



Meeting the Gender Principle

Policy and programme considerations

This policy brief summarizes the recommendations of the Rift Valley Institute's study on the representation and influence of women in politics in Kenya. Drawing on research conducted in 2016–2017 funded by the UK's Department for International Development, it presents key findings and recommendations for achieving more inclusive and accountable governance in Kenya through strengthening the number and influence of women in politics and public service.

Kenya's 2010 Constitution introduced a quota system designed to increase the representation of women in government institutions. Article 27(8) of the Constitution, known as the Gender Principle limits the representation of the majority gender to no more than two-thirds in elective and appointive bodies. The use of quotas to fast track women into politics has been increasingly adopted by countries with low levels of women's representation. This is based on the theory that a critical mass of women is required to enable the passage of progressive

policies and better development outcomes for women (Wangerud 2009).

In the first elections held under the 2010 constitution in 2013, women gained positions in political institutions in historic numbers, with women holding 21 per cent of seats in the national legislature and 29 per cent of cabinet positions. Despite this progress, these levels fell short of the constitutional threshold. Before the August 2017 elections, the National Assembly, Senate, Cabinet, Supreme Court and other national political entities were in violation of the Gender Principle. The vast majority of County Assemblies were in compliance, and succeeded in meeting the Gender Principle through the nomination process. Some, but not all counties, complied with the Gender Principle in the compositions of the County Executive Committees (CECs). For a detailed summary of the presence of women in politics and public service between 2013 and 2017 see RVI Policy Brief *Taking Stock of Kenya's Gender Principle* (June 2017).

Key points *For detailed findings please see the final research report*

- Women regard the Constitution and Gender Principle as critical enablers that have forced the executive and legislative at national and county level to create space for women. However, the absence of clear legal mechanisms to implement the Gender Principle across government has rendered the Constitution inadequate in the eyes of many serving and aspiring women.
- Campaigning is expensive for all candidates in Kenya, yet the financial costs of running for office are greater for women than men.
- Violence is a major concern for women vying for legislative seats at both national and county levels. The risk of violence during the electoral period normalizes the victimization of women in politics and acts as a deterrent for women generally. The risk of gender-based violence remains a real concern for women once in office.
- Previous leadership experience is considered a useful enabler for women seeking public office. Possessing such experience is seen to enhance women's effectiveness when in office.
- The difference in mandate and access to resources between elected and nominated legislators is a strikingly detrimental factor that limits women's influence in Kenyan politics. Most women in government at national and county level occupy nominated positions with limited power, resources and influence.
- The difference in mandate and access to resources between elected and nominated legislators is highly significant. Most women in government at national and county level occupy nominated positions, this status hinders their ability to influence policy and development outcomes.
- The extent to which women are able to set and influence the agenda in their political units depends on which branch and at what level they serve and whether these positions are nominated, appointed, or elected positions.
- The responsibilities and powers of different elective and appointive seats are poorly understood by the public. This can lead to a range of misperceptions about the role and potential impact of women.

Women legislators	
Pre-election	<ul style="list-style-type: none"> • Lobby for improved compliance with existing legal and regulatory framework on electoral misconduct and violence against women. • Encourage women's associations in the private sector to assist in the identification of candidates as well as strengthen women's networks. • Target civic education to help the electorate understand the importance of women competing for the dual gender seats
Post-election/while in office	<p>National</p> <ul style="list-style-type: none"> • Training for those in public office on the Constitution and the two thirds gender principle • Training for Speaker and Speakers Panel on leadership role in promoting professionalism and equitable representation; review standing orders to address gendered language, GBV • Publically report on committee membership in national and county legislatures • Support training of MPs and MCAs on issues of sexual harassment and workplace discrimination. Support review and/or updating of HR policies to try and reduce the hostile work environment for women MPs and MCAs • Support an annual meeting of women legislators at the national and county level • Support for active female and male legislators to attend the UN Commission on the Status of Women (CSW), and to attend international meetings of women legislators • Support for the collation of gender disaggregated data on legislative accomplishments from motions, bills, contributions etc. to provide data on both male and female contributions in County Assembly • Support for KEWOPA and KEWOSA with stronger legal and policy advisors, support in tracking and documentation of women's contributions <p>County</p> <ul style="list-style-type: none"> • Training for women on legislative functions and representative role of MCAs, including the provision of online recorded trainings to support legislators beyond induction training • Support for a cross-party Women politician's caucus • Establishment of a virtual secretariat to support women in the 47 County Assemblies (legal researchers, policy advisors, monitoring and communication staff) to support women's agenda across the counties, leverage progressive agendas across the nation through CA as well as to help tracking and documentation women's contributions in the CAs.
Long-term	<ul style="list-style-type: none"> • Civic education targeting electorate on the importance of inclusion (women, youth, people with disabilities) and inclusive leadership, and on the constitution more broadly • Establish an action-based annual award for male legislative allies in gender equality • Support reporting and disciplinary mechanisms for harassment and discrimination • Targeted programmes for male legislators with a reputation for resisting gender equality (hardlines) to help them better understand gender equality and reduce resistance to women MPs & gender equality legislation • Support for activities that promote greater interaction and collaboration of Parliament and women in various private sectors to strengthen women's networks • Increase initiatives to identify and nurture women in leadership beyond women in political leadership such as business and civil society
Women executive office holders	
Pre-election	<ul style="list-style-type: none"> • Convene Governors and women in leadership positions outside government • Promote the private and professional achievements of women in the executive (Cabinet, Principal Secretary and Boards) to normalize women's leadership • Support for Technical Advisors for all Cabinet Members on a 50-50 basis to increase women's political networks • Training for women on executive role and functions including budgeting
Post-election/while in office	<p>National</p> <ul style="list-style-type: none"> • Promote the individual and collective women achievements of women in executive office • Support for engagement of women in executive Cabinet and on commissions to grow women's executive network • Support women CEOs and Board Members of Parastatal boards networking regularly

Post-election/while in office	County <ul style="list-style-type: none"> • Train CECs and MCAs on gender responsive budgeting • Support for CECs to drive equitable terms for nominated MCAs in budgeting • Support for Technical Advisors on a 50-50 basis to increase women’s political networks
Long-term	<ul style="list-style-type: none"> • Support for engagement of women in executive CEC and on County Boards to grow women’s executive network
Political parties	
<ul style="list-style-type: none"> • Develop transparent political party nomination processes to increase the number of women with an interest in politics nominated • Early support for aspirants for political party positioning to increase number of women on the ballot • Mapping of women aspirants and support for aspirants in terms of political party positioning to increase number of women on the ballot • Support for the devolution of party primaries to help localize the process, and increase transparency and accountability to widen access for women 	
IEBC	
<ul style="list-style-type: none"> • Support the IEBC in the development of the regulations required by the Justice Mativo Ruling • Support to draft the regulations for political parties on compliance with Gender Principle • Train the IEBC on challenges for women candidates • Support for review and revision of IEBC regulations to promote equality and inclusions 	
NGEC	
<ul style="list-style-type: none"> • Monitor compliance with Gender Principle in all public institutions • Support NGEC in proactive accountability programming that seeks to ensure compliant appointments at national and county level (training of Public Service Commission, Cabinet Secretaries, etc.) • Support for NGEC to develop a training module for Mwangozo Code of Governance for State Corporations on inclusion and Gender Principle. • Support NGEC partnerships with organizations seeking to increase women on boards to promote diversity so more women in private sector considered for parastatal and public service appointments • Support NGEC to develop educational curriculum to educate primary and secondary students on the Constitution and importance of inclusion and gender equality • Annual report on State of the Nation on Gender Equality to celebrate progress and identify challenges • Promote NGEC quarterly engagement with women’s rights organizations to strengthen women’s network 	
Civil society, women’s organizations and the media	
<ul style="list-style-type: none"> • Encourage inclusive media representation to help profile women in various fields • Document women’s experiences and contributions in Parliament and the County Assemblies • Support for women’s rights organizations as well as women’s organizations and associations in private sector • Promote improved governance in women’s organizations and associations including support for regular elections, financial compliance and reporting, annual audits etc. to strengthen women’s organizations and their advocacy and lobbying capacity • Support advocacy initiatives by well-regarded women’s rights organizations especially in the areas of legislation, public interest litigation and accountability 	



Credits

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