Nothing without Us

Exploring Opportunities to Advance Women and Youth's Political Leadership in Kenya's 2022 Elections

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MZALENDO

AKINA MAMA WA AFRIKA

A. Background

Akina Mama wa Afrika (AMwA), Mzalendo Trust and the Netherlands Institute for Multiparty Democracy (NIMD) with funding from the Dutch Ministry of Foreign Affairs conducted a Political Economy Analysis (PEA) of women, youth and the public's participation in Kenya. Drawing from the findings of the PEA, this policy brief focuses on the drivers and challenges of women and youth's political participation and makes policy recommendations.

The PEA was rooted in the need to understand the political economy and the reality of youth and women. This included an assessment of key power holders, their interests, and how these interests either enhance or hinder youth and women's political aspirations and participation in Kenya. The perspectives of the youth and women were sought to examine these power relations as well as their spheres and possibilities of influence in the political arena.

B. Methodology

This policy brief anchors on the methodology of the PEA, which was guided by an intersectional feminist critical analysis. It centered the lived experiences of youth and women in politics; recognized the intersectionality of their identities which result in unique experiences of violence, vulnerability, exclusion but also insights and strengths. The study revealed the patriarchal norms and unequal gendered power relations embedded in the political spaces and processes of the country and how actors can redress the drivers of these systemic and structural inequalities.

C. Major Findings

i. Violence Against Women in Politics

Owing to patriarchy and gender inequality, the personal cost for participation in politics is unnecessarily high for youth and women candidates. The study established that violence, that is, physical, psychological, sexual and verbal violence, is still being used as a political tool in Kenyan politics. All the female participants discussed having suffered actual or threat of violence as a deterrent to their political aspirations. The respondents also shared that sexual harassment of women is rife in political parties and sex is demanded as currency for advancing political ambitions. A 2007 EU report revealed that political parties rarely walked the talk when it came to protecting women against violence.[1] Similarly, a 2014 USAID report echoed these sentiments through a finding that political parties did little to assist women who were harassed or abused.[2]

## ii. Repression of the Two-Third Gender Rule: A Constitutional Crisis

The 2010 Kenyan Constitution entrenches the principle of equality and requires the state to adopt affirmative action programmes and policies to "redress any disadvantages suffered by individuals or groups because of past discrimination". More specifically, Article 81of the Constitution of Kenya states that "the electoral system shall comply with the principle that not more than two-thirds of the members of elective public bodies shall be of the same gender". Article 27(8) further provides that the State shall take steps to ensure that not more than two-thirds of members of all elective and appointive positions are not of the same gender. But in-spite of these provisions, public debate and litigation the two-third gender rule has faced systematic opposition from various actors and power brokers who stand to benefit from the status quo. Sabotage tactics included members of parliament failing to attend parliament when they were required to vote for the bill.

Prof. Kameri-Mbote notes that the absence of a framework to ensure that gender equality in Parliament flows seamlessly has placed potential women contestants at the mercy of party barons, a realm where very few women are significant players.[3] The failure of MPs, majority of whom are male, to enact legislation that promotes and realizes gender equality is an example of how patriarchy and political parties lack the goodwill to see women's increased representation and influence Parliament.[4] In fact, the realization of the two-thirds gender rule in Parliament requires the realization of the same at the political party level. More importantly, the ramifications of parliament's refusal to enact the bill extend beyond the struggle for gender equality. It has implications on the participation of other marginalized groups of people, for instance, young women, people living with disabilities and gender non-conforming people. It is a systematic violation of the constitution and the principles of democracy.[5]

iii. Negative Media Portrayal of Women

Media is an influential player in politics in Kenya. Over the years, there has been continued conversation on the portrayal of women in the media. Research shows that the main frames used to cover women in leadership are; patriarchy, family relations, sexuality and appearance, propaganda and controversy, and lastly, the use of gender reflective terminologies and tags.[6] A 2016 report by the Media Council of Kenya details that women are more often than not portrayed as 'caregivers of the family, dependent on men, or as objects of male attention' and that these stereotypes are mostly prevalent in advertising, with commercials and news trailing in second and third respectively.[7] The resultant effect is that society becomes more and more inclined to view women leaders through these restrictive lenses provided by the media.[8] However, on the flipside, it is argued that the reason why media is unfavourable to women is because women rarely engage in media but ultimately this is a gender stereotypical frame.[9] Women and young women in particular, expressed having to endure steep stigmatisation and ostracization in their communities and in media simply because of nurturing

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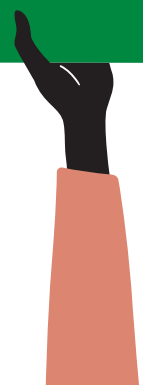
and pursuing political ambitions. They were also forced to reckon with cognitive dissonance as their pursuit for political ambition is seen and claimed as being at odds with their other personal roles. Yet this is not the case for male candidates.

Distribution of stereotypes in media

2%

33% News

37% Commercials

44% Advertising

27% Feature stories

Other (specify)
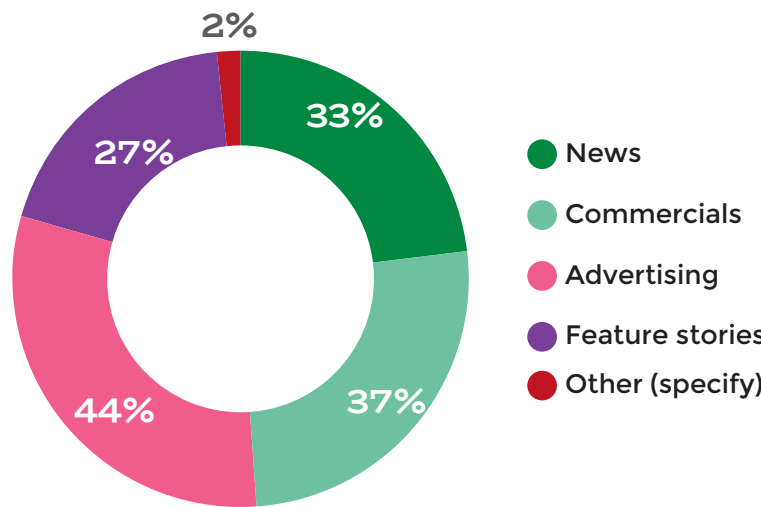
iv. Navigating Gender and Political Roles

Women are expected to fulfill their roles as mothers and wives along with the attendant responsibilities which are characterized by the burden of unpaid care-work while participating in political processes and activities.[10] On the other hand, men can spare far much more time for politics without negatively impacting their families as they depend on women to take care of households.[11] Gender norms assign men freedom, unlimited time and access to public space, engagement and leadership while confining and relegating women and girls to the domestic and private space. The overburden of unpaid care-work is steeped in discriminatory social-cultural norms and it creates a double burden of work for women and affects their full participation in political processes and leadership.

v. Heightened exclusion of certain categories of youth and women

While there is a growing avenue for youth to participate in politics at a national level as a result of the link between political parties, it cannot be ignored that this channel is largely opened to young men. Student leadership is becoming increasingly politicized and the student leader to national political leader pipeline becomes more evident with each passing year.[12] In an interview following her win, Ann Mwangi Mvurya (the first female leader of the University of Nairobi Students' Association) highlighted that women lacked proper representation in top student leadership bodies and that women's issues were not being fully addressed.[13] The underrepresentation of young women in top student leadership is replicated at both political party and national leadership positions.

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Youth and women have multiple identities based on their age, sex, gender and other identities such as disability, class, HIV status, education, sexual orientation and rural/ urban locality. When asked how they respond to the challenges that youth and women experience as a result of their multiple identities, most political parties were unclear. Among the youth and women, young women were described as endangered species within political parties. They were the most disadvantaged sub-section of the youth and women category. They bore the greatest brunt of the challenges that youth and women face collectively. The exclusion of young women can in fact be demonstrated further by a quick assessment of the elective posts reserved for women only. Of the 47 elected county women representatives, only three are young women.[14] In addition, young women with disabilities were completely in-visibilized with sexual minorities fairing even worse as they are assumed to actually be non-existent. Interestingly, youth (which by large refers to young men) are stereotyped as the perpetrators of violence and this also negatively affects their participation in politics as they are perceived as trouble makers.

vi. Weak institutionalization of political parties in Kenya

The PEA found that there is poor institutionalization of political parties in Kenya and the Office of the Registrar of Political Parties (ORPP) is one of the enabling factors. Political party regulation needs to be strengthened beyond surface-level checklists to actually ascertain that the statutorily required democratic and inclusivity structures and processes are being actualized.

As political parties in Kenya are yet to be institutionalized, their power then lies with key power holders such as: the party leader; secretary-general; director of elections; experienced politicians; and highly placed internal dispute resolution officials. It is through such key power holders that political parties function as gate-keepers especially in the nomination process.[15] The result is that youth and women, especially as new entrants into the political scene are denied the requisite space to meaningfully participate in the political party and politics at large. The weak internal process more often than not leave the political party subject to control by party elite, leading to increased neglect of excluded groups such as youth and women as imposition of candidates by party leaders is not uncommon during nominations.[16] The tokenistic ways in which youths and young women are involved within political parties continues to exclude youths and women and gives power to the leaders on engaging on a need basis. This is due to lack of intentional and conscious policies grounded on the importance of women and youth's contributions and engagement in political parties and politics in general.

In essence the non-institutionalization of parties almost seems to be by design and most political actors noted that political parties are lacking in time-tested ideology. The parties were described as vehicles created to manipulate interests, and appeal to ethnic affiliation during elections at whatever cost, with youth and women frequently left as the biggest casualties.

vii. Poor Intra-Party Democracy and Processes

a. Nominations and Party Primaries

Nominations were described as a brutalizing experience and particularly disenfranchising for women and youth who are outside the party echelons of power. Additionally, parties were described as either unable or unwilling to carry out credible nominations. Party primaries are a resource and strategy-intensive endeavor and most political parties lack this capacity and are accordingly unable to run credible nominations buttressed further by the aforementioned weakness in institutionalization. Related to party primaries is the issue of party lists. Despite these party lists being a useful vehicle through which youth and women should access nominative positions, party officials and the Office of the Registrar of Political Parties acknowledged challenges in their faithful actualization.

b. Internal party dispute resolution

Dispute resolution processes within parties were described variously. Political party dispute resolution officials described their processes as fair and considerate to the plight of women and youth. Whereas a section of women and youth themselves described the internal party dispute resolution process as pre-determined, with the overall dispute resolution process including that by the Political Party Dispute Tribunal encumbered with arbitrary timelines and lack of awareness. As with all difficult political processes, youth and women are disproportionately affected.

Nevertheless, some good practices are also emerging from the field. In one of the major political parties, the chairperson of the election's appeals tribunal described how they always privileged disputes where violence was meted on women candidates in favour of the woman.[17] This was done in order to send a message that violence would be sanctioned or not be beneficial to the perpetrators. Eventually, such a stance will also mitigate the use of violence to scuttle nomination processes, a tactic often used predominantly against women candidates. Other good practices include political parties that had decentralized dispute resolution to all their counties of operation as opposed to requiring candidates to access one (Nairobi-based) or few centers across the country.

viii. Impunity and Political culture and interests

The major interests of key political power holders include power and its acquisition at whatever cost on the one hand and a genuine pursuit of democratic principles on the other hand. According to the findings, the former dominates the political landscape in Kenya, as may be evidenced by impunity and a culture of contravening the rule of law. Political actors often flout laws, regulations, and defend and perpetuate unjust practices. Worse still, in addition to this leadership crisis, the study found that Kenya has a crisis of citizenship, wherein citizens are either not politically conscious, do not engage in civic processes or even worse tolerate and reward the most disingenuous politicians through elections.

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ix. Access to Resources and Political Financing Challenges

The youth and women affirmed the lack of resources as a key barrier to succeeding in Kenyan politics. All the political power holders also buttressed the importance of personal resources as proportional to success in political parties. Generally, women face more economic deprivation compared to men and thus have less access to private resources to fund election campaigns.[18] Such deprivation is worse for youth, 13% of whom are by both multidimensional and monetary standards poor. [19] However, even prior to getting to the campaign stage, many women are eliminated at party nomination stage as they lack the financial muscle to pay for nominations – a process that is considered to be a major source of income for political parties.[20]

The Africa Barometer Report 2021 recorded politicians having spent more than USD 147,000 to secure a party ticket.[21] Even if women surmount the preliminary hurdles to acquire the party ticket, they have to deal with the well-known barrier to free and fair elections: vote-buying. Even worse, vote-buying is essentially sanctioned in electoral laws through lack of strict regulation on handouts. While vote-buying is not restricted to male politicians, it can greatly disadvantage women's political participation by increasing the impact of the existing financial inequalities between women and men. Access to funding thus becomes essential, especially in areas where vote-buying is rampant and 'it is more difficult for candidates with less financial access (including women) to compensate for this by campaigning via other means.[22] Clearly, the challenge is not one of personal finance among youth and women candidates, rather it is the environment that should be made more enabling through tighter regulation of campaign financing.

x. COVID-19 and Women's Political Participation

The COVID-19 pandemic has exacerbated existing gender inequalities and presented an additional layer which hinders women's full and meaningful political participation.[23] As a result of the economic restructuring caused by the pandemic, many women had to take on additional domestic and care work which adversely impacted their ability to participate in public life.[24] A study by UNDP found that in many parts of the world, unpaid domestic work squarely lies in the hands of women and such work has increased during COVID-19.[25] The pandemic also rendered traditional forms of public engagement unavailable, which in turn led to an increase in the use of and innovation around digital spaces and media. Many political parties and political thus turned to the virtual space for debate and engagement among themselves and with the members of their political parties and the electorate at large. While virtual spaces are both a great innovation and a means of keeping safe in the midst of the pandemic, they mimic the exclusionary nature of traditional forms of engagement. In many parts of the world, Kenya included, women lack access to mobile phones and computers.[26] Even where these devices are present, the lack of digital literacy among women only serves to widen the digital gender divide.[27]

The increased use of the internet as a result of the pandemic has also resulted in a matching increase in the violence meted to women politicians online. A recent study by Kenya ICT Action Network (KICTANet) on online violence against women in politics during the COVID-19 pandemic revealed that despite a robust legislative and policy framework on digital rights as well as women's political participation, women continued to face 'online and technology targeted violence'.[28]

D. Recommendations

▶ i. Apply Multifaceted Approaches to Prevent and Mitigate Violence Against Women in Politics (VAWIP)

- Mount a coordinated awareness campaign against VAWIP and visibilize harassment against women in politics and all forms of gender-based violence including the threat of violence and any socially unacceptable violent practices and behaviours.

- All electoral and political stakeholders should be engaged and reached to support legal literacy in the areas of civil and political rights.

- In the runner-up to the 2022 Elections Political and Civic Actors should agree on effective sanctions - where appropriate, that are dissuasive, enforceable, and proportional to the offence committed. The MoU should include coordinated measures in the justice and health sectors to ensure immediate responses to complaints and the protection of victims and their families.

- Provision of psychosocial support should be prioritized because youth and women (women in particular and young women even more) experience violence and high personal costs; they require intentional psychosocial support to enhance their political resilience and survival.

- Partners must fund actors and processes aimed at cultivating a conducive and enabling environment for youth and women's political participation.

▶ ii. Redress Systematic and Structural Barriers through adopting Feminist Alternatives

- There is a need to increase the analytical capacity and consciousness of youth, women, political and civic actors to understand how patriarchy, corruption, debt, neo-patrimonialism, drive structural inequality and plays on their lack of resources as a medium to keep youth and women from fully enjoying their civil and political rights. Through feminist analysis and feminist and transformative leadership development women and young people will be equipped with the much-needed skills and knowledge to redress these deep-seated barriers to women and youth's political participation in Kenya.

- There is a need to facilitate mentorship connections and circles with current and former eminent youth and women politicians. Young men and women should be supported on how they can navigate party politics and the public sphere. However, youth-led CSOs decried the assumption that mentorship only works in a top-down manner, asserting that youth organizations are best placed to design and lead strategies and social movements that will advance their engagement and participation.

- They should be provided with opportunities to strengthen their technical skills in how to develop policies and manifestos, identify entry points, and mobilize and participate effectively within parties. They also need support towards enhancing fundraising skills is also required; this can also include linkages to potential funders. As opposed to handouts, cogent and credible capacity building in fundraising is a more sustainable means of supporting candidates because they can use the skills in future but also share them with others.

- Given the systemic and structural barriers that youth and women candidates face in pursuit of leadership and meaningful participation in political spaces, women and youth require coordinated, cohesive and systematic support from political and civic actors.

iii. Create an Enabling Environment through Gender Responsive Policies and Action Plans

The PEA revealed that most key political actors are gender blind and gender unequal, which is to say that they are exploitative platforms when it comes to youth and women's participation. These actors include political parties, student bodies, and the media. A few political actors are gender-aware and responsive but none at all were deemed to be gender transformative.

▪ Therefore, political parties should dismantle patriarchal practices that relegate women and youth to the margins of decision-making processes. The political parties are deeply embedded in the patriarchal fabric of the Kenyan society resulting in their continued enforcement of patriarchal gender roles, which reserve leadership for men while relegating women to deputy positions and heads of women leagues, where present.[29] In order to ensure and achieve the meaningful and substantial participation of women, the political parties need to ascribe to the two-thirds gender rule espoused in the Political Parties Act.[30]

▪ Political and civic actors must fully acknowledge and confront the unequal power relations in the political, social, economic spheres that serve to undermine youth and women's participation in politics. Accordingly, there is need for fully fledged gender responsive and transformative reforms to redress discriminatory and repressive practice and move along the gender equality continuum.[31]

iv. Enhancing Meaningful Youth Engagement

To enable meaningful participation of youth and women and mitigate the high personal cost that youth and women (especially young women) must bear to survive in political parties political and civic actors must:

▪ Provide support to establish, support, resource and revitalize women, youth and persons with disability leagues within parties. These leagues should be engaged and included in the party governance and decision-making structure. The leagues should be the ultimate decision-making hubs for the candidature of youth, women and PWDs that is fronted by political parties for elective and nominative positions.

▪ Strengthen party accountability structures by working with the Office of the Registrar of Political Parties. Dispute Resolution (DR) functioning within political parties also needs to be enhanced and this includes technical support of DR organs in parties to ensure conversance with the unique concerns of youth and women; decentralizing dispute resolution organs to all counties of operation, and setting reasonable timelines to access internal dispute resolution processes. There is also a need for an overall amendment of existing legislation to allow for a more reasonable period of time between primaries and the main elections. It is this constrained time period that leads to the speedy and often unfair disposition of electoral disputes.

▪ Young people in university, urban settlements, and youth-led collectives should be engaged in order to raise a critical mass movement that demands and vote for the policy and legal reforms Kenya needs to advance women and youth's influence and participation in the political and governance processes and structures.

v. Institutionalization of Political Parties and Intra-Party Democracy

There is a critical and urgent need to build political parties as enduring institutions beyond electoral cycles. Political parties need to be spaces for policy and public interest dialogue that bring convergence of ideas and people. Political party strengthening will therefore serve to minimize gatekeeping and the tokenistic inclusion of youth and women. Moreover, if every political party is a government in waiting, then their internal structure and processes must be subject to scrutiny to ensure democracy and inclusiveness.

Political parties strengthening should therefore include:

▪ Policy dialogue for parties to develop democratic and inclusive party policies. The main party governance documents and policies should be gender responsive, espousing the meaningful centering of youth and women in main governance structures and processes. The rationale behind investing in political party strengthening is that if political parties are built as institutions, it means that there will be a commensurate investment in requisite structures and offices.

▪ There should be specific documented policy and strategic intentionality to enhance the candidacy of youth and women. Not more than two thirds realization principle and requirement of youth representation can be realized if all political parties put in place strategies to advance the election of youth and women. Alternative approaches include the adoption of policies to field a certain quota (say 50%) of youth and women in political party stronghold areas. Parties can sign MOUs committing to rotate certain constituencies for the exclusive candidature of youth or women.

vi. Technical support for the Political Parties Dispute Tribunal (PPDT) and the Off ice of the Registrar of Political Parties (ORPP)

▪ The ORPP and PPDT play a major role regarding the regulation of political parties and resolution of political party disputes respectively. Technical support, cooperation agreements and policy dialogues should be availed to their offices in order to enhance their ability to better support political parties and resultantly ease the participation of youth and women.

▪ The PPDT   should be supported in the amendment, finalization and dissemination of the Model Guidelines on Internal Dispute Resolution Mechanisms for political parties. These guidelines should include the perspectives of youth and women.

▪ The PPDT should raise awareness within political parties on the existence of PPDT and facilitate capacity enhancement on dispute resolution and alternative dispute resolution methods based on democratic principles (this is especially because not all members of PPDT are jurists/lawyers)

▪ The ORPP needs technical support, cooperation and policy dialogue on the state of political parties in Kenya. The political parties register needs to be audited and expunged of political parties that are not viable and especially those not espousing democratic and inclusive principles as guided by the Constitution and Political Parties Act.

▪ The ORPP is in a position to issue more normative guidance to political parties e.g. model guidelines on youth and women participation, therefore it must enact and administer policy and legal reforms to ensure free and fair women and youth's political participation at political party level. The ORPP must leverage its position to support the enactment of progressive laws and regulations such as: on the proper conduct of party primaries.

▶ vii. Consciousness Raising Through Dialogues

One of the clearest emergent findings is that there is a need to engage in various types of dialogues.

- **Citizen focused dialogues** are needed in order to raise citizen's consciousness on their need to engage and hold accountable civic and political processes. Currently, political parties and politicians are able to thrive in impunity because there lacks a critical mass to organize and demand for accountability. Hard-won constitutional freedoms such as the mandatory inclusion of youth and women were obtained through various constitutional dialogues and they can similarly be secured in the same ways. These dialogue forums can also be used to highlight the value and candidature of youth and women.

- The second type of dialogues should also be targeted at **potential youth and women political aspirants and civic leaders**. While the larger systemic challenges are acknowledged, there was nonetheless a consistent chorus from key informants that youth and women need to "show up" in reference to their need to actually approach and meaningfully engage civic and political parties for the long term (not just at elections time). This of course requires that there is a genuine space in political parties for youth and women leading up to the third type of dialogues. These types of dialogues should include a sub-set of specific **safe spaces for women only** given their disproportionate exposure to violence in public spaces which hampers their participation.

- The third type of dialogues are targeted at existing political actors and can take the form of **political parties' caucus**. Within the political environment, there exists political parties that are genuinely pursuing democratic and inclusive principles. These parties can form a caucus whose objective is to provide a platform to influence public interest, policy, dialogue and also serve as accountability platforms. It is recommended that this caucus is piloted using smaller democratically run parties.

▶ viii. Positive Media Engagement and Portrayal of Women in Politics

The media constitutes a large part of the social context within which women and youth political aspirants and leaders must navigate. With increasing changes in technology, the face of media has morphed from the long-standing traditional media to social media. At present, social media offers multiple avenues for meaningful and equal political participation. Therefore:

- Media houses and practices must adhere to gender-responsive practices and be held accountable for the negative portrayal of women affairs and women political leaders. Media must refrain from sexualizing women in politics and perpetuating gender stereotypes and sexism through coverage that focuses on their private life, physical appearance, personal background, marital status, and children (or lack therefore) of women politicians; as it serves to place women as belonging to the private and domestic space rather than the public space and leadership.

- Political and civic actors must engage the media and train them in their role in creating inclusive democratic governance through the positive portrayal of women political leaders.

- Women must be equipped with media and digital skills alongside lobbying and advocacy skills. Women and youth in political actors should harness the power of social media as a platform for increased political participation. Actors should support digital literacy initiatives and campaigns while the electorate should explore new ways of participating in politics through digital engagement.

In Conclusion

Women and youth's meaningful political participation and leadership are key to ensuring the democratic and inclusive governance of Kenya. They deserve equal representation and participation in the electoral, political, and decision-making processes without fear or prejudice. Dialogue that centers citizens particularly marginalized groups of people – women, youth, PWDs among others will strengthen political representation, participation, and democratic governance at the party and national level. It is in keeping with the Constitution, the Political Parties Act and a key feature for attaining legitimacy and democratic governance in Kenya.

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31   GT continuum: Gender unequal -> Gender blind -> Gender aware -> Gender responsive -> Gender transformative

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