The slo Center

2022

WOMEN PARTICIPATION AND REPRESENTATION IN KENYA'S POLITICAL SPACE

RESEARCH REPORT



Table of Contents

01	Introduction	01
02	Trends in Women Electability	02
03	Research Methodology	03
04	Research Findings	04
05	Barriers to women electability	09
06	Conclusion and Recommendations	s 13

Introduction

The Oslo Center was founded in 2006 as a democratic support organization focusing on supporting democratization processes. The Oslo Center's approach to democracy assistance is by providing technical assistance to promote and enhance democratic practices by strengthening governance through political and government institutions and therefore, enhancing the civic spaces

The Oslo Center has since 2011 been working in 1.2 Rationale Registrar of Political Parties (ORPP).

This report analyzes the systemic barriers to women's electability at the National and County level and provides pertinent recommendations for the engagement of women in political processes and particular attention and emphasis was on the three select project counties. Through discussions with the women candidates, local influencers and the community members, this report draws conclusions about the barriers that women faced as candidates in the just concluded elections. These findings form the basis of a series of recommendations to increase women's representation in Kenya's elective bodies in the future elections.

Activities

The research undertook a case study of three counties in Kenya to analyze the participation and representation of women at the county level. Three counties were selected based on the number of women elected in the Member of County Assembly (MCA) position, in the 2017 general election, with Kajiado and Kirinyaga having no elected women MCAs while Nakuru had only five elected women MCAs out of the available 55 seats. In terms of the senate seat, only Nakuru had a woman elected. On the other hand, for single member of constituency seat, Nakuru recorded three women elected, Kajiado had one while Kirinyaga had none.

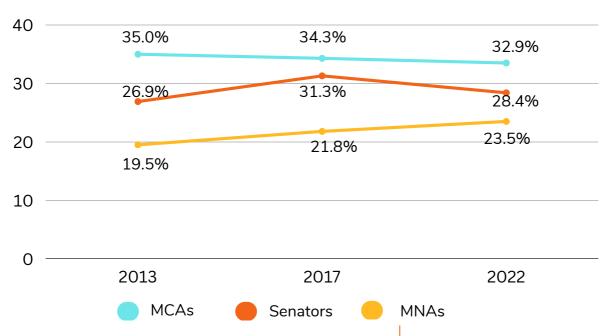
A database of all women nominated as candidates in the three counties was generated from the data shared from the political party's nomination process.

Kenya to support democracy through the provision Since 1963 when the country gained independence, of technical expertise to institutions of democracy there were no women in parliament until 1969 when and governance mainly political parties, women and the first woman was elected. The number has since youth in political parties, and the Office of the increased to 10 and 16 in the 9th and 10th parliament respectively. Upon the realization of the new constitution with six levels of elections, Kenya has made significant strides in enhancing women electability from 145 (7.7%) in 2013, to 173 (9.2%) in 2017 to 176 (9.4%) in 2022.

Kenya is signatory to various international, regional and sub-regional instruments and commitments[1] including the Universal Declaration of Human Rights, the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW), the Beijing Declaration and Platform for Action, the African Union Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa (Maputo Protocol) and the Solemn 1.1.1 Counties Selection Criteria and Project Declaration on Gender Equality in Africa — all of which guarantee gender equality. In line with these obligations, the Constitution of Kenya 2010 espouses the rights of women in Article 27 as being equal in law to men, and are entitled to enjoy equal opportunities in the political, social and economic spheres.

> Although, Article 81 of the CoK 2010 states that 'not more than two-thirds of the members of elective public bodies shall be of the same gender, provisions to operationalize this principle do not exist. Further, the Supreme Court advisory noted that the absence of a specific requirement in relation to the two-third-gender principle was amenable only to "progressive realization" and it could not therefore be enforced immediately.

Trends in women electability



Women comprise more than 50% of Kenya's population, yet this huge demography is not well reflected in political leadership. After the 2013 elections, women accounted for 19.5% in the National Assembly, 26.9% in the Senate, and 35% in the County Assemblies. In the 2017 election, the proportion of women increased to 21.8% in the National Assembly, 31.3% in the Senate, and 34.3% in the County Assemblies. In 2022, women representation in the National Assembly increased to 23.5% while that in the Senate and county assemblies reduced to 28.4% and 33.5% respectively.

A deeper analysis of the statistics denotes those women leaders are mostly elected through party lists to close the gender gap and not directly voted in by the citizens on the ballot. While only 6.6% of the women were elected directly through the ballot as Members of County Assemblies (MCAs) in 2017, this has since reduced to 6.2% in 2022. Elected women Members of the National Assembly increased from 7.9% in 2017 to 10.3 in 2022 while the Senators remained unchanged at 6.4%. Realization of gender equality has also been as a result of the support by donors on program that promote women participation

Making gender equality a reality in Kenya requires a collaborative effort between state and none state actors.

Nonetheless, systemic
barriers continue to impede
women participation in
politics



Research Methodology

The chapter presents the methodology that was adopted in this study. The study adopted a phased approach to this assignment; the inception and data collection, analysis and reporting phase.

O1 Inception Phase

The assignment began with an inception phase where the TOC team discussed the objective of the research and developed data collection tools.

02 Desk Review

The phase included review of existing secondary on women participation and representation in politics.

O₃ Data Collection

The research mined secondary data to present the National outlook of women performance in the electoral process. At the county level, three counties were selected where primary data was collected from women in politics as well as citizens through Focus Group Discussions

O4 Report Writing

A Research Report was generated out of the analyzed primary and secondary data that now presents the participation and representation of women in political space.



Research Findings

National Level Outlook

Population of Kenya is currently estimated to be 54,073,727 with female comprising 28,587,756 (50.1%) while the male is estimated to be 28,527,754 (49.9%). The sex ratio of the total population stands at 0.998 (998 males per 1,000 females) meaning that for every 1,000 women, there are 998 men. Of the 22,120,532 registered voters in 2022, 10,865,605 (49.12%) are female reflecting a proportionate negative variance from the population ratio. i.e though women account for 50.31% of the population, they account for only 49.12% of registered voters, meaning that women are still underrepresented. In 2013 and 2017, the proportion of registered voters stood at 14.35M and 19.7M where in 2017 women voters stood at 9.1M representing 46.2% of the registered voters. Remember that being a registered voter is one of the qualifications of contesting for political elective seat in Kenya. There are obvious variations on this ratio per county, constituency and ward level but even more significant variations or rural/urban classification.

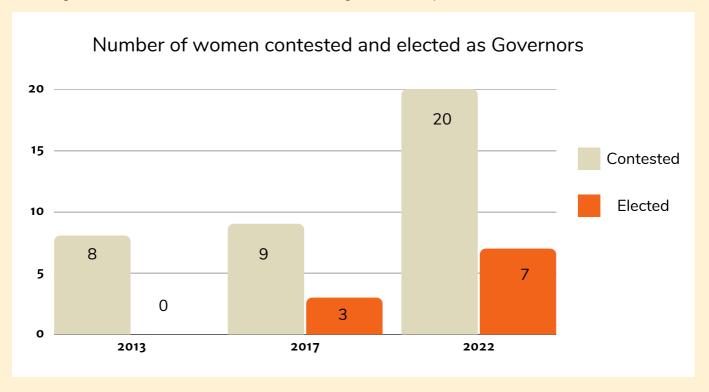
	2013	2017	2022	
Total Registered Voters	14.35 Million	19.7 Million	22.1 Million	
Total Registered Women Voters	Not Available	9.1 Million	10.8 Million	
Percentage	-	46.2%	49.1%	

A total of 14,137 candidates were cleared by Independent Electoral and Boundaries Commission (IEBC) for the 2022 general elections, 1,962 (13.9%) female candidates were cleared to vie for different seats in the 2022 elections. This was an increase from the 2017 elections when 1,300 (9%) women contested out of the 14,523 candidates. Although this is seen as an improvement, it is still a drop in the ocean given that the 2022 elections had fewer candidates compared to 2017 elections. In 2013 general election out of 12,776 contestants, 932 were women representing 7.3% of the overall contestants.

There are 1,881 elective seats in the following levels; Governor, Senator, County Woman Member of National Assembly (CWMNA) famously referred to as Woman Representative (Woman Rep), Member of National Assembly (MNA) and Member of County Assembly (MCA). After the March 4th 2013 General elections, 145 women were elected out of the total 1881 elective seats, this number increased to 173 in 2017 and 176 in 2022. So far, Parliament (National Assembly and the Senate) have not been able to achieve the 2/3rd gender rule as outlined in article 27 of the Constitution of Kenya, even though the Constitutional timeline lapsed in 2015. Analysis below focuses on women electability in each of the specified elective seats

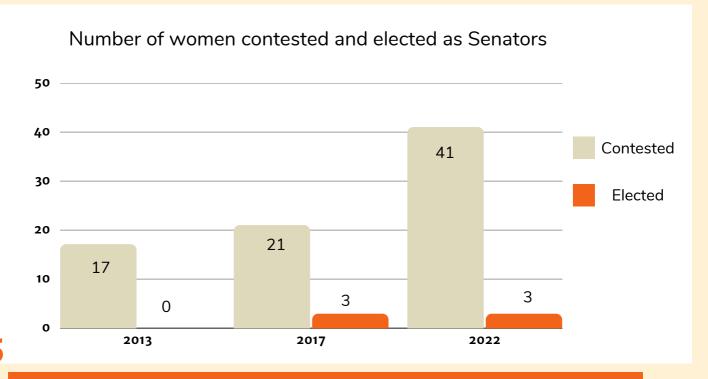
Elected Women Governors

Although 8 women contested from governorship in 2013, no woman got elected. In 2017 three (3) women governors were elected against nine that vied for this position. In 2022, twenty women contested for the Governors position, seven (7) women were elected (in Kirinyaga, Nakuru, Machakos, Kwale, Meru, Homabay, and Embu Counties). This is the highest number of elected women governors since the advent of devolution with a woman independent candidate being elected which has never happened in the history of Kenya. In addition, there are eight (8) elected women Deputy Governors (in Trans-Nzoia, Kiambu, Murang'a, Narok, Makueni, Kilifi, Taita Taveta and Bungoma Counties).



Senators

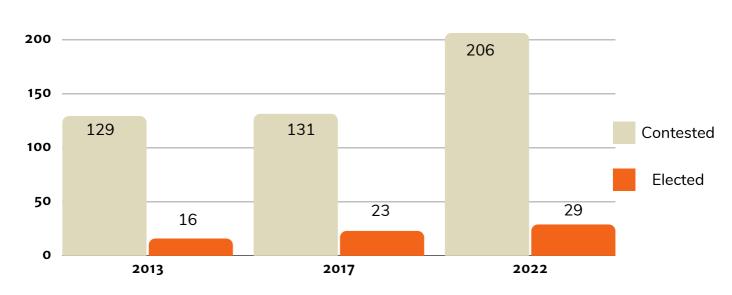
Three (3) Women have been elected Senators in Nakuru, Isiolo, and Machakos Counties. This figure is similar to the number of elected women senators elected in 2017, with Nakuru and Isiolo Counties maintaining consistency in electing a Woman Senator. In 2013, women had no elected representation in the Senate but were nominated based on party seat numbers.



Elected Women Members of National Assembly

Although a total of 2,132 candidates participated in the 2022 elections for the MNA position, 206 of them were women representing 9.7% which presents a low participation. Twenty-nine (29) women have been elected members of parliament in this 13th parliament spreading across 18 counties. This is a thirty per cent (30%) increase in the number of women elected from the single constituency Member of Parliament in 2017 where only 23 were elected. In 2013, only 16 women had been elected signifying a steady increase in the number of women who have been elected since the promulgation of the 2010 Constitution. Nakuru County leads with four (4) elected women MPs, followed by Homabay, Murang'a, and Kitui Counties with three (3) Members each. Kiambu, Makueni, and Uasin Gishu Counties have each two (2) elected women MPs; while Nairobi, Kisumu, Lamu, Narok, Nandi, Kilifi, Laikipia, Mombasa, Samburu, Nyandarua, Kirinyaga and Busia have each one (1) elected woman MP.





Women electability at the MNA level is witnessing a positive trajectory from 19% in 2013 to 23.5% in 2022. This is a positive occurrence despite the two thirds gender bill not passed, after three attempts at the national assembly.

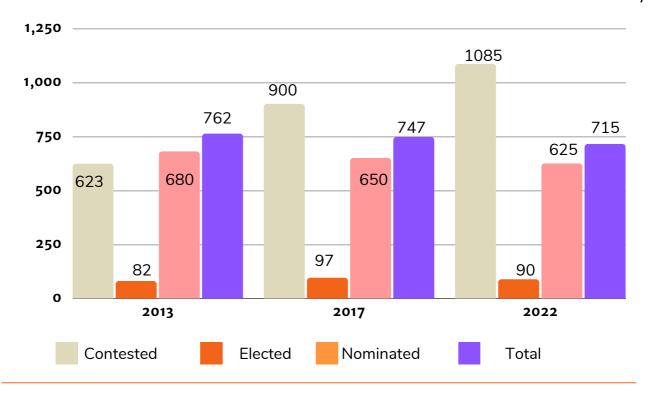
Elected Women Members of County Assembly

After the 2013 general elections, 82 female MCAs were elected out of the 623 that contested. During the same period 680 female MCAs were nominated. In the 2017 elections, 900 female candidates contested for the MCA seat, out of which 97 were elected while 650 were nominated. The total number of MCAs that contested that election was 11,848, placing women at a relatively lower participation rate 0f 7.6%.

In 2022, a total of 103[1] female candidates were elected against a total of 1,085 contestants. In 2022, 625 women were nominated. It can be noted from the analysis in Table 3.2 below that the two third gender rule is complied with at the county representation level although there is a worrying trend that the representation of women may not be sustained.

According to the data form IEBC 2022, the counties with the highest number of elected women MCAs were, Nakuru (8), Bungoma (7), Kisumu (6), Homabay (6), Murang'a (5), Nyeri (4), Trans Nzoia (4), Siaya (4) Nairobi (4), and Mombasa (4). Kajiado, Mandera, Samburu, Garissa and Wajir have yet to elect a woman into their county assemblies. The trend in women electability is mixed, in some counties, more women were elected, in others, the electability of women reversed. For example, Kitui County had 6 women elected in 2017, but this reduced to 1 in 2022, while Bungoma had 10 women elected in 2017, but the number reduced to 7 in 2022. Counties that had an increase in women are Kiambu (from 1 in 2017 to 6 in 2022), Nakuru (from 5 in 2017 to 8 in 2022).

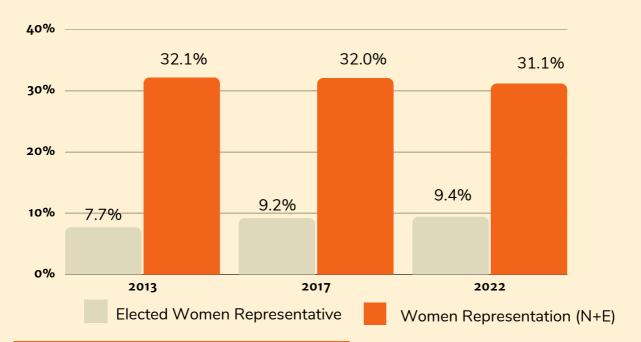




Elected Women MCAs in the country (2013 - 2017)

There is an increase in elective position in the country from 7.7% to 9.4%. However, women representation (Elected and Nominated through special seats) appears to have stalled (31.1%) and if this remains unchecked then the constitutional requirement of 2/3 gender rule will remain un-implementable.

Comparison between Elected Women and women representation



Women Electability 2013 - 2022

			Absolute Numbers			Proportions		
Category	Positions	Elective Seats	2013	2017	2022	2013	2017	2022
MCA	Contested	1450	623	900	1087	42.97%	62.07%	74.97%
	Elected via Ballot		82	97	103	5.70%	6.70%	7.10%
	Elected via party list		680	650	625	46.90%	44.80%	43.10%
	N+E	2,176	762	747	728	35.00%	34.30%	33.46%
MNA	Contested	290	129	131	206	44.50%	45.20%	71.00%
	Elected via Ballot		16	23	29	5.50%	7.90%	10.00%
	Elected via party list		5	6	6	1.70%	4.70%	4.60%
CWMNA	Contested	47	155	298	359	329.80%	634.00%	763.80%
	Elected via Ballot		47	47	47			
MPs	Elected women MNA	349	68	76	82	19.50%	21.80%	23.50%
Senator	Contested	47	17	21	41	36.20%	44.70%	87.20%
	Elected via Ballot		0	3	3	0.00%	6.40%	6.40%
	Elected via party list		18	18	16	38.30%	38.30%	34.00%
	N+E	67	18	21	19	26.90%	31.30%	28.40%
Governor	Contested	47	8	9	20	17.00%	19.10%	42.60%
	Elected via Ballot		0	3	7	0.00%	6.40%	14.90%
	Women Elected Representatives	1,881	145	173	189	7.71%	9.20%	10.05%
	Women Representation	2,639	848	847	836	32.13%	32.10%	31.68%



Throughout the electoral cycle, women face numerous barriers to their effective participation and the fulfillment of their electoral rights. This section outline some of the obstacles that women encountered during the electoral process. For the purpose of this reporting, the barriers are categorized into informal, formal and internal barriers. The formal barriers are those that are institutional in nature while the informal barriers are those that we believe are societal or systemic in nature that will require changes in the community and social framework for the barriers to be broken. Internal barriers are those that affect women as personal challenges that may require individual development and personal exposure to limit these barriers.

Systemic Barriers

1. Traditional and Cultural Barriers

Patriarchal system entrenches some values in the society which puts women a level lower than men. Communities in rural areas are more like to observe this patriarchal system than the urban areas. Men are seen as the head of the family and therefore decision-making powers are in their hands. Women who are not married are believed to not have a decision-making capability and therefore are looked down upon.

"Us young women were seen as jokers so that we could get nominated (Who were looking out for direst nomination)" An aspirant narrated.

Traditional beliefs and cultural attitudes, especially as regards women's roles and status in society-remain strong, particularly in rural areas. For instance, married women are tagged as outsiders who should not be able to make a decision independent of their husbands. There is also a cultural belief that women are considered not part of a community where they are married in.

"Women especially in Kajiado have no say in front of elderly people simply because their men can talk on their behalf" Reported by an aspirant.

Women shoulder most of the household chores and responsibilities. Therefore, they have very minimal time as compared to men who have all the time in the political space. This factor is can be considered as the backbone to all other factors hindering women electability in Kenya.

Kenyans have been cultured to believe that they can only vote for a person from their tribe. Consequently, tribal affiliation was deemed a barrier in counties where a candidate's tribe was a minority in the area.

There is a general perception among the community members that women are only meant to vie for the Woman Member of National Assembly (Woman Rep) an affirmative action seat meant to increase the number of women in elective positions. One of the FGD participant was told by one of her supporters that her name was missing in the supposed ballot paper.

Systemic Barriers

2. Religious Barriers

Religion plays a critical role in creating barriers to women electability in Kenya, through contributing to negative perception of women in politics and leadership roles. For example, an aspirant in Nakuru reported that she was not allowed to talk in church because of the church's doctrine which does not allow women to talk, especially in front of men. Also noted from the community was the rejection of the contestants simply because they were from a different religious affiliation. For example, a female aspirant narrated that she faced bias because she is from the Northern part of the country and also as a Muslim. From the focus group discussion, participants also narrated that they would not vote someone who is not from their own religious belief.

3. Stereotyping

Britannica dictionary defines a stereotype as an often unfair and untrue belief that many people have about all people or things with a particular characteristic. The society has been socialized to believe in a particular way about women and this has a serious ramification in the political space. Women are still perceived as weak when it comes to leadership and are capable of only handling trivial matters, engage in gossip and hearsay and as such are incompetent and less intelligent and for that reason men are still regarded as strong, dominant and aggressive decision-makers both in private (home) and public (society) spaces. This characterization of men has also consequentially led women to be seen as their own enemies in the political space. Women candidates have been confronted with sexist and aggressive language, gender stereotyping, online gender abuse and sexual harassment.

"What time are you going to prepare meal for your children and husband" Reported by a citizen.

Married women often face hurdles from their spouses with the notion that women should not be heard outside the house campaigning because their male friends will believe that they have no power insofar as their marriage is concerned.

People in the community believed women, especially youthful women, cannot lead because they have other serious responsibilities such as taking care of their children, husbands and addressing day to day family issues. For example, they would wonder that, if a woman is elected, who will represent them when she gets pregnant or when the husband moves to another county. Obviously, she'll leave the people and go with her husband.

"Who will lead us once you get pregnant" Reported by a Citizen

Systemic Barriers

4. Time Constraint

In line with the societal expectations and gender roles, women have a lot of responsibilities in terms of homecare; women will ensure that their families are taken care of before going to the campaign rallies. This is limiting because she will not have adequate time compared to her male counterpart. Women with younger families will hardly spend time for strategy meetings as they have more demanding responsibilities at home.

"When I declared that I will be running for the MCA's position, I was attacked in the house to intimidate me not to run for the seat" Reported by an Aspirant

5. Gender Based Violence

The International Federation for Human Rights (IFHR) and Kenya Human Rights Commission (KHRC) said in a statement that women have been victims of verbal attacks, harassment and even rape during the just concluded election campaign in Kenya. Although Kenyan politics was always marred by violence in the previous elections (2007, 2013 and 2017), the 2022 election did not experience such levels. While both genders are victims of this, political violence presents particular barriers to women's engagement and political participation. Women are prone to physical attacks simply because they are women; they are therefore forced to hire extra security during the campaign period which their male counterparts do not need. Those who are not able to hire extra security are sometimes exposed to Gender Based Violence which may be in terms of beatings, thuggery or threats of rape.

"What time are you going to prepare meal for your children and husband" Reported by a citizen.

6. Cost of Politics

Cost of politics in Kenya has been estimated that a senate seat costs on average Kshs. 35.5 million (US\$ 350,000); and woman representative cost Kshs. 22.8 million (US\$ 228,000). Running for the constituency MP seat would cost about Kshs. 18.2 million (US\$182,000); while an MCA seat would cost, on average, Kshs. 3.1 million (US\$ 31,000).

It has been a trend in Kenya today that for a candidate to have an impact on the ground, money must be given to the voter. Although this is regarded an electoral offence, Kenyan electorate has for a long time understood that once the elections are over, it will be very difficult to find the candidate coming back to the community and therefore, they better finalize with them before the elections. Electorates expect a minimum of Ksh. 50 handouts to a maximum of Ksh. 200 for the lowest seat (i.e MCA) but higher seats will fetch as high as Ksh. 1,000 per person. Women are generally economically disfranchised than men and may not manage to compete with men in this commercialized aspect of political campaigns.

Institutional Barriers

1. Financial Challenges

Political engagement requires financing. Lack of funds is a nagging barrier to women electability as in most circumstances family and friends did not provide funds for campaigns as expected and therefore women have to spread out the savings, they have for political campaigns. Although political parties did reduce nomination fees for women, the fees are still out of reach for most women.

Poverty at the community level is still a common phenomenon and women are the hardest hit financially when it comes to household poverty. This notwithstanding, women have to complete with men for votes which is quite a challenge to them.

Lack of finances makes women enter late into the political platform thereby unable to brand themselves effectively and declare publicly early in the race. Women have also been discriminated from religious functions due to lack of funds. For example, it was common for religious leaders (pastors) to ask for contestants to provide some financial assistance to the church for them to be treated favourably. Those who provided assistance to the church either financially or materially were allowed to greet the congregants and somewhat campaign.

2. Political Party Structure

Political party is the primary point of entry for women in politics. However, one of the biggest challenges is that most of the popular political parties are male-dominated. Male domination within political party structures means that, during decision-making, female voices are suppressed. For example, political parties operate along rigid patriarchal lines that may consider women only on the basis of 'tokenism'. It was reported that the party bosses, who are mostly, directly-appointed males, favored male friends and family members over female candidates in nominations, disbursing money for campaigns, and even in campaigns.

Female candidates also felt that the party did not support their candidature and some opted for less popular smaller parties due to a lack of confidence and fear of discrimination. These smaller parties were therefore not able to present them favorably for the 2022 election.

Due to financial constraints, female candidates felt that they were unable to compete with their male counterparts, some of whom were alleged to have acquired certificates irregularly from party organs and rigged party primaries and therefore most female candidates are locked out at the party primaries.

3. Media Coverage

Interviewed respondents reported that women were less covered by the media compared to their male counterparts and a lack of resources prevents women from breaking through into the media. It is a general knowledge that the media plays a significant role in either reinforcing or doing away with patriarchal norms. In reinforcing patriarchal norms, the media is notorious for using different criteria to analyze women as opposed to their counterparts.

Conclusion and Recommendations

Women's representation in the political space is still low in Kenya with about 13.9% participation based in the 2022 election. Out of the 1,881 elective positions, only 7.7% women were elected in 2013, 9.2% in 2017 and in 2022, 9.4% were elected. This shows that despite the low participation, there is a positive trajectory to it. Political parties play a crucial role in providing access to political participation women politicians. In short, political parties can either help or hinder women's entry into politics. Political parties should therefore be the channel for promoting women participation by creating conducive environment that can promote women's representation. This should be done through adoption of 2/3 gender rule and also by providing financial support for campaigning as well as capacity building and mentorship.

Recommendations

1.Implementation of the 2010 Constitution and the applicable laws:

- The 2010 Constitution provide for the 2/3 gender rule but this has not been operationalized as the bill is still in parliament. This law should be passed so that the gender quota is operationalized in political party constitutions and be applied in all political party structure.
- Laws on party hopping to be reinforced so that party members especially women are protected
- Law prohibits night campaigns should be enforced.
- Electoral laws, regulations and other laws protecting women should be adhered to at all times.
- Review of the election law for nomination of women based on their performance in the ballot rather than depending on party list.

2. Promotion of gender awareness policies, norms and standards within the political parties

- Political parties should ensure that they have within their manifestos agenda for promoting women political participation. For instance, political parties should be clear on what proportion of positions within the party structure is allocated to women in line with the PPA (Amendment, 2022).
- Political party should have clear policies and guidelines on how they seek to achieve gender inclusiveness for elective positions from the grassroots level all to the national level.
- Political parties should have gender champions within its structure to ensure that they promote women issues within the political parties. Men should openly support women running for elective positions.
- Women League should be strengthened within the political parties to ensure that women positions/matters are protected.
- Political parties should develop policies that prohibit violence against all women and particularly those participating in politics and also take actions when such cases take place

WOMEN PARTICIPATION AND REPRESENTATION IN POLITICS

3. Capacity building for women candidates

- There should be a continuous training and capacity building opportunity between elections provided to women aspirants and candidates on how to package themselves of what entails an election campaign. The training and capacity building should entail opportunities for funding, learning on the art and science of politics such as understanding the appropriate time to start political campaigns, networking and planning.
- Civil society should remain an important tool for women politicians through all aspects of their work. Civil society organizations (CSOs) can also train new candidates and provide mentorship, while also working with elected leaders to ensure that they become effective politicians. Organizations already working with women should collaborate to improve synergy towards women participation in the political space.
- Donors (including but not limited to SIDA, Royal Swedish Embassy) should continue providing funding for women elective activities.

4. Civic Education to the community

- Sensitize the community on gender equality through voter education
- Commercialization of voters should be discouraged
- Voters should be sensitized against electoral injustices, equality in terms of leadership, stereotyping of women and other systemic barrier that hinder women from being elected.

5. Financial constraints

Most of women cultural constraints have economic basis. The conclusion is that dealing with women economic challenges shall help confront some of the cultural/traditional obstacles and even help them find ways around the structural constraints. Some of the recommended activities include:

- Organizations (CSOs and NGOs) supporting women should provide timely financial support through the party structures or in the case of independent candidates provide funding through the independent candidate expenditure committee as provided for by the PPA (Amendment, 2022).
- Women must come together to be taught fund raising skills to depend on themselves.
- Nomination fees are still beyond reach of most women politicians and therefore should be further reduced.



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participation in politics





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