



MZALENDO

**THE INVISIBLE MINORITY:
AN ASSESSMENT OF
PARTICIPATION
OF YOUNG WOMEN IN
POLITICS IN KENYA**

MZALENDO TRUST

THE INVISIBLE MINORITY:
AN ASSESSMENT OF PARTICIPATION OF YOUNG
WOMEN IN POLITICS IN KENYA

NOVEMBER 2020



TABLE OF CONTENT

LIST OF FIGURES	v
EXECUTIVE SUMMARY	vi
1.0 Background of the Study	1
2.0 Objective of Study	2
3.0 Justification of Study	2
4.0 Methodology	4
5.0 Legislative and Policy Framework	5
5.1 Major International Treaties	5
5.2 The Constitution of Kenya, 2010	6
5.3 Kenya National Development Youth Policy, 2019	8
5.4 The Elections Act (2011)	8
5.5 The Political Parties Act, 2011	10
5.6 The Representation of Special Interest Groups (Amendment) Bill, 2019	11
5.7 Judicial Interpretations	11
6.0 Barriers Facing Young Women in Politics	12
6.1 Personal Level Barriers	12
6.1.1 Limited Information (Lack of Awareness)	12
6.1.2 Limited Training	13
6.1.3 Limited Mentorship	14
6.1.4 Domestic Roles of Women	14
6.1.5 High Standards of Achievement than Men	15
6.2 Structural Barriers	15
6.2.1 Role of Political Parties	15
6.2.2 Limited Financial Resources	18
6.2.3 Culture and Patriarchical Attitude	19
6.2.4 Political Violence	19
7.0 Recommendations	20

LIST OF FIGURES

Figure 1: Proportion of Youth Mps to the total number of MPs in 11th and 12th parliaments	1
Figure 2: Satisfaction with parliament performance in with regard to Article 100	8
Figure 3: Women's success rates by positions in 2017 Kenyan Elections	17

ABOUT MZALENDO

Mzalendo Trust is a Kenyan non-partisan Parliamentary Monitoring Organization (PMO) registered in 2005 whose mission is to 'keep an eye on the Kenyan parliament.' Through information sharing, research and networking, Mzalendo promotes greater public voice and enhances public participation in politics by providing relevant information about the National Assembly and Senate's activities.

The organization endeavours to build the people's trust and interest in parliamentary business through a number of initiatives, including tracking and communicating the outputs of the Members of Parliament (MPs). In so doing, Mzalendo entrenches democratic and good governance values, in line with the Constitution of Kenya, 2010.

Through research in various topical governance issues, Mzalendo aspires to inform and engage in fact driven advocacy for improved governance. Target areas include fair representation and participation of Special Interest Groups: Women, Youth and Persons with Disability (PWDs), data protection and access to information, open and accountable government and political party governance.

FOREWORD AND ACKNOWLEDGMENTS

The inclusion and participation of women in political processes is a critical component of promoting equality and the voices of the marginalized in Kenya. This engagement ensures that all voices in the society; women's particular needs, interests and experiences are reflected and captured in the decision-making process. For youth, the situation is the same. They require to be represented at all levels of society as they form a huge segment of the society and yet form the paradox of the 'marginalized majority.'

Following the successful release of Mzalendo's two reports on the inclusion and participation of Youth and Women MPs in Kenya's 11th and 12th Parliament, we realized that there were unique challenges that young women seeking to join elective politics. Young women are at the intersection of both youth and women, and while each individual group has Constitutional and statutory provisions that protect and promote their rights to political participation, the same is not accorded to young women. This leads to the predicament that they are facing; marginalization on two fronts. Consequently, they are not adequately represented or do not participate effectively either under the youth or as women.

This publication intends to highlight the challenges young women face as they endeavor to step into elective politics and represent their unique constituency. It is our hope that this report results in meaningful engagement between relevant institutions and enhances peer and citizen support for young women even as we gear towards the 2022 elections.

Mzalendo Trust is greatly indebted to the Netherlands Institute for Multiparty Democracy (NIMD) who offered financial support that enabled the organization to successfully carry out and publish the findings of this study.

We wish to thank everyone involved in generating this publication, in particular: all the respondents who provided immense contributions and recommendations, including Members of Parliament and County Assemblies, political party representatives, various CSOs, youth organizations, and participants at the Validation meeting held prior to launch of this report; the Consultant, Dr. Oscar Otele ; as well staff at Mzalendo Trust, Alex Ochieng, Loise Mwakamba, Jefferson Gathumbi, Sylvia Katua and Ruth Akolo for excellent work and valuable technical direction.

Caroline Gaita



Executive Director



EXECUTIVE SUMMARY

This report primarily looks into the participation and representation of young women in politics in Kenya. Kenya's legislative and policy framework lays a firm foundation for the participation of young women in politics. Through Article 97, 98 and 100, special seats are created to promote the participation and representation of youth and women in politics. Further to this, the Constitution introduced a quota system by limiting the domination of a single sex in political offices. Parliament is yet to enact substantive legislation that would make the two Houses comply with the two-thirds gender rule and even less effort has been made to enact legislation to represent youth in Parliament. Although review of the Elections Act and the Political Parties Act (PPA) has improved the regulatory environment, enforcement mechanisms still remain weak. Despite the 2012 Supreme Court Advisory Opinion on the two-thirds gender rule, Parliament and political parties remain non-compliant, thereby affecting participation of young women in politics.

In light of this, the report highlights numerous barriers that prevent the participation of young women in politics. They can be condensed into two categories: personal level barriers and structural barriers. Whereas personal level barriers influence young women's decision-making capacity in terms of whether to seek for the political office or not, structural barriers may threaten to participate once the young women have gained access to political terrain. The most salient personal level barriers include limited information (lack of awareness), limited training, limited mentorship, traditional view of women and high requirements of standards of achievement than men, while the most salient structural barriers include the role of political parties, limited financial resources, limited influence and networks, culture and political violence.

Many of the barriers, especially structural ones, are linked to policy and legal framework and lack of enforcement mechanisms. In some instances, enforcement mechanisms are there but are not adhered to. Deeply embedded structural barriers like culture and patriarchal attitude may persist beyond 2022 elections. Nonetheless, some of these barriers can be controlled so that young women actively participate in politics. Drawing from the findings, the study makes the following recommendations to increase representation of young women in Kenya's elective bodies in 2022 elections.

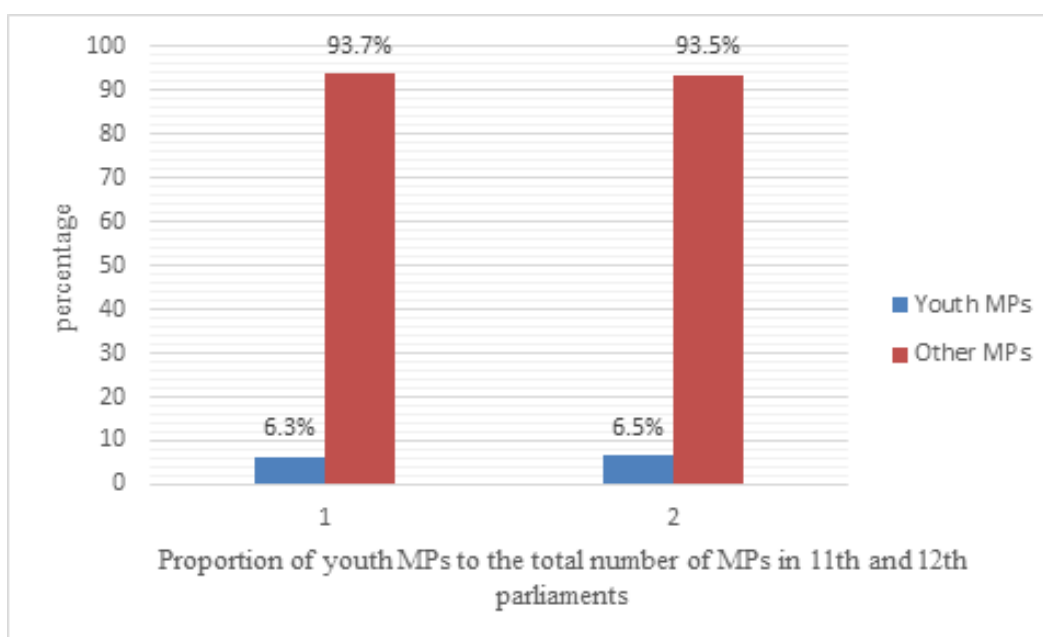
Firstly, to young women, the study recommends that they should actively engage in resource mobilization drives to widen their financial base. Young women should leverage social media to enhance their publicity and networks. More innovative avenues for engaging young women like participating in specific group gathering as opposed to public rallies should be promoted. Young women should leverage on Constitutional requirements, especially on nominated positions, as training grounds for elective positions. Secondly, continuous civic education by the National Gender and Equality Commission in collaboration with civil society organizations (CSOs) should be conducted to the general public with a view of changing mindsets away from patriarchal attitude that women are not effective leaders. Thirdly, CSOs should promote networking between women and youth associations. They should advance mentorship programmes, capacity building programmes, civic education, awareness and empowerment programmes and collaborate with State actors to advocate for campaign against violence on women in politics. Finally, political parties should conduct aggressive recruitment drives targeting young women and ensure that there are reserved seats for young women in the leadership structure. Parties should mainstream youth and gender affairs in party structures and fully embrace technology in party activities.

1.0 Background of the Study

Generally, Kenya has youthful population. According to 2019 Kenya Population and Housing Census the youth comprises 75% of the population up from 30.4% in 1969 with 49.5% being male and 50.5% female. It is estimated that the youth-adult population ratio increased from 62.7% of the adult population in 1979 to over 66.7% in 2019, indicating that Kenya's population has attained a youth bulge with immense opportunity of harnessing demographic dividend to achieve increased economic, social and political development while at the same time presenting threats to the country's social cohesion and stability if not adequately represented in decision-making bodies.

Youth representation has been a subject of concern throughout successive regimes since Kenya's independence in 1963. Indeed, the youth have remained at the periphery of the political space, yet they are commonly referred to as the leaders of tomorrow. To address this historical problem, the Constitution of Kenya 2010 specifies the youth as ranging between the age 18 and 35 and goes ahead to discard age restrictions as prerequisite of engaging in elective politics. To widen youth political participation, Article 97 sets aside 12 nominated members to represent in the National Assembly, amongst others the youth, Article 100 requires Parliament to enact legislation to promote the representation in Parliament of amongst others the youth while Article 98 sets aside two seats to represent youth interests in the Senate, to be filled by a man and a woman. Accordingly, participation of the youth in elections has increased since the enactment of the Constitution in 2010. In 2013, the youth constituted 46% of the registered voters, while in 2017 that proportion increased by 5% indicating declining apathy and rising interest and participation of youth in politics. Consequently, more youth were elected in various positions as follows: 1 Governor accounting for 2.13%; 11 Senators accounting for 17%; 27 Members of National Assembly accounting for 7.7%; 8 County Women Representatives accounting for 17%; and 430 Members of County Assembly (MCAs) accounting for 30%.¹ This was significant increase of youth in leadership as compared to 2013 elections. For example, in the case of Members of Parliament (MPs), the proportion of youth MPs to the total number of MPs in both 11th and 12th parliaments was 6.3% and 6.5% respectively as shown in **Figure 1**.

Figure 1: Proportion of Youth MPs to the total number of MPs in 11th and 12th Parliaments



¹Post-election Evaluation Report. Independent Electoral and Boundaries Commission. (IEBC) (2017).

Women representation has also been a subject of concern throughout successive regimes since independence. To promote women participation in elective politics, the Constitution of Kenya 2010 introduced a quota system by limiting the domination of a single gender in political offices. Article 81(b) of the Constitution stipulates that no more than two-thirds of the members of elective public bodies shall be of the same gender. Article 100 also requires Parliament to enact legislation to promote the representation in Parliament of amongst others women. Further, the electoral system preserves 47 seats in the National Assembly specifically for women. However, the Constitution only set out a clear mechanism for meeting the gender rule at the county level, but failed to do so for the National Assembly and the Senate. Although Article 100 mandates Parliament to enact legislation to promote the gender rule within five years, concerted efforts to enact such legislations have failed. Consequently, only 20% of MPs in the 11th were women, way below the constitutional threshold, and out of the 290 constituency seats in the National Assembly, only 16 were won by women. None were elected as governors or senators in 2013. However, in 2017, three women were elected Governors and three others as Senators, and more women were elected to the National Assembly and county assemblies. Nonetheless, the two-thirds principle was not realized. Consequently, after Parliament disregarding four Court Orders compelling it to enact the legislation required to implement the two-thirds gender principle, on 21st September 2020, the Chief Justice issued advisory opinion to President to dissolve Parliament in accordance with Article 261(7).

Despite the above proportion of youth and women in elective public bodies, when the proportion of young women is factored, the number reduces significantly. Whereas a sizeable number of young women have been elected as MCAs, fewer young women elected to National Assembly and none has been elected to the Senate. Although the Constitution provides for 16 nominated Senators to represent women interests, these positions are not usually filled by young women. Indeed, "this is the predicament facing young women in politics; marginalization on two fronts." Against this backdrop and in realization that it is necessary to ensure and advocate for increased participation of young women in governance process, Mzalendo Trust commissioned this study focusing on young women in politics to understand their unique challenges and to provide recommendations on how best they can be assisted to increase their representation in elective bodies.

2.0 Objective of Study

Specifically the study aimed to:

- Review the existing legislation and policies that provide for the participation of young women in politics;
- Highlight the barriers facing the participation of young women in elective politics and their contributions in politics in general; and
- Provide recommendations to promote the increased participation of young women in elective politics and contributions in politics.

3.0 Justification of Study

This study is grounded on other existing studies on participation of youth and women in governance process. These studies can be classified into three broad categories: studies on youth in politics; studies on women and political leadership in Kenya and studies focusing on the gender audit of elections and

political parties. In the first categories, Mwangola explores the idea of generational transformation and what lessons the youth can learn from the past trends². The author concludes that an expanded political space has already been created for the next generation and since that space is likely to be maintained, it is incumbent upon the youth to leverage on it. Sivi-Njonjo identifies the importance of demographics in participation with actual statistics on the participation of the female youth in governance³.

In the second category, Kamau profiled the achievement of key women leaders as aspirational materials for young women aspiring for political positions and the challenges they have faced in climbing the political ladder⁴. Mitullah and Owiti examined participation of women in politics since the reintroduction of multiparty politics in Kenya in 1992 which special emphasis on why the disparities persist⁵. The authors recommend that there is need to foster greater networking and coordination between the three arms of government and other state and non-state actors involved in women advancement. Other authors have focused on the nexus between women participation and good governance. For instance, Oduol looked at women in good governance and setting the standards for good leadership through mentorship⁶, while Kassilly and Onkware argue that there is need to improve Kenyan women's electoral performance and specifically to strengthen their political participation in all spheres⁷. They further recommend need to device strategies to redress women marginalization such as affirmative action.

The last categories of studies has been conducted mainly by civil society organizations (CSOs) dealing with women advancement. In 2013, the National Democratic Institute (NDI) and the Federation of Women Lawyers (FIDA-Kenya) conducted gender audit, Key Gains and Challenges: A Gender Audit of Kenya's 2013 Electoral Process. As a follow-up to their gender previous gender audit, in 2018, NDI and FIDA-K conducted a gender analysis of the 2017 Kenya Elections in the context of the systems and structures put in place to encourage women political inclusion and participation⁸. In 2018, Hivos conducted a study on gender equality and diversity inclusion strategy aimed at ensuring that its programmes contribute to diversity inclusion and a clear commitment to women's empowerment as stipulated by international human rights standards and global commitments to gender equality⁹.

From the above, it is evident that there exists array of studies on youth in politics in general and women in politics in general. In 2019, Mzalendo Trust conducted a research on the inclusion and participation of women in Kenya's 11th and 12th parliaments and established that within the 6.3% of young MPs,

²Mshai Mwangola (2011) Youth and Politics: Generational Missions' In Katindi Sivi-Njonjo, Angela Kitonga & Awuor Ponge (eds), Youth Research Compendium. Nairobi: IEA. pp. 225 – 246.

³Katindi Sivi-Njonjo (2010) Youth Fact Book: Infinite Possibility or Definite Disaster? Nairobi: IEA.

⁴Nyokabi Kamau, (2010) Women and Political Leadership in Kenya: Ten Case Studies. Nairobi: Heinrich Böll Stiftung.

⁵Winnie, Mitullah & Lilian Owiti (2007) "Women and the Politics of Transition" In Peter Wanyande, Mary Omosa & Chweya Ludeki (Eds) Governance and Transition Politics in Kenya. Nairobi: University of Nairobi Press. pp. 155 – 178.

⁶Jacqueline Oduol (2011) "Women in Leadership and Governance" In Okoth Okombo, Joseph Kwaka, Barrack Muluka & Betty Sungura-Nyabuto (Eds) Challenging the Rulers: A Leadership Model for Good Governance. Nairobi: EAEP and Community Aid International. pp. 160 – 180.

⁷Nasambu Kassilly & Kennedy Onkware, K (2010) Struggles and Success in Engendering the African Public Sphere: Kenyan Women in Politics.' Kenya Studies Review, 3(3):71 – 83.

⁸The National Democratic Institute (NDI) and the Federation of Women Lawyers (FIDA-Kenya), 2018- A Gender Analysis of the 2017 Kenya General Elections.

⁹<https://www.hivos.org/assets/2018/09/Hivos-Gender-Equality-and-Diversity-Strategy-online.pdf> (accessed 24 September 2020).

elected young women are few¹⁰. This study builds on the research to identify barriers specific to young women. While recognizing that the policy and legal framework is key in understanding the inclusion and exclusion of women in political participation it first reviews the existing legislation and policies. By understanding the real story of young women in elective politics, this study draws conclusions about the barriers young women face as candidates and aspirants. These conclusions will form the basis upon which Mzalendo Trust will make a series of recommendations to increase participation of young women in political processes.

4.0 Methodology

The study utilized a qualitative approach because understanding the legal framework and the real story of young women politics in elective politics requires non-quantitative data. Both secondary and primary data were collected in this study. Secondary data comprised published analyzed materials on women in politics (mainly the barriers facing the participation and contribution of young women in politics in Africa), while primary data was collected through document review and key informant guides.

4.1 Document Review

The study reviewed legislative and policy documents undergirding participation of young women in politics in Kenya. These include major international treaties like International Covenant on Civil and Political Rights (ICCPR), the Convention on the Political Rights of Women and African Youth Charter (2006), ratified to protect young women in politics; the Constitution of Kenya, 2010; Kenya National Development Youth Policy, 2019; The Political Parties Act, 2011; Elections Act, 2011, Representation of Special Interest Groups Laws (Amendment) Bill, 2019, judicial interpretations (Supreme Court Advisory Opinions and High Court Orders) and other related laws¹¹.

4.2 Key Informant Interviews (KIIs)

The study interviewed more than 40 purposively sampled respondents attained through purposive sampling of key informants and subsequent chain referrals from interviewed informants. Key informants were drawn from the following four categories.

- Young women in politics below age 35 years (Members of County Assembly & MPs)
- Young women who have attempted to vie for elective position but lost
- Young women leaders in political parties
- Representatives of civil society organizations (CSOs) working on women's advancement.

Appendix 1 shows the profile of interviewed key informants. As much as possible the Consultant strived to ensure views from various parts of the country.

4.3 Data Collection

Data was collected through questionnaires. Due to COVID-19, key informants were interviewed via phone calls that lasted about 30-34 minutes at their convenient time. As the data collection proceeded, similar views began reoccurring, an indication that the study had attained saturation point. To ensure validity and reliability of the data, verification of responses was conducted throughout the interviews.

¹⁰Mzalendo Trust. 2019. "Owning the Space: The inclusion and participation of women in Kenya's 11th and 12th parliaments".

¹¹Like Election Campaign Financing Act, 2013; Election Offences Act, 2016; National Gender and Equality Commission Act 2011.

4.4 Data Analysis

Analysis of the data followed the analytical framework guided by the study's objectives. Further coding was done for data obtained under objectives two and three.

5.0 Legislative and Policy Framework

This section reviews the existing legislation and policies that provide for the participation of young women in politics. In general, since the promulgation of the Constitution in 2010, Kenya has strived to advance the right and equality of young women participation in politics through several pieces of legislations. Several amendments have also been made to electoral laws creating additional opportunities for participation in elective politics. The legal framework guiding participation of young women in politics is laid out in several policies¹² and laws¹³. This review includes major international treaties ratified to protect young women in politics; the Constitution of Kenya, 2010; Kenya National Development Youth Policy 2019; The Political Parties Act, 2011 Election Act, 2011; The Representation of Special Interest Groups (Amendment) Bill 2019 and judicial interpretation.

5.1 Major International Treaties

Some international human rights laws ground participation of youth and women in political leadership, thereby detailing fundamental values to guide participation of young women in politics of participating states. Kenya has domesticated some of the international treaties that now constitute part of national laws guiding young women in elective politics¹⁴. They include the Universal Declaration of Human Rights (UDHR)¹⁵, International Covenant on Civil and Political Rights (ICCPR)¹⁶, the Convention on the Political Rights of Women, the UN Convention on the Elimination of all forms of Discrimination against Women (CEDAW) and the African Youth Charter, African Charter on Human and People's Rights (ACHPR)¹⁷ and the African Charter on Democracy, Elections and Governance.

The UDHR is the capstone of human rights and a fundamental value in any democratic state. It

¹²On women: Ministry of Gender, Children and Social Development Service Charter August 2008; Republic of Kenya (November 2008): Strategic Plan (2008-12) for the Ministry of Gender, Children and Social Development; Republic of Kenya (2008): Kenya Vision 2030; Republic of Kenya (May 2006): Sessional Paper No. 2 of 2006 on Gender Equality and Development; Republic of Kenya (March 2008): Plan of Action to Implement the National Policy on Gender and Development; Republic of Kenya National Policy on Gender and Development 2000; Republic of Kenya National Plan of Action to implement the National Gender Policy 2008 – 2012; Republic of Kenya: Gender Commission draft Strategic Plan 2008- 2012; Republic of Kenya (2005): Millennium Development Goals: Status report for Kenya, Ministry of Planning and National Development. On youth: The Constitution of Kenya; The National Youth Council Act, No. 10 of 2009; The Kenya Vision 2030

¹³Elections (No. 24 of 2011); African Women's Protocol, 2003; Constitution of Kenya, 2011; International Covenant on Civil and Political Rights, UN A/Res/ 2200A(XXI) 23rd March 1972; Parliamentary Elections Act, 2001; Political Parties Act, 2011; The Constitution of Kenya (Amendment Bill), 2015; The Constitution of Kenya (Amendment) Bill, 2011; The Convention on the Elimination of All Forms of Discrimination against Women, 1979, 1249 UNTS; The Convention on the Political Rights of Women (New York: United Nations, 1953); Two-Third Gender Rule Laws (Amendment) Bill, 2015; The African Youth Charter, 2006; UN 2030 Agenda on Sustainable Development (SDGs), 2015; Commonwealth Plan of Action for Youth Empowerment (PAYE) 2006-2015 that provides framework for youth development; World Programme of Action for Youth (WPAY) that provides framework and practical guidelines for national action and international support to improve situation of youth; African Youth Charter (2006) and Decade Plan of Action for Youth Development and Empowerment (2009-2018) on Legal and political framework for action on situation of youth in Africa;

¹⁴Constitution of Kenya, Article 2 (5) and 2(6).

¹⁵UDHR Article 21.

¹⁶ICCPR Article 25(a) and (b).

¹⁷ACHPR Article 13.

specifies the equal enjoyment of political rights without any form of discrimination based on gender or any other categories¹⁸. The ICCPR also affirms the right to political participation and governance without discrimination¹⁹. In response to sustained discrimination against young women in elective politics, the Convention on the Political Rights of Women affirms the rights of women to vote and hold public office without discrimination. As such CEDAW expects member states to protect young 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"²⁰. It defines equality, equal treatment and equal status of women and men in terms of formal recognition in law and in practice²¹. African Youth Charter provides the governments, youth and civil society and international partners with a continental framework which underlines to the rights, duties and freedom of youth. It promotes the constructive involvement of youth in the development agenda of Africa and their effective participation in the debates and decision-making processes in the development of the continent²². Kenya has also signed the Protocol to the ACHPR on the Rights of Women in Africa ("Maputo Protocol") and the African Charter on Democracy, Elections and Governance, but is yet to ratify them. The former stipulates the principle of equal participation and the use of affirmative action to ensure equal and, thereby promoting effective participation of young women in politics²³, while the latter seeks to promote full realization of political rights and promotion of representative governance. Whereas Kenya's signatory status to international laws supporting youth and women's representation has led to the national adoption of laws and reforms on young women's participation in politics, leading to increased representation at both levels of government, there is a lacuna between commitments pursuant to the ratification of the texts and the reality of young women's leadership. This implies that there is more that needs to be done to ensure full realization of the political rights of young women as envisioned in international law.

5.2 The Constitution of Kenya, 2010

The fulcrum of participation of young women in elective politics is the Constitution of Kenya 2010. To widen youth participation, Article 97 sets aside 12 nominated members to represent amongst others the youth in the National Assembly, Article 98 sets aside two seats to represent youth interests in the Senate and Article 100 requires Parliament to enact legislation to promote the representation in Parliament of amongst others the youth. Further, the document provides for effective participation of young women in politics through the two-thirds gender principle²⁴ -an acronym for the constitutional requirement prohibiting any form of discriminations in the appointive and elective positions in Kenya on the basis of one's gender.

With regard to elective positions, the two-thirds principle is set out in Articles 27(8) and 81(b) of the Constitution. Article 27(8) states that besides the measures such as affirmative action programmes and policies listed in Article 27(b), "the State shall take legislative and other measures to implement the principle that not more than two-thirds of the members of elective and appointive bodies shall be of the same gender". Article 81(b) further adds that "[t]he electoral system shall system shall comply

¹⁸UDHR Articles 2, 7 and 21.

¹⁹ICCPR Article 25(a) and (b).

²⁰CEDAW Article 7.

²¹CEDAW Articles 2, 44 and 24.

²²African Youth Charter (2016), African Union Commission.

²³Maputo Protocol Article 9.

²⁴Articles 10 (2), 23, 27, 54 (2), 54 55 (b), 98 (1) (b) and 177) of the Constitution.

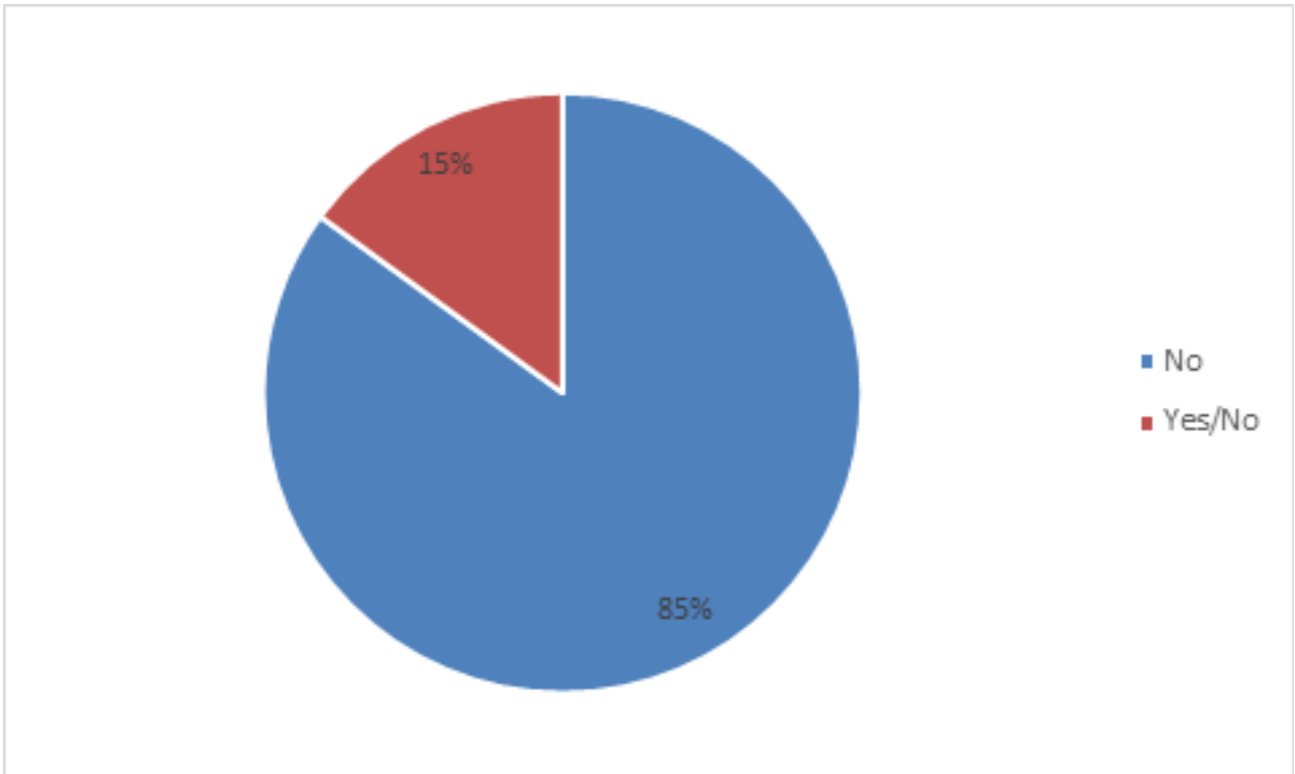
among others, the principle that, "not more than two-thirds of the members of elective public bodies shall be of the same gender". Indeed the two-thirds gender principle is reaffirmed under the general principles of the electoral system on the membership and composition of the country's county assemblies²⁵. The Constitution stipulates that should the election not yield a 33% majority, the county must nominate members of the minority gender to fulfill the constitutional requirement. Since then several pieces of legislation have been enacted to guide nomination at the county level²⁶. At the national level, the Constitution has set aside 47 seats for women representatives in the National Assembly that is open only to female candidates to complete amongst themselves during the general elections. The Constitution requires that the 12 nominated seats to the National Assembly be picked from a zebra list (i.e., alternating male and female candidates) that would represent marginalized groups (like youth and women). In the Senate, the Constitution has set aside 16 seats for women to be nominated by political parties based on the numerical strength in the Senate elections, this is in addition to two members representing the youth and two representing persons with disabilities (PWD)²⁷. The two PWD youth members must be divided evenly along the gender. However, the Constitution is silent on the remaining 290 open constituency seats in the National Assembly and the remaining 47 seats in the Senate with regards to ensuring that two-thirds rule is implemented. Rather, Parliament is mandated by Article 100 to enact legislation supporting participation of marginalized groups (including youth and women) in elective positions. In this regard, the study sought to find out whether respondents were satisfied with the performance of Parliament in relation to the implementation of Article 100. As indicated in Figure 2, overwhelming majority (85%) reported that they were not satisfied with the performance of Parliament citing four instances where it had ignored four court orders directing it to implement Article 100. The rest reported mixed satisfaction with Yes and No responses. Those who reported Yes, observed that to some extent Parliament has done something with regard to Article 100 as evidenced by the enactment of National Gender and Equality Commission Act, 2011, and County Government Act, 2012 which contain some provisions for promoting participation of young women. In fact, they went ahead to observe that women are to blame because when Bills relating to the promotion of women interests are tabled in Parliament, ironically expected number of women is often lacking. They claim that women are poor in mobilizing their colleagues in supporting their Bills. They also faulted political parties represented in Parliament for not whipping their members in supporting such Bills.

Figure 2: Satisfaction with parliament performance in with regard to Article 100

25COK Articles 81(b), 177(1) (b) and 197.

26For example County Government Act 2012.

27The National Assembly has a total of 390 seats, of which 290 represent constituencies, 47 are designated seats for women, and 12 are nominated. The Senate has 47 members.



Source: Author (2020)

5.3 Kenya National Development Youth Policy, 2019

The quest of a new youth policy was borne out of the desire to review the National Youth Policy (2006) to ensure that it is compatible with the Constitution of Kenya, 2010. Article 10 and 27 call for inclusivity, non-discrimination, equality and freedom from discrimination on the basis of age. Further, Article 55 obligates the state to take measures, including affirmative action programmes to ensure that the youth among others issues access relevant education and training; have opportunities to associate, be represented and participate in political, social, economic and other spheres of life. Accordingly, the National Youth Policy seeks to mainstream youth issues in all spheres of national development through affirmative action for the youth as a strategy of participation in governance process. The policy would allow for the development of an integrated framework to enhance coordination of youth initiatives across the two levels of governments. It would establish broad-based strategies to promote opportunities to the youth so as to leverage on their potential. It would provide a broad framework in which diverse efforts of stakeholders could be harnessed to maximize impactful investments in the youth. It would ensure fairness through standardization of the provision of service to all the youth as well as spelling out policies aimed at removing obstacles to youth participation in politics. The development of policy document was positive development towards mainstreaming youth activities, however, its delayed released after adoption by the Cabinet raised concerned among the youth²⁸.

5.4 The Elections Act (2011)

The Act details provisions governing the conduct of elections at all levels in Kenya by Independent and Electoral Boundary Commission (IEBC). It embodies a number of provisions supporting the participation of youth and women in elections. Section 3 of the Act stipulates the right to vote, thereby

²⁸“Young people want new youth policy effected”, Daily Nation, 13 September 2019; <https://nation.africa/kenya/news/young-people-want-new-youth-policy-effected-203274> (Accessed on 20 September 2020).

safeguarding the rights of young women in election, while Part VI of the Act criminalizes activities that would interfere with the right to vote or the exercise of that right through bribery, intimidation or violence. Nomination of young women is affirmed in Section 36 and 37 on allocation and re-allocation of special seats through mixed-member party lists. The Act also requires the IEBC to determine from party lists the members required to comply with the two-thirds gender rule in allocating special seats²⁹. Accordingly Section 34(1)-(4) stipulates that the political parties submit their nominations rules to the IEBC for review. Parties that are not in conformity are granted 14 days to review their procedures. Recognizing the challenges women face in resource mobilization, during 2013 and 2017 elections, election regulations lowered the amounts of the IEBC-required nomination fees for all female candidates³⁰.

How young women should relate with their political parties during election is detailed in the regulations guiding the actions of all parties, their officials, candidates, agents and supporters. This is meant to ensure that young women participate in a free and peaceful campaign process, devoid of violence and intimidation. The code protects participation of young women against any form of discrimination. Political rights of young women as candidate are protected under Section 16 of the code. It obligates election committees, candidates, and agents to ensure security and full participation of women; respect the right of women to freely express their views in political parties; facilitate the full participation of women in political activities, ensure free access of women to all public political events and take reasonable measures to ensure that women are free to engage in any political activity. In attempt to address violence meted against women, the IEBC established a Code of Conduct Enforcement Committee to hear and determine complaints brought before it regarding violations by candidates, their agents and supporters. Those that were found guilty were warned, fined, while others were disallowed from participation in elections.

Despite some strengths mentioned above, there are several weaknesses that counter effective participation of young women in politics. First, there are no guidelines that would guide the chances of selecting young women on party lists for the special seats. Crucially, the parties in the National Assembly often nominate more men than women to represent special interests; Second, there are no enforcement mechanisms that the IEBC would use to guarantee political party compliance with election regulation. Many a time, non-compliance by parties has often disadvantaged young women; third, there are no provisions that give space to political parties to catalyze the chances of increasing participation of young women. Fourth, some provisions of the Act unintentionally hinder compliance. For instance, candidates wishing to dispute the results of party primaries or the elections are required to meet travel and a several fees³¹. These fees may be out of reach to many young women. At the end, many young women may ultimately elect not to contest sham party primaries or final elections to high costs. Two, whereas the Electoral Code of Conduct is intended to limit actions that cause electoral environment to be unfavourable towards young women, unfortunately the code has not been fully implemented. For instance, during 2017 election, the IEBC published a list of cases regarding violations of the Code against candidates, however the list was just a handful of a few case against young women- an indication that IEBC may not have been aware what many young women candidates had gone through³².

²⁹Elections Act Section 36(7).

³⁰Elections (General) Regulations, 2012 Regulations 19, 25, 29, 33 and 37

³¹For example, election petitions require fees of Ksh.100,000 for MCAs, Ksh. 500,000 for MPs, Governors and Senators, and Ksh. 1,000,000 for President

³²Post-election Evaluation Report. Independent Electoral and Boundaries Commission. (IEBC) (2017).

5.5 The Political Parties Act, 2011

The Act amplifies provisions in the Constitution related to the representation of marginalized groups and the conduct of free and fair elections. The place of young women in political parties is protected under Section 7 of the Act that seeks to ensure the inclusion and participation of women in governance of political parties³³. For instance, the Act stipulates that party governing bodies should comply with the two-thirds gender rule. Registered political parties should adhere to the Political Parties Code of Conduct, which requires that they should respect the rights of all persons to participate in electoral process.

Section 23 of the Act establishes the Political Party Fund (PPF), and Section 25 (b) provides criteria for distribution of fund key among them is that for a political party to qualify for the funds, it must not have more than two-thirds of its registered office bearers belonging to the same gender. To further enhance participation of young women in politics, Section 26 (f) of the Act dictates that 30% of the public fund should be used to promote representation of women and other marginalized groups (like youth).

Despite the above provisions, the Act has not lived up to its objectives of increased participation of women in politics at least based on the women performance in 2013 and 2017 elections (NDI & FIDA-K, 2018, p.14; Mzalendo, 2019). In an attempt to increase women participation, in 2016, state and non-state actors formed a Technical Working Group (TWG) to recommend measures aimed at ensuring the two-thirds gender principle. The TWG recommendations informed the following amendments to the Act: the term "special interest groups" was substituted with "minorities and marginalized groups". Indeed youth and women categories were included within the inclusion framework³⁴; Section 7(2) (f) (iv) requires that, to qualify for full registration, political parties must submit a document detailing the number of members they have recruited from special interest groups. The amendment is meant to assist the Office of Registrar of Political Parties (ORPP) in monitoring and auditing parties for adherence to the constitutional principle of inclusion and, where necessary, compel compliance with the law. The Act now provides for registration of political parties that do not include representation of special interest groups in their governing and functional organs³⁵. After amendments to Section 25 1(a), the Act requires that 15% of the Political Party Fund be distributed proportionately among qualifying parties according to the number of its elected candidates who come from special interest groups. Finally, the Political Parties Code of Conduct requires implementation of policies and plans for affirmative action.

There are several weaknesses that counter effective participation of young women in politics. Although many political parties submitted their amended constitutions as required by the revised Political Parties Act, there were no strict enforcement if parties committed other offences (some touching on the violation of the rights of women to participate in elective politics) under the Act. Given that young women have limited spaces in the big established political parties, they opt for small or emerging political parties which unfortunately do not qualify for funding under political parties funding basket, thereby disadvantaging them in terms of access to financial resources to advance their political interests. Whereas amendments to the Act were intended to ensure compliance, some parties have respected the spirit of the intents, others have elected young women to positions without giving them

³³Political Parties Act (2011) S. 7 requires parties to have diversity and gender balance (among other requirements) as well as governing bodies whose leadership meet the gender representation principle.

³⁴Section 2 of the Political Parties Act.

³⁵Section 21 (h) and (i) of the Political Parties Act

meaningful responsibility as required. In the worst case scenario, some parties have submitted fake list of members to the Office of the Registrar of Political Parties to create the picture that they are implementing the Act. The study observed that in some other cases, young women who have been loyal to political parties have been prevailed upon to step down for new entrants; mostly seasoned politicians deemed to have strong financial muscles³⁶.

5.6 The Representation of Special Interest Groups (Amendment) Bill, 2019

The Bill seeks to pave way for an Act of Parliament to amend various laws to give further effects to Article 100 of the Constitution, to promote the representation in Parliament of women, persons with disabilities (PWDs), youth, ethnic minorities and marginalized communities. If enacted the Act would, one, enhance the funding of special interest groups through assured disbursements from the Political Parties Fund. Two, require political parties to accumulate funds disbursed from the Political Parties Fund to election campaign activities of special interest groups through publicity and other measures. Three, mandate the National Gender and Equality Commission with the function of conducting and facilitating civic and voter education to sensitize the public on the right of special interest groups to participate in the electoral process. Four, provide a forum for harnessing political will to support the representation in Parliament of special interest groups. Five, require political parties to enhance the representation of special interest groups in elective bodies by ensuring that their nomination lists comply with the provisions of Article 54(2) and 81(b) of the Constitution. Six, require the Independent Electoral and Boundaries Commission to ensure lists submitted by political parties seeking to participate in a parliamentary election comply with the provisions of Article 54(2) and 81(b) of the Constitution. Six, enhance the capacity of special interest groups to participate in the electoral process. Whereas this Bills is arguably a step in the right direction towards promotion of young women in politics, if assented to by the President, it would be important that it receives necessary political will during implementation.

5.7 Judicial Interpretations

The inaction by Parliament to implement Article 100 the two-thirds gender principle as stipulated in the Constitution has been a subject of judicial review. In 2012, the Attorney General sought In the Matter of the Principle of Gender Representation in the National Assembly and the Senate (2012), the Supreme Court's Advisory Opinion on whether the two-thirds principle would apply to the forthcoming 2013 general elections. The Supreme Court provided an advisory opinion that the Constitution envisioned a progressive realization of the two-third gender principle and directed Parliament to enact the requisite legislation by 27th August 2015³⁷. Although the Advisory Opinion was praised by many as pragmatic, it gave the government and Parliament impression that there was no need to hurry as not much was done within the stipulated time frame leading to the filing of High Court Constitutional Petition No.182 of 2015- Centre for Rights Education and Awareness (CREAW) versus Attorney General and another (2015)- whereby the Court directed the Attorney General and the Commission on Implementation of the Constitution to "prepare the relevant Bills for tabling before Parliament for purposes of implementation of Articles 27(8) and 81(b) of the Constitution as read with Article 100 and the Supreme Court Advisory dated 11th December 2012³⁸".

However, Parliament did not enact the required legislation prompting filing of another petition in the High Court- Constitutional Petition No.371 of 2016, Centre for Rights Education and Awareness and 2 others v Speaker the National Assembly and 7 others (2017). The Court directed "Parliament and

³⁶Personal interview, several aspirants, September, 2020.

³⁷Cited in Chief Justice Advisory Opinion to the President dated 21st September 2020.

³⁸Ibid.

the Honourable Attorney General to take steps to ensure that the required legislation is enacted within a period of sixty (60) days from the date of...[that] order and to report the progress to the Chief Justice³⁹ , or Parliament risk being dissolved as stipulated by Article 261(7) of the Constitution⁴⁰. However, the 11th Parliament adjourned in June without having passed the law. Parliament's appeal against the decision was dismissed by the Court of Appeal in its judgement in Speaker of the National Assembly v Centre for Rights Education and Awareness and 7 others (2019). Consequently, after Parliament disregarding four Court Orders compelling it to enact the legislation required to implement the two-thirds gender principle, on 21st September 2020, the Chief Justice issued advisory opinion to President to dissolve Parliament in accordance with Article 261(7).

6.0 Barriers Facing Young Women in Politics

There are numerous barriers that hamper the effective participation of young women in politics. They can be condensed into two categories: personal level barriers and structural barriers. Whereas personal level barriers influence young women's decision making capacity in terms of whether to seek for the political office or not, structural barriers may threaten the extent of participation once the young women have gained access to political terrain. This section analyzes the most salient barriers to participation of young women in politics in each category.

6.1 Personal Level Barriers

The most salient personal level barriers include limited information (lack of awareness), limited training, limited mentorship, domestic roles of women and high standards of achievement than men.

6.1.1 Limited Information (Lack of Awareness)

Most of young women seeking elective positions and their supporters alike are confronted with the challenge of limited information causing them to consume rumors, innuendos and lies ubiquitous in Kenya's political scene. The study established that limited information is manifested in various ways. First, new entrants are inexperienced and lack high levels of public recognition, therefore they do not understand how to plan for campaign and outreach. Second, most of them are not aware of their political rights as shined in the Constitution. A majority of respondents observed that many young women have not taken their political space as enshrined in the Constitution. Some do not know what the Constitutional provisions on their rights to political participation. Thirdly, a majority of young women are not aware about sources of political information. Most of them lack ideas on how they can tap into their social networks as leverage for political information and resource mobilization. This lack of knowledge is not only attributed to lack of exposure but also because the available avenues where this information could be accessed are occupied by seasoned experienced older men making it difficult for young women to penetrate such an environment. Citing the case of Nairobi City, one respondent identified informal gatherings around Jevanjee Gardens, Hotel Ambassador or even boda boda (motorcycle) gatherings as avenues where young women could receive political information not channeled in the mainstream media which may be crucial for their participation yet these gatherings

³⁹Ibid.

⁴⁰Article 261(7) empowers the Chief Justice to advise the president that parliament should be dissolved if it fails to enact such legislation.

are dominated by men. Fourth, some young women have limited information regarding qualifications (academic) required for running political office. One respondent tellingly remarked that



I had heard rumors about basic undergraduate degree as prerequisite for County Women Representative position. Because I had not completed my final year at the University of Nairobi in 2017, I had initially shelved my political ambitions and opted for MCA position. I later renewed my interest in Vihiga Women Representative seat after visiting the head office of Orange Democratic Movement where I was told that a degree was not mandatory for the position.

Lastly, some young women also have limited information regarding how they should conduct themselves during electioneering period. It was observed by representatives of political parties that most women have limited access to information regarding the Code of Conduct during election and even lack of basic skills on how to file complaints against violators. As such, their male counterparts take advantage of this to commit election offences and run away with them

Similarly, some supporters of young women are also not aware of the rights of young women in politics. A majority of the supporters have been socialized to believe that women are not effective leaders, and they are always dismissive of women candidature especially the young ones. Supporters of young women who have accepted that women can be elected urge women to go for the preserved seat or be strategic in affairs of political parties and seek for nomination seats after elections.

6.1.2 Limited Training

The lack of information on how to effectively participate in politics was partly attributed to limited training. A majority of young women contesting for elective office for the first time, were not only unaware of campaign coordination, but also knew little about working with political parties. Representatives of major political parties reported that they had dedicated trainings for aspirants and candidates during election periods. For instance, in FORD- Kenya, due to the large number of aspirants, trainings on conduct during party primaries are conducted at county levels. Once party nominations have been concluded, the candidates are trained in Nairobi on campaign strategies and resource mobilization. Young women who had previously contested for political office are more confident than new entrants, and their earlier experience becomes training ground as they are more familiar with campaign planning and outreach. Further, young women who had previously served in government offices leverage government trainings on leadership, public speaking, resource mobilization and name recognition and are more likely to win elective seats than those who have never served in government. An MCA from Kilifi County who unsuccessfully vied in 2007 and 2013 recalled her experience:



I twice vied with an unpopular party in the region. Unlike in the previous elections, in 2017 I was more prepared as I had conducted numerous fundraising initiatives, created a dense network of supporters right from the family level to business associates. My campaign team was robust and well-coordinated. I set up a team of five representatives in every village. These were respected people with considerable influence on opinion in the village. In the run up to party primaries, I trained my agents on how to secure the votes. I later used the same agents in the final election and won the seat.

Representatives of CSOs advocating for women advancement reported having offered training to young women to improve their knowledge and skills in handling party nominations and final elections- views that were corroborated by a majority of young women who had contested for elective offices. Indeed, most confirmed that they were trained by CSOs like National Democratic Institute, Centre for Multiparty Democracy and Oslo Centre on leadership skills, campaign planning skills, communication skills, budgeting skills, personal branding skills, creating manifestos, resource mobilization, public speaking skills and social networking skills. However, contesters faulted the training observing that it is not a continuous process, but rather a sporadic exercise that comes towards the tail end of electioneering cycle when the candidates are under extreme pressure to attend to other commitments. Some observed that some CSOs are so uncoordinated in their training that the training modules are copied and pasted from one entity to another resulting to fatigue and loss of interest. Still, some contesters observed that the trainings are not devolved to other parts of the country, thereby leaving young women in major towns to benefit.

6.1.3 Limited Mentorship

Most of young women aspiring for political positions also face the challenge of limited predecessors to emulate. As such, they lack reference points of successful young women in politics who they can withdraw lessons and experience on how to navigate the perceived rough political terrain dominated by men. Because of limited predecessors, it was observed that areas/counties where women had previously been elected are more likely to attract young women in politics than areas where women have never been elected. Examples cited were of Dagoretti Constituency (Hon. Beth Mugo), Gicugu (Hon. Martha Karua), Kasarani Constituency (Hon. Elizabeth Ongoro), Marakwet East (Hon. Jebii Kilimo) and Starehe Constituency (Hon. Margaret Wanjiru) that have attracted young women in politics because of their predecessors.

Shortage of mentors is also to blame for low participation of young women in politics. Whereas successful models could be young women, mentors could be seasoned women in politics or those who have retired from politics. However, it was reported that some of these politicians have not taken interest in mentoring young women in politics. A nominated MCA in Homabay County decried how her mentorship function was ignored by women politicians whom she had invited expecting that their presence would boost expected objectives of the function. Therefore, due to the lack of role model and mentors, young women are exposed to the rough path that others before them have had to travel.

6.1.4 Domestic Roles of Women

Domestic roles of women such as motherhood were also identified as another barrier to young women's active participation in politics. It was observed that most young women complete education at the age of 24 between 30 adding that women reproductive cycle begins when male counterparts are active in politics. Others observed that expectations of motherhood and family duties deny them the time to effectively participate in politics. Young married women are hard pressed to choose between either protecting the young family or joining politics. A majority opt to protect their young families to keep the marriage. Family obligations deny married young women the luxury of time to campaign. Unlike their male counterparts that may campaign throughout the night, married young women are limited on time forcing them to end campaign as early as eight o'clock. While unmarried woman may enjoy independence, their marital status is always challenged. One aspirant for MCA seat in Baringo County vividly recalled how she was flatly told on her face by some voters that they cannot vote in a

young lady because one needed to marry first and have children before she could be considered for elective seat in the area. Another aspirant in Laikipia West was prevailed upon to step down in favour of an older woman because she was told that her child was too young and that she was needed more as a mother to take care of her child.

6.1.5 High Standards of Achievement than Men

Finally, it was pointed out that young women face a high bar set for them before they could even be considered for elective seats. Some of the standards of achievements include academic or professional accomplishment as corroborated in the Daily Nation,



A distinguished element of the women leaders who made it to Parliament or any related position of leadership in Kenya is their high levels of professional achievements. Most of the women leaders were accomplished academics having reached the pinnacle of their professions. Examples include Dr. Julia Ojiambo, Phoebe Asiyo and Professor Wangari Mathai among others⁴¹.

This confirms that women are held to higher standards of achievement than men. Although access to education has been expanded in the last two decades, the number of women that attained high academic qualifications still lags behind. This harsh reality begins sieving out young women that are yet to achieve the prerequisite recognition to participate in elective politics. The same scenario is replicated to the number of women who have excelled in their professional life. In most cases young women complete university education at the age of 24 and those that are lucky are yet to be fully established in their profession by the time they turn 30. Therefore, these high standards of achievement discourage young women from actively participating in politics.

6.2 Structural Barriers

The most salient structural barriers include the role of political parties, limited financial resources, culture and political violence.

6.2.1 Role of Political Parties

Political parties support participation of young women in politics through two ways. Firstly, political parties are necessary vehicles young women may utilize to vie for various positions at national or county level. Secondly, young women seeking nomination must be proposed by their own party based on the party's performance in general elections. Whichever route chosen, each has its own limitations. It was held by most respondents that chances of young women getting elected is high if they belong to the dominant political party in a specific region because of Kenya's regionalized and ethnicized political parties. Despite the provisions of the Political Parties Act requiring gender balance in the party governing councils, a majority of parties have not complied, thereby excluding young women from being part of the political insiders that controls the patronage network. However, the study established that women in general show lower interest in affairs of political parties denying them access to patronage network and causing, a majority of young women to perform dismally in elections. An aspirant from Kiambu County in 2017 described how competing for the Jubilee Party ticket "was really a struggle

⁴¹Daily Nation, 6th April 2009 also posted in <http://www.nation.co.ke/news/-/1050/557575/-/item/1/-/hypb//index.html>

for the fittest because you needed to have influence over those prominent politicians who are the custodians of the party." Yet these political insiders are political brokers who erect road blocks for the young women striving to gain access to the party structures. It was reported that these political insiders demand for bribes from unsuspecting young women seeking assistance from political parties.

Still, the impermanence and unpredictable nature of political parties in Kenya scares many young women from investing heavily in dominant political parties. In fact, the matter has been complicated by the rise of coalition formation as political parties enter into loose formal or informal pre-coalition coalition. Because of this fluidity of the parties, young women are sometimes afraid of spending their meager financial resources in dominant political parties, because they are not sure whether their chances of succeeding are guaranteed. One aspirant for Busia Women Representative Seat in 2022 election observed that:



Past experience has taught us that you do not align to a political party early enough in an environment where coalition-based politics is a reality. For me, I am keenly watching political formations around Building Bridge Initiative (BBI) and how the referendum politics would be framed then I would decide which political parties to choose.

This strategy is an indication that the young women do not have clear and strong ideological pathways they can rely on to engage voters.

Young women who decide to vie on small or emerging political parties have a lot of work than their counterparts in dominant parties. Unlike in dominant political parties where young women may ride on a popular wave to market their candidatures, such opportunities do not exist in small political parties. When they vie using small political parties most of the time they are lone, thus fuelling the perception of leaders who cannot mobilize a formidable team. An aspirant for Vihiga Women Representative recalled how she found herself in lonely moments with a security officer provided by IEBC because she was vying on Republican Party of Kenya- a small and unpopular party- compared to her challengers with a massive following riding on ODM, AMANI and Jubilee Parties.

Although nomination seats have been viewed as training ground for young women seeking elective positions, this demands loyalty and connections to elites from regionally popular parties. Once in office, this allegiance must continue." This view was shared by a nominated MCA from Homabay County noting that: "I present the voice of the party and not the people of my ward where I come from." In order to secure the support of the party leaders for nomination, a representative of FORD-Kenya observed that "loyalty to the party during election is very important...for instance, if there is a member of National Assembly aspirant from your ward, they will demand that you support them, or they will threat to propose another name." Whereas this reality may appear to be similar to women and men, it is skewed against the political independence and agency of young women because many of the nominated seats were created to promote affirmative action in a political context where women were underrepresented.

Interestingly, it was also reported that some political parties and male candidates intentionally discouraged young women from vying for dual gender seats, advancing the argument that the space of women participation is already preserved through the positions of women representatives and nomination seats. For instance, in 2013 and 2017 elections, some male candidates opposed to

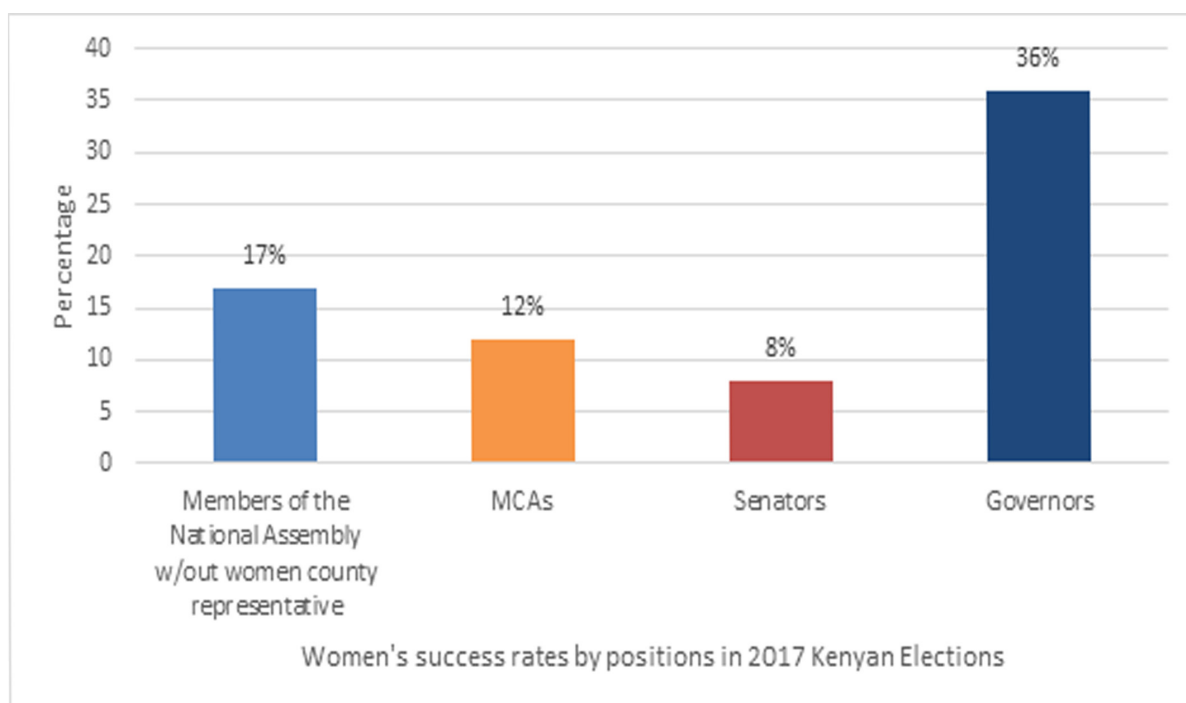
women candidates in their own political parties advanced the narrative that women should only view for affirmative action seats or wait to be nominated. An aspirant for MCA seat in Embakasi Central noted:



What I can say is that there were many hurdles for women candidates. It was unfortunate that many male candidates and even party officials took advantage of the constitutional provisions to campaign against women candidates. Many women were prevailed upon not to contest against male candidates in open seats like for Senatorial, Member of National Assembly and MCA. Some shouted loudly that women should be left alone because they have been given separate seats which do not need much competition and they should be satisfied with that.

Finally, it was also observed that many political parties have centralized their activities at the head offices in Nairobi. Although many have ICT infrastructure, they are yet to operationalize to include party activities like registration, issuance of nomination certificate and party primaries. This has made it difficult for young women in far flanked counties like Turkana, Busia and West Pokot among others to access key services.

Although there exists opportunity for young women to contest as independent candidates, their performance in 2013 and 2017 has been dismal. For example, in 2017 election, 25% of gazetted candidates competed as independents. Among women candidates, 21% were independents⁴². Only 15 MPs were elected as independents representing 5% of the national legislature as shown in **Figure 3**



⁴²The National Democratic Institute (NDI) and the Federation of Women Lawyers (FIDA-Kenya), 2018- A Gender Analysis of the 2017 Kenya General Elections.

6.2.2 Cost of Politics

Like in other African countries, the gendered nature of electoral financing predisposes young women to a lot of challenges when contemplating to vie for elective positions⁴³. Successful campaigns are then directly correlated to how young women would interact favorably with financial demands like party membership, nomination fees, campaign materials, payments to potential voters, logistical support, transportation and security. Whereas party membership would presuppose enjoyment of certain privileges in the parties, it was reported that in some parties, young women are only contracted for clerical work when the party is gearing for elections. In other words, party membership does not leverage young women when they declare their interest in elective positions. It was observed that it was not uncommon to find that young women are sidelined in preference to new entrants who are deemed as assets to the party because of their strong financial muscles. On a more positive note, a majority of representatives of political parties observed that their parties reduce nomination fee for women by half. For example, the nomination rules and regulation rules of FORD-Kenya require female candidates to pay half of the nomination fee, while in Jubilee Party both males and female candidates pay equal amounts with exemptions for PWDs⁴⁴. It is also important to note that the amount is reviewed annually depending on the prevailing circumstances.

During the campaign period, candidates typically require vehicles, campaign posters and gifts to offer potential voters. It was reported that devolution has increased political competition at the local level making even the lower seat like that of MCA an expensive affair. One respondent who had interactively closely with elected MCAs and Member of National Assembly in rural areas observed that in 2017, a majority of candidates who won MCA seat spent average of Ksh. 3 - 5 million on campaigns, while those for MNA spent an average of Ksh.20- 50 million. Political parties support their candidates with little financial resources in meeting costs related with vying for elective position.

Mobilizing the estimated amounts is always a tall order for young women compared to their male counterparts because of a number of reasons identified by respondents. Firstly, young women coming from school have barely settled in their professional careers and accumulated enough networks to ride on. In terms of priority, deciding to join politics and looking for the required financial resources in most cases is ranked at the bottom. Secondly, in some communities mostly from western Kenya, many families invest their financial resources in assets such as livestock and land which are usually controlled and owned by men. In this regard, young women are disadvantaged in terms of accessibility to these resources which may be one of the sources of financing campaign. As one elected MCA in Bungoma County observed, "resources like land are in the hands of men, so [women] can't take a man's land and use it in the campaigns." For young married women, it is even difficult to sell family property unless it is done with the consent of the husband, compared to male married counterpart who would easily sell family property for campaign. Thirdly, in comparative terms to their male counterparts, young women bear a heavier burden of financial resources required for campaign. A majority of respondents observed that young women have to spend more financial resources on personal security against violence. As they package themselves as "mothers", it was reported that many a times they are asked to prove their worth by supporting vulnerable groups like orphans in the communities which in most cases is an expensive affair. Fourthly, given the low level of participation of young women in politics in many cases they find themselves challenging incumbents which require them to work extra hard

⁴³Happy Kayuni and Ragnhild Muriass (2014). "Alternatives to Gender Quotas: Electoral Financing of Women Candidates in Malawi." *Representation* 50, No. 3: 393-404.doi:10.1080/00344893.2014.951235.

⁴⁴Personal interviews, September 2020.

with serious implication on their financial capability. Fifthly, because of the problem of acceptability of women in politics in general, young women have to do a lot of persuasion which requires them to spend more in convincing potential voters.

6.2.3 Culture and Patriarchal Attitude

Societal expectations about the place of women has equally placed considerable challenges to young women in their quest for elective positions. The level of scrutiny that young women must endure before they are entrusted with leadership is higher than their male counterparts. In some communities, they are required to publicly declare whether they are married or not. Unmarried young women are even subjected to higher level of scrutiny than married. It was reported that many communities view responsibilities that accompany marriage as a test of leadership, and it becomes very difficult for young women to convince opinion leaders that being unmarried is not a prism through which their leadership skills should be judged. For married young women, it was observed that they have to prove that they are good wives and homemakers before they are elected as these qualities are viewed as prerequisite to being a trusted-worthy political leader. One nominated MCA corroborated saying:



“Many Kenyans are of the opinion that a young woman should not be given the opportunity to lead. She is expected to prepare for a family and remain in the private space. Even if she expresses interest in politics the people will say that she is not worthy. The cultural view is that a woman is seen as a home maker not a politician.”

The level of scrutiny then feeds into the question of acceptability of women leadership in some communities because many Kenyans have been socialized to believe that men are more suited to assume political leadership. A majority of respondents observed that many Kenyans are not yet fully comfortable with women's leadership, or may be at ease with only limited participation of women in politics. Whereas women are depicted as “mothers”, “better managers of finances than men”, “caregivers of children”, these labels have been used to portray women as “weak” compared to their male counterparts who are often portrayed as “strong, aggressive and often corrupt⁴⁵”. Ironically, these traits have been accepted as desirable and voters are often unforgiving for young women who do not possess them. Undoubtedly, this subtler type of gendered, dismissive language is ostensibly appropriated to sustain patriarchal attitudes towards women leadership.

6.2.4 Political Violence

Young women and their supporters are subjected to violence and protests during electioneering period. Two main forms of violence were identified among the respondents: sexist and abusive language and direct physical assault against candidates or their supporters. Sexist and abusive language is the most frequent form of violence young women have to endure when seeking elective positions. Unmarried young women are often depicted as “loose women”, “prostitutes”, while married one are often termed as “adulterers” by their male competitors⁴⁶. Members of the public even scrutinize and criticize the way women candidates dress.

The media in Kenya has also be accomplice in this kind of attack against young women. Print media has been notorious for publishing doctored photographs of young women naked or out with men they are

⁴⁵Personal interviews, September 2020.

⁴⁶Personal interviews, September 2020.

suspected of having affairs with. There is a big difference in the way the media covers young women and men. According to one aspirant: "When a young woman is suspected of not 'behaving well' her reputation is irreparably damaged, but when man is promiscuous, he is termed as a king."

Direct physical attacks/violence against candidates or their supporters is another most visible form of political violence. One aspirant described how she was physically assaulted by goons aligned to her opponent. The assault had her hospitalized at Mama Lucy Kibaki a few weeks to elections. Another aspirant vividly recalled how she narrowly escaped rape by a group of armed men before being rescued by police on patron.

Violence against young women was mostly experienced during party primaries. A nominated Senator explained that many "voters do not participate in the primaries because they fear the chaos", adding that "in some areas it was so bad...the situation was so violent even women supporters were beaten and chased like dogs out of the polling stations." Undoubtedly, young women were one of the vulnerable groups likely to be deterred by the violence. An elected MCA described how her opponent hired "goons" to identify her key mobilizers and intimidate them. Violence escalated, as "three women were shot, they even tear gassed the polling stations." On the day of voting, her opponent paid local police to take over the polling station and kidnap the presiding officer. This pervasive violence during the party primaries dissuades women from voting and participating in the political process, thereby decreasing the likelihood of women securing party tickets.

7.0 Recommendations

Many of the above barriers especially structural ones are linked to legislative and policy framework and lack of enforcement mechanisms. In some instances, enforcement mechanisms are there but are not adhered to. Deeply embedded structural barriers like culture and patriarchal attitude may persist beyond 2022 elections. Nonetheless, some of these barriers can be controlled so that young women actively participate in politics. Drawing from the findings, the study makes a series of recommendations to various actors to increase the participation of young women in Kenya's elective bodies.



YOUNG WOMEN

Resource mobilization drives

Mounting successful election campaigns is an expensive affair. Young women aspiring to join politics always begin from disadvantaged position because some are jobless or others are just starting their careers. Because of this reality, those that are employed are financially unstable and have to make hard decision between joining politics and professional development. Compared to their older counterparts or even young men in some communities who have unlimited access to their fathers' wealth, the playing ground is always skewed against young women desire to join politics. The study recommends young women to employ necessary resource mobilization strategies like joining young women resource mobilizing groups, mobilizing support from donors, well-wishers and tapping into social networks rights from the family level in order to obtain financial support needed to mount a serious campaign.

Use of social media as a campaign tool

Given that a majority of young women are not in a position to purchase space in the traditional media, they should utilize social media to popularize their candidature and campaign programmes. These platforms match well with young women because most of them are well educated and are familiar with technology. They can utilize social networking sites like Twitter, Facebook, Instagram, WhatsApp groups to share their political message and campaign programmes. They can also design videos of their campaign programmes and share on Youtube. They can also tag their supporters on pictures of their programmes, a strategy that is likely to increase enthusiasm from other young supporters. Additionally, having personal dynamic websites where political visions and agenda are shared would increase the visibility of young women.

Innovative avenues of engaging young women

There is need to gradually change avenues where young women engage in politics. Engagement of young women should be moved slowly from traditional political rallies to more group focused audience like sporting activities and women groups. The motivation behind this strategy is to gradually move politics from the old guards that prevent young women from effective participation. The old guards are political brokers that make it difficult for young women to reach target audience during political rallies. Not only do they demand for bribes and other material gains, but they also control how much time young women are granted to speak in rallies. They hide behind the "ladies first" narrative to grant young women opportunity to speak first to the advantage of their male competitors.

Leveraging on constitutional requirements on affirmative action

Last but not least, the study recommends that young women should strongly advocate for the implementation of Constitutional requirements on the nomination of young women to special seats in both the National Assembly and the Senate. Political parties should nominate deserving young women who would later on take active role in governance. Once they are nominated, young women should leverage on these positions to hone their leadership skills, and not to expect nomination in future, but to apply acquired skills to vie for seats. Therefore, affirmative action should be used as a training ground for young women to immerse themselves in elective politics.



GENERAL PUBLIC

As the challenges facing young women in politics are addressed, another critical segment that needs not be left out is the general public, especially young voters. The study established that this is a crucial segment of the population in ensuring the success of young women in politics yet a majority of them are not aware about the role of women in politics. Civic education is recommended for the general public to change their mindsets away from patriarchal attitude that women are not effective leaders. Some men in particular should be educated to change their thinking and realize that the current crop of young women are educated and are very capable and able to perform responsibilities in leadership positions. This civic education can be spearheaded by National Gender and Equality Commission in partnership with civil society organizations to ensure that this process is successful.



CIVIL SOCIETY ORGANIZATIONS

Networking between women and youth associations

The study recommends networking between women and youth associations because for a long-time young women have been on the periphery thereby undermining many issues affecting the youth. Creation of such networks would increase participation of young women. Such networks would emancipate young women and have them mobilized to take active roles in political leadership as well as in various development programmes undertaken by national and county governments and even donors.

Mentorship programmes

Seasoned women in positions of influence at policy making and implementation levels should be helpful in mentoring young women through various mechanisms, such as sharing experiences and lessons, to ensure continuity in women's participation in politics. The study recommends need for mentorship programmes that would go down even to the county levels because of low levels of participation by young women at the grassroots level. Furthermore, CSOs can also partner with retired and seasoned women politicians to act as role models and advance inter-generational dialogue.

Capacity building programmes

The study recommends CSOs to increase capacity building programme through training of young women in political leadership. A basic training toolkit should contain modules on leadership skills, campaign planning skills, communication skills, budgeting skills, personal branding skills, creating manifestos, resource mobilization, public speaking skills and social networking skills. These skills are critical for successful campaigning and would go along in exposing young women to general knowledge on leadership and governance and expand their world view about national and international politics. For this to be effective, training modules should be developed annually to insert new trends and address new challenges to avoid the copy-paste fatigue. More importantly, these programmes should be disseminated earlier and regularly as opposed to near electioneering period as the aspirants and candidates are juggling campaigning and other duties.

Civic education and empowerment programmes

Civic education would be key in effecting the much-needed change and transformation among young women. These programmes would be the channels through which CSOs encourage young women aspiring to join politics to follow their dreams through selling their stories and not succumbing to use of force and violence. Such programmes should incorporate confidence mechanisms that would encourage young women to see themselves as capable leaders. Further, these programmes would create a sense of self-importance and increase self-esteem among the young women, thereby deconstructing cultural stereotypes of women remaining in the private space. Finally, the programmes would be critical in enhancing awareness about their civil duties and rights to participate in politics.

Campaign against violence on women in politics

CSOs should work in collaboration with state actors like IEBC, National Police Service (NPS), Office of Director of Public Prosecution and Judiciary to advance campaigns against violence to women in politics and effective prosecution of perpetrators of violence. More efforts should be made towards providing security to women because they are the most vulnerable during electioneering period. Indeed IEBC in collaboration with NPS did this in 2017, and the study recommends that this effort should be doubled in the forthcoming elections.



POLITICAL PARTIES

Recruitment drives targeting young women

The study established that women in general show lower interest in affairs of political parties, thereby causing membership to be skewed in favour of men. Therefore the study recommends that political parties should conduct aggressive recruitment drives targeting young women. They can achieve this through aggressive campaign so as to attract marginalized groups like youth and women. They can effectively achieve this through partnership with CSOs in relevant civic education programmes on the need to be party members and about their expectations and aspirations once they join the party.

Mainstreaming youth and gender affairs in party structures

The study established that some political parties have mainstreamed youth and gender affairs in the party constitutions and the manifestos. This is commendable but more work still needs to be undertaken by other political parties. Issues affecting youth and women need to be prioritized and dealt with by competent officers. Young women should be part of the decision-making structures like National Executive Council because they can be able to articulate their issues much better. Allowing them to be part of party policy processes also accords them the agency to push for their interests in the party constitutions and the manifestos.

Fully embrace technology in party activities

It was noted that whereas many political parties have ICT infrastructure they are yet to operationalize to party activities like registration, issuance of nomination certificates and party primaries. This has made it difficult for young women in far flanked counties like Turkana, Busia and West Pokot, among others, to access key services. The few that manage to travel to Nairobi sometimes are forced to queue for long periods of time. Operationalizing technology at local levels would reduce instances where unsuspecting young women are greeted by brokers based at the head office in the run up to elections.

Supported by:

Netherlands Institute for

**Multiparty
Democracy**