

**THE JOURNEY  
OF  
WOMEN CANDIDATES & LEADERS IN THE 2017  
GENERAL ELECTIONS:**



**An analysis of Experiences; Challenges & Lessons Learned**

**DECEMBER 2017**

**THE JOURNEY  
OF  
WOMEN CANDIDATES & LEADERS IN THE  
2017  
GENERAL ELECTIONS:**

---

*An analysis of Experiences; Challenges & Lessons  
Learned*

**DECEMBER 2017**





# TABLE OF CONTENTS

---

## Contents

Table Of Contents.....	lii
Acknowledgement .....	lv
Preface .....	v
Executive Summary .....	vi

## CHAPTER ONE

---

1.0 Background.....	1
1.2: Study Objectives .....	3
1.3: Methodology .....	4

## CHAPTER TWO

---

2.0 Analysis Of 2017 General Elections .....	5
--	---

## Chapter Three

---

Women's Participation In Parliament.....	17
3.0 Campaign Financing And Women Participation In Leadership .....	19
3.1 Introduction .....	19
3.1.1 Political Parties Act .....	19
3.1.2 Election Campaign Financing Act No. 42 Of 2013 .....	20
3.1.3 Analysis Of The Existing Framework.....	20

4.0 Conclusions And Recommendations .....	23
---	----

---

5.0 Works Cited .....	25
-----------------------	----

---

Reports, Journal Articles And Books .....	25
---	----

Annexes .....	29
---------------	----

---

About Crawn Trust .....	31
-------------------------	----

---



## ACKNOWLEDGEMENT

---

We wish to thank our partners Action Aid International Kenya for their steadfast support to CRAWN Trust and the National Women's Steering Committee, their commitment to women's empowerment and advancement and for fully supporting this work.

We also thank and acknowledge the Women Members of Parliament and the Women Members of County Assemblies who participated in the interviews and who contributed in the Focus Group Discussions to share their stories and experiences in their political journeys. The insights shared went a long way in enriching this publication.

We appreciate the team at CRAWN Trust Lilian Nyandoro and Winfred Kimeu for coordinating the programme work and supporting the consultant Mr. Vincent Kimosop in carrying out the research and compiling the report.

## PREFACE

---

The country has just emerged from a long electioneering period, and while the election and swearing in of elected leaders has concluded legally, there are other issues that are related to the elections that still shape the political discourse in the country. The issue of inclusion and gender representation is one of the items and concerted efforts are need to ensure that it is given the priority it deserves.

To engage effectively moving forward, it is important to take stock and review what contributed to the success stories of women who made it to political leadership and what were the challenges experienced in the electoral process. This will help in identifying, inform and give more focus on initiatives that will have more impact in setting a conducive environment to increasing women participation in leadership positions and electoral process.

In the past, CRAWN Trust engaged various women in political leadership and noted with concern that most political leaders both men and women do not understand the functions and purpose of affirmative action seats. Some of the leaders believe that people nominated through the affirmative action seats are to push only political party interests and not represent the interests of the different groups under which they are there nominated.

Further, some of the elected leaders do not have development agenda that resonates with the people they represent and thus use the leadership platform for personal benefits and selfish gains.

This report documents the experiences, challenges and lessons of women who offered themselves for various political positions during the last elections, those who made it into public office and those who did not.



## EXECUTIVE SUMMARY

---

Through the study we sought to document the experiences of women who offered themselves for different elective positions in the last election. It highlights their challenges, experiences, lessons learned and recommendations that should be undertaken so as to support efforts towards a more inclusion in leadership through increasing the participation of women in leadership

Their experiences clearly indicate that there are various challenges women still have to overcome for them to get to be in leadership. These challenges range from the negative cultural practices that undermine the place of women in leadership; limited financial resources; violence which unfortunately get to take a gender dimension with women being abused sexually; infective criminal justice system; weak governance institutions including weak political party governance structures, misuse of technology and social media to carry malicious campaigns against women leaders. There are also good stories from communities that have embraced women and their contribution to leadership.

The Constitution of Kenya 2010 has played a significant role through the provisions of the affirmative action that has facilitated women to move from the nomination platform to be elected in single member constituencies. Affirmative action has also given women a platform to build their political capital and make their contributions in leadership and it should be supported so as to play its rightful role in shaping and molding an inclusive society.

To move the agenda of increasing the participation of women in leadership; it is important for actors in the women's movement to continue speaking with one voice on issues of women in leadership and forge partnership with other actors in society especially at family level to help them understand why it is important for their full inclusion in leadership and decision-making. When the role of women's participation in leadership is contextualized within the family context; then it becomes possible to rally support for the cause. After the general election in 2002 where a coalition of opposition parties under the NARC umbrella emerged victorious, there were advocates from the women movement who were incorporated in government. There was celebration noting that they understood the importance of women participation in different spheres; however this was not to be the case. There's therefore need for vigilance so that the agenda of inclusion is always given the priority it deserves.

There should be a mention of emerging trends and the recommendations in the Executive Summary (hopefully covered in the body of the report too).

# CHAPTER ONE

## 1.0 BACKGROUND

Women play a significant role in society and therefore their participation in leadership and decision making is crucial. This is however hindered by a myriad of obstacles and challenges that impede their effective participation in political leadership. They range from negative cultural practices preference of men& boys over the woman/girls; , limited access to resources like land and finances; weak institutions specifically political parties which mainly are controlled by individuals and the general lack of goodwill to see to it that society benefits from the perspectives that they bring to the table of decision making.

The Constitutional bench mark for involvement of both men and women in the social, political and economic advancement of the country is set out under Article 27(3). The said provision requires women to be accorded the opportunity to participate in, among other things, leadership and political processes. Participation in political leadership is imperative for women since it is the most potent arena for decision making. In verbatim, the relevant provision states as follows:

***(3) Women and men have the right to equal treatment, including the right to equal opportunities in political, economic, cultural and social spheres.***

This is further reinforced in Article 27(8) requiring that in any elective and appointive position there can be no more than two thirds of the same gender. The journey to the actualization of the requirements of Article 27 has been a long journey that has not yet ended 7 years after the promulgation of the Constitution of Kenya 2010. There have been several judicial actions to compel both the Executive and National legislative arms of government to comply with the gender principle which is yet to be realized. There were unsuccessful attempts to pass legislation in the National Assembly that will facilitate compliance with the two third gender principle. One Bill was moved by Aden Duale (Majority Leader) and the other was by National Assembly Justice and Legal Affairs Committee Chairman Samuel Chepkonga. Chepkonga's Bill proposed to push for progressive realization of the two-thirds gender rule.

In the run up to the August 2017 elections, following the failure of the 11<sup>th</sup> Parliament to enact the necessary legislation as required by the Supreme Court Advisory of 2012 for the implementation of the two thirds gender principle, CRAWN Trust, Centre for Rights and Awareness (CREAW) and Kenya Human Rights Commission (KHRC) went to court to seek orders for the necessary legislation failure to which the 12<sup>th</sup> Parliament would be





unconstitutional if the requirements of gender inclusivity were not met.<sup>1</sup> This led to the judgment decision of 29<sup>th</sup> March 2017 by Justice Mativo in *Centre for Rights Education and Awareness, CRAWN Trust & Others v Speaker the National Assembly & 6 Others*.<sup>2</sup> Parliament still did not comply with this order and the aspirations of the people of Kenya concerning of Article 27(8) are yet to be met.

In the just concluded elections, there has been slight improvement in the number of women who successfully contested for elective positions<sup>3</sup> but the numbers do not meet the minimum threshold of not more than two thirds as required by the constitution. This shows that the problem regarding the election of women into positions of influence may not be rooted only in culture as is often posited.<sup>4</sup> It has been argued hitherto that it is the people that have been unwilling to elect women owing to culture. However this is changing even in cultures that are deemed to be generally more steeped in tradition relative to others.<sup>5</sup> There has been an improvement by 3% (from 5% to 8%) as 23 were elected up from 16 women who have been competitively elected to the National Assembly in single member constituencies and an improvement from 0%- 6% in the number of women elected to Senate as 3 women out of 47 were elected Senators as well as three women being elected as governors and 0.43% improvement for those elected as MCA's (IEBC data).

On the basis of the abovementioned percentages, the performance of the country in the realization of a gender inclusive leadership has only slightly improved compared to the eleventh parliament yet still falls short of the minimum threshold. At the time of the eleventh parliament, Kenya was ranked 77<sup>th</sup> in the world with 27% of women making up the senate and 19% the national assembly.<sup>6</sup> Now with the twelfth parliament, although

- 1 See Mumma Catherine, Kenya's failure to implement the two-third-gender rule: The prospect of an unconstitutional Parliament *Constitutionnet* 17/6/2017 available at <http://www.constitutionnet.org/news/kenyas-failure-implement-two-third-gender-rule-prospect-unconstitutional-parliament> accessed on 12/12/2017
- 2 [2017] eKLR This decision gave parliament 60 days to enact legislation that would provide for the mechanism by which the 2/3 gender rule would be realized in Kenya
- 3 See Kenya Human Rights Commission, "Kenya Human Rights Commission's statement on performance of women candidates in the 2017 elections", *khrc press release*, 10<sup>th</sup> August 2017 available at <http://www.khrc.or.ke/2015-03-04-10-37-01/press-releases/621-kenya-human-rights-commission-s-statement-on-performance-of-women-candidates-in-the-2017-elections.html> accessed on 12/12/2017, Kiano Bethuel, "DP William Ruto lauds Kenyans for electing more women leaders" *Digital Standard*, 22<sup>nd</sup> August 2017 available at <https://www.standardmedia.co.ke/article/2001252214/dp-william-ruto-lauds-kenyans-for-electing-more-women-leaders> accessed on 12/12/2017
- 4 Culturally it has been presumed that political contests bear a more masculine strand of competition. See generally Aulette, J. R., Wittner, J. G., & Blakely, K, *Gendered worlds*. (New York: Oxford University Press; 2009)
- 5 We have MPs who have been competitively elected from the pastoralist communities of Garissa, Laikipia and Kajiado. This ought to be an indicator of the fact that the voters are already willing to embrace a change in terms of long held tradition regarding leadership that would be contrarian to the principle of gender inclusivity that is aimed at correcting historical neglect of women in not only leadership but also resource allocation.
- 6 Marie-Emmanuelle Pommerolle, "Grammar of Patriarchy: Women and elections in Kenya" *French Institute for Research in Africa- Nairobi* September 13 2017 available at [http://ifra-nairobi.net/1648#\\_ftn1](http://ifra-nairobi.net/1648#_ftn1) accessed on 12/12/2017

the percentages in elective positions have improved somewhat, the two third gender rule has not yet been achieved.

Gendered challenges still abound and while the law provides for the dismantling of the historical barriers, we have barely scratched the surface.<sup>7</sup>

Case in point being the documentation by the Kenya National Human Rights Commission immediately after the political party primaries which noted in its report that women candidates were targeted in order to dissuade them from challenging their male contestants.<sup>8</sup>

## 1.2: STUDY OBJECTIVES

This study was aimed at carrying out an analysis highlighting the journey of women who made it to political leadership and those who did not , the challenges and the proposed measures to be taken by different stakeholders in building on the good foundation to promote women's effective participation in political leadership in delivering the women agenda.

The specific objectives are:

- a. To provide an analysis on the journey of women's experience and engagement in the political process and highlighting the successes and challenges they face.
- b. To identify the gaps and give recommendations on how to consolidate the women agenda and influence the political space.

---

7 These take the form of threats of violence and relatively lower access to funding. See Muiruri Faith, Violence derailed women candidates in the just concluded polls Kenyan Woman, Aug 28 2017 available at <http://kw.awcfs.org/article/violence-derailed-women-candidates-in-the-just-concluded-polls/> accessed 12/12/2017

8 See KNHRC, The fallacious Vote: A Human Rights Account of the 2017 Political Party Primaries, available at <http://www.knchr.org/Portals/0/OccasionalReports/Party%20Nominations%20%20Report%20-%20KNCHR.pdf?ver=2017-05-15-110816-540> accessed on 12/12/2017 also cited by Muiruri

## 1.3: METHODOLOGY

**Literature Review:** This was undertaken by looking at past work done in promoting the participation of women in leadership. We looked at past work done by CSOs in the women's movement, information available online and writings on the subject.

IEBC data was also availed during the period of undertaking the study.

**Interviews –** We interviewed Women Members of Parliament (Women Members of the National Assembly, Single Constituency Members of National Assembly) to document the experiences of their journeys into political leadership.

**Focus Group Discussions:** Held FGD with CSOs that supported women aspirants, Community members from Kajiado County and a meeting that brought together 12 Women Members of County Assemblies and other women leaders and aspirants where they shared their experiences during the 2017 general elections and past elections considering that some had been active in politics even in 2013 elections

## CHAPTER TWO

### 2.0 ANALYSIS OF 2017 GENERAL ELECTIONS

The 2013 general election was significant because it marked the first time that elections were being conducted under the Constitution of Kenya 2010. Under this new representation architecture, there is enhanced representation at all levels with new positions including the governor, senator, county MPs (women representatives), county assembly members and an increased number of MPs from 210 to 290.

**Table 1: Summary of Nominated Leaders 2013**

Position	Male	Female	Total	%Female
President	7	1	8	12.50%
Governor	231	8	239	3.35%
Senator	227	19	246	7.72%
Member of National Assembly	1,968	165	2133	7.74%
Woman representative	0	155	155	100.00%
Member of County Assembly	9,287	623	9910	6.29%
<b>Grand Total</b>	<b>11,720</b>	<b>971</b>	<b>12,691</b>	<b>7.65%</b>

Source: IEBC

After the completion of the nominations stage in 2013, there were a total of 12,691 aspirants with female candidates being 971 representing a paltry 7.65% of the total candidature.

**Table 2: Summary of Elected Leaders 2013**

Position	Male	Female	Total	% Female
President	1	0	1	0.00%
Governor	47	0	47	0.00%
Senator	47	0	47	0.00%
Member of National Assembly	274	16	290	5.52%
Woman representative	0	47	47	100.00%
Member of County Assembly	1,359	91	1,450	6.28%
<b>Grand Total</b>	<b>1,728</b>	<b>154</b>	<b>1,882</b>	<b>8.18%</b>

Source: IEBC

After the 2013 general elections, a total of 1882 leaders were elected to the various elective positions with overall percentage representation of women improving marginally from the nominations stage to 8.18%. However, it was worth noting that in 2013, there were no elected women at the three top positions namely, the President, Governor and Senator Positions.

## The 2017 Elections

The 2017 general elections were conducted under a similar electoral framework (as no provisions were made for the operationalization of the two thirds gender rule) with main points of departure being the enhanced level of awareness on the need for enhanced gender representation. There was an increase in the number of aspirants at all levels as summarized in the table below.

**Table 3: Summary of 2017 Nominations List**

Position	Male	Female	Total	%Female
President	8	0	8	0.00%
Governor	200	10	210	4.76%
Senator	230	26	256	10.16%
Member of National Assembly	1,779	114	1,893	6.02%
Woman representative	-	299	299	100.00%
Member of County Assembly	10,574	1,283	11,857	10.82%
<b>Grand Total</b>	<b>12,791</b>	<b>1,732</b>	<b>14,523</b>	<b>11.93%</b>

Source: IEBC

The increase in the number of candidates cleared by the IEBC to contest saw an increase in the number of female candidates from 971 in 2013 to 1732 in 2017. This saw women's candidature rising to 11.93% which was however short of the minimum 30% that would satisfy the constitutional two thirds gender rule. Importantly, there was an increase of women candidatures at the senate and gubernatorial levels although there was no woman cleared to run for president.

## 2017 Final Elections Outcome

**Table 4: 2017 Final Elections Summary**

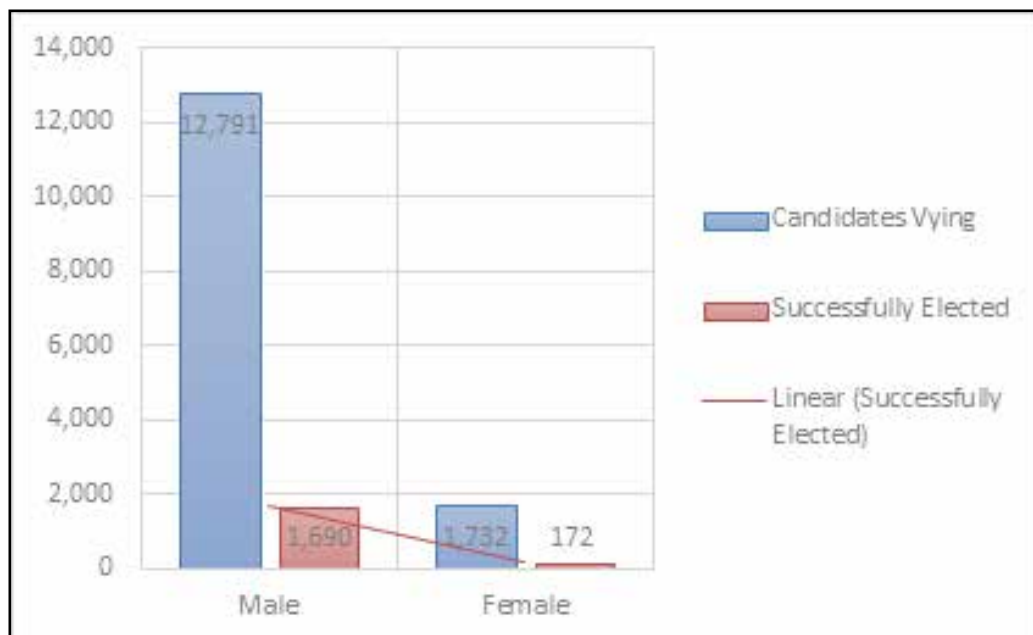
Position	Male	Female	Total	%Female
President	1	0	1	0.00%
Governor	44	3	47	6.38%
Senator	44	3	47	6.38%
Member of National Assembly	267	23	290	7.93%
Woman representative	0	47	47	100.00%
Member of County Assembly	1,334	96	1430	6.71%
<b>Grand Total</b>	<b>1,690</b>	<b>172</b>	<b>1,862</b>	<b>9.24%</b>

Source: IEBC

After the finalization of the 2017 general elections, a total of 1862 leaders were elected at the six levels with 172 women being elected. This is an increase from 154 in 2013, representing an 11.69% increase in representation of women in Kenya. In overall terms, this represents 9.24% of all elected leaders which although being an increment from the 8.18% representation, still remains low and way below the 1/3 minimum gender requirement.

However, it is worth noting that significant gains were realized in women representation at the gubernatorial and senatorial level where three women were elected at both positions. From a list of 36 aspirants from the nominations stage, the election of 6 women at these two levels represented a 16.67% success rate.

**Graph 1: Progression of Women and Comparison with Male Candidates**



Overall however, out of the total 1732 women candidates cleared to run, only 172 were successful representing an overall progression rate of 9.93% for women in the 2017 general elections. This is in comparison with male candidates who registered a 13.21% progression rate.

**Table 5: 2017 Success Rate for Women vs Men Candidates**

Position	Position Available	Male	Male Success Rate	Female	Female Success Rate
President	1	1	100.00%	0	0.00%
Governor	47	44	93.62%	3	6.38%
Senator	47	44	93.62%	3	6.38%
Member of National Assembly	290	267	92.07%	23	7.93%
Woman representative	47	0	0.00%	47	100.00%
Member of County Assembly	1450	1,334	92.00%	96	6.62%
<b>Grand Total</b>	<b>1,882</b>	<b>1,690</b>	<b>89.80%</b>	<b>172</b>	<b>9.14%</b>

Source: Author

On success rate, comparison is drawn on the number of available seats against the number of persons per gender who captured them. Overall, male candidates enjoyed an overwhelming success rate of 89.8% with female candidates having a low success rate of 9.14%. This worrying trend reveals itself at the elective position level where apart from the affirmative action seats of County Women Representatives, women performed dismally in all other positions, registering a success rate of under 7% in all of them.

## EXPERIENCES OF WOMEN ON THE CAMPAIGN TRAIL

The women leaders shared the main factors that motivated them to run for political office, highlighted their experiences with their communities during the campaigns particularly the specific challenges that they faced as women candidates and made recommendations on how women can be empowered to be able to make more impact and how the two thirds gender principle can be attained.

### A. AGENDA FOR RUNNING FOR OFFICE

Majority of the women who were interviewed indicated that they chose to run for office in order to make positive contributions in solving long standing livelihood challenges in their communities with these challenges particularly affecting women more negatively.

The first reason cited by the women leaders on why they decided to run for office was on their desire to be part of the decision making process and to be able to influence policy formulation at the national and county levels. The women interviewed felt that with a leadership position, they would be able to add the voice of the women in order to entrench gender in all aspects of the development process including in making gender sensitive budgets and defending the gender principle.

Secondly, women candidates indicated that they chose to run for office in order to challenge the negative traditional practices and patriarchal attitudes which discriminated against women and denied them an opportunity to function as equals in their communities and in the nation. The women cited personal challenges and experiences that they faced while growing up including female genital mutilation, child marriages and forced marriages, discrimination at the household level, gender based violence, reproductive challenges and dropping out from school. They noted that women bore the burden of these attitudes and practices more and that the burden of poverty was higher amongst women than men and thus their desire to run in order to challenge and address these disadvantages making women more vulnerable in their societies.

Third, the women leaders also indicated that they pursued public office in order to address key traditional „development challenges which faced their communities including





poverty, water scarcity, poor housing and sanitation, poor roads and infrastructure, health challenges and poor education standards. The women leaders indicated that their first motivation was to run as equals with men and address these issues but also noted that these challenges affected women more and in every community, women bear the burden of poverty even more.

Fourth, the women leaders indicated that they chose to run for elective office in order to motivate fellow women and also to mentor young and upcoming leaders to have confidence that they can also take up leadership positions within their communities.

## **B. CHALLENGES, EXPERIENCES AND LESSONS LEARNT**

The women narrated their experiences on the campaign trail with many of them having predominantly negative recollections of campaigns as very chaotic and disadvantaging against women.

The first and most dominant experience that the women cited was the patriarchal attitudes and cultural perceptions which disadvantage women during the campaign. Right from the time that they declare interest, women are ridiculed and even threatened by their male counterparts who usually tell them that women cannot lead. Whereas this is a cross cutting issue, it was found to be more vicious amongst rural and pastoralist communities where traditional practices and attitudes against women are more predominant. Women are not considered as leaders and are looked at as only wives and mothers whose roles belong to bedrooms and kitchens and not as leaders. These attitudes also lead to double standards where there is a different set of moral values for women and men with male aspirants getting away with almost every misdemeanor while women are judged on a very high moral standard that is unforgiving for them.

Secondly, and linked to the attitude challenge, women are usually scorned when they declare interest to run for political office especially for those who chose to go for positions where they shall compete alongside male competitors. They are not taken seriously and are often chided being told that they have special affirmative action seats and the rest of the positions belong to men and this poses great challenges to the women while at the campaign trail. And where it becomes evident that the women candidates are stronger with a bigger profile than their male counterparts, the men usually gang up against the women to ensure that they try to deny them the seats.

Third, is the challenge of violence, threats and intimidation that women face in the campaign trail. Women candidates all indicate that there is no woman candidate who does not face this challenge with some of them suffering physical assault and others being threatened with rape. These attacks tend to escalate around elections day with the strategy being to intimidate the women to back out of the race due to fear and the women noted that these violence and threats are not only targeted at the women candidates but also at

their supporters mainly women supporters who are stopped from voting through the use of violence which also peak during voting day in order to suppress turnout and deny women the advantage from their core supporters.

Fourth is the case of negative propaganda which is used against women candidates. This tends to be more vicious and more sexist mainly attacking women through false accusations of sexual impropriety, infidelity, immorality and also attacking their families particularly profiling their children. The women noted that these attacks are more lethal when deployed against women and are more believable with vocal women at community levels unfortunately being the ones who are bought to propagate the falsehoods. However, the general trend is that men are the major perpetrators of the negative propaganda campaigns against the women.

A fifth experience that the women recounted is the new threat of cyber bullying i.e. use of facebook, twitter, and whatsapp groups, where technology is used to de-campaign women. These sexist attacks usually border on sexual harassment where the internet and mobile phone devices are used to spread malicious propaganda against women with claims of immorality, false health status mainly on HIV/AIDS status and labelling of women as 'prostitutes'. One woman leader interviewed indicated that there is no woman leader who has never been called a prostitute with the effects being very damaging to them at personal level, family and community level.

The sixth experience that women leaders reported is the financing of campaigns where women face greater money challenges where they are unable to attract and mobilize more resources for their campaigns as compared to their male counterparts. This made it difficult for them to adequately run their campaigns with critical campaign needs like merchandize and logistical needs becoming a challenge and thus they are usually overshadowed by men who have more financial might and are able to reach out to more voters thus usually have an head start in the campaigns. With more men also controlling public and private resources, women candidate's recounted instances where the government dispatched logistical support including all-terrain vehicles and even helicopters to their male counterparts thus disadvantaging them even further.

The seventh experience from the women was on the role of political parties and systems which frustrate women during their campaigns. Women recounted experiences where male competitors used party structures to deny them their victories with the negative strategies being used against them including denying them certificates during political party primaries, their names being removed from party lists and ballot papers and parties using delay tactics against them in order to give advantage to men candidates.

The eighth Challenge is the marital status of the women candidates. Some communities would not support women candidates if they are not married. For those who are married, they still face challenges for instance those who vie in their ancestral home and are

married in another community, they would be told to go live where they were married off and for those who live where they are married they also called visitors hence cannot be accorded leadership position.

However, there were also some positive experiences from women candidates on the campaign trail where they got massive support from a wide section of supporters including the women movement in Kenya mainly women centered organizations, local grass root movements, political party leaders, veteran women leaders, media, women supporters and youth. They indicated that they got support for campaign financing, advertisement, moral support, mobilization of supporters and legal aid.

## CASE STUDIES

### **She went back to school, post primary, mobilizer for the party but rigged out in the party primaries**

**Millicent Wambui (MCA-Kariokor Ward)** was in the entertainment industry before joining politics in 2013, this aspect of her life made many people not to take her seriously only to be shocked later when she clinched the seat easily. Having successfully defended her seat in the last general election, she experienced a lot more difficulty in the campaign trail that were catalyzed by the following factors:

- i. Money –the only language that the electorate understood was cash, even her closest allies would ask her for money and being a sitting MCA it was assumed that she had a lot of money.
- ii. Envy –most of the people especially women elected her in 2013 were envious of her, they were also disappointed to some extent because she had not delivered on the promises she had made. Millicent however believes that the problem of non-performance of MCAs lies squarely with City Hall where a lot of legislation and policies look good on paper but little if any effort is put into implementation.

**Cecilia Ayot (MCA Laini Saba ward)** lost “with dignity” in 2013, she however blames her party for the loss as wrangles and confusion marred the process. She informed us that that she dropped out of school at an early age and had to do her KCSE exams at the same time her son was doing the exam, her determination also saw her doing a county management course. The last campaigns were marred with violence to the point that she was directly attacked, her opponents also spread propaganda in the form of fliers to discredit her candidature a day to the party nomination. Her supporters would even be kicked out of the polling station during the party primaries. She however broke the jinx of tribalism by campaigning more on communities that were believed not to vote for her. Cecilia is a mother of five and

thus family demands are numerous, juggling between politics and family is a challenging experience. She pointed out that when there was violence meted on her and her supporters the police were not responsive to distress calls. Furthermore, the party disciplinary structures are weak and unable to do anything to protect candidates.

She went ahead to point out that in her ward many schools do not have adequate lavatory facilities and given the short period for the pupils to use the facilities, during break time girls are the most affected as this can lead to urinary infections. She went ahead to commit that it is an issue that she would like to run with during her term in office and ensure that there's more resources allocated to schools to construct toilets.

**Mellab Atieno (Special-elect)** in 2013 after campaigning during the party primaries, she found her name was missing on the nomination ballot, later on the party nominated her to represent the youth, but after protracted court process her name was removed from the nomination list. She went through a period of depression and sickness after the experience, it took the indulgence of fellow women leaders to help her back to her feet. She notes that the political parties system is discriminatory against women, a point that was echoed across the room. Culture also discriminates against women, in that a woman is not allowed to have a social life or else it would be used as a tool of propaganda to knock a woman out of the race.

**Malasen Hamida (lost Kibra MP race):** she was endorsed by the Nubi council of elders after she defeated other male colleagues in a test administered by the elders, the men agreed thereafter to support her and consequently drop their bids, they however back peddled on the agreement on the notion that a woman could not lead them. She also said that she lost only because her competitors were more wealthy had the capacity to bribe voters unlike her. To her, Chapter Six of the Constitution and the Election Offenses Act are only true on paper but not on the ground. The criminal justice system also fails women especially when it comes to the abuses that they are subjected to on facebook, twitter, whatsapp groups etc where competitors spread propaganda that is aimed at projecting her in the bad light in the eyes of the public. When information relating to sexuality is spread, it is fellow women who believe it and this affects women candidates more than their male counterparts.

To her, this is something many women in the forum and in the campaigns had gone through and it must be addressed so that the victims can get justice and protect women seeking elective seats in future

From the FGDs, the MCAs had the following recommendations;

- 1) Women need to be empowered economically as money is a key factor in campaigns.
- 2) Women need to be bold to raise the issue of inclusion in political leadership even at the cultural level.
- 3) NGOs and donors should develop programs that support candidates early enough and not wait to support candidates only during the campaign period.
- 4) The women MCAs need to have a joint meeting with KEWOPA to strategize on how to make the 2/3<sup>rd</sup> gender go beyond party lines.
- 5) Political parties should strive to ensure women get elected; they also need to have women at the NEC where key decisions are made.
- 6) The women who have made it either through elections or nomination should set a good precedent that can be emulated by other aspiring women. They should take the initiative and champion the cause of women in leadership and even mentor younger women interested in politics
- 7) They women in leadership should document their stories so that it can inspire others that it is possible to make it in political leadership
- 8) Women should also be strategic in choosing political parties to vie in considering the history and performance of political parties in the country.
- 9) Organisations in the Women movement like CRAWN Trust should do more beyond trainings and help women candidates to fundraise and access campaign machendise during party primaries and election campaigns.
- 10) Strengthen women leagues in political parties to push the women agenda in decision making.

In considering the experiences and challenges faced by the women in the just concluded 2017 elections, the following recommendations emerged.

- ◆ The criminal justice system should be strengthened so as to make it responsive to the challenges women face during electioneering period. There should be a law outlawing online abuses through facebook, twitter, whatsapp groups etc.
- ◆ The law enforcement agencies should be trained and well facilitated to be responsive to the challenges women candidates face during elections. Gender Based Violence is one of the major challenges women face and the police should deal with it comprehensively
- ◆ There's need to invest more in civic engagement of cultural leaders so that they can work towards the reversal of negative cultural practices that undermine the place of women in political leadership
- ◆ Political parties should be strengthened particularly in addressing disputes relating to elections so that they are more responsive to the challenges women face during party nominations. The terrain is unfavorable for women who have to deal

with other challenges like weak financial base.

- ◆ An amendment to the constitution should be made in order to ensure a gender safeguard for the National Assembly and Senate through a gender top up provision similar to the provision that applies for county assemblies under 177(1)(b) of the Constitution of Kenya 2010.
- ◆ Political parties should enhance their systems to keep with the Constitution and support and protect women leaders/aspirants especially during campaigns and elections by having provisions for direct support to address their campaign financing constraints.
- ◆ Women leaders should embrace and mentor young and upcoming women leaders to help them scale the heights of leadership and thus work together towards strengthening the position of women in leadership and finally work towards realizing the two thirds gender principle in Kenya.
- ◆ There should be a scaling up of national advocacy and awareness creation efforts to work towards attitude change in Kenyan communities so that they accept women in leadership and accord them an equal opportunity to participate in the political leadership of the country.
- ◆ There is urgent need to put in place robust laws to address cyber bullying and social media regulation in order to cure the challenge of propaganda and sexist attacks against women. Further, advocacy should continue to ensure that once the laws and regulations have been passed, there are clear steps towards their implementation. These efforts should also be complemented by ensuring that existing laws which protect women are fully implemented.
- ◆ The IEBC through its laws and regulations must be proactive enough to support and protect women and safeguard the constitutional gains made towards the gender principle and more so in protecting women against violence, intimidation and disadvantages facing them in pursuit of political office.
- ◆ Law makers and policy formulators should be capacity built to enable them to look at the entire development process through gender lenses and be able to interrogate them by looking at how adequately they address gender issues. Budgets should be scrutinized in terms of how they factor in provisions like reproductive health rights, gender protection etc. Women leaders should also work to ensure that national and county budgets allocate funds to more women centred programs and initiatives.
- ◆ Systems should be put in place to provide counselling and psychosocial support for women leaders especially after challenging campaigns which usually leave them emotionally drained and psychologically stressed.
- ◆ There is urgent need for continuing strengthening of women caucuses in political parties and in the parliament and at the county level in order to enhance their

capacities to champion the issues of women mainly the two thirds gender rule. Mechanisms of cooperation between and amongst these caucuses should also be put in place in order to ensure that they work in a coordinated approach as they pursue a common agenda.

- ◆ Organizations working with women leaders should ensure that their programs are full cycle catering not just for their training and capacity building needs but also extend their support to campaign financing and funding of projects in order to strengthen the profile and status of women in leadership.
- ◆ Political parties should ensure the full protection of women and ensure that they enhance their participation in elections. Women leaders should also be proactive and ensure that they actively participate in political party affairs including acquainting themselves with party systems and structures and how they work in order to strengthen their capacity to engage with their respective parties.

## CHAPTER THREE

### WOMEN'S PARTICIPATION IN PARLIAMENT

Parliament uses the Committee System in the process of executing its mandate. Upon election, the members are elected and or assigned to different Committees that have been established by the respective houses under their Standing Orders.

The table below shows how the performance of women in the 2017 elections impacted on committees

**Table: Membership of the National Assembly Committees**

Committee	No of Male	No of Female	Male %	Female %
Administration and National Security	17	2	89.47%	10.53%
Communication, Information and innovation	14	5	73.68%	26.32%
agriculture and livestock	14	4	77.78%	22.22%
Defence and Foreign Relations	16	3	84.21%	15.79%
Education and Research	14	5	73.68%	26.32%
Energy	16	3	84.21%	15.79%
Environment and natural Resources	14	5	73.68%	26.32%
Finance and National Planning	17	2	89.47%	10.53%
Health	15	4	78.95%	21.05%
Justice and Legal Affairs	13	6	68.42%	31.58%
Social Welfare	13	6	68.42%	31.58%
Sports, Culture and Tourism	13	6	68.42%	31.58%
Lands	14	5	73.68%	26.32%
Trade, Industry and Cooperatives	17	1	94.44%	5.56%
Transport, Public works and Housing	17	2	89.47%	10.53%
Public Accounts Committee	17	2	89.47%	10.53%
Public Investment Committee	17	2	89.47%	10.53%
Special Funds Committee	17	2	89.47%	10.53%
Budget Appropriation Committee	20	5	80.00%	20.00%
Committee on Implementation	23	0	100.00%	0.00%
Delegated Legislation	17	5	77.27%	22.73%



Regional Integration	16	6	72.73%	27.27%
Constituencies Development Committee	15	4	78.95%	21.05%
Constitutional Implementation Oversight	13	6	68.42%	31.58%
National Cohesion and Equal Opportunity	15	8	65.22%	34.78%
Parliamentary Broadcasting and Library	14	9	60.87%	39.13%
Members Service and Facilities	6	8	42.86%	57.14%
			Committees that met the threshold	3.00%
			%	3.00%

\*Source: CRAWN Compilation based on information on Parliament's website [www.parliament.go.ke](http://www.parliament.go.ke)

From the table above the following are clear:

- a. Out of a total 27 committees; only 4 are chaired by women
- b. Only 5 have women vice chairs
- c. Only 1 has both the Chair and the vice as women i.e. Delegated Legislation committee
- d. One has no single female member i.e. committee on implementation

## 3.0 CAMPAIGN FINANCING AND WOMEN PARTICIPATION IN LEADERSHIP

### 3.1 INTRODUCTION

In a functioning democracy, the power ought to be reposed in the people. Voters should be able to make political choices without external influence and the outcome of political contests should not be determined by wealth but individual will as expressed through balloting. In the 2013 General Elections it is estimated that over Kshs. 50 billion was used by presidential candidates in campaigns.<sup>9</sup> This is bound to increase with time bearing in mind that it was estimated that Ksh.5.6 Billion was used in 2007.<sup>10</sup> This coupled up with the findings from the preceding section shows that women who have had limited or rather usufructuary rights over resources need legislative and other assistance so as to level the playground.<sup>11</sup> Further, in the current economic set up, they generally receive less pay from employment relative to their male counterparts. It is therefore not difficult to see why women can greatly benefit from more transparent and fair campaign financing regimes.

#### 3.1.1 Political Parties Act

Legal attempts to regulate campaign financing begin with the Political Parties Act. However, the Act is not focused on campaign financing but is meant to regulate the registration and activities of political parties. To do this, it reposes most of the powers in the Registrar of Political Parties and the IEBC.

Section 25(2) (b) provides that political parties whose number of registered office bearers is incompatible with the two third gender rule are disqualified from receiving money from the fund. However, the effect of the said section on improvement of the performance of women in elective politics is limited by the lack of clearly stipulated punitive measures that will face parties that do not comply with this provision. .

Under the Act, the<sup>12</sup> Political Parties Fund is established. The distribution of the fund is on the basis of the total number of votes garnered by a party in the preceding general elections. The purposes of the fund include inter alia the promotion of

9 Kossen Shannon, Election Campaign Financing Act 2013 in Kenya, *Kenya Elections Information Centre* 7/8/2017 available at <http://kenyavotes2017.org/election-campaign-financing-act-2013-in-kenya/> accessed 17/12/2017

10 Okong'o George, Kenya programme deepens work in campaign financing governance, Institute for Democracy and Development Assistance, 29/6/2016 available at <https://www.idea.int/news-media/news/kenya-programme-deepens-work-campaign-financing%C2%A0governance> accessed on 17/12/2017

11 See generally, Nzomo, Maria, *Women in Politics* (Association of African Women for Research and Development (AAWORD).1992) p 8

12 See Section 23

representation in *Parliament and in the county assemblies of women, persons with disabilities, youth, ethnic and other minorities and marginalized communities*.<sup>13</sup>

### 3.1.2 Election Campaign Financing Act No. 42 of 2013

This Act was passed after it became clear that the Political Parties Act of 2011 could not fully address the need for accountability in campaign financing. The Act gives IEBC the mandate of regulation of campaign financing in accordance with Article 88(4)(i).<sup>14</sup> The Commission has powers including but not limited to making of rules to effectuate the provisions of the Act. However the first attempt to do so was thwarted by parliament.<sup>15</sup>

### 3.1.3 Analysis of the existing framework

The two Acts of parliament show that we have relatively forward looking pieces of legislation which are purposefully ignored.<sup>16</sup> However, they have barely touched on the question of gender in political party financing. This is despite the question of financing being a key aspect of the substantive realization of the two third gender rule in elective politics.<sup>17</sup> It is also not concealed that female candidates are generally less prepared to finance their stabs at elective seats or get the goodwill of the ‘appropriate’ political parties.<sup>18</sup> Most individuals in society with considerable finances are generally male who would on account of social orientation prefer male candidates.<sup>19</sup>

13 It is also noted that the other pertinent role of the fund is to ensure that there is proper participation by citizens in the political life of the Country. **The amount of money needed for the effectuation of the involvement of women ought to be at least thirty percent**

14 Section 3, It enumerates the functions to include monitoring compliance with regime, setting of limits, providing a framework for reporting of campaign expenses, general advice to parties et cetera.

15 See Ayaga Wilfred, House team declares Kenya’s campaign financing regulations null and void *Standard Digital* 20/12/2016 available at <https://www.standardmedia.co.ke/article/2000227396/house-team-declares-kenya-s-campaign-financing-regulations-null-and-void> and accessed on 19/12/2017. The regulations required Candidates top submit list of finance committees and to open bank accounts whose details would be open for inspection by the IEBC. It also sought to enforce Section 6 of the Act regarding authorized persons. Generally, they were meant to enhance accountability but were resoundingly rejected by Parliament. It was also viewed by the opposition as being mischievous.

16 Mungai Christine, Campaign Financing In Africa, Plus Kenya’s Strange Equilibrium Of Laws That Are Written, Then Promptly Trashed available at <https://www.kenyatalk.com/index.php?threads/campaign-financing-and-the-laws-that-govern-it.49315/> accessed on 19/12/2017

17 The Women Shadow Parliament, *Rapid Gender Assessment and Audit of Political Parties in Kenya* available at <http://www.ku.ac.ke/actil/wp-content/uploads/2015/07/RAPID-GENDER-ASSESSMENT-AND-AUDIT-OF-POLITICAL-PARTIES-IN-KENYA.pdf> accessed 19/12/2017 at pg. 21 See also FIDA-K, Key Gains and Challenges A Gender Audit of Kenya’s 2013 Election Process available at <https://www.ndi.org/sites/default/files/Kenya-Gender-Audit-2013-Electoral-Process.pdf> accessed on 19/12/2017

18 Okumba Miruka, “Financing for Politics – which way for women?” In Nzomo Maria et al eds. *Women in politics: challenges of democratic transition in Kenya* (Nairobi, Heinrich Böll Foundation, East and Horn of Africa Region; 2003) available at [https://ke.boell.org/sites/default/files/womeninpolitics3.2003publication\\_1.pdf](https://ke.boell.org/sites/default/files/womeninpolitics3.2003publication_1.pdf) accessed on 19/12/2017 at 65

19 See Nzomo Maria, The 2002 general elections in Kenya women’s performance and prospects in parliamentary politics *Wajibu Journal Of Social & Religious Concern* Volume 18, No. 1-2 (May-July 2003) available at [http://web.peacelink.it/wajibu/18\\_issue/p2.html](http://web.peacelink.it/wajibu/18_issue/p2.html) accessed on 19/12/2017

Under the Political Parties Act, it is noteworthy that a party which qualifies may be denied its share from the funds if they are non-compliant with the two third gender rule. However, this compliance is with reference to political party leadership. It is also provided that the funds are meant to be used in facilitating achievement of the two third gender rule by sensitizing communities and encouraging the political participation of women. Beyond the foregoing, the Act does not make reference to the achievement of the two third gender rule. It is interesting to note that apart from garnering the percentages required of the total vote cast, a party ought to ensure that it has a prescribed number of persons elected in the different contests.

The Campaign Financing Act provides for a generally robust framework for financing of campaigns. It seeks to enhance accountability in political party expenditure. However, it appears to be mild as far as the gender rule is concerned. As a matter of fact, among the scarce provisions relating to campaign financing is the requirement concerning the expenditure committee under Section 7.

It is the conclusion of this part that the campaign financing regime is still falls short of expectations of facilitating women's participation in political leadership that will ensure that the two third gender rule becomes a reality in the country. Despite the potential exhibited by the Political Parties Act, the utility of the legal regime in the quest for enhancing fair representation of women in elective politics is questionable.<sup>20</sup>

The ensure that the campaign financing regime supports efforts towards the g realization of the two third gender rule; the following should be done;

- Foremost, there is need to tackle the representation of women in political party leadership since absence of representation in the party leadership contributes changing of women in party nominations. Poor performance is therefore compounded by minimal party support for female candidates and furtherance what Nzomo calls the feminization of poverty. This can be done by preparation of robust guidelines concerning their meaningful participation tied-in to funding
- Further, access to funding ought not to be merely tied to party positions but also performance of a party's female candidates in elective politics. Therefore, Section 25(2)(c) ought to be expanded along such lines.
- The law ought to be revised so that as to remove generalization under Section 25(1)(a). The ends sought to be achieved by gender provisions are dissimilar to the provisions that are relevant to the other vulnerable groups. As a matter of fact, the thirty percent should be specifically for funding women candidates and ought to be administered by a committee constituted for such a purpose

---

20 However, the quest for transparency in the utilization of funds and limitation of reckless expenditure may be of utility in that it lowers the risk of contests being merely a question of financial muscle. History has also shown that finances in the absence of other factors may not be sufficient, see Harun Mwau, Paul Muite and Maathai examples used by Okombo, 2003 *Supra*. At 86

- Moreover, the funding of parties ought to also be tied to the holding of a particular number of key seats in the upper echelons of political party leadership.
- The IEBC ought to be granted the mandate to sanction parties whose campaign financing activities and regulations do not comply with the two third gender rule.
- The Election Financing Act ought to be revised so as to require parties to review their rules and regulations in order to provide for express allocations for the advancement of the two third agenda.
- There is also need to actualize regulations to further enhance transparency, accountability and reporting systems. This benefits all the political players but more so the women if it ends up reducing the significance of money in determining the outcome of political contests.

## 4.0 CONCLUSIONS AND RECOMMENDATIONS

The Constitution of Kenya 2010 has had a significant contribution in promoting increased participation of women in political leadership. With express provisions on inclusion and ensuring that marginalization is reversed, it is only the lack of effective implementation of these provisions that has hindered the society from reaping from the contribution of women in leadership. However, there's a lot that needs to be done

The following are some of the recommendations on what should be done to promote women leadership:

- a. The central place of the electorate in getting women to successfully vie. They cast the final vote. In which case, there is need to invest in education by intensifying of awareness campaigns. The results will enhance the already improved performance of women in elective politics.
- b. Political parties hold the key for enhancing the participation of women in elective politics. This being the case, the law ought to focus on requiring enforcement of the rule by enhancing participation of women in political party activities which also enhances their visibility.
- c. There is a case to be made for dialogic constitutionalism between the different arms of government. Such dialogue opens up the avenues for implementation of the two third gender rule outside of legislative action. Furthermore, in the event of effective constitutional dialogue, implementation becomes easier since the relevant agencies are involved and own the process of realization of such beneficial ideals.
- d. As an example of institutional involvement (and dialogic constitutionalism) the Elections (Party Primaries and Party Lists) Regulations, 2017 ought to be amended. Rule 26 can be amended to expressly provide for rejection of lists that are non-compliant with the two third gender rule in line with the decision of Justice Mwita in *Katiba Institute v Independent Electoral & Boundaries Commission*,
- e. Elections continue to remain a money contest and therefore regulating campaign financing needs to be taken seriously. How political parties and candidates finance their campaigns influences outcomes.
- f. There is also a need to regulate the manner in which political parties levy fees and charges for their members as well as the amounts so that it is not a hindrance to women's participation. There is need to tie public financing not only to the leadership of political parties but also to the performance of the Political parties in elective politics. This will work the same way funding is tied to the general performance of parties in elections. Though an extreme measure, it will restate

the seriousness of the matter as a Constitutional ideal that the people of Kenya aspire to achieve.

- g. The power to audit performance ought to be enhanced as the power to report on funding given to the IEBC. In the process, the law should require party reports on financing to include specific figures and actions taken to help meaningfully realize the two third gender rule.
- h. The registrar of political parties also ought to be granted express powers to deregister parties that do not substantively comply with guidelines on the two third gender rule and campaign financing. Owing to the current state of things, non-compliance with clear indication of effort could be excused but not without sanctions.

## 5.0 WORKS CITED

### Reports, Journal Articles and Books

1. Mumma Catherine, Kenya's failure to implement the two-third-gender rule: The prospect of an unconstitutional Parliament *Constitutionnet* 17/6/2017 available at <http://www.constitutionnet.org/news/kenyas-failure-implement-two-third-gender-rule-prospect-unconstitutional-parliament>
2. Kenya Human Rights Commission, "Kenya Human Rights Commission's statement on performance of women candidates in the 2017 elections", *khrc press release*, 10<sup>th</sup> August 2017 available at <http://www.khrc.or.ke/2015-03-04-10-37-01/press-releases/621-kenya-human-rights-commission-s-statement-on-performance-of-women-candidates-in-the-2017-elections.html>
3. Kiano Bethuel , "DP William Ruto lauds Kenyans for electing more women leaders" *Digital Standard*, 22<sup>nd</sup> August 2017 available at <https://www.standardmedia.co.ke/article/2001252214/dp-william-ruto-lauds-kenyans-for-electing-more-women-leaders>
4. Aulette, J. R., Wittner, J. G., & Blakely, K, *Gendered worlds*. (New York: Oxford University Press; 2009)
5. Marie-Emmanuelle Pommerolle, "Grammar of Patriarchy: Women and elections in Kenya" *French Institute for Research in Africa- Nairobi* September 13 2017 available at [http://ifra-nairobi.net/1648#\\_ftn1](http://ifra-nairobi.net/1648#_ftn1)
6. See Muiruri Faith, Violence derailed women candidates in the just concluded polls Kenyan Woman, Aug 28 2017 available at <http://kw.awcfs.org/article/violence-derailed-women-candidates-in-the-just-concluded-polls/>
7. KNHRC, The fallacious Vote: A Human Rights Account of the 2017 Political Party Primaries, available at <http://www.knchr.org/Portals/0/OccasionalReports/Party%20Nominations%20%20Report%20-%20KNCHR.pdf?ver=2017-05-15-110816-540>
8. Cheeseman Nic, "The gender gap in Kenya – taking stock and moving forward" *Democracy in Africa*, 30/11/2014 available at <http://democracyinafrica.org/kenya-needs-reduce-gender-gap/>
9. Michelle Marie Sikes, (2014). *Choosing To Run: A History Of Gender And Athletics In Kenya, C. 1940s - 1980s*. DPhil. University of Oxford available at <https://ora.ox.ac.uk/objects/uuid:27bf8bf4-6c93-4fa6-a729-ba6dc34ebd26>



10. Villa Monique, Women own less than 20% of the world's land. It's time to give them equal property rights, *World Economic Forum*, 11/1/2017 available at <https://www.weforum.org/agenda/2017/01/women-own-less-than-20-of-the-worlds-land-its-time-to-give-them-equal-property-rights/>
11. Kameri Mbote Patricia, "The Land Has Its Owners! Gender Issues In Land Tenure Under Customary Law," paper prepared for NDP-International Land Coalition Workshop: Land Rights for African Development: From Knowledge to Action Nairobi, October 31 – November 3, 2005 (Proceedings: <http://www.undp.org/drylands/lt-workshop-11-05.htm>) available at <http://erepository.uonbi.ac.ke/bitstream/handle/11295/41202/THE%20LAND%20HAS%20ITS%20OWNERS!%20GENDER%20ISSUES%20IN%20LAND.pdf?sequence=1&isAllowed=y>
12. Nzomo, Maria, Women In Political Leadership In Kenya: Access, Agenda Setting & Accountability for the *Institute of Diplomacy & International Studies*, University of Nairobi available at [https://ke.boell.org/sites/default/files/uploads/2014/01/women\\_in\\_political\\_leadership\\_in\\_kenya-\\_access\\_influence-.pdf](https://ke.boell.org/sites/default/files/uploads/2014/01/women_in_political_leadership_in_kenya-_access_influence-.pdf) accessed 15/12/2017
13. Association of Media Women in Kenya (AMWIK), *Journey to Leadership: Women Legislators In Kenya's Tenth Parliament* available at <http://www.kewopa.org/wp-content/uploads/2015/04/10th-Parliament-Book.pdf>
14. Njeri Rugene, Kenya wins global award for promoting women participation in politics, *The Daily Nation*, 17/5/2017 available at <http://www.nation.co.ke/news/Kenya-women-politics-global-award/1056-2656514-ev7k81z/index.html>
15. Ouma Hilda, Female Political Representation in East Africa: An overview, *Society for International Development* available at <https://www.sidint.net/content/female-political-representation-east-africa-overview>
16. Roberto Gargarella We the People' Outside of the Constitution: The Dialogic Model of Constitutionalism and the System of Checks and Balances *Current Legal Problems*, Volume 67, Issue 1, 1 January 2014, Pages 1–47, <https://doi.org/10.1093/clp/cuu008>. Kossen Shannon, Election Campaign Financing Act 2013 in Kenya, *Kenya Elections Information Centre* 7/8/2017 available at <http://kenyavotes2017.org/election-campaign-financing-act-2013-in-kenya/> accessed 17/12/2017
17. Okong'o George, Kenya programme deepens work in campaign financing governance, *Institute for Democracy and Development Assistance*, 29/6/2016 available at <https://www.idea.int/news-media/news/kenya-programme-deepens-work-campaign-financing%20governance> accessed on 17/12/2017

18. See generally, Nzomo, Maria, *Women in Politics* (Association of African Women for Research and Development (AAWORD).1992) p 8
19. Ayaga Wilfred, House team declares Kenya's campaign financing regulations null and void *Standard Digital* 20/12/2016 available at <https://www.standardmedia.co.ke/article/2000227396/house-team-declares-kenya-s-campaign-financing-regulations-null-and-void>
20. Mungai Christine, Campaign Financing In Africa, Plus Kenya's Strange Equilibrium Of Laws That Are Written, Then Promptly Trashed available at <https://www.kenyatalk.com/index.php?threads/campaign-financing-and-the-laws-that-govern-it.49315/>
21. The Women Shadow Parliament, *Rapid Gender Assessment and Audit of Political Parties in Kenya* available at <http://www.ku.ac.ke/actil/wp-content/uploads/2015/07/RAPID-GENDER-ASSESSMENT-AND-AUDIT-OF-POLITICAL-PARTIES-IN-KENYA.pdf> accessed 19/12/2017
22. Okumba Miruka, "Financing for Politics – which way for women?" In Nzomo Maria et al eds. *Women in politics: challenges of democratic transition in Kenya* (Nairobi, Heinrich Böll Foundation, East and Horn of Africa Region; 2003) available at [https://ke.boell.org/sites/default/files/womeninpolitics3.2003publication\\_1.pdf](https://ke.boell.org/sites/default/files/womeninpolitics3.2003publication_1.pdf)
23. Nzomo Maria, The 2002 general elections in Kenya women's performance and prospects in parliamentary politics *Wajibu Journal Of Social & Religious Concern* Volume 18, No. 1-2 (May-July 2003) available at [http://web.peacelink.it/wajibu/18\\_issue/p2.html](http://web.peacelink.it/wajibu/18_issue/p2.html)
24. Bwira Maureen, Actualization and implementation of the 'Two-Thirds Gender Principle' in Kenya *Society for International Development* available at <https://www.sidint.net/content/actualization-and-implementation-two-thirds-gender-principle-kenya>
25. Ngele Ali, Begisen Joyous, Women strongly emerge as political leaders in Kenya, UNDP Kenya 14/9/17 available at <http://www.ke.undp.org/content/kenya/en/home/blog/2017/9/14/Kenyan-women-emerge-in-political-leadership-and-governance.html>
26. Wainaina Eric, 22 women for Parliament as regions elect first female MPs *The Daily Nation*, 11/8/17 available at <http://www.nation.co.ke/news/politics/Record-22-women-for-Parliament-/1064-4053226-cyk0iez/index.html>
27. See Oluoch Fred, More women elected in Kenya, but the numbers still fall short, *The East African*, 12/8/17 available at <http://www.theeastafrican.co.ke/news/Women-elected-in-Kenya-/2558-4054988-d8a9guz/index.html> accessed on 19/12/17

28. Wanjiku Kabira & Kameri Mbote, 'Gender Issues in Electoral Politics in Kenya: The Unrealized Constitutional Promise' in Collins Odote & Linda Musumba (eds.) *Balancing the Scales of Electoral Justice: Resolving Disputes from the 2013 Elections in Kenya and the Emerging jurisprudence*. (Nairobi, IDLO, 2016) at 206 available at <http://www.idlo.int/sites/default/files/pdfs/publications/Balancing%20the%20Scales%20of%20Electoral%20Justice%20-%20Resolving%20Disputes%20from%20the%202013%20Elections%20in%20Kenya.pdf>
29. Mwita in *Katiba Institute v Independent Electoral & Boundaries Commission*, Mativo in *Centre for Rights Education and Awareness & 2 Others v Speaker the National Assembly & 6 Others* and Onguto in *Marilyn Muthoni Kamuru & 2 others v Attorney General & another*

## ANNEX 1: LIST OF PARTICIPANTS

### Member of Parliament (interviews)

1. Hon Jane Kihara – MP Naivasha
2. Hon. Martha Wangari – MP Gilgil
3. Hon. Sophia Abdi Noor – MP Ijara

### Member of County Assembly (Nairobi City County) – FGDs

1. Millicent Wambui
2. Esther Nyangweso
3. Mellab Atieno
4. Doris Kanario
5. Waithera Chege
6. Malasen Hamida
7. Emily Waithaka
8. Ann Thumbi
9. Mary Muhindi
10. Mary Nginya
11. Cecilia Ayot
12. Elizabeth Nyambura

### Civil Society Organizations representative

1. Range Mwitwa- Centre for Multi-party Democracy
2. Gideon Ayodo- Youth Alive Kenya
3. Washington Oloo- United Person's with Disability
4. Mercy Jelimo- Women Empowerment Link



## Members of the community

1. Elizabeth Kaguta- Maendeleo ya Wanawake Kajiado North
2. Gideon Kasaine – Chief Enkorika Location kajiado

## ANNEX 2: FGDS QUESTIONS

- ◆ How many women were candidates in the just concluded general elections vis a vis men, what percentage made it to leadership positions?
- ◆ What are the key factors that influence women's decision to vie for elective seats and what discourages most women?
- ◆ What qualities or factors that influence communities in their choice of leaders?
- ◆ What are the major challenges faced by women who come out to seek political leadership?
- ◆ What is the guiding policy or practice for nominating marginalized groups in parties? What are the pros and cons?
- ◆ For elected women leaders, what is their agenda for 2017-2022?
- ◆ How do we best create a platform that will bridge the gap between women leaders and their constituents?
- ◆ How do women leaders capture the views and aspirations of women in the community that they represent?
- ◆ How do we shape the political discussions and influence the political sphere in pushing for the women agenda
- ◆ What are the primary issues affecting women that need to be addressed by duty bearers?
- ◆ What are the key priority areas that we need to mobilize the political class around to deliver on?

## ABOUT CRAWN TRUST

---

Community Advocacy and Awareness (CRAWN) Trust is a Non- Profit Organization registered as a trust. CRAWN's principal aim is to build the capacity of communities and individuals particularly women to participate in decision-making at all levels, to influence policies from a gender perspective and to address inequalities and injustices in social relations. Our objectives include among others engaging with existing leadership to address community concerns while encouraging the emergence of political leaders amongst women and the youth, and to network with like-minded organizations in lobbying and advocating for justice and access to basic services.

CRAWN has established networks and partnerships which have played a catalytic role using her experience in fostering effective partnerships, networking relations and collaborative alliances with grassroots women's organization and other civil society organizations to advance its cause. The organization achieves this through policy making, advocacy, training, research, policy analysis, institutional development and networking.

CRAWN Trust hosts the National Women Steering Committee (NWSC) through nomination by member organizations. The NWSC is a consortium of over 100 Non-governmental organizations and women and youth networks spread across the 47 counties that advocate and promote women advancement in political, social and economic sphere of national interest. The organizations are united through a common platform to bring value, voice and strength on issues of critical importance and concern to women. It provides a one-stop platform that allows different actors with similar concerns to unite and amplify their voice in catalyzing action from rights holders and duty bearers.

This publication has been carried out under CRAWN Trust's GOVERNANCE AND DEMOCRACY PROGRAM. This is a program which seeks to among other things, address gender concerns as they relate to governance processes; marginal representation of women in decision making and gender blind Policy formulation and legislative processes. Gender blind planning and implementation of budgets, policies and programs and monitoring their impact and highlighting how it translates to marginalization of women in socio and economic and political spheres.



Community Advocacy and Awareness Trust  
P. O. Box 943-00621, Nairobi  
4th Floor Bishop Ibam House, All Africa Conference of Churches Complex  
Off Waiyaki Way, opposite Safaricom  
Tel: +254-20-2664505