GENDER RANKING
RAPID BASELINE SURVEY ON THE STATUS OF GENDER EQUALITY IN KENYAN
POLITICAL PARTIES
(ZERO DRAFT)

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EXECUTIVE SUMMARY

This gender ranking of political parties is a rapid baseline survey by CMD-Kenya to establish the status of women in political parties in Kenya and to document internal and external barriers that militate against women in political leadership. Within East Africa, Kenya is highly rated in terms of democratic development and level of literacy; yet when it comes to politics, women who are equally highly educated, find themselves struggling within parties and in politics. The struggle continues despite gender quotas instituted through the Constitution 2010 providing for a ‘not more than two thirds’ of the same gender representation in both appointive and elective offices and the Political Parties Act of 2011 stipulation that political parties have to comply with the requirement before they can be registered. All the 59 political parties registered by the office of the Registrar of Political Parties in 2012 in preparation for the March 4th 2013 General Elections complied with the gender quota requirement. Out of the 59 political parties, 57 participated in the elections and yet women’s performance in politics did not significantly improve. The environment did not transform the structural, institutional and systemic constraints to women’s equal and inclusive participation and increase the uptake of electoral and political spaces by women as expected. Of the 290 elected members, only 16 are women. Another 47 are women representatives elected directly from individual counties on women’s only seats as an affirmative action measure. No woman was elected as an independent candidate. Political parties nominated 5 women out of the 12 members nominated to the National Assembly. The total number of women in the current national assembly is 68, representing 19.4% of the total members of the national assembly. Various political parties sponsored 13 women to run for the post of Senator with one woman running as an independent candidate. Parties also sponsored 5 women to run for the Governor position. No woman was elected as Senator and no woman was elected Governor. Political parties then nominated 16 women as Senators (a constitutional requirement). One explanation for women’s poor performance is that political party capacity and readiness for practical application of gender quotas and gender equality principles is still very weak and characterised by a culture of rhetoric and emergency interventions. The other is that patriarchy uses the gender role ideology to place women within the arena of home as mothers and wives and men in the public sphere effectively reinforcing gender disparities. Therefore political parties in Kenya should promote an active and visible policy of mainstreaming a gender perspective in order to enhance women's
participation in politics and at all levels of decision making. This must be instituted through concrete steps, mechanisms and processes in all parts of the political party system. Responsibility for translating policy into practice must rest at the highest levels of the party and accountability for outcomes monitored constantly.

1.0 CONCLUSIONS AND RECOMMENDATIONS

Conclusion 1

Policy and legislative frameworks for promoting gender equality and women’s political empowerment is in place at both the national and political party levels. For example all registered political parties have complied with the gender equality principles in the Political Parties Act (2011). However gender equality and women’s political empowerment provisions are listed in political party constitutions; manifestos and election regulation rules and procedures merely as a requirement (or obligation) and hardly as a commitment, a core value or strategic objective.

Recommendation

Political parties must go beyond the minimalistic approach of merely including gender quotas in documentation and/or simply bringing women into the National Executive Committee (NEC) and adopt direct and empowering strategies that would enable women to develop their gender constituency and effectively tackle the gender disparities that are structural and systemic.

Conclusion 2

The organizational culture of most political parties in Kenya is male dominated; characterised by rhetoric and emergency interventions in an attempt to ‘accommodate’ women, usually around election period. Gender sensitivity of males in the party can contribute positively to the operational effectiveness of political parties through the identification of specific tasks that place specific requirement to involve women in party activities.

Recommendation

Since gender quotas are only one part of a multi-faceted strategy for empowering women politically and must also involve other deliberate strategic actions to be effective. CMD-Kenya should organize gender awareness sessions and develop standard guidelines of behaviour as checklist for party membership. These should show concrete examples of what can and cannot be done during different stages of nomination and election political process.
Conclusion 3

Politics is still defined in the traditional view which restricts political activity only in the public arena and this public–private dichotomy is used to exclude women from politics (public sphere). The largely male dominated political parties have a male perspective on the subject of gender equality and women’s political empowerment that disillusion women. Women’s perspective is often ignored and not reflected in the politics of their parties.

Recommendation

CMD-Kenya needs to develop targeted programs for training women to acquire political capital and political capacities such as means of political participation e.g political skills, economic resources, education, training and access to information. This will contribute to the transformation of wider politics and inclusion of women through elections. When women enter politics through gender quotas they are unable to transform sexual politics in party institutions and are forced to play on male terms.

Conclusion 4

It is time for a paradigm shift and political parties must go beyond business as usual and create capacity that can assure effective participation of women in their organizational culture and practice. Since women are usually not elected in positions of power within party structures because of gender biases of male leadership, political parties lack the gender perspectives and capacities to plan, develop implement and monitor critical decisions concerning gender equality contained in the party documents and pronouncements by its leadership.

Recommendation

CMD-Kenya should support political parties to consider gender issues in its institutional arrangements for discussing possible outcomes of party programs and include gender expertise as a necessary factor in design and planning of all its activities.

2.0 INTRODUCTION

Women’s representation in national legislatures around the world has nearly doubled in the past 30 years. According to Inter Parliamentary Union (IPU), 32 countries now have more than 30 per cent women members of parliament in their lower house of parliament, nine of which have 40 per cent or more women members of parliament. Attaining the 30 per cent critical mass figure means women are more able to influence the political agenda in those countries. This can largely be attributed to the introduction of special measures such as quotas...
to ensure more women are elected to parliament. Today women constitute 20.4% of the members of parliaments around the world. Recently, Rwanda superseded Sweden at 56.3% women against Sweden’s 47.3% women’s parliamentary representation. Rwanda is an example of the new trend to use electoral gender quotas as a fast track to gender balance in politics. Other parliaments, however, still have very few women elected. In East Africa; Kenya at 19.4% still lags behind all partner states - Rwanda 56.3 per cent, Tanzania 36 per cent, Uganda 35 per cent, and Burundi 30.5 per cent. This is despite the far reaching Constitutional and policy and legal gains that have expanded space for increasing women’s representation in public and political spheres in Kenya.

The Centre for Multiparty Democracy (CMD-Kenya) is a political party membership organisation with gender equality clearly defined as a strategic objective in its organisational structure, policy framework and practice. It has evolved over time as the organization with a proven history, experience and strategic niche in working with political parties in setting priority agendas and rallying political parties around shared purposes or vision. Successive General Elections from 2007 to 2013 has seen CMD-Kenya develop its’ capacity as the institution with political capital and skills to promote democratic practices within political party structures and practice in Kenya. A key area of focus has been working with political parties in order to increase the level of women’s participation in politics through election, nomination and acquisition of leadership positions in political parties. CMD-Kenya has also worked directly with women candidates and women leaders towards this end.

This gender ranking of political parties is a rapid assessment to assist CMD-Kenya to understand the situation of women in political parties in preparation for a new project whose focus is the ‘promotion of women’s political rights in political parties in Kenya (2014-2018)’. The project is funded by the Dutch Foreign Ministry through two CMD-Kenya international partners the Netherlands Institute for Multi-party Democracy (NIMD) and International IDEA. Other countries with a similar program are Tunisia and Colombia.

2.1 Objectives

The baseline seeks to provide information on the current situation of women in political parties on the practice of inclusive politics where women and men are represented more equally to elected office, including in political party leadership.

Specifically the gender ranking survey seeks to:

1) Establish the level of gender responsiveness to selected characteristics on gender equality and women’s political empowerment. These are (1) level of compliance of political parties to international and national policy and
legislative gender equality requirements in relevant documents, (2) gender responsiveness of political party institutional culture of practice and (3) the number of women as compared to men holding leadership positions, and selected and endorsed as party candidates for election and nomination in political parties in Kenya;

2) Document internal and external barriers that militate against the participation of women in political leadership.

2.2 Why Gender Ranking of Political Parties?

Political will, accountability, organizational culture and technical capacity determine a political party’s capacity and readiness for gender mainstreaming and women’s political empowerment. This is a key ingredient to party transformation if it seeks to meet the needs of all citizens.

CMD-Kenya identified the four aspects of political will, accountability, organizational culture and technical capacity as the indicators to facilitate the assessment of political parties’ level of sensitivity to gender equality and women’s political empowerment in their operations. These four aspects are useful because they provide good entry points that CMD-Kenya can use to identify practical steps that can be taken by parties to promote respect for women’s political rights.

The ranking provides insight on the extent to which political parties have promoted the creation of more space for women’s participations. This could be either through the application of recognized strategies (gender quotas) for women’s political participation or through innovation seeking to redress critical barriers to women’s participation.

3.0 BACKGROUND

Since Kenya’s independence, women have been struggling to participate equally alongside men in leadership and decision making at all levels of governance. Journey has been both slow and rife with many challenges. The quest for increased representation and meaningful participation in formal electoral and political leadership has been hampered by social, cultural, political and structural barriers.

The 1st Parliament (1963-1969) had no woman elected or nominated, while in the second parliament (1969-1974), only one woman was elected and another one nominated. In Subsequent parliaments, not much change is seen until the ninth parliament when ten women were elected and eight nominated, constituting 8.1% of the total members of parliament. The tenth parliament saw slight growth with 9.9% and the 11th Parliament was expected to have many
women as a result of the increased Constitutional gains for women and Kenya’s legislative and electoral reforms over the years. This environment was expected to deliver increased uptake of electoral and political spaces by women. This was however not the case as demonstrated below.

Below is a demonstration of number of women elected and nominated during successive parliaments.

**Figure 1&2**

![Pie chart showing percentage of elected women in progressive national parliaments](image-url)
Over decades, the number of elected women legislators has not risen significantly despite women constituting a higher proportion of electors than men. This denies half the population the chance to be equal partners in the development of this country. The gender imbalance in Kenya’s legislatures' has been a matter of great concern among Kenyans.

3.1 International Legal Frameworks

Women’s political participation is an internationally recognized fundamental human right, with numerous international and regional instruments drawing attention to gender-related dimensions of human rights issues including the right to vote and be elected. Kenya is a signatory to several global gender equality conventions, setting national standards for attaining gender equality at all levels of governance. By ratifying these treaties and conventions, Kenya has made a commitment to ensure that discrimination against women is eliminated and that women can now access the political and public space as equal partners with men. In fact Kenya’s Constitution has emboldened this commitment and provides that “The general rules of international law shall form part of the law of Kenya” and that “Any treaty or convention ratified by Kenya shall form part of the law of Kenya under this Constitution”\(^1\). This has major implications for Kenyan women and their access to public and political spaces. This study will only focus on the Convention on the Elimination of all forms of Discrimination against Women (CEDAW) and the Millennium Development Goals (MDGs), particularly MDG 3.

\(^1\) Art.2(5)(6) of the Constitution of Kenya
3.2 Convention on the Elimination of all forms of Discrimination against Women (CEDAW)

CEDAW defines the right of women to be free from discrimination and sets out the core principles to protect this right. It establishes an agenda for national action to end discrimination; and provides the basis for achieving equality between men and women through ensuring women's equal access to, and equal opportunities in, political and public life. The Convention recognizes women’s right to:

- Vote;
- Be eligible for election to all publicly elected bodies;
- Participate in the formulation of public policy and its implementation;
- Hold public office and perform all public functions at all levels.

Its preamble links the full and complete development of a country with the need for ensuring maximum participation of women on equal terms with men in all fields, and obligates state parties to ensure principles of equality and non-discrimination are embedded in their constitutions and laws.

3.3 Millennium Development Goals (MDGs)

The Millennium Declaration, adopted by United Nations Member States in 2000, promised a better world with less poverty, hunger and disease; a world where “No individual must be denied the opportunity to benefit from development and where the equal rights and opportunities of women and men must be assured”. Member states reaffirmed their collective commitment to uphold human dignity, equality and equity for all people and especially women, children and the most vulnerable.

The eight Millennium Development Goals form a blueprint agreed upon globally to galvanize unprecedented efforts to meet the needs of the world’s most poor. One of the key indicators of the achievement of goal 3 “Promote Gender Equality and Empower Women” is the proportion of seats held by women in national parliaments. Since the millennium declaration; more women are assuming more power in the world’s parliaments, boosted by enabling legal policy environments, including quota systems. According to the Millennium Development Goal (MDG) report 2013, as of 31 January 2013, the average share of women members in parliaments worldwide was just over 20 per cent.

This report paints a grim picture of gender based inequalities in decision making power at all levels:

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2 Art. 6&7 of CEDAW
3 Millennium Development Goals Report 2013
“...whether in the public or private sphere, from the highest levels of government decision making, to households, women continue to be denied equal opportunities with men to participate in decisions that affect their lives...”

3.4 Kenya’s policy & legal framework

According to the 2009 Kenya Population and Housing Census women comprise slightly over 50% of the Kenyan population. Sadly though, this does not translate into equal or balanced participation between women and men in the social economic development in Kenya especially in formal and public structures and processes where decisions regarding resources and other important development agendas are made. Women’s participation has remained quite insignificant and their contributions largely ignored. For many years, women in Kenya have lagged behind in key governance and leadership decision making processes, with few entering into national parliaments either through elections or nominations. The Constitution and existing gender responsive legal and policy frameworks provide significant opportunities to address persistent gender and other inequalities in all spheres which limit women’s participation in politics and governance in Kenya.

3.4.1 The Constitution (2010)

The Constitution of Kenya 2010 and its gender equality provisions; the Elections Act 2011 and the Political Parties' Act 2011 heralded a new beginning in Kenya and had a great bearing on the conduct of political parties and electioneering in the General Elections 2013. The Constitution has a guaranteed strong Bill of rights. Article 27 on gender equality and the not more than two thirds principle on any gender and affirmative action have also been secured. This is a major gain for Kenyan women. The Constitution has further enshrined Affirmative Action as a key principle for increasing women’s and other historically marginalized groups into political and public decision making structures. It has expanded the space for women to exercise their civil and political rights as highlighted in the provisions below:

3.4.2 Principles of Equality and respect for Human rights

The Constitution provides that national values and principles of governance shall include equality and respect for human rights, and imposes on the state the responsibility to enact and implement legislation in respect of its international human rights commitments:

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4 Ibid
5 2009 Kenya Population and Housing Census
The national values and principles of governance shall include............human dignity, equity, social justice, inclusiveness, equality, human rights, and non-discrimination ... Art. 10 (2) (b)

These values and principles shall guide all state organs and state officers and public officers. The constitution recognises the need for the State to not only enact gender responsive laws but to also put in place mechanisms that can ensure full implementation:

............the state shall enact and implement legislation to fulfil its international obligations in respect of human rights and fundamental freedoms...art 21(4)

While laws and policies are necessary, it is much more important to ensure gender sensitive governance through the full implementation of the laws and policies. This is the only way to ensure political accountability to women and national gender equality goals.

3.4.3 Constitutional provisions calling for equality of women and men
The Constitution further provides under article 27 (1) & (3) for equal protection and benefit of the law for all persons and for equal treatment and equal opportunities in political, economic, cultural and social spheres.

- Art.27(1) States that: Every person is equal before the law and has the right to equal protection and equal benefit of the law;
- Art.27 (3) States that: women and men have the right to equal treatment, including right to equal opportunities in political, economic, cultural and social spheres;
- Similarly, Art.91(1)(e)and (f) provides for each political party to respect the right of all persons to participate in the political process and to respect and promote the human rights, fundamental freedoms and gender equality and equity;
- Art.27 (5) prohibits discrimination on any grounds including sex, marital status, health status among others while Art. 27(6) obligates the state to put legislative and other measures including affirmative programmes and policies to redress any disadvantage suffered by individuals or groups because of past discrimination;
- Art.27 (5) States: A person shall not discriminate directly or indirectly on any of the grounds specified or contemplated in clause 4;
- Art.27 (6)...the state shall take legislative and other measures including affirmative action programmes and policies designed to redress any
disadvantages suffered by individuals or groups because of past discrimination.

3.4.4 Participation in political leadership and governance: Not more than two thirds gender representation

The Constitution further obligates the state to take legislative and other measures to implement the principle that not more than two-thirds of the members of elective or appointive bodies shall be of the same gender. The following are some of the provisions and their significance in guaranteeing women’s participation and leadership in formal electoral and political process:

- **Art.27 (8)** States-....."in addition to the measures contemplated in clause (6), the state shall take legislative and other measures to implement the principle that not more than two thirds of the members of elective and appointive bodies shall be of the same gender...."

- **Art.177** makes provision for increasing women and other historically marginalized groups in County decision-making structures - Assemblies, Executive Committees and Public Service Boards. It provides that a County Assembly shall consist of special seat members necessary to ensure that no more than two-thirds of the assembly membership is of the same gender. **Art.177(1)(b) sates:** A county assembly consists of.........“the number of special seat members necessary to ensure that no more than two thirds of the membership of the assembly is of the same gender”

3.4.5 Representation of marginalized groups

The Constitution has put in measures to ensure historically marginalized groups participate equally in governance and obligates the state to put in place affirmative action measures to ensure marginalized groups participate and are represented in governance and other spheres of life.

- Article 90 read with Art.97 (1)(b) and 98(1) (b)(c)(d) provides for allocation of party lists with special seats reserved for women, youth and persons with disabilities for both parliament and county assembly, with gender equality as a key governance principle.

3.4.6 Political Parties Act 2011

Political parties hold the key to women’s entry and effective participation and leadership in politics in the country. It is therefore important that women participate equally as men in decision making processes of their parties through election and appointments to senior political party positions. There is need for political parties to uphold the spirit of the Constitution and put in affirmative action measures to ensure equality and equity in politics.

The Political Parties Act 2011 contains strong gender responsive provisions in line with the Constitutional gender equality and affirmative action principles. This includes political party key registration requirements. According to article4(2) of
the Act, a political party can only be registered if it meets key requirements such as respect for human rights and fundamental freedoms, gender equality and equity and respect for the right of all persons to participate in the political processes. This ensures that women and all other marginalized groups are able to participate in politics both as voters and as candidates as set out in Art 91 of the Constitution.

Key provisions include:

- Art. 4 (2): the Registrar shall not register an association of persons or an organization as a political party if such association or organization does not meet the requirements set out in Art 91 of the Constitution.

3.4.7 Affirmative action and the Constitutional Principle of the not more than two-thirds gender representation

The Political Parties Act 2011 requires that members of a party must reflect among other principles gender balance and a representation of minorities and marginalized groups, which ought to be reflected in the composition of political party governing bodies including ensuring adherence to the principle of not more than two thirds members of the governing body be of the same gender. It establishes a political parties’ fund, for the promotion of representation in Parliament and in County Assemblies of women and persons with disability. The following provisions attest to this:

Art.7 (2) states: A provisionally registered party shall be qualified to be fully registered if:

- 7(2) (b) members represent gender balance and representation of minorities and marginalized groups.
- 7(2) (c-) composition of its governing body reflects gender balance and representation of minorities and marginalized groups.
- 7(2) (d) not more than two-thirds of the members of its governing body are of the same gender.

Parties will not receive funding if they do not meet the Constitutional not more than two thirds gender representation in their National Executive Council. Parties are obligated to set aside 30% of the political party fund to promote representation of women; persons living with disability, youth, ethnic and other minorities and marginalized groups.

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6 Art. 91 of the Constitution provides the basic requirements for political parties, among which includes’ “respect and promote human rights, and fundamental freedoms and gender equality and equity.”
Articles 25 (2) (b): a political party shall not be entitled to receive funding from the political party fund if “.......more than two thirds of its registered office bearers are of the same gender...”

Art. 26 (1) monies allocated to a political party from the fund shall be used for purposes compatible with democracy including (a) promoting the representation in Parliament and in County Assemblies of women; persons with disabilities, youth, ethnic and other minorities, and marginalized communities.

3.4.8 Elections Act 2011
The Act provides for conduct and procedure of elections, referendum and election dispute resolutions in line with the Constitution.

Affirmative action for increased participation of women in politics

- The Act guarantees the participation of young women as voters by providing that any citizen who has attained the age of 18 years can register as a voter.
- Arts.34, 35, 36 of the Act provide for nomination of party list members as provided for by Art. 97(1) (c) and 98(1) (b) (c)(d) and 177(1)(b) of the Constitution.
- It makes provision for proportional representation through the use of mixed –member party lists.
- Art 63(1) prohibits the use of force or violence during electioneering period while Art 65, 67(g) (i) (ii) declares the use of force or violence to prevent the conduct of political meetings as an offence under the act.
- The elections Code of Conduct in the Second Schedule affirm that the object of the code is to promote conditions conducive to the conduct of free and fair elections. Art.5 (a) (f) (i) reiterates the need to adhere to the values and principles of the Constitution, promote gender equality and fair representation of special interest groups.
- Art. 6(j) prohibits discrimination on basis of various grounds including race, sex, pregnancy and marital status.

3.5 Kenya’s vision 2030
Kenya Vision 2030 provides the long-term development framework for Kenya, structured around three pillars: economic, social, and political Pillar. The political pillar envisions “a democratic political system that is issue based, people centred, and results oriented and accountable to the public”. The pillar is anchored on transformation of Kenya’s political governance system across five strategic areas, one of which is the electoral and political processes. Key guiding principles of the Vision’s political pillar include “equality of citizens where women and men will be treated equally without discrimination on grounds of race, gender, religion or ancestral origin and a viable political party system".
The strategy includes a specific section on gender, youth and vulnerable groups within the social pillar. The objective of the Social Pillar is investing in the people of Kenya in order to improve the quality of life for all Kenyans by targeting a cross-section of human and social welfare projects and programmes. Specific strategies will involve:

“...............increasing the participation of women in all economic, social and political decision making processes (e.g. starting with higher representation of women in parliament) and minimizing vulnerabilities through prohibition of retrogressive practices.............”

3.5.1 Kenya’s second medium term (MPTII) 2013-2017

Vision 2030, Kenya’s development blueprint, is implemented through five year medium plans. The 2nd five-year MTP 2013-2017: outlines the key policy actions, reforms, programmes, and projects that the government intends to implement within this period. It mirrors the key pillars and sectors of Vision 2030. Gender mainstreaming and a democratic political system form the core of the social and political pillars respectively. The gender and vulnerable groups sector under the social pillar states:

“...gender equity in power resource distribution improved livelihoods for all vulnerable groups and a responsible and globally competitive and prosperous youth...."

Gender mainstreaming and women’s empowerment form the broad flagship projects of the sector; with the objective of ensuring gender equality in participation, resource distribution and social-economic opportunities and expanding access for women to financial services and promoting women led enterprises respectively. The political pillar aims among other things to promote a democratic political system echoing the aspirations of the Constitution. The political pillar envisages:

“........democratic political system that is issue based, people centred, and results oriented and accountable to the public......”

The Vision’s and MPTII’s broad goal of sustainable development cannot be achieved if half the population of this country; women, will not be involved, much more so if their issues are not brought at the table of formal political processes and structures including National Parliaments and County Assemblies.

Despite these strong pronouncements; the practice in political parties tends to reinforce existing gender stereotypes that discourage the meaningful involvement, participation and visibility of women in politics and in party affairs. As an example; although women who are members of political parties have the
right to run for any post in their respective political parties, in most cases, women have only been elected as women leaders at branch and national levels. For other posts; women have largely been elected in supportive roles as deputies, assistants and vices.

4.0 BARRIERS TO WOMEN’S POLITICAL PARTICIPATION

4.1 The Situation of Women in Politics

“It is very difficult for a woman to make up her mind to enter politics. Once she makes up her own mind, then she has to prepare her husband, and her children, and her family. Once she has overcome all these obstacles and applies for the ticket, then the male aspirants against whom she is applying makeup all sorts of stories about her.

And after all this, when her name goes to the party bosses, they do not select her name because they fear losing that seat.”

Sushma Swaraj, MP, India.

Strategic partners and country gender experts say political parties need to do a better job of recruiting and mentoring female candidates, in order to translate the space opened through the constitution; the Political Parties Act (2011), the Elections Act (2011) and the policy pronouncements and regulations of political parties. In the wake of the March 4th 2013 elections under the new dispensation, the number of women running for office remains stagnant and the level of women’s political participation and leadership seems to be taking a down turn. Patriarchy is fighting back and draining women of Kenya of their self-belief; resilience, mobilization skills and resolve to fight for equal participation and leadership in political parties and demand respect for women’s political rights.

Male authority and the central figure remain solidly embedded in the social system and world view at all levels including the state. “Men dominate the political arena; men formulate the rules of the political game; and men define the standards for evaluation. The existence of this male-dominated model results in either women rejecting politics altogether or rejecting male-style politics.” This is the challenge of patriarchy to gender equality and women’s empowerment.

Women are not elected because the structures of political parties, electoral systems and legislative assemblies often create systemic barriers to women’s full and equal participation in government. Political parties in many countries act as gatekeepers that decide which candidates are in and which are out. The first-past-the-post, winner-take-all voting system does not work well for women.
In acknowledging these barriers; governments at the Fourth World Women’s Conference held in Beijing, China, committed to review “the differential impact of electoral systems on the political representation of women,” and to consider reforms. They also acknowledged the value of quotas in increasing the number of women in decision making. They called on political parties to “integrate women in elective and non-elective public positions in the same proportion ... as men.”

While many barriers continue to form an obstacle to achieving gender equality in public life, party support is considered central to women’s entry and effective participation and leadership in politics in Kenya. Patriarchy as a system of male domination shapes the extent to which women will ascend to elective and senior party positions. Women play important roles in campaigning and mobilizing support for their parties; and although political parties possess resources for conducting election campaigns, women rarely benefit from these resources. Many parties do not provide sufficient financial support for women candidates despite research findings “that a large pool of women candidates, combined with sufficient financial resources, can significantly increase the number of women elected.” (Nadezhda Shvedova page 37).

The emphasis of ‘male characteristics’ in the selection and nomination process often becomes the criteria for selecting party candidates and reflects a bias against women. The party’s ‘old boys club’ approach also functions to inhibit and prevents women from integrating themselves in their party’s work. This subsequently impacts on the perception of women as viable candidates on the part of those who provide money for election campaigns. In addition political parties do not place women in winnable positions on party lists and strongholds.

Hence the urgent need to encourage political parties to uphold the spirit of the constitution and apply affirmative action and other measures to ensure equality and equity in politics and promote respect for women’s political rights. This should include but not be limited to aligning party policy and regulations with relevant national provisions such as the Constitution, Political Parties Act and Elections Act (2011) as well as the Election Campaign Financing Act (2013).

Interventions and activities related to women’s political participation in Kenya to date include seeking court intervention on the two thirds gender principle.

4.2 Evaluations on the Internal and External Barriers to Women’s Political Participation

The common pattern of women’s political exclusion stem from (a) social and political discourse; (b) political structures and institutions and (c) the socio-cultural and functional constraints that put limits on women’s individual and collective agency. Barriers limiting women’s influence in decision-making
structures in most walks of life, including economic and political institutions, are institutional, systemic and individual. And the factors can be classified as ideological, political, socio-cultural and economic.

Vicky Randall defines politics as an “articulation, or working out of relationships within an already given power structure'. This contrasts with traditional view of politics that defines politics as “an activity, a conscious, deliberate participation in the process by which resources are allocated among citizens. The conception restricts political activity only in public arena and the private sphere of family is rendered apolitical. This public-private dichotomy in traditional definitions of politics is used to exclude women from political sphere and even when women are brought into politics they are brought as mothers and wives.

Patriarchy uses the gender role ideology to place women within the arena of home as mothers and wives and men in the public sphere of politics. Therefore women have to negotiate their entry into and claim on the public sphere of politics according to opportunities available in a given culture and society. The socio-cultural dependence of women is one of the key detrimental factors to their political participation in public political domain. Women also find it hard to participate in politics due to their dual role in the productive and reproductive spheres. With their primary roles as mothers and wives and competing domestic responsibilities they are left with little time to participate in politics.

Sometimes women also face constraints on their mobility yet politics requires women’s exposure to interact with male and female constituents and address public meetings. Politics is also increasingly becoming commercialized. More and more money is needed to participate in politics and women lack access to and ownership of productive resource, limiting the scope of their political work.

Women also lack social capital because they are often not heads of communities; tribes or kinship groups, resulting in the absence of constituency base for them and means of political participation such as political skills, economic resources, education, training and access to information.

5.0 METHODOLOGY

5.1 Survey Design

The rapid baseline survey has been undertaken using a descriptive research design. The design is specifically relevant and useful in assisting CMD-Kenya to develop a profile on political parties based on how a party has applied the characteristics of gender equality and women’s political empowerment as a demonstration of respect for women’s political rights in political participation. It provided a gender census on the basis of relevant descriptive information.
In this way CMD-Kenya has been able to profile the level of gender responsiveness of respective political parties by acquiring complete and possibly accurate information through interaction between investigators and authorized informants mandated by the parties.

A precise, concise and well-structured survey questionnaire was developed and pretested by CMD-Kenya during the on-going strategic planning process (another parallel project being carried out by CMD-Kenya) with members of political parties. This led to an effective question and answer interaction between the investigators and political party representatives. Data on various characteristics was obtained through a combination of techniques including; visits to political party offices, telephone conversations with political parties, on site observation and collation of information from self-administered questionnaires.

This was augmented with information from the internet, desk reviews, the Kenya gazette, IEBC records and records from the office of the Registrar of Political Parties.

5.2 Limitations of the Survey

An important limitation arises from the descriptive design of the rapid gender ranking baseline survey. The descriptive methodology has the advantage of enabling CMD-Kenya to portray the situation of political parties fully. It does not however, have the scope to identify and assess relationships between concepts. Data collection is limited to information on characteristics only and does not seek to include information on causes that influence the characteristics or their occurrence. For example, ranking based on numbers of women sponsored or elected without taking into account factors such as the size (strength) of the party, level of funding available to the women as candidates or whether candidates ran in a party ‘stronghold’ or ‘weak’ area does not capture significant causal relationship.

Another limitation concerns the occurrence of sampling errors when the sampling method for political parties fails to make the sample fully representative of the population from which it is drawn. Out of the 59 registered political parties in Kenya, 57 participated in the 4th March 2013 General Elections and 47 are members of CMD-Kenya. An original judgemental sample of 24 political parties was selected out of the 47 party membership of CMD-Kenya based on political party strength in the March 2013 General Elections. This was later expanded to cover as many parties as could be accessed within the timeframe of the study, either through direct face to face or telephone interview, and desk review of relevant party documentation.
Another limitation was the timing of the study characterised by transitional arrangements soon after elections, schedule of party officials and record keeping by party secretariats. This led to limited access to comparable documents for consistent analysis.

6.0 DISCUSSION OF RESULTS

6.1 Analysis of political party policy documents: compliance with the constitutional provisions on gender equality, affirmative action and non-discrimination

A party’s commitment to gender equality is demonstrated by the number of women within its leadership structures; the positions held by women in these structures, initiatives it has put in place to increase the participation of women in all spheres of decision making and how the party has enshrined gender equality principles in its policy and operational documents. It can also be demonstrated by the number of women elected or nominated through the party to National and County Assemblies. Increased women’s representation in National and County Parliaments, and in political party decision making structures ensures that women’s issues are brought to policy making tables and that their needs and those of other marginalized groups are not ignored.

This study looks at how political parties’ policy and operational documents have complied with the gender equality and affirmative action principles as reflected in the Constitution 2010, Political Parties Act 2011 and the Elections Act 2011.

The following table represents political parties whose policy documents were reviewed and documents reviewed per political party

<table>
<thead>
<tr>
<th>Political Party</th>
<th>Reviewed Documents</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Party Constitution</td>
</tr>
<tr>
<td></td>
<td>Party Manifesto</td>
</tr>
<tr>
<td></td>
<td>Party Strategic Plan</td>
</tr>
<tr>
<td></td>
<td>Party Election and nomination rules</td>
</tr>
<tr>
<td>1 The National Alliance (TNA)</td>
<td>√</td>
</tr>
<tr>
<td>2 Wiper Democratic Movement-Kenya</td>
<td>√</td>
</tr>
<tr>
<td>3 United Republican Party (URP)</td>
<td>√</td>
</tr>
</tbody>
</table>
The scope of analysis focused mainly on party manifestos, constitutions and party nomination/election rules and procedures/regulations. The review has attempted to answer the following questions:

- **Do political party policy objectives, principles and values comply with gender equality principles as provided for by the Constitution of Kenya 2010, Political Parties Act 2011 and the Elections Act 2011?**
- **Are there any provisions and/or measures provided for in the party policy documents to promote equal opportunities for women and men in positions of political leadership and decision making?**
- **What is the gender balance in political party National Executive Councils in meeting the Constitutional requirement on not more than two-thirds gender representation? What positions are held by women which, may invariably determine how women get involved in party governance and decision making?**
- **How many women were either elected and/or nominated through the political parties to National and County Assemblies as compared to men?**

---

**Figure 2**

<table>
<thead>
<tr>
<th>No.</th>
<th>Party Name</th>
<th>Yes</th>
<th>No</th>
<th>Yes</th>
</tr>
</thead>
<tbody>
<tr>
<td>4</td>
<td>NARC Kenya</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>5</td>
<td>Orange Democratic Movement</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>6</td>
<td>KANU</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>7</td>
<td>United Democratic Forum Party (UDF)</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>8</td>
<td>Maendeleo Democratic Party</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>9</td>
<td>Muungano Party</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>10</td>
<td>National Rainbow Coalition –NARC</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>11</td>
<td>Grand National Union Party of Kenya-GNU</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>12</td>
<td>Alliance Party of Kenya</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>13</td>
<td>New Ford Kenya</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>14</td>
<td>Progressive Party of Kenya</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>15</td>
<td>National Vision Party</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>16</td>
<td>Federal Party of Kenya</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>17</td>
<td>Safina Party</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>18</td>
<td>Agano Party</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
</tbody>
</table>
equality principles as provided for by the Constitution of Kenya 2010, Political Parties Act 2011 and the Elections Act 2011?

THE NATIONAL ALLIANCE (TNA)
Constitution 2012

- TNA's core values and principles commit to promoting participation and inclusivity of the people in governance, equality of all before the law and equity in resource allocation;
- The party also expresses commitment to the protection of minorities and the marginalized; Non-discrimination on the basis of race, sex, religion, ethnicity or any other bias.

WIPER DEMOCRATIC MOVEMENT –KENYA
MANIFESTO-2007-2012 and Constitution

- WDM–Kenya commits to promote freedom to participate in political decision making through recognition of equality before the law; provision of equal opportunities for all, including women and youth, with equality and meritocracy forming some of its key principles;
- The party affirms its commitment to promote affirmative action as a key strategy to boost women’s participation in public affairs and to formulate and implement nondiscriminatory policies to ensure parity across all important social lines;
- Commits to a 50:50 formula for women representation and appointment in public service.

UNITED REPUBLICAN PARTY (URP)
Constitution 2011:

- The party reaffirms commitment to national values and principles of governance as enshrined in the constitution and commits to protect and promote the enjoyment of human rights as enshrined in the constitution and any international conventions to which Kenya is a signatory;
- Commits to promote the full participation of women; youth, persons with disabilities, and other marginalized groups in national development through affirmative action and mainstreaming;
- Provides for none discrimination of membership on basis of gender, marital status etc;
- Elections of party officials to observe the not more than two thirds gender principle;
- National governing body establishes national women and youth congress and creates the position of Secretary for sports, gender and social services/County /branch secretary of women affairs.

**NARC-KENYA**  
*Party Manifesto and Constitution (2008)*

- Both Manifesto and Constitution commit to promoting equity, equality and inclusivity, social justice and fairness and respect for human rights and freedoms as some of its core values, principles and objects of the party.
- Committed to championing the equality of all persons and to fight against all forms of discrimination against children and women and to pursue, protect and promote civil; political, economic, religious, socio-cultural rights and freedoms as provided in international, regional and national human rights instruments to which Kenya is a signatory.

**ORANGE DEMOCRATIC MOVEMENT (ODM) PARTY**  
*Constitution 2007, Manifesto and Election and nomination rules (2007)*

- ODM is committed to support women’s emancipation, combat sexism and ensure women’s voices are heard in the party and are represented at all levels.
- Its values espouse equality, equity and non-discrimination and empowerment of marginalized groups.
- Committed to protect and enhance the enjoyment of human rights as enshrined in the constitution and any international conventions to which Kenya is a party to and to promote gender equality and equity and to enhance women’s participation in management of public affairs and national development through affirmative action and to mainstream women’s participation in party activities and structures at all levels.

**KANU**  
*Strategic Plan 2005-2010 & Manifesto 2002*

- KANU is committed to upholding inclusivity and equality
- Promote equal gender opportunities in participation in politics and decision making through elimination of cultural barriers, prejudices and discrimination.

**UNITED DEMOCRATIC FORUM PARTY (UDF)**  
*Constitution 2013*
Commitment to protect, uphold and defend the rights and freedoms of all Kenyan citizens especially women; children, youth and persons with disabilities and marginalized groups in Kenya.

Party Organs: Have a Women’s and Youth League Councils; the chairs of which are members of NEC, shall promote women candidates for Presidential, Parliamentary, County and other elections, mobilize women to participate fully in the formulation and implementation of party and national policies and advise party organs on all matters related to women.

MAENDELEO DEMOCRATIC PARTY
Revised Constitution 2012

Its objectives commit to promote the protection of rights and freedoms of individuals, including women and to promote the participation of women, youth and persons living with disability in public life.

MUUNGANO PARTY
Constitution (undated) & Elections and Nomination Rules

Under general principles, in election and nominations rules, Muungano party commits to promoting gender equality, equity, justice and affirmative action for women, youth, persons with disability, and marginalized groups;

However, gender equality not explicitly provided for in the Constitutional aims and objectives, only mentions “to tackle underlying conditions which perpetuate systematic and deep rooted inequality”;

Principle of gender balance to be observed during elections-ensure all elections observe the gender rule of not more than two thirds-where practically possible.

NATIONAL RAINBOW COALITION (NARC)
Constitution, Manifesto, Nomination Rules

In its constitutional aims and objectives, the party commits to promote principles of justice and equality, and basic human rights (civil, political, economic and cultural rights), paying attention to fundamental freedoms and gender equality and to ensure and promote the participation of women, youth and marginalized in public affairs and remove gender discrimination;

However it is noted that the party’s nomination rules do not provide for gender equality and there is no mention of affirmative action or provision for two thirds gender equality;
Constitution has a section on gender and affirmative action which seeks to promote full representation of all in decision making structures; and to implement affirmative action programmes including the provision of quotas and provides for the not more than two thirds of either gender in all its structures. Method of implementing the same however not put in place but to be addressed on a continuous basis;

- **Congresses:** Provides for Women's and a Youth Congress;
- **Manifesto:** Has a comprehensive chapter on gender and development.

**GRAND NATIONAL UNION PARTY OF KENYA-GNU**
*Constitution 2012 & Election rules and Regulations 2012*

- The Grand National Union Party of Kenya is committed to gender equality as provided for in the constitution and to promote social justice through eliminating all forms of inequality with special attention to minorities, marginalized and vulnerable groups;
- Unique clause under Art.7 on disciplines which prohibits sexual exploitation or harassment or abuse of office or any other undue advantage—very important as sexual exploitation and abuse has sometimes been used to deny women their right to political participation and leadership.

**ALLIANCE PARTY OF KENYA-APK**
*Manifesto 2013*

- The party believes in accelerated socio-economic change in an environment of equality, social justice and rule of law and is committed to correcting historical social injustices and inequalities including embracing affirmative action in order to empower youth, women, people living with disabilities and marginalized;
- Further commits to implement the not more than 2/3 gender rule as one of its medium term goals and to support women to take up decision making positions and establish strategies to increase women’s participation in all aspects of decision making processes;
- However, it is noted that no gender focus is provided for in its 10 point agenda named ‘Hatua Kumi’;
- Commits to increase funds to the women enterprise fund.

**NEW FORD KENYA**
*Constitution (undated) & Nomination rules 2011*

- The Constitution commits to promote and support the advancement of the cause of women’s emancipation and empowerment and to ensure
gender equality in all policies and practices. It further commits to defend the right of all especially women, children and persons with disabilities and marginalized groups;

- The party has no gender objective in its nomination rules and regulations, actually no mention of gender equality in party nomination rules;

PROGRESSIVE PARTY OF KENYA
Constitution (undated)

- Provides for eradication of all forms of discrimination and support to women’s emancipation and empowerment; ensure gender equality in policies and programmes;
- The party prohibits members from using violence to promote individual or party ideals—Like GNU, this is seen as an important clause bearing in mind gender based electoral violence is common in Kenya.

NATIONAL VISION PARTY
Constitution and Nomination Rules (undated)

- The National Vision Party is committed to the rule of law; fairness, social justice, gender equality, affirmative action and inclusivity and will uphold respect for national values, fundamental human rights and freedoms, gender equality, participation and non-discrimination;
- To promote full participation of women, youth and persons with disability in party leadership structures, governance and county institutional development;
- Advocates for equality of all persons and the fight against all forms of discrimination against women and children; supports affirmative action programmes to ensure equity and equality of women and men in all elective and appointive bodies;

FEDERAL PARTY OF KENYA
Constitution 2012

- The party is committed to promoting the rights of women; men, children and youth without discrimination as enshrined in the constitution of Kenya;
- Also to ensure the voice of women is considered in the organization and that they are fully represented at all levels;
  - Has a full article on gender and affirmative action whose focus is to ensure realization of the full representation of either gender in all decision making structures, including use of quotas. However, how to address the same has been left to the party structures and no formula put down;
  - Provides for observance on not more than 2/3 gender rule in election appeals board and county executive committees.
SAFINA PARTY

Constitution 2011

- Its objectives provide for elimination of all forms of discrimination against women and promoting their acceptance as equal partners with men at all levels of decision making and to empower the youth for political and social economic transformation.

AGANO PARTY


- Constitution commits to the elimination of all forms of discrimination against women and to promote their acceptance as equal partners with men at all levels of decision making. It commits to support affirmative action programmes to ensure equity and equality;
- Further committed to empowering the youth to mobilize for political and socio-economic transformation and to establish national programmes and policies that will ensure that persons with disabilities and the marginalized have opportunity to participate in all aspects of national development. The party is committed to principles of respect for human rights and freedoms, social justice and fairness, equity, equality and inclusivity;
- The election Rules and Procedures state that consideration for inclusion into the party list shall be based on full compliance with the Constitution of Kenya and other laws regarding leadership, elections, political parties and chapter 6 of the Constitution, however no guidelines have been provided;
- Unique clause on party funds commits to ensuring party funds are used to promote representation of women, persons with disabilities, ethnic and other minorities and marginalized groups in parliament and in the county assemblies;
- Party statement on rights of members recognizes the provisions in the Political Parties Act on political rights and the Bill of Rights in the Constitution.

An attempt was therefore further made to interrogate whether the policy documents provided any measures or strategies to promote equal opportunities for women and men in positions of political leadership and decision making in the political parties. The following parties have made some attempt while others are very clear especially on the at least one-third gender representation rule:

| Are there any provisions and or measures provided for in the party policy documents to promote equal opportunities for women and men in positions of |
**political leadership and decision making?**

**WIPER DEMOCRATIC MOVEMENT –KENYA**

The party is committed to introducing cash transfers to the most poor and to promoting safe motherhood through access to free maternity and reproductive care services. The party further affirms that youth and women will be involved in development through affirmative action.

**KANU**

The party states that it will promote affirmative action through mainstreaming women in the party by setting aside key positions in high echelons of the party. How this is to be done is not elaborated. The manifesto has a weak section on women in development, focusing mainly on welfare and not equality per se.

**UNITED DEMOCRATIC FORUM PARTY (UDF)**

- Party organs include a Women’s and Youth League Councils, the chairs of which are members of NEC. The party states it shall promote women as candidates for Presidential, Parliamentary, County and other elective positions. It will also mobilize women to participate fully in the formulation and implementation of party and national policies and advise party organs on all matters related to women.

**NATIONAL RAINBOW COALITION (NARC)**

- Constitution has a section on gender and affirmative action which seeks to promote full representation of all in decision making structures; and to implement affirmative action programmes including the provision of quotas and **provides for the not more than two thirds of either gender in all its structures.** Method of implementing the same however not put in place but to be addressed on a continuous basis;
- Provides for Women’s and a Youth Congress;
- Manifesto has a comprehensive chapter on gender and development.

**MUUNGANO PARTY**

- Principle of gender balance to be observed during elections-ensure all elections observe the gender rule of not more than two thirds where practically possible;
GRAND NATIONAL UNION PARTY OF KENYA-GNU

- Unique clause under Art.7 on disciplines which prohibits sexual exploitation or harassment or abuse of office or taking any other advantage of women. This is very important because sexual exploitation and abuse has sometimes been used to deny women their right to political participation and leadership.

ALLIANCE PARTY OF KENYA-APK

- Committed to increasing funds to the women enterprise fund.

NATIONAL VISION PARTY

- Committed to promoting full participation of women, youth and persons with disability in party leadership structures, governance and county institutional development;
- Advocates for equality of all persons and the fight against all forms of discrimination against women and children;
- Support affirmative action programs to ensure equity and equality of women and men in all elective and appointive bodies

FEDERAL PARTY OF KENYA

- Has a full article on gender and affirmative action whose focus is to ensure realization of the full representation of either gender in all decision making structures, including use of quotas. However, how to address the same has been left to the party structures and no formula put down.
- Has provided for observance of not more than two thirds representation in election appeals board and county executive committees.

AGANO PARTY

- Committed to observing the not more than two-thirds gender principle in all executive committees at all levels.
- Unique clause on party funds: Commits to ensuring party funds are used to promote representation in Parliament and in the County Assemblies of women, persons with disabilities, ethnic and other minorities and marginalized groups.
- The section on rights of members recognizes the provisions in the Political Parties Act on political rights and the Bill of Rights in the Constitution.

UNITED REPUBLICAN PARTY (URP)
Provides for none discrimination on membership on basis of gender, marital status etc;
Has provided for the not more than two thirds gender representation rule in the elections of party officials.

What is the gender balance in political party national executive councils in meeting the Constitutional requirement on not more than thirds gender representation? What positions are held by women?

A survey tool was administered to political parties to establish the gender balance in their national Executive Councils and establish compliance to the not more than two thirds gender principle in their governance structures. Analysis of questionnaires provided information as follows:

### 6.1.1 Total Number of Women in NEC of Political Parties as Compared to Men

<table>
<thead>
<tr>
<th>Party</th>
<th>Total NEC Members</th>
<th>Men</th>
<th>Women</th>
<th>% Women</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. TNA</td>
<td>12</td>
<td>8</td>
<td>4</td>
<td>33%</td>
</tr>
<tr>
<td>2. WDM-K</td>
<td>20</td>
<td>13</td>
<td>7</td>
<td>35%</td>
</tr>
<tr>
<td>3. URP</td>
<td>28</td>
<td>18</td>
<td>10</td>
<td>36%</td>
</tr>
<tr>
<td>4. NARC KENYA</td>
<td>22</td>
<td>14</td>
<td>8</td>
<td>36%</td>
</tr>
<tr>
<td>5. ODM</td>
<td>16</td>
<td>11</td>
<td>5</td>
<td>33%</td>
</tr>
<tr>
<td>6. UDF</td>
<td>14</td>
<td>8</td>
<td>6</td>
<td>43%</td>
</tr>
<tr>
<td>7. MDP</td>
<td>32</td>
<td>17</td>
<td>15</td>
<td>47%</td>
</tr>
<tr>
<td>8. MP</td>
<td>14</td>
<td>10</td>
<td>4</td>
<td>36%</td>
</tr>
<tr>
<td>9. NARC</td>
<td>16</td>
<td>12</td>
<td>4</td>
<td>25%</td>
</tr>
<tr>
<td>10. GNU</td>
<td>12</td>
<td>7</td>
<td>5</td>
<td>42%</td>
</tr>
<tr>
<td>11. APK</td>
<td>27</td>
<td>18</td>
<td>9</td>
<td>33%</td>
</tr>
<tr>
<td>12. NFK</td>
<td>40</td>
<td>24</td>
<td>16</td>
<td>40%</td>
</tr>
<tr>
<td>13. NVP</td>
<td>14</td>
<td>8</td>
<td>6</td>
<td>43%</td>
</tr>
<tr>
<td>14. FPK</td>
<td>27</td>
<td>15</td>
<td>12</td>
<td>44%</td>
</tr>
<tr>
<td>15. SAFINA</td>
<td>18</td>
<td>9</td>
<td>9</td>
<td>50%</td>
</tr>
<tr>
<td>16. AP</td>
<td>20</td>
<td>10</td>
<td>10</td>
<td>50%</td>
</tr>
<tr>
<td>17. FORD KENYA</td>
<td>75?</td>
<td>45?</td>
<td>30</td>
<td>40%</td>
</tr>
<tr>
<td>18. CCU</td>
<td>17</td>
<td>12</td>
<td>5</td>
<td>29%</td>
</tr>
<tr>
<td>19. TIP</td>
<td>16</td>
<td>7</td>
<td>9</td>
<td>56%</td>
</tr>
<tr>
<td>20. FORD</td>
<td>24</td>
<td>15</td>
<td>9</td>
<td>38%</td>
</tr>
<tr>
<td>PEOPLE</td>
<td></td>
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<td></td>
</tr>
<tr>
<td>--------------------</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>21. KADU ASILI</td>
<td>11</td>
<td>7</td>
<td>4</td>
<td>57%</td>
</tr>
<tr>
<td>22. PDP</td>
<td>15</td>
<td>10</td>
<td>5</td>
<td>33%</td>
</tr>
<tr>
<td>23. DP</td>
<td>27</td>
<td>18</td>
<td>9</td>
<td>33%</td>
</tr>
<tr>
<td>24. PICK</td>
<td>21</td>
<td>10</td>
<td>11</td>
<td>52%</td>
</tr>
<tr>
<td>25. FORD ASILI</td>
<td>20</td>
<td>10</td>
<td>10</td>
<td>50%</td>
</tr>
<tr>
<td>26. KENDA</td>
<td>50</td>
<td>40</td>
<td>10</td>
<td>20%</td>
</tr>
<tr>
<td>27. Farmers Party</td>
<td>26</td>
<td>18</td>
<td>8</td>
<td>31%</td>
</tr>
<tr>
<td>28. SPK</td>
<td>14</td>
<td>8</td>
<td>6</td>
<td>43%</td>
</tr>
<tr>
<td>29. Shirikisho</td>
<td>14</td>
<td>8</td>
<td>6</td>
<td>43%</td>
</tr>
<tr>
<td>30. Federal Party</td>
<td>27</td>
<td>15</td>
<td>12</td>
<td>44%</td>
</tr>
</tbody>
</table>

**Figure 3**
Figure 4
6.1.2 Analysis of compliance to the Constitutional not more than two thirds gender representation

- Out of the 30 parties that were surveyed, 21 parties (70%) had surpassed the ‘Not more than two-thirds gender representation’ in NEC with women leadership represented at (WDM-35%, URP-36%, NARC-Kenya-36%, UDF-43%, MDP-47%, MP-36%, GNU-42%, NFK-40%, NVP-43%, FPK-44%, Safina-50%, AP-50%, Ford Kenya-40%, TIP-56%, Ford People-38%, Kadu Asili-57%, PICK-52%, Ford Asili-50%, SPK-43%, Shirikisho-43%, Federal Party of Kenya-44%)
- Of the above parties, 6 (20%) of the parties have attained 50:50 gender representations (Safina 50%, Agano 50%, Ford Asili 50%, PICK 52%, TIP 56% and Kadu Asili 57%).
- 5 of the parties (17%) had just met the minimum threshold of ‘Not more than two-thirds gender rule”, that is TNA, ODM, APK, PDP and DP.
- 4 (13%) parties (NARC-25%, CCU-29%, Farmers Party-31% and KENDA-20%)) had below one-third women representation in NEC. NARC is led by a woman.
- Surprisingly; two of the major parties in Kenya (TNA and ODM) have just met the Constitutional minimum threshold of a third gender (read women) representation.
- Practice has shown that women are more likely to be elected and have political support if they are in strong winning parties and if political parties support women candidates in political party strong holds.
Figure 5: Note that those in the 50:50 category are already represented in the category of political parties which have surpassed the minimum threshold one third gender representation.

6.1.3 Positions Occupied by Women in NEC of political Parties

In all the parties surveyed, women seem to occupy relatively senior positions in Party NEC as follows:

<table>
<thead>
<tr>
<th>Party</th>
<th>Positions held by women</th>
</tr>
</thead>
<tbody>
<tr>
<td>PDP, NARC K, SHIRIKISHO and NARC</td>
<td>Chairperson/party leader</td>
</tr>
<tr>
<td>ODM, Agano, FPK, Safina, Kadu Asili, NVP, DP, New Ford Kenya, Maendeleo and FPK</td>
<td>Vice Chairperson/Deputy party Leader</td>
</tr>
<tr>
<td>APK, Agano, KADU Asili, National Vision Party and TIP</td>
<td>Secretary General</td>
</tr>
<tr>
<td>PDP, Narc Kenya, Agano, Maendeleo, Safina, CCU, GNU, Shirikisho, UDF and PICK</td>
<td>Party Treasurer</td>
</tr>
<tr>
<td>APK, FPK, Muungano, DP, and New Ford Kenya</td>
<td>Deputy party treasurer</td>
</tr>
<tr>
<td>ODM, DP, PICK, UDF, GNU, Muungano, FPK, Maendeleo, APK and Narc Kenya</td>
<td>National Women’s Leader</td>
</tr>
<tr>
<td>GNU</td>
<td>Director of elections</td>
</tr>
<tr>
<td>Safina</td>
<td>Deputy Director of Elections</td>
</tr>
<tr>
<td>KADU Asili, GNU and NVP</td>
<td>National Youth Leader</td>
</tr>
</tbody>
</table>

Figure 6

- The position of chairperson/Party leader of the party is held by 4 women (PDP, NARC-Kenya, Shirikisho and NARC) while the vice chairperson/deputy party leader is held by women in 10 parties (ODM, Agano, FPK, Safina, KaduAsili, NVP, DP, New Ford Kenya, Maendeleo and FPK).
- The position of Party Treasurer is held by women in 10 political parties (PDP, NARC-Kenya, Agano, Maendeleo, Safina, CCU, GNU, Shirikisho, UDF and PICK) and Deputy Party Treasurer in 6 parties (APK, FPK, Muungano, DP, and New Ford Kenya).
- National Women Leader’s Position held by women in 10 of the parties-ODM, DP, PICK, UDF, GNU, Muungano, FPK, Maendeleo, APK and NARC-Kenya.
- In five of the parties’, women occupy the position of Secretary General (APK, Agano, KADU-Asili, National Vision Party and TIP) while they occupy the position of Deputy Secretary General in 4 of the parties (NARC, Muungano, GNU and New Ford Kenya).
• Other positions held by women in political party NEC include Director of Elections in one party (GNU) and Deputy Director of Elections in one party as well (Safina); National Youth Leader 3 (KADU-Asili, GNU and NVP).

**Positions occupied by women in Political Party NEC**

<table>
<thead>
<tr>
<th>Position</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Others</td>
<td>25%</td>
</tr>
<tr>
<td>National Women's Leader</td>
<td>45%</td>
</tr>
<tr>
<td>Deputy Treasurer</td>
<td>30%</td>
</tr>
<tr>
<td>Treasurer</td>
<td>50%</td>
</tr>
<tr>
<td>Deputy Sec. General</td>
<td>20%</td>
</tr>
<tr>
<td>Secretary General</td>
<td>25%</td>
</tr>
<tr>
<td>Deputy Party Leader</td>
<td>45%</td>
</tr>
<tr>
<td>Party Leader/ Chairperson</td>
<td>20%</td>
</tr>
</tbody>
</table>

**Figure 7**

Out of the 30 parties that answered the survey questionnaire, at least 50% had women as treasurer and 45% as National Women’s leader. Only 20% of the parties had women as the party leader/ national chairperson. Although this reflects well in terms of women occupying decision making positions in NEC of political parties, it can be inferred that this did not translate into influencing decisions around getting many women being cleared, elected or nominated through individual political parties. This is also in tandem with the party policy documents’ compliance with the constitutional gender equality and affirmative action principles. Despite most of the policy documents putting clear gender equality measures, few women were elected during the 11th parliament. A paltry 19.4% of women were elected to the national parliament which is far below par bearing in mind the constitutional and policy frameworks in support of increased women representation that are were in place before the 2013, demonstrating a big gap between what is on paper and the practice by political parties. More important also is to establish the barriers that are preventing women in party NEC from influencing political decisions in parties even where they hold very senior positions such as deputy party leader, treasurer and national women’s leader. There is need for CMD / WRP to interrogate the challenges and or/ barriers that women face in order to support women leaders in political parties drive the party agenda towards effectively implementing gender equality goals.

**Reflection on gender responsiveness of political party policy documents and actual nomination/election of women in elections 2013**

How many women were either elected and/or nominated through the political parties to National and County assemblies as compared to men?
6.2 Current National and County Assembly gender representation

With the introduction of the devolved government, Kenya’s 11th Parliament is now made up of the National Assembly and the Senate, with the National Assembly having 290 directly elected members from 290 constituencies. In the 2013 General Elections, only 16 women were directly elected to the national assembly out of the 290 members, representing a mere 5.5%. 47 women members were elected directly from individual counties to represent women as an affirmative action measure while political parties nominated 12 members. Political parties nominated 5 women out of the 12 nominated members to the National Assembly. The total number of women in the current National Assembly is therefore 68, representing a mere 19.4% of the total members of the National Assembly as per the below diagram:

![Gender representation in the national assembly](image)

Figure 8

Although this is generally slightly higher than the 10th parliament at 9.9%, and the highest number of women ever in Kenyan national parliament either through direct election or nomination, it should be noted that given the enabling Constitutional, legislative and policy environment, including affirmative action provisions and a gender responsive electoral environment, women still performed below par and also below the global average.

Political party representation in national assembly
6.2.1 % of elected members of parliament in dual gender constituencies during the general elections of 2013 in Kenya by party (gender table in percentages)

<table>
<thead>
<tr>
<th>PARTY</th>
<th>ELECTED FEMALES</th>
<th>%</th>
<th>ELECTED MALES</th>
<th>%</th>
<th>TOTALS</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. TNA</td>
<td>8</td>
<td>11.11</td>
<td>64</td>
<td>88.89</td>
<td>72</td>
</tr>
<tr>
<td>2. WDM</td>
<td>2</td>
<td>10.53</td>
<td>17</td>
<td>89.47</td>
<td>19</td>
</tr>
<tr>
<td>3. URP</td>
<td>3</td>
<td>4.83</td>
<td>59</td>
<td>95.17</td>
<td>62</td>
</tr>
<tr>
<td>4. ODM</td>
<td>1</td>
<td>1.28</td>
<td>77</td>
<td>98.72</td>
<td>78</td>
</tr>
<tr>
<td>5. KANU</td>
<td>1</td>
<td>14.29</td>
<td>6</td>
<td>85.71</td>
<td>7</td>
</tr>
<tr>
<td>6. NARC</td>
<td>1</td>
<td>33.33</td>
<td>2</td>
<td>66.67</td>
<td>3</td>
</tr>
<tr>
<td>TOTAL</td>
<td>16</td>
<td>5.5%</td>
<td>274</td>
<td>94.5%</td>
<td>290</td>
</tr>
</tbody>
</table>

|    | Affirmative Action Seats | 47 | 100% | 0 | 100% |

Figure 9
Out of the 54 registered political parties in Kenya, only 6 parties managed to have women elected as members of the national assembly (TNA, WDM, URP, ODM, KANU and NARC). The National Alliance Party (TNA) had the most women elected to national parliament (8), comprising 50% of all elected women, and a mere 11.1% of all the members elected through the party. URP followed at 18.6%, WDM at 12.5% while ODM, KANU and NARC each had 6.3% of women elected through their parties. This may arguably demonstrate that women are likely to be elected when they vie through strong parties and in political party strongholds. None of the seven female independent candidates were elected. Below is a graphical representation:

![Graphical representation](image)

Figure 10

Election of women to the Senate
The Senate Comprises of 67 members: 47 elected senators from each of Kenya's 47 Counties, 20 nominated senators (16 to represent women, 2 to represent youth and 2 to represent people with disabilities).

It should be noted that no woman was directly elected to the Senate. A total number of 20 senators were nominated by political parties, out of which 18 were women representing 27% of all senate members. Out of the 18 nominated women, 16 women comprised the 16 seats set aside for women members while two women were nominated to represent the youth and persons with disabilities as follows: TNA nominated 4 women; WDM-1; URP-3; ODM-4; KANU-1; UDF-1; APK-1; Ford Kenya-1,. ODM nominated another woman to represent youth and TNA nominated another woman to represent persons with disabilities.

6.2.2 Women Senators by Party as per the 16 seats set aside for women members.

<table>
<thead>
<tr>
<th>Party</th>
<th>Cleared</th>
<th>Elected</th>
<th>Nominated</th>
</tr>
</thead>
<tbody>
<tr>
<td>TNA</td>
<td>3</td>
<td>-</td>
<td>4</td>
</tr>
<tr>
<td>WDM</td>
<td>2</td>
<td>-</td>
<td>1</td>
</tr>
<tr>
<td>URP</td>
<td>-</td>
<td>-</td>
<td>3</td>
</tr>
<tr>
<td>NARC-K</td>
<td>3</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>ODM</td>
<td>2</td>
<td>-</td>
<td>4</td>
</tr>
<tr>
<td>KANU</td>
<td>-</td>
<td>-</td>
<td>1</td>
</tr>
<tr>
<td>UDF</td>
<td>-</td>
<td>-</td>
<td>1</td>
</tr>
<tr>
<td>NARC</td>
<td>1</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>KADU ASILI</td>
<td>1</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>PICK</td>
<td>1</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>APK</td>
<td>-</td>
<td>-</td>
<td>1</td>
</tr>
<tr>
<td>FORD K</td>
<td>-</td>
<td>-</td>
<td>1</td>
</tr>
<tr>
<td>Independent Candidate</td>
<td>1</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Total</td>
<td>14</td>
<td>-</td>
<td>16</td>
</tr>
</tbody>
</table>

From the above, one independent women candidate was cleared, but she was not elected. This is indicative of the compounded difficulties women face even as independent candidates. The following diagram shows the number of women nominated to the senate by individual parties.
Members of County Assemblies
County Assembly members were elected from single member constituencies known as wards. At the county assembly level, a total of 1450 persons were directly elected as members of county assemblies, out of which only 82 women were elected as County Assembly ward representatives, accounting for 5.6% as per below diagram.

Figure 13
% of Elected Members of County Assemblies (MCAs) during the 2013 general Elections by gender

A total of 680 women were nominated by individual parties to the county assembly bringing to 34% the number of women in county assemblies to ensure that neither male nor female members constitute more than two-thirds of the assembly.
% of total women MCAs as compared to men

County Governors
No woman was elected governor. Only 9 women were elected deputy governors.

From the above, it can be concluded that although the party documents contain some gender responsive provisions, they did not succeed in significantly expanding the space for women’s participation in the 11th parliament. The critical question to ask then is where is the problem? What are the barriers that continue to deny women the chance to participate equally as men in formal political processes and political leadership?

7.0 SYNTHESIS/CONCLUSIONS AND RECOMMENDATIONS

All the 18 political parties (The National Alliance (TNA), Wiper Democratic Movement-Kenya, United Republican Party (URP), NARC-Kenya, Orange Democratic Movement, KANU, United Democratic Forum Party (UDF), Maendeleo Democratic Party, Muungano Party, NARC, Grand National Union Party of Kenya-GNU, Alliance Party of Kenya, New Ford Kenya, Progressive Party of Kenya, National Vision Party, Federal Party of Kenya, Safina Party and Agano Party) whose policy documents were analyzed seem to be clear on gender equality in their party policy objectives, core values and principles in at least one policy document such as the party constitution to the extent of some providing for 50:50 gender representation in all party structures. However, for those parties
that provided more than one policy document, this rule was found not to be consistent. For instance, while a party’s Constitution would have a clear and elaborate gender equality objective, the same would be lacking in its election/nomination rules and regulations.

It was observed that generally a number of political parties have tried to use relatively gender sensitive language in their policy documents (URP, UDF, AGANO PARTY, FEDERAL PARTY OF KENYA, NATIONAL VISION PARTY and SAFINA). However, a general observation was made to the effect that a number of others used gender blind language “he/his/ him” or general phrases such as working poor e.t.c throughout the document. This could be an indicator of the “male” character of political parties.

It was also observed that although over 70% of the political parties that answered the survey questionnaire have complied to the “not more than two-thirds” gender representation in party NEC, with some even surpassing this rule and attaining a 50:50 representation, this did not translate into notable gains for women during the 2013 elections. A paltry 19.4% of women were elected to the national parliament which is far below par bearing in mind the constitutional and policy frameworks in support of increased women representation that were in place before the 2013 General Election, demonstrating a big gap between what is on paper and the practice by political parties. Another question to ponder would be why women are not influencing political decisions in parties even where they hold very senior positions in the NEC. CMD-Kenya may need to interrogate the challenges therein in order to support women leaders in political parties drive the party agenda towards effectively implementing gender equality goals.

It was noted that compliance to the “not more than two-thirds” gender representation in various party organs as provided for by the Constitution and the Political Parties Act is not consistent in all party organs. Although in some of the leadership committees it is clearly stated, in others it is either silent or absent. This inconsistency was noted even within the same document. For instance a party will provide for this requirement at the County Executive Council and not do so at the National Executive Council. This was also the case in parties priority sectors e.g. agriculture, ICT where parties have not put clear mechanisms/structures for attaining gender equality. Gender equality goes beyond numbers and CMD-Kenya should support parties in ensuring specific measures to address women’s and men’s specific sectoral needs at all levels.

7.1 CONCLUSION

This gender ranking creates an opportunity for CMD-Kenya and political parties to identify issues that continue to deny women equal opportunities with men to
participate in electoral and political processes and structures. Women need capacity and information to hold political parties as duty bearers to account and to demand their rightful place in the political process in Kenya. The national legal and policy frameworks have provided the needed space and structures for this to happen.

7.2 RECOMMENDATIONS

WPR should focus on supporting political parties develop clear guidelines to guide and monitor implementation and adherence to the gender equality principles in the political party policy documents as guided by the Constitution, Political Parties Act, Elections Act and other policy and legal documents and guidelines. Practice has demonstrated when gender equality objectives are silent or general statements are made and no formula provided, they are more often likely to be ignored.

There is need for WPR to focus on addressing structural and technical barriers within parties to enable more women participate equally with men in formal political structures including in political party governance structures and leadership. This should include developing a clear and strong capacity building strategy for political parties to incorporate mentorship programme for young women in politics. This support would also include strengthening capacity of political parties to draft gender responsive documents (including using gender sensitive language).

While it is noted that CMD/WPR has been supporting political parties to develop gender responsive strategic plans, this support should be extended to include supporting political parties to harmonize their political party policy documents to ensure gender equality and affirmative action principles geared towards increasing women’s participation and leadership in politics are incorporated in all policy documents. WPR should develop a profile of women who ran for MP and carry their story as a way of encouraging women and exposing them to political parties.
Why a focus on women's political rights?

Despite the existence of international and national laws, affirmative action initiatives and political party reforms, the participation and representation of women in politics and leadership remains low. Legal, socio-economic and cultural factors continue to impede women’s participation and leadership in politics on an equal basis with their male counterparts. A multitude of complex factors affect both male and female politicians in and women’s rights. A multitude of complex factors affect both male and female politicians in and women’s rights. A multitude of complex factors affect both male and female politicians in and women’s rights. A multitude of complex factors affect both male and female politicians in and women’s rights. A multitude of complex factors affect both male and female politicians in and women’s rights.

Respect for women's and leadership of Kenya and Tunisia

“It is very difficult for a woman to make up her mind to enter politics. Once she makes up her own mind, then she has to prepare her husband, and her children, and her family. Once she has overcome all these obstacles and applies for the ticket, then the male aspirants against whom she is applying makeup all sorts of stories about her. And after all this, when her name goes to the party bosses, they do not select her name because they fear losing that seat.”

SushmaSwaraj, MP, India.

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