



MZALENDO



OWNING THE SPACE

**THE INCLUSION AND PARTICIPATION OF WOMEN IN
KENYA'S 11TH AND 12TH PARLIAMENTS**



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FOREWORD

Women's inclusion and effective participation in Parliament is a key indicator to building an open and democratic society. It actualizes the right of all people to self-determination of their own future. Women's inclusion and engagement in decision ensures that all voices in the society; women's particular needs, interests and experiences are reflected and captured in the decision-making process. Supporting Parliament to respect, uphold and defend the Constitution of Kenya will work to ensure entrenched commitment to parliamentary roles and power as enshrined in Articles 93, 94, 95, 96, 97, 98, and 100. This impacts the lives of all citizens positively, with externalities such as the empowerment of women and girls.

At Mzalendo Trust, we believe that it is through Parliament that the laws are debated, passed and enacted, budgets appropriated, human rights guaranteed, and transparency is promoted. Women's political participation and leadership has been constrained by institutional or structural formations, entrenched patriarchy and cultural and attitudinal constructs that do not acknowledge the need to have women lead or participate in public spaces. Voters, the media, and even political parties are not absolved of the continued propagation of negative gender stereotypes about women's competence to run for political office.

This study has covered the practice of the electoral gender quotas as a strategy to improve women's participation and inclusion. In Kenya, there are reserved seats, candidate and political party quotas which have marginally increased the number of women in parliament. Our belief and vision is to have critical actors leverage on the existing gender quotas to further improve on women's 'descriptive representation'. It is also not lost on us that even with increased number of women in parliament; the enactment and compliance with the two-thirds gender law still faces a huge setback. The elected women parliamentarians continue to face obstacles in executing their constitutional mandate and this hampers their 'substantive representation'.

In conclusion, this report provides insights on how to strengthen Kenya's Parliament gender sensitivity. Some suggestions include adoption of gender mainstreaming strategies to ensure all bills, laws, policies and guidelines carry a gender lens; establishing dedicated gender equality infrastructure, such as a parliamentary committee on gender equality or even elevating the KEWOPA/KEWOSA caucus to be a parliamentary committee; and ensuring that linkages to gender equality advocates outside the parliament are strengthened and that communication is regular and institutionalised. This research is thus timely and relevant to the ongoing national discourses on Constitutional Review.

CAROLINE GAITA
EXECUTIVE DIRECTOR-MZALENDO TRUST

ABOUT THE RESEARCH

Mzalendo Trust is implementing a project titled, 'Civil Society Organizations Impact Kenya's Policy Making and Governance in 2019.' The project is aimed at deepening the linkage between the public and political actors to enhance access to information on Parliamentary decisions and further, document the contribution of special interest groups in Parliament. Outcome 1 of the project envisaged an increased involvement of the public in parliamentary roles of legislation, representation and oversight through increased level of citizens' knowledge on role of parliamentarians, citizen engagement with parliament, and MPs' engagement with citizens on the issues before the house. Outcome 2 targeted enhanced proactive and responsive sharing of information aligned to Parliament's role with CSOs through improved readily accessible parliament information to CSOs/citizens; parliament responsiveness to CSOs information requests; and working towards effective and responsive Standing Orders Guidelines on Access to Information. Lastly, Outcome 3 strived to conduct evidence backed research on the inclusion and participation of youth and women in the 11th Parliament.

This research is an assessment of the participation and inclusion of women parliamentarians in politics at national level with a reference to the 11th (2013-2017) and 12th (2018-2019) Parliaments. More information can be found at: <http://info.mzalendo.com/>

The front page picture is courtesy of the Star Online newspaper of 16th July 2019 (08:11 A.M.) discussing, 'MPs want to get rid of 47 Woman Reps'. *The MPs say move in line with implementation of the Constitution*. The proposal at committee stage sought to introduce clause ending elections for the seat after 2027. Women Parliamentarians fiercely opposed the proposals.¹

¹ <https://www.the-star.co.ke/news/2019-07-16-mps-want-to-get-rid-of-47-woman-reps/>

ACKNOWLEDGEMENTS

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ABBREVIATION AND ACRONYMS

APNAC	African Parliamentarians' Network Against Corruption
CoK	Constitution of Kenya 2010
CRAWN	Community Advocacy and Awareness Trust
CSOs	Civil Society Organizations
EAC	East African Community
IEBC	Independent Electoral and Boundaries Commission
ILA	International Institute of Legislative Affairs
KEWOPA	Kenya Women Parliamentary Association
KEWOSA	Kenya Women Senators Association
KI	Katiba Institute
KYPA	Kenya Young Parliamentarians' Associations
MMR	Mixed Member Representation
MP	Member of Parliament (Mostly associated with National Assembly)
NA	National Assembly
NGEC	National Gender and Equality Commission
ODM	Orange Democratic Movement
ORAL	Oversight, Representation, Appropriation and Legislation
ORPP	Office of the Registrar of Political Parties
PIN	Parliamentary Initiative Network
PPDT	Political Parties Dispute Tribunal
PR	Proportional Representation
PSC	Parliamentary Service Commission
SDG	Sustainable Development Goals
SSA	Sub-Saharan Africa
TI	Transparency International

Article 25 of the International Covenant on Civil and Political Rights (ICCPR) requires State Parties to the Convention to ensure that women's rights to *“participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government.* SDG Target 5.5 strives to ensure women's full and effective participation and equal opportunities for leadership at all levels of decision-making in political, economic and public life. Under SDG target indicator 5.5.1, the measurement of achievement is *‘Proportion of seats held by women in (a) national parliaments and (b) local governments’.*

This study on inclusion and participation of women in politics had the following objectives: to establish the participation of female MPs in advancing and executing their parliamentary functions; to gain insights into support given to women parliamentarians by stakeholders; and to generate information on best practices for structural interventions on election and representation of women.

In summary, the study concluded and recommended that Parliament should occasion the implementation of Election Campaign Financing Law, the Parliamentary Service Commission should improve on their support and empowerment of women MPs and the Political Parties Dispute Tribunal (PPDT) should be given final jurisdiction to determine cases arising from primaries so that justice is expedited and the will of the people respected. The Office of the Registrar of Political Parties can also lobby for revision of the political parties' public fund distribution formula.

The study also recommends that IEBC should create harsher penalties and strict action on those who perpetrate gendered violence; KEWOPA should be consultative and reach out to more stakeholders. This can be done through affiliation especially of male MPs who have embraced feminist ideals. It is also important for political parties to come up with voluntary party quotas and ensure free, fair and credible primaries. Further, CSOs to take an active role in holding the public offices to account especially on two-thirds gender rule. The Public requires civic and political education on merits of gender representation.

1. INTRODUCTION

1.1 Purpose of the Study

The main purpose of the study was to explore the journey of inclusion and participation of female parliamentarians in advancing and executing the three parliamentary functions of legislation, representation and oversight. Firstly, this study sought to highlight opportunities that exist and the barriers encountered in execution of their mandate as legislators.

Secondly, the research aimed to gain insights on support given to women parliamentarians by Parliament, and other stakeholders such as political parties, CSOs, Citizens/public, and media in executing their functions.

Thirdly, the study envisaged generating information on best practices for structural interventions by Parliament, Political Parties and by extension County Assemblies for effective and impactful nomination and election processes for women into parliament. Subsequently, findings from the research were to inform insights and recommendations for improving the design of such interventions.

The plate 1 below presents the pioneer women who went over the line to be elected as the first female governors and female senators in the general election of 8th August, 2017.



Plate 1: First Female Governors and Elected Senators in the 12th Parliament

The front row has Governors the late Dr. The late Dr Joyce Laboso (Bomet), Anne Mumbi Waiganjo (Kirinyaga), and Charity Ngilu (Kitui). The second row has Senators Hon. Margaret Kamar (Uasin Gishu), Hon. Susan Kihika (Nakuru), and Hon. Fatuma Dullo (Isiolo).

1.2 Study Design

This study was guided by a descriptive mixed-methods design. Both primary and secondary data were applied in generation of findings. For data collection and data analysis, both qualitative and quantitative approaches were used. In undertaking the study, the process was segmented into: Inception Phase; Desk Review Phase; Field Work Phase; and Summative Phase (Data Analysis and Reporting).

During the desk review phase, the following documents were considered: Parliamentary Hansard reports for each parliamentary session for Senate and the National Assembly during the 11th and 12th Parliaments, reports on the participation on voting in the assembly (Jan-Jun 2019, extended to previous years), annual reports for Parliament for both 11th and 12th Parliaments, petition trackers and other reports drawn from Parliamentary partners.

Secondary data was gathered key informants, including but not limited to, parliamentary staff, KEWOPA, selected women MPs, political parties' leadership, CSOs, the Registrar of Political Parties (ORPP) and IEBC.

1.3 Scope and Delimitation

The study focused on activities of the Parliament from 2013 to 2017², and extendedly to August 2017 to June 2019³. The research extended to gathering information on other jurisdiction of parliaments on female participation, nomination to the house, and election criteria. The best practices on nomination and election of female legislators at national level were incorporated into the draft. Cognisant of concurrent functions between the two houses, the study considered parliamentary contribution jointly between the Senate and National Assembly. The study, however, did not focus on partisan issues and affiliations and the role they play in shaping women MPs engagement. Any findings that were found to disparage women MPs or womenfolk were not admitted and not referred to in any part of the study.

2 11th Parliament

3 12th Parliament

2. LEGAL UNDERPINNING FOR GENDER RESPONSIVE REPRESENTATION

2.1 International and Regional Instruments

Article 2 (5) and 2(6) of the Constitution states that any treaty or convention ratified by Kenya shall form part of the law of Kenya under the CoK (2010).⁴ Kenya has ratified numerous treaties which partly seek to address issues of gender equality such as Universal Declaration of Human Rights (UDHR), the African Charter on Human and People's Rights (ACHPR), the Protocol to the African Charter on Human Rights on the Rights of Women in Africa, the Convention on the Elimination of all forms of Discrimination against Women (CEDAW) and the International Covenant on Economic, Social and Cultural Rights (ICESCR).

Article 21 of UDHR recognises the right of every citizen to take part in the government of their country either directly or indirectly. This includes women, youth, persons with disabilities, and other special or indigenous or marginalised groups. Further, Article 25 of the International Covenant on Civil and Political Rights (ICCPR) requires State Parties to the Convention to ensure that women's rights to "*participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government*". Additionally, ICCPR aims to eliminate discrimination against women and promote equality and equity. The Beijing Platform for Action Declaration (BPfA, 1995), identified the need for power and decision making structures that enable women especially the Right to Participation in Governance processes.

The Post-2015 Development agenda is gender transformative. The Sustainable Development Goal (SDG) 5 provides for States to achieve gender equality and empower all women and girls. Target 5.5 strives to ensure women's full and effective participation and equal opportunities for leadership at all levels of decision-making in political, economic and public life. The indicator for this target is '*Proportion of seats held by women in (a) national parliaments and (b) local governments*'⁵. Noteworthy, a new stand-alone indicator on women's representation especially at the local government level⁶ as means of implementation and enabler for SDG 5 exists thus to achieve the above objectives states will need to '*Adopt and strengthen sound policies and enforceable legislation for the promotion of gender equality and the empowerment of all women*'

Under the Protocol to the African Charter on Human Rights on the Rights of Women in Africa, (Maputo Protocol), women and men are equal before the law and shall have the right to equal protection and benefit of the law⁷. Further, State Parties are obligated under the Charter to take specific positive action to promote participative governance and the equal participation of women in the political life of their countries through affirmative action, enabling national legislation and other measures⁸.

According to African Charter on Human and People's Rights, States are required to ensure elimination of discrimination against women and also ensure the protection of the rights of the woman.⁹ At the Regional level, there is an agenda on gender embedded in the African Union and the East African Community levels. A cross examination of the inherently patriarchal nature of the Kenyan society reveals a trend where women have either been subtly discounted from the mainstream society or out-rightly discriminated against by the law in many spheres of life right from the pre-colonial, colonial and post-independence

4 Article 2 (6) Of the Constitution of Kenya 2010

5 SDG 5.5.1 (a) and 5.5.2(b)

6 Bereviescu Ionica (2018), 'New SDG Indicator on Women's Representation in Local Government'. <http://iknowpolitics.org/en/comment/19183#comment-19183>

7 Article 8

8 Article 9

9 Article 18 (3).

periods. Throughout history women have had poor access to education compared to men, controlled significantly lesser resources as well as been more vulnerable to social, economic and political shocks.

2.2 Kenya's Gender Responsive Policies, Laws and Framework

Article 100 of the Constitution classifies women as one among the marginalized groups. The right to equality according to the Constitution is interpreted as the requirement of the elimination of historically rooted patterns of prejudice, discrimination and disadvantages that contribute to the subordination of women.

In addition, Article 91 of the Constitution provides for basic requirements for political parties. Every political party shall (a) respect the right of all persons to participate in the political process, including minorities and marginalised groups; (b) respect and promote human rights and fundamental freedoms, and gender equality and equity; and (c) promote the objects and principles of this Constitution and the rule of law. The performance of political parties on gender representation could be evaluated based on the review of the Political Parties Act, 2011.

2.3 National Gender Agenda Programmes and Mechanisms

The State Department responsible for Gender Affairs is mandated to implement National Special programmes aimed at women's economic empowerment. Some of the programmes include Uwezo Fund and Women Enterprise Fund (WEF). At the National Assembly, the women county MPs are mandated with oversight of the National Government Affirmative Action Fund (NG-AAF) which has programmes that target women empowerment. The Vision 2030 has a gender equity and equality lens and advocates for gender responsiveness in state appointments and decision making under pillar three. The National Gender and Equality Commission (NGEC) was established under Article 59 of the Constitution and created by an Act of Parliament and tasked with the responsibility to advance gender equality and mainstreaming within Kenya.

The IEBC is a key institution in improving the representation of women in Kenya. The IEBC is mandated to regulate the conduct of political parties in Kenya; oversee and conduct elections; and audit the political party nomination lists to ensure inclusivity and gender representation adhering to the not more than two-thirds sensitivity and responsiveness.

Article 90(2) (b) states that the IEBC shall be responsible for the conduct and supervision of elections for seats provided for under clause (1) and shall ensure that-except in the case of the seats provided for under Article 98(1) b, each party list comprises the appropriate number of qualified candidates and alternates between male and female candidates in the priority in which they are listed- Constitution of Kenya, 2010

The Office of the Registrar of Political Parties (ORPP) is instrumental in regulating political parties as well as monitoring party activities especially the party lists emerging from different political party practices.

2.4 Two-Thirds Gender Question

The Two-Thirds gender question has been problematic since the promulgation of the Constitution of Kenya, 2010 and has been a subject of great discourse. Two-Thirds nagging questions remain unanswered. Is the two thirds gender rule provision in the constitution a principle, a value or a rule? *Is the implementation of the two-thirds gender rule immediate or progressive?* The Supreme Court of Kenya in 2012 in the

advisory opinion sought by the Attorney General of Kenya¹⁰ ruled that the two- third gender rule should be progressively implemented and be fully realized by August 2015, a directive that was never adhered to.

Is it a principle or a value? When the Supreme Court held that the two- thirds gender rule could only be realized progressively and that it could not be applied in the 2013 General elections, it arguably gave the impression that the rule was not absolute and could be applied only as an aspirational value or constitutional principle. The gender disparities witnessed in the country in the past did not persuade the Supreme Court to uphold a rule not in the nature of socio-economic rights to be “progressive?” The Supreme Court effectively watered down one of the greatest weapons that could be used to sustain gender equity as a national value and principle in Article 10. The rule was arguably transformed into a value and a principle yet the drafters of the Constitution and “*We the People of Kenya*” intended it as a rule.

It was expected under the Constitution that Parliament comprises at least one third women. After two consecutive general elections, this has not been realized. Through the Constitution of Kenya (Amendment) Bill, 2018¹¹, Hon. Aden Duale the Majority Leader in the National Assembly in the 11th and 12th Parliament sought to give effect to the two-thirds gender rule. The Bill was shot down. In 2019, the two-thirds Gender Bill was introduced and it flopped. This rejection of the bill by Parliament caused an uproar across parliament and the other civil society actors. The opponents of the bill based their arguments on shambolic political party lists that are laced with nepotism, poor portrayal of women leadership, and lack of appreciation of women who laboured hard to get elected in single member constituencies. The supporters of the 2/3rd Gender bill have indicated that it provides an opportunity to promote affirmative action in political party nominations.



Narc Kenya Party Leader Martha Karua was among those who argued that the move was crucial to cure short changing of women by political parties during nominations, “Where does this put Kenyans if Parliament decides to throw out the amendment against the wishes of Kenyans who came out to support the constitutional provision which bars more than two thirds of the members of elective public bodies being of the same gender.”

Currently, there are various initiatives that have presented their views in amendments of the constitution and made an emphasis on gender representation in elective positions.

It was expected under the Constitution that Parliament comprises at least one third women (critical mass). After two consecutive general elections, this has not been realized. Through the Constitution of Kenya (Amendment) Bill, 2018, No 4 of 2018, Hon. Aden Duale the Majority Leader in the National Assembly in the 11th and 12th Parliament sought to give effect to the two-thirds gender rule, principle or value through the creation of special seats. The Bill was shot down. In 2019, the two-thirds Gender Bill was introduced and it flopped. This rejection of the bill by parliament caused an uproar across parliament and the other civil society actors. The opponents of the bill based their arguments on shambolic political party lists that

10 In the Matter of The Principle of Gender Representation in the National Assembly and the Senate [2012] Petition No. 2 of 2012
11 No 4 of 2018

are laced with nepotism, poor portrayal of women leadership, and lack of appreciation of women who laboured hard to get elected in single member constituencies. The supporters of the 2/3rd Gender bill have indicated that it provides an opportunity to promote affirmative action in political party nominations.

2.5 Supplementary Laws on inclusion of Women

Elections (Party Primaries and Party Lists) Regulations, 2017 provides for the political nomination procedures for their aspirants. It outlines the process for conducting of party primaries and preparation of party lists by political parties, preparation of party nomination rules and procedures and nomination code of conduct. These regulations provide for composition and functions of Political Party Election Boards and help to level the playing field for marginalised segments of the society such as women, youth, persons with disabilities and the ethnic minorities. The regulations are instrumental in addressing the submission of party membership lists, submission of names of persons nominated to contest in elections, employment of complementary mechanism in identification of voters and transmission of results.

The general requirements for the submission of party lists are guided by The Constitution 2010 (especially Article 90 and 100), The Elections Act, The Elections (Amendment) Act, 2012, The Elections (Amendment) (No. 2), The Political Parties Act, 2011 as well as the party constitution and the party nomination rules.

Rules of Procedures on Settlement of Dispute, 2012, provides for resolution and settlement of disputes arising out of nomination of candidates, registration of votes and violation of the electoral code of conduct. In addition, Election Offences Act, 2016 was enacted to identify common election offences and prescribe penalties to be meted upon offenders found culpable for the said offences. The Political Parties Act, 2011 provides for the formation of Political parties, requirements of political parties, registration, deregistration, membership and organization, rights and privileges of political parties, funding of political parties, and offences, prescription of their code of conduct and the establishment of the National Consultative Forum.

3 REPRESENTATION OF WOMEN PARLIAMENTARIANS

3.1 Introduction

The section presents the patterns and trends of women representation in national parliament with a special focus on Kenya's 11th and 12th Parliaments.

3.2 Global Patterns and Trends in Women Representations

The representation of women in national parliaments globally varies. The Scandinavian countries have higher women representation at National Parliaments comparatively: Norway (41%), Netherlands (36%), Denmark (37%), and Iceland (38%). The other World leaders such as Canada, Germany, Italy, Portugal and the United Kingdom were found to be above the global average of 24%. The United States of America lags behind most of the global power economies in terms of women representation in the House of Representatives and Senate.

Figure 1 presents the proportion of women representatives at national level parliaments.

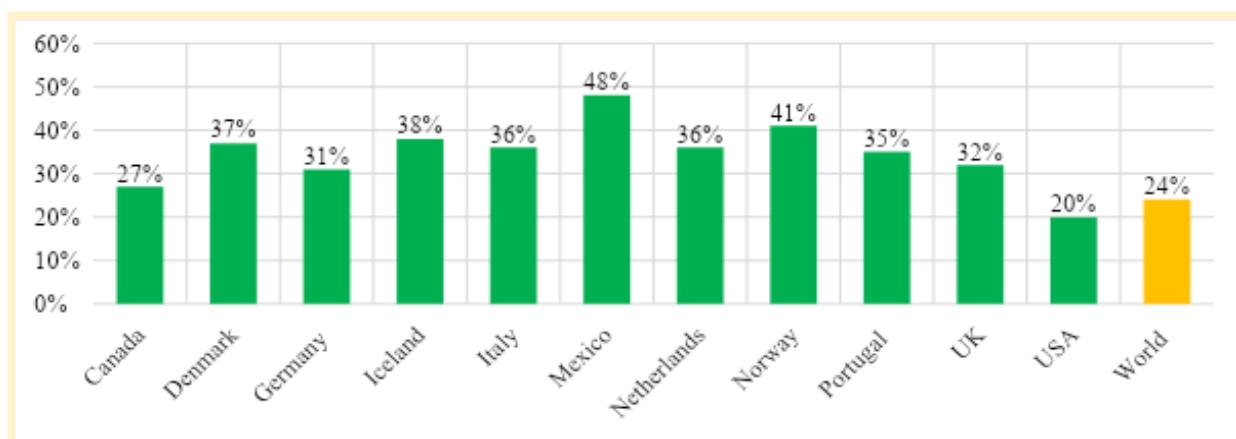


Figure 1: Selected Countries on Female Representation in Parliaments (2018)

At the global and Sub-Saharan African level, the representation of women in national parliaments is averaged at 24% (as shown below). East African Community average on gender representation was found to be 37% inclusive of Rwanda and which is above the global and SSA.

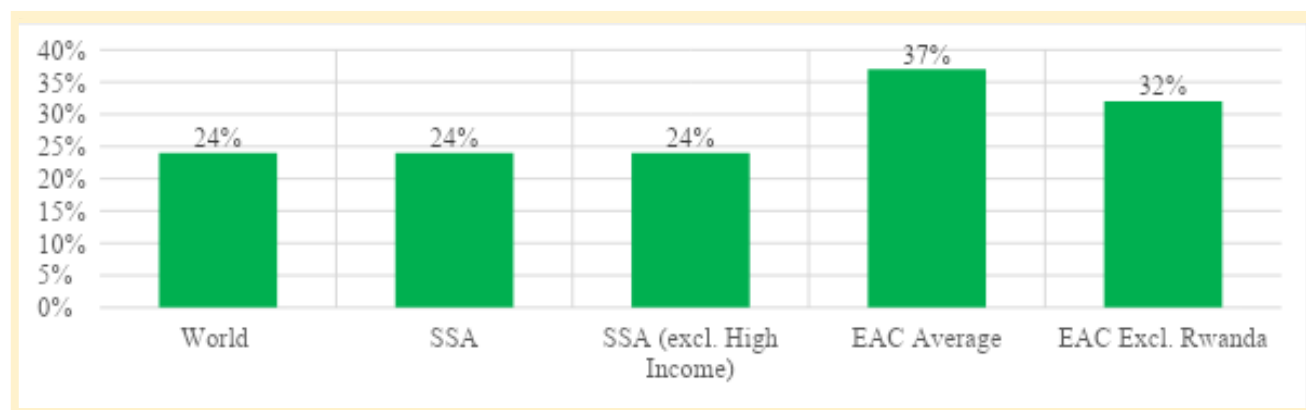


Figure 2: Comparison of Women Representation in the World and SSA (2018)

The study assessed the trends of the EAC countries in the women representation and compared to Kenya.

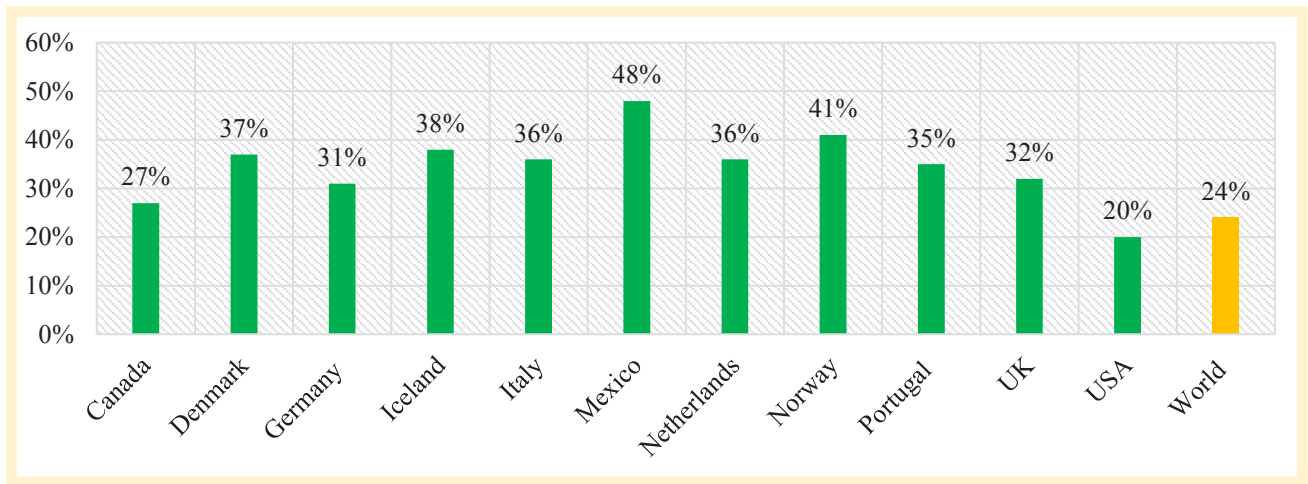


Figure 3: Kenya and EAC Countries on Women Representation

Kenya lags behind the other East African Countries. On average, the EAC countries excluding Rwanda were 32%. Rwanda has the highest women representation in the world.

The figure below presents the trends and patterns of the proportion of women representation in Global, SSA and Kenya.

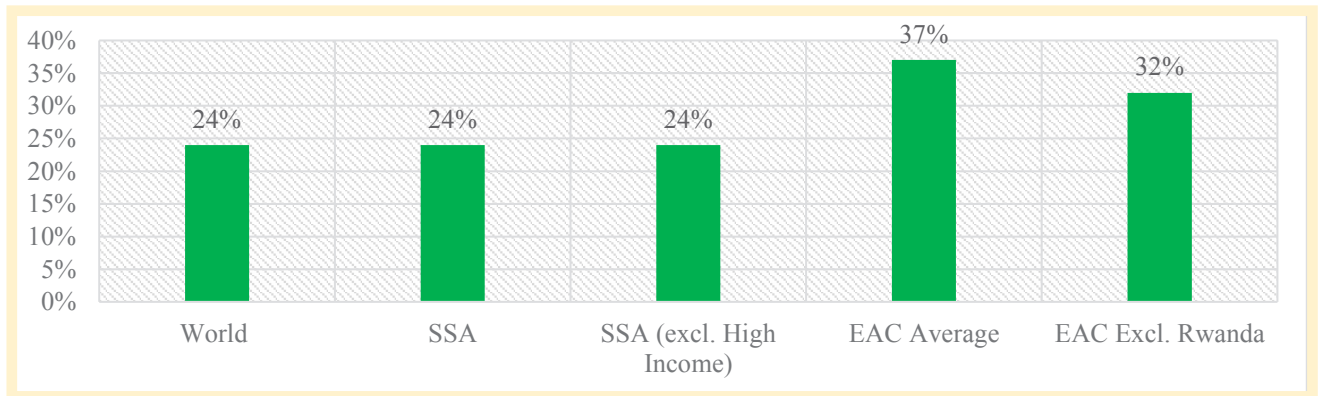


Figure 4: Trends in Women Proportional Representation at National Parliaments

There is a systematic pattern of women representation globally. There is an increasing trend between the women representatives in the world, SSA and Kenya. The patterns of increment are similar with a near convergence at 24%.

Figure 5 presents the trend of Kenya's election of women in Parliament post 1995 and with exclusion of the introduced affirmative action seats.

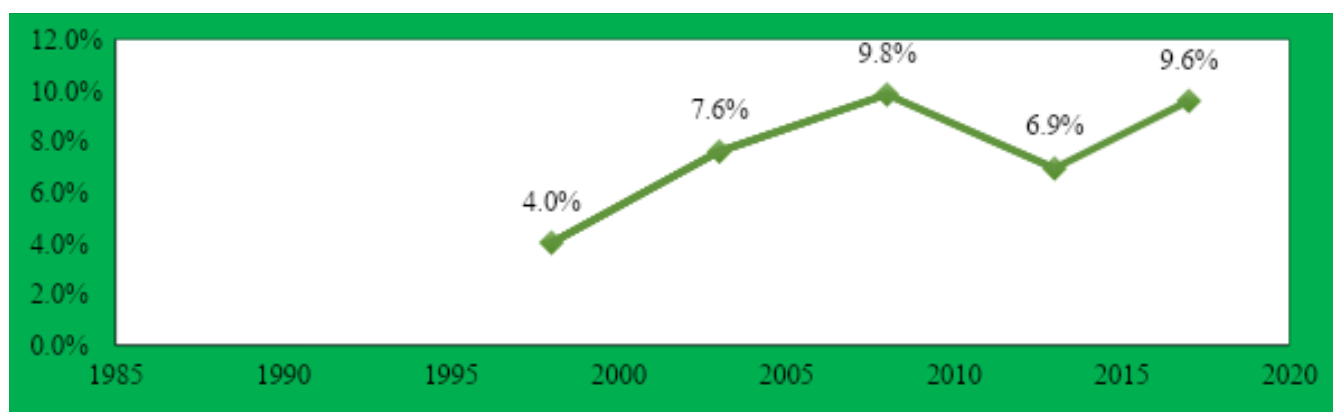


Figure 5: Trend on Women in National Assembly Excl. the Affirmative Action Seats

Findings show that there was a steady rise from 4.0% immediately Post-Beijing to high of 9.8% in 2008. In the 2013 election which was the first under the promulgated Constitution 2010, the proportional representation of women elected in single member constituencies was slumped by 2.9%. In the year 2017, there seems to be restored to proportion to 9.6% and represented an increase to 2.7%. In 2013, the perception of electorates was that women were already allocated their special seats and thus needed not to compete with the women. With two women representatives and two nominated women senators and one MCA switching to non-affirmative action seats, the numbers began to increase.

Table 2 presents the trends of women representatives in Kenya since independence.

Table 2: Trends of Numbers of Women in Parliament from 1963-2018

Electio n	Sessional Parliament	Total women (NA)	Single Member Constituenc y	Women Rep Affirmative Action (NA)	Women Elected Senate	Women Nominate d (NA)	Women Nominate d Senate
1963*	1 st	0	-	-	0	-	0
1969	2 nd	2	1	-	-	1	-
1974	3 rd	5	4	-	-	1	-
1979	4 th	6	5	-	-	1	-
1983	5 th	3	2	-	-	1	-
1988	6 th	2	2	-	-	-	-
1992	7 th	6	6	-	-	-	-
1997	8 th	9	4	-	-	5	-
2002	9 th	17	9	-	-	8	-
2007	10 th	22	16	-	-	6	-
2013*	11 th	86	16	47	0	5	18
2017*	12 th	96	23	47	3	6	18

Source: Extracted from Parliamentary Records

The nominations for women have been increasing over the years. At the moment in the National Assembly, it is a 50:50 in nominations for the 12 nominees for special interests based on political party strengths.

During the interview with the Registrar of Political Parties, she stressed the need to have political Party lists generated from election or in form of an Electoral College. Most parties did not provide a traceable way of getting the names of members to be included in the party lists. She stated that the article in the

Constitution¹² and the Elections Act of 2011 contemplated a process for admission into party list not just having a list. Noting that there is a need to enforce the law and emphasise on guidelines for coming up with the party lists, the Registrar proposed that that the best practice would be to have persons who competed in the immediate elections and have garnered at least 25% of the total cast votes in the constituency, county or wards and their contribution to the political party.

The nomination list should be prepared post the elections, giving preference to women who have supported political parties as mobilizers.

The figure 6 presents the trend of promotion of elected Women Parliamentarians in Post Independent Kenya since 1969.¹³

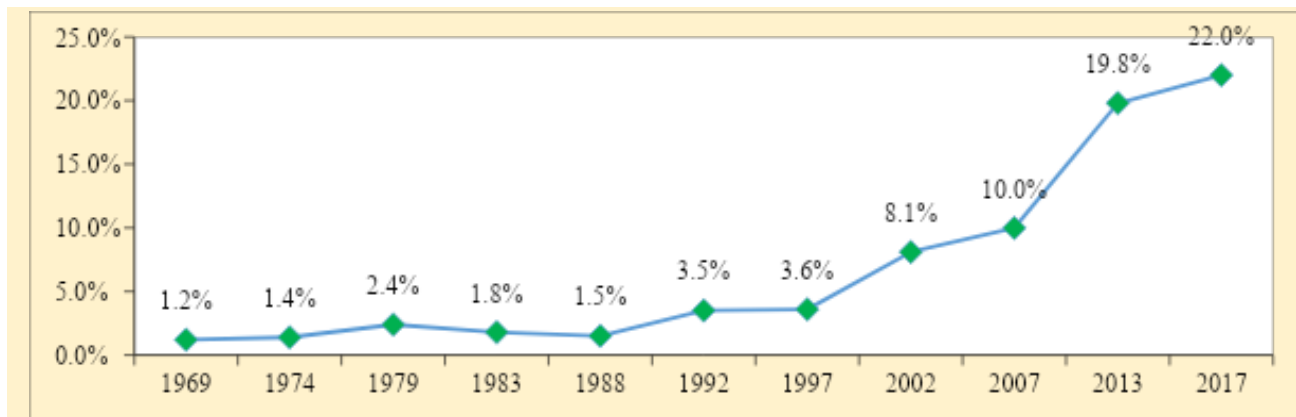


Figure 6: Trend of Proportion of Elected Women in Post Independent Kenya

Findings shows an increase in the number of women elected in post independent Kenya. There was a rise in the election of 2013 because of inclusion of senate women nomination quota and the affirmative action. The last two elections post 2010 Constitution did not meet the 2/3rd gender principle in representation.

Based on the table above, it is worth pointing out that women parliamentarians take up about 16.5 per cent of the seats in parliament. Therefore, in examining the contribution of women parliamentarians in the 11th and subsequently the 12th parliament, the following factors are identified as key in impacting actions and decisions by women MPs.

The table 3 presents the elected women leaders by the counties and their parties.

Table 3: Elected Women in the National Assembly (12th Parliament)

COUNTY	CONSTITUENCY	Party	MP	
1	Mombasa	Likoni	ODM	Mboko Mishi Juma Khamisi
2	Kilifi	Malindi	ODM	Aisha Jumwa Katana
3	Taita/Taveta	Taveta	JP	Naomi Shaban
4	Garissa	Ijara	PDR	Noor Sophia Abdi
5	Kitui	Kitui South Kitui West	JP WDM-K	Nyamai Rachael Nyamai Edith Nyenze
6	Makueni	Kibwezi West	WDM-K	Mbalu Jessica Nduku
7	Muranga	Kigumo Kandara Maragua	JP JP JP	Mwaniki Ruth W. Wahome Alice Muthoni Mary Wamaua
8	Kiambu	Gatundu North	JP	Kibeh Annie Wanjiku

12 Article 90

131963 election was ignored for lack of women.

9	Samburu	Samburu West	KANU	Lesuuda Josephine Naisula
10	Uasin Gishu	Turbo	IND	Janet Sitienei
11	Laikipia	Laikipia North	JP	Korere Sarah Pauline
12	Nakuru	Njoro Naivasha Gilgil	IND JP JP	Chepkwony Charity Kathambi Kihara Jayne Njeri Wanjku Wanjira Martha Wangari
13	Kajiado	Kajiado East	JP	Tobiko Peris Pesi
14	Bomet	Bomet East	JP	Kones Beatrice Pauline Cherono
15	Homa Bay	Rangwe Kabondo Kasipul Suba North	ODM ODM ODM	Gogo Lilian Achieng Obara Eve Akinyi Odhiambo Millie Grace Akoth
16	Nairobi City	Kasarani	JP	Gakuya Mercy Wanjiku

Only 16 counties have produced women elected leaders in single member constituencies, this represents 34%. The counties with constituencies that have never elected women in single member constituencies or senate in the last 4 elections were 24. This represents half of the proportion of all the counties (table 5). There were 2 women representatives who shifted to be elected in single member constituencies of Likoni and Malindi in Coastal Kenya. The study also found there were 3 women who were elected as independents in single member constituencies of Turbo, Njoro, and Kasarani. Additionally, the study found 3 former nominated MPs who now vied and got elected to represent the single member constituencies of Suba North (Mbita), Gilgil, and Ijara.

3.2.1 Women Candidates Participation in Elections

This subsection presents the participation of women in elections by their political parties. The table 4 shows the number of women elected per political party.

Table 4: Women Parliamentarians Elected to National Assembly 2013

Party	Female	(Per cent) %	Male	(Per cent) %	Total
TNA	8	11.11	64	88.89	72
UDM	2	10.53	17	89.47	19
URP	3	4.83	59	95.17	62
ODM	1	1.28	77	96.72	78
KANU	1	14.29	6	85.71	7
NARC	1	33.33	2	66.67	3
Total	16	5.50	274	99.50	290

Source: Gender Audit Report 2014

Table 5 presents the number and proportion of women who participated as candidates of 2013 election.

Table 5: Women Senator Election Candidates and Quota Nominees 2013

Party	Party Candidates 2013	Nominated (Quota Seats) 2013	Proportion Per Party
TNA	3	4	25%
WDM	2	1	6%
URP	-	3	20%
NARC-K	3	-	
ODM	2	4	25%
KANU	-	1	6%
UDF	-	1	6%
NARC	1	-	
KADU ASILI	1	-	
APK	-	1	6%
FORD-K	-	1	6%
IND	1	-	
Total	14	16	

Source: Gender Audit Report 2014

Findings show that there were parties that did not have female senator aspirants but got nomination slots. NARC-K which had three senate aspirants was not covered by the formula. Parties who had leading presidential and deputy presidential candidates were more likely to get nominees in Senate. Findings further illustrate that the political parties forming the two major political coalitions of Coalition for Reforms and Democracy (CORD) and The National Alliance got most of the slots.

Nominations for both Senate and The National Assembly has not augured well with some stakeholders especially those in civil society. There is a general feeling that most of the women nominated do not understand what it means to represent special interests. Equally, even for men nominated there is some bias laced with nepotism and unmerited nominations. The following excerpts present the voices of dissent on the situation of nomination in parliament. In defence of non-seasoned politicians nominated women, CSO rep I say:

The public wrath towards nominated women is unfair since men are also nominated under ambiguous circumstances. Why were Hon. Oburu Odinga and Hon. Beth Mugo nominated, except that he is Raila's brother or being a relative to the President? There have been allegations of girlfriends having been nominated. The nominated women have in essence worked very hard for the political parties. IEBC never published the formula used to select the nominated MPs from the

In terms of nominating women to represent special interest groups in parliament, political parties have no clear guidelines for doing this. There is missing objectivity in the selection of candidates for nomination, the threshold is not clear. Some of the nominated women members of the National Assembly and the Senate have no idea about the special interest groups they are there to represent. Generally, the individuals nominated do not represent the marginalized groups and affirmative action- Key Informant from CSO Representative II

Table 6: Political Candidates Participants and Elected in 2017

POSITION	Male	Female	Total	Proportion of women participants	Elected Women	Proportion of elected women
President	16	1	17	5.9%	0	0.0%
Governor	211	9	222	4.1%	3	33.3%
Senator	346	58	402	14.4%	3	5.2%
NA	1479	120	1599	7.5%	23	19.2%
Women Rep	-	268	286	100%	47	-

Source: Data extracted NDI/FIDA Gender Analysis of the 2017 Kenya General Elections

Through desk review, this study established that there was an increase of 29% of women candidates in the 2017 general election compared to 2013. In the same period the male candidates only increased by 13%. The proportion of women elected to office of all female candidates was 13% in spite of the tightened competition. This study equally established that there was 18% reported increase in the number of women elected to office in 2017 compared to 2013 (see table 7).

Table 7: Key Women Election Change Indicators in 2017

Indicator	Metric
Proportional increase in women candidates between 2013-2017	29%
Proportional increase in male candidates competing in the 2017 election	13%
Percentage of women elected to office, out of all female candidates	13%
Proportional increase in the number of women elected 2013-2017	18%

The table 8 has highlighted the counties have low tendencies to elect women in single member constituency open seats.

Table 8: Counties with Low Tendencies to Elect Female Members of NA

Counties	Never Elected/Lo w Tendency	Elected before 10 th in Non-Affirmative Seats	Counties with high tendency to Elect Women	Emergent Counties on women election
Migori, Kisii, Nyamira, Vihiga, Kakamega, Bungoma, Trans Nzoia, Kericho, Narok, Nyandarua, Meru, Tharaka Nithi, Wajir, Mandera, Marsabit, Turkana, West Pokot, Tana River, Lamu, Nandi and Kwale	√ (21)			
Siaya, Kisumu, Busia, Machakos, Kirinyaga,		√ (5)		
Homa Bay, Makueni, Bomet, Nairobi, Muranga, Nyeri, Kitui, Kajiado, Uasin Gishu, Taita Taveta, Mombasa, Kilifi, Baringo, Elgeyo Marakwet, Kiambu, Nakuru, and Embu			√ (17)	
Laikipia, Samburu, Garissa, and Isiolo				√ (4)

Source: Based on Parliament and Assorted Research Work.

A further study may be needed to understand why some counties have not been able to elect women in recent years.

3.3 Lessons from other Jurisdictions: Use of Quotas as a Model or Women Inclusion.

The Constitution has put in place measures to ensure that historically marginalised groups participate equally in governance and obligates the state to establish affirmative action measures to ensure marginalised groups participate and are represented in governance and other spheres of life. Art 90 of CoK 2010 read with Art.97 (1)(b) and 98(1)(b)(c)(d) provide for the allocation of Party lists with special seats for women, youth and PWDs for both parliament and county assembly, with gender equality as key governance principle.

Article 27(8) of the Constitution states that the 'State shall 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.' Furthermore, Article 81 (b) stipulates 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'. The Constitution has reserved 47 seats in the National Assembly for women elected from 47 counties, with each county constituting a single-mandate constituency.

Article 97 of the Constitution provides for the National Assembly consisting of 290 elected members, each elected by voters of single-mandate constituencies, and 12 members nominated by political parties to represent special interests including the youth, persons with disabilities and workers. Except in the case of the seats reserved for women, each party list representing special interests (youth, persons with disabilities and workers) should comprise the appropriate number of qualified candidates and should alternate between male and female candidates in the priority in which they are listed.¹⁴

14 Article 90 (2) (b); Article 36 (2) of the Elections Act 2011

15 Article 25 (2)(b) Political Parties Act, 2011

Is there a provision for direct public funding to political parties related to gender equality among candidates? For Kenya, the answer is in the affirmative. One of the conditions for public funding the political parties is to have not more than 2/3rd of the elected officials being of one gender.¹⁵ Additionally, as described by the Registrar of Political Parties, there is a provision for other financial advantages to encourage gender equality in political parties. The funds are earmarked to promote gender activities within respective counties. In the Senate, there are reserved quota seats.

The Senate is established in accordance with Article 98 of the Constitution and is composed of 47 members elected from single-mandate constituencies (counties); 16 seats allocated to women members, nominated by political parties according to the proportion of seats won in the Senate; 2 seats to members representing the young (one woman and one man); and 2 seats to members representing persons with disabilities (one woman and one man). - Constitution of Kenya 2010

Reserved-seat quotas have been used worldwide as a measure to get more women in parliament. However, they are meant to be temporary until women can compete with men for open seats using their quota experience. The Kenyan model for quota allocation allows for ranking of the candidates based on the party lists. Save for the case of the seats reserved for women, each party list representing special interests comprises the appropriate number of qualified candidates and alternates between male and female candidates in the priority in which they are listed.¹⁶

In benchmarking with other practices, Kenya was found to be striving to make political parties work. The general aspiration both in law and practice is to strengthen political parties to meet their constitutional 2/3rd rule through voluntary political party quotas. Case scenario 1 for learning is Mozambique where FRELIMO has applied gender quotas since 1994. The party requires 40% of candidates and local government to be women. This voluntary political party system is complemented with the commitment to balance the distribution of men and women through the lists. As at 2018, FRELIMO held 191 seats out of the total 250 in the national assembly. This in essence accounts for more than a three-fourths majority. The FRELIMO party has clear nomination distribution quota

for elections: minimum quota of 30% for females; 25% for youth, and 10% for freedom fighters. This guarantees the election of FRELIMO women and youth representatives in all bodies and at all levels.

The second case scenario is the United Kingdom (UK). Different political parties have their formulas, the Article 2.5 of the Federal Constitution of the Liberal Democrats, 2018 says, *“Whenever this Constitution provides for the election by party members to a Federal Committee, not less than 40% or, if 40% is not a whole number, the whole number nearest to but not exceeding 40% of those elected shall self-identify as men or non-binary people, and self-identify as women or non-binary people respectively”* The UK’s Labour Party is committed to a 50% of all winnable parliamentary seats and will select from All Women Shortlists. In the UK, there is no gender incentive for public financing of the political party.

The third case scenario is Tanzania. *Women members must not make up less than 30% in the National Assembly. The special seats for women are distributed among the political parties in proportion to the number of seats awarded to them in parliament*¹⁷. In Tanzania, the National Assembly houses 350 members. These numbers are distributed as: 102 for reserved women seats, 239 elected members from single member constituencies, 7 appointees of President, 5 Zanzibar representatives (2 women and 3 men), and the attorney general. *‘Every Political Party which contests Parliamentary elections may propose and submit the Commission names of eligible women candidates for nomination of Members of*

16 Article 90 (2)(b); Article 36 (2) of the Elections Act 2011

17 Constitution of Tanzania Article 66 (1)(b); Article 78 (1)

Parliament for Women Special Seats' (Elections Regulations 2010, Article 86A (2)). As practice, the Tanzania electoral practice has ranking order and placement rules. *'The names of the women candidates proposed to the Commission shall be in order of preference'* (Elections Regulations 2010, Article 86A (4)). The Tanzanian quota system does not have incentive for gender targeted direct political funding. The ruling party Chama Cha Mapinduzi (Revolution Party) in its manifesto 2005 (p127), section 204 of the 2010 CCM Manifesto set out to attain 50% women representation in all elective bodies by 2015.

Scenario case 4 is Uganda. Article 78 (1) of the 1995¹⁸ Constitution stipulates that the parliament shall consist of 1 women representative for every district. There are 112 districts in Uganda. In Uganda, the parliament is composed of 238 constituency representatives; 112 district women representatives directly elected by all voters on a special ballot in each district (for women candidates only); 10 representatives of the Uganda People's Defence Forces, of whom 2 must be women; 5 youth representatives, of whom 1 must be a woman; 5 representatives of persons with disabilities, of whom 1 must be a woman; and 5 representatives of workers, of whom 1 must be a woman (Article 8 of the Parliamentary Elections Act, 2005). Uganda too has no special public funding incentive for political parties on account of gender.

Vibeke and Mi Yung (2018) presented a contrast between the Tanzania and Uganda gender quota models that were adopted in 1985 and 1989 respectively. The two countries use different mechanisms to recruit reserved-seats members of parliament (MPs). In a comparison on facilitation of transfer to non-quota seats for sustainable women's representation, Tanzania model was found to be superior as it compartmentalises quota MPs in reserved seats¹⁹. This model is different from the Uganda and probably the Kenyan model that at the moment creates a gendered perception. There is a general misconception that open constituencies are a reserve of males and quota seats are for females-as if each sex has a distinct category of parliamentary seats²⁰. Such perception potentially could hamper women's shift to non-quota or open seats during party nominations and elections. In Tanzania, the quota system is temporary and subject to review after years. In Kenya, there is a sunset clause of 20 years in the constitution after the first election into the Constitution 2010. This means in the elections of 2033, there may be no women representative seats quota in Parliament. In Tanzania, where there is no separate universal election to elect special-seat MPs, constituency seats are not perceived as 'men's seats', because the quota design does not generate a perception that one election is to elect men and the other is to elect women. As a result, crossovers appear to cause few objections. According to Vibeke and Mi Yung (2018) report, the former special-seat MPs whom they interviewed had switched their constituencies, expressed the willingness to support switching MPs with good track record on community service.

Scenario case five presents the South African practice. The system of South Africa is on proportional representation with more emphasis laid on political parties. In the elections for local councils, parties must seek to ensure that 50% of the candidates on the party list are women²¹. There are voluntary political party quotas applied. In the 2006 local elections, ANC adopted a 50% gender quota. This was replicated and adopted in the national elections of 2009. The party statute reads: 'the provision of a quota of not less than fifty per cent of women in all elected structures'.²² Currently, ANC has won 264 seats in the national assembly, little less than two-thirds majority.

The best practice for women representation in the National Assemblies has been the use of quota system. The study did not find significant differences between countries with bicameral systems and those with unicameral systems. The countries with political party voluntary quotas had female representation above 30%. In Kenyan case, only fringe parties were found to have these quotas and most of them were non-parliamentary parties.

18 Republic of Uganda 1995: article 78

19 Vibeke, W., & Mi Yung, Y. (2018, June). Recruitment Mechanism for Reserved Seat for Women in Parliament and Switches to Non-Quota Seat: A Comparative Study of Tanzania and Uganda. *The Journal of Modern African Studies*, 56(2), 299-324.

20 *ibid*

Table 9 presents trends on gender quota for women representation in selected National Assemblies.

Table 9: Trends on Gender Quota for Women Representation in National Assemblies

	County	Parliament type	Legislated Quotas			Voluntary Party Quotas	National Assembly			Quota type	Election year
			Lower House	Upper House	Sub-National		Total	Women	%		
1	Kenya	Bicameral	Yes	Yes	Yes	Yes	350	76	22	Reserved seats	2017
2	Uganda	Unicameral	Yes	-	Yes		465	160	34	Reserved Seats	2016
3	Tanzania	Unicameral	Yes	-	Yes	Yes	393	145	37	Reserved seats	2015
4	Angola	Unicameral	Yes		Yes	No	220	66	30	Legislated Candidate Quotas	2017
5	Mozambique	Unicameral	No	-	No	Yes	250	99	40	Not legislated	2014
6	Angola	Unicameral	Yes	-	Yes	No	104	48	46	Not legislated	2014
7	South Africa	Bicameral	No	No	Yes	Yes	398	182	46	Not legislated	2019
8	Portugal	Unicameral	Yes	-	Yes	No	230	82	36	Legislated Candidate Quotas	2015
9	Norway	Unicameral	No	-	No	Yes	169	69	41	Not legislation	2017
10	United Kingdom	Bicameral	No	-	No	Yes	650	208	32	Not legislated	2017
11	Sweden	Unicameral	No	-	No	Yes	349	161	46	Not legislated	2018
12	Canada	Bicameral	No	No	No	Yes	338	90	27	Not legislated	2015
13	Chile	Bicameral	Yes	Yes	No	Yes	155	35	23	Legislated Candidate Quotas	2017
14	Germany	Bicameral	No	No	No	Yes	709	219	31	Not legislated	2018

Source: Extracted NDI Global Quota Report.

21 Local Government Act, Schedule 1, Section 11 [3]; Schedule 2, Sections 5 [3] & 17 [5].

22 ANC Constitution, Article 6 [1]

4 PARTICIPATION AND CONTRIBUTIONS OF WOMEN MPS IN THE 11TH AND 12TH PARLIAMENTS

4.1 An overview of Women MPs' Contribution in the 11th and the 12th Parliament

In 2015, Mzalendo Trust conducted a study entitled '*Debunking Myths: Women's Contributions in Kenya's 11th Parliament*' which focused on 11th parliament from March 2013 and 30th June 2015. The report relied on the official verbatim house debate records captured in the Hansard. The study established that the women parliamentarians in the 11th Parliament were fulfilling their constitutional mandate by sponsoring bills, tabling motions, requesting statements and issuing petitions.

This trend seems to have continued throughout the 11th Parliament and in the first two years of the 12th Parliament. In total, female members in the National Assembly and Senate were able to sponsor 31% and 40% of the Bills and Motions respectively. The performance in the 11th parliament for individual parliamentary contribution was hampered by more bills sponsored by the Government to operationalise the Constitution 2010.

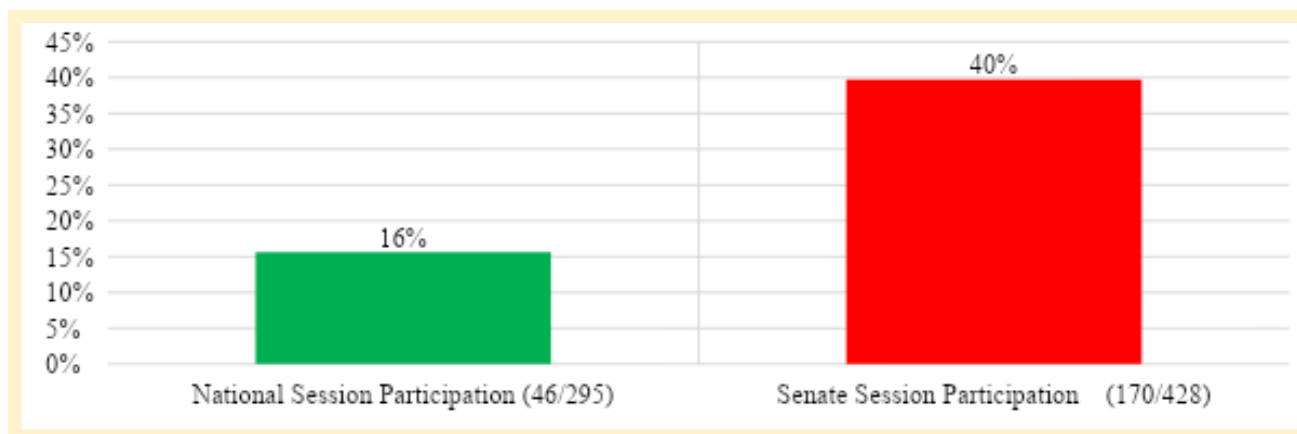
Table 10: Proportion of Bills Sponsored by Women in 11th and 12th Parliament

Year	Government	Male	Women	Total	%of Women Participation as Individual Members	
National Assembly						
2013	36	4	1	41	20%	
2014	29	7	5	38	42%	
2015	30	9	2	62	18%	
2016	29	10	2	38	17%	
2017	34	4	3	48	43%	
2018	41	0	0	21	0%	
2019	29	7	5	39	42%	
Total	228	41	18	287	31%	
Senate						
2013	5	4	0	9	0%	
2014	8	16	5	29	24%	
2015	1	6	8	15	57%	
2016	6	4	5	15	56%	
2017	6	2	0	8	0%	
2018	11	15	8	34	35%	
2019	5	2	6	13	75%	
Total	42	49	32	123	40%	

From the study, it was established that women had the ability to support each other for influence and generate numbers to help push the national agenda. Secondly, Women County Reps' agenda extended beyond women issues and contributed greatly to national interest issues that encompassed regional integration bodies such as East African Community and the Commonwealth Parliamentary Association. The contribution of women MPs was multifaceted. They sponsored laws on family such as the Marriage Bills, The Children's Bill, The Protection against Domestic Violence Bill and The Matrimonial Property Bill. Further, women were instrumental in the passing of bills related to security, finance, water, health, devolution, infrastructure, waste management, environmental issues, and mining among others.

In the 11th Parliament, courtesy of women parliamentarians, the thematic interests of special category constituencies of youth, children, women and PWDs were regularly debated.

Figure 7 presents the Women Parliamentarians' participation in parliamentary business.



The participation of women in Senate was established to be relatively high. The number of members in the National Assembly could be constraining to effective participation of women given their comparatively low numbers.

During a KII with an Executive Director of one of the leading Women's Rights Organisation, she explained that *"Women in earlier parliaments were more proactive in championing women's agenda as few as they were - Phoebe Asiyo, Charity Ngilu, Grace Ogot, and Nyiva Mwendwa. Unfortunately, currently there are only a few women MPs that are seen to be working towards the women's agenda despite the considerable increase in numbers –Sabina Chege (Sanitary Towels Bill/ Breastfeeding Bill), Millie Odhiambo (PADV Bill, IVF Bill). Women legislators have also sponsored bills and moved motions that affect a wider cross-section of the society."*

This study has also reviewed some of the women who significantly contributed to Parliament's business. Priscilla Nyokabi Kanyua, who is currently the Chairperson of the National Gender and Equality Commission (NGEC) initiated and successfully oversaw the enactment of the Access to Information Act of 2016. Secondly, Hon. Rachel Shebesh, now the Chief Administrative Secretary in the Ministry of Public Service, Youth and Gender Affairs was in the Speaker's Panel in the 11th Parliament. Hon. Gladys Wanga, the Homa Bay County Women Representative set in motion the conversation on cancer prevention and treatment by tabling a motion. Hon. Sabina Chege, the County MP for Muranga previously chaired the Education Committee in the National Assembly and currently chairs the Health Committee. Another success story is Hon. Florence Kajuju, former Meru Woman Representative currently serves as the Ombudsperson. Hon. Maison Leshomo made significant contribution in the house especially on issues touching girl child education, women issues and security in the North Frontier counties.

Given the central place of information in the work of Parliament, Hon. Susan Musyoka and Hon. Florence Mutua, in August 2015, spearheaded the formation of the Evidence-informed policy making caucus to champion its use in the Kenyan parliament. This was a valuable addition to improved debate and decision-making based on specific research findings and official government publications, and databases. This was through the support of AFIDEP.

According to Senator I who participated in the study, 'Women senators are faithful in attending Senate sittings. In fact, it is women who sit in Senate throughout the proceedings. Some male Senators rarely come to the Chambers. Women members in both the Senate and the National Assembly are generally privy to the information on the bills.' Different KIs indicated that different Acts of Parliament touching on family were passed and enacted through the efforts of women. They include Protection Against Domestic Violence (PADV) Act and the Matrimonial Property Act.

At the time of the interview, Hon. Rose Nyamunga was mentioned to be working on a Bill "County Resource Development Bill" which proposes the regulation of how counties harness resources for the benefit of the county residents. Apart from the amounts that are allocated by the Commission on Revenue Allocation to the counties, there is greater potential for the counties to generate their own revenues that even surpasses the amounts disbursed to them by the National Treasury.

Female MPs have contributed tremendously in enacting and adoption of gender-sensitive & gender-friendly legislative framework. This has been through lobbying across male and female Members for support e.g. The New Children Bill 2017, Affirmative Action Bill, the 47 Women Reps. Through various Caucuses and CSOs (e.g. KEWOPA, FIDA & Embrace) the capacity of women MPs is built and they pursue common goals such as Goal 5 (on achievement of gender equality and empowerment of all women and girls) & Goal 10 (on reduced inequality within and among countries) of the SDGs- Rep of MP V

Women have done very well given their numbers. The voices of women have been disenfranchised. Women have been debating and stopping bad legislation. However, they need to do more. They need to consciously do more on advocacy and lobbying. The women parliamentarians need to come out more clearly and their influence to be felt in important matters such as the appointment of boards. Given the circumstances, there should be a way out. Women MPs should fuel decision on women issues by marshalling political support. Parliamentary votes are not easy for women to push. The male fraternity always goes against such legislation for supporting an agenda. It is alright for women to be strong on Embrace and Inua Mama. The women parliamentarians should come out and not be intimidated. They should not allow themselves to be disunited- Excerpt from the Registrar of Political Parties

4.2 Detailed Legislative Contributions of Women Parliamentarians in the 11th and 12th Parliaments.

This sub-section highlights some of the key bills that were sponsored and moved by the female MPs.

Table 11: National Assembly Bills Moved by Women (April 2013 and August 2019)

	Bill	Sponsor
1	The Victim Protection Bill 2013	Millie Mabona
2	The Persons With Disability (Amendment) 2013	Wanjiku Muhia
3	The Diabetes Management Bill 2014	Rachael Nyamai
4	The Traditional Health Practitioners Bill 2014	Rachael Nyamai
5	The Kenya Aids Control Authority 2014	Rachael Nyamai
6	The Pharmacy Practitioners Bill 2014	Rachael Nyamai
7	The In-Vitro Fertilization Bill 2014	Millie Mabons
8	The Engineering Technologists and Technicians Bill 2015	Cecilia Ngetich
9	The Access To Information Bill 2015	Priscilla Nyokabi
10	The Sexual Offenses (Amendment) Bill, 2016	Florence Mutua
11	The Cancer Prevention and Control (Amendment) Bill, 2016	Gladys Wanga
12	Breastfeeding Mothers' Bill 2017	Sabina Chege
13.	Nutritionist and Dieticians' (Amendment) Bill 2017	Mary Emaase
14.	The Wildlife Conservation and Management (Amendment) Bill, 2017	Amina Abdalla
15.	The Employment Amendment Bill, 2019	Martha Wangari
16.	The Kenya Institute of Curriculum Development (Amendment) Bill, 2019	Joyce Emanikor
17.	The Assisted Reproductive Technology Bill, 2019	Millie Mabona
18.	The Radiographers' Bill, 2019	Sabina Chege
19.	The Constitution of Kenya (Amendment) Bill, 2019	Gladys Shollei

Source: Extracted from Bills/Motions/Statement Tracker on Parliament Website

The findings show that female parliamentarians mostly sponsored bills in line with their professional qualifications, their personal experiences or close relatives, or socially oriented bills. The bills sponsored by female MPs touched on all segments of society but more focused on family life.

Table 12: Senate Bills Moved and Sponsored by Women

	Bill	Sponsor
1	The Public Finance Management (Amendment) Bill 2014	Beatrice Elachi & Others
2	The Reproductive Healthcare Bill 2014	Judith Sijeny
3	The Food Security Bill 2014	Beatrice Elachi
4	The Universities (Amendment) Bill 2014	Halima Abdille
5	The Natural Resources (Benefits And Sharing) (Amendment) Bill 2014	Agnes Zani
6	The Employment (Amendment) Bill 2015	Martha Wangari
7	The Self Help Associations Bill 2015	Martha Wangari
8	The County Library Services Bill 2015	Joy Gwendu
9	The National Hospital Insurance Fund (Amendment) Bill 2015	Martha Wangari
10.	The National Cohesion and Integration Amendment Bill, 2016	Beatrice Elachi
11.	The Public Appointment (Parliamentary Approval) (Amendment Bill), 2016	Fatuma Dullo

12.	The County Statistics Bill, 2016	Naisula Lesuuda
13.	Coconut Industry Development Bill, 2016	Masha Elizabeth Ongoro
14.	The Care and Protection of Child and Parents Bill, 2016	Masha Elizabeth Ongoro
	Bill	Sponsor
15.	The Office of the County Printer Bill, 2018	Petronella Were Lokorio
16.	The Prevention of Terrorism (Amendment) Bill, 2018	Naomi Waqo
17.	Petition to County Assemblies (Procedure) Bill, 2018	Judith Pareno
18.	The Treaty Making and Ratification Amendment Bill, 2018	Fatuma Adan Dullo
19.	The Preservation of Human Dignity and Enforcement of Economic and Social Rights (Bill), 2018	Abshiro Halake
20.	The National Resources (Benefits Sharing) Bill, 2018	Agnes Zani
21.	The Mental Health Amendment Bill, 2018	Sylvia Mueni Kasanga
22.	The National Cohesion and Peace Building Bill, 2018	Judith Pareno
23.	The Election Laws (Amendment) (No.2) Bill, 2018	Agnes Zani
24.	The Kenya Medical Supplies Authority (Amendment) Bill, 2018	Mary Seneta
25.	The Public Finance Management (Amendment) Bill, 2019	Agnes Zani
26.	The Control of Stray Dogs Bill, 2019	Mary Seneta
27.	The County Tourism Bill, 2019	Agnes Zani
28.	The National Museums and Heritage (Amendment) Bill, 2019	Alice Milgo
29.	The Kenya Sign Language Bill, 2019	Sen. Masuruve & Kamar
30.	The Alternative Dispute Resolution Bill, 2019	Sylvia Kasanga

Source: Extracted from Bills/Motions/Statement Tracker on Parliament Website

On Aggregate, 49 bills have been sponsored by women parliamentarians from April 2013-August 2019. Findings show that women parliamentary sponsorship of bills covered all regions in the country.

Table 13: Contribution to Motions and Petitions in the NA in 12th Parliament

	Motion/Petition/Statements	#	Member of NA
1	The Betting, Lotteries and Gaming Act	5	Gladys Wanga, Millie Mabona, Jacqueline Oduol, Mishi Mboko, Rozaah Buyu
2	The Dairy Industry Act (CAP.336)	2	Gladys Wanga and Millie Mabona
3	The National Hospital Insurance Fund	4	Sabina Chege, Gladys Wanga, Millie Mabona, Rozaah Buyu
4	Report on Vetting of Nominees for Appointment as High Commissioners and Ambassadors	5	Sabina Chege, Ali Rasso, Millie Mabona, Rachel Nyamai, Cecily Mbarire
5	Adoption of Report on Budget Estimates for 2019/2020	2	Sabina Chege and Millie Mabona
6	Senate Amendment to Physical Planning Bill	1	Rachel Nyamai
7	Report on Examination of Financial Statements of the Independence Electoral and Boundaries Commissions (IEBC)	1	Ali Rasso
8	Progress Report on the Inquiry into the Proposed Takeover of Jomo Kenyatta International Airport	1	Rehema Jaldesa
9	The National Cohesion and Integration (Amendment) Bill	2	Prof. Jacqueline Oduol, Dr. Christine Ombaka
10.	The Statute Law (Miscellaneous Amendment) Bill	1	Gladys Wanga
11.	The Statute Law (Miscellaneous Amendment) Bill	3	Gladys Wanga, Millie Mabona & Prof.Oduol
12.	Report on the Inquiry into Procurement and Implementation of the Excisable Management	1	Gladys Wanga

	System and an Integrated Production Accounting System by the Kenya Revenue Authority		
13.	The Insurance (Amendment) Bill (senate Bill No.8 Of 2017)	1	Millie Mabona
14.	The National Flag, Emblems and Names (Amendment) Bill	2	Millie Mabona, Cecily Mabrire
15.	Report on Inquiry into the Kenya-Somalia Border Securitization Project	1	Edith Nyenze
16.	Resolution to publish Specified Individual Members' Bill	2	Cecily Mbarire, Naisula Lesuuda
17.	The Sports Amendment Bill	2	Gathoni Wamuchomba, Naisula Lesuuda
18.	Report on Bills from the East African Legislative Assembly	2	Naisula Lesuuda, Ruweida Obo
19.	Ratification of Revised Constitution of the African Civil Aviation Commission	1	Millie Odhiambo-Mabona
20.	Thanks for Exposition of Public Policy	10	Esther Passaris, Edith Nyenze, Catherine Waruguru, Mishi Mboko, Gladys Wanga, Beatrice Adagala, Rachel Nyamai, Alice Wahome and Eve Obara

Table 14: Women Parliaments Contribution to Motions and Statements in 12th Parliament

	Motion/Petition/Statements	#	Senator
1	Absence of Deputy Governor in West Pokot	1	Sen. Mary Iyiani Seneta
2	Clearances required by Public Bodies on application for Jobs in Kenya	1	Sen. Dr. Milgo
3	Planned Change of Education Curriculum	3	Sen. Pareno, Sen. (Dr) Masuruve, & Sen. Shiyonga
4	Alleged Assault of Secondary School Student by Police	1	Sen. (Dr) Musuruve
5	Human-Wildlife Conflict Affecting Communities Bordering Game Parks and Game Reserves	3	Sen. Pareno, Sen. (Dr) Musuruve and Sen. Shiyongs
6	The Statutory Instruments (Amendment) Bill (Senate Bills No. 24 of 2018)	1	Sen. Kihika
7	The Prevention of Terrorism (Amendment) Bill (Sen. Bill No. 20 of 2018)	2	Sen. Kihika and Sen. Pareno
8	The Tea Bill (Senate Bill No. 36 of 2018)	2	Sen. Kihika and Sen. Pareno
9	Establishment of Nation-Wide Centre and Satellite Clinics for Sickle Cell Disease	2	Sen. Kwamboka and Sen. Shiyonga
10.	Violence and Insecurity in Universities and Institutions of Higher Learning	6	Sen. Chebeni, Sen. Farhiya, Sen. Shiyonga, Sen. Dullo, Sen. (Dr) Musuruve & Sen. Faki
11.	Protection of Rights and Welfare of Taxi Operators	1	Sen. (Dr) Musuruve
12.	Thanks for the Presidential Address	3	Sen. Shiyonga, Sen. Were, Sen. (Prof) Kamar and Sen. Pareno
13.	Adoption of the Report of the Ad-Hoc Committee on the Maize Crisis Kenya	1	Sen. (Prof) Kamar
14.	The Petroleum Bill (National Assembly Bills No.48 of 2017)	6	Sen. Faki, Sen. (Dr) Gertrude Masuruve, Sen. Were, Sen. Judy Pareno, Sen. (Dr) Agnes Zani and Sen. Susan Kihika
15.	The Kenya Roads Bill (National Assembly Bill No.47 Of 2017)	1	Sen. Kasanga
17.	The Land Value Index Laws (Amendment) Bill (National Assembly Bills No. 3 of 2018)	1	Sen. (Prof) Kamar

18.	The Copyright (Amendment) Bill (National Assembly Bills No. 33 of 2017)	1	Sen. (Prof) Kamar
19.	The Public Private Partnerships (Amendment) Bill (National Assembly Bill No.52 of 2017)	1	Sen. (Prof) Kamar
	Motion/Petition/Statements	#	Senator
20.	Approval of Senators to Serve in Sessional Committee	3	Sen. Were, Sen. Seneta and Sen. Nyamunga
21.	Approval of the Senate for the 2019 Session	1	Sen. Kihika
22.	Non-Payment of Pending Bills by the County Government of Kitui	4	Sen. Wambua, Sen. Farhiya, Sen. Seneta, and Sen. (Dr) Musuruve
23.	Policy on the Devolved System of Government	1	Sen. Zani
24.	Oversupply of Textbooks to Schools	2	Sen. (Dr) Masuruve, Sen. Wambua
25.	Creation of Disability Inclusive School Clubs In all Public Schools	4	Sen. (Dr) Masuruve, Sen. (Dr) Milgo, Sen. Farhiya and Sen. Dr Zani
26.	Implementation of TJRC Report	2	Sen. Pareno and Sen. Wambua
27.	Unlawful Encroachment and Forceful Occupation of Barwaqo Plots, Mandera County	1	Sen. Nyamunga
28.	Paralysis in Learning due to Alleged Opposition to the CBC	4	Sen. Pareno, Sen. (Dr) Masuruve, Sen. (Prof) Kamar and Sen. Nyamunga
29.	Realization of Gender-Equity in Elective and Appointive Positions in Kenya	3	Sen. Pareno, Sen. (Dr) Musuruve and Sen. (Dr) Zani
30.	The Directive by the CS Education to have HELB Loan Defaulters Arrested by the Police	3	Sen. Farhiya, Sen. Shiyonga and Sen. (Dr) Musuruve
31.	Adoption of the Report of the Ad-Hoc Committee on Maize Crisis in Kenya	4	Sen. (Dr) Masuruve, Sen. Seneta, Sen. (Dr) Milgo and Sen. Dullo
32.	Consideration of the National Assembly Amendments to the Warehouse Receipts System Bill	2	Sen. Dullo and Sen. (Dr) Milgo
33.	Creation of Disability Inclusive School Clubs in all public schools	1	Sen. (Dr) Musuruve
34.	Election of a Senator to preside over sittings of the House pursuant to Standing Order no. 15	1	Sen. Dr. Zani
35.	Hali ya Uchumi ya County ya Mombasa na County Jirani	2	Sen. Seneta, and Sen. (Dr) Zani
36.	The County Wards (Equitable Development) Bill (Senate Bills No.34 of 2018)	1	Sen. Farhiya
37.	Withdrawal of National Police Reservists from Counties in Kerio Valley Region	1	Sen. Dullo
38.	Fraudulent SACCO Societies in Kenya	2	Sen. Nyamunga and Sen. Shiyonga
39.	Evictions and Excessive Use of Force by Police In Mtwapa	1	Sen. (Dr) Musuruve
40.	Adoption of Report on the County Governments Budget Implementation Review for FY 2017/2018	1	Sen. Nyamunga
41.	Addressing the Plight of Street Families in Urban Centres	2	Sen. Kwamboka, Sen. (Dr) Musuruve
42.	Implementation of Aror and Kimwarer Multipurpose Dam Development Projects	3	Sen. Kihika, Sen. Fatuma Dullo, Sen. (Dr) Masuruve, Sen. Rose Nyamunga and Sen. Wambua
43.	Compulsory Management of Copyright and other Related Rights	4	Sen. Omanga, Sen. Wambua, Sen. Dullo and Sen. Pareno
44.	Brutal Invasion and Eviction of Maasai Community from Em-Pakasi, South C Ward	4	Sen. Pareno, Sen. (Dr) milgo, Sen. Omanga and Sen. Seneta
45.	Concerns about the NIIMS	2	Sen. Pareno, Sen. (Dr) Milgo and Sen. Dullo

46.	Agreement Between Isiolo County Government and Living Goods Limited	2	Sen. Dullo and Sen. Pareno
47	The Preservation of Human Dignity and Enforcement of Economic and Social Rights Bill (Senate Bills No.20 of 2018)	2	Sen. Were and Sen. (Dr) Zani
	Motions/Petitions/Statements	#	Name
48.	Report on Petition: Insecurity caused by Camel herders in Teri B Ranch, Taita Taveta County	3	Sen. Pareno, Sen. (Dr) Zani and Sen. Kwamboka
49.	Demolition of Structures in Nairobi City County	1	Sen. Kwamboka
50.	Interdiction of Teachers by TSC	3	Sen. Pareno, Sen. Wambua and Sen. Seneta
52.	Consideration of National Assembly Amendment to the County Governments (Amendment) (No.2) Bill	8	Sen. Seneta, Sen. (Dr. Musuruve, Sen. Chebeni, Sen. (Prof) Kamar, Sen. Shiyonga, Sen. (Dr) Zani and Sen. Kwamboka
53.	Establishment of Nationwide Centres and Satellite Clinics for Sickle Cell Disease	3	Sen. Shitonga, Sen. (Dr) Zani and Sen.Seneta
54.	Mass Examination Failure at the Kenya School of Law	6	Sen. Farhiya, Sen. (Dr) Zani, Sen. (Dr) Masuruve, Sen. Nyamunga, Sen. Kihika an Sen. Shiyonga
55.	Compliance to Article 54(2) of the Constitution on Representation of PLWDs in Elective and Appointive Bodies	2	Sen. (Dr) Musuruve and Sen. (Dr. Milgo)
56.	Establishment of the infrastructure needs of selected County Governments	1	Sen. Shiyonga
57.	Improving Allocation of Research Funds to Institutions of Higher Learning	1	Sen. Kasanga
58.	Rising Cases of suicide and Murder in the Country	1	Sen. (Dr) Milgo
59.	Destruction of Forests by Fire	1	Sen. (Dr)Milgo
60.	Status of Emali Holding Ground in Kajiado County	3	Sen. Seneta, Sen, Kasanga and Sen. Dr. Musuruve
61.	The County Government (Amendment) Bill (Senate Bills No.11 of 2017)	3	Sen. Kihika, Sen. Farhiya and Sen. (Dr. Milgo)
62.	The Mental Health (Amendment) Bill (Senate Bills No.32 of 2018)	3	Sen. Farhiya, Sen. Nyamunga and Sen. Kasanga
63.	Approval of Senators to Serve in the Senate Business Committee	7	Sen. (Dr) Zani, Sen. Shiyonga, Sen. (Prof) Kamar, Sen. Wambua, Sen. (Dr) Milgo, Sen. Pareno and Sen. Dullo
64.	The County Statutory Instruments Bill (Senate Bills No. 21 of 2018)	1	Sen Farhiya
65.	The 4 th Annual Legislative Summit Held in Kisumu City County	1	Sen. (Dr) Musuruve
66.	Recent Attacks and Killings of Residents of Matungu Constituency, Kakamega County	2	Sen. Shiyonga and Sen. Ndwiga
67.	The Election Laws (Amendment) Bill (Senate Bills No. 33 of 2018)	3	Sen. Were, Sen. (Dr) Zani and Sen. Pareno
68.	The Election Laws (Amendment) (NO.2) Bill (Senate Bills No.33 Of 2018)	2	Sen. (Dr) Zani and Sen. Pareno
69.	Report of the Ad-Hoc Committee on the Maize Crisis in Kenya	1	Sen. (Prof) Kamar

Women senators had great contributions both in terms of quality and quantity. Beyond the statements, motions, petitions and bills, they have contributed towards revenue collection, oversight functions in the counties, payment of royalties by foreign investors in the counties, expanding existing infrastructure, health matters especially upgrading of hospitals in the counties, tourism, issues affecting people with disabilities, matters relates to security and terrorist acts, tourism, farming and opportunities for young people among many others²³.

23 Association of Media Women in Kenya (AMWIK), 2013. 86 and Counting: Women Leaders in Kenya's 11th Parliament.

“Together we have done six motions, four statements and two bills. I serve mostly as a Partnerships Programs and Legislative Manager”—Aide to Sen. Sylvia Kasanga

According to a respondent in the study, women in 11th and 12th Parliament have made a considerable contribution in gendering issues in most areas of legislation. The Mental Health Bill has been sponsored by Sen. Kasanga and Hon. Sabina Chege sitting as the Chair of the Health Committee gives it a good lifeline. Hon. Mishi Mboko was instrumental in pushing the legislative process for the Road Safety Bill and its eventual success when she was the chair of the standing committee on Transport. We however, do not see their sizable contribution to money bills which could be attributed to the fact that they're excluded from committees overseeing budgetary and financial allocations.

During Klls, the representative of the International Institute for Legislative Affairs (ILA) stated that, *“Generally, women legislators are available and are mainly interested in issues that are emotive to them. The Tobacco Control Bill has not stirred the interest of women legislators. They will be mostly found active in matters that directly affect their constituents or have grabbed public attention. Women MPs should go beyond just representing women’s issues to venture into wider national issues.”*

There are informants who felt that the contribution of women was below expectation. One of the parliamentary media reports decried the increase in women through Affirmative Action seats. However, the increase in numbers is not commensurate with the performance, it is below par. She explains the question is how individual female MPs articulate issues and lobby. Women have come up with bills and motions in parliament but lose ownership of these as soon as they introduce them. Why? They approach it from a point of vulnerability and virtually lack of confidence to defend their position. For instance, the statement on the Toxic Sugar in the country was made in the house by Hon. Naisula Lesuuda. The process was however hijacked. The issue was committed to a joint committee on Trade and Agriculture. The result of this was a watered down report which she came out to challenge but it was too late. Mostly, women MPs do not stick and own their bills, motions or statements to the end. They lose confidence and the matter is taken up by male MPs who might not share the original vision.



Text Box 1: Gathoni Wa Muchomba, Kiambu County MP

Gathoni wa Muchomba- is a former media anchor. She initiated Anti-Illicit Brew Campaign..

Based on this personal experience, in her neighbourhood, there were a number of people who were affected by the ‘Mung’etho Culture’ and she resolved to do something. She used her radio programmes to meet the community and discuss their problems. She heard testimonies of women who lost their children and husbands on Alcohol. She has since initiated ‘Mama Care Addition Recovery Centre’. This recovery centre gets the young and people in society who are addicts of alcohol and supporting them back

to normality. The teams are engaged in productive skills development and some seconded to workplace.

Hon. Wa Muchomba has initiated a Transformative Learning Program called ‘Tusome’ where older persons aged 18-50 years are taken back to school. They have a second chance on education. These people study in informal schools, every day after work.

She has livelihood projects too and has entered partnership with JKUAT who produce Tissue Cultured Bananas which she distributes them for free to community members. She is now known as Wamama. She is confident that given the opportunity to be Governor.

Source: This account was based on her interview to Citizen TV interview

Textbox 2 presents the contribution to Homa Bay County Woman Representative.



4.2.1 Parliamentary Committee Positions for Women Parliamentarians

4.3 Membership and Contributions to Parliamentary Committees

Text Box : Hon. Gladys Wanga, Homa Bay County MP

In her first term, she initiated a table banking arrangement where small scale rural fisher folk women could contribute their savings and pull together for welfare support. This model leveraged on the existing 'Chama' model where women would contribute money

and give to one of their members to buy household items. This was unsustainable, non-progressive and insecure as it depended on goodwill of the women involved. It was also prolonged one to get her cyclical turn and thus not motivating. To cure this, Hon. Wanga formalised this and created Homa Bay Women SACCO where women free to save and get credit and repay depending on their ability. It was christened 'Abedo' meaning the women who do very informal trades sitting down for survival. The project has benefited more women especially living with HIV/AIDS or widowed. It was boosted by NGAAF funds. Hon. Wanga is supportive of youth through initiating vocational training programmes, sports activities, education, and Girl Child Empowerment through distribution of sanitary pads.

Source: Stories derived from newspaper clippings on Hon. Gladys Wanga

Parliamentary leadership positions held by women parliamentarians are directly linked to their parliamentary responsibilities including legislative, representation and oversight. A review of the relevant literature from both within and without Parliament reveal fascinating findings on positions held by women members of Parliament in the last 4 General Elections. Article 124 of the Constitution bestows power to the Parliament to establish committees to facilitate in execution of its functions. Whereas there is in existence set guidelines including statutory orders for committee establishment, the question begs on what factors/process committees' nominations take? And whether or not women Parliamentarians profit from the criteria used in establishment of committees?

In the 11th Parliament, the women representation in committees of the National Assembly and Senate were 28 and 18 respectively. On aggregate, there were 17 women in house leadership committees out of 92 representing 18.4 %. The leadership of the women in respective committees were as follows: National Assembly (7 Chairpersons and 3 Vice Chairpersons) and the Senate (1 Chairpersons and 6 Vice Chairpersons). The 11th Parliament was one of firsts; with women elected to: deputy speaker's position (the late Dr. Joyce Laboso), Majority Chief Whip in Senate (Beatrice Elachi) and Minority Deputy Chief Whip (Janet Onger). On average, the women in the 11th Parliament accounted for 20% of National Assembly slots whereas in Senate it was 24%. Women involvement in effective participation and influence in legislative affairs is important. In the 11th Parliament women were fewer in influential positions except for the position of deputy speaker and the deputy majority leader.

For both Senate and National Assembly, the joint committees of National Cohesion and Equal Opportunities and Parliamentary Broadcasting and Library Committees had less than one-third representation of women. This uneven gender representation in various parliament structures could deem the voices of women in decision making on key house debates, setting legislative agenda and improving on the standing orders or related parliamentary norms and standards²⁴. There is a correlation between female representation and their participation and involvement in house leadership and committees.

In the 12th Parliament, a review of committees' composition/structure in both houses (National Assembly and Senate) reveals that majority of the women are in social sectors committees that is Health, National Cohesion, Equal Opportunity and Regional Integration, Sports Culture and Tourism, Education, Labour and Social welfare among others. This is contrary to their male counterparts of whom majority dominate the financial (money) related committees including Special Funds Accounts Committees, Public Accounts Investment Committees, Public Accounts Committee, Budget Appropriation Committee, Security, Energy committees among others.

Key Informant VII explained that, *'When looked at, the committee leadership is a bit lopsided. Women have not been chosen as leaders in key committees within the house. Women are members of committees with a few being vice-chairs but the leadership is still lopsided. There are critical cultural barriers that affect women's effective participation and contribution in their positions of leadership.'*

In explaining the contribution of women leadership on committee work and institutional building, Representative of CSO Actors I said, *'We have good examples of active committee parliamentarians. Joyce Lay who introduced the IVF Bill in the 11th parliament, Millie Odhiambo introduced the Cancer Treatment Bill, Aisha Jumwa and Gladys Wanga sit on the parliamentary service commission in the current parliament. This is a stride however, not remarkable compared to the male MPs.'*

Women have been relegated to the leadership of 'soft committees' where debates and decision making are not contentious. It could create a perception question on what the leadership of political parties and parliament think of women. In the National Assembly, men dominate the financial (money) related committees including Special Funds Accounts Committees, Public Accounts Investment Committees, Public Accounts Committee, Budget Appropriation Committee, Security, Energy committees among others.

There has been a measure of erosion in the 12th Parliament. Only one woman chairs a committee in the National Assembly (Hon. Sabina Chege, Health) while the Senate has no committee chaired by a woman. Does this comply with the Two Thirds Gender Principle? There are no women in the top leadership of parliament. The highest a woman has ever gone is the post of Deputy Speaker (The Late Hon. Joyce Laboso) and two deputy whips (Hon. Shaban and Hon. Mbarire)-CSO Representative 1.

24 Omukhango, R. (2014, January-February). Uneven gender representation: Women missing in influential decision making committees. Kenya Woman Magazine, Issue number 43.

Table 15: Women in Committees in National Assembly

National Assembly Committee	Total	Male	Female	% of females	Position
Financial Audit and Money Related committees					
Public Accounts Committee	19	18	1	5%	Members
Public Investments Committee	19	16	3	16%	Members
Special Funds Accounts Committee	19	15	4	21%	Members
Budget Appropriation Committee	27	21	6	22%	Members
Committee on mediation	18	14	4	22%	Members
Departmental committees					
Administration and National Security	19	18	1	5%	Members
Agriculture and Livestock	16	15	4	25%	Members
Communication information and innovation	19	14	5	26%	Members
Defence and Foreign Relations	19	16	3	16%	Members
Education and Research	19	15	4	21%	Members
Energy	19	15	4	21%	Members
Environment and Natural resources	19	14	5	26%	Vice chair/members
Finance and national planning	19	16	3	16%	Member
Health	19	15	4	21%	chairperson /members
Justice and legal affairs	19	13	6	32%	Vice chair/members
Labour and social welfare	19	14	5	26%	Vice chair/members
Lands	19	14	5	26%	chairperson /members
Sports Culture and Tourism	19		6	32%	Members
Trade and Industry development	19	18	1	5%	Members
Transport Public Works and Housing	19	17	2	11%	Members
National Cohesion and Equal Opportunity	22	15	7	32%	Members
Select Committees					
Committee on appointments	28	19	9	32%	Members
Committee on Delegated legislation	23	18	5	22%	Chairperson/ Vice chairperson
Committee on implementation	23	23	0	0%	
Committee of parliamentary powers and privileges	15	13	2	13%	Members
Committee of regional integration	23	19	4	17%	chairperson /members
Committee on Selection	23			0%	
Constituency Development Committee	18	14	4	22%	Members
Constitutional Implementation Oversight Committee	22	18	5	23%	Members
Liaison Committee	26	21	5	19%	Vice chair/members
Members service and facilities committee	15	8	7	47%	Vice chair/members
Procedure and House rules committee	21	12	9	43%	Members
House Business committee	12	9	3	25%	Members
Parliamentary Broadcasting land and housing	23	14	9	39%	

Table 16: Senate Committee Representation

Senate Committees	No. of members	Male	Female	% of Women	Position
House keeping Committees					
Senate Business committee	12	10	2	17%	Members
Liaison committee	16	16	0	0%	
Procedures and rules committee	6	4	2	33%	Members
Committee of parliamentary powers and privileges	7	4	3	43%	Members
Standing Committees					
Agriculture and Livestock & Fisheries	9	8	1	11%	
Education	9	5	4	44%	
Information Communication Technology	9	8	1	11%	
Roads and Transport	9	7	2	22%	
Energy	9	7	2	22%	
Finance and Budget	9	8	1	11%	
Health	9	5	4	44%	
Justice Legal Affairs and Human Right	9	7	2	22%	
Devolution and Intergovernmental relations	9	7	2	22%	
Labour and Social Welfare	9	5	4	44%	Vice Chairperson/ Members
Land Environment and Natural Resources	9	8	1	11%	
National Cohesion, Equal Opprtunities and Regional Integration	9	5	4	44%	Vice Chairperson/ Members
National Security and Foreign Affairs	9	6	3	33%	
Tourism, Trade and Industrialisation	9	6	3	33%	
Sessional Committees					
County Public Accounts and Investment	9	8	1	11%	
Delegated Legislations	9	6	3	33%	
Adhoc Select Committees					
Adhoc Select Committees on maize	9	8	1	11%	

5 . BARRIERS TO WOMEN PARLIAMENTARIANS PARTICIPATION

This chapter looks at some of the challenges that were identified by the research as contributing to the exclusion of women in political processes.

5.1 Resource Gap for Campaigns and Support Representation Activities

There are low resources for the women to campaign and even to support their representation, legislation, and oversight functions. Most of government Bills are brought through the majority leader in the house. If an

MP is to bring a Bill to the floor of the house, it will mean that it is a private member's bill which are not well financed. This leaves the women Bill sponsors to seek support from non-state actors.

Elections in Kenya are very expensive for candidates. The politics of patronage and of showcasing economic might makes it very difficult for women to participate or get elected. Different stakeholders interviewed explained that campaign financing is a big barrier to women inclusion and participation. Access and control of financial resources remains a challenge thus discouraging their participation. The women in nominated or affirmative action seats are not entitled to the same benefits, privileges and development funds in comparison to their elected counterparts. The ability to fund and spearhead development projects is one of the main ways in which the Kenyan public in constituencies judge their representatives' effectiveness. As most women in the 11th Parliament (2013–2017) held nominated seats, without the same resources as men, they were per

“Women are doing well in parliament. The Access to Information Bill was sponsored by a woman MP. There is also the Mental Health Bill that has been sponsored by Sen. Sylvia Kasanga. However, there are also a number of women MPs that have been very quiet in parliament. There is need to have a critical mass of the women in parliament championing legislation. Women MPs are not doing so well in the house in terms of their contribution to debates. This is not entirely their fault because even being chosen to contribute to the debate depends on the speaker and whether he thinks one is a person of content and will add value to the debate. This is quite subjective and we end up with the same individuals speaking all the time. The overemphasis on the dressing of women also diverts their attention from serious issues. Further, parliament is an intimidating house for the women MPs owing to the high numbers of male MPs and the sexist language that is sometimes used. Women MPs need to go further and stamp their authority”- CSO Rep VIII

Resource gap – the political campaigns are not issue based but are instead marred with vices like voter bribery which needs a lot of resources. Women do not have similar resources as the male counterparts hence they are locked out of the race- CSO Rep I

A former Women County MP was invited to a fundraising event where she contributed Ksh.2000 towards the occasion. Other leaders including MCAs were raising money above Ksh. 50,000. She was jeered for the contribution despite explaining that she had more than 15 of such invitations and more than 20 pending. During the Key informant interview, the Representative, Association of Media Women in Kenya (AMWIK) explained:



“The community needs to be mobilized to understand women’s leadership, the playing ground is rough and society is generally not receptive to women’s leadership. There is need for more support for women MPs. Especially the women that occupy affirmative seats face huge expectations with no resources to meet these. The media needs to highlight the gaps that exist. Corruption in the media should be contained because it denies women MPs the visibility due to them, the case of money for news.”

5.2 Violence Meted on Women Parliamentary Aspirants During Campaigns and in their Duty as Parliamentarians

Several women parliamentarians both in the 11th and 12th Parliament have suffered harassment and sometimes met with violence. During the debate on the Security Amendment Bill in the 11th Parliament, it was reported that one male legislator attempted to pull the skirt of a female legislator in the bid to embarrass her. Recently, it was reported that a female woman representative was assaulted by a male parliamentarian from her county. At the time of writing this report, the matter was in court. The preliminary report indicated that the female women county representative had failed to allocate funds to the aggressor MP’s constituency, thereby attracting his wrath. In the 11th Parliament, there were several female MPs who were assaulted by different leaders. There was a case of a Governor who was alleged to have slapped a woman representative for having brought demonstrators to his office.

In a reviewed report by the Kenya National Commission of Human Rights (KNCHR) in 2017 on the state of political parties’ nomination in the period leading up to the General Election, female aspirants in some counties received printed messages meant to harass and intimidate them to dissuade them from continuing with their political ambitions. This was meant to break the spirit of the female aspirants and hence drop their bid to defend their positions. The result was that female parliamentarian aspirants were too intimidated to participate. This resulted in only 2 women candidates elected as the Governor and the Women Representative without any constituency or county assembly seat going to a woman. In another reported scenario, Hon. Jayne Kihara, a Jubilee Parliamentary Candidate for Naivasha Constituency, was labelled as an ICC suspect not worthy of election. There was a reported circulating poster offering a guideline to the voters on who should be elected. Interestingly, the report presented Sen. Susan Kihika, then aspirant and Chalula for woman representative as worthy of being elected and rival of Jayne Kihara, one Mr. Ndegwa Nguthiru for MP. This study has established that all the participants mentioned lost the nominations except for Susan Kihika. Nevertheless, Hon Jayne Kihara overcame this and won the seat.²⁵ During a TV interview, Hon. Millie Mabona explained the violence meted on her by competitors. Hon. Millie’s bodyguard was a casualty of this violence and she had her house targeted by an arsonist.

One of the key informants said that the violence against women parliamentarians is embedded within our socio-cultural fabric. The women in leadership are not accorded the same level of respect as their male counterparts. Women MPs are subjected to different and even higher set of standards compared to the male ones. For instance, assertive women MPs have often been vilified as not behaving like women and could be attacked on this front.

There has been resistance to the push for women inclusion because it is perceived as role reversal and that the space that they want to get into is not a shared space. There are still stereotypes within parliament. For instance, one of CSO KII explained that the speaker’s response to the slap of a woman legislator by a male counterpart and the eventual walkout of the women MPs portrayed a lack of seriousness in addressing the issue. She further explained that the political class does not seem keen on complying with legal or constitutional requirements on affirmative action seats. Another example is the verbal attack of Gov. Sonko on women representative of Nairobi during Madaraka Day celebration in Nairobi.

²⁵Pg. 42, KNCHR Report (2017)

5.3 Absence or Manipulation of Political Parties' Membership Lists

The party list leading up to the nomination of women Parliamentarians is a very difficult affair. During desk review, the KNCHR report established that most political parties conducted their primaries without valid political party registers. In the 33 Counties where KNCHR had dispatched monitors, the respective political parties did not use legitimate party registers during the party primaries exercise. This applied to nearly all main political parties such as Jubilee Party, ODM, WDM, KANU, ANC, PNU, and CCP which did not have updated and legitimate party registers. Some political parties registered party member's right at the polling centres and purportedly used them as the bona-fide registers. This could explain the low numbers of female parliamentarians because of non-clear membership thus making it difficult to campaign.

During key informant interviews, one of the political parties' representatives explained the porosity and lack of integrity at IEBC. The party official respondent explained that they had filed an official list of women to be nominated for the 16 Senate quota women seats and the 12 National Assembly nominees. They were notified of an unauthorised amendment to the earlier submitted list. The party official says this was done through the back door and not through the known party channel. They had no recourse as the date of submission had already lapsed. In confidence, another political party official of a leading party said, this nomination list of women is a highly guarded affair and subject to patronage.

5.4 The Challenge of Low Internal Democracy in Political Parties

The political parties in Kenya are largely tribal and exhibit regional patterns. The cut-throat competition happens at the primaries. The political party structures are patriarchal and few have actively sought to increase the number and profile of women within their membership. Large political parties were accused of circumventing the spirit of the law through prioritizing male candidates for elective seats and women for nominated seats. The parties placed women candidates in areas that were not perceived as their strongholds. Even with a strict legal requirement²⁶ on eligibility for public funding by political parties, this has not yielded much. Since the FY 2013/14, there was a disbursement of public funds to political parties estimated at USD. 2.5-3.5 million annually, which benefitted three parties: The National Alliance (TNA); Orange Democratic Movement (ODM); and United Republican Parties (URP). Women politicians receive very minimal support if any from these funds.

5.5 Low Women Representation in Key Parliamentary Leadership Positions.

The critical positions in parliament that are responsible for setting the agenda for the House are male dominated starting from the speaker, leader of majority, leader of minority, majority whip, to minority whip. Women's voices are thus channelled through men. The areas of debate in parliament are mainly guided by the political parties' interests whose leadership is male.

According to the Registrar of Political Parties, *"Women do not have the chance to go to the decision making table. The situation is so bad that some want to attack the Registrar of Political Parties because she is female. The issue of gender is buried in mistakes. Women in leadership positions are judged for gender issues everywhere. Women have to be exceptionally strong and bear the brunt of a harsh political environment"*

The perception that political parties have captured Parliament is a barrier to participation by the women parliamentarians. The members of parliament, especially, the women do not have a choice to communicate out of their party positions. The expectation on MPs to tow party lines does not give women MPs the leeway to make their own decisions on important national issues.

The parliamentary leadership was blamed for being unsupportive towards women. One CSO representative says:

²⁶ Political Parties Act 2011

“Women are doing well in Parliament. The Access to Information Bill was sponsored by a woman MP. There is also the Mental Health Bill that has been sponsored by Sen Sylvia Kasanga. However, there are also a number of women MPs that have been very quiet in Parliament. There is need to have a critical mass of the women in Parliament championing legislation. Women MPs are not doing so well in the house in terms of their contribution to debates. This is not entirely their fault because even being chosen to contribute to the debate depends on the speaker and whether he thinks one is a person of content and will add value to the debate. This is quite subjective and we end up with the same individuals speaking all the time. The overemphasis on the dressing of women also diverts their attention from serious issues. Further, Parliament is an intimidating house for the women MPs owing to the high numbers of male MPs and the sexist language that is sometimes used. Women MPs need to go further and stamp their authority” – CSO Rep VIII

Most gendered legislation is defeated and/or diluted based on the battle of the sexes. For instance, for the Marriage Act, some legislative sections were neutralized by male MPs depending on how they felt this would affect men. This calls for gender neutrality in legislation in order to bridge the gap. The battle is always between affirmative action and gender neutrality. For instance, the Marriage Bill is a piece of legislation that affirms gender hence the need to create a level field for both sexes to play. The two thirds gender rule has not been effected. There is a lack of clear guidelines and supporting objectivity in the manner in which appointments are made thus affecting the quality of discussions and participation.

5.6 Skewed Media Coverage and Participation of Women Parliamentarians in Media

It was established that Women MPs portrayal by the media makes it difficult for them to make meaningful contribution. These perceptions and stereotypes are targeted at mostly women representatives. The journalists equally have a different story to tell about female parliamentarians:

Resource gap – the political campaigns are not issue based but are instead marred with vices like voter bribery which needs a lot of resources. Women do not have similar resources as the male counterparts hence they are locked out of the race- CSO Rep I

To clarify this, one of the parliamentary journalists explained that women parliamentarians are generally difficult. The media is a mirror of the society. The way women parliamentarians package and present themselves could actually influence how media images them:

‘News about women in the media has tended to be on personal issues and thrives more on negativity (scandals, misunderstandings). When women MPs are approached by journalists to get their perspectives on various national issues and add their voice to the national discourse, they mostly decline or tell you to call them later yet news is real time and needs to go on air at designated times. I don’t know why exactly women MPs are media shy but I suspect it could be capacity challenges and challenges of tradition that do not prioritize women’s voices. Whenever we manage to get women MPs to come to our studios for talk shows, their biggest preoccupation is normally their physical appearance as opposed to what their contribution to the debate is. You will commonly hear questions like “How is my hair, my nails, my makeup?” and nothing about the topic of debate. I remember when I did a feature story on the pioneer female Senators, one of them called me later

after the story had been published and asked, “Of all the photos I sent for the feature, this is the one you saw” expressing her dissatisfaction with the photo I had chosen for the publication. Her concern was not even what had been written about her but how she looked. In my opinion, their predecessors did well when they were indeed very few in numbers in Parliament (Phoebe Asiyo, Grace Ogot, Nyiva Mwendwa, Njoki Ndung’u, Martha Karua just to mention a few became household names because of their contribution to the legislative framework and the leadership by the house (Sexual Offences Bill/Njoki Ndung’u Bill)’- Parliamentary Media Reporter.

6 STAKEHOLDER SUPPORT TO WOMEN PARLIAMENTARIANS

The study found that, depending on their mandate and interest, different stakeholders support women MPs in their parliamentary work. The support areas identified included: Enactment, Implementation, and Enforcement of Law; Capacity Development through Training and Mentorship; Coordination of Women Parliamentarians Activities; and Empowerment of Women MPs to do their constitutional function.

6.1 Enactment, Implementation, and Enforcement of Gender Responsive Laws

This study established that there are many state institutions and independent constitutional commissions that have the power to support and empower the women parliamentarian (or aspirants). The Parliament has three institutions that in the view of the study respondents can do more to support the women MPs. Firstly, the Parliamentary Service Commission (PSC) that has a representation of two female MPs. PSC is responsible for, among other functions, ensuring the efficient and effective functioning of Parliament.²⁷ Secondly, the Centre for Parliamentary Studies (CSPT) tasked with research, orientation and training of MPs, was said to be providing training that is not responsive to the needs of women Parliamentarians. There is no distinguished recognition of the special spaces occupied by women parliamentarians and that would require tailored training.

The Speaker's Office and the House leadership have failed to ensure that at least one-third of the women parliamentarians occupy the leadership of committees. Parliament has equally failed four times between the two Parliaments (11th and 12th) to pass the Gender Bill. Lastly, Parliament was found to be an impediment to the increase in the number of female parliamentarians with the suspension of the Electoral Campaign Finance Law. It would be important to anchor the gender-mainstreaming mandate within a specific Parliamentary committee for effectiveness. In the 11th parliament the Labour and Social Welfare Committee was charged with the responsibility of gender equality but its engagement was only limited to discussing budgets.

IEBC has failed to enforce law working in partnership with National Police Service to curb gender violence especially witnessed during political party primaries and elections. There is need to come up with punitive guidelines on perpetrators of electoral violence especially gender campaign violence. They should also compel political parties to comply with the two-thirds gender rule especially on the candidates presented for elections by political parties.

Office of the Registrar of Political Parties (ORPP) was supportive of political parties and provided guidelines on how to conduct political party primaries and formation of party level nominations electoral boards that were inclusive and responsive to two-thirds gender rule. The ORPP however, stated that they were unable to enforce the two-thirds gender membership and party nominated candidates because there was no substantive law on this and also in some instances, it was impractical to implement as it was likely to erode democracy.

²⁷ Article 127 CoK

The study found that political parties have voluntarily instituted gender quotas and institutions in support of women parliamentarians and aspirants. For instance, the leading political parties of Jubilee, Orange Democratic Movement (ODM), Wiper Democratic Movement (WDM), and Kenya Africa National Union (KANU) were found to have created women caucuses and mainstreamed the women representation leadership. Parties interviewed had women in key positions of decision making. For instance, the ODM's chair for National Election Board was a woman nominated in parliament and with the ability to influence and come up with decisions on nomination matters that could favour women. In Jubilee, the Dispute Resolution Committee was chaired by a woman in the 2017 election. KANU seconded one of its nominated Senator to be chair of the Centre for Multi-Party Democracy (CMD).

The Political Parties Act, 2011 Section 7 (2) (f) (1) and Section 28 of the Elections Act, 2011 requires that political parties submit to the Registrar of Political Parties and the IEBC respectively, a list of names and identification of all their members. The non-utilization of these registers is against Section 3 and 4 of the Elections Act. In the absence of political party registers during the nominations process, it cast doubts on the political party operations and also gives an opportunity for persons

It can be concluded that the state of enactment, implementation and enforcement of laws, policies and guidelines that improved inclusion and participation of women was below expectation and there is need to fast-track the two-thirds gender constitutional provision.

In terms of nominating women to represent special interest groups in parliament, political parties have no clear guidelines for doing this. There is missing objectivity in the selection of candidates for nomination, the threshold is not clear. Some of the nominated women members of the National Assembly and the Senate have no idea about the special interest groups they are there to represent. Generally, the individuals nominated do not represent the marginalized groups and affirmative action- Key Informant from CSO

6.2 Capacity Development and Mentorship of Women MPs

Whereas the study has established that the immediate focus for increasing the inclusion and participation of women in Parliament is attaining the Constitutional threshold of at least one-third of women MPs, this is rather quantitative and descriptive. Efforts are being put to ensure that there is 'substantive' representation. This requires capacity building of existing women MPs and those aspiring. Some of the institutions that have been mentioned to sponsor or conduct training of women Parliamentarians include UN Women, CREAM, Konrad Adenauer, Westminster Foundation for Democracy (WFD), National Democratic Institute (NDI), Transparency International, and State University of New York (SUNY) among others. There are organisations that have supported Parliament and especially women in developing and sponsoring bills and development of parliamentary thematic caucuses such as Katiba Institute, AFIDEP, International Institute of Legislative Affairs (ILA), Institute of Economic Affairs (IEA), and Transparency International-Kenya (TI-Kenya) among others.

At Parliament, the Centre for Parliamentary Studies and Training (CPST) has the mandate to support the research and training of parliamentarians and orienting especially new MPs on house rules and standing orders. Different participants were of the view that the institution should enhance its visibility outside parliament. PSC ensures that there are core skills acquired so that parliament is made into a proper house of representation. It was also felt that together with the Kenya School of Government, they should develop programmes that are responsive to the needs of the women members and potential aspirants and strengthening soft skills such as negotiation, advocacy, lobbying, and coming up with private member's bills that are tailored to government plans and responsive to the needs of the people.

Kenya Women Parliamentarians Association (KEWOPA) in their strategic plan 2019-2023 highlighted the achievement of this largest legislative female caucus as 'Mentorship of over 500 young women leaders and women members of 27 county assemblies' between 2014 and 2018.' In this plan, KEWOPA has prioritized strengthening capacity of the members, retention and augmentation of Women in Parliament.

I think the Kenyan parliament is much ahead in terms of supporting women legislators in their constitutional role. My experience as a first timer in parliament was made easier by the helpful and friendly staff who conducted capacity building for us. Most of us were raw and from diverse backgrounds with no experience at all on the requirements of our roles. We got information on the standing orders and the dos and don'ts in parliament. At the beginning of the life of the 11th parliament, there were challenges of settling down due to the new bicameral system that it seems they were not very well prepared for. However, after 4 months, we were settled in our new offices
- Representative of Women Senators 1

6.3 CSO support and collaborations with Women Parliamentarians

The study established that there have been instances where joint efforts between the CSOs and MPs have produced good results resulting into legislation like the Public Benefit Organizations (PBO) Act 2013, the Access to Information Act 2016 and the Prevention Against Domestic Violence (PADV) Act 2015. Women parliamentarians have received a lot of support for legislative strengthening from the CSOs. There are different non-state institutions involved in supporting parliamentary work. The question that lingers is whether the interventions are properly targeted or there are duplications across the partners. There is need for harmonization among the CSOs focused on parliamentary work to get better outcomes. Various CSOs have contributed towards the induction of KEWOPA members.

CSOs have also been instrumental in supporting women legislators. There has been adequate capacity building and public information on the roles of women and support on women sponsored legislation. Various CSOs conduct capacity building for women parliamentarians for them to be able to effectively take up their roles as legislators. Women MPs have been offered technical assistance in writing memos and even guided on how to speak on the floor of the house. CSOs have heavily relied on women legislators to push through their agenda in the house. with renowned women political leaders. Organizations such as AFIDEP are also involved in different projects in promoting the institutionalization of evidence used in decision making. AFIDEP has worked with parliamentary committee on Health and the caucuses on Population and Development as well as Evidence. AFIDEP was instrumental in the establishment of the Parliamentary Caucus on Evidence Use.

According to Female Senator I, "FIDA walks with us. Other stakeholders are AHADI; UN Women try their best to support us. The stakeholders are limited in terms of the information. There is need to address real politics and offer knowledge and support in these areas. The CSOs help us in drafting of bills—they invite experts to help us on the same. CSOs were really supportive to us (Senate) in drafting our recommendations to the Building Bridges Initiative (BBI). They brought experts who sat with us and took us through bills and ask us to push them through with their support. I am looking to take my proposed bill to stakeholders to make an input and support (AHADI, FIDA). The support should be expanded to include finances because women MPs really struggle to meet expectations.

The study established that the CSOs did not escape criticisms. CSOs need to stop looking at women MPs from a gender perspective but just view them as leaders. CSOs should support the agenda of gender equality by realizing that women face unique barriers to leadership and devising how to support them. CSOs should be more calculated in their approach and should understand that realizing gender parity is not just a responsibility of the parliament but needs the concerted efforts of different stakeholders in which they play a critical role.

7 FINDINGS AND RECOMMENDATIONS

This chapter contains the findings of the study and recommendations addressed to the various actors.

Issue/Finding	Recommendations
<p>Political Party nominations are a sure pathway to increasing the inclusion and participation of women.</p>	<p>The study recommends the need to adopt the best practices to boost the number of women at national parliaments:</p> <ul style="list-style-type: none"> • Gender Quotas in law- Retain the Gender Quota nomination slots in Parliament. There should be a nomination caveat to only being nominated once. • Support the development of a Code of Conduct for political parties with practical guidelines on how to fast-track women into office and within parties, such as declaring some representation areas women only and with determined rotation formula and use of female only party-lists. • Voluntary Political Party Quotas-Political parties should be enticed with benefits to nominate more women for elective seats. A party with more women is entitled to more funds. • Direct Incentives to Women Aspirants- Women political aspirants and candidates require dedicated financing kitty for female candidates in elections. • Nominations to Parliament should be pegged on the political parties that present more female electoral candidates and women who manage at least 15% of the total votes in their constituency. • Women in other leadership fronts such as religious institutions, corporate leadership, academic institutions, student leadership and other socio-cultural leadership spaces need mentorship and encouragement to join politics. • Parties should also put in place programmes and activities to encourage more women to join them. • Affirmative Action seats- Strengthening the activities of the women holding affirmative action seats. • Political parties should throw their weight behind women representatives and nominated women MPs who intend to switch to open seats. • Given that affirmative action seats represent more than single member constituency seats, there is need to provide for vote weighting as a means of empowering and strengthening their influence.

	<ul style="list-style-type: none"> • Mixed Member Representation and Proportional Representation models- Changing the constitution or reviewing the law (amend Article 97 and 98) to cover for the weaknesses of the First Past the Post (FPTP) model. FPTP has not achieved the critical mass of 33% in women representation. • Strengthen Women Caucuses in Parliament and Women Leagues in Political Parties • Ensure Free, fair and credible political party primaries- This will reduce violence against women parliamentary candidates and incentivize the women to aspire and participate. • Political parties need to have a solid register that is publicly accessible at least 4 months before party primaries.
<p>The barriers that inhibit electability and inclusion of women to Parliament persist.</p>	<ul style="list-style-type: none"> • Political Parties need to improve on nomination rules and procedures and inclusion of women in their perceived strongholds. • The other option supporting political parties to develop progressive party internal mechanisms such as having a minimum of 33% of aspirants and candidates in their strongholds being women. • The cases on electoral disputes drag much as appeals go all the way to the Supreme Court. This ends up frustrating women appellants and the respondents. There may be need for Parliament to review and amend Section 40 of the Political Parties Act to make Political Parties Disputes Tribunal (PPDT) substantive to expedite resolution of electoral disputes. • IEBC and other responsible bodies come up harsher penalties and strict action on those who perpetrate violence especially against women. • CSOs need to move to the community and other lower levels to nurture women leadership from the grassroots. • Parliament needs to operationalize the Campaign Financing Act. Costs of participation in politics should be made affordable to encourage women to participate. • ORPP should lobby for improvement of the formula for political parties' fund to cover at least a number of parties in Parliament. There is

	<p>need to go beyond gender parity or representation for party official to political parties presenting electoral candidates compliant to two-thirds gender threshold.</p> <ul style="list-style-type: none"> • The ORPP system for the registration of new party members should be made user friendly and secured to avoid infiltration. The ORPP should be strengthened to hold parties to their own rules and nepotism disallowed.
<p>Low State and Non-State Institutional Support to Women MPs</p>	<ul style="list-style-type: none"> • Media is critical in supporting the agenda of women leadership in parliament. The media should play a key role in busting gendered myths and misconceptions that promote patriarchy and instead help in putting together evidence to promote inclusion and participation of women. • In addition to creating more spaces to showcase women leadership in their programming media houses should remove barriers that limit and distort women’s leadership, inclusion and participation. • The media should take to task the government and political parties and oversight them on their commitment to achieving gender balance. • As part of Campaign Financing codes and regulations, media players should work with other actors to develop regulations on funding thresholds for media houses by politicians. • Constitutional Commissions, independent office and CSOs should monitor compliance across government, parliament, within the public service and in political parties. • There is need to ensure wider accessibility of information and regular reporting on women leadership development. • In order to encourage a larger pool of female aspirants non-state actors should put in place programmes and funding early in the electoral cycle as a means of empowering women at the grass-root level.

<p>Weak leadership and low influence of women in Kenyan politics.</p>	<ul style="list-style-type: none"> • To meaningfully impact legislation and representation, KEWOPA should undertake research-oriented actions to internally inform its activities and operations while networking with speakers’ and clerks’ offices and the Parliamentary legal team in drafting Bills, making amends to the laws and initiating advocacy for increased visibility. • Continuous investment in women’s movement through organizational support. There is need for deliberate facilitation of women for cross-country networking. It will be vital to work with national women movements in identifying entry points and mode for engagement of women. This will support Mzalendo Trust and other CSO actors to design programmes based on informed choice and ‘do no harm’.
	<ul style="list-style-type: none"> • Institute gender- and age-disaggregated data collection to inform the design of gender-sensitive policies and programs and the monitoring and evaluation of their impact on women parliamentarians and gender norms. • Institutionally, KEWOPA has to pursue rolling out tailor-made capacity building for its members on the rules of engagement, gaining the floor; negotiating Bills to enhance participation on the floor of the house while at the same time raise the members’ negotiation skills and capacity necessary in moving parliamentary business. • CSOs should generate evidence and data for strong advocacy for gender parity and work with women leaders to support them.

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