

# Taking stock of Kenya's Gender Principle

## The representation of women in politics in Kenya, 2013-2017

In 2010, Kenyans promulgated a new Constitution that significantly transformed the country's political, legal and institutional landscape. Included in the reforms was the introduction of a quota system designed to increase the representation of women in government institutions by limiting the dominance of a single gender in political offices. Article 27(8) of the constitution, known as the Gender Principle or Gender Rule, limits the representation of the majority gender to no more than two-thirds in elective and appointive bodies.

This brief outlines the progress made in meeting the Gender Principle after the first general election, under the new Constitution. The brief describes and analyses the number and distribution of women serving in the National Assembly, Senate, and County Governments between 2013 and 2017. The data was compiled through a comprehensive review of secondary sources and a telephone survey that surveyed over 120 women in national and county government.

The 2013 elections resulted in the greatest number of women in government in Kenya's history, with women holding 21 per cent of seats in the national legislature, 29 per cent of cabinet positions, 24 per cent in County Executive Committees (CECs) and 34 per cent in County Assemblies. Yet whilst the number of women represented in politics has significantly increased through the introduction of the Gender Principle, interrogating and disaggregating the data reveals several key trends that suggest that the barriers to women's substantive representation within politics remain formidable.<sup>1</sup>

### Key findings

*Women are represented in all Executive and Legislative bodies within Kenya's National and County Governments but do not occupy any of the top executive leadership roles (presidency, governorship)*

Table 1. Gender balance in national and county governments

Legislative – National Government					
	Member of Parliament			Senator	
	Elected	Nominated	Reserved	Elected	Nominated
Men	274	7	0	47	2
Women	16	5	47	0	16
% Women	6%	41.7%	100%	0%	89%
Executive – National Government <sup>2</sup>					
	President	Dep. President	Cabinet Secretaries	Attorney General	
Men	1	1	12	1	
Women	0	0	6	0	
County Governments <sup>3</sup>					
	Executive			Legislative	
	Governors	Dep. Governors	CECs	Elected MCA	Nominated MCA
Men	47	37	449	1375	104
Women	0	10	141	75	670
% Women	0	21%	24%	5%	87%

The table reveals sharp differences between the level of women’s representation across executive and legislative bodies at national and county level. Up to 2013 there had been a steady increase in the level of women’s representation within the National Assembly from 7 in 1992 when multi-party democracy was reintroduced. The dramatic rise in 2013 however, is due to the introduction of the position of County Representative which is reserved for women. Indeed, the number of constituency women MPs declined in 2013 and no women were elected to the Senate. At subnational level, a similar trend can be observed. Between 1988 and 2002 the number of women councillors – in the former local government system—increased from 2.4 per cent to 13.3 per cent of the total number of councillors; this has more than doubled through the introduction of the Gender Principle with 33 per cent of MCAs serving between 2013–2017 women.<sup>4</sup>

*The majority of women in legislative positions at both levels of government occupy nominated seats—appointed by political parties according to vote share—to meet the requirements of the Gender Principle. Mechanisms to nominate women have ensured compliance with the Gender Principle at County level but have failed in respect of the national legislature.*

Only 6 per cent of all elected constituency Members of Parliament were women, compared to 0 per cent in the Senate. In neither the National Assembly, nor in the Senate was the Gender Rule met—19 per cent and 26 per cent are women respectively. Almost all women are either

nominated or in reserved elected seats across the country. Aggregating at county level reveals that of the women serving as MCAs, only 6 per cent were elected. This has significant implications for their ability to chair committees, the resources they can access for development in their wards, and the level of power they are perceived to have by constituents.

The nomination of women at sub-national level was a crucial instrument that enabled most County Assemblies to comply with the Gender Principle. Similar legal requirements are not in place in respect of Parliament, with the result that only 19% of the National Assembly are women and 26% of the Senate. Since 2013 the executive at the national level did not meet the Gender Rule with more than two thirds of the Cabinet defined in Article 152 (1) to include the President, Deputy President, Attorney General and Cabinet Secretaries) being male.

*Political party membership amongst women politicians correlates with the dominant pattern of regional party support at national and county level. The wider range of parties women represent at county level suggests that women are able to more selective about their party compared with national politicians.*

Twenty political parties won seats in the National Assembly. Elected women constituency MPs represented 6 different parties. Eleven per cent of TNA’s MPs were directly elected, compared with only 1 per cent of ODM women MPs. By contrast, women represent a greater number of political

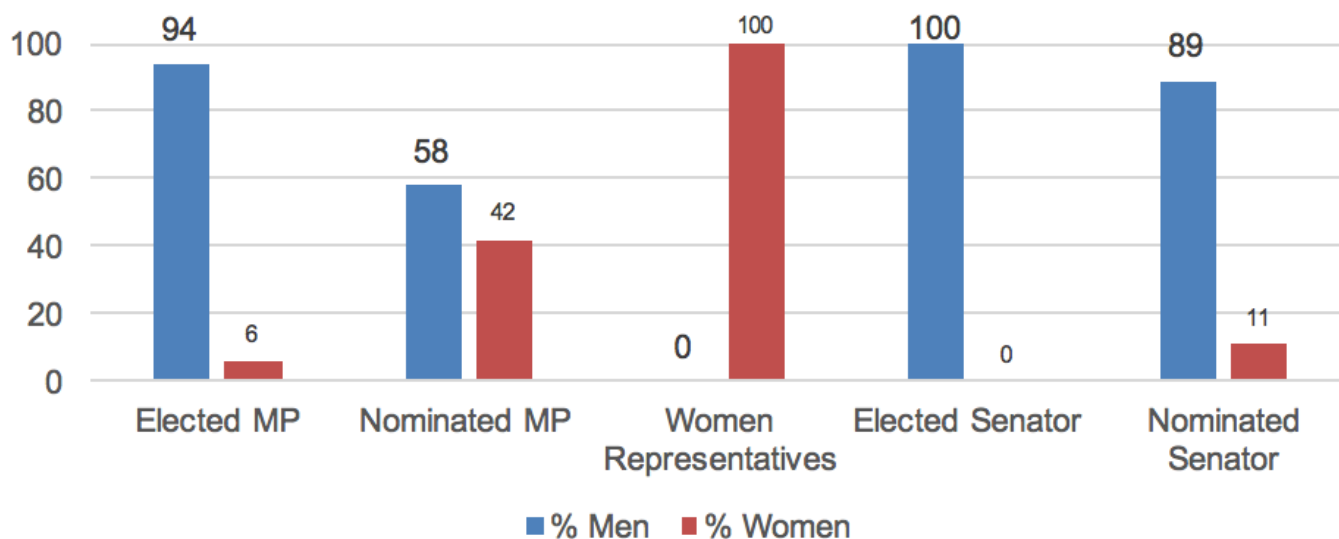


Figure 1. Seats in the National legislature by Gender

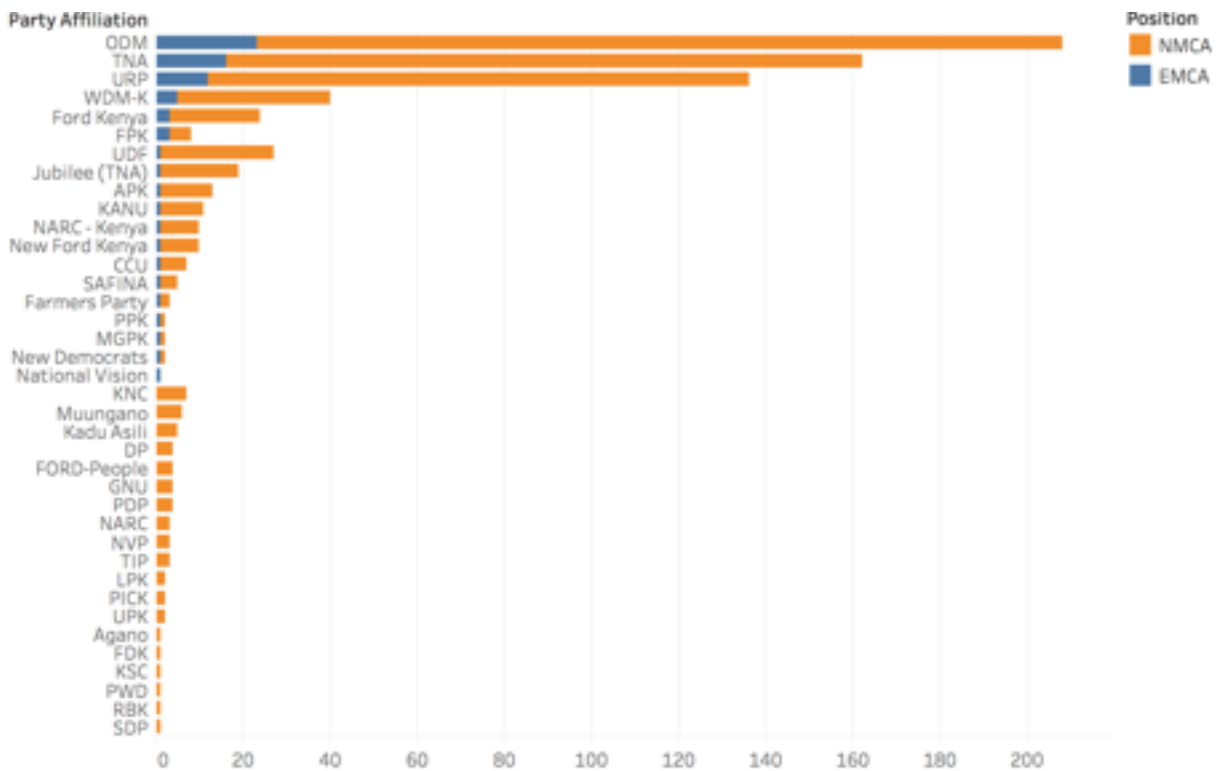


Figure 2. MCAs by political party

parties within County Assemblies. Women MCAs in ODM were the most numerous—both in elected and nominated members—followed by TNA and URP. The proportion of elected to nominated MCAs was comparable between ODM, TNA and URP.

*The National Executive was non-compliant with the Gender Principle. Compliance varied amongst County Governments’ executive committees. Women were most likely to be elected as Deputy Governors when standing on an ODM ticket. Women CECs managed a diverse range of portfolios with Education the most common.*

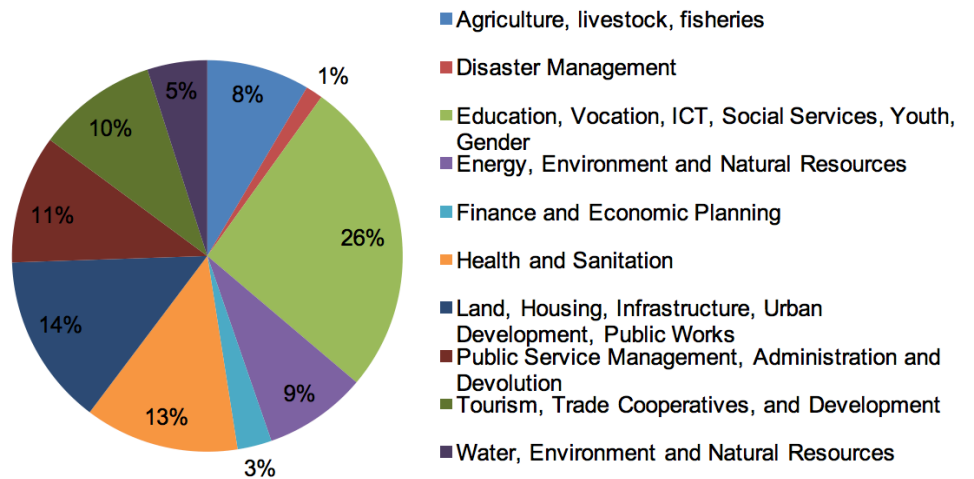


Figure 3. Women CEC portfolios by sector



### Credits

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## Notes

**1** ‘Substantive representation’ refers to the ability of women to exert influence when in decision-making positions as opposed to their descriptive representation, i.e. the number of women (Goetz and Hassim, 2003).

**2** These figures relate to the Executive from 2013-2015. The cabinet was reconstituted in December 2015. The number of Ministries increased to 20 and the number of women Cabinet

Secretaries decreased from 6 to 5. The number of male Cabinet Secretaries increased from 12 to 15.

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

**4** Kenya Country Gender Profile 2007, Africa Development Bank (Human Development Department)