision, others were forced to compete on rival party tickets.

<sup>9</sup> Interview K13, 4 November 2016.

<sup>10</sup> Interview KS10, 2 November 2016.

<sup>11</sup> Interview KS5, 27 October 2016.

In Nyandarua, the dominant party in 2013 was The National Alliance Party (TNA). Here, not a single woman was elected to the County Assembly. Politicians and ordinary voters shared that Nyandarua was conservative, where men are perceived to have a natural right to lead. Since more power and influence is vested in elected seats, there was a sense that women should not attempt to vie for competitive seats, as they would be 'given'<sup>12</sup> the nominated seat. In respect of the National Assembly, there was a perception, particularly common amongst men, that with the creation of the Women Representative seat, male candidates were exclusively entitled to contest constituency MP seats. The lack of civic education allowed for this misperception to persist throughout the 2013 electoral campaign. According to one failed aspirant,

... there was a lot, a lot of hardship because devolution came about and nobody educated the people on the constitution ... When we went to vie for MCAs nobody knew about the various seats at the county assembly. People were only familiar with the parliament, the president and they didn't know what was an MCA. So we had very heavy load, because when you were asking for votes, men would come out and tell people: 'Leave this woman. They have been given separate seats.' Others were saying 'Leave this woman alone. She is vying for the woman representative seat.' Voters didn't know that there was a difference between a woman rep and MCA so it was very difficult to work.<sup>13</sup>

In some cases, women were directly asked by parties not to vie or to step aside in favour of their male counterparts in exchange for a nomination. Consequently, few women vied for competitive seats, most of them with limited political experience. In fact, international observers found that across the country, very few women were nominated by their parties for competitive seats during the 2013 elections (Carter Center 2013: 22). In 2013 one of the study's research participants, an experienced politician, who had managed to gain an elected post under the previous electoral system, opted to seek a nominated seat instead of competing for an elected seat. In 2017, she will also not vie for her county seat as she, the male MCA representing her ward and her party, have agreed on the status quo.<sup>14</sup>

In Nyandarua, the ethnic homogeneity opens the door for intra-ethnic competition as struggles for power between county notables are rooted in local historical contexts and not ethnic differences (Cheeseman, Lynch & Willis 2016). As a result of this intra-ethnic competition, powerful Kikuyu individuals created their own smaller parties. This made it easier for Nyandarua politicians to switch to alternative political parties without jeopardizing their ethnic support, in case they failed to secure the dominant party's nomination. This option is more readily available to popular and visible men than for women with limited experience. Accordingly, all nominated women in Nyandarua are members of the dominant TNA with the exception of one Democratic Party member.

<sup>12</sup> A term often used when speaking about nominated MCA, that they were 'given' the seat.

<sup>13</sup> Interview NY27, 21 November 2016.

<sup>14</sup> Interview NY1, 22 October 2016.

Counties like Kilifi present different dynamics when it comes to party politics since the region has no dominant party. In this county, women have more flexibility with regards to party affiliation, but they are also careful to consider which party has the strongest chance of success in their specific ward. While women politicians and aspirants understand that they have to demonstrate their value to the party like any other politicians, they are less dependent on individual parties and can exercise more agency when determining which party-ticket they want to run on. Ten months ahead of the 2017 elections, a powerful and well-known nominated MCA confessed that she had not yet decided with which party she would align with:

Right now I have not yet decided, because I am still serving ... every party is looking for me right now, even Jubilee. Last time we had by-elections I supported the Jubilee candidate so they said, this woman is good. KADU-Asili are also asking for me, WIPER are hunting for me day and night.<sup>15</sup>

While Kilifi does not have a single dominant party, ODM secured the most seats in 2013. One woman elected MCA ran in Kibarani Ward, an ODM stronghold, with an unopposed party nomination. She benefitted from the support of ODM candidates running for other seats, and from the party's endorsement of a so-called 'six-piece voting system'.<sup>16</sup> In 2017 she secured ODM's nomination for Women's Rep.

Previous research has identified the particular obstacles that party primaries pose for women in the Kenyan system (FIDA 2013, Kabira & Kameri 2016). In 2017, the IEBC is reporting unprecedented numbers of candidates contesting in the primaries. The most significant competition is at the county level for the position of MCA, signifying a shift in the prevailing political dynamics. In 2016 two of the larger parties TNA and URP (and other smaller parties) merged to form the Jubilee Party which concentrated competition within the party forcing many strong candidates to run against each other. The primaries for both the Jubilee Party and the constituent members of NASA were chaotic and contentious and resulted in a significant number of disgruntled aspirants. Many losers in the primaries, including women, have opted to run as independent candidates making the 2017 election the most contested in Kenya's history. This increased competition, especially at the county level, has made the situation more and not less difficult for women. Although indications are more women participated in the political party primaries, so did more men. This increased competition has exacerbated challenges such as intimidation and violence of both female aspirants and their supporters, along with various reports of gender-based electoral violence which has seen little response by either the electoral commission or police. The 2017 elections do, however, offer hope of Kenya's first female governor with at least 5 high-profile female candidates, including In Kirinyaga County where two of the leading governor candidates are women. These elections may also see the first elected women senator with strong female aspirants in Nakuru and Uasin Gishu.

<sup>15</sup> Interview KF12, 26 October 2016.

<sup>16</sup> Interview KF25, 25 October 2016.

## Campaign financing and resources

Campaign financing in Kenyan elections is a potential barrier for anyone who seeks elected office. Successful candidates usually need a combination of cash, logistical support, transportation and security. Candidates tend to require a vehicle to travel to and throughout their electoral unit—ward, constituency or county—and for petrol and maintenance. For candidates running for county positions, a vehicle is especially critical since they often need to travel long distances, sometimes to remote areas. Additionally, candidates need to be able to finance branded campaign materials such as posters, hats, t-shirts and *kangas* (traditional cloths). Experienced candidates in very competitive political units may also need to commission opposition research as well as hire teams to manage their campaigns.

Many voters expect candidates to distribute fare reimbursement, lunch or money to ‘buy sugar’ at meetings. A party representative confirmed, ‘everywhere you go you must buy sugar, you must buy something.’<sup>17</sup> These kinds of expenses are ubiquitous on the campaign trail in Kenya and are generally accepted as legitimate practice rather than examples of corruption. However, these costs appear to be increasing with each election. The Women County Representative for Kitui stated: ‘The first election I used exactly KES 150,000 for the whole campaign. The only extra I had was two vehicles. The last one I used KES 20 million plus.’<sup>18</sup> In a country where the average annual income is under KES 140,000, for the majority of the population the costs of campaigning are prohibitive.<sup>19</sup> Many women in politics also confirmed the need to pay hefty bribes throughout the electoral process, sometimes simply to receive the physical certificate confirming that they had won their party’s nomination.<sup>20</sup>

The financial cost of electoral campaigns is a heavier burden for women than men for a number of reasons. First, women have access to only 65 per cent of the personal financial resources available to men (World Economic Forum report 2013: 51). Furthermore, women have less flexibility in how they spend their money. This is particularly true for women with families. A focus group participant in Nyandarua explains, ‘if a man is given a tender to work, most of the money goes to his pocket but a woman will look at her dignity, and she has children.’<sup>21</sup> While men are free to spend their income autonomously, women may be constrained by their spouses who often control family finances, by their responsibility to their children, if they have any, or both. Many families invest their resources in assets such as land or livestock, which are usually owned and controlled by men. Some of the respondents noted that it is very common for a man to sell family assets to fund his campaign, however married women are less likely to do the same unless they have their husbands’ support. Finally, the cost of campaigning is a heavier

<sup>17</sup> Interview KE1, 26 October 2016.

<sup>18</sup> Interview KE12, 16 November 2016.

<sup>19</sup> World Bank, ‘Kenya Data’. Accessed 1 June 2017. (<http://data.worldbank.org/country/kenya>)

<sup>20</sup> Validation meeting discussion, May 2017.

<sup>21</sup> Interview NYFG6, 30 October 2016.

burden on women because they often have to spend more resources than their male counterparts to achieve similar results. Many women have to spend money on security to protect themselves and their supporters against violence. Since most of the women who are vying for office are challengers, they almost always spend more resources than their incumbent rivals, as they lack the name recognition, record of accomplishments, and many other structural advantages associated with incumbency.

The 2011 Political Parties Act has strict requirements for political parties eligibility for public funding. Since 2013, only 3 out of 59 registered political parties—TNA, ODM and URP parties—were eligible for public funding of between USD 2.5–3.5 million per year, to be divided between them. Even where political parties receive public funds, women report they receive minimal, if any, support.

Money alone does not determine the outcome of elections. Some women have successfully navigated electoral campaigns with limited financial resources by relying on their social networks, mobilizing experience and skills. That said, the increasing cost associated with campaigning will continue to disproportionately hinder women’s ability to access office, unless measures are taken to tackle campaign financing and lessen voters’ material expectations of candidates.

## Violence

Violence is a major concern for women vying for legislative seats at both the national and county levels. Elections in 1992, 1997 and 2007 saw large-scale violence in different parts of the Kenya. Beyond these high-profile violent episodes, candidates and their supporters are also subjected to routine violence and protests at local levels throughout the campaign cycle. Nanjala Nyabola (2016) noted that in Kenyan politics, ‘the ability to muster and marshal violence to intimidate opponents is known colloquially as *mimi ni ndume* (I am a bull) politics, and is rewarded and admired’.

What makes this type of political violence more challenging for women is the fact that it is coupled with pervasive misogyny and high rates of gender-based electoral violence. This research revealed that such violence differs from violence directed at men throughout electoral process, as women are targeted to dissuade them from vying. Then, once in political office, women face continuing violence, which manifests itself in various ways. A former MCA candidate in Kisumu described:

I was attacked, all these scars you are seeing I was attacked by three men at my gate. They cut me and even the knife went through my breast...I just found people by my gate when I was just about to get in and they started to cut me everywhere; the head hands etc. I had to have many surgeries and I was down for four months.<sup>22</sup>

<sup>22</sup> Interview KS11, 2 November 2016.

Another woman who vied for but failed to secure an elected seat in Nyandarua was relentlessly persecuted during her electoral campaign. She narrowly escaped rape by a group of men before boda boda (motorcycle) drivers rescued her. A subsequent attack also put her husband in danger:

One day I was riding the motorbike with my husband and I was not wearing a helmet. A stone was thrown towards me, aiming to hurt me but it got my husband's helmet and it cracked and my husband wanted to stop and confront them and I told him to ride away fast since they wanted to harm me instead. The stone was aimed at me.<sup>23</sup>

A significant portion of the violence during the electoral cycle is deployed during the primary stage between people of the same party (and often the same ethnic groups). This violence is not uniform across the country, but it is more likely to be concentrated in certain counties with contested elections. Violence during the party primaries not only impacts candidates, but also voters. A Kisumu nominated MCA explained that many 'voters don't participate in the primaries because they fear the chaos.'<sup>24</sup> The 2017 primaries resulted in several deaths and many reports of abuse, kidnappings, and injuries in places like Nairobi, Homa Bay and Migori counties.<sup>25</sup> Those most likely deterred by the violence are women and other vulnerable groups. For instance, a sitting MCA described how her opponent hired 'goons' to identify her key mobilizers to intimidate them. Violence escalated, as 'two women were shot, they even tear gassed the polling stations.'<sup>26</sup> On the day of the primary, her opponent paid local police to take over the polling station and kidnap the presiding officer. As she noted,

I fought my battle by telling police I'm employing you to remove me from this place, how much have you been paid by opposition? 10k? I'll give you 20k to take me away. If I had had no money, I would have been raped, but they removed me from there.<sup>27</sup>

The pervasive violence during the primaries dissuades women from voting and participating in the political process, thereby decreasing the likelihood of women to secure party nominations. The additional financial resources that many women candidates must expend on their security creates a further financial hardship for female candidates.

Women also reported being subjected to abusive language and insults during campaigns. They are accused of being 'loose women', 'prostitutes', and 'adulterers'. Members of the

<sup>23</sup> Interview NY4, 25 October 2016.

<sup>24</sup> Interview KS6, 26 October 2016.

<sup>25</sup> Many examples can be found in domestic newspapers. For example: , the following news articles: Daily Nation, 'Death, chaos as ODM polls off in some centres'. Accessed 1 June 2017. (<http://www.nation.co.ke/news/politics/Death--chaos-as-ODM-polls-off-in-some-centres/1064-3902556-sp4s7p/>).

<sup>26</sup> Stakeholder validation meeting, 9 May 2017.

<sup>27</sup> Stakeholder validation meeting, 9 May 2017.



public, male colleagues, journalists, and others—including other women—scrutinize and criticize the way women candidates dress. Often this abusive language continues after they arrive in office, as women in government continue to face pervasive allegations about their sexual promiscuity.

Violence against women usually goes unpunished. Despite a robust legal framework including the penal code, the electoral code of conduct and political party sanctions, gender-based violence directed at women in politics rarely has any consequences for the perpetrators. For example, in October 2016, Ida Odinga—the wife of ODM Party leader Raila Odinga, committed publicly at an ODM Women’s rally to disqualify any candidate involved in violence or incitement during the electoral season. Since then, there have been a number of incidents, and few of the alleged perpetrators have been disciplined. In at least one notable instance, ODM disciplined a woman Senator, Elizabeth Ongoro, for violence. More usually political parties ignore violence against women, and perpetuate a culture of impunity and making violence a structural barrier to political office that women must contend with.

Violence and the threat of violence during the electoral period normalizes the victimization of women in politics and acts as a deterrent for women generally. As a woman aspirant for governor notes, ‘Politics is deliberately done to intimidate women and the first instinct for a woman is to protect herself and her family.’<sup>28</sup> Respondents also alluded to the use of violence as a campaign tool and women’s reticence to use violence as a barrier to access. Men are aware of the pervasiveness of violence against women and understand women’s unique vulnerabilities.

Women, however do not just accept their victimhood. Women MCAs relayed the different strategies they used to minimize the risks associated with campaigning. One elected MCA from Kilifi shared that she had moved into a hotel after her victory to avoid any local disturbances.<sup>29</sup> Again, the need for such strategies arguably places an undue financial burden on women. Another described pressuring the leaders of her political party to arrest a colleague who had hit her, which they did, even if the charges were later dropped.<sup>30</sup>

## Social and gender norms

Cultural constraints remain a big barrier to women’s representation in leadership positions. Interviews with male and female legislators, civil society representatives, and ordinary citizens in the three counties suggest that Kenyan society is not yet fully at ease with women’s leadership. In 2012, an Afrobarometer survey found that 75 per cent of the population saw the inclusion of women in political leadership as positive.<sup>31</sup> Yet a

<sup>28</sup> Interview KE18, 10 November 2016.

<sup>29</sup> Interview KF1, 25 October 2016.

<sup>30</sup> Stakeholder validation meeting, 9 May 2017.

<sup>31</sup> Kenya Round 5 Data, Afrobarometer, July 2015.



discursive analysis of the language used by interviewees and in focus group participants indicated widespread ambivalence about whether women truly have a place in politics, including amongst women. Pervasive gender norms maintain patriarchal ideas about women's suitability for political and public office.

Women's leadership was consistently described as motherly, nurturing and meek. Expressions such as 'women are mothers', 'they can manage money better than men' and 'they have children so must take care of citizens' are common.<sup>32</sup> These ideas about women politicians were very different from the language used to describe male politicians who were represented as forceful, strong, aggressive and often corrupt.<sup>33</sup> Many respondents suggested that women were not as corrupt as men because of their motherly attributes, and because women were used to managing their homes and were therefore expected to bring house-management skills—such as making money last to feed the family—into their government roles. Finally, and likely most damaging, is the recurrent use of words like 'weak' to describe women and their challenges in political life (Kivoi 2014).<sup>34</sup>

Despite the strong approval by respondents of women's representation in politics, this type of language is problematic on many fronts. First, it comes with assumptions that the role of women, as opposed to men, is to be caretakers. While public servants should be responsive and concerned about their constituents' needs, the general public's perception of Kenyan woman politicians as caregivers keeps them squarely in the domestic realm and absolves men of their responsibilities as representatives of the people. Secondly, the emphasis on management skills perpetuates the idea of women in support roles in traditionally male domains. Finally, as Kenyan politics is consistently described as combative, the portrayal of women as weak contradicts stated beliefs that women belong in this sphere. Most research respondents did not express concern at the way masculine attributes are privileged in Kenya politics. Rather, the sense that women should conform to the norms was more widely expressed. This suggests that the potential for women to display characteristics and perform roles that subvert traditional gender roles—both on the campaign trail and in office—is limited. The persistence of these beliefs and perceptions despite the change in the political and legal arrangements in Kenya since 2010 underscore the necessity of continuous civic education—not just in the lead up to the elections.

Kenyans have been socialized to believe that men are more suited to leadership, especially in the political arena. Consequently, voters are much more forgiving of male politicians' flaws than women's. In Kenya, women must prove that they are good wives and homemakers before they are elected, including by female voters, as a prerequisite to being a trustworthy political leader.<sup>35</sup> Some focus groups participants questioned

<sup>32</sup> Interview KGFG8, 31 October 2016.

<sup>33</sup> Interview KFFG6, 30 October 2016; interview NYFG2, 25 October 2016.

<sup>34</sup> Interview NYFG6, 30 October 2016.

<sup>35</sup> Interview KFFG9, 27 October 2016; interview NYFG4, 30 October 2016.

how a woman could be trusted with political office if she could not take care of her own home. The level of scrutiny—often by their female peers—that a woman must face before they are entrusted with leadership is so high that many women choose not to subject themselves to the pressure, and reduce the numbers willing to participate.

Similarly, there remain societal expectations of what kinds of behaviours are culturally acceptable for respectable women. Women who fail to adhere to these expectations put themselves at risk of ridicule, abuse and loss of support. Women aspirants and politicians often stated that they had to go back home in the evening to cook and take care of their family. They are often unable to attend late night political meetings, a space where key constituents gather and a great deal of information sharing takes place. Domestic duties reduced women’s public visibility and electability compared to their male counterparts. In any case, attending these meetings may also be viewed critically. During a political rally one of the researchers attended, a prominent female political figure told women who intended to vie for office that their primary responsibility was to their families and that it was unacceptable for them to neglect their homes in the evening. Her comments were met with loud approval by the women politicians and aspirants in attendance.

There are, however, some variations in how fixed gender roles are perceived between the counties. In Kisumu, where there is long history of women’s participation in politics, responses about gender roles were more flexible. Respondents in Nyandarua—which has no women elected MCAs—had the most restrictive view of women’s permissible participation in the public space. The devolved political space has highlighted key regional differences, often contrary to assumptions about the local culture. Popular discourse suggests that the regions with more difficulty accepting women’s leadership are in the Northeastern or the Coast, due to the prevalence of Islam there. Yet, Kilifi, a coastal county, outperformed Nyandarua in terms of the number of elected women MCAs. The findings in Nyandarua suggest traditional structures transcend religious differences. Transforming traditional gender roles and expectations will require more than generic interventions. They must be tailored to the local particularities. Still there are many historical examples of high profile Kenyan women who have succeeded in harnessing or negotiating traditional cultural norms, and these norms change with society and over time. Observations suggest that more women will be competing for political posts in the upcoming elections, indicating that fewer women are being held back by these expectations.

## Experience and education

Experience prior to embarking into politics was also identified as a key enabler for women. From work with community groups and organizations including *Maendeleo ya Wanawake* (MYWO) to teaching, women’s previous experience was perceived as a key enabler of access. Experience was considered an enabler because it allowed women to leverage their pre-existing network and skills to improve their visibility and electability.

More research is required to understand how this enabler shapes women’s choices and its impact on young women in politics. Prior experience was also cited as a key enabler for men, indicating that electorate value it regardless of gender.

Women at the national and county level differed in their view of pre-candidate training as an enabler of access. At the national level, women valued the training on the institutional processes—such as the workings of the legislature, parliamentary processes—but were notably doubtful about the value of pre-candidate training as an enabler of women’s access. As one woman asked:

Who trains the men? The gap would be in terms of self-confidence because everything you hear around you, including in well-meaning partner circles, is that you are lesser. Because when they come to train you what do they mean and they have not trained your brother across the road? The word training is coming from the patriarchal notion that women are lesser in everything and especially in leadership.<sup>36</sup>

At the county level, however, women indicated a desire for training and mentioned organizations that provide training, including UN Women, NDI, FIDA and CREAW. Nevertheless, the need for training was always secondary to the imperative of resources.

Within the executive branch, CECs cited education levels and the Gender Principle as the most significant enablers of access. An important difference between the executive and the legislature is the educational and technical requirements for candidates. Executive positions at both the county and national level require advanced degrees as well as a level of proficiency in a technical field. In 2013, counties advertised CEC positions, which meant there was a degree of transparency in the recruitment of county executives. Whilst merit was certainly a factor in the appointment of CECs, so too was patronage. At the national level cabinet appointments are not advertised and a former Cabinet Secretary cited loyalty as important, if not more important, than competence for determining whether women were considered for cabinet positions.

<sup>36</sup> Interview KE9, 8 November 2016.

## 5. Women's influence and empowerment

The following section looks at whether the introduction of the Gender Principle has enhanced women's influence in politics. In this context, influence is conceptualized as women's tangible policy impact on accessing and being substantively present in political institutions (Goetz and Hassim 2003). To explore this aspect of women's representation, the study sought to understand whether women's increased access and presence has led to:

- Women having a more influential role in the policy-making process;
- The perception that women have had a positive impact on human and economic development outcomes;
- Improvements towards women's empowerment and gender equality.

The literature on women's influence in politics may not sufficiently contextualize the politicians' ability to shape policy. In liberal democracies, policy formulation is often the result of a negotiated process between the executive, the legislatures, political parties and other stakeholders. In many developing countries and new democracies, however, policy orientation is usually vested in the hands of the executive branch. Women politicians' influence may vary depending on a number of variables including, how gender quotas are defined and implemented, who has the mandate to formulate and implement policy, and who determines budgets.

Research suggests that gender quotas in developing countries still have an inconsistent impact on policy outcomes (Chen 2010). That may be because gender quotas are usually introduced to legislatures, which are often weak in new democracies. An often-cited case in India where women had a positive impact demonstrated that when more women were elected to village councils, there were more investments in public goods more closely linked to women's concerns (Chattopadhyay and Duflo 2004)—though this degree of village council influence over spending is atypical of developing countries. Similarly, governors and mayoral offices have substantial power because they control the budgets in their respective political units (Htun and Piscopo 2010). As such, the increase of female mayors in Taiwan led to more social welfare spending (Chen 2013).

Kenyan national and county level executive government is charged with policy formulation and implementation, while the legislature is responsible for enactment of laws and oversight. The definition of policy is often used to refer to both legislative and executive activities, which obfuscates the differences between respective institutional roles. Political parties as the vehicles for accessing power are not themselves ideologically or policy driven (Jono 2013). Policy, like political parties in Kenya, is very heavily influenced by the individuals heading the executive, such as the president or governor. This personalised centralization of executive power and influence is a challenge for policy formulation

and implementation. At the county level, CECs stated that they had great level of influence on their portfolio and considerable influence over how their budget is spent. Some county legislators, however, suggested that Governor’s priorities limited women CEC’s influence. Legislators who are part of the political elite or the establishment will most effectively engage with the intricacies of budgeting. At the county level, many legislators’ poor understanding of budgeting procedures, limits them exercising effective oversight. At the national level, members of the Budget and Appropriations Committee are mostly focused on review and oversight. Even there, the 51-member committee has reportedly failed to focus on the policy impacts of various budgetary allocations.<sup>1</sup> The lack of budget transparency limits ordinary legislators’ oversight, while these male dominated legislatures shortcomings is rarely questioned or assessed.

Legislators are expected to put forward bills and motions for consideration by the house. If these proposals require funding, such as the building of maternity wards in all county hospitals, they will usually be negotiated in the following year’s budget. In county level negotiations those programs are sometimes set aside because of allocation issues or delays by the national government to release allocated funds.<sup>2</sup> A Kisumu elected MCA explained that legislation passed in the assembly ‘only proposes what needs to be put in the budget.’<sup>3</sup> Since parties do not usually have well-articulated policy agendas, some bills put forward are rejected because they threaten party elites and their interests.<sup>4</sup> This political context is an important factor in assessing women’s ability to influence the policy agenda in their respective political units.

## Factors shaping politicians’ ability to influence

This section highlights the main factors that impact women’s influence once in political positions. The research found that the same factors that affect access to political positions, also have a bearing on the capacity of women to exert influence once in office. Identifying how, and the point at which, external factors influence women’s access to and influence in political leadership roles is critical in formulating means to improve the existing situation.

### *Experience*

Previous political experience has enabled female legislators to be visible and effective in their roles as MCAs, MPs and WCRs. Familiarity with legislative rules and procedures allows them to fulfil their roles with confidence—albeit this only applies to a few women politicians since the majority are newcomers, which may explain why at the county

1 Ken Opalo, ‘House Budget Committee has let Kenyans down’, Standard Digital, 13 June 2015. Accessed 16 April 2017 (<https://www.standardmedia.co.ke/article/2000165508/house-budget-committee-has-let-kenyans-down>)

2 Interview KS5, 27 October 2016.

3 Interview KS7, 31 October 2016.

4 Interview KS12, 3 November 2016.

level the need for procedural training was highlighted. Prior political experience brings network of political connections that can be leveraged during negotiations, which is particularly important for nominated women who lack resources of office to champion development projects that can attract support. Access to, and working relationships with, male elected legislators also enables women to use soft power to further their agenda. One nominated MCA from Nyandarua was actively engaged in labour movements and political parties before the new constitution, where she honed her ability to table motions and negotiate projects with her elected counterparts. When discussing her working relationship with men in her county assembly, she explained:

What usually happens is that we are involved during the budget making. The elected members give proposals for projects so everyone nominated pairs with the elected but that is what I do—I don't know about others. We talk about the projects with the elected MCA and agree that we need to make this road, we need to do this ... and so on.<sup>5</sup>

Male politicians and civil servants often referred to experienced women politicians as 'active' and 'productive'. This respect translates into political capital and enables women to further their agenda. In Nyandarua, a legal researcher at the county level described how individual women with experience wield influence:

Of the fifteen women there is only one is very articulate and also contributes. When you left yesterday I had the opportunity to look back at our files and saw that she has at least 10 motions ...<sup>6</sup>

### ***Violence and intimidation***

Violence and intimidation against women legislators both at the national and county level remains a problem even after women have secured political positions. Evidence suggests that threats, intimidation, assault and sexual harassment were complaints that were almost exclusive to women MPs and MCAs. Violence associated with political office is not exclusive to women, and Kenyan male politicians are often the victims of violence, ranging from physical confrontations on the floors of national and county assemblies to assassinations. Political violence does differently impact women.

Violence is sometime used to intimidate or punish women for failing to comply to male demands. A Nairobi County woman MCA reported that she was once assaulted and hospitalised after refusing to agree to a male counterpart's demand that she appropriate funds from a committee she was chairing. Many women have also discussed the pervasiveness of sexual harassment.<sup>7</sup> They report that men will sometimes ask them

<sup>5</sup> Interview NY13, 29 October 2016.

<sup>6</sup> County Assembly Legal Researcher, interview NY21, 1 November 2016.

<sup>7</sup> Interview KF18, 12 November 2016.

for sexual favours in exchange for support for a particular project and motion.<sup>8</sup> They also describe that their male counterparts ask for bribes to pass bills women have sponsored.<sup>9</sup> This is common behaviour in both national and county legislatures and is often reported in the news.

The political use of violence has a history of impunity in Kenya—in spite of clear codes of conduct—and its use is common-place. In 2013, Nairobi County Governor Evans Kidero slapped WCR Rachel Shebesh, and though the incident was recorded and posted on the internet, the governor faced few consequences. Similarly, in December 2016, the outspoken MP Moses Kuria threatened an equally controversial fellow MP, Millie Odhiambo, with sexual mutilation after she had insulted President Kenyatta.<sup>10</sup> Neither politician was disciplined by their party. A female nominated MCA recounted, ‘when I entered the assembly I was assaulted by a male colleague. I tried to push for justice but even the party leaders were asking me to withdraw the case.’<sup>11</sup> Male colleagues later smeared the same candidate when she pushed to allow nominated MCA to have office space and staff on par with elected MCAs.

Violence, intimidation and sexual harassment negatively impacts women’s effectiveness in office, which effects their appetite and ability to take political initiatives because of the personal costs of being publicly visible or taking a strong position. Though these instances are not widespread, they are significant enough to conclude physical intimidation and violence curbs women’s ability to make decisions that they believe are in their best interests or in the best interests of their constituents.

### *Nominated vs. elected positions*

The difference in mandate and access to resources between elected and nominated lawmakers is a clear limiting factor for women’s influence in Kenyan politics.<sup>12</sup> While the introduction of the Gender Principle has resulted in an unprecedented number of women in county and national legislatures, most are still found in nominated positions with limited power and influence. Nominated positions are not new in Kenya, yet their number is far greater at national and local level than was the case before the introduction of the new constitution. Post-devolution, county legislators have more power and resources than their local government predecessors, although the power and resources

<sup>8</sup> Benard Sanga, ‘Kenyan women MPs report growing cases of threats’, *Standard Digital*, 21 March 2017. Accessed 16 April 2017 (<https://www.standardmedia.co.ke/article/2001233438/kenyan-women-mps-report-growing-cases-of-threats>)

<sup>9</sup> Sanga, ‘Kenyan women MPs report growing cases of threats’

<sup>10</sup> Samuel Karanja, ‘Why Millie Odhiambo kept off Parliament after insulting Uhuru’, *Tuko*, January 2017. Accessed 16 April 2017 (<https://www.tuko.co.ke/225475-why-millie-odhiambo-parliament-insulting-uhuru.html>)

<sup>11</sup> Interview KS6, 26 October 2016.

<sup>12</sup> Jill Cottrell Ghai, ‘Women’s rights and the constitution’, *Katiba Institute*, 19 September 2015. Accessed 14 August 2017 (<http://www.katibainstitute.org/womens-rights-and-the-constitution-by-jill-cottrell-ghai/>)



attached to nominated positions—disproportionately held by women—are less than elected positions.

Elected MPs share a budget of KES 35.2 billion for development in their constituency, while Women County Representatives get KES 7 million for each constituency in their county.<sup>13</sup> County governments share a federal transfer amounting to fifteen per cent of the federal government’s revenue, from which they develop a budget with input from the CECs. Elected MCAs determine how their ward development funds should be spent. Nominated MPs and MCAs—almost all of whom are women—have no access to such funds and can therefore not initiate their own local development projects. Nominated MCAs also do not have offices, access to transportation compensation or access to bursary funds to distribute to voters. The latter also has a potentially negatively impact on subsequent campaigns.

The study revealed that many nominated women officials are unclear about their mandates and the constituency they represent, in contrast to nominated MPs and MCAs representing youths and people with disabilities. Women nominated MPs, MCAs and senators are appointed to their chambers for the purpose of respecting the gender quota, and while they are associated with specific counties (senators), constituencies (MPs) or wards (MCAs), they do not actually represent these political units. The legislators who are specifically mandated with women’s issues at the county level are the Women County Representatives. When asked who their constituencies were, nominated legislators’ responses ranged from women in their county, to all citizens in their political units, to the political parties who selected them.

The disproportionate representation of women in nominated positions challenges their real and perceived ability to exert political influence. In the Kenyan political context, nominated legislative seats’ lack of linked development funds significantly reduces their impact, especially since development is perceived in (expensive) physical infrastructure investments—such as roads and hospitals—and to a lesser extent, bursaries (scholarships). Without this political largesse nominated women are perceived as ineffective, an impression that extends to women in politics in general. In most cases, the electorate is unaware that nominated women do not have development funds. There are some exceptions to this restriction on funds, for example in Nyandarua, when the county assembly agreed to allocate KES 1 million to nominated MCAs. While the lack of bursary funds limits their interaction with and relevance to voters, their inability to use office space to or get transportation allowance limits their productivity and their accessibility to voters. Many nominated MCAs reported using their own salaries to assist ordinary citizens who approach them, which imposes an additional financial burden on them.

Most nominated women legislators do not enjoy equal levels of respect and authority as elected politicians. For instance, nominated women MCAs report that their elected

<sup>13</sup> James Mbaka, ‘How women reps will share Sh2bn’, *The Star*, 29 June 2015. Accessed 16 April 2017 ([http://www.the-star.co.ke/news/2015/06/29/how-women-reps-will-share-sh2bn\\_c1159877](http://www.the-star.co.ke/news/2015/06/29/how-women-reps-will-share-sh2bn_c1159877)).



male counterparts believe they should not concern themselves with substantive legislation or be active members of the county assembly outside of voting in support of their party. When a nominated woman's position on an issue runs counter to that of some elected MCAs, they are often asked, 'Who do you represent?', implying that they have no constituency or mandate. Nominated seats are sometimes referred to as 'sexually transmitted' and nominated women as 'flower girls' or '*bonga* (extra) points'. This is because the electorate widely assumes that women in these positions gain access to political office because of patronage, rather than merit or popular support. Nominated women MCAs especially highlighted the difference between women who had an interest in or had worked on political issues, versus women who were merely rewarded despite a lack of interest or commitment to political engagement.

Despite disparities between nominated and elected (women) officials' access to resources and power, elected women officials are regularly left out of circles of influence. Women continue struggle to gain access to the so-called old boys' clubs where decisions are made. Many respondents reported that male politicians often meet at night to negotiate and settle on agreements prior to official debates, when women are expected to be home. Consequently, the fate of key bills is often sealed when women are not present.<sup>14</sup>

A Kisumu-based female MCA explained:

When I joined politics I realized that one thing that makes men succeed in politics is the fact that they attend late night meetings. During those meeting is when crucial decisions are made like sharing of positions and such. Most women, given that we are homemakers, we hardly attend such meetings and so we are always left out. You just wake up and realize new decisions were passed in the night and there is nothing you can do but follow them.<sup>15</sup>

The application of the two-thirds principle should be viewed in terms of numerical compliance but also substantively. If women are numerically present but substantively denied the powers and privileges of the office—such as allowances, development funds, mileage, offices—their increased profile is not meaningful. The continued unequal treatment of women in office, especially in relation to nominated women legislators, undermines both the letter and spirit of the Gender Principle. Their perceived lack of effectiveness—in spite of resource and cultural restraints—is used to argue against the inclusion of women in leadership positions. Women's overwhelming concentration in seats without real power will further erode their potential influence in politics.

<sup>14</sup> Interview KS10, 2 November 2016.

<sup>15</sup> Interview KS8, 31 October 2016.

## Women's influence

Despite the challenging context in which they operate, the legally required minimum numbers of women in the national and county legislatures has resulted in their increased political visibility. The unprecedented number of women in politics at all levels has encouraged women to take political initiatives. In most counties and at the national level women have sought to contribute by participating in debates and lobbying for legislation and strengthened institutions. Women MPs have introduced and pushed through bills that relate to women's issues, and other topics such workers' rights in the mining sector and access to information (their full legislative achievements are listed in Annex B). As a group, however, women were less able to assert their influence. For example, the failure to push through the Constitutional Amendment Bill No 2015 which would have provided a mechanism of ensuring not more than two thirds of the Parliament are of one gender.

Across county assemblies, the participation and influence of women MCAs varied greatly. Their ability to make their voice heard as distinct from their mere presence (Walsh 2011) was not consistent across the counties. For instance, women MCAs in Nyandarua—all nominated—were significantly less active and engaged. While women like Dorcas Njoroge and Patricia Wanjugu have been singled out as active debaters on the floor, a nominated MCA lamented that, 'all the nominated members who are mainly women are just there! They just attend the assembly. Participate and go home.'<sup>16</sup> As such, despite a few accomplishments, their ability to push through motions has been limited. In a county like Kisumu, where there is a long history of women's participation in politics, women have been more successful in agenda setting.

Policy making is generally concentrated at the upper echelons of the government, centred around the Office of the President and the Deputy President. There are exceptions in terms of women ministerial initiatives such as: the Huduma Centers, which decentralized service delivery to the counties and brought services closer to people; the Uwezo and Women's Fund, which provide access to loans for groups and individual women engaged in business or income generating activities, as well as the Access to Government Procurement Opportunities Programme (AGPO), which reserves 30 per cent of public procurement for women, youth and PWDs.<sup>17</sup>

Though not all counties are compliant to the Gender Principle at the CEC level, there are greater opportunities for women at the county executive level to exert influence on policy than at the national level.

Some people were telling me because of this, why not run for Women Rep. Now do you know realistically, I have more say than a Women Rep. Yes, I touch more people's lives. The Women Rep may be up there but she cannot change people's lives. I can change people's lives with my budget. You see, I might have a budget

<sup>16</sup> Interview NY1, 22 October 2016.

<sup>17</sup> Interview KE18, 10 November 2016.

of 100 or 200 million. For the Women Rep, it is very little ... I think I can make much change much [more] as an executive than an elected member. They have their roles like representation, ensuring that they listen and bring people's issues, but myself I am able to go, listen to people and give them what they want.<sup>18</sup>

Women MCAs introduced legislation on a range of issues of concern to women and girls, such as in-vitro fertilization, the right of underage pregnant girls to return to school, the care and protection of school girls who get pregnant and their children and leave for parents who adopt children. The variety of bills demonstrates women's efforts to engage effectively in the legislative process. Women MCAs have stated that most of the bills and motions they have tabled were about maternal health care, sexual and domestic violation, and improvement of markets. For instance, Farida Ahmed Salim, a nominated MCA from Kisumu county stated that,

I am one of the MCAs that has been very passionate about the agenda of women in the assembly. The kind of motions I have pushed in the house, most of them are inclined to women issues. The first one I tabled was about the establishment of the women's hospital whose aim was to have a hospital where women will have specialised services. The second was on maternal and child mortality. The other one was about the establishment of rescue centres for gender based violence survivors.

One of the focus groups from the same county explained that their female elected MCA had in the past few years worked on improving healthcare facilities, markets, feeder roads, subsistence farming among others. All these projects have improved the lives of women in the ward. Maternal health and reproductive rights are standard women's issues most often introduced by female legislators, when men champion other issues related to agriculture particularly in a predominantly rural county like Nyandarua. Pro-development bills are the purview of both men and women, partly because social and development responsibilities are the ones that have been devolved to local government, as opposed to other portfolios, such as security which remain in central government's hands.

The extent to which women are able to set and influence the agenda in their respective political units depends on which branch and at what level they serve and whether these positions are nominated, appointed, or elected positions. Some women legislators have turned political parties' weak ideological basis to their advantage to drive their own agenda on non-controversial topics. There is still a risk that attempting to remain too firmly focused on women and developmental issues may lock them out of other portfolios and policy programmes usually addressed by men.

<sup>18</sup> Interview NY28, 3 November 2016.

## Popular perceptions of women's impact

Focus group findings on voters' perceptions of women's role and their impact in politics have demonstrated that for the most part, Kenyans continue to believe that women should be involved in politics. They diverge, however, on their impact, and whether they have contributed to the improvement of their conditions. The research also reveals that citizens have very high expectations of what women are to achieve now that they have less restricted access to political posts. One often expressed view was that the increase in the number of women should shift and soften the tone of Kenyan politics. Due to their perceived mothering attributes, women leaders are expected to be more efficient and more development-oriented than their male counterparts. In Kisumu, for instance, one respondent noted that,

We expected them to talk to these men and show the softer side of politics. In the past generations men have dominated and they have done it in a hard core way. So we expected women to bring down the temperature as they are naturally nurturers. We expected them to remind men about the family, children and generally the needs of people. We expected them to shape and refocus the development agenda.<sup>19</sup>

Evidently, these expectations set women up for failure in the eyes of their constituents. When they fail to deliver, 'women are judged at a far harsher level than the men.'<sup>20</sup> Indeed, the research took place during the public inquiry of Anne Waiguru, the former Cabinet Secretary of the Ministry of Devolution and Planning, who was embroiled in a large corruption scandal. The inquiry extensively covered on media reported the attacks on her person which were some of the most aggressive and public in the history of Kenya.

Voters also have high expectations for development outcomes, conceptualized in terms of physical infrastructure. Support for devolution stemmed from the belief that it would bring politicians, service and resources closer to the people.<sup>21</sup> The building of roads, schools, streetlights and sheds for market women are some of the indicators ordinary citizens look to assess politicians' performance. Politicians are very aware of this and make sure to brand their projects, regardless of their size.

Where women MCAs are not elected, voters do not see the visible signs within their wards of the local improvements nominated MCAs have made. So when asked whether they have seen any difference since the increased number of women in leadership at the county level, voters in Nyandarua registered their disappointment in these women. It did not, however, translate into a desire to see fewer women in positions of authority. It is noteworthy that the perceived impact of nominated women did vary by county. In Kisumu there were several examples of nominated MCAs whose achievements had

<sup>19</sup> Interview KS6, 26 October 2011.

<sup>20</sup> Interview KS10, 2 November 2016.

<sup>21</sup> Interview KFFG6, 30 October 2016.

been recognized and celebrated in local media (and self promoted via social media), enhancing their profile and perceived effectiveness.

Women legislators interviewed for this project have pushed back against perceptions that they are passive and ineffective. Respondents have highlighted how the media could showcase women's accomplishment and work. They have also called for on-going civic education to promote voters' understanding of the political process. They argue that many of Kenyans' unmet expectations with regards to women politicians' performance is due to the fact ordinary citizens are not well informed about the implementation of the Gender Principle and the resources available to women in office. They also suggest that civic education would allow voters to make better-informed decisions about who to vote for.

Despite suggestions that women leaders are sometimes too quiet or not strong enough, many focus group respondents expressed the opinion that female leaders are more effective than their male equivalents in terms of being more accountable, transparent, focused and dedicated. One of the respondents noted that since women are not as aggressive as men and tend to care about their reputation, they hardly get involved in corruption.

Interviews with women MCAs in the three counties revealed that most of them had developed their leadership vision from their experiences as women in day-to-day life. In the case of Kisumu and Kilifi, a majority of the interviewed legislators had worked with women organisations to find solutions to issues that concern women and girls in general. Once they arrived in government, they continued to pursue that agenda by pushing for legislation that will ensure the rights of women and girls are realized.

## Women's empowerment

It is too early to assess the full impact of the Gender Principle only in effect since 2013, though it has undoubtedly had an important symbolic impact on women's empowerment. A few months ahead of the 2017 elections. The numbers and profile of women vying for political posts ahead of the 2017 elections had increased.

In line with the literature (Frye 2012; Berry 2015a), the research team observed a normative shift in terms of what female youth believe they can achieve. Conversations with local stakeholders working in the field of female empowerment explained that the increased representation of women in politics have contributed to young women seeing a 'brighter future.' One respondent said, 'I would say electing women inspires young girls who would otherwise view themselves as just housewives. It really inspires them to be as good as they can. Seeing other role models doing better out there!'<sup>22</sup> During a focus group among young urban female youth in Nyandarua, one of the participants shared she was preparing to run for office in the next few years. Her desire to enter politics

<sup>22</sup> Interview KS2013, 4 November 2016.

stemmed from a general dissatisfaction of the social conditions around her and from the conviction that if other women could hold office, she could do it too.<sup>23</sup> In addition, many respondents referenced Hillary Clinton’s campaign in the United States, ongoing at the time of the research, which they suggested had encouraged young women around the globe to vie for office.

Most of the failed aspirants consulted for this research project have not been discouraged by their defeat and intend to either seek a nominated seat or run again for competitive seats. This demonstrates that despite the setbacks of the implementation of the Gender Principle and the challenges associated with holding a nominated position in the legislature, women believe that they have a place in politics. It is possible that those in nominated seats will use the experience as a training ground to familiarize themselves with the rules of political participation to later compete for non-reserved seats (Yoon 2008, Bauer 2012). Others currently occupying positions at the county level will try to make their way on the national scene. These women have used their time in office to learn the rules of politicking in Kenya and to develop their own networks. Now, they hope to leverage the knowledge and resources they have acquired to access higher office.

<sup>23</sup> Interview NYFG1, 24 October 2016.

## 6. Conclusions and policy considerations

The preceding sections explored the barriers and enablers to women's access to elective and appointive positions in government bodies, and the factors that affect their ability to exert influence when occupying such positions. These two lines of inquiry have contributed to a grounded understanding of the state of women's descriptive and substantive representation within Kenyan political institutions between 2013 and 2017 (Goetz and Hassim 2003). The research challenges previous attempts to identify universal obstacles that affect all women in Kenya. Instead, the study shows that the barriers to entry and influence differ greatly depending on the position being held or sought, and the branch of government. Notwithstanding these variations, a series of key findings and associated policy considerations emerged from the research. These have been separated into five overarching themes or fields of action for the Government of Kenya and other stakeholders committed to realizing the full implementation of the Gender Principle.

**Table 6.1: Key findings and considerations**

1. Train and support women politicians and public servants	
Key findings	Policy considerations
<ul style="list-style-type: none"><li>• Women are doubtful about the value and past focus amongst NGOs and development partners on candidate training. Instead of teaching generic skills such as public speaking, they saw greater potential in technical training for those occupying elective and appointive positions.</li><li>• The Gender Principle has not served to strengthen the women's movement around a shared agenda. Networking between women in politics, public service and the private sector is ad-hoc, often along party lines and largely confined to Nairobi. Comparative literature underlines the instrumental value of such networks for successfully furthering a feminist political agenda.</li><li>• Policy processes at national and county level are not well understood or fully transparent. Due both to poor public relations and biased media coverage, the legislative and development achievements of female politicians are less widely publicized.</li></ul>	<ul style="list-style-type: none"><li>• Train women in the legislature and executive at national and county level on the formal rules, system and processes of the institutions they work in to increase their effectiveness and ability to wield influence.</li><li>• Champion the achievements of women in politics and public service through the media and annual wards to challenge the perception that men are more effective than women within political arena.</li><li>• Facilitate regular meetings between women in national and county governments with women's organizations, private sector leaders, and civil society.</li></ul>

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## 2. Support a strengthened rule of law

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### Key findings

- All women interviewed highlighted the persistence of violence, threats of violence and verbal abuse as barriers that deter women from running for office and undermines the effectiveness of those serving in political positions.
- The legal framework governing women's participation and representation in politics is robust. However, widespread failure to comply with the spirit and letter of the law, limits women's presence and influence in government. The preponderance of women filling nominated rather than elected seats suggests a shared interest amongst all main political parties in diluting the Gender Principle's transformative potential.
- Within most county legislatures the Gender Principle has been met through the nomination of additional members. A comparable mechanism for the National Assembly and Senate is not in place, with parliament remaining non-compliant between 2013 and 2017.

### Policy considerations

- Provide material and symbolic support to ensure cases of Violence Against Women (VAW) are prosecuted.
- Encourage legislation to provide a mechanism to ensure Parliament's compliance with Article 81(b).
- Support local advocacy organizations championing compliance with the Gender Principle.
- Work with the National Gender and Equality Commission, Office of the Attorney General and Independent and Electoral Boundaries Commission to monitor compliance across government, within the public service and in political parties. Ensure reporting is regular and widely accessible.

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## 3. Help reduce economic barriers to access and influence within government

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### Key findings

- Elections in Kenya have become even more costly for candidates since the introduction of devolution. Women cite the financial costs of running a campaign as a major barrier. This affects women disproportionately who do not – as a general rule – have equal access to financial resources as male candidates.
- Those occupying nominated seats within national and county legislatures are not entitled to the same benefits, privileges and development funds as those who are elected. The ability to fund and spearhead development projects is one of the main ways in which constituents judge their representatives' effectiveness. As most women in 2013-2017 held nominated seats, without the same resources as men, they were perceived as having less power and authority compared to their elected male colleagues.

### Policy considerations

- Enact campaign finance regulations, enforcing limits that are accessible to less economically advantaged female (and male) candidates.
- Review the rules governing the different resources available to elected and nominated members with a view to introducing fair and transparent allocations and systems.



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#### 4. Press for political reform

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##### Key findings

- The regional pattern of political party support in Kenya means that in many cases the fiercest competition takes place at the stage of primary elections. Political party structures are patriarchal and few have actively sought to increase the number and profile of women within their membership.
- Parties circumvent the spirit of the law through prioritizing male candidates for elective seats and women for nominated seats.

##### Policy considerations

- Promote the development of a Code of Conduct for Political Parties with practical guidelines on how to fast-track women into office and within parties, such as through the use of female only lists for some seats and dedicated funds for female candidates.
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#### 5. Challenge perceptions about women in leadership

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##### Key findings

- Widespread confusion exists about the respective roles and responsibilities of different office bearers, particularly Women Representatives and nominated MCAs. The creation of the Women Representative position has contributed to the perception that women have 'their' seat and so should not be put forward by parties for other elected positions.
- Entrenched ideas about male and female roles within society sustain the perception that compared to men, women are less fit for and effective in political institutions.
- Some male politicians remain resistant to the inclusion of more women in politics seeing it as a threat to their own power base and authority within society.

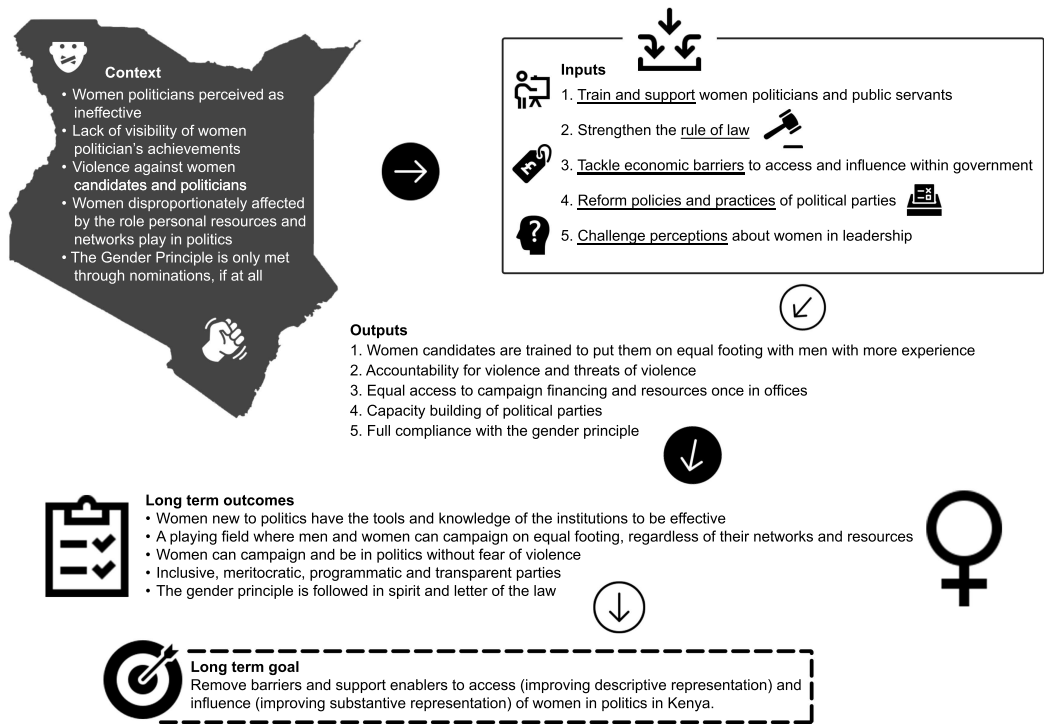
##### Policy considerations

- Sustain civic education efforts around the importance of inclusive leadership, particularly amongst youth. Continue to educate the public and political representatives about the Constitution and the responsibilities of different office bearers.
  - Encourage inclusive media representation to counter public bias against women in leadership.
  - Promote HeforShe initiatives to raise the profile of programmes that encourage actions by men for gender equality in politics and public service.
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The project's key findings contributed to the development of a theory of change for the increased descriptive and substantive participation of women in politics in Kenya. This provided the rationale for the policy considerations above. A simplified version of this theory of change is presented in Figure 6.1 and a more detailed version can be found in Annex C. A disaggregated list of more targeted and concrete policy considerations can be found in the RVI Policy Brief *Meeting the Gender Principle* (June 2017).

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**Figure 6.1: Theory of change**



## Reflections and future research

This study was concerned with the implementation of the Gender Principle at national and county level between 2013 and 2017. The novelty of the new system and law during this period suggested that the situation described in this report was in a state of flux. The results of the August 2017 elections and events that follow, will provide further insight into the trajectory of women's descriptive and substantive representation in Kenya, and begin to answer many of the questions raised in this report concerning how citizens, politicians and public servants in Kenya are adapting to the institutional reforms introduced in 2013. In light of the foregoing it is very difficult to envisage that women will make the gains required to comply with the Gender Principle across all institutions and arms of government. Where women make progress and where progress stalls or reverses must be analysed. The response from the judiciary and incoming administrations to non-compliance must also be scrutinized. In a variety of ways, the 2017 election results will confirm or complicate the trends and patterns highlighted by this study, and point the way forward for further research and policy engagement. Articles 27 and 81 of the Constitution have shone a spotlight on the challenges facing women accessing and exerting influence within leadership positions. It should not be taken for granted that progress towards realizing the Gender Principle can be made without the sustained engagement of all stakeholders working together towards an inclusive agenda.

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# Annex A. Application of Goetz and Hassim's (2003) theoretical framework to the Kenyan political context

		Nature of political system and competition	
		National	County
Access	Legislative	<p><b>Parties</b></p> <ul style="list-style-type: none"> <li>Ethno-regionalist; transient alliances of loose political alliances; patronage-based mobility</li> </ul> <p><b>Nature of political competition</b></p> <ul style="list-style-type: none"> <li>Use of political violence to intimidate political opponent (<i>mimi ni ndume</i>); campaign financing often prohibitively expensive</li> </ul> <p><b>Consultative forums</b></p> <ul style="list-style-type: none"> <li>Parties secretariats mandated with voter outreach; national delegates conferences and rallies, parties hold meetings with their respective national women's leagues where women's issues are raised</li> </ul>	<p><b>Parties</b></p> <ul style="list-style-type: none"> <li>Regionally dominant parties based on ethno-regionalist districting; patronage-based mobility</li> </ul> <p><b>Nature of political competition</b></p> <ul style="list-style-type: none"> <li>Use of political violence to intimidate political opponent (<i>mimi ni ndume</i>); campaign financing often prohibitively expensive</li> </ul> <p><b>Consultative forums</b></p> <ul style="list-style-type: none"> <li>Political rallies in wards, public participation forums where politicians engage with electorate; regional women's league wings; county women's caucus forum; regional delegate meetings</li> </ul>
	Executive	<p><b>Parties</b></p> <ul style="list-style-type: none"> <li>Ethno-regionalist; transient alliances of loose political alliances; cabinet recruitment based on merit coupled with loyalty to party or individual politician</li> </ul> <p><b>Nature of political competition</b></p> <ul style="list-style-type: none"> <li>Cohesiveness of central elites based on marriage of economic and political interests</li> <li>Use of political violence to intimidate political opponent (<i>mimi ni ndume</i>) (mostly at presidency level)</li> </ul>	<p><b>Parties</b></p> <ul style="list-style-type: none"> <li>Regionally dominant parties based on ethno-regionalist districting, but party organizational weakness and long standing historical ties and grievances often weakens ethnic alliances in mostly ethnically homogeneous regions; recruitment based on merit coupled with loyalty to party or individual politician</li> </ul> <p><b>Nature of political competition</b></p> <ul style="list-style-type: none"> <li>Lack of cohesiveness of local elites</li> <li>Use of political violence to intimidate political opponent (<i>mimi ni ndume</i>) (mostly at presidency level)</li> </ul>

Presence	Legislative	<p>Nature of electoral system</p> <ul style="list-style-type: none"> <li>• First past the post with representation clause; open list at primaries, closed list at general elections</li> </ul>	<p>Nature of electoral system</p> <ul style="list-style-type: none"> <li>• First past the post with representation clause; open list at primaries, closed list at general elections</li> </ul>
		<p>Reservations for women in parliament</p> <ul style="list-style-type: none"> <li>• Nominated seats for women and underrepresented groups with no defined constituency</li> </ul>	<p>Reservations for women in county assemblies.</p> <ul style="list-style-type: none"> <li>• Nominated seats for women and underrepresented groups with undefined constituency</li> </ul>
		<p>Mandate to represent women’s interests</p> <ul style="list-style-type: none"> <li>• Nominated women have little to no access to funds</li> <li>• Elected Women Representatives mandated to represent women’s interest in each county</li> </ul>	<p>Mandate to represent women’s interests</p> <ul style="list-style-type: none"> <li>• Nominated women have little to no access to funds</li> </ul>
		<p>Political culture</p> <ul style="list-style-type: none"> <li>• Patriarchal; entrenched masculinities; elections as ethnic referendum; financial might perceived as political strength</li> </ul>	<p>Political culture</p> <ul style="list-style-type: none"> <li>• Patriarchal; entrenched masculinities; financial might perceived as political strength</li> </ul>
	Executive	<p>Nature of electoral system</p> <ul style="list-style-type: none"> <li>• First past the post for head of executive</li> </ul>	<p>Nature of electoral system</p> <ul style="list-style-type: none"> <li>• First past the post for Governor, head of Executive</li> </ul>
		<p>Reservations for women</p> <ul style="list-style-type: none"> <li>• Two third gender quota in cabinet nominated by head of state and confirmed by parliament</li> </ul>	<p>Reservations for women</p> <ul style="list-style-type: none"> <li>• Two third gender quota in cabinet nominated by the governor’s office and confirmed by county assembly</li> </ul>
		<p>Mandate to represent women’s interest</p> <ul style="list-style-type: none"> <li>• Mandate linked to portfolio</li> </ul>	<p>Mandate to represent women’s interests</p> <ul style="list-style-type: none"> <li>• Mandate linked to portfolio</li> </ul>
		<p>Political culture</p> <ul style="list-style-type: none"> <li>• Patriarchal; entrenched masculinities; elections as ethnic referendum; financial might perceived as political strength</li> </ul>	<p>Political culture</p> <ul style="list-style-type: none"> <li>• Patriarchal; entrenched masculinities; financial might perceived as political strength</li> </ul>

Influence	Legislative	<p>Electoral Systems</p> <ul style="list-style-type: none"> <li>Elected women MPs usually backed by high echelons of party for both primaries and general elections</li> <li>Nominated women MPs are selected by parties based on proportional representation</li> <li>Elected Women Representative support and accountability can vary; small parties often offer more support</li> </ul> <p>Campaign financing</p> <ul style="list-style-type: none"> <li>Campaign financing usually a heavy personal burden in addition to other funding provided by party and other supporters</li> </ul> <p>Party type</p> <ul style="list-style-type: none"> <li>Decentralized parties with weak organizational structures; Patronage and informal decision making processes in parties</li> </ul> <p>Accountability system</p> <ul style="list-style-type: none"> <li>Weak cross-party women's caucus</li> </ul>	<p>Electoral Systems</p> <ul style="list-style-type: none"> <li>Elected women MCAs: often backed by local (and high) echelons of party for both primaries and elections</li> <li>Nominated women MCAs are selected by parties based on proportional representation</li> </ul> <p>Campaign financing</p> <ul style="list-style-type: none"> <li>Campaign financing usually a heavy personal burden in addition to other funding provided by party and other supporters</li> </ul> <p>Party type</p> <ul style="list-style-type: none"> <li>Political parties beholden to local elite dynamics and power struggles; Patronage and informal decision making processes</li> </ul> <p>Accountability system</p> <ul style="list-style-type: none"> <li>Weak/not-standardized cross-party women's caucus</li> </ul>
	Executive	<p>Electoral Systems</p> <ul style="list-style-type: none"> <li>Head of executive elected by universal suffrage</li> <li>Women in cabinet dependent on president and parliament</li> </ul> <p>Campaign financing</p> <ul style="list-style-type: none"> <li>Major political actors can leverage significant amount of funds through personal source and alliances</li> </ul>	<p>Electoral Systems</p> <ul style="list-style-type: none"> <li>Head of executive elected by universal suffrage</li> <li>Women in cabinet dependent on president and county assembly</li> </ul> <p>Campaign financing</p> <ul style="list-style-type: none"> <li>Campaign financing usually a heavy personal burden in addition to other support</li> </ul>



**Nature of the state and its bureaucracies**

	National	County
<b>Access</b>	<p>Women’s access to consultative forum on policy processes</p> <ul style="list-style-type: none"> <li>• Women Representatives should be the link between women and state, but access is limited</li> <li>• Maendeleo Ya Wanawake Organization plays a role too, however, the extent to which consultations translate into access to policy-making is limited.</li> </ul> <p>Parliamentary standing committee</p> <ul style="list-style-type: none"> <li>• No</li> </ul> <p>Decentralized government structure</p> <ul style="list-style-type: none"> <li>• No open forum where citizen and ordinary women can review policy and spending</li> </ul>	<p>Women’s access to consultative forum on policy processes</p> <ul style="list-style-type: none"> <li>• No</li> </ul> <p>Assembly standing committee</p> <ul style="list-style-type: none"> <li>• No</li> </ul> <p>Decentralized government structure</p> <ul style="list-style-type: none"> <li>• No open forum where citizen and ordinary women can review policy and spending</li> </ul>
	<b>Legislative</b>	
<b>Executive</b>	<p>Women’s access to consultative forum on policy processes</p> <ul style="list-style-type: none"> <li>• No</li> </ul>	<p>Women’s access to consultative forum on policy processes</p> <ul style="list-style-type: none"> <li>• Some CECs have a women’s coordinators tasked to do outreach, but gender is not devolved, hence mandate is limited</li> </ul>
	<b>Legislative</b>	<p>Corporatist arrangements</p> <ul style="list-style-type: none"> <li>• Presence of civil society limited</li> </ul> <p>National women’s machinery</p> <ul style="list-style-type: none"> <li>• Is not integrated in the bureaucracy and does not have veto power over policy</li> </ul>
<b>Presence</b>	<p>Women in the executive</p> <ul style="list-style-type: none"> <li>• The gender rule also applies to the bureaucracy, but the cabinet is currently not compliant</li> <li>• Portfolios range from Defense and Foreign Affairs to Environment, Labour and East African Affairs.</li> </ul>	<p>Women in the executive</p> <ul style="list-style-type: none"> <li>• The gender rule also applies to the bureaucracy</li> <li>• Portfolios vary based on counties</li> </ul>
	<b>Executive</b>	
<b>Civil Service</b>	<p>Affirmative action</p> <ul style="list-style-type: none"> <li>• The gender rule also applies to the bureaucracy</li> </ul>	<p>Affirmative action</p> <ul style="list-style-type: none"> <li>• The gender rule also applies to the bureaucracy</li> </ul>
	<b>Civil Service</b>	

<b>Influence</b>	Legislative	<p>Legal and regulatory framework</p> <ul style="list-style-type: none"> <li>• Legal and regulatory framework promoting women’s rights in place” but limited implementation</li> </ul>	<p>Legal and regulatory framework</p> <ul style="list-style-type: none"> <li>• Dependent on national framework</li> </ul>
	Executive	<p>Constitutional framework</p> <ul style="list-style-type: none"> <li>• Presidential system</li> <li>• Executive has power to support women in politics</li> </ul> <p>Budgetary transparency</p> <ul style="list-style-type: none"> <li>• Limited</li> </ul>	<p>Budgetary transparency</p> <ul style="list-style-type: none"> <li>• Devolution has made women budget transparency easier (i.e. procurement rules)</li> </ul>
	Civil Service	<p>Administrative capacity</p> <ul style="list-style-type: none"> <li>• Limited administrative capacity (independent civil bureaucracy to resist particular class, race, ethnic interest; transparency in decision making and budget;</li> <li>• Limited incentive for frontline workers to promote gender equity; monitoring systems that reward promotion of gender equity</li> </ul>	<p>Administrative capacity</p> <ul style="list-style-type: none"> <li>• Varying administrative capacity (independent civil bureaucracy to resist particular class, race, ethnic interest; transparency in decision making and budget;</li> <li>• Varying incentive for frontline workers to promote gender equity; monitoring systems that reward promotion of gender equity</li> </ul>

## Annex B. Women's legislative achievements in the eleventh parliament of Kenya

Name	Position & Constituency	Political Party	Bill/Motion Title and Date introduced	Disposition	Comments
Millie Odhiambo Mabona	Elected MP (Mbita)	ODM	The Victim Protection Bill, 2013, Dated 5 November 2013	The Bill became law in the year 2014.	The Bill was principally to give effect to article 50(9) of the Constitution. The act seeks to achieve an all inclusive approach towards the dispensation of justice in our criminal justice system.
Wanjiru Muhia	Elected WCR (Nyandarua)	TNA	The Persons with Disability (Amendment) Bill, Dated 22 November, 2013.	The Bill has since been forwarded to Senate for consideration.	The Bill was for the purpose of amending the Persons with Disability Act, 2013 in order to bring it to align it with the Constitution, 2010.
Dr. Rachael Kaki Nyamai	Elected MP (Kitui South) Chair, Committee of Health	NARC	The Kenya AIDS Control Authority Bill, Dated 11 April 2014.	-	The Bill seeks to heal the deficiencies in the operation of the council. It seeks inter alia to establish a National AIDS control Authority, which will be a body corporate with perpetual succession and thus will be well placed to enjoy full autonomy.

Dr. Rachael Kaki Nyamai	Elected MP (Kitui South) Chair, Committee of Health	NARC	The Diabetes Management Bill, Dated 22 February, 2014	-	It is on the premise that Diabetes is treatable upon early detection but not curable that the Bill finds encouragement. The Bill seeks to aid in preventing, treating and controlling cases of diabetes. It also encourages data collection on diabetes by making it mandatory for hospitals to report new cases upon detection in order to help the government in planning effectively.
Dr. Rachael Kaki Nyamai	Elected MP (Kitui South) Chair, Committee of Health	NARC	The Traditional Health Practitioners Bill, Dated 22 February, 2014	-	The Bill is focused on training ,registration and licensing of traditional health practitioners in order to regulate their practice ,to provide for the establishment, powers and functions of the traditional health practitioners council of Kenya

Millie Odhiambo Mabona	Elected MP (Mbita)	ODM	The Invitro Fertilization (IVF) Bill, Dated 29 August, 2014.	Forwarded to Senate for consideration.	The Bill seeks to among other things, regulate IVF and prohibit certain practices in connection with IVF. Noteworthy, clause 36 of the Bill may be termed unconstitutional when looked from a constitutional prism as it arguably denies a minor born out of IVF the information related to his birth unless the information is necessary. This may be termed as an unreasonable limitation of the right to information contrary to article 24 of the Constitution.
Dr. Rachael Kaki Nyamai	Elected MP (Kitui South) Chair, Committee of Health	NARC	Pharmacy Practitioners Bill, Dated 29 August, 2014	-	The Bill is founded on the need to make provision for the training, registration, & licensing of pharmacists and pharmaceutical technologists in order to regulate their practice & professional conduct and for the establishment of the powers, functions, of Pharmacists and Practice Board.

Amina Abdalla	Nominated MP	TNA	Water Bill, 2014	Passed with amendments on July, 2015	The Bill seeks to provide for the regulation, management, conservation, use, and development of water resources.
Joyce Lay	Elected WCR (Taita Taveta)	ODM	Mining Bill, 2014	Passed to law and came to force on the 27 May, 2016.	The Bill sought to ameliorate the welfare of mine workers by repealing the Mining Act 1940, Chapter 306 of the Laws of Kenya in order to align it with the New Constitution. It essentially sought to call for improved working conditions for women working in the mines.
Cecilia Ngetich	Elected WCR (Bomet)	URP	The Engineering Technologists & Technicians Bill, 2015		The Bill seeks to provide a legal framework on the regulation, practice, and standards of engineering technologists and technicians.
Priscilla Nyokabi	Elected WCR (Nyeri)	TNA	The Access to Information Bill, Dated 30 June 2015	Passed.	The Bill has successfully gone through the necessary stages and is now a law enacted to give strength to article 35 of the Constitution.

Florence Mutua	Elected WCR (Busia)	ODM	The Sexual Offences (Amendment), Dated 22nd July, 2016	-	The nucleus of the Bill is to introduce amendments to the Sexual Offences Act,2006 that inter alia obligates the two levels of government to promote public awareness on sexual offences. Additionally, the Bill seeks to prohibit plea bargaining and collusion in sexual offences which assist the perpetrators of sexual offences to evade justice.
Gladys Wanga	Elected WCR (Homa Bay)	ODM	The Cancer Prevention & Control (Amendment ) Bill, Dated 9 December, 2016	-	The Bill serves to introduce amendments to the Cancer Prevention & Control Act,2012 for among other things include cancer treatment as part of the provision of primary healthcare and to incorporate the use of e-health and telemedicine.
NIL			2017	NIL	Women Parliamentarians are yet to introduced any bill in the year 2017.
NIL			2013-Senate		Women Senators were not actively involved in the introduction or tabling down of any bills before the Senate in the year 2013



Judith Sijeny	Nominated Senator	WDM	Reproductive Health Care Bill, Dated 22 April 2014	Due for committee of the whole.	The Bill makes provisions for the actualisation of reproductive rights as captured under article 43(1)(a) of the Constitution. It also advocates and lays focus for the reproductive health for adolescent and mentally unstable persons. Notice however, that the Bill is almost, though not entirely addresses issues raised in the IVF Bill e.g. Surrogacy. It would have been desirable to have the Bills consolidated as one.
Beatrice Elachi	Nominated Senator	APK	The Food Security Bill, Dated 30 May, 2014	Passed and Referred to National Assembly.	The Bill seeks to give life to article 43(3) of the Constitution by ensuring the realization of the right to be free from hunger and to adequate food of acceptable quality. The Bill has successfully passed through the necessary stages in the Senate. It has now been referred to the National Assembly for approval.

Halima Abdille	Nominated Senator	ODM	The Universities Amendment Bill, Dated 11 July, 2014.	Passed and Referred to National Assembly.	The Bill seeks to Amend the Universities Act, by providing for liaison and coordination between the Commission for University Education and the County Government on matters of provision of University education at county level of Government. The Bill was successfully passed by the Senate and passed to the National Assembly but faced a challenge.
Agnes Zani	Nominated Senator	ODM	The Natural Resources (Benefit Sharing) Bill, Dated 12 September, 2014	Passed with amendment and referred to the National Assembly.	The Bill seeks to provide a legislative framework for the establishment and enforcement of a system of benefit sharing in resource exploitation between resource exploiters, the National Government, County Government and Local communities and further to establish the Natural Resources Benefits Sharing Authority. It is worth noting that the Bill was successfully passed with amendments and referred to the National Assembly.

Martha Wangari, Nominated Senator	Nominated	UDF	The Employment (Amendment) Bill, Dated 11 February, 2015.	Due for committee of the whole	The Bill seeks the introduction of adoptive leave for adopting parents. The amendment is a genius idea that adds to the paternity and maternity leaves recognised by law. This goes a long way to assist adopting parents to have time to bond with their adopted children.
Martha Wangari	Nominated Senator	UDF	The Self Help Associations Bill, 2015, Dated 27 February, 2015.	-	The Bill seeks to provide a framework through which communities can mobilise resources and carry out socio economic activities to enhance their self reliance & economic development through self help groups. The gravamen of the Bill is that it recognises that self help associations have increasingly played a key role in enhancing their economic independence of members of community.
Joy Gwendu	Nominated Senator	TNA	The County Library Services Bill, Dated 15 May, 2015.	Due for committee of the whole.	The Bill seeks to promote the establishment and use of libraries in counties so as to facilitate access to information, improve education standards and reduce levels of illiteracy.

Wangari Martha	Nominated Senator	UDF	The National Hospital Insurance Fund (Amendment) Bill, Dated 3rd June, 2015	Only gone through the first reading	The Bill seeks to reduce the penalties imposed by the Act for late payment of standard contributions and special contributions. It is the concern of the Bill that penalties have been a deterrent to defaulters who may have wished to continue with the scheme.
Zipporah Kittony	Nominated Senator	KANU	The National Cereals & Produce Board (Amendment) Bill, Dated 5th August, 2015	Due for committee of the whole.	The Bill provides for the establishment of county cereals committee. It also seeks to ensure enhanced production of maize, wheat, and scheduled agricultural produce.
Judith Sijeny	Nominated Senator	WDM	The Constitution of Kenya (Amendment) Bill, Dated 21st August, 2015	The Bill was shot down for lack of quorum to move it to the next stage of approval.	The Bill sought to give effect to the two third gender principle as captured under article 27, through the creation of special seats. It also sought to amend article 97 and 98 of the Constitution on the composition of National assembly and Senate respectively.

Beatrice Elachi	Nominated Senator	APK	The National Cohesion & Integrated (Amendment) Bill, Dated 25th May, 2016	Motion for second reading negative.	The Bill seeks to amend the National Cohesion and Integration Act, 2012 so as to enable the Commission to effectively monitor peace building projects in Kenya.
Fatuma Dullo	Nominated Senator	URP	The Public Appointment (Parliamentary Approval) (Amendment) Bill, Dated 17th June, 2016	Due for the committee of the whole.	The Bill seeks to amend The Public Appointment (Parliamentary Approval) Act, 2011, Cap 136 so as to provide for the procedure for Parliamentary approval of constitutional and statutory appointees where the approval of both Houses of Parliament is required.
Naisula Leisuda	Nominated Senator	TNA	The County Statistics Bill, Dated 28th June 2016.	Due for the committee of the whole.	The Bill seeks to put in place a framework for the collection, analysis and dissemination of information by the county government.
Masha Elizabeth Ongoro	Nominated Senator	ODM	The Care & Protection of Child and Parent Bill, Dated 2nd November, 2016	-	The Bill seeks among other things to propose a framework for the return to school, of girls who fall pregnant while in school.

Masha Elizabeth Ongoro	Nominated Senator	ODM	Coconut Industry Development Bill, Dated 9th November, 2016	-	The Bill seeks to establish the Coconut Industry Development Board with the aim of saving the coconut industry and by revamping the policy and institutional framework within which the industry operates.
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# Annex C. Theory of change

## 1. Training and support of women politicians and public servants

*Assumption: Training women in the legislature and executive on the formal rules, systems and processes of the institutions they work in enables them to be more effective and wield more influence once in office.*

Context	Inputs	Outputs	Impact
<p>Whilst a great deal of effort and resources have gone into training women to run for office, this addresses a sub-set of the women in politics (usually women aspirants/candidates). Expanding training to address women post-election and post appointment would build on the success of these programmes and ensure women in elective and appointive positions have access to training to increase their influence.</p>	<ul style="list-style-type: none"> <li>• Training for women once in office (elective and appointive) on the institution, system and processes to allow them to successfully push an agenda.</li> <li>• Track women based on their experience in politics and leadership to assess the size, viability and sustainability of pipeline for programming.</li> <li>• Increased support for KEWOPA to help women MPs (dedicated senior advisors)</li> <li>• Support for CA's using a shared services model to provide support and track legislative work of female MCAs.</li> </ul>	<ul style="list-style-type: none"> <li>• Women knowledgeable in institutional processes increasing their effective participation and likelihood to enact legislation or get policy adopted.</li> <li>• Tracking women's influence at the institutional and national level</li> <li>• Documenting women's impact within the institution and their role in changing the institutions as well as historically.</li> </ul>	<p>Women's confidence and knowledge increases helping women, especially those elected for the first time, to make informed decisions about how to work within the institution.</p> <p>Reduces the information and power asymmetry especially for women elected for the first time.</p> <p>Women's influence increases, having a demonstration effect, encouraging more women to vie and more to vote for women.</p> <p>Improve capacity and confidence of nominated women to engage in executive and legislature</p> <p>Providing credible evidence of women's effectiveness challenging the narrative that women do not add value.</p>



## 2. Rule of law

*Assumption: Violence against women* in politics and public service: i. deters women from running for office/putting themselves forward for appointive positions and ii. **reduces the influence** of women serving by degrading their stature in the eyes of their colleagues and the public. Proper sanctions against those who commit acts of violence or make gendered insults removes a barrier for female candidates and increases women’s descriptive representation.

Context	Inputs	Outputs	Impact
<p>Verbal insults, threats, sexual harassment and actual acts of physical violence perpetrated against women by political rivals and others is pervasive in Kenya</p> <p>Violence against women perpetrated by men in politics or leadership with no criminal, political or other consequences</p> <p>Poor or no investigation and prosecution of alleged criminal activities perpetrated by politicians and leaders.</p>	<ul style="list-style-type: none"> <li>• Support prompt investigations and prosecutions of cases of VAW especially of women in political office.</li> <li>• Support private prosecutions for VAW cases especially of women in political office.</li> <li>• Provide professional and confidential psychological support for women victims of VAW</li> <li>• Support NGEK to track and report on cases of VAW against women in politics and leadership per session (Parliament/ County Assembly)</li> <li>• Support documentation and publicity for local women led responses to VAW e.g. My Dress My Choice</li> </ul>	<ul style="list-style-type: none"> <li>• Reduction in the number of instances of women politicians and candidates being insulted and attacked.</li> <li>• Increased certainty of adverse legal and social consequences for perpetrators of VAW</li> <li>• Remind society and women of how they have successfully fought back against VAW.</li> </ul>	<p>Women more inclined to run for political office</p> <p>Women more willing to take on high profile and public roles within government institutions</p> <p>Women’s influence increases as barriers to participation reduced.</p> <p>Improve the working conditions for women</p> <p>Individual victims of VAW in politics have reliable psycho-social support to deal with the VAW</p> <p>Weaken the connection of violence to politics and leadership</p> <p>Inspire younger and more women to be involved in women’s equality by communicating how women continue to secure constitutional gains</p>

*Assumption: Full compliance with the current legal framework governing women's participation in politics increases women's access, presence and substantive representation within the government at national and county level..*

Context	Inputs	Outputs	Impact
<p>A strong legal framework grounded in the Constitution's Bill of Rights exists but there is legislation outstanding to implement Article 81(b) for compliance with Gender Principle in Parliament.</p> <p>Examples of non-compliance include all Cabinets since 2010, Supreme Court since 2010, Majority of State Corporation boards. Some commissions, Parliament, some County Executive Committees and some County Service Boards.</p>	<ul style="list-style-type: none"> <li>Support for NGEC to lobby for Parliament to enact the law on Article 81(b) as soon as possible</li> <li>Support for NGEC, Katiba Institute, CREAM and other organizations working on strategic public interest litigation on GEWE.</li> <li>Support for NGEC to monitor, report and track ongoing compliance and document progress to prevent stagnation.</li> <li>Training for women and men in GoK to understand their legal obligation regarding implementation of Gender Principle in appointments/ recruitment</li> <li>Support for publication of existing, and production of more, analytical and economic data to counter purported reasons for non-compliance</li> <li>Support inclusion of constitutional principles of equality and inclusion in educational curriculum</li> </ul>	<ul style="list-style-type: none"> <li>Increase in the number of women in elective and appointive positions at the national and county levels. Improved rule of law environment.</li> <li>Increased understanding of the legal obligations regarding the Gender Principle by more people in government.</li> <li>Increased awareness and understanding of equality and constitutional safeguards by more younger Kenyans</li> </ul>	<p>More opportunities for women in leadership roles</p> <p>Increased confidence in government and its adherence to Constitution</p> <p>Decreased support for non-compliant government departments, public bodies and parastatals at national and county level</p> <p>Increased focus on women's effectiveness for both elected and nominated women.</p> <p>Increased visibility for NGEC as a Commission safeguarding women's inclusion rights</p> <p>Increased certainty of public and private sector decisions since no risk of challenge due to lack of compliance of decision making bodies (state corporate boards, appointive bodies Cabinet and CECs &amp; Parliament)</p>

### 3. Economic barriers to access and influence within government

*Assumption: Campaign Finance* regulations would help level the playing field and **decrease the importance of resources as a barrier** to accessing elective office.

Context	Inputs	Outputs	Impact
<p>The salaries for elected officials in Kenya are among the highest in the world and political positions are conduits for access to government contracts and other business deals.</p> <p>Resources required to campaign increased due to the increase in new positions in the current structure.</p> <p>Political parties provide recognition for candidates and are primaries biggest challenge for most political candidates</p> <p>Women report having access to fewer financial resources and to the importance of these resources for successful campaigns.</p> <p>Vote buying and bribery common in Kenyan politics.</p> <p>The disproportionate influence of money in politics is also because many people alleged to be engaged in criminal activity or even those under investigation and even convicted of criminal offences use politics as a shield from the criminal justice system.</p>	<ul style="list-style-type: none"> <li>• Support initiatives to publicize wealth declarations and for annual updates and reports</li> <li>• Support public reporting of political party funds and their use</li> <li>• Support public funding of more political parties in line with Article 4</li> <li>• Support initiatives to improve citizen participation in county and national budgeting and public versions of budgets and financial reports.</li> <li>• Support increased transparency of public procurement at national and county level.</li> <li>• Support for the Office of the Auditor General including public versions of their reports.</li> <li>• Support initiatives and trainings to help women in mobilization and political movement building</li> <li>• Support initiatives to improve public accountability of elected officials, organizations like Transparency International and anti-corruption efforts especially in non-election years.</li> </ul>	<ul style="list-style-type: none"> <li>• Public declarations on wealth and source of wealth for greater transparency</li> <li>• Improved public demands for accountability from MPs and MCAs</li> <li>• Increased credible investigations and successful prosecutions of corruption cases and of politicians.</li> <li>• More publicly funded political parties will create more viable options for access to political office for more Kenyans men and women</li> <li>• Increased discussion of the nexus between money and politics and the impact for citizens</li> <li>• Improve citizen understanding of how money is spent by government and how they can participate in the process.</li> </ul>	<p>More resources used for public works/ development.</p> <p>Reduce the influence of money in the electoral process</p> <p>Increase the visibility and source of money for those funding political contests</p> <p>Increase the scrutiny and visibility of laws and policies and beneficiaries.</p> <p>Increased citizen awareness of roles of MPs and MCAs and public expenditure.</p> <p>Improved confidence in government institutions and leaders.</p> <p>Increased visibility and scrutiny of public financing provided to political parties</p>

## 4. Political parties

*Assumption:* The implementation of **rules promoting women’s participation by political parties** removes **key barriers for women** winning elected seats. A higher proportion of women filling elected rather than nominated seats, increases their influence within government institutions and enhances their impact on local development. Elected women are viewed as having an independent support base and can access funds for development initiatives.

Context	Inputs	Outputs	Impact
<p>Most political parties receive their support from particular ethnic communities. This pattern of ethnic voting means that in many places, competition is most fierce at the primary stage when candidates are vying to run on the party ticket that is dominant in that area.</p> <p>Political party structures are patriarchal and few have actively sought to increase the number and profile of women within their ranks.</p> <p>Targeted support for women candidates thus is largely absent, meaning factors that disproportionately hurt women’s ability to run for office (such as registration fees), remain active barriers to increased representation of women, particularly for elective seats.</p>	<ul style="list-style-type: none"> <li>Develop code of conduct for political practice specifically with best practice guidelines on how to fast-track women into office. Code may include measures such as: <ul style="list-style-type: none"> <li>Female only lists in some seats</li> <li>Dedicated funds for female candidates for campaigns and materials</li> </ul> </li> <li>Strategic support for women led (Chair) political parties</li> <li>Support women’s political party convening and network building throughout the electoral cycle not just in anticipation of elections.</li> <li>Provide training and support political advisory positions (to both men and women) to expand women’s political networks.</li> <li>Support women political advisers for both national and county level leaders</li> <li>Support initiatives that track political parties funding to women (especially for those parties funded by the public)</li> </ul>	<ul style="list-style-type: none"> <li>More women inclined to run for office as some of the key barriers for access removed.</li> <li>Strengthen smaller parties in various regions and create safe spaces for more women candidates</li> <li>Increased number of women successful in party nominations/ primaries</li> <li>Stronger women’s political networks to support</li> </ul>	<p>More women successful in nomination processes</p> <p>More women on the general election ballot for dual gender seats</p> <p>Challenge the assumption that women cannot run for dual gender seats</p> <p>More ballots where women competing against women on dual gender seats normalizing women’s presence in political contests</p> <p>More women active members of institutional political parties</p> <p>Stronger women led political parties</p> <p>Normalizing women’s participation in political process as political and public policy advisors for candidates</p>

## 5. Perceptions of women in leadership

*Assumption:* **Gender disaggregated government data** assists in monitoring and is essential to assessing the impact of legislation and policy interventions as well as to refining impact which seeks to **increase women’s access and presence** in politics.

Context	Inputs	Outputs	Impact
Although the Gender Principle requires mathematical allocation of appointed positions on all public bodies gender disaggregated data is not provided at all or when provided it is provided out of context.	<ul style="list-style-type: none"> <li>Support NGENC reporting on national and county compliance with Gender Principle</li> <li>Support NGENC to document and review the structured inequality of nominated positions through engagement with SRC, CoG, OAG and Ministry of Public Service, Youth and Gender Affairs among others</li> <li>Support NGENC and OAG to provide support to appointing authority’s pre-appointment to improve compliance with Gender Principle in appointments</li> <li>Support IEBC to provide gender disaggregated data and on data driven voter education efforts during elections to promote women’s inclusion</li> </ul>	<ul style="list-style-type: none"> <li>Accurate timely data on compliance of women’s inclusion.</li> <li>Depoliticize compliance by working to ensure compliant appointments not challenges after appointments.</li> <li>Provide data in advance to help create environment for compliance</li> <li>Tracking, monitoring and documentation to support advocacy as well as inform interventions.</li> <li>Improve opportunities for women and women’s movement to lobby for appointed positions especially on boards of state corporations.</li> <li>Increased transparency of available appointive positions and of appointing authorities</li> </ul>	<p>Improved compliance with Gender Principle.</p> <p>Increased number of women in appointive and elective leadership roles.</p> <p>Historical accurate readily available data to support policy and advocacy efforts.</p> <p>Visibility of pay/benefit gaps between nominated and elected representatives.</p> <p>Increased awareness of gender and affirmative action considerations in the Public Service</p> <p>Increased awareness of the gender pay gap and the role of the SRC.</p> <p>Increased public awareness of positions for appointment and of appointment process.</p>

Context	Inputs	Outputs	Impact
	<ul style="list-style-type: none"> <li>• Support NGEC and IEBC collaboration on Gender Principle regulations and implementation post 2017 election in preparation for next general election</li> <li>• Support NGEC to work with CoG to collect and collate gender disaggregated data for all CECs and for the CA committees</li> <li>• Support legislation that mandates the collection and collation of gender disaggregated data at the county level</li> <li>• Support Ministry of Public Service Youth and Gender to provide gender disaggregated reports (At least annually) in public service staff, recruitments and appointments</li> <li>• Support SRC and NGEC to provide gender disaggregated data collection including for gender pay gap analysis</li> </ul>		

*Assumption: Success of policies that target women if spearheaded by women promotes perception of the influence and effectiveness of women in politics.*

Context	Inputs	Outputs	Impact
<p>The process by which policies are prioritized and formulated in opaque at both the national and county levels. Women in politics must be seen to be effective to deliver tangible developmental gains.</p>	<ul style="list-style-type: none"> <li>Identify and strategically support policies that already exist and have potential to positively impact women e.g. AGPO</li> <li>Support women both executive and legislature to drive the agenda on strategic thematic areas so they get credit as a group</li> <li>Support leveraging of women's professional associations in support for policy implementation</li> <li>Support mirror initiatives in the private sector to buttress support of public policy e.g. AGPO support supplier diversity initiatives in the private sector or initiative like Kenya Association of Manufacturers' (KAM) Women in Manufacturing</li> <li>Support the documentation of the process of policy execution to capture lessons learned, create content for women's campaigns and media coverage as well as educate electorate on how policy making works</li> </ul>	<ul style="list-style-type: none"> <li>Improved policy outcomes and positive impact for women delivered by women</li> <li>Improved execution of capacity for women on policy</li> <li>Greater visibility for women across counties and nationally</li> <li>Improved networks among women in legislature and executive</li> <li>Provide opportunities for women to improve their leadership capacity</li> </ul>	<p>Increased perception of women's influence and effectiveness as a group</p> <p>Increased perception of effectiveness of women in leadership</p> <p>Increased collaboration of women across national and county and institutions</p> <p>Perception of greater impact since implementation isn't localized to a county</p> <p>Support for national priorities as these are existing government policies.</p> <p>Support beyond electoral cycles to depoliticize policy implementation</p> <p>Increased role of policy issues and implementation as a basis for political and civic engagement</p>



*Assumption: Success of policies that target women if spearheaded by women promotes perception of the influence and effectiveness of women in politics.*

Context	Inputs	Outputs	Impact
<p>Kenya society remains patriarchal and men still wield significant formal and informal influence in political, social and economic realm.</p> <p>Men and women working together is more sustainable for gender equality agenda.</p> <p>Government, DPs and INGOs vocal public commitments to gender equality and women's inclusion but actions inconsistent with these public statements/positions.</p>	<ul style="list-style-type: none"> <li>• Improve all HeforShe type programmes and initiatives to include reporting on compliance with the principles (<b>actions not statements</b>) and provide a rating mechanism e.g. a grade A, B or C. Create a mechanism to drop HeforShe signatories and champions that violate gender equality laws in their private or official capacity.</li> <li>• Support for initiatives that target and isolate men who reject women's equality and implementation of the Constitutional provisions on Gender Principle and equality.</li> <li>• DPs and INGOs deny support for assistance to entities controlled or affiliated with men who by omission or commission fail to comply with the law on gender equality</li> <li>• Support men who act to support women and gender equality regardless of their political or leadership position</li> <li>• Support media coverage of men who have acted and continue to act to support gender equality and women's empowerment.</li> <li>• Support NGEC to track contributions of men in executive and legislative positions national and county to provide comparable data on effectiveness of men and women in politics and leadership</li> </ul>	<ul style="list-style-type: none"> <li>• Improve the impact of the HeforShe type campaign by focusing on actions</li> <li>• Create networks of credible male allies across political, economic and social sector</li> <li>• Provide visibility for men providing credible leadership in acting in support of women's equality</li> <li>• Improve credibility of approach of male allies in advocacy for gender equality in Kenya</li> <li>• Create a closer nexus between action and reward not statements and reward thereby improving accountability</li> </ul>	<p>Improved credibility of men who come out of champions for women's equality</p> <p>Greater understanding of <i>how one acts (not speaks) as a male ally</i></p> <p>More credible men to engage in the discourse on how to secure women's equality rights</p> <p>Increased incentive to deliver on women's rights agenda and no platform to use it merely as PR opportunity</p> <p>Larger network of people in Kenya committed to supporting women's equality in different spheres</p>



