REACHING FOR THE SKIES

2010—2013

REFLECTIONS ON UN WOMEN’S INITIATIVES TO ADVANCE GENDER PARITY IN POLITICS IN THE RUN-UP TO THE MARCH 2013 GENERAL ELECTIONS IN KENYA
On 4 March 2013, Kenya held its first general elections under the 2010 Constitution. Following these elections, the progressive opportunities for gender equality and women’s empowerment contained in the Constitution were activated through the establishment of a bicameral Parliament incorporating the Senate and National Assembly. The opportunities were further amplified through the creation of the devolved county governments. Indeed, the number of women in the eleventh Parliament is more than double that of the tenth Parliament as a result of the implementation of the affirmative action measures in the new Constitution. This achievement was a result of the concerted efforts by various stakeholders, and UN Women is proud to have assisted women in Kenya to advocate for the realization of these new political rights in the Constitution.

The purpose of this publication is therefore to document what UN Women did to enhance women’s representation in the electoral processes leading up to the March 2013 General Elections in Kenya. The publication captures the great successes by UN Women, which ensured the attainment of gender equality and women’s participation in politics. It also lays out the facts and statistics on the representation of women throughout the various Parliaments of Kenya since independence in 1963 to the March 2013 General Elections. Based on these figures, it is the hope of UN Women that as many players as possible, both government and relevant non-governmental entities, will see the need to promote and support the representation of women in the electoral processes of Kenya, whether as voters, aspirants, election officials, or political party operatives.

Since independence in 1963, Kenya’s record on women’s participation in electoral leadership and decision-making processes has been dismal. Women’s leadership is still viewed with cynicism, and women continue to be systematically excluded from official leadership and decision-making positions, from the local level to the national level. For instance, this publication shows that the percentage of women Members of Parliament, both elected and nominated, over the last ten Parliaments preceding the March 2013 General Elections has remained below 10 percent. During this period, the tenth Parliament recorded the highest number of women members – however, these 22 members only accounted for 9.9 percent of the total membership. Political parties failed to nominate significant numbers of women to Parliament.

With the above in mind, this publication has been organized into two main parts. The first part presents the history of women’s representation in electoral politics in Kenya from 1963 up to the March 2013 General Elections, including their representation in the country’s Parliament. It also explains the concepts essential to understanding gender-based inequalities in the political arena. The publication further examines key international and regional conventions and protocols as well as local statutes concerning the right of women to participate and be represented in electoral politics.

Part 2 focuses on the activities and initiatives that UN Women undertook, either directly or indirectly through supporting its partner organizations, in order to enhance the participation and representation of women in the March 2013 General Elections. In particular, these activities took the form of seven flagship initiatives, which are examined in detail in this part. The implementation of the seven flagship initiatives constitutes the bulk of UN Women’s support for the promotion of women’s participation and representation in the electoral politics of Kenya. Throughout this process, UN Women has learned valuable lessons which, if incorporated into the design of future programmes, should post even better results. In addition, certain practices that produced results over and above those anticipated have also been recorded for the attention and use of organizations and individuals carrying out similar work. The lessons learned and best practices emergent from the seven flagship initiatives are outlined at the end of the review of each initiative.

Among the seven flagship initiatives was the roll-out of UN Women’s civic and voter education programme, which facilitated and generated dialogue on key gender issues, particularly in relation to women’s leadership and participation in governance through devolution. UN Women endeavours to sustain civic education programmes on the new devolved government and particularly how women can tap the opportunities arising from devolution. It also intends to support the long-term systematic observation of the entire electoral process, and to address critical gender issues regarding elections in a timely manner, as it continues to motivate women to participate in the electoral process. UN Women will also continue to forge new partnerships to advocate for the gender gains and opportunities available for women as stipulated in the 2010 Constitution.
Another initiative that was undertaken by UN Women to promote the participation and representation of women in electoral politics and which is canvassed in Part 2 was the establishment of the Women’s Situation Room, an innovation borrowed from Weica. This innovation helped to put in place an early warning and early response system to help mitigate any election violence before, during, and after voting. A team of local and regional ‘eminent’ persons sat in the room and, by contacting relevant authorities, helped resolve some of the reported cases of threats or actual violence.

Quite pertinently, Part 2 demonstrates the warm and active relationship that UN Women has cultivated with the Government of Kenya and institution of Parliament, thus leading to its close collaboration with these two entities in the quest to promote the participation and representation of women in the electoral politics of Kenya. Among other things, the results of this collaboration led to the secondment of UN Women staff to the Ministry of Gender, Children, and Social Development as well as the Kenya Women Parliamentary Association (KEWOPA) to support their various initiatives aimed at enhancing the participation and representation of women in the public life of Kenya.

Overall, the key lesson that UN Women has learned throughout the course of its operations in Kenya is the value of the relationships formed with the individuals and organizations with which it works and collaborates. These relationships are after all the basis upon which UN Women can enhance the impact of its various activities, given the continuous feedback it receives. UN Women will continue to treat its partners with respect and hold them in high esteem. This is a timeless best practice in the quest to maintain good relationships and build stronger bridges with the people and organizations UN Women works with in Kenya today and in the days to come.

Finally, this publication is available in book format at UN Women offices and online in PDF format at http://www.unwomen.org/, and has been tailored to suit a variety of audiences. We hope that it will provide valuable information, approaches, and implementation strategies to our sister UN Women offices around the world, our collaborating partners in Kenya and internationally, students from various disciplines with an interest in issues of gender in the context of electoral politics, the women’s movement in Kenya, and Kenyans generally. We hope that this publication goes a long way in making society appreciate the need for enhancing women’s representation in electoral politics. Ultimately, this publication is but a springboard for UN Women’s future work on women’s empowerment in Kenya.
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A Kenyan woman casting her vote in Dandora, Nairobi, during the elections.
PHOTO: http://www.dailynewseg.com/2013/03/04/kenya-votes-in-tight-elections-after-police-gunned-down/#dnePhoto/0/ (Photo by AFP)
### Abbreviations and Acronyms

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<tr>
<th>Abbreviation</th>
<th>Description</th>
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<tbody>
<tr>
<td>ABIC</td>
<td>Angie Brooks International Centre</td>
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<td>ACWICT</td>
<td>African Centre for Women, Information, and Communication Technology</td>
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<td>AEP</td>
<td>African eminent persons</td>
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<td>AG</td>
<td>Attorney General</td>
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<td>AU</td>
<td>African Union</td>
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<td>BDPA</td>
<td>Beijing Declaration and Platform for Action</td>
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<td>CBO</td>
<td>Community-based organization</td>
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<td>CDF</td>
<td>Constituency Development Fund</td>
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<td>CEDAW</td>
<td>Convention on the Elimination of all Forms of Discrimination against Women</td>
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<td>CIC</td>
<td>Commission for the Implementation of the Constitution</td>
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<td>CIPEV</td>
<td>Commission on the Inquiry into the Post-Election Violence</td>
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<td>CKAB</td>
<td>Constitution of Kenya (Amendment) Bill, 2011 (Bill No. 56 of 2011)</td>
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<td>CKRC</td>
<td>Constitution of Kenya Review Commission</td>
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<tr>
<td>CMD-Kenya</td>
<td>Centre for Multiparty Democracy – Kenya</td>
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<td>COAVW (K)</td>
<td>Coalition on Violence against Women – Kenya</td>
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<td>CRA</td>
<td>Commission on Revenue Allocation</td>
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<td>CREA</td>
<td>Centre for Rights Education and Awareness</td>
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<td>CSDG</td>
<td>Civil Society Democratic Governance Facility</td>
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<td>CSO</td>
<td>Civil society organization</td>
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<td>CWR</td>
<td>County Women Representative</td>
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<td>DRF</td>
<td>Development Results Framework</td>
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<td>DSG</td>
<td>District Steering Group</td>
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<td>EAC</td>
<td>East African Community</td>
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<td>ECT</td>
<td>Emergency Country Team</td>
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<td>EGBV</td>
<td>Electoral gender-based violence</td>
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<td>EHRP</td>
<td>Emergency Humanitarian Response Plan</td>
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<td>EPPP</td>
<td>Engendering the Political Process Programme</td>
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<td>EVID</td>
<td>Electronic Voter Identification Device</td>
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<td>FIDA-Kenya</td>
<td>Federation of Women Lawyers – Kenya</td>
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<td>GBV</td>
<td>Gender-based violence</td>
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<td>GEMNET</td>
<td>Gender Empowerment in Media Networks</td>
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<td>GenCap</td>
<td>Gender Standby Capacity Project</td>
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<td>GGP</td>
<td>Gender and Governance Programme</td>
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<td>GOK</td>
<td>Government of Kenya</td>
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<td>GSGC</td>
<td>Gender Sector Coordination Group</td>
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<td>HE</td>
<td>His/Her Excellency</td>
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<td>ICCPR</td>
<td>International Convention on Civil and Political Rights</td>
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<td>IEBC</td>
<td>Independent Electoral and Boundaries Commission</td>
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<td>IEC</td>
<td>Information, education, and communication</td>
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<td>IPPG</td>
<td>Inter-Parties Parliamentary Group</td>
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<td>IPU</td>
<td>Inter-Parliamentary Union</td>
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<td>IRCK</td>
<td>Inter-Religious Council of Kenya</td>
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<td>JP-GEWE</td>
<td>Joint Programme on Gender Equality and Women's Empowerment</td>
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<td>KANU</td>
<td>Kenya African National Union</td>
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<td>KEWOPA</td>
<td>Kenya Women Parliamentary Association</td>
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<td>KHPT</td>
<td>Kenya Humanitarian Partnership Team</td>
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<td>KHN</td>
<td>Kenyatta National Hospital</td>
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<td>KPS</td>
<td>Kenya Police Service</td>
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<td>KRCS</td>
<td>Kenya Red Cross Society</td>
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<td>MCA</td>
<td>Member of County Assembly</td>
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<td>MoGCSd</td>
<td>Ministry of Gender, Children, and Social Development</td>
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<td>MP</td>
<td>Member of Parliament</td>
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<td>MYWO</td>
<td>Maendeleo ya Wanawake Organization</td>
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<td>NCIC</td>
<td>National Cohesion and Integration Commission</td>
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<td>NSC</td>
<td>National Steering Committee on Peacebuilding and Conflict Management</td>
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<td>NCSW</td>
<td>National Commission on the Status of Women</td>
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<td>NDOC</td>
<td>National Disaster Operation Centre</td>
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<td>NFLS</td>
<td>Nairobi Forward-looking Strategies for the Advancement of Women</td>
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<tr>
<td>NGO</td>
<td>Non-governmental organization</td>
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<td>OCHA</td>
<td>United Nations Office for the Coordination of Humanitarian Affairs</td>
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<td>ODM</td>
<td>Orange Democratic Movement Party of Kenya</td>
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<td>PEV</td>
<td>Post-election violence</td>
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<tr>
<td>PNU</td>
<td>Party of National Unity</td>
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<tr>
<td>RTS</td>
<td>Results Transmission System</td>
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<tr>
<td>SAE</td>
<td>Sexual abuse and exploitation</td>
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<td>TEMPs</td>
<td>Team of Eminent Persons</td>
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<tr>
<td>ToT</td>
<td>Trainer of trainers</td>
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<tr>
<td>UDHHR</td>
<td>Universal Declaration of Human Rights</td>
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<tr>
<td>UN</td>
<td>United Nations</td>
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<tr>
<td>UNDP-Kenya</td>
<td>United Nations Development Programme – Kenya</td>
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<tr>
<td>UNIFEM</td>
<td>United Nations Development Fund for Women</td>
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<tr>
<td>UNSC</td>
<td>United Nations Security Council</td>
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<tr>
<td>USAID</td>
<td>United States Agency for International Development</td>
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<tr>
<td>VAW</td>
<td>Violence against women</td>
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<tr>
<td>WASH</td>
<td>Water, sanitation, and hygiene</td>
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<tr>
<td>WILDAF</td>
<td>Women in Law and Development in Africa</td>
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<td>WPS</td>
<td>Women, peace, and security</td>
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<td>WSP-K</td>
<td>Women's Shadow Parliament – Kenya</td>
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<td>WSR</td>
<td>Women's Situation Room</td>
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STATUTES, CONVENTIONS, TABLES, AND GRAPHS

LIST OF LAWS AND STATUTES

• Constitution of Kenya, 2010
• Elections Act No. 24 of 2011
• Political Parties Act No. 11 of 2011

CONVENTIONS

• Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) [adopted by the United Nations General Assembly in 1979 and came into force on 3 September 1981]
• East African Community Treaty [signed on 30 November 1999 and entered into force on 7 July 2000 following its ratification by the original three partner states – Kenya, Uganda, and Tanzania]
• International Convention on Civil and Political Rights (ICCPR) [adopted by the United Nations General Assembly on 16 December 1966 and came into force on 23 March 1976]
• Universal Declaration of Human Rights (UDHR) [adopted by the United Nations General Assembly on 10 December 1948 and came into force the same year]

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The United Nations Entity for Gender Equality and the Empowerment of Women (UN Women) was established by United Nations General Assembly Resolution 64/289 of 2 July 2010 with the mandate to progress towards the goal of achieving gender equality and the empowerment of women. This has been achieved through, among other things, the support UN Women has given to Member States and the United Nations system to implement the various local, regional, and international policies, pieces of legislation, conventions, and protocols designed to promote gender equality. The ultimate goal of UN Women is to advance gender equality across a broad spectrum of issues related to women and leadership, human rights, humanitarianism, and peace and security. Among other things, through its work UN Women seeks to:

- motivate, train, and support women to become more politically engaged as voters, candidates, elected officials, public officials, or advocates of and activists for women’s political participation. At the country level, UN Women seeks to provide technical and context-specific assistance to women who navigate a number of social, cultural, and economic barriers to gender equality. As part of the UN system, the work of UN Women is responsive to country contexts and needs, guided by local priorities and resources.

This provides the background against which UN Women undertook various initiatives to enhance the participation and representation of women in Kenya during the March 2013 General Elections, both as citizens and as candidates.

In addition to the above clear mandate of advancing the cause of women globally, there were three additional factors that provided the impetus for UN Women to seize the opportunity presented by the March 2013 General Elections. The first factor is historical. From the moment Kenya’s first post-independence Parliament was constituted in 1963 until now, there has been a significant dearth of elected and nominated women in Parliament and women elected to the various local governments. This shortage has also been witnessed in positions at the higher echelons of the civil service, which have long been dominated by men. In short, the number of women occupying leadership positions in the public life of Kenya has been exceedingly small compared to that of men.

For this reason, UN Women was desirous of playing a part in increasing the number of women participating in the March 2013 General Elections, both as voters and candidates, given all the available knowledge, legislation, and campaigns that emphasize the virtues and necessity of women participating in leadership alongside men.

The second factor concerns the immediate electoral environment arising from the December 2007 General Elections, which subsequently degenerated into violence. As a result, over 1,000 people lost their lives, many others were injured and maimed, and thousands were displaced from their homes. Women in the affected areas were significantly affected during this unhappy period in Kenya’s history. Many women were among the injured, others suffered traumatizing gender-based violence, and where populations were displaced, the duty of fending and caring for the family, elderly persons, and convalescents in the makeshift camps established by various agencies automatically fell upon women and girls. The peace initiatives set up at the time therefore had to have women and their concerns at the core. This is in line with United Nations Security Council Resolution 1325, which mandates UN Member States to engage women in all aspects of peacebuilding, including ensuring the participation of women at all levels of decision making on peace and security issues. To avoid a repeat of the 2007/2008 post-election violence, it was imperative that women became part of the solution through participating in peacemaking initiatives in the run-up to the March 2013 General Elections. It was also very important that they offer their candidature for the various electoral positions so that peacemaking could also be made a legislative agenda in Parliament and in the County Assemblies.

The changed electoral regime brought about by the newly promulgated Constitution of Kenya 2010 was the third factor motivating UN Women’s initiatives to enhance the participation and representation of women in the run-up to the March 2013 General Elections. The 2010 Constitution captured the wishes of Kenyans with respect to various governance-related matters, particularly the creation of a new political dispensation replete with increased electoral positions. Of note was the reservation of seats to be competed for exclusively by women, as well as the requirement that no more than two-thirds of all elective and appointive seats will go to one gender. While the Constitution outlined a method for achieving this threshold for seats in the County Assemblies, it did not provide the same for seats in the National Assembly or Senate, thus presenting a conundrum as to how this requirement of the law would be satisfied. In this regard, from the perspective of UN Women, capacity-building interventions were required at two levels: for those women who wished to vie for positions, and for those who wished to play a part in the electoral process as voters or officials.

In addition, UN Women considered it imperative to support initiatives that aimed to resolve the discrepancy brought about by the two-thirds constitutional gender requirement in time for it to be applied during the March 2013 General Elections.
Reaching for the Skies is essentially a chronicle of UN Women’s best efforts to play its part in enhancing the participation and representation of women in Kenya during the March 2013 General Elections. Indeed, these elections presented an unprecedented opportunity for more women to be elected and nominated to various electoral positions owing to the changed legal and political environment outlined in the 2010 Constitution. UN Women’s interventions were summed up in seven flagship initiatives that were undertaken using various strategies and which incorporated diverse partners. Some of the initiatives were in the making a couple of years before the elections, while others were mounted within a few months of the elections, depending on the specific objectives. Where necessary, UN Women also exercised flexibility in order to meet the demands of the day, undertaking quick response projects so as not to lose the momentum that had already been established.

As demonstrated in this publication, UN Women staff had to exhibit high levels of teamwork, loyalty, and commitment in order to achieve optimal results from each of the seven flagship initiatives in their care. The necessity of building good working relationships and partnerships with like-minded organizations and individuals on the ground emerged as key, given that UN Women essentially facilitates the work of others, rather than doing the implementation itself. Another remarkable element was the synergy witnessed among the UN Women teams mounting the various flagship initiatives. For instance, in some cases the trainers of trainers (ToTs) in one flagship initiative comprised the team that was deployed for another purpose in another flagship initiative. In this way, the investment in training, equipping, and in some cases facilitating the ToTs was used maximally, as the ToTs then became a significant resource that enabled the various UN Women teams to achieve their objectives in all the counties. In addition, the organizations that UN Women collaborated with on one flagship initiative became the bridge for facilitating the work of another flagship initiative in the counties.

Ultimately, getting it right at the conceptualization stage of each flagship initiative through careful planning, consultation, design, and preparation was a lesson that UN Women internalized and continues to adhere to, because its effects were plain to see throughout the subsequent successes and challenges. Indeed, this is what informed the decision to document UN Women’s experiences during that time, in order to share with its current and future partners the lessons that were learned and the best practices that emerged.

This publication is divided into Part 1 and Part 2. The first part provides a historical account of women’s representation in Parliament since independence in 1963 and an analysis of the events that shaped the same. The historical account examines distinct periods of time based on the general elections that have taken place in Kenya since 1963. As noted earlier, the number of women that have been elected to Parliament through competitive politics with men has been exceedingly low. The official return of multiparty politics in Kenya in 1991, which resulted in the expansion of space for the operations of human rights-based non-governmental organizations, did have a slight impact on the numbers. This is because several organizations were formed with the purpose of promoting the participation of women in electoral politics and enhancing the capacity of women aspirants to mount effective campaigns. However, the increase in numbers of women parliamentarians was only marginal.

The 4 March 2013 General Elections witnessed the largest ever number of women entering Parliament, thanks to the changed electoral environment brought about by the 2010 Constitution. However, the number of women who were elected to seats for which they competed alongside men was still low, and the reasons why women did not fare well are explored in Part 1. In addition, Part 1 examines the notion of equality between the sexes and the use of affirmative action measures to redress gender inequality.

The national, regional, and international legal frameworks that bestow the right of women to participate equally with men in electoral politics in Kenya are also reviewed in Part 1. Ultimately, the first section is an appraisal of the background and circumstances upon which UN Women’s seven flagship initiatives were undertaken, including the reasoning behind the choice of initiatives.

Part 2 fully describes these seven flagship initiatives by UN Women. The description of each initiative includes details about the specific issue the initiative was conceptualized to address; the method that was used to undertake the initiative; the persons and institutions (other than UN Women) that were involved; the key highlights, successes, and challenges that were experienced during the implementation of the initiative; the lessons that were learned; and the best practices that emerged.
The following are the seven flagship initiatives:

1. UN Women’s Support for Securing the Implementation of Affirmative Action Measures to Promote Gender Equality in Political and Governance Processes in Kenya
2. UN Women’s Support for Gender-responsive Civic and Voter Education to Promote Women’s Participation and Representation in the March 2013 General Elections
3. UN Women’s Support for the Training and Preparation of Women Candidates for the March 2013 General Elections
4. UN Women’s Practical (Non-monetary) Support for Women Candidates in the March 2013 General Elections
5. UN Women’s Support for the Establishment and Facilitation of the Team of Eminent Persons in the Run-up to the March 2013 General Elections
6. UN Women’s Support for the Establishment of the Women’s Situation Room Process in the Run-up to the March 2013 General Elections in Kenya
7. UN Women’s Support for the Humanitarian Contingency Initiative Set-up Prior to the March 2013 General Elections

The first initiative is UN Women’s support of efforts to promote affirmative action as a means of attaining gender equality in political and governance processes in Kenya. In particular, UN Women’s engagement with the Ministry of Gender, Children, and Social Development, and the activities it supported towards unlocking the constitutional deadlock on the implementation of the two-thirds gender principle are appraised.

The second initiative concerns UN Women’s support of the Gender-responsive Civic and Voter Education that was carried out to promote women’s participation in the 2013 General Elections in Kenya. How the civic and voter education programme was designed and rolled out is examined. In addition, the criteria for the selection of the ToTs, the method of training them, and the manner of their deployment to conduct training on the ground is appraised.

The training support given by UN Women to women aspirants constitutes the third initiative. The training was aimed at preparing them to participate effectively in competitive politics alongside the other men and women competing for similar positions in the 2013 General Elections. Among other things, the use of the database set up by UN Women on its website – used by the women aspirants to enter their details – is analysed, as well as the actual training work undertaken by UN Women through expert trainers and participating partner organizations.

The fourth UN Women initiative examined is the enabling support it provided to women candidates for the various electoral positions. Notably, this support was not in the form of cash handouts, but practical assistance to improve the efficacy of their campaigns. In addition, the support that UN Women has been giving to elected women parliamentarians during their term of service through the aegis of the Kenya Women Parliamentary Association (KEWOPA) is reviewed. The support it gave to women parliamentarians in the tenth Parliament in their quest to be elected to various positions in the eleventh Parliament is also examined.
UN Women’s support for the creation and operations of the Team of Eminent Persons (TEMPS) in the run-up to the general elections comprises the fifth initiative reviewed. Establishing such a team to create and build bridges among relevant parties was a timely idea on the part of the women’s organizations. The purpose of the TEMPs was to promote the involvement and integration of women in the electoral and political processes preceding the elections. The TEMPs achieved this through negotiations and lobbying targeted at the leadership of political parties, that of the Independent Electoral and Boundaries Commission (IEBC), and other persons and institutions responsible for various facets and stages of the electoral process. As will become evident, the team’s work was carried over to the period after the elections when they lobbied officials of the incoming Jubilee-led government to deliberately consider appointing qualified women to significant positions in the public service.

The sixth initiative, the Women’s Situation Room (WSR), was another remarkable and creative undertaking. In this regard, the origin of and rationale for a Women’s Situation Room is reviewed, as well as the modifications that were made to make it more relevant to the Kenyan situation. Its role in Kenya as a quick response mechanism for detecting, highlighting, and processing cases of electoral gender-based violence for further action by the relevant authorities is critically analysed.

The final initiative examined is the involvement of UN Women in the humanitarian preparedness initiative mounted prior to the 2013 General Elections in Kenya. The objectives of UN Women in getting involved in the implementation of this component and its contribution towards the training of all the actors involved with the gendered dimensions of humanitarian emergencies are explored. UN Women’s role in linking the humanitarian response teams from various other agencies together with the ToTs it had trained to disseminate information regarding electoral gender-based violence on the ground is also appraised.

As stated already, UN Women is keen to share the lessons it learned during the implementation of the seven flagship initiatives described above, as well as the best practices that emerged from their implementation. It is hoped that this publication will generate discussions among various like-minded organizations, practitioners, and academics in relation to the practical experiences of UN Women in its quest to enhance the participation and representation of women in electoral politics during the 4 March 2013 General Elections. It is also hoped that such discussions and debates will lead to enhanced networking opportunities with UN Women’s partner organizations, as well as growth in knowledge of the subject area in order to enable better and improved strategies for engagement during the next general elections.
African women in general need to know that it is okay for them to be the way they are as a strength, and to be liberated from fear and from silence.

Prof. Wangari Maathai – Nobel Peace Prize Laureate 2004
Part 1 is a selective exposition of the journey women in Kenya have travelled to claim their rightful space in electoral politics since independence in 1963, both as voters and (increasingly) as aspirants for various elective positions. This journey is examined using specific periods of time that reflect key moments in Kenya’s history occasioned by changes in the political and governance landscape. These changes altered the political and legal status of women in Kenya and thus their ability and zeal to participate in electoral politics. The most outstanding event was the promulgation of the 2010 Constitution of Kenya, which widened the opportunities for women in Kenya with respect to participation and representation in electoral politics, the details of which are comprehensively examined. This exposition is preceded by a discussion about inequality, which underpins the basis for the historical disparities between the numbers of men and women in Kenya’s Parliament and other key decision-making bodies.
PART 1: THE HISTORY OF WOMEN’S PARTICIPATION IN ELECTORAL POLITICS IN KENYA

1.0 INTRODUCTION

The current state of gender relations treats male dominance as legitimate, natural, obvious and inevitable. The effect is to create a social-power hierarchy, in the context of which women are, by-and-large, reduced to powerlessness, economic marginalisation, social vulnerability, and cultural inferiority, without any regard to their actual level of contribution to the processes of social production and development.¹


According to various global, regional, and country statistics, women constitute slightly more than half of the world’s population. However, despite this, women’s participation in formal political structures and processes, where decisions regarding the use of public resources generated by both men and women are made, remains insignificant.

Undoubtedly, women around the world often face daunting social, economic, and political challenges. Indeed, women’s historical exclusion from political structures and processes is the result of multiple structural, functional, and personal factors that vary according to different social contexts across countries. The exclusion of women is not a matter that can easily be wished away, because for democratic governments to deliver to their constituents they must be justly representative, i.e. they must recognize that men and women are equal partners in the democratic development process. To this end, internal and external conditions and factors that hinder the creation of an enabling environment for women’s political empowerment should be identified and eliminated.

Women have both a right and an obligation to participate actively in political leadership. International agreements and conventions have addressed this right for decades. In particular, the 1948 Universal Declaration of Human Rights (UDHR) enshrines “the equal rights of men and women” and mandates States Parties to “promote social progress and better standards of life in larger freedom”. In addition, Article 7 of the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) enjoins States Parties “to take all appropriate measures to eliminate discrimination against women in the political and public life of the country”. Similarly, the 1995 Beijing Declaration and Platform for Action emphasizes that:

women’s equal participation in decision making is not only a demand for justice or democracy, but can also be seen as a necessary condition for women’s interests to be taken into account. Therefore, without the perspective of women at all levels of decision making, the goals of equality, development and peace cannot be achieved.

With the increasing recognition by the international community of women’s historical exclusion from structures of power, a global commitment has been made to redress the gender imbalance in politics. Indeed, women’s enhanced participation in governance structures is viewed as the key to remedying gender inequalities in societies. Based on this commitment, countries around the world are expected to align their national structures to the principles enunciated in the various regional and international instruments that aim to enhance women’s participation, especially in the political arena.

With the global shift in attitudes towards women’s participation in governance processes, many countries in Africa and other continents have reported tremendous progress with regard to women’s ascendancy to public political leadership positions. One of the most important factors in this drive is political goodwill. Where there is political goodwill for the agenda of equality between women and men being integrated wholly into electoral politics, the numbers have steadily risen; the reverse is also true.

¹ This report was published in 2003 by Human Rights Watch. The quote can also be obtained on the Human Rights Watch website from ‘Kenya Double Standards: Women’s Property Rights Violations’ at http://www.hrw.org/reports/2003/kenya0303/kenya0303-02.htm [accessed on 02.06.2013].
Other factors affecting the entrance of women into electoral politics—and their retention therein—include discriminatory sociocultural beliefs, practices, attitudes, biases, and stereotypes that underpin the patriarchal framework of most communities, as well as gender-indifferent laws, policies, and regulations. These are indeed considered major barriers in the fight for equality between women and men in the political field in Kenya.

Compared to other countries on the continent and elsewhere, Kenyan women’s representation in their Parliament is low. In fact, the Inter-Parliamentary Union’s 2009 report ranked Kenya at number 103 in the world. Rwanda, in comparison, was ranked number 1 in the world, with 56.3 percent representation of women in Parliament. Sweden and South Africa followed at 46.4 percent and 44.5 percent respectively.

The above statistics for Kenya were however greatly improved following the promulgation of its new Constitution on 27 August 2010. This event was viewed as a turning point for women in Kenya with respect to their participation in electoral politics, given that it marked a paradigm shift in the recognition of the leadership role that women play in the social, economic, and political development of Kenya. With the passing of the new Constitution, the hard work and concerted activism undertaken by the women’s movement and its male supporters to raise awareness about the barriers to women’s participation in electoral politics in Kenya was rewarded. It was truly the culmination of decades of international and regional action on gender equality, which in Kenya had been only theoretical for a long time.

Article 27 of the Constitution of Kenya is considered to be the cornerstone of equality:

(1) Every person is equal before the law and has the right to equal protection and equal benefit of the law;

(2) Equality includes the full and equal enjoyment of all rights and fundamental freedoms;

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

(4) The State shall not discriminate directly or indirectly against any person on any ground, including race, sex, pregnancy, marital status, health status, ethnic or social origin, colour, age, disability, religion, conscience, belief, culture, dress, language or birth;

(5) A person shall not discriminate directly or indirectly against another person on any of the grounds specified or contemplated in clause (4);

(6) To give full effect to the realization of the rights guaranteed under this Article, the State shall take legislative and other measures, including affirmative action programmes and policies designed to redress any disadvantage suffered by individuals or groups because of past discrimination;

(7) Any measure taken under clause (6) shall adequately provide for any benefits to be on the basis of genuine need;

(8) In addition to the measures contemplated in clause (6), the State shall take legislative and other measures to implement the principle that not more than two-thirds of the members of elective or appointive bodies shall be of the same gender;

Despite this article’s progressive provisions on affirmative action, there were challenges in the run-up to the 2013 elections with respect to the implementation of the two-thirds gender principle articulated under Article 27(8) above. The inconsistencies apparent in the reading of Article 27(8) and Article 81(b), which outline the expectations of Kenyans about the electoral process, including the observation of the two-thirds gender principle during elections, will be examined in detail shortly. In addition, the specific role that UN Women played in the myriad activities that were undertaken by various development and funding partners, as well as civil society organizations, towards resolving the precarious impasse that arose, will also be appraised in more detail in Part 2 of this publication.

To deny groups the opportunity to flourish, on the basis of their identity (ethnic, religious or other) is to deny the entire human family the intellectual, social and moral benefits that derive from such opportunity.

1.1 The Notion of Inequality between the Sexes

The concept of equality is so significant to humankind that it has been captured in a number of instruments, conventions, and constitutions. The Oxford Compact English Dictionary essentially defines equality as having the same rights, advantages, and status; in other words, having uniformity in application or effect. With the increase in knowledge about society and its evolution, studies of equality have also evolved, resulting in the expansion of the perception of equality to encompass new issues and categories of rights that were previously not considered.

Inequality therefore refers to a situation where the attributes of equality are negated. The inequality between women and men is manifested in various ways in the day-to-day lives of people. At a public and more visible level, this is seen in the disparity between the numbers of women and men in the legislatures of various countries. It is also apparent in the disparity between the numbers of women and men who comprise the workforce of a nation, particularly at the higher echelons.

"To call woman the weaker sex is a libel; it is man's injustice to woman. If by strength is meant brute strength, then, indeed, is woman less brute than man. If by strength is meant moral power, then woman is immeasurably man's superior. Has she not greater intuition, is she not more self-sacrificing, has she not greater powers of endurance, has she not greater courage? Without her, man could not be. If nonviolence is the law of our being, the future is with woman. Who can make a more effective appeal to the heart than woman?"

Mohandas Mahatma Gandhi

The variance is witnessed in the pay and wages earned by women and men, sometimes for the same job done, not to mention that the domestic and care work done primarily by women is not usually valued and hence not formally considered to be work. In addition, there are disparities in the opportunities that women and men have in competing for economic prospects available in the form of loans and other such incentives. The dwindling numbers of girls compared to boys at the higher levels of the education ladder in many countries is also a well-documented fact. There are many other examples of inequality between the sexes. Ultimately, this inequality results in preventing girls and women from realizing their full potential as members of society.

Pippa Norris deliberates on the important question of whether it is fitting for women to have or be at the same position as men in all aspects of life. She ponders whether absolute sameness between the sexes is necessarily desirable, as it is questionable whether a society could be said to be progressive if women constitute half of the population in prison, half the military casualties, and half the heart attack victims. On the contrary, while Norris acknowledges that sexual equality is a complex concept, she stresses that the central focus of feminists’ arguments concerns the question of the egalitarianism in the sexual distribution of that which is most valued by society, “whether financial rewards, social status, educational qualifications, individual autonomy, sexual freedom or political power”.

This is in direct opposition to the idea that women are aiming to be identical to men and be treated in exactly the same way, even where there are relevant differences. Truly, the fervent struggle that has been waged by women in Kenya and men who support their cause to have increased participation in the electoral process and representation in Parliament attests to the fact that access to political power and decision making are some of things most valued in Kenyan society.

Norris takes the view that an egalitarian society could be perceived to be one where “sex roles are highly similar in that which society values”. On all counts of reward, prestige, and power, women in Kenya occupy a lower status than men. As will be elaborated further in due course, the roles of men and women in Kenya, and hence the access they have to the means of production, are determined primarily on the basis of a patriarchal system that perceives men as superior to women. This is evident in the fact that women labour the most in the agricultural sector, but receive the fewest rewards from the farm outputs because they lack ownership of the means of production (which determines who is paid). Women have the primary responsibility for providing basic needs, which constitute a sizeable chunk of family expenditure, but their hierarchical status remains lower than that of men.

Furthermore, based on previous population census statistics, women in Kenya have consistently outnumbered men, but this has not translated into their dominance of the political sphere or other positions of influence.

Through elevating the status of men above women, the patriarchal and patrilineal kinship systems in Kenya prevent women from ultimately accessing the rewards, prestige, and power in society, even if women physically have access to the factors necessary to create them.

The preambles of the Charter of the United Nations and the Universal Declaration of Human Rights (UDHR) both emphasize the sanctity of equality between women and men without distinction. They reaffirm their belief in human rights, the dignity and worth of the human person, and the equal rights of men and women as fundamental tenets of humanity. The two are the pioneering international instruments that document the desire of States Parties to uphold equality between the sexes, and their letter and spirit in turn inform the text of other subsequent instruments, conventions, and constitutions, from the international to the local level.

The UDHR also states that one of the basic purposes of the United Nations is to promote and encourage respect for human rights; it denounces sex-based discrimination in Article 2, which enumerates the grounds on which persons should not be discriminated against. It is clear that, whereas the UDHR highlights the undesirability of inequality between human beings generally across the parameters of race, class, creed, states, etc., it fails to take cognizance of the specific inequality between men and women. Clearly, there exists inequality across race, colour, creed, etc. that affects all human beings, but there is also universal inequality between men and women whose consequences are quite debilitating.

The realization that these pioneering international instruments were not successful in addressing sex-based discrimination led to the promulgation of other instruments to achieve this. In particular, the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) addresses the inequality between the sexes much more specifically than any other international instrument. Although CEDAW was the zenith of the labour of the United Nations Commission on the Status of Women spanning a period of more than 30 years, the commission continues to highlight areas of inequality between the sexes. This is evidence that the categories and forms of inequality are not closed.

In summary, CEDAW defines equality and how best it should be achieved. It further establishes an international Bill of Rights for women, including an agenda for action by countries to guarantee the enjoyment of these rights. The significance attached to the principle of equality can be seen in Article 3, which requires States Parties to take “all appropriate measures, including legislation” to achieve it. Article 4 allows the adoption by States Parties of special measures creating temporary inequality in favour of women aimed at accelerating de facto equality between men and women and protecting maternity; this is commonly known as ‘affirmative action’.

Although the concept of equality envisaged in CEDAW has its origins in the West, it has been internationalized through a regime of international conventions and treaties, and further restated in regional instruments in Africa and other continents. The provisions of CEDAW pertaining to equality between the sexes in electoral matters are discussed subsequently in this publication.

Notwithstanding the precision in the provisions of CEDAW both in content and intent, inequality between the sexes continues to be a universal reality, though it varies in scale, proportion, and manifestation from one country and region to another. The practical limitations of CEDAW are largely attributed to the ‘soft’ nature of international law, which is structured horizontally and more on the basis of consensus and reciprocity than on the traditional attributes of municipal law, i.e. command, obedience, and enforcement. From the foregoing, it is clear that inequality between the sexes has far-reaching consequences that have been recognized at the global level as requiring the attention of world, regional, and local leaders.
PART 1: THE HISTORY OF WOMEN’S PARTICIPATION IN ELECTORAL POLITICS IN KENYA

1.2 The Use of Affirmative Action to Redress Gender Inequality

Affirmative action is central to levelling the playing field with respect to inequality between the sexes. However, this inequality is manifested in various ways, and it is essential to elucidate the principle further. Notably, affirmative action is of particular importance to the quest to increase the number of women in decision-making positions in the political arena.

Briefly, affirmative action can be defined as “positive steps taken to increase the representation of women and minorities in areas of employment, education, and business from which they have been historically excluded.” The history of affirmative action dates back to 1961 when President J. F. Kennedy introduced the concept broadly across the United States of America with his Executive Order 10925. The President ordered the federal contractors to take “affirmative action to ensure that applicants are treated equally without regard to race, color, religion, sex, or national origin.” Following further developments in its application and use, affirmative action measures have been defined as “temporary legislative and administrative actions as a whole that are consistent with the goal of remedying situations of disadvantage or exclusion that a human group finds itself in when some aspect of its social life is discriminated against.” As will become evident in due course, affirmative action is one of the key solutions promoted by CEDAW to redress gender inequality. Although this concept is still fledgling in the political arena, Kenya, like a number of other countries, has made great strides in bolstering the representation of women in elective positions through affirmative action. The details of this will be discussed shortly.


Notably, the idea of using affirmative action measures to redress gender inequality on various fronts has gained such traction in Kenya that an Affirmative Action Policy constitutes one of the flagship projects in the Vision 2030’s Social Pillar.

The policy aims to ensure that women’s participation and representation is increased, and that women occupy at least 30 percent of all recruitments, promotions, and appointments at decision-making levels.

“Leaders in power are held accountable for their impact on an impoverished population, with new standards initiated by women. This type of leadership leads to long time betterment in living conditions.”

Hon. Mrs. Phoebe Asiyo, UN Goodwill Ambassador since 1998, former parliamentarian in 1992


7 Kenya Vision 2030 is the country’s development programme covering the period 2008 to 2030. It was launched on 10 June 2008 by President Mwai Kibaki. The objective of Kenya Vision 2030 is to help transform Kenya into a “newly industrializing, middle-income country providing a high quality of life to all its citizens by 2030, in a clean and secure environment.” The vision was developed through “an all-inclusive and participatory stakeholder consultative process, involving Kenyans from all parts of the country”, and it is based around three pillars: Economic, Social, and Political. The adoption of the vision was ignited by the country’s GDP growth, from 0.6% in 2002 to 6.1% in 2006, under President Kibaki’s Economic Recovery Strategy for Wealth and Employment Creation. The Vision 2030 strategy is specifically tooled to focus on reforms and development in nine key sectors: (1) macroeconomic stability for long-term development; (2) continuity in governance reforms; (3) enhanced equity and wealth creation opportunities for the poor; (4) infrastructure; (5) energy; (6) science, technology, and innovation; (7) land reform; (8) human resource development; and (9) security. Online at http://www.vision2030.go.ke/index.php/vision [accessed on 01.06.2013].


2.0 THE LEGAL FRAMEWORK BESTOWING THE RIGHT TO WOMEN IN KENYA TO PARTICIPATE EQUALLY AND BE REPRESENTED IN ELECTORAL POLITICS

Given the importance placed on the right of women to participate equally with men in electoral politics globally, the same has been captured quite specifically in a number of international and regional instruments, conventions, national constitutions, and statutory and subsidiary legislation. All these legal instruments are geared towards enhancing the participation and representation of women in electoral politics, and eliminating any discrimination thereof. Notably, the international instruments that have been ratified by Kenya today form part of its laws under the provisions of the 2010 Constitution. In this section, the legal framework enabling women in Kenya to participate and be represented in electoral politics will be examined from the international level to the local level.

2.1 International Instruments

There are a number of international instruments legislating the right of women to participate actively in electoral politics and governance processes. These include the following, in the order of the date they were adopted:

**International Convention on Civil and Political Rights (ICCPR)**

The ICCPR, which came into being on 16 December 1963, elaborates further the civil and political rights and freedoms listed in the Universal Declaration of Human Rights. This includes the right to equality between men and women in the enjoyment of their civil and political rights, and the right to participate in the conduct of public affairs, to vote, to be elected, and to access public service. Kenya has been a signatory to the ICCPR since 23 March 1976.

Article 1 of the ICCPR provides that “all people have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.” States Parties are in the same article required to “promote the realization of the right of self-determination, and shall respect that right, in conformity with the provisions of the Charter of the United Nations.” This therefore means that a coherent right to equality between men and women exists in so far as enjoyment of civil and political rights is concerned. Consequently, Article 2 of the ICCPR requires States Parties to “respect and ensure the rights recognized in the Covenant to all individuals within its territory and subject to its jurisdiction without distinction of any kind such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status”. Under Article 3, States Parties are also required to “undertake to ensure the equal right of men and women to the enjoyment of all civil and political rights”.

In addition, Article 25 establishes the right for everyone, without unreasonable restrictions, “a) to take part in the conduct of public affairs directly or through freely chosen representatives; b) to vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors”. With this provision, the ICCPR makes it clear that state authorities require democratic legitimacy. Article 26 provides for equality before the law and prohibits any form of discrimination. It states that “in this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any grounds such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status”. Given that it is a signatory to the ICCPR, Kenya is obligated to respect the right of women to participate equally in electoral politics.

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8 See the Constitution of Kenya: Article (5) – The general rules of international law shall form part of the law of Kenya; Article (6) – Any treaty or convention ratified by Kenya shall form part of the law of Kenya under this Constitution.
PART 1: THE HISTORY OF WOMEN'S PARTICIPATION IN ELECTORAL POLITICS IN KENYA

Reaching for the Skies

See ‘Overview of the Convention’, online at http://www.un.org/womenwatch/daw/cedaw/ [accessed on 03.05.2013].

United Nations Convention on the Elimination of all forms of Discrimination against Women (CEDAW)

CEDAW, which is best described as an international bill of rights for women, came into force on 3 September 1981. It was ratified by Kenya on 9 March 1984, which in this regard was therefore expected to bring its laws into conformity with the provisions of this convention. Article 1 of CEDAW defines discrimination as:

any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.

By ratifying the convention, states commit themselves to undertake a series of measures to end discrimination against women in all forms. This includes all efforts:

- to incorporate the principle of equality of men and women in their legal system, abolish all discriminatory laws and adopt appropriate ones prohibiting discrimination against women;
- to establish tribunals and other public institutions to ensure the effective protection of women against discrimination; and
- to ensure elimination of all acts of discrimination against women by persons, organizations or enterprises.⁹

Article 2(a) of CEDAW requires States Parties to “condemn discrimination against women in all its forms and to agree to pursue by all appropriate means and without delay a policy of eliminating discrimination, with mechanisms through law and other means to eliminate any kind of discrimination”. Article 4 takes this further, calling for temporary special measures aimed at the practical realization of the principle of equality. Such measures shall not be considered discriminatory as defined in the convention, but the implementation of these measures ought not to result in the maintenance of unequal or separate standards. Such measures are expected to be discontinued once the objective of equality of opportunity and treatment has been achieved. These temporary special measures are otherwise known as affirmative action.

The equal participation of women and men in public life is one of the cornerstones of CEDAW, which has several provisions that address women’s rights in this regard. These include, but are not limited to, non-discrimination, citizenship, access to justice, and political participation. Article 7, for instance, pays great attention to the legal status of women, as it provides for their right to vote, hold public office, and exercise public functions.

This article requires member states to eliminate discrimination against women in political and public life in particular, and to enable women to vote in all elections and referendums, be eligible for election, and participate in policy formulation and implementation, including the holding of public office at all levels of government. Article 15 demands that all instruments that restrict the legal capacity of women be deemed null and void and asserts the full equality of women in both civil and business matters.

Women in Kenya are known to face many cultural and traditional restrictions with regard to their ability to participate in electoral politics. The introductory text to CEDAW formally recognizes the influence of culture and tradition in restricting the enjoyment of fundamental rights by women. It states that “these forces take shape in stereotypes, customs and norms which give rise to the multitude of legal, political and economic constraints on the advancement of women” and hence “a change in the traditional role of men as well as the role of women in society and in the family is needed to achieve full equality of men and women”.

States Parties are accordingly urged to work towards the revision of individual behaviour; Article 5(a) requires member states to take all appropriate measures “to modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women”.

While many countries have ratified CEDAW, and some have made great strides towards bringing down the walls that prevent women from enjoying equal status with men on many fronts, including electoral politics, there is still much to be done.

2.2 Regional Instruments

Besides the international instruments on women’s political rights, some of which are discussed above, there are also a number of regional instruments that recognize the right of women to participate in political processes. Three of these regional instruments are discussed below.

Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa

The Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa, popularly known as the Maputo Protocol, was adopted in Maputo, Mozambique, on 11 July 2003. The protocol is premised on Article 2 of the African Charter on Human and Peoples’ Rights, which enshrines the principle of non-discrimination on the grounds of “race, ethnic group, colour, sex, language, religion, political or any other opinion, national and social origin, fortune, birth or other

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⁹ See ‘Overview of the Convention’, online at http://www.un.org/womenwatch/daw/cedaw/ [accessed on 03.05.2013].
status”. It is also premised on Article 18 of the charter, which calls on all States Parties to “eliminate all discrimination against women and ensure the protection of the rights of women as stipulated in international declarations and conventions”.

Under Article 1 of the Maputo Protocol, States Parties are obligated to combat all forms of discrimination against women through appropriate legislative, institutional, and other measures. States Parties are required to, among other things, “include in their constitutions and other legislative instruments, if not already done, the principle of equality between women and men and ensure its effective application, integrate a gender perspective in their policy decisions, legislation, development plans, programmes and all spheres of life as well as take corrective and positive action in those areas where discrimination against women in law and in fact continues to exist”.

More specifically, Article 9 of the protocol enjoins States Parties to commit to taking specific positive action to

- promote participative governance
- and the equal participation of women in the political life of their countries through affirmative action, enabling national legislation, and other measures to ensure that: a) women participate without discrimination in all elections; b) women are represented equally at all levels with men in all electoral processes; c) women are equal partners with men at all levels of development and implementation of State policies and development programmes.

African Charter on Democracy, Elections and Governance

The African Charter on Democracy, Elections and Governance was adopted by the African Union (AU) on 30 January 2007 and came into force in 2012. Kenya signed this charter in June 2008, but is yet to ratify it (at the time of writing). The coming into force of the charter established the first binding treaty on democracy, elections, and governance in Africa, which did not at that time have any instrument that directly addressed these important issues.

The charter, like most of the international and regional human rights instruments discussed earlier, promotes human rights, democracy, and the rule of law. In addition, it encourages the strengthening of the AU organs, encourages civil society participation in democratic processes, and strongly condemns undemocratic changes of government.

The charter has a strong focus on gender issues and in particular recognizes the important role that women play in development and democracy. For instance, Article 18 of the charter provides that States Parties shall eliminate all forms of discrimination, especially those based on political opinion or gender, ethnic, religious, or racial grounds, as well as any other form of intolerance. The member states, under the same article, are required to “adopt legislative and administrative measures to guarantee the rights of women, ethnic minorities, migrants, people with disabilities, refugees and displaced persons and other marginalized and vulnerable social groups”.

Women’s participation in governance is further reinforced by Article 29, which requires States Parties to “recognize the crucial role of women in development and strengthening of democracy”. Article 29(2) requires States Parties to “create the necessary conditions for the full and active participation of women in decision-making processes and structures at all levels as a fundamental element in the promotion and exercise of a democratic culture”.

The then President of Kenya, His Excellency Mwai Kibaki, holds up a signed copy of the new Constitution of Kenya 2010 during the Promulgation Ceremony at Uhuru Park, Nairobi, 27 August 2010.
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The East African Community (EAC) is the regional intergovernmental organization of Kenya, Uganda, Tanzania, Burundi, and Rwanda. The headquarters of the EAC is in Arusha, Tanzania. The treaty establishing the East African Community was signed on 30 November 1999 and entered into force on 7 July 2000 following its ratification by the three original partner states, Kenya, Uganda, and Tanzania. Rwanda and Burundi joined subsequently.

While the treaty mainly establishes an economic bloc, it nonetheless has some provisions that touch directly on human rights. More specifically, Article 5(1) of the treaty outlines the objectives of the community, which in Article 5(3)(e) include ensuring the mainstreaming of gender in all its endeavours and the enhancement of the role of women in cultural, social, political, economic, and technological development. Chapter 22 of the treaty addresses the issue of enhancing the role of women in socio-economic development. Article 121 requires partner states, through appropriate legislation and other measures, to, among other things:

a) promote the empowerment and effective integration and participation of women at all levels of socio-economic development especially in decision making;

b) abolish legislation and discourage customs that are discriminatory against women;

c) promote effective education awareness programmes aimed at changing negative attitudes towards women;

e) take such other measures that shall eliminate prejudices against women and promote the equality of the female gender with that of the male gender in every respect.

While not explicit on women’s rights, the treaty in Article 121 aims at abolishing barriers that over the years have made it difficult for women to participate in the political processes of their respective countries. Women, especially in many African countries, are known to face numerous challenges in the political arena: discriminatory legislation, discriminatory customs, lack of awareness about the intricacies of the political field, and general prejudices against women, among others.

2.3 Kenyan National Instruments

The key enabling instruments that establish the right of women in Kenya to participate in electoral politics are the Constitution, the Political Parties Act, and the Elections Act. The latter two statutes, which deal with specific aspects of electoral politics, were enacted following the promulgation of the Constitution of Kenya in 2010. They therefore conform to the provisions of the Constitution with respect to creating an enabling environment for women to participate in electoral politics. However, the bulk of the law in this regard is contained in the Constitution, which contains expansive provisions on the subject.

Following years of a spirited push for gender equality by the women’s movement and other civil society organizations, the passing of the Constitution of Kenya 2010 brought into being a new dispensation for Kenyan women. The Constitution received popular support at the National Referendum of 4 August 2010 – the ‘yes’ campaign carried the day with 6,092,593 votes, or 67 percent of the total votes cast. The ‘no’ campaign, which was not in favour of the Constitution, garnered 2,795,059 votes, or 32 percent of the total. Following the referendum, the new Constitution was viewed as the embodiment of Kenyans’ best hopes, aspirations, ideals, and values for a peaceful and more prosperous nation. The pomp and pageantry that accompanied the colourful promulgation of the new Constitution on 27 August 2010, which was attended by thousands of Kenyans, graced by many dignitaries, and witnessed by the world at large, attests to this.

Notably, the provisions regarding equality in the Constitution of Kenya 2010 are among the most progressive internationally. This has enabled and promoted women’s participation in active politics, marking a break from the past. The Constitution aimed to, among other things, resolve the problems arising from the systemic discriminatory practices and patterns of social exclusion that had existed before, as well as redefine the political power map. The latter was achieved by creating a devolved government alongside the national government, thus creating space for Kenyans to become more involved in decision making regarding various matters affecting their lives and livelihoods.

The provisions relating to gender equality and equal representation in the Constitution do indeed reflect the fact that, for the past four decades, women have not enjoyed equal status with men on various counts; hence the incorporation of affirmative action as a measure to correct the imbalance. The use of affirmative action is in line with the provisions of CEDAW, which advocates for its use where necessary to ameliorate past injustices. In the case of Kenya, past injustices would include the wanting record of women’s participation in electoral politics. Certainly, the provisions of CEDAW and other relevant regional and international instruments that Kenya has ratified are made more relevant and meaningful by Article 2(6) of the Constitution, which provides that any treaty or convention ratified by Kenya shall form part of the laws of Kenya. This provision is vital in actualizing the rights conferred upon women under the various regional and international instruments, and is strengthened by the provisions of Article 21(4) that requires the State to enact and implement legislation to fulfil its international obligations with respect to human rights and fundamental freedoms.
The following Chapters and Articles in the Constitution of Kenya 2010 address the issue of the representation of women in electoral politics both directly and indirectly:

1. Chapter 1: Sovereignty of the People and Supremacy of the Constitution

   Article 2(4) provides that any law, including customary law, which is inconsistent with the Constitution, is void to the extent of its inconsistency. This means that any laws, whether formal or informal, that purport to hinder or prevent women from expressing their interest as well as actively seeking the mandate of the public in the various electoral positions created under the Constitution, are illegal.

2. Chapter 4: Bill of Rights

   Article 20(4) provides for the interpretation of the Bill of Rights and states that a court, tribunal, or any other authority shall, among other things, “promote the values that underlie an open and democratic society based on human dignity, equality, equity, and freedom”. As stated previously, Article 27 forms the basis for the rights and fundamental freedoms guaranteed under the Constitution, including equality and freedom from discrimination. Equality includes the full and equal enjoyment of all rights and fundamental freedoms, as provided in Article 27(2). The right of women to participate in political processes has also been addressed under Article 27(3) of the Bill of Rights, which provides that “women and men have the right to equal treatment, including the right to equal opportunities in political, economic, cultural and social spheres”.

   To give full effect to the realization of the rights guaranteed under Article 27, the state is required in Article 27(6) to “take legislative and other measures, including affirmative action programmes and policies designed to redress any disadvantage suffered by individuals or groups because of past discrimination”.

3. Chapter 7: Representation of the People

   Part 1 of Chapter 7 deals with the electoral system and processes under which the general principles for the electoral system are addressed. Article 81(b) requires the implementation of the two-thirds gender principle spelled out in Article 27(8) to be reflected in elective positions at all levels of the national and devolved governments. Article 81(b) can be argued, and rightfully so, to be the focal point on which the participation of women in electoral politics is anchored. However, the dilemma that arose around the implementation of this article will be examined in due course.

4. Chapter 7: Basic Requirements for Political Parties

   Article 91(f) of the Constitution stipulates that the principles of gender equality and equity be observed in political parties. Indeed, political parties are expected to, among other things, “respect and promote human rights and fundamental freedoms, and gender equality and equity”.

5. Chapter 7: Membership of the National Assembly

   Article 97(1)(b) of the Constitution establishes 47 specific seats for women in the National Assembly, each elected by the registered voters of the 47 counties (that each comprise a number of constituencies). Aspirants for the position of county women representative therefore must seek the mandate of the electorate, both men and women, in all the constituencies comprising the county. However, the fact that 47 seats have been set apart for women to compete for exclusively does not preclude them from vying for any of the other 290 single member constituency seats created under Article 97(1)(a). Women are also entitled to a share of the 12 nomination slots available to be filled by parliamentary political parties in accordance with Article 97(1)(c).

6. Chapter 7: Affirmative Action Measures

   The use of affirmative action measures in Kenya to redress historical injustices is emboldened by Article 100, which provides that “Parliament shall enact legislation to promote the representation in Parliament of women, persons with disabilities, youth, ethnic and other minorities, and marginalized communities”.

7. Chapter 11: Devolved Government

   Part 1 of this chapter deals with the objects and principles of devolved government. Article 175(c) requires county governments to reflect the constitutional principle in Article 27(8) that not more than two-thirds of the members of representative bodies in each county government shall be of the same sex.

Overall, it is clear from the constitutional provisions outlined above that the imbalance in representation between the sexes insofar as electoral politics is concerned was well recognized by Kenyans during the process of making the 2010 Constitution. Indeed, affirmative action is incorporated as a means for addressing the fact that past Kenyan Parliaments have been acutely devoid of female representatives, for various reasons. The inclusion of the 47 county women representative seats and the requirement that not more than two-thirds of either sex should dominate the Senate, National Assembly, or County Assemblies are some of these affirmative action measures.
PART 1: THE HISTORY OF WOMEN’S PARTICIPATION IN ELECTORAL POLITICS IN KENYA

The constitutional provisions go further in addressing the factors responsible for the marginalization of women. This is done by requiring political parties, which are the front line vehicles through which persons aspiring for political office get tangible opportunities to do so, to conform to certain standards that allow space for women to participate constructively. However, in the event that women are locked out of parties they wish to vie through, the creation of independent seats under Article 85 offers them another route for presenting their candidature. Ultimately, the requirement that Parliament formulate laws to ensure the representation of persons marginalized before means that, as the factors that account for their marginalization evolve, so too shall the law to ensure further imbalance in representation does not occur. Notably, women are included at all the levels indicated in the Constitution as requiring special consideration, given that Article 100 identifies them as a distinct category and also takes account of their capacity as persons with disability, as youth, and as ethnic and other minorities.

**Political Parties Act, No. 11 of 2011**

Political parties are considered the vehicles to political leadership and their engagement is essential in the quest to achieve equality in the political arena. The Political Parties Act, which commenced operation on 1 November 2011, is “an Act of Parliament to provide for the registration, regulation and funding of political parties, and for connected purposes”.

Section 7 of the act provides for the conditions for full registration of political parties. Section 7(2) provides that “a provisionally registered political party shall be qualified to be fully registered if... (b) the members referred to in paragraph (a) reflect regional and ethnic diversity, gender balance and representation of minorities and marginalized groups... (d) not more than two-thirds of the members of its governing body are of the same gender”.

Section 23 establishes a fund known as the Political Parties Fund that shall be administered by the Registrar. According to Section 25(2)(b), a political party is not entitled to receive funding from the fund if more than two-thirds of its registered office bearers are of the same gender. In addition, Section 26(1)(a) states that “moneys allocated to a registered political party from the Fund shall be used for purposes compatible with democracy including – (a) promoting the representation in Parliament and in the county assemblies of women, persons with disabilities, youth, ethnic and other minorities and marginalized communities”.

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Lucy Stone, 1847
American feminist and abolitionist

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I expect to plead not for the slave only, but for suffering humanity everywhere. Especially do I mean to labor for the elevation of my sex.
PART 1: THE HISTORY OF WOMEN’S PARTICIPATION IN ELECTORAL POLITICS IN KENYA

Reaching for the Skies

Martha Karua, the only female presidential candidate in the March 2013 General Elections, on her campaign trail.


This is especially so because political parties are the key means through which the majority can successfully defend their candidature, following the party primaries, for the various electoral positions available. It is relatively easy to mobilize constituents through the party structures and campaign machinery compared to doing so alone.

The Political Parties Act also entrenches the requirement that political parties must reflect on, abide by, and inculcate a culture that promotes the participation of women, minority groups, and other marginalized groups in electoral politics.

Elections Act, No. 24 of 2011

The Elections Act, which commenced on 2 December 2011, is “an Act of Parliament to provide for the conduct of elections to the office of the President, the National Assembly, the Senate, county governor and county assembly; to provide for the conduct of referenda; to provide for election dispute resolution and for connected purposes”.

Section 36 of the act provides for the allocation of special seats, and the Independent Electoral and Boundaries Commission (IEBC) is required, under Subsection 7, to draw from the party list submitted to it in accordance with Article 177(1)(b) of the Constitution. The latter Constitutional Article requires that the IEBC draw such a number of special seats members in the order given by the party, which is necessary to ensure that no more than two-thirds of the membership of the county assembly is of the same gender.

The Second Schedule of the Elections Act pronounces the electoral code of conduct. Section 5 of this code states that “Registered political parties, referendum committees, officials of political parties and referendum committees and candidates do, by subscribing to this Code, further commit themselves to… (f) promote gender equality.” The code further provides in Section 16 that:

- every registered political party referendum committee, candidate and agent shall (a) ensure security and full participation of women and persons with disabilities as candidates and voters;
- (b) respect the right of women to communicate freely with political parties, committees and candidates;
- (c) facilitate the full and equal participation of women in political activities;
- (d) ensure free access of women and persons with disabilities to all public political meetings, marches, demonstrations, rallies and other public political events; and
- (e) take reasonable steps to ensure that women are free to engage in any political activity.

Based on the foregoing, a serious attempt must be made to ameliorate and completely remove the barriers to the participation of women in electoral politics at the various stages of the elections.

Overall, the existing legal framework for elections has undergone significant transformation following the promulgation of the Constitution in 2010 and the creation of supporting legislation to effect the implementation of the relevant articles of the Constitution. The challenges in the implementation of these laws will be explored further in Part 2 of this publication.
PART 1: THE HISTORY OF WOMEN’S PARTICIPATION IN ELECTORAL POLITICS IN KENYA

Reaching for the Skies

3.0 AN OVERVIEW OF THE REPRESENTATION OF WOMEN IN KENYA’S NATIONAL ASSEMBLY FROM 1963 TO THE MARCH 2013 GENERAL ELECTIONS

The table below, which is self-explanatory, illustrates the representation of women in Kenya in electoral politics from the first to the tenth Parliament.

Table 1: Women’s Representation in Kenya’s First to Tenth Parliaments

<table>
<thead>
<tr>
<th>Parliament</th>
<th>Period</th>
<th>Total No. of Constituencies</th>
<th>No. of Women Elected</th>
<th>Available Slots for Nomination</th>
<th>No. of Women Nominated</th>
<th>Total No. of Women In Parliament</th>
</tr>
</thead>
<tbody>
<tr>
<td>1st Parliament</td>
<td>1963-1969</td>
<td>158</td>
<td>0</td>
<td>12</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>2nd Parliament</td>
<td>1969-1974</td>
<td>158</td>
<td>1</td>
<td>12</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>3rd Parliament</td>
<td>1974-1979</td>
<td>158</td>
<td>4</td>
<td>12</td>
<td>2</td>
<td>6</td>
</tr>
<tr>
<td>4th Parliament</td>
<td>1979-1983</td>
<td>158</td>
<td>5</td>
<td>12</td>
<td>1</td>
<td>6</td>
</tr>
<tr>
<td>6th Parliament</td>
<td>1988-1992</td>
<td>188</td>
<td>2</td>
<td>12</td>
<td>0</td>
<td>2</td>
</tr>
<tr>
<td>8th Parliament</td>
<td>1997-2002</td>
<td>210</td>
<td>4</td>
<td>12</td>
<td>5</td>
<td>9</td>
</tr>
<tr>
<td>9th Parliament</td>
<td>2002-2007</td>
<td>210</td>
<td>10</td>
<td>12</td>
<td>8</td>
<td>18</td>
</tr>
<tr>
<td>10th Parliament</td>
<td>2008-2013</td>
<td>210</td>
<td>16</td>
<td>12</td>
<td>6</td>
<td>22</td>
</tr>
</tbody>
</table>

From the above table, it is clear that women have been greatly under-represented in Parliament over the years. The percentage of women members of Parliament falls well below 10 percent of the total number of members of Parliament in the first ten Parliaments. Quite apart from the poor performance of women candidates during elections, political parties too have consistently failed to nominate significant numbers of women to Parliament over the years. The sixth Parliament, for instance, did not nominate a single woman, despite the fact that only two women had won seats competitively.

Women’s performance in local government elections has been equally poor over the years, with the percentage falling well below 10 percent. For instance, the number of women elected to local government in the 1997 elections was 300 (8.1 percent) out of a total of 3,692 civic leaders elected, while in the 2002 elections, 97 women (4.6 percent) out of 2,102 civic leaders were elected. There are three important issues here: firstly, the number of women who have offered their candidature in the first place has been minimal. Secondly, the performance of those who have offered their candidature has been poor. Thirdly, all this has happened despite records showing that the number of women registered as voters in the recent past has been more than that of men.

In order to put the history of women’s representation in electoral politics in Kenya in context, it is necessary to have a brief background of the general world history of the same. Historically, men have generally dominated politics in most parts of the world. The history of the disenfranchisement of women in politics dates back to the eighteenth century, when the American Revolution took place. Women were an oppressed group at the time. They were generally uneducated and usually had no financial resources of their own. If they earned an income, they rarely had any control over it. Married women were legally dominated by their husbands and were completely dependent upon them. Middle and upper class women, of course, enjoyed material comfort, but were confined and restricted at every turn by rigid social codes and the double standards applied to women. More importantly, women had no political rights, could not run for office, and were not allowed to vote.\(^{11}\)

\(^{10}\) Table sourced from Kihoro, W., Politics and Parliamentarians in Kenya 1944-2007, 2007. The table has been slightly modified by the author to suit the purposes of this publication; in particular, the last column (shaded) was added by the author.

Although most women at the time were not engaged in activities aimed at condemning this exclusion, some women were quite vocal about it. The women formed movements which aimed at increasing women’s participation in political processes. The American Woman Suffrage Association was one of these groups, formed in 1869. The group focused exclusively on gaining voting rights for women through amendments to individual state constitutions. In 1920, based on the efforts of these women’s movements, the 19th Amendment to the Constitution of America, granting women the right to vote, was signed into law. Some of the leading luminaries in the American Woman Suffrage Association were Lucy Stone and Julia Ward Howe.

In her article ‘Women Political Equality – The Project of the Century’, Élaine Hémond states that in Great Britain, universal suffrage was introduced in 1918 and was extended to women at the same time. However, this ‘progressive’ measure allowed men to vote from 21 years of age, whereas women had to wait until they were 30 years old. This disparity was however eliminated in 1928. Such hindrances have always affected the participation of women in electoral politics.12

Kenya, which was under British colonial rule from the nineteenth century, had a similar historical exclusion of women. Consequently, the new legislation that was established after independence in 1963 liberally borrowed from old laws and therefore, perhaps automatically, continued in the tradition of leaving women out of political decision-making structures. It must be stated, however, that women in Kenya got the right to vote at independence, at the same time as men, although the political and cultural structures at the time created barriers to their unhindered inclusion in the political life of Kenya. Since then, women in Kenya have engaged in numerous initiatives aimed at addressing these historical injustices.

The women’s movement and supportive civil society organizations have been vocal in promoting women’s political participation. This has been undertaken mainly though condemnation practices and laws that hinder women’s political participation, creating awareness on the need to have women in political leadership, and promoting women aspirants in their bid to capture political seats.

Most recently, the Supreme Court of Kenya, in an advisory opinion on the actualization of the ‘not more than two-thirds’ gender principle in the 2013 General Elections,13 recognized that “the participation of women has, for decades, been held at bare minimal levels, on account of discriminatory practices, or gender indifferent laws, policies and regulations”. Furthermore, the Commission on Administrative Justice, acting as an interested party in the case, stated that Kenyan history records the struggle for women’s representation as one of exclusion. The latter arises due to the patriarchal nature of Kenyan society, and this is demonstrated by how previous attempts to introduce affirmative action for women’s representation have been scuttled by male-dominated Parliaments. The commission further argued that such prejudice still existed in the Parliament preceding the 2013 General Elections, as it rejected the two constitutional amendment bills brought by the Attorney General to try to provide mechanisms for the implementation of this constitutional imperative. Notably, the text of the Inter-Parliamentary Union Plan of Action – to correct present imbalances in the participation of men and women in political life14 – reinforces the views of the Commission on Administrative Justice.

This plan of action is inspired by a vision of democracy which states “the concept of democracy will only assume true and dynamic significance when political parties and national legislation are decided upon jointly by women and men with equitable regard for the interests and aptitude of both halves of the population”.

In all Commonwealth societies, women are suppressed. Our continuing failure to genuinely respond to the challenge of attaining human equality is demonstrated by the very composition of our meeting. We need only to look at the group gathered here to see that maleness is a prerequisite for political leadership. It cannot be that we pride ourselves as a Commonwealth when this special collective distinguishes itself by defining women as alien beings.

President Thabo Mbeki of South Africa in his opening address at the Commonwealth Heads of Government Meeting in Durban in 1999
In their bid to participate in electoral politics in Kenya, women have faced, and continue to face, multifaceted obstacles, ranging from ideological factors to political and social/cultural factors, some of which are addressed hereafter.

**Ideological Factors**

Patriarchy is the main ideological factor that has hindered, and continues to hinder, the full participation of women in Kenya in electoral politics. The Oxford Compact English Dictionary defines patriarchy as “a system of society or government in which men hold the power and women are largely excluded from it”. It basically transforms males and females into ‘men and women’ and constructs the hierarchy of gender relations whereby men are privileged. Anderienne Rich defines patriarchy as “the power of the fathers: a familial-social, ideological, political system in which men – by force, direct pressure, or through ritual, law, and language, customs, etiquette, education, and the division of labor, determine what part women shall or shall not play, and in which the female is everywhere subsumed under the male”.

The ideology of gender roles is used as a tool by patriarchy to place women within the private arena of homes as mothers and wives, and men in the public sphere. Family issues are sometimes a hindrance to women’s participation in electoral politics. Many Kenyan career women give first priority to their families, not because they lack commitment to professional politics. Many Kenyan career women give first priority to their families, not because they lack commitment to professional politics. Many Kenyan career women give first priority to their families, not because they lack commitment to professional politics. Many Kenyan career women give first priority to their families, not because they lack commitment to professional politics. Many Kenyan career women give first priority to their families, not because they lack commitment to professional politics. Many Kenyan career women give first priority to their families, not because they lack commitment to professional politics. Many Kenyan career women give first priority to their families, not because they lack commitment to professional politics. Many Kenyan career women give first priority to their families, not because they lack commitment to professional politics. Many Kenyan career women give first priority to their families, not because they lack commitment to professional politics. Many Kenyan career women give first priority to their families, not because they lack commitment to professional politics. Many Kenyan career women give first priority to their families, not because they lack commitment to professional politics. Many Kenyan career women give first priority to their families, not because they lack commitment to professional politics. Many Kenyan career women give first priority to their families, not because they lack commitment to professional politics. Many Kenyan career women give first priority to their families, not because they lack commitment to professional politics.

The nature of politics is an important factor in the inclusion or exclusion of women in politics. Male domination of politics, political parties, and the culture of formal political structures is a major factor that has hindered the participation of women in politics. Often male-dominated political parties have a male perspective on issues of national importance that disillusion women, as their perspective is often ignored and not reflected in the politics of their parties. Based on experiences in Kenya, women in some instances are not elected to positions of power within party structures because of gender biases and stereotypes of male leadership.

**Political Factors**

Lack of representation in political parties is another form of disenfranchisement of women. Political parties in Kenya are known to be male dominated, and the nomination processes of these parties, particularly the major ones, is usually flawed; often, deserving female aspirants do not emerge as the party’s candidate for the respective position. Female aspirants are thus vulnerable, as they are perceived as the weaker and thus more expendable candidates.

The absence of political will for change also disenfranchises women willing to participate in electoral politics. If adopted, women-friendly quota systems and policies such as affirmative action and girl-child education initiatives would not only demonstrate a political commitment towards increasing the number of women representatives in Parliament, but would also be beneficial to the country. As has been noted previously, efforts to pass affirmative action legislation in Kenya have been thwarted by Parliament. In addition, there has been no clear demonstration of political will by the government of the day to front this agenda resolutely.

**Economic Factors**

Politics has increasingly become commercialized. More and more money is needed to participate in politics, given the various activities that must be undertaken to marshal support for one’s candidature. This includes the fees payable to political parties in order to participate in the party primary selection stages for aspirants, money to advertise oneself comprehensively in all available media, money to pay the campaign machinery and personnel, money to sustain the campaign throughout the campaign period, money to cushion oneself in the event of failure to clinch the desired position, etc.

From the available information in the print and electronic media, men seem to have more money to invest in competing for leadership positions than women. They also tend to control more of the family financial resources and to receive more financial support from the community. In contrast, many women lack access to and ownership of productive resources, thus limiting the scope of their political work.

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**Lack of Social Capital and Political Capacities**

Women often lack social capital. Baker defines social capital as "a resource that actors derive from specific social structures and then use to pursue their interests; it is created by changes in the relationship among actors". Women's lack of social capital is mainly because they are often not heads of communities, tribes, or kinship groups, resulting in the absence of a constituency base for them. Many women also lack the means of political participation, such as political skills, economic resources, education, training, and access to information.

**Sociocultural Factors**

In his article on women in the new political dispensation, Adhiambo-Oduol identifies sociocultural beliefs, attitudes, biases, and stereotypes as major barriers. These factors emphasize the superiority of men and the inferiority of women. They form an integral part of the socialization process in the form of the gender education and training that men and women are exposed to from childhood. This fact is acknowledged in Chinery-Hesse's observations that the essence of women's distinctiveness lies in the multiplicity of their roles. Most men can confine themselves mainly to being producers. Most women, in addition to being heavily involved in economic production, take prime responsibility as home managers, childcarers, and carers of children and the elderly. Both women and men are also community organisers. In consequence, women work longer hours than men, usually with smaller resources, fewer opportunities, and lower rewards. Inequalities, in fact, typify gender differences.

The institutional framework guiding the gender division of labour, recruitment, and vertical mobility is another formidable barrier to women's participation in politics. Current estimates show that women are particularly disadvantaged, with their labour often undervalued and underutilized. Lack of sufficient participation and empowerment in decisions that affect their lives in political and social processes is another problem facing women in their quest to participate in electoral politics. This is attributed to the fact that men dominate public decision-making processes; thus, male values are reflected in the decision-making bodies.

There is a lack of self-confidence or ambition among a considerable number of women to participate in electoral politics. Politics is commonly said to be a ‘dirty game’ that requires a strong sense of determination and perseverance. Kenyan women also lack sufficient role models and mentors, given the scarce number of women who are active in electoral politics at any given time.

It is clear that there is a great need to address the challenges mentioned above if equality between the sexes in political processes in Kenya is to be achieved. Undoubtedly, there needs to be a complete change in culture with respect to the way people view the ability of men and women to lead. Based on the various international, regional, and national instruments already reviewed, it is inarguable that all individuals and groups are equal and should be treated with dignity, and due regard must be given to their diversity. Genuine democracy cannot exist in a society that does not recognize its women and men as equals and that discriminates on individuals based on their colour, creed, race, health status, political opinion, sex, or any other grounds.

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Five Reasons Why No Efforts Should Be Spared in Promoting the Participation and Representation of Women in the Electoral Politics of Kenya!

1. Because It Is the Law!

The constitutional and legal provisions that require the representation of women at all electoral decision-making levels in Kenya have already been examined. And Kenyan institutions must obey the law.

Furthermore, the principles of gender justice for women form part of Article 10 of the Constitution of Kenya, which spells out the national values and principles of governance. These principles include the observance of the values and principles of equity, democracy, and protection of the marginalized, among others. These not only protect the rights of women, but also seek to promote gender equality and equity, recognizing the need for facilitating gender mainstreaming in national development through the reservation of seats for women.

2. It Is a Basic Tenet of Democracy

Democracy at its best requires that all citizens be represented politically, whether directly or through elected representatives. This not only refers to the representation of persons but of their interests too. The argument that persons who are directly affected by specific issues would be best at articulating the issues is a convincing argument. This means that for women to be competently represented, it is necessary that this representation be done by women. The strength of this argument depends of course on the quality of women representatives elected. The case that men can in some cases represent women’s interests ably also needs to be appreciated; however, by virtue of their gender and life experience, men’s knowledge of women’s issues is by definition second-hand. No doubt, male representatives in the legislature equally need to be competent in order to understand and support the issues being articulated by female representatives, rather than dismissing them.

For women to have a fair chance of being elected, it is therefore essential that the political playing field be levelled by creating a gender-balanced space for women to participate equally with men in all socio-economic and political activities. Men and women should be accorded equal opportunities and access to leadership and decision-making positions at all institutional levels of governance.

3. The World Was Made for Both Men and Women

The fact that the world was made for both sexes is self-evident in the complementarity that is exhibited in the abilities and strengths of men and women. Indeed, the reproduction, nurture, and care of the human race require the input of both males and females, each playing their respective roles. In this case, the roles do not include those steeped in negative cultural and traditional norms that reinforce the belief that men are leaders and that women should concentrate on domestic roles. This thinking is underpinned by various damaging stereotypes, key of which is ‘a woman’s place is in the kitchen’. The simple fact that men need women and women need men is enough to warrant that both sexes receive an equal opportunity to participate and be represented at all levels of decision making that goes towards protecting and improving the human race. Electoral politics no doubt provides the forum for such discussions and thus requires the input of both men and women.

4. It Ensures That the Unique Interests of Marginalized Persons and Groups are Incorporated in Law Making

The reality that women in Kenya of themselves constitute a marginalized group in terms of political participation and representation according to Article 100 of the Constitution of Kenya has already been noted. That women are also members of the other distinct marginalized groups listed in the same article (e.g. persons with disabilities, ethnic and other minorities, etc.) has also been appreciated. Article 100 requires that legislation be made to ensure the representation of these groups of marginalized persons. Quite apart from the legal requirement that the representation of these groups be effected, there is also the fact that their interests can now receive specific attention through relevant legislation, due to being articulated competently by the ‘wearers of the shoe who know where it pinches most’.

5. It Improves the Quality of Performance, Governance, and Political Practice in the Respective Legislatures

Political analysts and researchers from different regions of the world have observed that when women get into leadership and management, they bring a different perspective of political leadership. For instance, it is popularly believed that women are peacemakers due to their nurturing role as the primary carers of children, the elderly, and the infirm. For this reason, it is often suggested that including women in certain decision making is beneficial in reducing the escalation of conflict or avoiding it altogether.

This thinking is supported by the text of United Nations Security Council Resolution 1325, which was unanimously adopted by the Security Council. The resolution mandates UN member states to engage women in all aspects of peacebuilding, including ensuring the participation of women at all levels of decision making on peace and security issues.

Further, research has shown that women in politics have helped reduce corruption in government. The 2001 World Bank report on ‘engendering development’ argued that when more women are included in governance, this results in the promotion of good governance. In addition, where men enter and remain in politics through clientelistic systems, which include the exchange of personal favours for political support, women may be effectively less corrupt if they enter politics through other means and are disconnected from these clientelistic systems.\(^\text{21}\)

Based on the above information, it is expected that the participation of women in the Kenyan Senate, National Assembly, and County Governments will sensitize the arguments made for or against the various issues being discussed on the floor with feminine perspectives. These, when put together with the perspectives of their male counterparts, will result in balanced conclusions being arrived at and quality laws and amendments being made. It is also expected that the culture of these forums will change positively with respect to the etiquette and temperament of members, given that men and women communicate differently, whether verbally or non-verbally.

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**Democracy at its best requires that all citizens be represented politically whether directly or through elected representatives. This not only refers to the representation of persons but of their interests too.**

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\(^{21}\) UN Women, “Why Do We Need More Women in Politics?”, Background Note, 2012.
PART 1: THE HISTORY OF WOMEN’S PARTICIPATION IN ELECTORAL POLITICS IN KENYA

4.0 EVENTS THAT HAVE SHAPED THE REPRESENTATION OF WOMEN IN ELECTORAL POLITICS IN KENYA FROM INDEPENDENCE TO THE MARCH 2013 GENERAL ELECTIONS

Various discussions regarding inequality, the legal framework providing for the right of Kenyan women to participate in electoral politics, and the general performance of women with respect to their participation and representation in electoral politics have taken place in the preceding sections. The reasons why women in Kenya have not fared well with respect to their entry into Parliament since independence and over time have also been adduced. In this section, the key events that have affected the ability of women to gain entry into Parliament as legislators will be examined.

This discussion will be staggered across key periods corresponding to the electoral calendar since independence. While much can be said about various issues that have had a bearing on the issue at hand, only those events that are considered to be turning points or game changers will be focused on, in an attempt to identify the things that influenced the ebb and flow of women joining Parliament over the years.

4.1 1963 to 1992: Mapping the Representation of Women from Independence to the First Multiparty Elections

Between 1963 and 1992, there was little change in the status of women with respect to their representation in electoral politics, and state support for women’s initiatives was minimal at best. In 1964, the government introduced the National Development Policy, which stressed the need for citizens’ involvement in bringing about the development they desired. The policy, however, placed no particular emphasis on the role of women’s groups, which were vocal about women’s issues prior to the elections. Consequently, women’s organizations received little or no recognition, attention, and assistance from the independence government. According to Ndeda, there was a considerable decline in the funding given to women’s groups, particularly funds for the Women’s Bureau, and the training for leaders in these groups.

During the times when multiparty politics was allowed between 1963 and 1992, political parties did little to help women who were willing to participate in electoral politics. The inability of women who wished to vie for electoral positions to access tangible positions in or support from political parties was a huge hindrance. Political parties in the Kenyan political system were hugely significant as vehicles to elected positions; for this reason, anyone seeking to control state power in the Kenyan democratic process has had to align themselves to certain political parties. However, political parties were, and continue to be, male dominated, and women rarely featured in their top leadership levels.

During the first Parliament of independent Kenya (1963–1969), women were neither elected nor nominated, despite there being 12 slots for nomination. In the second Parliament (1969–1974), Honourable Grace Akinyi Onyango was elected the first Kenyan female Member of Parliament (MP), representing Kisumu town. In the third Parliament (1974–1979), four women were elected, including Honourable Grace Onyango, Honourable Dr. Julia Auma Ojiambo, and Honourable Philomena Chelagat Mutai. During this period, Honourable Dr. Eddah W. Gachukia and Honourable Jemimah Gecaga were nominated, bringing the total number of female MPs to six.

In the fourth Parliament (1979–1983), five female MPs were elected, including Honourable Grace Onyango, Honourable Dr. Julia Ojiambo, Honourable Chelagat Mutai, and Honourable Phoebe Muga Asiyo. Honourable Dr. Eddah Gachukia was the only female MP nominated. The total number of female MPs in this Parliament was six.

There was a drastic reduction in the number of female MPs in the fifth Parliament (1983–1988), from six to three. Only two women MPs were elected, while one was nominated. In the sixth Parliament (1988–1992), only two women were elected; surprisingly, no female MPs were nominated to this Parliament.

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PART 1: THE HISTORY OF WOMEN’S PARTICIPATION IN ELECTORAL POLITICS IN KENYA

Reaching for the Skies

I am not a victim. I accept the harm done to me because my struggle has produced the fruit of change in my country.

Rev. Timothy Njoya, human rights defender

PHOTO: Njoya, retrieved from http://www.stephenmansfield.co.uk/scotsman/pictures_2001/pageone.htm (27.05.2014)

Legislative Reforms

Few legislative reforms took place during this period related to the enhancement of women’s political participation. This can perhaps be attributed to the fact that the country mainly had a single party system, and thus women’s participation depended on the party policies.

In 1991, the political system in Kenya changed from a de jure one party state to a de jure multiparty state, following the repeal of Section 2(A) of the Constitution of Kenya in December 1991. It was therefore anticipated that a number of political parties would participate in the 1992 elections in addition to the incumbent Kenya African National Union (KANU).

The opening up of space for other political parties to compete in the general elections had the corresponding effect of opening up more space for women to join and participate in the political party of their choice. They were also at liberty to form their own political party. Notably, although Kenya had embraced multiparty politics, it maintained the first-past-the-post (winner-take-all) electoral system, which historically does not favour the representation of minorities. For this reason, regardless of their large numbers as voters, women remained minorities and were under-represented in these first multiparty elections.23

Initiatives by Women’s Organizations to Enhance Their Representation in Electoral Politics

During this period, there were various activities undertaken by women’s organizations and other stakeholders in setting the gender agenda with respect to enhancing women’s participation in electoral politics. Such organizations included Maendeleo ya Wanawake Organization (MYWO), a non-governmental organization formed in 1952. Its objectives included unifying, nurturing, and empowering women socially, economically, and politically to enable them to deal with their unique challenges. During this period, MYWO became affiliated with the then ruling party KANU. Among other things, it mobilized women voters for KANU and managed government programmes for women.24

Other organizations that came up following the reintroduction of multiparty politics in Kenya included the League of Kenya Women Voters, a non-governmental organization formed in 1992, whose mission was to work together with others to promote the active, free, and equal participation of women in politics and public affairs through the electoral process as voters and leaders.25 The organization also aimed at attaining a democratic society in Kenya where women are adequately and effectively empowered, with their political, social, and economic contributions recognized equally.

The National Commission on the Status of Women (NCSW) was also formed in 1992. The commission’s aims were to facilitate capacity building, training of women candidates, and election monitoring.26 In her July 1992 article ‘From the Women’s Decade to Multi-Party Era: Women’s Political Participation in Kenya’, Prof Nzomo states that NCSW, which had been the main lobby group spearheading the struggle for women, had organized a national training workshop for women candidates. This workshop had brought together about 60 women candidates who had already declared their intention to contest for political office in the December 1992 General Elections.

The purpose of this workshop was to enhance the capacity of women candidates to win the forthcoming elections by providing them with a forum whereby they could exchange ideas and experiences, and learn from experts about electoral law and politics, as well as the pertinent issues and strategies necessary to win elections. As has been stated previously, six women were elected during these elections, which was an improvement from the previous two general elections.

I am not a victim. I accept the harm done to me because my struggle has produced the fruit of change in my country.

Rev. Timothy Njoya, human rights defender

PHOTO: Njoya, retrieved from http://www.stephenmansfield.co.uk/scotsman/pictures_2001/pageone.htm (27.05.2014)


24 Maendeleo ya Wanawake Organization’s history is available on its website at http://mywokenya.org/index.php/component/k2/itemlist/user/62-administrator?start=10 [accessed on 07.06.2013].


Several international conferences on women were held around the world during this period, the first being the World Conference of the International Women’s Year, held in Mexico City.27 At this conference, several deliberations on women were made and some important principles established. Among them was the notion that equality between women and men means equality in their dignity and worth as human beings, as well as equality in their rights, opportunities, and responsibilities. Another key principle established was that all obstacles that stand in the way of the enjoyment by women of equal status with men must be eliminated in order to ensure their full integration and participation in national development.

The second conference during this period was called the World Conference of the United Nations Decade for Women: Equality, Development and Peace, and was held in Copenhagen (14–30 July 1980). This conference recognized that there was a disparity between women’s guaranteed rights and their capacity to exercise them. Participants identified spheres in which measures for equality, development, and peace were required, which included the need to have equal access to education, one of the factors considered essential for exercising political leadership.

The third international conference was called the World Conference to Review and Appraise the Achievements of the United Nations Decade for Women: Equality, Development and Peace, and was held in Nairobi from 15 to 26 June 1985. This conference recommended practical solutions that were dubbed the Nairobi Forward-Looking Strategies (NFLS). The NFLS, which were adopted by the conference, provided a blueprint for action by countries and international organizations until the year 2000. In particular, the NFLS linked the promotion and maintenance of peace and the eradication of violence against women to the promotion of women to positions of power at every level and in every sector to achieve parity with men. The conference also aimed to evaluate the progress made during the UN Decade for Women and to devise a new course of action for the further advancement of women.

During the conference, member states were urged to take constitutional and legal steps to eliminate all forms of discrimination against women and tailor national strategies to facilitate the participation of women in all sectors and in promoting development.

27 Held between 19 June and 2 July 1975, when a plan of action was drawn. The period 1976–1985 was then declared the Women’s Decade by the United Nations, which had been formed in 1945. See full report online at http://www.un.org/womenwatch/daw/beijing/mexico.html [accessed on 10.05.2013].

Notably, during the 1992 elections, six women were elected and one nominated, thus bringing the total number of women in Kenya’s first multiparty Parliament to seven. By this time, women had started becoming more visible in political parties following the restoration of multipartyism after the repeal of Section 2(A) of the Constitution of Kenya in December 1991.

Despite the spirited clamour for the expansion of democratic space in the early 1990s in Kenya, no other serious amendments were made to the Constitution after the repeal of Section 2(A). However, between 1992 and 1997 there were various reform proposals on women’s political representation. Various initiatives were undertaken to promote women’s participation in political processes. Among the notable initiatives undertaken was the 1997 Phoebe Asiyo Parliamentary Affirmative Action Motion, which required that the government introduce legislation requiring all registered political parties to have at least two-thirds of their nominated candidates to Parliament be women. The motion further required the government to introduce an amendment to the Constitution to provide for two Parliamentary constituencies to be competed for exclusively by women candidates in each of the eight administrative provinces. Unfortunately, this motion, which had sought to reserve seats for women, failed to pass.

After the defeat of the Asiyo Motion in 1997, the women’s movements did not grow weary in their quest to push for affirmative action legislation. To this end, the Caucus for Women Leadership drafted another Affirmative Action Motion that was tabled in Parliament by Honourable Beth Mugo in April 2000. This motion was essentially for leave to introduce an affirmative action bill. Although it was allowed, the bill was unfortunately never published.

It is noteworthy that the clamour for multipartyism in the early 1990s in Kenya also provided the impetus for the birth of civil society. Non-governmental organizations (NGOs), which went on to become the medium through which the rights of women were agitated for, started sprouting up. For instance, the Coalition on Violence against Women–Kenya, or COVAW (K), was formed in 1995 as a result of the workshop organized by WILDAF (Women in Law and Development in Africa), which sought to strengthen the networking capacities of women’s organizations in Kenya. At this workshop, violence against women was identified as a serious women’s rights violation that needed to be addressed through concerted efforts.28

28 Coalition on Violence against Women website, see http://covaw.or.ke/ [accessed on 10.05.2013].
COVAW is but one of a number of women’s rights-based organizations that were formed during this period to address the various challenges women in Kenya faced at the time. During this period, the League of Kenya Women Voters, which focused on enhancing the participation of women in electoral politics, continued with its advocacy work.

**Agitation for Constitutional Reforms**

With the emergence of a civil society, which was mainly composed of various human rights-based NGOs and individual citizens who were enlightened about the human rights discourse, the campaign for a new constitution was started. This was followed by the launch of a ‘model constitution’ in 1994, a document that served to accelerate the push for a new constitution. The initiatives aimed at reforming the Constitution were prompted by the experiences of the 1992 General Elections. It had dawned on opposition parties, civil society organizations, and activists that the removal of Section 2(A) of the Constitution, which had paved way for the reintroduction of multiparty politics, did not of itself provide sufficiently wide democratic space. These elections had demonstrated that the electoral playing field was certainly not level. It became clear that further reforms were necessary in the political, constitutional, judicial, and administrative spheres, but many activities organized to champion reforms were denied licences and very often violently dispersed. Thus, as Kenyans approached the 1997 elections, the clamour for constitutional (including electoral) reforms heightened.

**The Inter-Parties Parliamentary Group (IPPG) Package for Minimum Reforms before Elections**

In May 1996, the KANU government, through the Attorney General, did concur with the popular opinion that comprehensive constitutional review was a necessity. However, given the five-year life of Parliament under Section 59 of the Constitution, the major question that arose then was when such a review should take place – before or after the general elections scheduled to be held at the end of 1997? It was concluded that it was sensible to divide the reforms into two categories: minimum reforms required to enhance the government’s ability to provide basic needs, and a major, comprehensive review of the Constitution, which would be left to the government formed after the impending elections.

However, the minimum amendments made to the Constitution at the time were too few to affect the character of government and thereby staunch the mounting criticism of the government. The government was forced to concede to more reforms by the sustained public and political pressure. The year was also significant because general elections were scheduled to take place and thus any publicly contested issues were capable of being inflamed through campaign rhetoric. The KANU government initiated the formation of the Inter-Parties Parliamentary Group (IPPG) to map the way forward. It has already been noted that although multipartyism had been reintroduced in 1992, the Constitution had not been amended to allow for accommodating the opposition in national governance. Essentially, the business of government went on just as it had during the single-party days. The formation of the IPPG therefore symbolized the formal recognition that the opposition represented a significant constituency in Kenya, especially as regards the constitutional reforms agenda. The result of the IPPG was to enact more minimum reforms in November 1997 prior to the general elections scheduled for December 1997.

Moreover, in order to appeal to the increasingly disaffected female electorate, two fundamental changes were instituted in the IPPG reforms. These were the proscription of sex-based discrimination by the Constitution, and the stipulation that the twelve slots for nominated Members of Parliament provided for by the Constitution would be nominated by the parliamentary parties according to the proportion of their representation in Parliament. The IPPG package therefore presented a new set of circumstances for KANU, which had to share the 12 slots for nominated MPs with the opposition. Previously, the selection of the 12 had been the sole prerogative of the President. KANU now nominated six MPs, with the opposition sharing the other six seats according to their numerical strength in Parliament.

In accordance with the terms of the IPPG deal, these nominations, which later became controversial because the formula for sharing out the seats was not strictly adhered to by KANU, were supposed to take into account the principle of gender equality and the representation of special interests. Special interests broadly included issues related to persons with disabilities, workers, and the youth, as well as women. The most important outcome of the pre-election IPPG reforms was the passing by Parliament of the Constitution of Kenya Review Act 1997, which guaranteed the establishment of constitutional reforms by the post-election government.

Ultimately, the IPPG process served to highlight the inequalities faced by women in their quest to join politics and vie for political office. A section of women’s organizations subsequently sued the ruling party KANU for failing to adhere to the formula prescribed by the IPPG package.

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regarding party nominations of women to Parliament. This is because KANU had nominated one female less than required. Although the women’s organizations lost the case in court, the publicity created by the case served to inform, educate, and communicate messages to the public about the inequalities faced by women in the political sphere. The incident also served to demonstrate the lack of political will there was on the issue of women being given access to key decision-making positions.

During this period, the IPPG process was no doubt one of the most influential events with respect to the agenda of increasing the participation and representation of women in electoral politics in Kenya. This agenda was firmly placed in the in tray of the proposed commission that would review Kenya’s Constitution following the December 1997 General Elections.

4.3 1997 to 2002: The Momentum Created by the Constitutional Reforms Process under the Ghai-led Commission, and the Formation of the Kenya Women Parliamentary Group

After the December 1997 General Elections, four women were elected to Parliament and five were nominated, bringing the total number of women in Parliament to nine. History was also made during these elections when two women offered their candidature for presidency. These were Honourable Professor Wangari Maathai (environmental conservationist, advocate for tree planting, and later Nobel Peace Prize winner) and Honourable Charity Ngilu, whose bid for presidency then had gained wide support.

The Impact of the Constitutional Reforms Process under the Ghai-led Commission on the Right of Women to Participate in Electoral Politics in Kenya

By 2000, the struggle for increased democratization, which started back in 1991, was now showing signs of life with the enactment of legislation to review the Constitution and the appointment of the Constitution of Kenya Review Commission (CKRC) under the leadership of Prof. Yash Pal Ghai. The CKRC’s primary mandate was to ensure a comprehensive review of the Constitution ‘by the people of Kenya’. In carrying out their mandate, the Commission was required to ensure that the review process accommodates the diversity of the Kenyan people, including their “socio-economic status, race, ethnicity, gender, religious faith, age, occupation, learning, persons with disabilities and the disadvantaged”.21

CKRC employed certain methods to prepare Kenyans for the constitutional review process. It spared no effort in establishing an elaborate national infrastructure to facilitate the stimulation, discussion, and collection of Kenyans’ views. Indeed, immense time and resources were expended on this to make sure that the process was people-led and as participatory as possible. The efforts included, among other things, the establishment of documentation centres in every district, which contained materials for informing and educating the public on reform-related issues. These materials included records of conferences, workshop reports, and proceedings of the commission. District coordination mechanisms were also set up in all the administrative districts, and Constituency Constitutional Forums were established in the 210 electoral constituencies that existed at the time. Constitutional review-related information was also disseminated through the print and electronic media, with messages and information from both the commission and other participating organizations.

Considering Kenya’s history and context, in which the culture of consulting citizens directly had not yet taken root, the process designed by the Ghai Commission to obtain feedback from Kenyans was unprecedented, particularly in its open and participatory nature. Clearly, the Ghai Commission set out to reach Kenyans where they were and honour their diversity. The views of women were treated with the same importance as those of men. Indeed, the views of other marginalized persons – persons with disabilities and ethnic and other minorities – were just as important. Through this process, the idea that Kenya belongs to both women and men was reinforced. The process also served to raise questions about the exclusion of women in other spheres of Kenyan public life. As a nation, Kenyans’ thoughts and belief systems were challenged on the particular issue of equality between the sexes.

Among other findings, the commission noted in its final report that women in Kenya had made little progress in politics and that the primary reason for this was the way in which Kenya, a male-dominated society, treated women in the political arena. The commission attributed the low representation of women in political decision-making processes to several factors, among them “socio-cultural perceptions and inhibitions; lack of finances; lack of political commitment; lack of consciousness and goodwill, and poor rural infrastructure”. In its recommendations, the commission stated that the equality of all citizens, regardless of “race, ethnic origin, age, place of birth, gender, or any other difference should be firmly entrenched in the Constitution”. In addition, the commission saw the need for affirmative action as a direct response to the gross historical inequalities that had characterized Kenya’s social and economic environment.

The key concerns included unequal participation in decision making and management of public affairs, especially by women, people with disabilities, the youth, pastoralists, and minority communities.

Consequently, the commission recommended that the Constitution should “include a clear statement of obligation to embark on a fully researched, carefully structured and properly funded rolling programme for positive action to strengthen equality and affirmative action”. In this regard, the commission recommended that the Constitution should “emphasize affirmative action for the historically marginalized and disadvantaged groups and areas including women, people with disability; the youth, pastoralists; older people, and minority communities, in representation”.

Ultimately, the commission’s recommendations on enhancing women’s rights were that the Constitution should recognize the right of affirmative action for women to redress the imbalances created by history, tradition, or law. In particular, this should be achieved by constitutional provisions stipulating that at least one-third of all elective and constitutional office holders be women, and that women be provided with reasonable facilities to realize their full potential and advancement. In addition, the commission also proposed the adoption of the proportional representation electoral system, whereby political parties would be required by law to nominate men and women candidates on a fifty-fifty basis for the proportional representation seats.

The recommendations made by the Ghai Commission on enhancing the rights of women with respect to political participation and representation were quite progressive. They built on the spirit and intention of the 1997 Phoebe Asiyo Affirmative Action Motion and the IPPG process. In 2004, however, the work of the Ghai Commission was halted by the breakdown of the Constitutional review process. Nonetheless, the commission’s report and the results of the face-to-face engagements it had undertaken with Kenyans all over the country in public forums formed the basis for the continuation of the process later on.

No one can make you feel inferior without your consent.

Eleanor Roosevelt

Feminist, social activist, United States representative to the United Nations (1945–1953; 1961), and wife of 32nd US president Franklin Delano Roosevelt

Reaching for the Skies

During this period, there were various associations formed with the aim of enhancing the participation and representation of women in electoral politics. The Kenya Women Parliamentary Group was formed in May 2001 by the nine women Parliamentarians in the eighth Parliament. The membership of this group, which later changed its name to the Kenya Women Parliamentary Association (KEWOPA), consisted of all the women Members of Parliament from all the political parties, both elected and nominated. The formation of the group arose out of the need to raise the number of women Parliamentarians, increase their contribution to and influence on Parliamentary business, and ensure increased attention to issues affecting women.

The Kenya Women Parliamentary Group was formed on the premise that, since independence, the number of women Members of Parliament had always been extremely low and that, as a result, issues of special concern to women and girls had often been sidelined in the legislative and political process. These included issues that jeopardized women's access to and successful participation in political institutions. The formation of the Kenya Women Parliamentary Group at the time was quite significant because it provided a formal forum where women Parliamentarians could discuss issues pertaining to the inequalities and difficulties faced by women aspiring to political office. In this forum, issues that had been marginalized in discussions on the floor by successive male-dominated Parliaments could also be raised and subsequently articulated on the floor of the House after a lobbying process targeting male Members of Parliament. A more detailed discussion of KEWOPA and its activities today is contained in Part 2 of this publication.

4.4 2002 to 2007: Picking up the Pieces after the Rejection of the Wako Draft at the 2005 Referendum

Following the 2002 General Elections, 10 women were elected to Parliament and 8 were nominated, bringing the total number of women Parliamentarians to 18. These elections also heralded a change of guard, after KANU, which had ruled the country since independence, lost to the NARC coalition. Since the adoption of multipartyism in 1991, the number of women Members of Parliament kept on rising thanks to the existence of various initiatives, especially by civil society organizations, geared towards increasing women's participation in electoral politics.

In 2006, the then President, His Excellency Mwai Kibaki, gave a directive requiring that there should be at least 30 percent female representation in senior public service positions. The directive did not bear much fruit, as it lacked statutory grounding and a proper implementation mechanism. It became clear that only legislative and/or constitutional solutions could give a sustainable solution to the question of gender equality and equity in governance.

One of the key gender equality initiatives during this period was the 2007 attempt to amend the Constitution to provide for an additional 50 affirmative action seats to boost the number of women in Parliament. The proposal, which was spearheaded by Honourable Martha Karua, the then Minister for Justice and Constitutional Affairs, was rejected by Parliament. It failed to garner the two-thirds majority support necessary to pass such an amendment.

This period was characterized by other processes pertaining to constitutional reforms. As previously indicated, the work of the Constitution of Kenya Review Commission (the Ghai Commission) was halted before completion. This followed the aborted National Constitutional Conference at the Bomas of Kenya (dubbed the Bomas Conference), which had brought together delegates representing Kenyans throughout the country right at the constituency level. The Ghai Commission had drafted a constitution that was to be discussed by the delegates at the Bomas Conference. The conference was marked by significant controversy, and though it produced the ‘Bomas Draft’ in 2004, Parliament failed to adopt it.

Following a subsequent consensus-building Parliamentary exercise to kick-start the stalled reforms process, a revised draft popularly known as the Wako Draft was published in August 2005. The Bill of Rights Chapter in the Wako Draft contained strong equality provisions in Article 36 that included in its definition of equality “the full and equal enjoyment of all rights and freedoms”. On political participation, the Wako Draft laid out “national values, goals and principles”, among them the “full participation of women”. Furthermore, the principle that two-thirds of members of all elective and appointive bodies should be women was explicitly spelled out in the draft. Under Section 123(1)(b), there was also a provision for women’s quotas, whereby one woman was to be elected from each geographical district in Kenya, which would for this purpose comprise a single member constituency. Despite the Wako Draft’s numerous provisions on matters of equality, a majority of Kenyans rejected it at the 2005 Referendum.

For further information about KEWOPA, see the KEWOPA website: http://www.kewopa.org/index.php?option=com_content&view=article&id=37&Itemid=27 [accessed on 10.05.2013]
the referendum called in 2005. This was because the process of arriving at the content of the draft lacked legitimacy in their view, in addition to some clauses in the draft going against popular opinion. Notably, the use of a referendum as a means for Kenyans to accept or reject a proposed constitution had been made a mandatory requirement during the course of the constitutional reforms process by the ruling in the Njoya case.34 The court found that in a democracy where the sovereignty of the republic is actually the sovereignty of the people, and hence where government exercises power solely on their behalf, this necessarily means that all Kenyans are equally entitled to review the Constitution, including ratifying it through a national referendum.

The rejection of the Wako Draft was, however, a setback to the efforts of enhancing women’s participation and representation in electoral politics, particularly because it expressed a clear intention to apply international legal standards insofar as equality and discrimination of persons was concerned.

**Formation of the Women’s Shadow Parliament**

The Women’s Shadow Parliament–Kenya (WSP-K) was founded in March 2003 after a total of 46 women, who had undergone the undemocratic process of nominations for the 2002 General Elections, reached a consensus to form a political platform. This political platform would essentially work “towards the removal of the systematic barriers that impede on their representation and involvement in the legislature and legislative processes”. WSP-K was formed during a retreat organized by the Engendering the Political Process Programme35 (EPPP) for the above-mentioned women who experienced the nominations process in 2002.

The main objectives of the programme were “creating an enabling environment for women’s effective participation in Kenya’s political processes and empowering women as active change agents in public life and reducing barriers that prevent women’s full and equal partnership with men at both the national and local levels.”36

The objectives of WSP-K included “the provision of an enabling framework and environment for women’s effective participation in Kenya’s legislature, legislative processes and decision-making tables; build the capacity of aspiring female candidates to engage in Kenya’s electoral and legislative processes; work towards the removal of systematic barriers to women’s political empowerment”.

WSP-K’s key strategies included research, analysis, and dissemination of facts and strategic information on legislative processes aimed at empowering its members; auditing leadership structures to determine their representation; advocacy strategies that were aimed at improving women’s representation in the political sector; training, mentoring, and supporting female Parliamentarians to ensure that their number in Parliament increased.

WSP-K is an example of the initiatives that civil society organizations took to address the critical need for a level political playing field for women and men, as well as to enhance the capacity of women to engage in the political sphere. The objectives of WSP-K clearly demonstrate the realization that if women were to compete ably with men in the political arena, then their political prowess would have to be sharpened to an equal extent.

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34 Njoya and Others vs. Attorney General and Others. Citation: [2004] LLR 4788 (HCK).
35 EPPP is the predecessor of the United Nations Gender and Governance programme in Kenya, which is managed by UN Women (formerly the United Nations Development Fund for Women – UNIFEM). EPPP was implemented in 2002 to support women in Kenya to participate actively in the first multiparty General Elections in 2002 following the return to the multiparty system in 1991. For further information, see the Gender and Governance Programme online at http://www.awcfs.org/new/index.php?option=com_content&view=category&layout=blog&id=63&Itemid=38#sthash.Lup1BoDi.dpuf [accessed on 06.06.2013].
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Reaching for the Skies


The rising trend of women’s representation in Parliament was also manifested in the tenth Parliament. Sixteen women were elected and six nominated, giving a total figure of 22. However, this was still only 9.8 percent, which was far behind the global average of 18.8 percent for women’s parliamentary representation at the time.37

Post-Election Violence

After the hotly contested December 2007 presidential elections, some parts of Kenya were engulfed in acts of violence of a magnitude not seen since independence. Honourable Raila Amollo Odinga of the Orange Democratic Movement (ODM) Party, a presidential candidate, disputed the results announced by the Samuel Kivuitu-led Electoral Commission of Kenya. ODM alleged that the re-election of the incumbent President Mwai Kibaki of the Party of National Unity (PNU) Coalition could not be said to have been free and fair.

The violence was essentially based along party lines, with the supporters of the ODM Party and PNU Coalition targeting each other in various parts of the country. The violence also assumed an ethnic dimension, given that the supporters of PNU and ODM were largely drawn from particular communities hailing from specific geographical areas.

This violence brought the country to the brink of civil war. A report by Human Rights Watch put the number of people killed at 1,300, with more than 650,000 people displaced. Rape and other forms of sexual and gender-based violence were carried out in many parts of the country, overwhelmingly against women and girls. In some areas, women and girls and their families faced destruction of property and displacement from their homes. Notably, the sexual and gender-based violence that took place can be traced to the already existing patterns of discrimination and marginalization of women in Kenya.

In order to bring relief to the survivors of sexual and gender-based violence as well as prevent such acts in the future, civil society organizations, especially women’s rights organizations, channelled their energy towards addressing the violence. One initiative was the Inter-Agency Gender-based Violence Sub-cluster, a network of women’s rights organizations engaged in post-trauma counselling and service provision in various internally displaced camps. The African Women and Child Feature Services also compiled real stories of Kenyan women in the wake of the post-election violence.

Civil society organizations, particularly women’s organizations, condemned the violence and campaigned for reconciliation and peace in the country throughout this period. Given the deleterious effects of the violence, especially on women and children, Kenyans were not prepared to countenance such violence after elections again. Women were particularly determined about this and therefore used a peace platform to conduct their campaigns.

The specific details of the provisions contained in Kenya’s new Constitution concerning the enhancement of the space for women to participate in electoral politics have already been covered comprehensively earlier in this publication.

However, it is important to appreciate that the processes preceding the promulgation of the Constitution served to highlight the importance of consensus building among all Kenyans during this very important national undertaking. A key feature of all the bodies that played a part in overseeing the constitutional reforms over the years from 1997 was their quest to ensure that the process was participatory and people centred. They stressed the importance of carrying everyone along, women and men, in the journey of making Kenya’s Constitution. The inclusion of the affirmative action measures in the 2010 Constitution were a victory for the women of Kenya and the men who support their cause, given the reluctance there had been to allow for the same in previous Parliaments. The participatory nature of the Constitution-making exercise no doubt played a key role in facilitating this. In various meetings called to gain consensus in villages, churches, public halls, and conference halls, women from Kenya’s rural and urban communities sat with men and other interest groups to negotiate for the inclusion of affirmative action in the Constitution.

Ultimately, the promulgation of the 2010 Constitution provided fresh impetus to women’s quest to participate fully in the electoral process, whether as voters, aspirants, party officials, campaign mobilizers, etc. Despite the reservation of 47 seats for women at the county level, many women chose to compete with men for the open seats instead. Many could not wait for the first elections under the new Constitution to take place so that they could taste the fruits of their hard labour over the years.

While the method for filling the 47 seats reserved for women in the National Assembly – as detailed by Article 97(1)(b) of the Constitution – was clear, the method for achieving the additional numbers required to ensure that no more than two-thirds of either sex dominated the National Assembly and Senate – in line with Article 27(8) – was far from clear.

The lack of clarity arises from a reading of the various Constitutional articles pertaining to the electoral process. Article 81(b), which defines the nature of Kenya’s electoral process, states that “the electoral system shall comply with the following principles: (b) not more than two-thirds of the members of elective public bodies shall be of the same gender”. This provision is consonant with the requirements of Article 27(8): “The State shall take legislative and other measures to implement the principle that not more than two-thirds of the members of elective or appointive bodies shall be of the same gender.” However, Articles 97 and 98 of the Constitution, which make provision for the composition of the National Assembly and Senate respectively, have a fixed allocation of seats for the various members that comprise these bodies. The dilemma therefore arises from the inconsistencies among these Constitutional provisions, with particular reference to the affirmative action measures required by Article 27(8). This is unlike Article 177, which provides for the composition of the County Assemblies and within it includes a mechanism for ensuring that the surplus required to effect the two-thirds gender principle is achieved.

The existence of the dilemma referred to above generated some of the most fervent discussions Kenyans have ever witnessed on the subject of affirmative action. This was because some felt that, following the elections, should there emerge a Parliament that does not conform to the requirements of the two-thirds principle expressed in Article 27(8), such a Parliament would not be properly constituted and would hence be unconstitutional. However, others did not think that such an occurrence would necessarily lead to a declaration by the courts that Parliament was unconstitutional. Many, however, were agreed that the matter needed a final determination in advance of the impending elections in order to avoid uncertainty and its consequences after the elections.

39 Article 97 provides that (1) The National Assembly consists of—(a) two hundred and ninety members, each elected by the registered voters of single member constituencies; (b) forty-seven women, each elected by the registered voters of the counties, each county constituting a single member constituency; (c) twelve members nominated by parliamentary political parties according to their proportion of members of the National Assembly in accordance with Article 90, to represent special interests including the youth, persons with disabilities and workers; and (d) the Speaker, who is an ex officio member. (2) Nothing in this Article shall be construed as excluding any person from contesting an election under clause (1)(a).

40 Article 98 provides that (1) The Senate consists of—(a) forty-seven members each elected by the registered voters of the counties, each county constituting a single member constituency; (b) sixteen women members who shall be nominated by political parties according to their proportion of members of the Senate elected under clause (a) in accordance with Article 90; (c) two members, being one man and one woman, representing the youth; (d) two members, being one man and one woman, representing persons with disabilities; and (e) the Speaker, who shall be an ex officio member. (2) The members referred to in clause (1)(c) and (d) shall be elected in accordance with Article 90. (3) Nothing in this Article shall be construed as excluding any person from contesting an election under clause (1)(a).

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Promulgation of the Constitution, 2010

The specific details of the provisions contained in Kenya’s new Constitution concerning the enhancement of the space for women to participate in electoral politics have already been covered comprehensively earlier in this publication.

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The solutions proposed to resolve the dilemma were of mainly two strands. Some were of the view that the Constitution should be amended in order to include the mechanism of achieving the surplus required to ensure that the two-thirds affirmative action principle was adhered to. Others were of the view that the achievement of the affirmative action principle in the impending elections was unrealistic and ought to be staggered over the longer term in a progressive fashion.

Some commentators at the time argued that one could already find guidance as to how the courts would view the matter based on the recently decided case of Federation of Women Lawyers Kenya (FIDA-K) and Five Others vs Attorney General and Another. Briefly, in this case the complainants’ claim arose from what they considered an anomaly in the appointments made by the Judicial Service Commission with respect to judges of the Supreme Court. They argued that the Constitutional two-thirds principle had not been adhered to in the appointment of persons to the Supreme Court and pointed out that the number of females appointed was less than expected. In short, the High Court’s ruling was to the effect that Article 27 ought to be construed as intended for progressive implementation, given that not just any person can be appointed a Supreme Court judge.

For this reason, the Constitution could not, in the judges’ view, have been intended to achieve the impossible if such persons do not exist. Instead, the judges argued that the crux of the matter lay in whether the government could be said to be taking legislative and other such measures to ensure that in future there was a sufficient pool of talent from which qualified judges worthy of appointment to the Supreme Court could be drawn. On appeal, the High Court’s position was upheld by the Court of Appeal.

Based on the above case, there are those who believed that electoral issues ought to be treated in the same way and that achieving the two-thirds principle ought to be viewed as progressive. Some sections of the public argued against the immediate implementation of the two-thirds principle, suggesting that doing so would be an injustice to aspiring male candidates. The proponents of this argument were against the formulas proposed at the time, which allegedly would have resulted in some men having to shelve their ambitions to allow for the candidature of women or in restricting the space for men to compete fairly. Others argued that any formula for achieving the two-thirds principle that results in an exponential increase in the number of Parliamentarians would unjustly and unreasonably raise the public sector wage bill.

Another argument against the whole idea of using affirmative action measures to raise the numbers of women Parliamentarians was the oft-repeated mantra that women who gain entry to appointive or elective positions through this route are not considered at par with those who fight their way through the system alongside their male counterparts.

However, those advocating for the immediate implementation of the constitutional two-thirds principle countered the above arguments by stating that when Kenyans voted ‘Yes’ for the Constitution in the 4 August 2010 Referendum, they intended that this clause be for immediate execution. They argued that the adoption of affirmative action measures to redress the historical imbalance in women’s political participation and representation had for a long time formed the cornerstone of the demands by women for constitutional reforms.

Let freedom reign. The sun never set on so glorious a human achievement.

Nelson Mandela, first black African President of the Republic of South Africa
Furthermore, they insisted that it should not be lost on the public that affirmative action measures to promote the participation and representation of women in key decision-making positions had been a major feature of the Wako Draft, which had formed the basis of the 2005 Referendum and the report of the Ghai Commission.

Ultimately, various options and initiatives were explored that brought together civil society organizations supportive of the immediate implementation of the constitutional gender principle in the impending elections, and Members of Parliament, who although divided in opinion about the solution, were nonetheless keen to resolve the problem. Of these initiatives, the drafting of the Constitution of Kenya Amendment Bill 2011, which is reviewed in more detail in the following section, was seen as the most feasible solution.

Although the dilemma described above caused much discomfort in the women’s movement and among its supporters at the time, the discussions and debate that Kenyans engaged in on this issue provided a significant opportunity for the public to be robustly educated. The public was exposed to information about the background and nature of the inequality experienced by women with respect to their participation and representation in electoral politics, including the potential solutions that require the active cooperation of both men and women.

**The Constitution of Kenya Amendment Bill, 2011**

On 21 September 2011, the Minister for Justice, National Cohesion, and Constitutional Affairs published the trail-blazing Constitution of Kenya (Amendment) Bill, 2011 (Bill No. 51 of 2011) or CKAB. This bill was superseded by a new bill of the same name (Bill No. 56 of 2011), which was published by the same minister on 19 October 2011. This was the first bill seeking to amend the Constitution following its promulgation in 2010. The stated aims of the CKAB in its Memorandum of Objects and Reasons were to give full effect to Articles 27(8) and 81(b) of the Constitution, which provide that not more than two-thirds of the members of elective public bodies shall be of the same gender. Another aim of the bill was to bring clarity and certainty to the term of the tenth Parliament, while also removing any doubts as to the date of the next general elections under the 2010 Constitution of Kenya. The bill was also stated as seeking to, among other things, give lasting solutions to the issues of gender parity and equity in elective positions, most specifically in the National Assembly and the Senate.

The CKAB was formally introduced to Parliament on 2 November 2011 for its first reading and was subsequently committed to the Parliamentary Select Committee on the Implementation of the Constitution (CIOC) for its further attention. Being a proposed Constitutional amendment, the bill could not be called for the second reading until after the expiry of 90 days from the date when it was read for the first time. This was in line with Article 256 of the Constitution, which in addition at Sub-article (2) requires that Parliament publicize any bill to amend the Constitution and facilitate public discussion about it. Parliament did this through the aegis of the CIOC, which held public hearings to collect views on the amendments. While the second reading was pending, the courts determined the question of the date of the next general elections, following which the Independent Electoral and Boundaries Commission settled on 4 March 2013.

On 7 and 8 October 2012, a consensus-building retreat was organized, bringing together Members of Parliament and the leadership of political parties. The purpose of the retreat was to rally support for the passage of the CKAB, despite some of the issues already having been resolved through the court ruling on the election date. The most important outcome of the retreat was the general consensus that a Constitutional amendment bill to give effect to Articles 27(8) and 81(b) was still both necessary and desirable. Opinion was however divided on whether the bill in its current form was the best way to realize this objective. On 13 September 2012, the CKAB was to be called for a second reading. However, before the afternoon session of Parliament, a members’ *kamukunji* (informal consensus-building meeting) was held, at which it was apparent that it would not be prudent to proceed on this day. This was because the numbers required for the bill to sail through to the second reading, i.e. two-thirds of the membership of the House, would not be present. Accordingly, it was agreed to defer the second reading to another day.

It is important to note that the CKAB was seen as the last chance for the women of Kenya to actualize the affirmative action provisions of the Constitution before the 4 March 2013 General Elections. That being the case, various actors supporting affirmative action initiatives joined together to strategize on how to lobby Parliamentarians to support the bill. UN Women, working with the Centre for Multiparty Democracy–Kenya (CMD-Kenya) and the Kenya Women Parliamentary Association (KEWOPA), designed a quick response project for this lobbying action (reviewed comprehensively in Part 2 of this publication). However, before the bill could proceed to the second reading, the Attorney General sought an advisory opinion from the Supreme Court on 8 October 2012 as to whether Article 81(b) read together with Article 27(8) required progressive or immediate realization.\(^2\)

Notwithstanding the apparent lull in Parliament towards the hopeful conclusion that the principle required immediate implementation, the publicity and public conversations that were generated at the time served to highlight further the need for a level playing field between men and women regarding their participation and representation in electoral politics.

\(^2\) The Supreme Court of Kenya reference No. 2 of 2012: In the Matter of an Advisory Opinion under Article 163(6) of the Constitution and in the Matter of Articles 81, 27(4), 27(6), 27(8), 97, 98, 177(1)(b), 116, 125, 89(2), 89(4) and the Transitional and Consequential Provisions of the Sixth Schedule, Section 27(3) of the Constitution of the Republic of Kenya and in the Matter of Gender Representation in the National Assembly and the Senate.
PART 1: THE HISTORY OF WOMEN’S PARTICIPATION IN ELECTORAL POLITICS IN KENYA
Reaching for the Skies

The Supreme Court Advisory Opinion on the Constitutional Two-thirds Gender Principle

Regarding the AG’s petition to the Supreme Court to provide an advisory opinion, the main issue for determination was whether the implementation of this principle required immediate enforcement in the impending 4 March 2013 General Elections or a progressive enforcement over the longer term.

In their majority four-to-one opinion delivered on 11 December 2012, the Supreme Court judges acknowledged that women have for decades been disenfranchised because of discriminative practices, laws, policies, and regulations. They also acknowledged that this disenfranchisement has had a major negative impact on their social standing as a whole. This notwithstanding, the court was of the opinion that the Constitutional two-thirds gender principle could not be enforced immediately and was to be applied progressively. Furthermore, the court stated, “Legislative measures for giving effect to the one-third-to-two-thirds gender principle under article 81(b) of the Constitution and in relation to the National Assembly and Senate, should be taken by 27 August, 2015.”

Not surprisingly, the Supreme Court’s decision evoked a lot of anger and despair from women’s organizations and their supporters, who had expected a ruling confirming that the affirmative action principle was to be implemented fully in the March elections. However, although the Supreme Court’s ruling did not favour their position, it had nonetheless fixed a timeline for creating an appropriate law for the implementation of the same.

4.6 The March 2013 General Elections: The Successes for Women in Light of the Changed Legal, Political, and Electoral Environment

Following what could be described as one of the most high-profile campaigns in Kenyan history, the 4 March 2013 General Elections saw the highest ever number of women join
Parliament. Women hold 86 (20.6 percent) out of the 416 established seats in the newly created National Assembly and Senate. Previously, women had occupied 22 (9.9 percent) seats out of the possible 222 in the tenth Parliament, which did not have a Senate chamber.

Undoubtedly, the increased number of women in the eleventh Parliament can be attributed to the enabling provisions of the 2010 Constitution of Kenya, which expanded the space for women to participate in electoral politics and seek political office. This was done through the creation of more positions for women to vie for.

The aggressive lobbying by women’s organizations and other civil society organizations supportive of their cause, as well as the avid support of their funding partners, cannot be over emphasized. It is expected that the number of women Parliamentarians will continue to rise in subsequent elections, whether through the full implementation of the affirmative action principle or through more women competing successfully for the open seats alongside men.
The following Table illustrates the performance of women during the March 2013 General Elections (excluding County Assemblies).

Table 2: Overall Picture of Women’s Performance in the March 2013 General Elections in the Respective Positions

<table>
<thead>
<tr>
<th>Position</th>
<th>Total number of positions possible</th>
<th>Elected</th>
<th>Nominated</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>President</td>
<td>1</td>
<td>0</td>
<td>n/a</td>
<td>0</td>
</tr>
<tr>
<td>Governor</td>
<td>47</td>
<td>0</td>
<td>n/a</td>
<td>0</td>
</tr>
<tr>
<td>Senator</td>
<td>47</td>
<td>0</td>
<td>18</td>
<td>18</td>
</tr>
<tr>
<td>MPs</td>
<td>290</td>
<td>16</td>
<td>5</td>
<td>21</td>
</tr>
<tr>
<td>County Women Representatives</td>
<td>47</td>
<td>47</td>
<td>n/a</td>
<td>47</td>
</tr>
</tbody>
</table>

The table above indicates that no woman was elected to the position of President, Governor, or Senator, which required candidates to carry out campaigns over a wide geographical region. Although such campaigns are also necessary for the seat of County Woman Representative, this seat was reserved for women. The percentage of women who were elected to the seat of Member of Parliament (5.5 percent) demonstrates the need for further interventions by the state and non-state actors to enable women to compete more favourably with men in electoral politics.

Line Graph 1: Percentage of Women Presidents and Parliamentarians Elected through Competitive Elections between Women and Men from 1963 to 2013

NB: The graph shows the percentage of women MPs relative to the total number of electoral constituencies available for competition by both women and men.

From the foregoing line graph, two things are apparent. Firstly, no woman has ever been elected President in Kenya. Secondly, there has been a general increase in the proportion of Members of Parliament who are women. However, this increase has been erratic. For instance, 1983–1988 (and to 1992), 1997–2002, and 2013–2017 were or are marked by a proportionate decrease in the number of women MPs. Among other reasons, the increment in electoral constituencies over the years (from 158 to 188 to 210 and now to 290) has affected the percentages. The lowest percentage of women MPs was recorded during the period 1963–1969, when not a single woman was elected, while the highest percentage of women MPs was recorded during the period 2008–2013, when women
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constituted 7.6 percent of the total number of elected MPs. The picture emergent from the line graph provides sufficient justification for the adoption of the affirmative action measures provided in the 2010 Constitution through the reservation of 47 seats at the county level exclusively for women.

During the March 2013 General Elections, Honourable Martha Karua of the NARC-Kenya Party was the only woman to offer her candidature for presidency. As noted, no woman was elected to the position of Governor or Senator. Of the possible 290 Parliamentary positions available through single member constituencies, only 16 were won by women, which accounts for approximately 5.5 percent of the total number of elected Members of Parliament. This poor performance was replicated at the county level, where only 85 (5.9 percent) women were elected out of a possible 1,450 Members of County Assemblies. However, as has already been noted, the affirmative action measures applicable to the County Assemblies in accordance with Article 177 of the Constitution will no doubt increase the overall number of women in the County Assemblies significantly.

Clearly, the bar graph demonstrates the continued challenges women face in being elected to the legislatures. It is anticipated that the law that is to be made by 27 August 2015 in accordance with the order of the Supreme Court (regarding the implementation of the two-thirds gender principle) will lead to increased numbers of women in the National Assembly and Senate.

Bar Graph 1: Number of Women Elected and Nominated in the Various Elective Positions during the 2013 General Elections

Power is like being a lady... if you have to tell people you are, you aren’t.

Margaret Thatcher, British politician and the first female Prime Minister of the United Kingdom

PHOTO: Margaret Thatcher, retrieved from http://upload.wikimedia.org/wikipedia/commons/2/20/Margaret_Thatcher.png [14.05.2013].
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5.0 INTERMEDIATE CONCLUSIONS

Based on the discussions in Part 1, five things have emerged as key. Firstly, women have a right and an obligation to actively participate in political leadership, as enshrined in various international agreements, conventions, and national laws. Secondly, since Kenya attained independence in 1963, women have been exceptionally under-represented in political leadership positions because of existing discriminatory practices, sociocultural beliefs, biases, and stereotypes, among other factors. These have acted as barriers in the fight for equality between men and women in the political arena.

Thirdly, women leaders, civil society, and women’s movements at large set out to establish measures aimed at enhancing women’s participation and representation in elective politics. Unfortunately, their agenda was frustrated by male-dominated Parliaments. Fourthly, the enactment of a new Constitution in 2010 was a game changer, as it enabled and promoted women’s participation in active politics, thus marking a break from the past. The systemic discriminatory practices and patterns of social exclusion that had existed since independence were largely resolved by the Constitution, which redefined the map of political power in the country. Finally, it is evident that there has been a trend of onwards progress (albeit slow) in the number of women elected to Parliament. The 2013 General Elections (the first general elections under the 2010 Constitution of Kenya) saw a tremendous increase in the number of women elected to Parliament. It is expected that the number will continue to rise as the necessary legislative measures are put in place to ensure that the two-thirds Constitutional gender principle is implemented.

Thus far, the participation and representation of women in electoral politics in Kenya has been examined in detail. Attention will now be turned to the specific role played by UN Women in supporting and leading initiatives that were aimed at enhancing the participation of women in the March 2013 General Elections.
Increasing women’s political participation is among the priority goals for UN Women and is reflected in its 2011–2017 Strategic Plan’s Development Results Framework...
PART 2

UN WOMEN’S SEVEN FLAGSHIP INITIATIVES TO ENHANCE THE PARTICIPATION AND REPRESENTATION OF WOMEN IN THE MARCH 2013 GENERAL ELECTIONS IN KENYA

Part 2 provides an account of the seven specific initiatives UN Women undertook in the run-up to the 2013 General Elections to promote and support women’s participation in electoral politics in Kenya. In particular, it looks at the activities that implementing organizations undertook in partnership with UN Women, as well as those that UN Women undertook – implemented by UN Women staff, assisted by various experts. Relevant details about the planning and implementation phases of these seven initiatives have been outlined, with a view to elucidating the successes, highlights, and challenges witnessed throughout the process. The review of each flagship initiative ends with a critical analysis of the implementation process, leading to the identification of lessons learned and emergent best practices.
1.0 INTRODUCTION

There is a tide in the affairs of men.
Which, taken at the flood, leads on to fortune;
Omitted, all the voyage of their life Is bound in shallows and in miseries.
On such a full sea are we now afloat,
And we must take the current when it serves,
Or lose our ventures
*(Julius Caesar)*

Part 1 of this publication reviewed the participation, and more specifically the representation, of women in electoral politics in Kenya from 1963 up to the March 2013 General Elections. In this regard, statistics on the representation of women in the various Parliaments were analysed. Moreover, various legal, policy, and administrative instruments, as well as events and pronouncements, that influenced the representation of women in electoral politics over the years were examined. The impact of Kenya’s Constitution, promulgated in August 2010, on the status of women in Kenya was also inspected.

Part 2 now looks at the seven flagship initiatives that UN Women undertook in the run-up to the 2013 General Elections with the aim of enhancing the participation of women in electoral politics, both as citizens and candidates. Indeed, increasing women’s political participation is among the priority goals for UN Women and is reflected in its 2011–2017 Strategic Plan’s Development Results Framework. Goal 1 is focused on women’s increased leadership and participation in the decisions that affect their lives, while Goal 4 concerns gender equality and women’s leadership in peace, security, and humanitarian response. To realize these goals, UN Women is tasked with the mandate to promote women’s political participation, particularly through elections and electoral assistance: “This includes engagement on global Electoral Assistance policy (mainstreaming gender in UN Electoral Assistance system-wide) and provision of technical assistance at the country level and to regional organizations.”

UN Women works to realize consistency in gender equality and empowerment in the UN member countries throughout the world through coordinating and promoting accountability at both the UN headquarters and country team level.

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41 Act 4, Scene 3, lines 218-224, *No Fear, Shakespeare Series*
This involves promoting and encouraging greater coherence in policy advice given by the United Nations to governments on matters such as creating incentives and measures to increase women’s leadership in political and other spheres. Based on the above, various UN agencies have relied on this mandate in defining UN policy in areas of electoral assistance. Some of these measures concern the promotion of temporary special measures aimed at enhancing women’s political participation in the short run.

While working to realize the object of Goal 1 of the strategic plan, UN Women provides assistance to various electoral players such as electoral management bodies, civil society, women’s movements, the executive and legislative branches of government, legal reform bodies, media, the judiciary, candidates, and political parties. Such interventions by UN Women may be aimed at promoting the participation of women or mainstreaming gender in electoral processes.

Country-level interventions are guided by various outcomes outlined in the goals of the UN Women Strategic Plan. Goal 1 has several outcomes, two of which are directly relevant to electoral assistance at the country level. The first deals with the electoral framework: the promotion of legal and electoral reforms to ensure gender equality in the entire electoral cycle with regard to voters, candidates, and political parties. Indeed this aligns with the Millennium Development Goals (MDGs) and various resolutions that have emerged from relevant inter-governmental processes seeking to promote greater representation of women in electoral politics.

The second outcome (1.2) is concerned with the management of elections: enhancing electoral management to ensure that gender responsiveness and effective dispute resolution operations are in place to promote women’s participation and overall leadership in governance.

While dispensing its duty in outcome 1.2 above, UN Women necessarily has to work with electoral management bodies, electoral justice mechanisms, and other electoral stakeholders in any given country of operation.

While Goal 1 as discussed above is only concerned with electoral assistance prior to and during election periods, Goal 4 of UN Women’s Strategic Plan is concerned with the provision of electoral assistance in post-conflict periods and in peacebuilding circumstances. At the heart of Goal 4 is the objective to ensure that gender equality is adopted and implemented in conflict, post-conflict, and humanitarian emergencies, which is specifically elaborated in outcome 4.1.

UN Women perceived the first elections under Kenya’s Constitution 2010 as an opportunity to press onwards with the agenda of raising the participation and representation of women in Kenya’s electoral politics under the positively changed political and electoral environment. This accounts for the significant investment UN Women made in terms of time and resources during the March 2013 General Elections, manifested in the execution of the seven flagship initiatives, which were implemented by UN Women staff and various experts, as well as through partner organizations.
2.0 UN WOMEN KENYA’S SEVEN FLAGSHIP INITIATIVES

The seven flagship initiatives comprised the following carefully thought out and prudently selected enterprises:

1. UN Women’s Support for Securing the Implementation of Affirmative Action Measures to Promote Gender Equality in Political and Governance Processes in Kenya

2. UN Women’s Support for Gender-responsive Civic and Voter Education to Promote Women’s Participation and Representation in the March 2013 General Elections

3. UN Women’s Support for the Training and Preparation of Women Candidates for the March 2013 General Elections

4. UN Women’s Practical (Non-monetary) Support for Women Candidates in the March 2013 General Elections

5. UN Women’s Support for the Establishment and Facilitation of the Team of Eminent Persons (TEMPs) in the Run-up to the March 2013 General Elections

6. UN Women’s Support for the Establishment of the Women’s Situation Room (WSR) Process in the Run-up to the March 2013 General Elections in Kenya

7. UN Women’s Support for the Humanitarian Contingency Initiative Set-up Prior to the March 2013 General Elections

It is important to note that the above list of exciting initiatives is not an exhaustive list of the projects in Kenya UN Women is involved in; rather, these are specific to the 2013 General Elections. Reviewing these initiatives comprehensively is important for UN Women not only because it provides a clear historical record of events, but also because it offers scope for a critical analysis of the current patterns and trends regarding women’s participation and representation in electoral politics. Such information is no doubt necessary for the effective design and delivery of future interventions by UN Women, its implementing partner organizations, and other like-minded organizations.

As will become apparent, the barriers to women’s participation and representation in electoral politics that were identified in Part 1 informed the decisions by UN Women as to what initiatives to mount, why, and when. The seven flagship initiatives were indeed carefully chosen, deliberated upon, and executed as effectively as possible given the preliminary information that was available to UN Women with respect to patterns and trends affecting the participation and representation of women in Kenya and globally. In the course of implementation, UN Women of course learned useful lessons about the planning and implementation process that would no doubt improve future initiatives. UN Women is keen to share these findings with partners and like-minded organizations and individuals. It is for this reason that each flagship initiative has dedicated sections on lessons learned and the best practices that emerged.
PART 2: UN WOMEN’S SEVEN FLAGSHIP INITIATIVES

2.1 UN WOMEN’S SUPPORT FOR SECURING THE IMPLEMENTATION OF AFFIRMATIVE ACTION MEASURES TO PROMOTE GENDER EQUALITY IN POLITICAL AND GOVERNANCE PROCESSES IN KENYA

Since its establishment, UN Women Kenya (and its predecessor UNIFEM) has been working to, among other things, promote the participation of women in decision-making processes in Kenya. This is in line with the entity’s global mandate to promote the empowerment of women and help realize the rights bestowed upon women through various international and regional conventions and protocols. Part 1 clearly showed that women historically have been under-represented in the Kenyan Parliament. Although appointive positions are not the direct focus of this publication, it is important to note that the historical shortage of women in Kenya’s Parliament is replicated in the higher echelons of public service where there has been a similar dearth of women. Thus the history of under-representation of women in Kenya’s Parliament provided the impetus for UN Women to support various efforts towards promoting the adoption of affirmative action measures as a means for redressing the historical gender inequality.

UN Women has been partnering with the Government of Kenya (GOK) and civil society organizations (CSOs) on affirmative action issues. In particular, it engaged with the then Ministry of Gender, Children, and Social Development in carrying out various activities to promote the formal adoption of systematic affirmative action measures in the public service. Some of the activities included supporting the ministry to implement the Presidential directive that 30 percent of all appointments, recruitment, and promotions in the public service should be reserved for women, and the development of the draft National Gender-based Affirmative Action Policy.

Although UN Women’s affirmative action-related support to the ministry was not targeted at the 2013 General Elections, it is reviewed in this section because it provided the springboard for UN Women to become involved in the various activities designed to achieve the immediate implementation of the two-thirds constitutional gender principle in the run-up to the March 2013 General Elections.

2.1.1 UN Women’s Engagement with the Ministry of Gender, Children, and Social Development in Support of the Adoption and Implementation of Affirmative Action Measures

UN Women’s partnership with the Ministry of Gender, Children, and Social Development (MoGCSD) was one of its most ingenious strategies for supporting affirmative action initiatives in Kenya. The ministry was established with the strategic mandate of mainstreaming gender into national development. This specifically included coordinating the development, review, and implementation of gender-responsive policies and programmes; promoting women’s rights and economic empowerment; promoting interventions for the reduction of sexual and gender-based violence; and promoting the generation of sex-disaggregated data to guide interventions. In addition, the MoGCSD also had the mandate of overseeing and monitoring the implementation of the 2006 Presidential decree issued by the then President Mwai Kibaki to the effect that at least 30 percent of all public service appointments, recruitment, and promotions had to be reserved for women. It is this mandate of championing gender equality issues and affirmative action initiatives that drew UN Women to the MoGCSD.

UN Women’s direct involvement with the MoGCSD in supporting the implementation of affirmative action measures was carried out through a caucus, the Gender Sector Coordination Group (GSCG). The group brought together the government, partners in the gender discourse, and civil society actors. The GSCG was co-chaired by the MoGCSD and a development partner/donor, while UN Women served as secretariat.

49 See Part 1 for a nuanced discussion on affirmative action.
50 This ministry is no longer in existence following a restructuring of government by the incoming Jubilee coalition. UN Women, however, intends to continue its engagement on affirmative action issues with the body tasked by the Jubilee government with issues pertaining to women.
51 This has been highlighted in detail in Part 1 (Section 4.5) of this publication.
UN Women’s presence at the ministry provided it with a good vantage point to learn about the needs, challenges, and issues surrounding the adoption and implementation of affirmative action measures from the MoGCSD’s perspective. It also gave UN Women the opportunity to directly influence the implementation process of these affirmative action measures by the government. Through this engagement, UN Women was able to carry out and support various activities that contributed directly or indirectly to the promotion of gender equality and equity. Through this partnership, UN Women supported initiatives to build the capacity of MoGCSD staff and the gender focal point system from sector ministries, enabling them to better understand and deal with the various aspects of affirmative action as a tool for redressing gender inequality. This was done through the technical and financial support of training programmes. Quite importantly, UN Women also supported the MoGCSD’s development of the Affirmative Action Policy. The draft policy provides a framework for the operationalization of the Constitutional provisions of ending discrimination against women and for the institutionalization of affirmative action for women across public and private spheres, thereby ensuring equal and full participation and representation in all areas of life, including at development planning and policymaking levels. It further helps to articulate the policy approach of affirmative action to realize the empowerment of women at all levels.

UN Women was able to get involved in the activities undertaken by the MoGCSD in support of the participation and representation of women in the March 2013 General Elections. One such activity was the visit by the Gender Sector Coordination Group, under the leadership of the MoGCSD, to the Office of the then Prime Minister, Raila Amollo Odinga. The purpose of the visit was to secure the personal and high-level political support of the Prime Minister, and by extension that of the Government of Kenya, for the immediate implementation of the two-thirds Constitutional gender principle in the impending March 2013 General Elections. During this meeting, the Prime Minister demonstrated political will, support, and commitment to ensuring the realization of the principle.

Besides its engagement with the ministry and the Gender Sector Coordination Group, UN Women also gave financial support to the ministry to publish its bi-annual reports on the status of the implementation of the 2006 Presidential directive on the reservation of 30 percent of public service appointments and promotions for women. These reports discussed the extent to which the directive had been realized in various government ministries and departments. For instance, the 2010/2011 Bi-annual Report shows that the number of women in the public sector stood at 50,100 (38.2 percent of the total workforce at the time), compared to 81,040 men (61.8 percent of the workforce).

Collecting and publishing the above statistics over a period of time is important for demonstrating the progress Kenya has made towards achieving the objectives of the affirmative action measures adopted. UN Women intends to continue its involvement with and support of relevant government departments created and structured by the Jubilee government led by His Excellency President Uhuru Kenyatta so as to achieve even more on the affirmative action front. Indeed, the use of affirmative action measures to redress gender inequality is one of the key promises of the Jubilee government to Kenyans. UN Women is also keen to play its part in supporting the efforts towards creating an appropriate law to implement the two-thirds Constitutional gender principle, in line with court’s ruling that such a law be created by 27 August 2015.

The precise details of the dilemma posed by the implementation of the two-thirds Constitutional gender principle in the March 2013 General Elections have been elaborated in Part 1 of this publication. The essence of the Constitution of Kenya (Amendment) Bill 2011, which was expected to resolve this dilemma, was also examined in detail. As noted earlier, there was no consensus in Parliament about the feasibility of the immediate implementation of the principle in the 2013 elections. Neither was there clear support for this from the executive. Opinion was divided as to whether it could and should be implemented immediately or progressively over the longer term. It is against this background that various parties among the political class and civil society organizations sought to find ways of ensuring its immediate implementation. They lobbied for the support of the bill and its successful legislation as an Act of Parliament. It was during this period that UN Women got involved, supporting advocacy activities and lobbying for the passing of the bill.

Notably, UN Women recognized that the passing of the Constitution of Kenya (Amendment) Bill 2011 was the last possible opportunity for the women of Kenya to actualize the affirmative action provisions of the Constitution before the 4 March 2013 General Elections. Therefore, working through its member of staff embedded in the Kenya Women Parliamentary Association (KEWOPA), whose activities UN Women was already actively supporting, and

52 The details of the dilemma inherent in the implementation of this principle are extensively covered in Part 1 at Section 4.5.3.
in conjunction with the Centre for Multiparty Democracy–Kenya (CMD-Kenya), a quick response project was designed with support from an expert on gender equality, women’s leadership, and electoral systems. The goal of the project was to facilitate a national consensus for the enactment of enabling affirmative action legislation to promote gender equality in the electoral and governance processes of Kenya. The need to lobby key stakeholders to endorse the bill was identified as an integral component of the project. This included the leadership of political parties, sitting Members of Parliament, civil society organizations working in the area of gender equality and democratization, as well as the media.

To lobby key stakeholders to endorse the Constitution of Kenya (Amendment) Bill 2011 and Parliamentarians to pass it, several strategic activities were undertaken. One of the key activities was the development of an advocacy road map. This road map incorporated the lessons learned from the 1997 Phoebe Asiyo Affirmative Action Bill, which failed to garner the support of the male-dominated Parliament then, as well as the 2007 proposal by Honourable Martha Karua that 50 seats in Parliament be set aside for women. The inclusion of these lessons learned was important to ensure that mistakes that had been made in the past were not repeated, and also to build on the good practices that had emerged from them. The advocacy road map was also aimed at providing comprehensive information on the nature of the amendment proposed in the bill in a user-friendly format. The joint forum that the project represented provided female MPs with a safe space to articulate their candid views on the amendment, even as they focused their attention on lobbying within their respective political parties. In addition, the forum provided a platform for launching a proactive media campaign.

Following the creation of the advocacy road map, UN Women, together with other funding partners, financially supported the organization of several formal and informal meetings to facilitate the lobbying process among MPs. The first lobbying meeting that UN Women facilitated was held in Mombasa on 7 and 8 September 2012. This meeting was key to identifying the level of advocacy that was required to have the bill passed. Informal and formal lobbying meetings were set up with key persons, including the Minister for Justice, National Cohesion, and Constitutional Affairs, the Minister for Gender, Children, and Social Development, MPs, Parliamentary leaders of political parties, members of the various Parliamentary Committees, and the Parliamentary ‘movers and shakers’. The Parliamentary ‘movers and shakers’ were targeted for their widely acknowledged ability to influence and marshal the support of their colleagues to pass or reject bills in Parliament. UN Women, in concert with like-minded partners funding other aspects of the quick response project, also supported a rigorous media campaign to publicize the bill so as to get the support of the public.

The immense lobbying and aggressive media campaign notwithstanding, the Constitution of Kenya (Amendment) Bill 2011 unfortunately did not see the light of day in Parliament, given that it did not proceed to the second reading. Instead, MPs requested the Attorney General to seek an advisory opinion from the Supreme Court on the constitutionality of a Parliament whose composition did not meet the requirements of the two-thirds Constitutional gender principle.58 The court’s ruling that the gender principle was intended for progressive realization dealt a blow to all the efforts that had been undertaken to ensure that the gender principle was implemented in the March 2013 General Elections.

UN Women, together with other funding partners, financially supported the organization of several formal and informal meetings to facilitate the lobbying process among MPs. The first lobbying meeting that UN Women facilitated was held in Mombasa on 7 and 8 September 2012.

The following testimony by Honourable Amina Abdalla, a member of KEWOPA in the tenth Parliament who was again nominated to the National Assembly following the March 2013 General Elections, illustrates the significance of KEWOPA as a forum for lobbying for support of the immediate implementation of the two-thirds Constitutional gender principle.

58 For further information on this see Section 4.5.3 of Part 1.
I am serving in the eleventh Parliament as a nominated Member of Parliament, having been nominated by The National Alliance Party (TNA). This is my third term in Parliament as a nominated member, having been nominated for the first time in the year 2002 by the Kenya African National Union (KANU). I was again nominated by KANU in 2007. During my two spells in Parliament, I have been able to participate and contribute to various Parliamentary activities by being a member of various Parliamentary Committees, even chairing some of them. I was an active member of KEWOPA in the tenth Parliament too.

For the last ten years I have been in Parliament, I have learned many things, in the realm of both legislation and representation, that have helped me to become astute in contributing to legislation and policies before Parliament. This experience has also taught me how to lobby and get support for Parliamentary motions on different causes. One of the things that I have learned from my experience in Parliament is that for one to be able to get support on any issue, you first need to get the support of the Parliamentary ‘movers and shakers’. Movers and shakers in Parliament are the most influential and vocal members who always influence the voting patterns in Parliament. In addition, one needs to work from within the Parliamentary Committees in order to have wholesome ownership of whatever cause they may be pursuing.

This experience came in handy during the debates and lobbying process for the Constitution of Kenya (Amendment) Bill 2011, which sought to unlock the Constitutional dilemma posed by the two-thirds gender principle. During this time, KEWOPA proved to be an invaluable platform for the mobilization of women Parliamentarians, both those in support of and against the precise terms of the bill. Through the various meetings called by KEWOPA to seek consensus and agreement on the Bill, a lobbying strategy was developed to provide for structured engagement with the leadership of political parties, male MPs, and Parliamentarians generally. Targeting Parliamentarians for active lobbying was based on the realization that they were ultimately the only ones who could amend the Constitution as desired – or fail to do so.

As women MPs, we supported the bill and exploited all the avenues available to get support for it. We were also able to meet with the Parliamentary ‘movers and shakers’ in an attempt to convince them to support the bill. While the bill was not passed, the strategies and efforts applied in the initiatives by women Parliamentarians were outstanding. Of course, the platform for engagement provided by KEWOPA and the support by UN Women for KEWOPA’s lobbying activities at the time were pivotal. Going forward, I urge women Parliamentarians in the eleventh Parliament to get involved in Parliamentary activities, and KEWOPA provides a good forum within which to gain the necessary knowledge and confidence needed to become an effective Parliamentarian. This is the only way that women leaders in Parliament can support women’s causes.

"Honourable Amina Abdalla
Nominated MP, TNA Party
Nairobi County"

PHOTO: Amina Abdalla, retrieved from https://twitter.com/MheAmina (27.05.2014)
Although the immediate implementation of the two-thirds constitutional gender principle was not achieved at that time, there were some outstanding elements during the implementation of this flagship initiative. Essentially, the initiative was purposed towards promoting the adoption and implementation of affirmative action measures as a means for redressing the historical gender inequality inherent in the participation and representation of women in electoral politics in Kenya. Indeed, the decision by UN Women to engage itself actively with issues of affirmative action was tactically sound, because this gave it an entry point from which to deepen its engagement with both the Government of Kenya and CSOs on issues that are at the core of its mandate.

The support given by UN Women for the production of the Ministry of Gender, Children, and Social Development’s biannual reports, which captured the status of recruitment and promotion of women in the public service at the time, helped reveal a clear and steady rise in the number of women recruited for various positions in the different ministries. Overall, the statistics captured in the biannual reports provide a basis for further improvement under the leadership of the incumbent government.

Looking at UN Women’s support towards the lobbying activities pertaining to the Constitution of Kenya (Amendment) Bill 2011, it was plain to see that the huge publicity created by the media around the serious ramifications that would result if the Constitutional dilemma was not resolved was quite effective on various scores. The publicity served to raise the awareness of Kenyans about the gender inequalities in Kenyan politics and the need for employing affirmative action measures to remedy them. The strategies UN Women chose to implement this flagship initiative were also exceptional, for a number of reasons. The decision to second its member of staff to the Ministry of Gender, Children, and Social Development enabled UN Women to contribute directly to the implementation of government programmes pertaining to the amelioration of gender inequality. Moreover, it helped UN Women forge an impeccable partnership with the government. This was critical to the successful implementation of programmes, policies, and legislation dependent on support from and action by the government. Indeed, UN Women was able to gain first-hand knowledge and experience about the unique ways government works and thus reduce the inefficiencies that may arise due to a lack of understanding about how critical processes such as procurement are undertaken in government. There was also a significant reduction in the wastage of time that can occur in back-and-forth communication between two large organizations. Such time wastage often results in critical opportunities being lost when immediate action is not taken.

UN Women’s partnership with the Government of Kenya under the umbrella of the Gender Sector Coordination Group was ideal for the purposes of ensuring the seamless and effective implementation of its objective to support the adoption and implementation of affirmative action measures in the public and political life of Kenya.

The decision by UN Women to channel its lobbying support through the aegis of an already existing partnership with KEWOPA made its support for the passage of the Constitution of Kenya (Amendment) Bill 2011 more effective. It was clear that the realization of the two-thirds Constitutional gender principle in the 2013 General Elections required an amendment to the Constitution and hence the obvious need to target the various players in Parliament. With its member of staff already embedded in KEWOPA, the efficiencies in mobilizing the female Parliamentarians and other Parliamentary players, as well as disseminating information and education about the bill, were multiplied.

UN Women’s implementation strategy was also fitting because it aimed at de-feminizing the lobbying campaign. Indeed, many were wrongly of the view that the two-thirds gender principle was a women’s issue. The de-feminization was achieved through ensuring that the messages that went out to the media couched the issue as a Constitutional issue that requires the attention of all, because the failure to adhere to it would have consequences for all. The robust media campaigns carried out at the time did succeed in shifting the mindsets of many. This was demonstrated by the increase in the number of individuals, organizations, and political parties vocalizing their views and positions on the matter. However, notwithstanding the successes outlined above, such lobbying processes are best commenced earlier to provide for sufficient time for parties to consult, negotiate, and reach consensus, thus deepening the effectiveness of any resultant engagements.

PHOTO: Democracy dialogue, retrieved from http://femnet.wordpress.com/category/democracy/ (01.08.2013)
2.1.4 Lessons Learned

1. That where not already embraced and practised, the successful adoption and implementation of affirmative action measures requires the active pursuit by various parties and sectors, including the government, the gender sector, civil society organizations, and the legislature, rather than women’s organizations or women MPs alone.

2. That the fruitful implementation of affirmative action measures requires the active buy-in and political support of government to enhance ownership and, quite importantly, the allocation of resources for it.

3. That, in addition to seeking legal solutions to ensuring the adoption and implementation of affirmative action measures in the state, addressing society’s mindset on gender issues is also critical to avoiding any hindrances based on misconceptions.

2.1.5 Best Practices

1. Where possible, embedding staff in partner organizations boosts the achievement of better results. This was evident where UN Women seconded its members of staff to two key institutions that it was working with towards a common objective – the Ministry of Gender, Children, and Social Development and the Kenya Women Parliamentary Association.

2. Lobbying Parliamentarians, Parliamentary political parties, and Parliamentary ‘movers and shakers’ regularly is key to having desired legislation passed. This is especially so because the enactment of a law is the highest recognition that can be given to an issue that is important enough to warrant the attention of both citizens and the government. Notwithstanding other efforts and activities aimed at promoting and implementing affirmative action, therefore, it is essential that the key role of Parliament as the legitimate site for making laws be recognized and targeted for information, education, and communication campaigns.
UN WOMEN’S SUPPORT FOR GENDER-RESPONSIVE CIVIC AND VOTER EDUCATION TO PROMOTE WOMEN’S PARTICIPATION AND REPRESENTATION IN THE MARCH 2013 GENERAL ELECTIONS

Like the first initiative, the support given by UN Women in this second initiative was not without a strong foundation. Under the Gender and Governance Programme (GGP), UN Women had been working on a programme known as USAWA since the year 2008. Given that one of the pillars of the programme is civic education, it was natural for UN Women to pay particular attention to the importance of gender-based civic and voter education prior to the March 2013 General Elections. To date, the GGP has been instrumental in improving the ability of many women to participate in leadership in Kenya.

In 2011, UN Women launched a national civic education project to complement the roll-out of civic and voter education in preparation for the March 2013 General Elections instigated by both the Independent Electoral and Boundaries Commission (IEBC) and the then Ministry of Justice, National Cohesion, and Constitutional Affairs (MOJNCCA). Obviously, UN Women had a particular bias towards promoting civic and voter education that was focused on promoting the participation and representation of women in these elections.

UN Women’s civic education programme sought to identify the gender gaps in the National Voter Education Curriculum developed by the IEBC and the Kenya National Integrated Civic Education Curriculum (K-NICE) developed by the MOJNCCA and then integrate gendered perspectives. UN Women’s civic and voter education programme was anchored on the need to facilitate awareness, understanding, and appreciation of the gender equality and affirmative action provisions in Kenya’s 2010 Constitution. The ultimate objective of UN Women in supporting the civic and voter education programme was to ensure that women in Kenya achieve the gains hard fought for and cemented in the Constitution, and to influence positively the attitude of Kenyans towards gender equality.

The Design and Implementation of UN Women’s Gender-responsive Civic and Voter Education Programme

The 2013 General Elections were indisputably going to be a unique exercise in Kenya’s elections history. It was going to be the first election under the 2010 Constitution, which, among other things, had established a devolved system of governance comprising national and county governments. More importantly, it had embedded a method for increasing the number of women representatives in elective and appointive bodies. Furthermore, it was going to be the first election in which there would be six different elective positions. Voter education was therefore critically needed, especially because the incoming system of government and consequently the electoral system were new and unfamiliar to many citizens and voters. There was also need for civic and voter education that would particularly seek to mobilize women to participate in the elections (as both voters and candidates).

Overall, the key strategy employed to achieve the objectives of the Gender and Governance Programme was the training of a pool of ‘trainers of trainers’ (ToTs) from each of the 47 counties who would then go on to conduct civic and voter education in their respective geographical areas. In this regard, 148 ToTs were trained and equipped with a training guide and posters. They were further facilitated both materially and financially to undertake community-level sensitization on gender equality, women’s leadership, and all the other relevant issues, including the various elective positions available, the roles of the respective office holders, procedures for voting, the conduct expected of voters on the election date, and specific gender issues and concerns in the context of elections. The trainings also covered the role and methods of monitoring elections. The specific components of the design and implementation of the programme are discussed hereunder.
**Development of the Training Guide**

As part of the preparatory activities towards the implementation of civic and voter education, UN Women, with the assistance of relevant experts, developed the *Gender Guide for the Kenya Constitution*, as well as a set of posters and other information, education, and communication materials. This was done to facilitate civic and voter educators to disseminate the key messages on gender equality and elections. Topics covered in the guide included the following: structure of government; opportunities for women to engage with and participate in county governments; democracy and elections; violence against women; election offences; conducting mock elections; and election monitoring.

The development of the *Gender Guide for the Kenya Constitution* for use by the ToTs was considered integral to the success of the civic and voter education programme because such a guide provides a better chance of retaining the originality and accuracy of the content. The training guide also served as a core reference, which the ToTs could use to confirm pertinent issues arising during their information dissemination activities and thus respond to any questions competently. UN Women trained a pool of 148 civic and voter education ToTs drawn from across all 47 of the newly created counties on the guide’s content and use. Using the same guide, the ToTs in turn trained over 4,000 women and men on gender-sensitive civic and voter education, and sensitized thousands across their respective wards and communities.

**Selection of the Trainers of Trainers**

As already alluded to, UN Women’s gender-responsive civic and voter education programme was hinged on the training and deployment on the ground of a core team of ToTs who would then disseminate the content further. For this reason, the selection and training of the ToTs was taken seriously, so as to guarantee the success of the initiative. UN Women recognized that the quality of the outcome of the gender-responsive civic and voter education was dependent on the calibre of the ToTs engaged, given that they had to learn pieces of information that were sometimes complex. Such information then had to be broken down and articulated simply but accurately for the consumption of the Kenyan public, whether educated or uneducated, all of whom have a constitutionally guaranteed right to vote and vie for office.

Based on the foregoing, the ToTs selected were required to be literate persons of integrity, knowledgeable about the communities and landscape from where they originate. They were also expected to be versatile. Most importantly, they were to be persons already working with communities on the ground in their respective geographical areas and therefore in possession of existing social networks. Crucially, UN Women needed ToTs who would train others on a voluntary basis, given that the resources available were mainly for the training and equipping of the ToTs. For this reason, it was very important that the ToTs selected be persons already engaged with communities in their ordinary day-to-day work, so that the training and equipping by UN Women would only serve to enhance the work they were already doing. In the course of time, however, UN Women was able to source funding to facilitate one major training session for each of the ToTs at a central location in their respective county.

In order to identify fitting candidates, the ToT selection was done in two stages. The initial selection on the ground in the counties was based on the advice of UN Women’s partner organizations, including NGOs and CSOs. The TOTs were thereafter divided into four groups for training, which took place in key urban centres in four regions: Nairobi, Mombasa, Nakuru, and Kisumu. The ultimate selection was done following the training of the ToTs at the various centres based on their performance during training as observed by UN Women staff and the experts engaged to carry out the training.

Ultimately, 148 ToTs were trained, out of whom 132 were strictly for deployment to the various counties, 6 were members of UN Women’s partner organizations, and 10 were reserves referred to as the ‘future force’. The ‘future force’ were essentially standby ToTs to be deployed if a crisis occurred or some of the other ToTs became unavailable. Every county in the country had at least one person trained as a ToT, and where there was more than one ToT in a county, an attempt was made to ensure that both sexes were represented.
After the trainings in Nairobi, Mombasa, Nakuru, and Kisumu, the UN Women team and training experts identified the two most suitable ToTs, usually one female and one male, who would be deployed to conduct training in a specific county. In this process, the participants’ training skills and their contribution to both group and plenary sessions were considered. Where there were more than three participants representing a county, this criterion was applied to select the two most suitable ToTs. Where only one or two participants from a county existed, there were obvious challenges getting two well-suited ToTs. To fill such gaps, a workshop was conducted in Nairobi to train at least two more participants from each of these counties.

**Mode of Training the Trainers of Trainers**

Following the initial selection process, the experts that UN Women engaged trained the ToTs over a period of two months in the four regions mentioned above. The choice of the four urban centres for training was quite deliberate. Having participants attend training in a different geographical location was not only intended to stimulate their thoughts and curiosity about their environment and the different cultures they encountered, but also to raise their awareness about the magnitude of the task ahead. Hearing the testimonies of fellow participants regarding the gaps in gender equality in their locales helped the ToTs to compare and contrast situations in various counties with their home environments. This training situation therefore enabled the ToTs to be better informed and educated on gender inequality around Kenya as pertains to the participation and representation of women in electoral politics.

It is also important to note that holding the trainings in four central locations was advantageous to UN Women. This was because it maximized the resources by avoiding repetitive training sessions for fewer people in more locations, which would have required engaging more training experts for longer periods.

The objective of the workshops organized to train the ToTs was to ensure that they understood the key concepts about gender and gender inequality, the relevant provisions of Kenya’s Constitution regarding gender, women’s civic roles, voter’s responsibilities and rights, and the link between free and fair elections and the democratic representation of women and men. Furthermore, the workshops were also meant to discuss strategies that could reduce voter apathy, create awareness on the links among human rights, women’s rights, and voter rights, and create awareness on the elections calendar and women’s strategic positioning in various activities.

The trainings were delivered using methods suitable for adult learning, whose purpose is to make the learner do what they are already doing better, given that they already know much about their field of interest. The mode of training, which was quite participatory, was therefore composed of an interplay of short lectures, presentations, debates, role plays, and discussions. In order to ensure effectiveness, the training programme of the workshops was made flexible and could be changed from time to time to accommodate new and emerging elements that were thought to be necessary. The ToTs were encouraged to contribute their views and experiences as well as ask questions in order to enhance the learning process and levels of understanding. Besides the training, the ToTs were also given a training kit made up of items relevant to their task on the ground: a notebook and pen, the *Gender Guide for the Constitution of Kenya*, posters, the Constitution of Kenya, the Elections Act, the Political Parties Act, a bag, and a T-shirt.

**The Deployment of the Trainers of Trainers to the Counties**

After the final selection of the ToTs, each was given an array of materials necessary for their further engagement with Kenyans in the counties. The nature and form of the materials were deliberately chosen in order to assist the ToTs to achieve their objectives to the greatest extent possible. They were designed to enable the ToTs to articulate their messages as simply and effectively as possible while eliciting the participation of the audience – ordinarily a mixture of literate and illiterate persons. The materials were also designed to ensure the retention of the messages in the minds of the audience for as long as possible (e.g. the posters were used both during training and at the community level, where they could be displayed for longer periods). Participants in the ToT training sessions carried home the following materials:

1. Branded merchandise such as bags, caps, key holders, and 13 T-shirts with messages urging the electorate to elect women leaders. Out of the 13 T-shirts, one was for the ToT and the balance was to be distributed to their 12 ‘disciples’. The use of ‘disciples’ was an innovation of the UN Women training programme to assist the ToTs to get volunteers on the ground.

2. An assortment of UN Women fliers with information on voter rights and the duties and responsibilities of various duty bearers.

3. An IEBC flier detailing the different elective positions.

4. IEBC posters detailing the process of voting.

5. IEBC posters with dummy ballot papers for the different positions.

7. Commission for Revenue Allocation (CRA) booklets with information on the structure and operational framework of the county governments.

As regards the actual dissemination of gender-responsive civic and voter education to Kenyans in the period preceding the March 2013 General Elections, the ToTs, who later doubled up as election observers, engaged in myriad training activities at the grass roots in the counties. They communicated gender-based civic and electoral information with the help of the training guides given to them. The information disseminated included the different electoral positions being contested for and their unique roles, the conduct expected of a voter on voting day, the voting protocol as set out by the IEBC, and specific women’s rights issues and concerns in the context of elections, such as electoral-based violence against women. Although the ToTs undertook their responsibilities on a voluntary basis, UN Women was able to facilitate them financially to hold one major training workshop in their county. The funding assisted the ToTs by defraying costs for mobilizing participants and hiring a venue, among others.

The ToTs employed various methods to reach their audience. The most common, which proved to be quite effective, was the use of already existing platforms for public meetings. Such forums included fund-raising events, church events, chiefs’ *barazas* (informal public meetings), IEBC voter education forums, mock election events, school events, group meetings, funeral gatherings, cultural events, and political agents’ meetings. In addition, they used opportunistic gatherings and one-on-one interaction.

Inarguably, through their contact with the various audiences at the grass roots of the counties, the visibility of the ToTs as training agents of UN Women was increased. This consequently raised the profile of women’s issues in their communities and helped the community to confront their own gender stereotypes. Where possible, the ToTs used the available local media effectively, especially the popular vernacular FM radio stations, to highlight and raise awareness about the gender agenda with respect to the forthcoming March 2013 General Elections. The use of the FM radio stations achieved two things: firstly, it enabled the ToTs’ information and messages to permeate into the community faster, given the popularity of these radio stations among Kenyans. Secondly, it raised the visibility of the ToTs as carriers of the gender messages. Within no time, these ToTs were being called by various community leaders and government officials throughout the county to attend their regular meetings and disseminate gender-responsive civic and voter education.

Eventually, through the various platforms described above, the ToTs and their ‘disciples’ were able to reach a large number of people in their respective counties and also preach messages of peace that greatly contributed to a peaceful election period throughout the country.

> Women must keep pushing for legitimate empowerment through increased participation in decision making at all levels of leadership, for it is only through this expanded role of women in the political and other leadership arenas that gender perspectives on the challenges facing women and girls will be mainstreamed.

*Njoki Susanna Ndung’u, Kenyan lawyer and an Associate Justice of the Supreme Court of Kenya*
PART 2: UN WOMEN’S SEVEN FLAGSHIP INITIATIVES

Reaching for the Skies

A UN Women trainer of trainers conducting gender and voter education in Kombanii Village, Kwale County. Photo taken by UN Women.

Trainer of trainers Beatrice Mtawa conducting voter education for women under a tree in Bahati Village, Taita Taveta County. Photo taken by UN Women.
The ultimate objective of UN Women in supporting the civic and voter education programme was to ensure that women in Kenya achieve the gains hard fought for and cemented in the Constitution, and to influence positively the attitude of Kenyans towards gender equality...
Select Innovations Used by the Trainers of Trainers to Disseminate the Gender-responsive Civic and Voter Education at the Grass Roots

To improve their ability to carry out their task of disseminating information and messages in their respective locales, the ToTs necessarily had to devise interesting and practical ways of reaching the people. Much of this was based on their understanding of their environment and the prevailing culture. The following are the experiences of two ToTs:

Josephine Njeru, Tharaka Nithi County

One of the interesting things that I encountered was learning that in the Meru community (where Tharaka Nithi is located) young women like me cannot convene a meeting with, or consisting of, older people. As such, whenever I wanted to meet older people I could call upon my grandfather who then organized for the meeting with them, and then he would explain to them the purpose of the occasion and ask them to allow me to address them.

Mohmoud Barroh, Kwale County

While carrying out the actual training on the ground, it was very difficult to get people for the trainings during the working hours of the day (Monday to Friday). As such, I had to find ways of passing across my message to them. In doing so, I wrote shairis (Swahili poems) and articles urging people to elect women leaders. These articles appeared frequently in a newspaper with local circulation that most residents had access to. In addition, I organized a 16-day activism event drumming up support for women candidates in the Msambweni area. Through such activities and the few civic education forums I was able to organize, I was able to reach 1,000 people directly and over 3,000 indirectly (through media).

UN Women’s Use of Intermediary Partner Organizations to Monitor the Work and Progress of ToTs on the Ground

In order to make the best use of its resources, UN Women elected once again to use its partnership with some CSOs working at the grass roots level to assist it to monitor the work and progress of the ToTs in the counties. In this regard, UN Women collaborated with three partners to support the implementation and coordination of the gender-responsive civic and voter education: the Caucus for Women’s Leadership based in Nairobi, the Catholic Justice and Peace Commission based in Kitale, and Abantu for Development (ABANTU) based in Nairobi. These three partners were also utilized as part of a reporting structure through which ToTs in their counties would channel their feedback and other administrative matters.

Table 3: Allocation of Counties by UN Women for Supervision by Three of Its Partner Organizations

<table>
<thead>
<tr>
<th>UN Women’s Partner Organization</th>
<th>Counties Allocated</th>
</tr>
</thead>
<tbody>
<tr>
<td>Abantu for Development –</td>
<td>Nyeri, Murang’a, Kirinyaga, Kiambu, Nyandarua, Meru, Tharaka Nithi, Embu, Machakos, Makeni, Kajiado, Narok, Samburu, Laikipia, Nairobi, Isiolo</td>
</tr>
<tr>
<td>17 Counties</td>
<td></td>
</tr>
<tr>
<td>Caucus for Women’s Leadership –</td>
<td>Garissa, Homa Bay, Kilifi, Kisi, Kisumu, Kwale, Lamu, Mandera, Marsabit, Migori, Mombasa, Nyamira, Siaya, Taita Taveta, Tana River, Wajir</td>
</tr>
<tr>
<td>16 Counties</td>
<td></td>
</tr>
<tr>
<td>14 Counties</td>
<td></td>
</tr>
</tbody>
</table>
Notably, the efficiencies that were expected through the use of the three partner organizations were not entirely realized due to some latent exigencies. Unforeseen and unavoidable delays and a breakdown in the effectiveness of the communication process between some of the partner organizations and the ToTs largely accounted for this. Nevertheless, reflections on the difficulties that arose in the execution of this strategy have been undertaken with all the concerned parties in order to refine the strategy for future use.

**Deployment of the Trainers of Trainers as Election Observers on 4 March 2013**

Election observation from a gendered perspective and establishing the extent of women’s participation in elections is fundamental to achieving gender equality and fairness in the democratic process. UN Women’s observation of the 4 March 2013 General Elections specifically focused on women’s participation during the elections in such areas as voter education, the performance of women candidates, impediments to women voters on the election date, electoral violence against women, and the response rate of the various elections-related duty bearers to the concerns of women candidates. The other key aim of this exercise, which was a targeted domestic election observation mission accredited by the IEBC, was to assess the effectiveness of the civic and voter education being undertaken by the various parties. In particular, there was a need to know how effective it was in facilitating the understanding of voters regarding the new voting procedures and the importance of voting for women.

In order to carry out the election observation exercise, UN Women chose to use the ToTs, given that they had already been trained in civic and voter education. In this regard, 116 ToTs – 61 women and 55 men – were specifically trained to observe the elections in 108 constituencies across all 47 counties. The ToTs-cum-election observers visited more than 350 polling stations and interviewed over 1,050 women voters. Although the ToTs undertook their assignments on a voluntary basis in the counties, UN Women was able to source and avail a modest facilitation fee to the ToTs for the purpose of traversing from one polling station to another on election day.

On 4 March 2013, each ToT/election observer carried out their mandate in their respective county. Each was given three different forms to enable them to track the specific aspects in which UN Women was interested. It is noteworthy that while the ToTs were required to visit two or three polling stations, the majority of them visited more than three polling stations, with some visiting up to nine. The decision to deploy the well-trained ToTs as observers proved to be quite prudent, given the continuity it provided in the collection of information from communities they were already working with. In addition, the ToTs undoubtedly brought enhanced levels of competency, knowledge, and professionalism to the election observation exercise thanks to the initial careful selection and training process.

After the election observation exercise, the ToTs each prepared a report capturing specific key issues: the number of women candidates in their constituency and their performance in the election, any impediments to women voters that were observed on election day, and any incidences of electoral violence against women. In addition to transmitting these reports to UN Women, the ToTs presented them during a workshop organized after the elections to reflect on the election observation exercise and the emergent issues.
The Inclusion of Persons with Disabilities, Other Marginalized Groups, and Minority Rights as Key Aspects of the Gender-responsive Civic and Voter Education Programme

In carrying out its mandate globally, UN Women is enjoined to pay attention to the critical factor of inclusivity when carrying out its programmes and activities. UN Women is sensitive to this requirement and incorporates in its work the rights of persons with disabilities and marginalized and minority groups, including ethnic minorities and persons marginalized because of their sex, geographical location, etc. After all, persons with disabilities, marginalized persons, and minorities include women. It is against this background that the issues of disability, minority rights, and the rights of the marginalized were incorporated into various aspects of the development and execution of the gender-responsive civic and voter education programme. Furthermore, Kenya’s Constitution formally recognizes persons with disabilities and other marginalized persons and minorities as deserving of special attention and recognition with respect to participation and representation in the electoral process, a demand that all actors must recognize. Indeed, Article 100 of the Constitution states that Parliament shall enact legislation to promote the representation in Parliament of women; persons with disabilities; youth; ethnic and other minorities; and marginalized communities.

UN Women’s civic and voter education took cognizance of the issues of disability and minority rights at four levels. Firstly, the development of the visual information, education, and communication materials reflected the face of Kenya, including persons with disabilities and ethnic minorities. Secondly, ToTs were selected from all 47 counties of Kenya, which includes geographical areas that had hitherto been marginalized. Thirdly, during the training of the ToTs in the four regions mentioned above, the issues of disability and minority rights were stressed as important to include in the grass-roots training. In addition, emphasis was placed on the need to ensure that the venues used, language used, and format of the training and information dissemination enabled the participation of all. Indeed, in their work the ToTs made every effort to articulate the issues of disability and minority rights. The Constitution specifically requires the representation of persons with disabilities and marginalized minorities, among them women, in all the County Assemblies, National Assembly, and Senate.

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60 Article 177(1) of the Constitution of Kenya – A county assembly consists of… (c) the number of members of marginalised groups, including persons with disabilities and the youth, prescribed by an Act of Parliament.
61 Article 97(1)(c) of the Constitution of Kenya – The National Assembly consists of… (c) twelve members nominated by parliamentary political parties according to their proportion of members of the National Assembly in accordance with Article 90, to represent special interests including the youth, persons with disabilities and workers.
62 Article 98(10)(d) of the Constitution of Kenya – The Senate consists of… (d) two members, being one man and one woman, representing persons with disabilities.
Highlights, Key Impressions, and a Critical Analysis of the Implementation of this Flagship Initiative

From all available evidence gathered from the ToTs’ reports, UN Women’s Gender-responsive Civic and Voter Education Programme succeeded in improving the participation and representation of women in the March 2013 General Elections, with women visible at all levels as voters, candidates, and even election officials.

Four main items mark the high points of the programme, which turned out to be quite exciting. Firstly, UN Women can state without fear of contradiction that, through the ToTs, critical information and messages about the gendered dimensions of elections were communicated to communities in all 47 counties in convincing measure. This was no mean feat, particularly because the ToTs did their work as volunteers. Connected to this were the successes from the broader civic education campaign the ToTs were a part of.

Secondly, the commitment, fervour, and exuberance exhibited by the ToTs in the execution of their mandate was certainly exemplary. Their work demonstrated their patriotism, but they also went beyond the call of the duty and devised methods and schemes that had not been covered in their training in order to accomplish their task over and beyond what had been anticipated.

The knowledge and methodology-related empowerment experienced by the ToTs as a result of participating in the programme was unparalleled. Many confessed to having gained much more out of the experience than they felt they had given. Clearly, giving their time to the programme worked in their favour too. Some have been elected or appointed to various positions in the county governments given their enhanced profile, and others gained the confidence to offer their candidature for various positions in the next general elections.

...by using the trainers of trainers to carry out this programme, UN Women has been able to collect plenty of useful primary data from the grass roots in all 47 counties, which can inform efforts to improve the electoral process with respect to its being made more sensitive to gender issues in the future...
Finally, by using the ToTs to carry out this programme, UN Women has been able to collect plenty of useful primary data from the grass roots in all 47 counties, which can inform efforts to improve the electoral process with respect to its being made more sensitive to gender issues in the future. In any event, UN Women is set to share this information in a structured way with all the concerned parties through its usual channels.

This flagship initiative was well thought out and carefully implemented, right from the development of the rich training curriculum and materials to the selection, training, and deployment of the ToTs. The secret to the success of the programme clearly lies in the amount of time that was spent conceptualizing the programme before its execution. The tapping of ToTs from and familiar with every county made it possible to cover a much wider area in a shorter space of time. After the elections, the ToTs, who were already members of community-based organizations, remained resource persons in their respective communities.

The importance of the training manual Gender Guide for the Kenya Constitution cannot be overemphasized. Equipping the ToTs with a manual containing all the information relevant to the gender-responsive civic and voter education programme ensured that the ToTs had a permanent reference point. The guide provided a structured framework within which ToTs could articulate their messages to their audiences in a logical sequence; ToTs could also use it to clarify any outstanding issues to their audiences without causing confusion. A distinct feature of the guide was its user-friendly print format and its aesthetic appeal, which served to enhance the frequency of its use. Once again, the attention paid to detail proved valuable.

Furthermore, the concept of ‘discipleship’ and the informative materials used during the civic and voter education at the grass roots enabled better communication of messages and helped to inculcate in voters the idea of making ‘gender-responsive choices’. In addition, the use of the ToTs for both voter education and election observation did not only ensure the efficient utilization of the available resources, but also the continuity of the core programme messages.

In summary, the execution of the gender-responsive civic education programme could be said to have achieved optimum levels of efficiency and success given that it resulted in a win-win situation for UN Women and the ToTs, each benefiting from what clearly was a well-functioning symbiotic relationship. Notably, this was the first time UN Women had decided to directly engage in the process of sourcing ToTs and engaging experts to train the ToTs. This strategy paid good dividends because it enabled UN Women to retain direct access to the ToTs when on the ground and monitor their progress. When operational difficulties arose in the field, UN Women was able to step in fast and resolve them. Of course, the result of this was that Kenyans in all 47 counties were the ultimate winners!
2.2.2 Lessons Learned

1. That any mass civic and voter education exercise should be preceded by careful thought, design, and planning before execution in order to increase its chances of success.

2. That for civic and voter education to have meaningful impact, it is important that the exercise commence early so communities have enough time to consider the information and messages keenly.

3. That sustaining good working relations with its partner organizations is a valuable asset in the accomplishment of UN Women’s work, given the role that such partner organizations played in the selection and monitoring of ToTs.

4. That for civic and voter education to be successful at the grass-roots level, it is necessary that the persons delivering it have a good knowledge of the society and its culture, and the best methods of communicating varied messages.

5. That even if a project has been well thought out and designed, there is a need to be flexible to accommodate any changes that may become necessary owing to unforeseen emergencies and exigencies on the ground during implementation.

2.2.3 Best Practices

1. Training guides and other information, education, and communication materials should be developed to facilitate the training and equipping of ToTs before their deployment to disseminate civic and voter education messages.

2. The ToT selection process should be rigorous and thorough to guarantee a professional manner and better results in the dissemination of civic and voter education messages.

3. ToTs are best selected from among persons who ordinarily stay and work within the target communities in order to maximize the use of their existing platforms for social engagement on the ground.

4. Executing civic education programmes through the use of ToTs results in better usage of resources, given that the ToTs continue to be a resource within their communities and are available for similar engagements in the future.
2.3 UN WOMEN’S SUPPORT FOR THE TRAINING AND PREPARATION OF WOMEN CANDIDATES FOR THE MARCH 2013 GENERAL ELECTIONS

Supporting the training of women candidates in order to prepare and better equip them for the March 2013 General Elections was a first for UN Women since formally commencing its operations in Kenya in 2011. The roll-out of such training was necessitated by the fact that women candidates in Kenya had in past elections failed to perform as well as their male counterparts (this was comprehensively documented in Part 1 of this publication). While patriarchal mindsets and imbalances in the economic abilities of men and women had contributed to the poor performance of women during elections, the lack of knowledge about how to prepare for elections, strategize for campaigns, and lobby one’s potential supporters had equally impeded the success of women candidates during general elections.

The training of women aspirants and candidates desirous of participating in the March 2013 General Elections took place in two groups. One group was to comprise women aspiring for the Presidency, positions in the National Assembly, Senator, County Women Representative, Governor, and Deputy Governor. The other group was to comprise women aspiring for positions in the County Assemblies. The former group was to be trained by UN Women through the assistance of select experts, while the latter group was to be trained by some of UN Women’s partner organizations, with support from the selected experts.

The refinement of UN Women’s idea to train women candidates prior to the March 2013 General Elections was done through a forum bringing together a number of parties. The forum was convened by UN Women through its Gender and Governance Programme (GGP) III and included UN Women’s strategic partners, former women Members of Parliament, the women MPs of the incumbent tenth Parliament, and candidates themselves. The GGP III, more popularly known as USAWA, constitutes the third phase of the original GGP launched in September 2004 by UN Women’s predecessor UNIFEM. While the overall goal of USAWA was to ensure that women and men in Kenya access services and opportunities and exercise their rights equally, the immediate objective of training women candidates was to provide focused and coordinated support towards ensuring women’s full participation in democratic governance.

2.3.1 Why the Training of Women Candidates Prior to the March 2013 General Elections Was Urgent

Part 1 of this publication indicated that one reason women candidates have not fared well in competitive politics in the past is their lack of knowledge regarding such crucial things as how to present their candidature to the public, how to position themselves strategically in political parties, how to raise funds for their campaigns, and how to conduct campaigns successfully.

63 UN Women arose from the transformation of its predecessor, the United Nations Development Fund for Women (UNIFEM), which had been in operation in Kenya since 1976. In January 2011, UNIFEM, the International Research and Training Institute for the Advancement of Women (INSTRAW), the Office of the Special Adviser on Gender Issues and the Advancement of Women (OSAGI), and the Division for the Advancement of Women (DAW) were merged into UN Women, a composite entity of the UN.

64 GGP III represents the third phase of the Gender and Governance Programme launched in September 2004. The programme worked towards promoting equal opportunities and access to services for both men and women, addressing the need to include women’s issues in governance structures, and supported women’s leadership at national and local levels. To implement the programme, UN Women partnered with over 40 civil society organizations and key government agencies and institutions such as the Ministry of Gender, Children, and Social Development, the National Commission on Gender and Development, the courts (secular and Kadhi), the police, and commissions such as the Waki Commission and IEBC. GGP III specifically focused on providing technical support to government institutions and national gender institutions and organizations for the purpose of achieving equal access of men and women to goods and services, and to civil society organizations for holding duty bearers accountable. Through specific and varied activities, GGP III contributed to gendered national and local institutional policies and legal frameworks; increased women’s participation in governance at all levels; and supported civil society in articulating women’s needs and demanding and influencing the delivery of equitable services. Further information can be obtained from UN Women GGP III programme reports.

65 Uhai Lake Forum (Nyanza), NCCK (North Rift region, Coast region, and Central region), INADES (Lower Eastern), RCDA and ALCHA (Upper Eastern), GROOTS (Western), ALDEF (North Eastern), YIKE (Nairobi), and SOWED (Kajiado).
For these reasons, the issue of training women candidates prior to the March 2013 General Elections was undoubtedly quite necessary, and was made more urgent by the promulgation of the 2010 Constitution, which had ushered in a new electoral dispensation. Under the new dispensation, women are not only required to fully participate in electoral politics, but their representation in the respective legislatures is to be made possible to the fullest extent by the various existing institutions: political parties, the Independent Electoral Boundaries Commission, security agencies, etc.

Table 4: Electoral Positions Available for Women to Compete for or be Nominated to under the 2010 Constitution of Kenya

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>President</td>
<td>1</td>
<td>✓</td>
<td></td>
<td>Article 136(1) provides for the election of the President in a national election.</td>
</tr>
<tr>
<td>Deputy President</td>
<td>1</td>
<td>✓</td>
<td></td>
<td>Article 148(1) provides for the nomination of the deputy presidential candidate by the presidential candidate. The deputy presidential candidate should also be qualified for nomination for election as President.</td>
</tr>
<tr>
<td>Senator</td>
<td>47</td>
<td>✓</td>
<td></td>
<td>Article 98(1)(a) provides that the Senate will consist of 47 members, each elected by the registered voters of the counties, each county constituting a single member constituency.</td>
</tr>
<tr>
<td>Nominated Member of the Senate</td>
<td>18</td>
<td>✓</td>
<td></td>
<td>Article 98(1)(b)(c)(d) of the Constitution provides for nominated members of the Senate.</td>
</tr>
<tr>
<td>Speaker of the Senate</td>
<td>1</td>
<td>✓</td>
<td></td>
<td>Article 106(1)(a) provides that the Speaker of the Senate is elected by the House in accordance with the standing orders, from among persons who are qualified to be elected as Members of Parliament but are not such members.</td>
</tr>
<tr>
<td>Deputy Speaker of the Senate</td>
<td>1</td>
<td>✓</td>
<td></td>
<td>Article 106(1)(b) provides that the Deputy Speaker of the Senate is elected in accordance with the standing orders, from among the members of that House.</td>
</tr>
<tr>
<td>Leader of the Majority in the Senate</td>
<td>1</td>
<td></td>
<td></td>
<td>Article 108 of the Constitution makes provision for the position of Leader of the Majority in the Senate.</td>
</tr>
<tr>
<td>Leader of the Minority in the Senate</td>
<td>1</td>
<td></td>
<td></td>
<td>Article 108 of the Constitution makes provision for the position of Leader of the Minority in the Senate.</td>
</tr>
<tr>
<td>Governor</td>
<td>47</td>
<td>✓</td>
<td></td>
<td>Article 180(1) provides that every county shall elect a Governor.</td>
</tr>
<tr>
<td>Deputy Governor</td>
<td>47</td>
<td>✓</td>
<td></td>
<td>The Deputy Governor is nominated by the Governor before elections. There is no requirement on gender balance for this position.</td>
</tr>
<tr>
<td>County Women Representative (CWR)</td>
<td>47</td>
<td>✓</td>
<td></td>
<td>Article 97(1)(b) provides for the election of 47 women, each elected by the registered voters of the counties, each county constituting a single member constituency.</td>
</tr>
<tr>
<td>Member of National Assembly – Single Member Constituency</td>
<td>290</td>
<td>✓</td>
<td></td>
<td>Article 97(1)(a) provides that the National Assembly will consist of 290 members, each elected by the registered voters of single member constituencies.</td>
</tr>
<tr>
<td>Speaker of the National Assembly</td>
<td>1</td>
<td>✓</td>
<td></td>
<td>Article 106(1)(a) provisions that the Speaker of the National Assembly is elected by the House in accordance with the standing orders, from among persons who are qualified to be elected as Members of Parliament but are not such members.</td>
</tr>
<tr>
<td>Deputy Speaker of the National Assembly</td>
<td>1</td>
<td>✓</td>
<td></td>
<td>Article 106(1)(b) provisions that the Deputy Speaker of the National Assembly is elected in accordance with the standing orders, from among the members of that House.</td>
</tr>
<tr>
<td>Leader of the Majority in the National Assembly</td>
<td>1</td>
<td></td>
<td></td>
<td>Article 108 of the Constitution provides for the position of Leader of the Majority in the National Assembly.</td>
</tr>
<tr>
<td>Leader of the Minority in the National Assembly</td>
<td>1</td>
<td></td>
<td></td>
<td>Article 108 of the Constitution provides for the position of Leader of the Minority in the National Assembly.</td>
</tr>
<tr>
<td>Chief Whip of the National Assembly</td>
<td>1</td>
<td></td>
<td></td>
<td>Nominated by the party with the majority in the National Assembly. The primary role of the Chief Whip is to get the government’s business through the Parliament, and in particular to secure the government’s majority in votes on its legislative and policy programmes.</td>
</tr>
<tr>
<td>Nominated Member of Parliament</td>
<td>12</td>
<td>✓</td>
<td></td>
<td>Article 97(1)(c) makes provision for nomination of 12 members by parliamentary political parties according to their proportion of members of the National Assembly.</td>
</tr>
<tr>
<td>County Ward Representative (Member of County Assembly)</td>
<td>1,450</td>
<td>✓</td>
<td></td>
<td>Article 177(1)(a) of the Constitution provides for the election of County Ward Representatives into the County Assemblies.</td>
</tr>
<tr>
<td>Nominated County Ward Representative</td>
<td>Number is only known after the elections</td>
<td>✓</td>
<td></td>
<td>Article 175(1)(a) provides for the nomination of a number of women/men to ensure that no more than two-thirds of the members of representative bodies in each county government shall be of the same gender. Article 177(3) states that the filling of special seats under clause (1)(b) shall be determined after declaration of elected members from each ward.</td>
</tr>
<tr>
<td>Speaker of the County Assembly</td>
<td>47</td>
<td>✓</td>
<td></td>
<td>Article 178(1) provides that each County Assembly shall have a speaker elected by the County Assembly from among persons who are not members of the assembly.</td>
</tr>
</tbody>
</table>
Based on Table 4, the need for training and equipping a critical mass of women to engage at the various levels of the electoral process during the March 2013 General Elections (and future elections) was self-evident. This is especially so because women are eligible to vie for all the positions indicated. The table also indicates clearly the various levels at which women can offer their candidature, whether in competition with other women and men or in competition with other women only. The opportunities for women to serve in the various legislatures through nomination by political parties are also evident. There are further opportunities for women to be elected or selected to various positions within the legislatures following the general elections – these include the positions of speaker, leader of the majority and minority, and Chief Whip of the National Assembly.

Notably, women have to compete, whether with men or fellow women, to get onto party lists in order to be nominated for the various categories of nominative positions on the table, as well as to be considered positively for the various appointive positions. It is also the case that where a woman fails to clinch the party ticket to vie for an elective seat, or fails to win the seat on the election date, she is still eligible to be nominated to the various other positions in the legislatures or be appointed to other administrative positions in the national or county public service. The latter appointments must of course be done in accordance with the provisions of the Constitution and all other relevant laws.

Based on the stakes in such a situation, the training of women candidates, much of which commenced when they were still aspirants and still seeking party tickets for the various electoral positions, was quite urgent! Women needed the training if they were to succeed in obtaining the party ticket, and where they succeeded in obtaining the party ticket, they still needed training if they were to succeed in clinching the seat on election day.

Clearly, women needed to be aware of and understand the Constitutional and legal framework within which their candidature lay in order to mount a successful challenge against their competitors during the various stages of the electoral process.

It is against this background that UN Women and United Nations Development Programme (UNDP) Kenya invited members of the women’s movement and the partners of the Gender and Governance Programme to a consultative workshop in Naivasha in August 2011 to chart the way forward. Notably, UN Women’s Gender and Governance Programme brought together 46 civil society organizations from around the country into a partnership with it, thus providing UN Women with a strong platform from which to mobilize support for various causes. In this case, this platform constituted a vanguard group for mounting interventions geared towards ensuring women’s participation in electoral politics at the national and county levels through training of women candidates vying for various positions in the March 2013 General Elections in Kenya.

2.3.2 The Design and Implementation of UN Women’s Programme for Training Women Candidates

In order to execute this programme successfully, the joint team comprising UN Women, its partner organizations, the women’s movement, and UNDP Kenya carried out certain strategic preparatory activities. As a first step, the team undertook a mapping exercise in August 2011 to identify the level of interest among women for participating in the March 2013 General Elections. The exercise was also expected to identify the type of support required to build the leadership capacity of women for the various electoral positions (Presidential, Senatorial, Gubernatorial, Parliamentary, and County Ward Representative seats). Through the mapping exercise, the joint team was able to identify key actors and stakeholders working in gender and governance around the country, agencies supporting women’s political leadership, and the level of support and resources required to enhance women’s participation in political leadership.

In addition to the above mapping exercise, which provided extremely useful operational information at the outset, UN Women also developed a training manual, Women Candidates in Kenya, and an online database that provided a platform for women aspiring for the various electoral positions to record their interest. In addition, the joint team developed a comprehensive training programme framework.

The Training Manual for Training Women Candidates

Having established the scope of the task that lay ahead concerning the training of women candidates, the development of a training manual was considered key to providing a coherent structure and flow of the information and messages intended for women candidates. In this regard, UN Women and the Centre for Multiparty Democracy – Kenya decided to develop a training manual at the beginning of 2012, before the programme could be rolled out. The Women Candidates in Kenya training manual was aimed at trainers of trainers (ToTs) from both UN Women and its participating partner organizations.

Much like the Gender Guide for the Kenya Constitution, the Women Candidates in Kenya training manual was designed in a user-friendly print format with plenty of relevant information and messages. The manual was divided into modules covering the role played by women in leadership throughout Kenya’s history, the laws governing elections in Kenya, and campaign preparation, management, and budgeting. In addition, the manual had modules on public communication and media engagement.
The Online Database for Women Aspirants

To harness the efficiencies brought about by technology, UN Women developed and maintained an online database to capture the details of women aspiring to the various electoral positions in the March 2013 General Elections. Setting up this online database was aimed at enabling UN Women to identify women aspirants all around the country and their training needs, and also to give them a platform to reach out and present their candidature to voters. The database was later reviewed after the political party primaries that were scheduled to take place by 18 January 2013 in line with the Independent Electoral and Boundaries Commission’s requirement. From this point onwards, the database included the details of women who had managed to secure a party ticket to vie for a specific electoral position, as well as women who had registered with the IEBC to vie as independent candidates.

The UN Women website hosting the online database for women aspirants and candidates had both public and private access links, and was maintained by an information technology expert engaged for this purpose. The public could access the database at www.womenaspirants.org, where women aspirants could post their profiles, while UN Women’s participating partner organizations could update or edit any relevant information on the website. Using the information entered by women aspirants and candidates, UN Women was able to call them for training meetings and send them information from time to time.

The Training of Trainers of Trainers from UN Women’s Participating Partner Organizations

Although the total number of organizations collaborating with UN Women under phase three of the Gender and Governance Programme (GGP) were 46, only 11 participated in the women candidates training programme. The following GGP partners were tasked with organizing and coordinating the regional trainings in partnership with other GGP partners working on the ground: Uhai Lake Forum (Nyanza), NCCK (North Rift region, Coast region, and Central region), INADES (Lower Eastern), RCDA and ALCHA (Upper Eastern), GROOTS (Western), ALDEF (North Eastern), YIKE (Nairobi), and SOWED (Kajiado).

Given that they were already carrying out gender-based civic and voter education under the GGP, UN Women’s participating partner organizations were competent in the Women Candidates in Kenya training manual’s subject matter. Nonetheless, the trainers of trainers from these participating partner organizations underwent further training by UN Women on the training manual, how best to implement their mandates, and UN Women’s expectations of them. The training also dealt with appropriate methods for training adults and effective communication and delivery of messages. It was done by a team of prudently selected experts engaged by UN Women.

The ToTs from the UN Women participating partner organizations were drawn from across the country. The trainings were carried out from 5–7 and 12–14 November 2012 at Queens Garden Hotel in Eldoret. The trainings were a most interesting and enjoyable experience for both the UN Women team of expert trainers and the ToTs, given the depth of knowledge and real experiences shared. The ToTs, many of whom were known to each other from previous UN Women trainings, displayed high levels of competency in grasping the subject matter in the training manual and how best to use it.

The ToTs were also apprised of the use of the online database for women candidates set up on the UN Women website, and how to use it as a resource for locating women candidates in their areas.

After the training, UN Women’s participating partner organizations deployed their ToTs in the respective counties to train women aspirants for the position of Member of County Assembly. Notably, when the trainings commenced on the ground, most parties had not yet carried out their primaries to determine the holders of the party ticket for the various positions; it was anticipated that some of women aspirants attending the trainings would clinch the
PART 2: UN WOMEN’S SEVEN FLAGSHIP INITIATIVES

Reaching for the Skies

Bottom left: Participants from partner organizations at the VAW with Africa Unite workshop on 14.08.2013.

Left: A training workshop for women candidates.

Centre: Participants having a chat at the VAW with Africa Unite workshop on 14.08.2013.

Bottom left: Participants from partner organizations at the VAW with Africa Unite workshop on 14.08.2013.
Top: Retired Justice Violet Mavisi, one of the trainers in the women candidates training programme, makes a presentation.

Right: Robert F. Godec, the US Ambassador to Kenya, signs an attendance sheet at a UN Women workshop.

Bottom right: A training workshop for women candidates.
party tickets and others would not. The IEBC had set a deadline of 18 January 2013 for all political parties to have held their primaries and submitted their nominees for the various electoral positions. Those wishing to vie for the various electoral positions as independent candidates were expected to submit their expressions of interest to the IEBC, having complied with all the relevant laws, by 4 December 2012.

2.3.3 The Commencement of Training of Women Candidates

As has already been indicated, the training of women candidates was undertaken by both UN Women through expert trainers and the ToTs of its participating partner organizations. During the training sessions for women candidates, the Women Candidates in Kenya training manual was used to bring out the salient issues that the candidates needed to be informed and educated about.

Training of Women Candidates Aspiring for Member of County Assembly Positions

With respect to the training of women aspiring to County Assembly seats, the ToTs from UN Women’s participating partner organizations held meetings with the women candidates on diverse dates between November 2012 and February 2013 in the respective regions of their operation (noted above).

The training sessions for women candidates in the counties were quite lively, given the participatory adult learning methods that were used by the ToTs. The women candidates were keen to know more about the provisions of the Constitution and other laws relevant to the electoral process, such as the Political Parties Act and the Elections Act. In addition, they expressed their concerns about the possibility of electoral gender-based violence and wanted to know how to avoid it or deal with it should it occur. The women candidates were anxious to know more about resource mobilization and suitable ways of lobbying their constituents to support them. A recurring question from the women candidates during the training sessions was how to deal with competition and opposition from their fellow women without generating animosity.

Ultimately, the practical and participatory nature of the training sessions, including the wide-ranging discussions, questions, and responses, enhanced the content in the training manual and deepened the knowledge and awareness of the women candidates. While the ToTs had used UN Women’s online database of women candidates to identify the women candidates for training, other women candidates who attended the training had received word about the training from their peers or other sources and were assisted by the ToTs to enter their details into the database at the trainings.
Indeed the exemplary quality and competence of the ToTs from the participating UN Women partner organizations shone through during the training sessions. This is evident from the testimonies of three ToTs:

“Pauline Morine Nagila, Chairperson of Jiamini Unaweza Community-based Organization

I am currently pursuing a master’s degree in guiding and counselling. I was selected, trained, and then deployed to carry out the training of women aspirants for the position of Member of County Assembly in Busia County. While carrying out the trainings on the ground, I had to use varied strategies. I would tell stories of real life experiences of women candidates I knew or had read about to pass the message across. At times, I could use discussion forums and allow the participants to share their experiences. In addition, I would also organize drama sessions and compose songs to demonstrate an issue that I thought would be better understood that way. As a result, women candidates who took part in the trainings were lively and willing to learn much.

“Mogeni Shiro-Shilako, Senior Programmes Officer, Federation of Women Lawyers–Kenya (FIDA-Kenya)

FIDA-Kenya was one of the organizations that collaborated with UN Women to carry out training of women candidates in Nairobi and Kiambu Counties. In carrying out the training exercise, FIDA-Kenya developed a matrix that assisted in mobilizing aspirants from different constituencies and created networks with other UN Women partners as a means of reaching out to as many aspirants as possible. The training sessions were made flexible, with some being fixed over weekends to increase attendance. In the end, FIDA-Kenya managed to train 125 aspirants for the positions of Member of National Assembly and Member of County Assembly. From the insights gained as a result of carrying out the training, FIDA-Kenya has developed a brochure on the roles of County Women Representatives and scheduled a comprehensive training of elected women leaders in the National Assembly, Senate, and County Assemblies. In addition, FIDA-Kenya is committed to continue lobbying for appointive positions for women in both national and county governments.

“Magdalene W. Kariuki, Programmes Officer, GROOTS Kenya

I was selected, trained, and deployed by UN Women to carry out the training of women candidates in the run up to the 4 March 2013 General Elections. GROOTS Kenya is a non-governmental organization with geographical operation in Homa Bay, Busia, Laikipia, Kiambu, Kakamega, Kitui, Kilifi, Nairobi, Nakuru, and Machakos Counties. In carrying out the trainings, GROOTS Kenya employed a variety of strategies. Besides the trainings, GROOTS Kenya carried out popularity surveys to assess the women candidates’ popularity among the electorate. The results of the surveys informed the training exercise with respect to the training a particular candidate needed in addition the general training that every candidate received. Following the 4 March 2013 General Elections, GROOTS Kenya has galvanized the gains from the training exercise by lobbying the newly established county governments to appoint women to various positions.

Training of Women Candidates Aspiring to Senatorial, Gubernatorial, County Women Representative, and Member of National Assembly Positions

As stated, the trainings for these women candidates were carried out at the national level by the team of experts UN Women engaged. The participants in each workshop ranged from 40 to 60, and the exercise was conducted between 26 November 2012 and 5 February 2013. The nature of the training sessions at this level corresponded very much with those held by the ToTs at the county level. The only difference was the geographical constituencies of the participants – in this case, they were larger to varying degrees, ranging from candidates who aspired to represent single member constituencies to those who aspired to represent the county. The issues covered in the training were also similar and included the following: the role played by women leaders in Kenya; the laws governing elections; campaign preparation, budgeting, and fund-raising; communication skills; and media engagement strategies.
The women in these training sessions echoed the concerns of their counterparts at the county-level trainings, but they also expressed much anxiety about their chances of clinching the party ticket to vie for their respective electoral positions. They feared that because the higher echelons of political party structures in Kenya are dominated by men, there was increased tendency for women to be marginalized in favour of men with respect to positions of ‘higher office’.

The women candidates also expressed their concern about the fallacy being repeated liberally at the time: since the County Women Representative seat was exclusively for women, the other electoral seats of Senator, Governor, and Member of National Assembly ought to be competed for only by men. The following testimony illustrates some of the significant hurdles that were faced by women candidates and were thus flagged for discussion during the training sessions.
I vied for the seat of Member of the National Assembly, Marakwet East constituency, in the March 2013 General Elections. However, I lost. This was my fourth time to vie for this seat, having won in the 2002 and 2007 General Elections. I first contested for this electoral seat in the 1997 General elections, but lost then. During my two terms as a Member of Parliament, I served as a Cabinet Minister between 2003 and 2005, and as an Assistant Minister between 2007 and 2012.

Throughout my political career, I have encountered many challenges as a woman. However, the events that led to my losing during the 2013 General Elections were the most shocking. I presented my candidature to the people of Marakwet East for the seat of MP under The National Alliance (TNA) Party, despite the fact that the most popular party in the area was the United Republican Party (URP). However, the URP and TNA political parties entered into a pre-election coalition agreement, thus forming the Jubilee Alliance. Following the coalition agreement, the two parties informally zoned off parts of the country based on their political strength, whereby each party would field candidates for election under the Jubilee Coalition based on their political strength. Marakwet East constituency fell within the URP zone. This pre-election agreement worked against candidates vying from different parties like me, regardless of the fact that I had nonetheless received the TNA party ticket to vie for this seat. As a result of the zoning, the TNA party sponsoring my ticket failed to hire poll agents in the area, arguing that since both TNA and URP were in the Jubilee Coalition, they would use the same agents on the ground. In this regard, the poll agents in my constituency were from URP. Obviously, the URP poll agents were not supportive of my candidature and were unlikely to have raised any issue even if they had witnessed any irregularities. This was because both TNA and URP were also fighting to ensure they obtained sufficient numbers within their respective political parties in order to ensure their rightful place within the Jubilee Coalition. As a result of the zoning process, I also missed the TNA party resources available for candidates fielded in areas zoned off for TNA candidates within the Jubilee Coalition. My opponent from URP, who was also endowed with more resources than I was given the support of his candidature by URP, benefited by being in the ‘correct’ party on this occasion.
While the above training sessions provided a forum for women candidates to express their fears and concerns, they also afforded them the opportunity to receive encouragement and more information on how to deal with these and other delicate situations. Ultimately, the mere fact of the availability of training for women candidates gave a number of women who had not yet made up their minds to vie the impetus to do so, given the upsurge in their level of confidence after the training. Following the training sessions, at which women candidates were equipped with important information about fund-raising and mobilization techniques, the ability of women candidates to tap into the various avenues and networks to reach both male and female audiences was increased. This in turn led to the multiplication of messages around the importance of women participating in electoral politics in various capacities. Indeed, the message that women should actively seek leadership positions in political parties, as well as register as voters and actually vote on election day, was consistent throughout. However, the number of women expressing interest in electoral seats that would open them up to competition with men remained low, with those vying not recording significant success.
A total of 888 women candidates were trained under the training programme and the following table and bar chart illustrate their performance through the various stages.

Table 5: A Breakdown of the Number of Women Candidates Who Were Trained through UN Women’s Women Candidates Training Programme and Those Who Were Eventually Elected

<table>
<thead>
<tr>
<th>Electoral Position</th>
<th>Total No. of Available Positions</th>
<th>No. of Women Trained</th>
<th>No. of Women Trained Who Received the Party Ticket to Vie</th>
<th>No. of Women Trained Who Were Eventually Elected</th>
<th>Total No. of Women Elected and Nominated to the Electoral Positions during the 4 March General Elections</th>
</tr>
</thead>
<tbody>
<tr>
<td>Member of National Assembly (MP)</td>
<td>290</td>
<td>84</td>
<td>52</td>
<td>16</td>
<td>22 (16 elected and 6 nominated, which translates to 19.7 percent of the total number of Members of the National Assembly when added to the 47 elected County Women Representatives)</td>
</tr>
<tr>
<td>County Women Representative (CWR)</td>
<td>47</td>
<td>130</td>
<td>74</td>
<td>10</td>
<td>47</td>
</tr>
<tr>
<td>Senator</td>
<td>47</td>
<td>10</td>
<td>7</td>
<td>0</td>
<td>18 (16 nominated by political parties and 2 nominated under the categories of youth and persons with disability, which translates to 26 percent of the total number of Senators)</td>
</tr>
<tr>
<td>Governor</td>
<td>47</td>
<td>6</td>
<td>3</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Deputy Governor</td>
<td>47</td>
<td>4</td>
<td>2</td>
<td>9 (NB: Not all aspirants for the seat of Deputy Governor were trained by UN Women)</td>
<td>9 (Under the Constitution, Deputy Governors are running mates of the candidate vying for the position of Governor)</td>
</tr>
<tr>
<td>Member of County Assembly (MCA)</td>
<td>1,450</td>
<td>654</td>
<td>176</td>
<td>85</td>
<td>85</td>
</tr>
<tr>
<td>Total</td>
<td>1,928</td>
<td>888</td>
<td>314</td>
<td>120</td>
<td>181</td>
</tr>
</tbody>
</table>

Bar Chart 2: Number of Women Trained by UN Women Who Then Received the Party Ticket to vie for Respective Electoral Positions and Who Were Subsequently Elected

The table and bar chart above show that there were 1,928 electoral positions available to be competed for by women. The 888 women candidates who were trained through UN Women’s training programme represent 46 percent of those available seats; 6.2 percent of the women who were ultimately elected also received the party ticket to vie.
It is also clear that women face significant hurdles, in both obtaining the party ticket to vie and, having obtained it, being elected. The bar chart in particular clearly demonstrates the existing differences among the number of women who were trained, those who received the party ticket to vie, and those who were eventually elected.

Notwithstanding the above, the impact of the training given to the women candidates is quite evident, particularly in the results of the positions of Member of National Assembly and Member of County Assembly, as displayed in the table. Remarkably, all the women who were elected as MPs and MCAs – and, indeed, the majority of women who were elected across the various positions – had received training through UN Women’s Women Candidates Training Programme.

The results in the table and bar chart also demonstrate the need for further research into certain variables so as to understand the patterns reflected. For instance, it would be important to identify the specific factors that gave women the impetus to offer their candidature at all; the reasons for their choice of electoral seat; the reasons for their choice of political party to vie through; the reasons for their choice to vie as independent candidates where applicable; and the reasons for their success or lack thereof in obtaining the party ticket where sought, and in eventually being elected. The answers to these questions will no doubt enrich future women candidates’ training programmes and provide the justification for expanding UN Women’s programme, which was clearly very effective and useful to many women candidates.

2.3.5 Highlights, Key Impressions, and a Critical Analysis of the Implementation of This Flagship Initiative

The high level of interest exhibited by women candidates across the country in undergoing electoral training to boost their chances of success during the March 2013 General Elections was quite apparent in the course of the implementation of this initiative. The programme reached out to many aspirants who eventually participated in the electoral contests, whether at the party nominations stage or the final competition stage.

The fact that women candidates who participated in the 4 March 2013 General Elections needed the training cannot be gainsaid. While there may be other factors that influenced their election or non-election on polling day, based on their own testimony the training programme nonetheless had a positive impact on their performance throughout the various stages of the elections process. This was because of their enhanced knowledge about women and the electoral process.

The women candidates who had undergone the training were better able to fund-raise, mobilize the support of their constituents, lobby key stakeholders in their constituencies, engage the media available to them with good effect, and put in place monitoring mechanisms to track their own performance incrementally. This was apparent in their election to the various electoral offices, as was noted in the table in the previous section. Women who participated in the training offered by UN Women also testified about a resurgence in their confidence following training. The excitement of the women who eventually captured seats was palpable after their victory and in the various speeches made to thank their constituents for voting them in. They could not help but mention the important role played by the UN Women training in attaining their success.

Women who did not succeed in winning were also quite appreciative of the training received. They stated that it had been a revelation and eye-opener for them, and had provided them with many valuable lessons for executing the leadership positions they already hold in their respective communities. They further credited the training with giving them strategies for preparing better for the next general elections, when many still intend to offer their candidature. It is inarguable that this UN Women initiative improved the participation of women in the electoral process, with women visibly represented as candidates, voters, and election officials.

The overall successes of the implementation of this component notwithstanding, four elements stood out as worthy of note. Firstly, the high level of passion and commitment the UN Women expert trainers and the ToTs displayed while carrying out the training of women candidates across the country was gratifying for all parties. It was a clear testimony to the ownership of the gender gains contained in the 2010 Constitution by the trainers.

Secondly, the number and calibre of women offering themselves as candidates for the various electoral positions around the country, and eager to be trained under this programme, was remarkable. It was a clear demonstration that the number of women who are educated, competent, and capable of providing able leadership in Kenya is increasing over time.

Thirdly, following the end of the training sessions, the strengthened partnerships that were forged among UN Women, its participating partner organizations, its team of expert trainers, and the women candidates who underwent training proved to be a valuable source of moral support and encouragement to the women candidates as they hit the campaign trail. The candidates had a rich directory of persons from whom to seek quick answers when necessary.

Last but not least, when it was possible for UN Women staff, the team of trainers, or the participating partner organizations to attend women candidates’ meetings on the ground, they got the opportunity to witness first-hand the practical impact of the training programme. On such occasions, it was possible to observe the manner in which the women candidates conducted their various fund-raising, mobilization, and campaign activities in accordance with the teachings, advice, and tips obtained from the training.

Undoubtedly, the implementation of this flagship initiative was critical to ensuring an increase in the number of women vying for the various electoral positions in the March 2013 General Elections, and, more importantly, their successes. As regards the methods used to achieve the objective of this component, UN Women put in place various strategies with good effect. Harnessing the strength of existing partnerships with various
civil society organizations working in its Gender and Governance Programme enabled the smooth and quick commencement of the training programme. These partners had undergone training through the GGP, and the benefits from this were felt in the women candidates’ training programme.

By setting up an online database to capture the details and interest of aspiring women candidates, UN Women was able to use technology to publicize its initiative faster and further. It also made it easier for women located in distant places to express their interest and hence receive further information about the programme, not to mention announce their candidature to the public through the website. The value of the online database as an information-sharing platform was clearly witnessed through the approaches made to aspiring women candidates by UN Women and its participating partner organizations.

The benefits arising from the development of the *Women Candidates in Kenya* training manual and a well-reasoned method of delivery to inform and structure the training of women candidates were obvious. A key benefit was the uniformity of information and messages going out to all the aspiring women candidates regardless of the fact that the bearers of this communication were different throughout the country. The training manual provided a permanent resource for all the trainers and hence avoided any incidences of doubt about the pertinent messages that may have arisen during training.

It is important to note that, despite the best efforts and intentions of the training programme, women candidates still faced an uphill task, especially those who were not in dominant political parties. They were seen as traitors because they had offered their candidature through political parties that were not popularly supported by the electorate in the regions from which they hail, but which had nevertheless offered them space to contest for various electoral positions. Connected to this was the allegation that such women were intent on spoiling the vote for women and men who had already clinched the party ticket of the political party that was popular in the respective region. In addition, women were also exposed to the violence that accompanied the primaries of political parties, some of which was brutal, thus frightening them away and/or heightening their sense of insecurity.

However, since the above scenarios had been anticipated and included in the content of the training manual, it made it somewhat easier for women candidates experiencing these tribulations to understand their source and take the necessary action to deal with them adeptly. In the longer term, it is evident that such a training programme should at best encompass a plan for how women candidates facing various electoral challenges in the run-up to a general election can blow the whistle and receive quick assistance where possible. Clearly, the existence of said tribulations can severely limit the intended objectives of the training programme by reducing the capacity and effectiveness of women candidates on the ground.
2.3.6 Lessons Learned

1. That women need to join the higher levels of decision making in political parties to influence the party agenda to ensure the participation and representation of women in electoral politics.

2. That programmes on training women candidates should be commenced well in advance of general elections.

3. That women candidates need support beyond capacity building, and the nature of such support must be clearly thought out and put in place ahead of the next elections.

4. That the media strategy to publicize the candidature of women needs to start well in advance of the general elections and even the party primaries, where much of the malpractice against women occurs.

5. That there is a need to begin engaging with and lobbying political parties as early as possible to ensure women are supported to win nominations within parties so as to vie during the general elections.

6. That despite the affirmative action provisions in the 2010 Constitution of Kenya that are enabling of women’s representation in electoral politics, it is clear there is still much that needs to be done to encourage and give further impetus to women to vie for the various electoral positions, whether in competition with men or their fellow women.

7. That there is a need to adopt the electoral cycle approach, which recognizes that elections are not a single event but rather a holistic series of intermediary steps. For this reason, there is a need to foster sustainability through ongoing capacity development and training. In addition, there is a need to engage and apply cost-effective electoral management systems and long-term operational support focused on the election day.
2.3.7 Best Practices

1. The candidature of women for various electoral positions should be supported by comprehensive and responsive training programmes to boost their chances of success.

2. Training programmes for women candidates are best supported by a training manual in order to enhance their effectiveness.

3. The training environment and methodologies for training women candidates should be carefully thought through to enable women candidates to feel safe enough to express themselves openly about the unique situations that may have a bearing on the success of their candidature.

4. Useful partnerships should be formed between the media and women candidates, as well as civil society organizations and funding organizations supportive of women’s candidature. This is to enhance the positive coverage of women and their candidature, as well as issues that promote the participation and representation of women in political office.

5. The training of women candidates on media and communication strategies, including how to handle negative publicity, is key to ensuring the profiles of women candidates are enhanced rather than soiled.

6. Maintaining robust and effective partnerships with civil society organizations located throughout the country is important for the roll-out of training programmes targeting participants from all around the country (such as the training programme for women candidates).

7. A review of the successes and constraints faced by women candidates should be carried out in the post-election period in order to set the agenda for the next electoral cycle.

PHOTO: Democracy dialogue, retrieved from http://femnet.wordpress.com/category/democracy/ (01.08.2013)
2.4 UN WOMEN’S PRACTICAL (NON-MONETARY) SUPPORT FOR WOMEN CANDIDATES IN THE MARCH 2013 GENERAL ELECTIONS

As seen from the previous sections, the hallmark of UN Women’s activities has been the promotion of women’s participation in the political and governance processes of Kenya. This support has ranged from building women’s capacity through training programmes to building the capacity of institutions working to empower women in various ways. UN Women has supported the provision of public platforms for women to undertake various types of engagements, and also the provision of practical support. The latter activities do not necessarily involve giving cash to individual recipients, but do require the expenditure of human and financial resources by UN Women. No doubt, such non-monetary practical support has gone a long way in enabling the various individuals and organizations receiving it to improve and enhance their efforts towards women’s empowerment in the diverse areas in which they work.

It is against the above background that UN Women devised a quick-response project to seal the gaps evident in the ability of many women candidates to mount a convincing and sustained political campaign to sell their policies to the electorate and popularize their manifestos. This was in part due to the lack of campaign materials and ideas regarding how women could maximize the use of their resources throughout the campaign period. The campaigns in this case were the two key stages: the party primaries and the general elections. The purpose of this quick-response project providing practical non-monetary support to women candidates participating in the March 2013 General Elections was therefore to raise their personal profile and the visibility of their candidature using various devices and strategies capable of having a long-term effect. As alluded to above, although the execution of this quick-response project required the expenditure of human and financial resources on the part of UN Women, the direct assistance accorded to the women candidates was not in the form of cash.

2.4.1 The Nature of the Practical Support Given to Women Candidates to Strengthen Their Candidacy

Provision of Campaign Platforms for Women Candidates

The freedom available for candidates to organize campaign meetings and address public rallies and gatherings during the official campaign period is useful only if one has the resources to mobilize participants, hire transport, hire a venue, pay for a public address system, and in some cases provide food and refreshments, among other things. Otherwise, the campaign process can become quite tedious, extremely difficult, and therefore ineffective. Campaigning among the electorate is more challenging for women given the financial handicap that many women have compared to their male counterparts. Another challenge that women candidates face, and which was identified as a serious nuisance during UN Women’s training programme for women candidates, is the disruption of their political meetings by gangs hired by their male competitors.

In light of the above challenges facing women candidates, UN Women realized the need for innovation in the creation of platforms for the women candidates to be able to carry out their campaigns, market themselves, and do all of this safely. In order to cut costs and reduce the rigours of always organizing their own campaign meetings, UN Women made it possible for women candidates to piggyback on the public meetings called by UN Women’s partner organizations and ToTs. During the training barazas (public meetings) called by the latter in the counties, any women candidates present in the forum would be allowed to introduce themselves and address the forum at an appropriate juncture. In this way, the women candidates were able to make good use of existing forums to publicize and popularize themselves at no expense.
Due to the numerous unique challenges facing women candidates, UN Women realized the need for innovation in the creation of platforms for the women candidates to be able to carry out their campaigns, market themselves, and do all of this safely.

Top: Retired Justice Violet Mavisi, one of the trainers in the women candidates training programme, makes a presentation.

Bottom: Some participants singing during the women candidates training programme.
The practical non-monetary support given by UN Women for the re-election bids of women Parliamentarians from the tenth Parliament who wished to make a comeback in the eleventh Parliament was based on its established relationship with KEWOPA. The latter is the umbrella organization for women Parliamentarians in Kenya and is essentially a bipartisan caucus whose primary objective is to address the welfare of women Parliamentarians, build their capacity as legislators and representatives, and lobby for women-centred policies and laws.\textsuperscript{66}

The partnership between UN Women and KEWOPA was another first for UN Women since its formal establishment in 2010 (following its transformation from UNIFEM). Most notably, UN Women seconded one of its members of staff to the secretariat of KEWOPA in recognition of the pivotal role that can be played by women Parliamentarians to influence the legislative agenda in favour of women.

Thus, a UN Women member of staff has been embedded in KEWOPA’s secretariat since 2007. The benefits realized from this close cooperation are similar to those witnessed from the embedding of another member of staff at the then Ministry of Gender, Children, and Social Development.\textsuperscript{67}

UN Women’s practical non-monetary support for the re-election bids of women Parliamentarians through KEWOPA was achieved at two levels. The first level concerned the systematic building of the capacity of KEWOPA members over the course of the tenth Parliament in order to carry out their roles as leaders and legislators effectively. The second level concerned the support that was given to KEWOPA members in the immediate run-up to the March 2013 General Elections in order to raise their personal profiles and make their candidature more visible. The support at both levels is discussed below.

\textbf{UN Women’s Systematic Support for Members of KEWOPA over the Course of the Tenth Parliament}

The workings of KEWOPA are outlined in its 2011–2015 strategic plan, which indicates that the nine women Parliamentarians of the eighth Parliament formed KEWOPA in 2001; it became a fully registered organization in 2004. KEWOPA’s role is to provide a platform for women MPs to come together to discuss the agenda of women’s empowerment in Kenya and how they can influence it through Parliament. Through this forum, the individual and corporate capacities of women MPs are enhanced through their exposure to various types of training to increase their effectiveness, particularly as MPs that constitute a minority in Parliament.

\textsuperscript{66} The \textit{Kenya Women Parliamentarian Association Strategic Plan 2011–2015}.

\textsuperscript{67} For further information, see the first flagship initiative examined in Part 2 (2.1.1) of this publication.

Given that Parliament does not have a budget to support KEWOPA as a distinct organization, the need for external support is obvious, and hence the involvement of UN Women, which has a mandate to support elected women leaders. As such, UN Women has been providing KEWOPA with both financial and technical support to market the candidature of women. It is important to note that the support accorded to elected and nominated women MPs through KEWOPA does not guarantee their re-election, but it does give them leverage over their competitors by enabling them to execute their duties to their constituents effectively, thus making them more likeable and hence electable.

Specifically, UN Women has been engaging with KEWOPA to promote the leadership and representation of women in electoral politics in Kenya through the aegis of its Gender and Governance Programme. With the financial support of UN Women, KEWOPA’s secretariat has conducted capacity-building training programmes to strengthen the ability of women MPs to lead, both at the level of their constituencies and nationally. Through this support, KEWOPA has been able to enhance the individual and collective legislative function of women MPs. It has also advanced their skills as ‘watchdogs’ of various issues pertinent to the welfare of women MPs and the women of Kenya.
The above training programmes have also served to increase the participation levels and leadership skills of women MPs in the various Parliamentary committees, as well as develop their diplomatic and interactive capacities. With respect to the latter, KEWOPA held an induction workshop for all incoming women MPs of the eleventh Parliament following the 4 March 2013 General Elections. The focus of the training in this workshop, held at Mombasa InterContinental hotel between 25 and 27 April 2013, was: the standing orders and Parliamentary institutional mechanisms; the intricacies of initiating debates in Parliament; participating qualitatively in debates regarding private members bills, government bills, budgetary proposals, motions, and questions; and the gumption required to take up leadership positions in the various Parliamentary committees.

The above training programmes have also served to increase mainstreaming gender within Parliamentary mechanisms, which was conspicuously absent in Parliamentary structures and processes. Furthermore, KEWOPA made recommendations for gender mainstreaming in the Standing Orders of Parliament, which were adopted and now form part of the current Standing Orders of the National Assembly and Senate of the eleventh Parliament. The recommendations made to enhance gender mainstreaming in Parliamentary processes by KEWOPA also contributed to the following key results:

1. Representation of women MPs in the Parliamentary committees, the majority and minority political party offices and the Speakers Panel. As a result of this, the National Assembly of the eleventh Parliament now has a woman Deputy Speaker (Honourable Dr. Joyce Laboso) and a woman Deputy Leader of the Majority (Honourable Dr. Naomi Shaban), while the Senate has a woman Majority Whip (Honourable Beatrice Elachi). In addition, out of 29 committees in the National Assembly, 8 are chaired by women, while in 8 others women are the deputy chairpersons.

2. In the Senate, 5 out of the 12 committees have women as deputy chairpersons.

3. The implementation of the Cockar and Akiwumi Commissions reports on maternity leave, paternity leave, and other coterminous gender-related entitlements.


In addition, within the KEWOPA legislative function, UN Women supported the members to participate substantively in international Parliamentary platforms, most notably the 54th and 55th Commission on the Status of Women. In this regard, UN Women availed technical support to women Parliamentarians to participate as panellists in the Inter-Parliamentary Union sessions in New York, USA. In these sessions, four women Parliamentarians represented the Kenyan Parliament as they discussed gender-related issues during elections and the implementation of the Millennium Development Goals in Kenya.

UN Women has in addition been giving technical support to KEWOPA to advance the participation of women MPs in political party activities, including participating actively in various party platforms and the development of policies. Based on this, KEWOPA has actively lobbied for gender equality to be at the heart of political party manifestos; various party platforms; operational policies, budgets, and structures; and the nomination of women to the mainstream decision-making structures of political parties. Moreover, KEWOPA has conducted mentorship and leadership training programmes for elected and nominated women Parliamentarians, which has greatly increased their participation in political parties in Kenya.

Through UN Women’s support, KEWOPA has over the years worked to boost the individual and collective representative functions of women MPs. With respect to elected women MPs, this support relates to the development and management of their constituencies as well as their continuous engagement with voters on policy and community issues. More particularly, KEWOPA assists elected women MPs to maintain close links with voters on policy and community issues. More particularly, KEWOPA assists elected women MPs to maintain close links with voters on policy and community issues.

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68 Hon. Dr. Lorna Laboso (Liaison Committee [House Keeping]), Hon. Roselinda Soi (Committee on Implementation [Standing]), Hon. Florence Kajuju (Committee on Regional Integration), Hon. Amina Abdalla (Committee on Environment and Natural Resources), Hon. Sabina Chege (Committee on Education, Research, and Technology and Committee on Parliamentary Broadcasting), Hon. Dr. Rachae Nyamai (Committee on Health), and Hon. Janet Nangabo Wanyama (Committee on Catering and Health Club).

69 Hon. Dr. Joyce Laboso (Procedure and House Rules Committee and Committee on Appointments), Hon. Cecil Mbarire (Public Accounts Committee), Hon. Mary Emase (Budget and Appropriation Committee), Hon. Priscilla Nyokabi (Justice and Legal Affairs Committee), Hon. Esther Gathongo (Committee on Constitution Implementation and Justice), and Hon. Peris Tobiko (Committee on National Cohesion and Equal Opportunity).

70 Hon. Zipporah Kitiyo (Committee on Health, Labour, and Social Welfare), Hon. Dullo Fatuma (National Security and Foreign Relations Committee), Hon. Sijeny Judith Achieng (Delegated Legislation Committee), Hon. Kanainza Nyongesa Daisy (Implementation Committee), and Hon. Wangari Martha (Devolved Government Committee).
KEWOPA has also assisted elected women MPs to manage their Constituency Development Fund (CDF) well by supporting them in making prudent choices as they create their CDF Committees, in addition to providing additional training on gender mainstreaming and project management. The purpose of the immediate foregoing activities undertaken by KEWOPA, through the support of UN Women, is to improve women’s leadership and make it more transparent, thus influencing the electorate towards electing women leaders.

Through the support of UN Women, KEWOPA was also able to support the Parliamentary Committee on Equal Opportunities to develop its strategic plan. This contributed towards enhancing the committee’s oversight role over government in ensuring gender parity at all levels. KEWOPA also developed gender-responsive budgeting guidelines for the Kenyan Parliament. UN Women’s support of KEWOPA noticeably enabled women MPs in the tenth Parliament to engage actively in the implementation of the 2010 Constitution, particularly the efforts towards the realization of the Constitutional two-thirds gender principle in their constituencies. This is achieved partly through the civic and voter education forums conducted in the constituencies of both elected and nominated women MPs. Such forums highlight and discuss issues relevant to the community and nation at large throughout their five-year terms.

Of great significance too has been UN Women’s support in enhancing KEWOPA’s own institutional capacity at the secretariat level in order to promote and facilitate the work of women MPs in their legislative, political, and representative functions. This support has enabled KEWOPA to maintain focus on the legislative environment, including the overall well-being of its members, in order to re-energize their capacity to deliver on their mandate. The consequences of the visibility given to women MPs through KEWOPA’s various activities in their constituencies and at national and Parliamentary levels was clearly manifest on the legislative front during the course of the tenth Parliament. Indeed, out of the 22 women MPs in the tenth Parliament, 7 were supported to table private members’ bills by KEWOPA, all of which were passed into law. As for Parliamentary committees, three were chaired by women, while women were the vice-chairpersons in four. These developments were unprecedented in the history of the Kenyan Parliament.

Clearly, all the above initiatives, supported by UN Women and others, have enabled KEWOPA to become an institution that is very instrumental in promoting women’s participation in electoral politics in Kenya. Apart from KEWOPA members being able to contribute in Parliament on various issues, they have also been involved in mentoring other women regarding political leadership. Indeed, the 22 KEWOPA members of the tenth Parliament mentored 66 women (each mentoring 3) for political leadership positions. As a result, 3 women mentored by KEWOPA members under this mentorship programme were elected to the eleventh Parliament following the 4 March 2013 General Elections, in the positions of Member of the National Assembly (2) and County Women’s Representative (1).

Ultimately, the active support of UN Women to KEWOPA constitutes a significant part of the practical non-monetary support that was given to women MPs in the tenth Parliament aspiring for re-election to the various electoral seats available. As indicated earlier, UN Women’s staff member embedded within the KEWOPA secretariat throughout the course of the tenth Parliament enhanced the efficiency with which the support was provided. The close cooperation between UN Women and KEWOPA, as well as the immense personal efforts and well-thought-out strategies of the KEWOPA members in the tenth Parliament, paid off – 11 out of the 22 women MPs were re-elected into the eleventh Parliament. In addition, Honourable Dr. Joyce Laboso was elected to the prestigious position of Deputy Speaker of the National Assembly in the eleventh Parliament.

UN Women’s Practical (Non-monetary) Support for KEWOPA Members of the Incumbent Tenth Parliament in the Immediate Run-up to the March 2013 General Elections

This pre-elections support was provided through a series of gender-responsive electoral trainings that were carried out in the electoral constituencies of both the elected and nominated women MPs at forums such as targeted seminars and public meetings. During these meetings, relevant information, education, and communication materials were used to stimulate public conversation about the benefits of the candidature of women. Some materials were given to the public to take home for their further reference.

Over and above the support received by all women candidates aspiring for positions in the National Assembly, Senate, Gubernatorial, and County Women Representative positions, which thus included all members of KEWOPA, the women MPs of the tenth Parliament also received specialized attention.

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For further information on this, see Part 1 (Section 4.5).
from KEWOPA. Through the support of UN Women, further training and sensitization initiatives were carried out by KEWOPA for all women members of the tenth Parliament aspiring to return to the eleventh Parliament via the March 2013 General Elections.

2.4.3 UN Women’s Active Engagement with the Media to Provide Coverage and Publicity for Women Candidates

Besides the practical support given to women candidates, platforms to piggyback on for their campaigns, and the various trainings reviewed extensively in previous sections, UN Women also devised a media strategy to step up the profiles of women candidates through relevant, timely, and positive coverage. Through its media office, which comprises staff who are trained media experts, UN Women actively engaged with print, electronic, and online media to ensure wider coverage and reporting of issues that enhance the individual and corporate profiles of women candidates. The UN Women media office also conducted trainings for women candidates with regard to the best social etiquette for making the most out of media coverage. The ‘dos and don’ts’ of working with the media were well elaborated during these trainings, as well as the recommended comportment for women candidates to encourage more positive media coverage.

Through the point person in its media office, UN Women formed a strategic network bringing together journalists from the print, electronic, and online media. This network, referred to as the Gender Empowerment in Media Network (GEMNET), was the vehicle through which UN Women fostered useful working relationships with various journalists to highlight gender issues in the context of elections as frequently as they occurred. UN Women was able to provide specialized training for the journalists within this forum. 
on gender-based civic and voter education issues, and creating news stories on women’s issues. GEMNET also provided a forum for UN Women to link its various partner organizations and ToTs with journalists. This resulted in the formation of additional partnerships with a specific bias on certain issues such as electoral gender-based violence.

UN Women also prepared publicity material for the media comprising the pictures and short profiles of women aspirants, which were broadcast on TV stations. GEMNET ensured that the promotions of women candidates appeared just before news bulletins. The moments before news bulletins are often considered prime time on television, given that the audience which normally watches the news is quite large. Women candidates also received a big boost through the screening of Strength of a Woman, a feature series that profiled women candidates on Citizen Television, one of the leading television stations in Kenya. As a result of the partnerships formed under GEMNET and which were strengthened over time, certain advertisements related to women’s issues were published for free in the print media in the run-up to the March 2013 General Elections.

UN Women also engaged with community radio stations that broadcast in vernacular languages in order to reach audiences at the grass-roots level. Through this, there was increased coverage of women’s issues and women candidates. Indeed, local women candidates were able to get airtime for interviews. The media strategy also reached young voters online, e.g. through the platform provided by the African Centre for Women, Information, and Communications Technology.72

The centre posted gender-based elections-related material on its website and targeted young voters through the incorporation of social media platforms such as Twitter and Facebook in the dissemination of its activities.

2.4.4 Highlights, Key Impressions, and a Critical Analysis of the Implementation of this Flagship Initiative

The implementation of this flagship initiative involved short- and long-term activities that left three key impressions. Firstly, it was clear that this type of support was needed quite urgently by women candidates. Imbalances in the economic situations of men and women has been quite apparent, with women usually being the more disadvantaged of the two. For many women candidates, the practical non-monetary support provided by UN Women was much appreciated.

Secondly, the savings that could be made by using existing public forums and meetings organized by UN Women’s partner organizations and others at the grass-roots made this marketing strategy quite popular among women candidates. Funds that would otherwise have been spent on mobilizing people and hiring transport, venues, and public address systems were channelled to other campaign-related issues.

Lastly, it became quite apparent that UN Women has a steadily growing presence at the grass-roots as a result of its various activities. This includes its ToTs trained under the Gender-responsive Civic and Voter Education Programme, the ToTs of its partner organizations under the Gender and Governance Programme, and the contacts made with communities at the grass-roots through the work of KEWOPA. All these contacts enabled UN Women to be of much service to women candidates during the March 2013 General Elections, particularly through the forums they offered to women candidates to popularize themselves and disseminate their policies and manifestos.

The implementation of this flagship initiative brought out certain things that are worth emulating. As noted, the practical non-monetary support provided for women candidates was a quick-response project that UN Women was compelled to undertake owing to the existing needs at the time. The flexibility exercised by UN Women meant that many women candidates could publicize themselves despite economically difficult circumstances. Clearly, the leverage gained by many women candidates against their competitors as a result of this assistance from UN Women demonstrates the need for a deliberately well-thought-out programme for providing such assistance to women candidates in future elections. For maximum results, such a programme should commence in good time to ensure that the competitors of women candidates do not sway the opinion of the electorate against them. The programme would of course require the efforts of other funding partners too, with much care being taken not to create dependency, which could trigger a rollback of the gains that have been made if such support is not forthcoming in future elections.

No doubt the availability of this practical non-monetary support encouraged some women to go ahead and offer their candidature. To maximize the participation of women candidates at all levels of the electoral process, it is clear that all available campaign publicity materials and supportive media coverage need to be extended to all the categories of women candidates; hence the need for rolling out this programme early and to as many women candidates as possible.
2.4.5 Lessons Learned

1. That women candidates need to commence the popularization of their candidature well in advance through various social engagements with the community to ensure that the electorate know them well enough not to be swayed by the negative campaign propaganda meted out by their opponents during the official campaign period.

2. That the imbalance between the economic realities of men and women (to the disadvantage of women) affects the ability of women to mount a convincing and sustained campaign.

3. That unless women receive external assistance to enable them to mount a successful campaign, their chances of success during national general elections are still limited.

4. That campaign paraphernalia is critical for the publicity of women candidates.

5. That if well thought out and coordinated, the myriad grass-roots education and sensitization forums organized by various gender-based civil society organizations and community-based organizations can provide inexpensive forums for women candidates to popularize their candidature.

2.4.6 Best Practices

1. To better popularize their candidature, women candidates need to develop a coherent and effective campaign strategy and create well-thought-out, pithy, and aesthetically appealing campaign paraphernalia.

2. Women intending to offer their candidature in forthcoming general elections would best form useful partnerships and networks well in advance with national gender-based and other civil society organizations, as well as community-based organizations. These links can provide them with inexpensive platforms for publicizing their candidature, as they can piggyback on existing forums in the run-up to the general elections.

3. Systematic and long-term programmes to increase the capacities of women, as was evident from KEWOPA’s engagement with women Parliamentarians, ultimately post better results in enhancing the candidature of women during general elections.
2.5 UN WOMEN’S SUPPORT FOR THE ESTABLISHMENT AND FACILITATION OF THE TEAM OF EMINENT PERSONS IN THE RUN-UP TO THE MARCH 2013 GENERAL ELECTIONS

The use of a team of well-known and distinguished persons as a means for peacebuilding through their involvement in discussions, negotiations, and making representations to relevant persons and parties is now a recognized strategy in mediation processes, particularly by the African Union and United Nations. It is expected that such a Team of Eminent Persons (TEMPs) wields a good measure of influence over parties involved in a dispute. This enables them to have reasonable access to these parties during a conflict in order to pursue the discussions and negotiations necessary to restore peace and understanding. It is understood that the TEMPs should be able to persuade the parties to adopt prudent proposals required for the restoration of peace and the avoidance or minimization of further conflict. This scenario corresponds closely with the practice in many traditional African communities, where younger persons often call upon the assistance of older persons who are respected, such as grandparents, aunts, uncles, older siblings, etc., to communicate and articulate messages to others when they themselves are uncomfortable or unable to do so.

In the context of elections, a team of eminent persons essentially comprises influential persons who are used to promote peace initiatives, dialogue, and other types of engagement with leaders, voters, and other electoral actors in an effort to promote peace during elections. In the run-up to the March 2013 General Elections, the TEMPs (which was constituted by the Kenyan women’s movement through the National Women’s Steering Committee) was made up of women and men peacebuilders, activists, politicians, media owners, members of the private sector, and academicians – influential women and men who were identified for their known leadership qualities and who demonstrated great commitment to gender equality. This group of leaders then formed the local (Kenyan) team of eminent persons, which was used to lobby for the participation and inclusion of women in the electoral processes leading up to the 4 March 2013 General Elections.

2.5.1 Origin of the Concept of Eminent Persons in Africa

The use of eminent persons as a tool for conflict resolution, which has fast gained acceptance in Africa, is a concept that was borne out of the African Union’s use of a ‘team of the wise’ to build bridges between countries in Africa for various reasons. When called upon, this team is expected to proceed with utmost tact and sensitivity to the issues at hand, as well as with due respect to the parties concerned. Whereas at conception the use of the team of the wise was meant for situations of armed conflict, its use in Africa has now evolved to include elections, which are now commonly associated with cyclical eruptions of violence. Indeed, Kenya was not the first African country for which TEMPs had been constituted in the context of general elections; other examples include Liberia (2011), Senegal (2012), and Sierra Leone (2012). It is noteworthy that in these countries, they were referred to as ‘eminent women’, being composed of women only. In Kenya however, the TEMPs comprised both eminent men and women.

2.5.2 The Rationale for a Team of Eminent Persons to Project Gender-related Electoral Concerns Prior to the 4 March 2013 General Elections in Kenya

The idea of using TEMPs prior to the March 2013 General Elections, which was conceived by the women’s movement in Kenya, was informed by two key reasons. Firstly, there were real fears of a repeat of the 2007/2008 post-election violence. This thinking, espoused by many, was based on the idea that the calm apparent in the country following the settlement of the post-election conflict was superficial. The overt post-election conflict had been settled with the help of the African Union’s Kofi Annan-led Panel of Eminent African Personalities through the signing of a National Accord between the two protagonist political parties on 28
February 2008; the National Accord thereby gave birth to a coalition government. However, many thought that under the veneer of calm lay raging ethnic undertones that could reignite violence. Utilizing the TEMPs was therefore thought to be a good way of building peace to ensure the well-being of women during the March 2013 General Elections. Women had indeed suffered greatly during the 2007/2008 post-election violence through displacement from their homes and sexual and gender-based violence, among other things. It was therefore important that this be avoided at all costs!

The second justification for the TEMPs was to ensure the smooth implementation of gender-related electoral clauses in the Constitution. Kenya, which was in the throes of a transition, was scheduled in 2013 to hold its first elections under a new Constitution that contains far-reaching clauses enabling women’s participation and representation in electoral politics. However, there were tensions at the time based on the differing views regarding whether the Constitutional two-thirds gender principle was supposed to be implemented immediately during the March 2013 General Elections or progressively.73 Women felt that the political class and the executive at the time lacked the will and commitment to ensure the realization of this principle. The matter was subsequently resolved through the advisory opinion rendered by Kenya’s Supreme Court.

Not surprisingly, the Supreme Court’s decision elicited much disappointment among many women and organizations supportive of their cause. Constituting the TEMPs was therefore meant to ensure the observance of gender concerns and gender-related clauses in the Constitution and all other laws by the state, the Independent Electoral and Boundaries Commission, political parties, and all other individuals and agencies with a bearing on elections. Against this background, the TEMPs was to ensure that the political parties nominate a critical number of women to realize the two-thirds representation principle at all electoral levels. The TEMPs were also mandated to carry out lobbying activities to step up the participation of women in both elective and appointive leadership and decision-making positions in institutions at all levels.

The TEMPs were expected to achieve their mandate through the active engagement and gentle nudging of all the latter individuals and institutions to remind them of their duties and expectations from women, and hence their need to comply. Notably, constituting the TEMPs was not an idea foreign to Kenyans, who had become accustomed to the peacebuilding activities of the Kofi Annan-led Panel of Eminent African Personalities in Kenya. The peacebuilding work of this panel had stretched over a period despite the formation of the coalition government, and Kenyans had watched keenly the processes of implementing the four key agendas that had been developed through the work of the panel to nurture lasting peace in Kenya.

2.5.3. The Establishment of the Team of Eminent Persons in Kenya

With women’s organizations having reached agreement on the need for the TEMPs in Kenya, an approach was made to UN Women and the United Nations Development Programme (UNDP) Kenya for support. Given its close partnerships with civil society organizations from the women’s movement, UN Women, which had actively supported the processes undertaken in pursuit of the full implementation of gender-related clauses in Kenya’s 2010 Constitution, was also convinced about the need for the TEMPs. UN Women therefore reached the decision to support the establishment and facilitation of the work of the TEMPs in the run-up to the March 2013 General Elections.

The National Women’s Steering Committee (NWSC), one of the key umbrella women’s platforms in Kenya, carried out the selection of the team. The persons selected were prominent and influential men and women in Kenya. Among the criteria for selection to the TEMPs were the requirements that members could not be persons occupying leadership positions in political parties – they had to have a demonstrated track record championing the cause of women, and they certainly had to be persons of high integrity. Furthermore, the TEMPs had to be available to play their role from the pre-election phase to the post-election phase, i.e. from the period of the party primaries through to the elections and the immediate post-election period. Notably, the composition of the TEMPs in Kenya comprised both men and women. This was a departure from the all-female TEMPs seen in other countries.

The TEMPs was established on 9 January 2013. Other than the active pursuit of peace and the materialization of a free and fair election during the March 2013 General Elections, the TEMPs were also mandated to ensure that political parties nominate a critical number of women to vie for political office in areas where they were likely to win. This was to realize the Constitutional two-thirds gender principle in the March 2013
General Elections naturally, despite the Supreme Court’s ruling that the principle was meant to be realized progressively. In addition, the TEMPs were mandated to actively engage with the relevant state offices and officials after the elections to ensure the appointment of women to key positions in the incoming government. This is in accordance with the implementation of the Constitutional two-thirds gender principle in not only elective positions but also appointive positions.

2.5.4 Key Achievements of the Team of Eminent Persons in Kenya during the March 2013 General Elections

With the active support of UN Women, the TEMPs were able to establish dialogue platforms with key stakeholders in Kenya and around Africa. The TEMPs talked to the leaders of political parties, the Inspector General of the Kenya Police Service, the Chairperson of the IEBC, and members of the diplomatic community, to name but a few. The team also engaged with the Secretary to the Cabinet and the Head of the Public Service in pursuit of the implementation of the two-thirds gender principle in appointive positions. As a result of the latter relationship, the TEMPs managed to secure a space to sit in the National Security Committee, an organ that discusses and strategizes about national security issues, during the election period. This was necessary as it allowed the team to be part of the security contingency planning around the March 2013 General Elections and to influence, where possible, the consideration of gender perspectives in the work of the committee.

The TEMPs were also able to meet several influential persons from the region, among them the Chairperson of the African Union at the time, Her Excellency Nkosazana Dlamini-Zuma, and Her Excellency Graca Machel, a member of the Koffi Annan team, during a scheduled trip to South Africa. As a result of the meeting, H.E. Nkosazana Dlamini-Zuma committed the AU to focusing on highlighting gender issues in the African Heads of State Summit in 2013. More specifically, she commissioned an AU observer and mediation delegation headed by H.E. Joaquim Alberto Chissano, the former president of Mozambique, to work closely with the TEMPs during Kenya’s 2013 General Elections. On her part, H.E. Graca Machel agreed to grace the peace prayer meeting hosted by the TEMPs on 16 February 2013 in Nairobi.

UN Women and UNDP also facilitated the TEMPs to meet with women, elders, youth, religious leaders, members of the diplomatic community, media houses, heads of observer missions, and local authorities promoting peaceful elections and reconciliation in various parts of the country. In the period before the elections, the TEMPs organized preparatory meetings and visits and orientation and outreach meetings with the leading presidential candidates and their running mates to increase their vocalization of support for calm and peace around the voting period. Overall, the TEMPs in Kenya played a key role as an early response mechanism in the promotion of peace and calm in the period prior to, during, and after the March 2013 General Elections.

2.5.5 Highlights, Key Impressions, and a Critical Analysis of the Implementation of This Flagship Initiative

Establishing the TEMPs was not only inventive, but also quite opportune. The support from UN Women for this initiative by women’s organizations at the time was clearly perceptive. From the preceding discussions, it is clear that the TEMPs provided a much-needed bridge between women’s organizations and the leadership of political parties, the IEBC, and the government. In the course of the work carried out by the TEMPs, three things were outstanding.

Firstly, the TEMPs were expected to give of their time voluntarily. They nevertheless took up their assignments on behalf of the women of Kenya with fervour, zeal, and pride, which attested to the leadership qualities for which they were selected in the first place. This attitude, and the fact that members of this team had to be persons of high integrity, caused many women and men to reflect on their own eligibility to join such a distinguished team in the future, and thus start to work towards this goal.

The second outstanding feature was the unfettered access that the TEMPs had to the leadership of the key institutions on which a free, fair, and peaceful election depended. This included the leadership of the two key political coalitions at the time, i.e. the Jubilee Coalition and the Coalition for Reform and Democracy (CORD). They also had such access to the IEBC, key security institutions and agencies, etc. This level of access proved useful in critical moments of the March 2013 General Elections, such as when the failure of the IEBC electronic transmission system created the potential for a breakdown in peace. The ease with which this distinguished team could access the relevant actors in order to raise gender-related electoral concerns and other matters pertinent to the smooth running of the elections therefore lent credence to the arguments for the institution of the TEMPs as a viable tool for peacebuilding and creating leverage for women during elections. For instance, the TEMPs reached out to the office of the Inspector General of Police for help whenever gender-based crime, insecurity, or violence was reported, with assistance quickly coming from this office.

Finally, the opportunity that arose for the TEMPs to be represented in the National Security Committee pointed to the significance with which they were held at the higher levels of government. Clearly, they had earned the respect of key government operatives, who by extension became appreciative of the importance of the concerns that the women of Kenya had about the impending 4 March 2013 General Elections.

The effectiveness of the TEMPs, an innovation that had not been used before in Kenya, is not in doubt. Once again, UN Women was called upon to respond to the needs of the moment, and by being flexible, it was able to deliver. The unprecedented inclusion of men in the Kenyan TEMPs modified the concept to good advantage. It led to the defeminization of the messages concerning the need for women to participate and be represented in the 4 March 2013 General Elections. It also created a consciousness about the role of men in supporting the cause of women because of the shared consequences arising from the empowerment or disempowerment of women.
The above notwithstanding, it must be stated that the establishment of the TEMPs on 9 January 2013 was rather too close to the 4 March date of the elections to allow for the TEMPs to reach its full potential and make contact with as many pivotal actors as possible. It is therefore important to commence this initiative reasonably well in advance of the next general elections, should it be used again. This would also allow for more consultations among women’s organizations with regard to the selection criteria, terms of reference, mandate, etc. for the team, which would promote wider ownership of the initiative and the results achieved.

Overall, the goals related to establishing the team of eminent persons in Kenya largely appear to have been achieved to good effect.

2.5.6 Lessons Learned

1. That the use of a TEMPs to promote peacebuilding and articulate the interests of the women’s movement to the various concerned stakeholders during general elections is an effective method of enhancing the inclusion, participation, and representation of women in general elections. This is because of the access such a team has to the leadership of the various institutions responsible for elections, based on their personal influence and record of accomplishment in national affairs.

2. That for the institution of the TEMPs to work at optimal levels, there is need for the women’s movement to own the idea and participate in the screening and recruitment process so to achieve wide acceptability.

3. That the TEMPs need to be recruited and deployed early enough to enable them to contribute more meaningfully to the process of enhancing the participation and representation of women in electoral politics.

2.5.7 Best Practices

1. Election processes in Africa should of necessity incorporate the use of TEMPs as a means for peacebuilding and promoting the interests of women during general elections.

2. TEMPs should be recruited using criteria that have wide acceptability in order to promote the buy-in of as many women’s organizations as possible, and to select candidates who command the respect of the individuals and institutions with which they must relate.

3. The TEMPs would best incorporate both women and men so as to defeminize the messages about gender equality in the participation and representation of women in the electoral process.

“...We see this as an opportunity to engage with decision makers in the financial sector – policymakers, regulators, commercial banks, and prominent women entrepreneurs – to find ways to accelerate the inclusion of women in Africa’s growth story...

H.E. Graca Machel
UN WOMEN’S SUPPORT FOR THE ESTABLISHMENT OF THE WOMEN’S SITUATION ROOM PROCESS IN THE RUN-UP TO THE MARCH 2013 GENERAL ELECTIONS IN KENYA

In the run-up to the 4 March 2013 General Elections, UN Women supported the setting up of the Women’s Situation Room (WSR) Process fronted by women’s organizations in Kenya. The WSR Process was one of the most high profile innovations to promote the participation of women during the March 2013 General Elections. In this regard, the specific purpose of the WSR Process was to ensure the peacefulness of the March 2013 General Elections through peacebuilding initiatives. The WSR Process as a tool for promoting peace had already been used in general elections in Liberia, Senegal, and Sierra Leone.

The Angie Brooks International Centre, under the leadership of Liberian women peace leaders and activists, first introduced the concept of the Women’s Situation Room Process during the 2011 Liberian General Elections. This was done upon the realization that violence had become the norm in African elections. The WSR Process was designed to enable women and youth to counteract election-related violence, which affects women and children more severely than their male counterparts. The Liberian experience showed the WSR to be an effective tool in preventing, reducing, and mitigating election-related violence. Because of its demonstrated success in Liberia, the WSR was adopted by the African Union as a best practice for Africa in January 2012. This was based on the representations from the Gender Is My Agenda Campaign. During the AU meeting, the campaign proposed the replication of the Liberian Women’s Situation Room Process in all elections across Africa, and Liberia’s President, Her Excellency President Ellen Johnson Sirleaf, was designated its champion on the continent.

2.6.1 What is a Women’s Situation Room Process?

Quite simply, the Women’s Situation Room Process is a peacebuilding method that mobilizes women and youth in order to ensure their active participation in democratic electoral processes. However, in the week of the election date, all pre-election actions culminate into a physical ‘situation room’, where women get involved in peace advocacy, early warning, immediate and early response to electoral violence and disputes, mediation, coordination, political analysis, observation, and documentation. The main mandate of a WSR Process is to ensure a peaceful and secure environment throughout the electoral process – prior to the elections, during the elections, and in the post-election period.

Although allowance is made for each country to make modifications to the WSR Process, there are certain activities that are considered core. Among other things, a WSR Process must:

1. Mobilize and train women and youth as election observers
2. Build the capacity of women and youth on women, peace, and security resolutions
3. Carry out media campaigns about the WSR Process itself
4. Mobilize women and communities at the grass-roots to support the WSR Process for peaceful elections
5. Set up a physical situation room, which includes making logistical arrangements for it to function, recruiting the resource persons and secretarial staff required to administer it, and preparing and disseminating reports

The WSR Process works towards ensuring that the announcement of election results does not trigger a breakdown of the rule of law and an outbreak of violence. In fulfilling its mandate, the WSR Process lobbies all actors and stakeholders, including political parties, state entities, civil society, traditional and religious leaders, media, students, and youth. The latter are sensitized to engage

74 The Gender Is My Agenda Campaign seeks to promote women’s rights and their legitimate participation in decision-making processes for all the challenges facing Africa, in particular conflict resolution and peacebuilding. See http://www.genderismyagenda.com/campaign/vision.html [accessed on 01.06.2013].
75 For further information, see the website of Angie Brooks International Centre: http://www.angiebrookscentre.com/ [accessed on 02.06.2013].
and commit themselves to acting effectively to prevent all forms of electoral violence through the promotion of a peaceful environment and democratic participation by all citizens in exercise of their constitutional rights. This way, the WSR Process enhances women’s participation in the electoral process in a manner that promotes and protects national peace, security, and stability.

While the WSR Process is mostly projected as a method for promoting peacebuilding during general elections, it has also served as a means for promoting women’s participation in leadership in Africa. Both UN Security Council Resolutions 1325 and 1820 underscore the importance of the involvement of women in the decision-making processes designed to build peace and prevent conflict (1325) and the occurrence of gender-based and sexual violence (1820) during times of conflict. Clearly, the myriad conflicts in Africa arising from disputed election processes make the inclusion and participation of women in finding solutions mandatory. This was the context in which the WSR Process was adopted in Kenya, which had emerged from the throes of devastating post-election violence in 2007/2008 following the December 2007 General Elections. The WSR Process was also necessary to enable women and youth to play an active role in promoting peace in the run-up to the March 2013 General Elections – again, in accordance with United Nations Security Council Resolutions 1325 and 1820.

2.6.2 The Justification for Adopting the Women’s Situation Room Process in Kenya

Kenya’s 2007/2008 post-election violence made the adoption of the WSR Process in Kenya indispensable. Indeed, electoral violence in African countries has become such a phenomenon that it threatens the security and stability of countries. According to the International Foundation for Electoral Systems,76 electoral violence puts the lives of ordinary citizens, and most particularly those of women and youth, in jeopardy. It results in loss of lives and damage to property, and increases the incidence of physical and sexual violence.

Without exception, election-related violence has been reported in Kenyan elections since the return of multiparty politics in 1991. The first elections following this return to multipartyism were held in December 1992, after which post-election violence was witnessed in the Rift Valley region, with loss of lives and property, and massive displacement of people. However, election-related violence in Kenya was

76 The International Foundation for Electoral Systems (IFES) supports citizens’ right to participate in free and fair elections by strengthening electoral systems and building local capacity to deliver sustainable solutions. IFES advances good governance and democratic rights by empowering the under-represented to participate in the political process and applying field-based research to improve electoral cycles. Online at http://www.ifes.org/ [accessed on 03.06.2013].

Even more worrying was the fact that, at the height of the violence, Kenya’s state security agencies collapsed after being overwhelmed by the widespread attacks taking place along ethnic lines. These attacks escalated through revenge and repeat attacks. While the country’s intelligence mechanisms had noted early signs of the looming violence, the police force had failed to prepare for and contain the violence. In light of all this, it became necessary to take all measures necessary to enhance the country’s security preparedness in the run-up to the March 2013 General Elections. The WSR Process was one way of achieving an increased sense of security for women through enhancing women’s safe participation in these elections.

77 CIPEV further stated that, while the violence was triggered by a delay in the announcement of the presidential elections result, the causes of the violence were partly a result of historical conflicts related to land access and ownership, poverty, and social inequality. See the Commission of Inquiry into the Post-Election Violence Final Report, http://www.communication.go.ke/media.asp?id=739/ [accessed on 03.06.2013].
Centre: UN Women Country Director Zebib Kavuma posing for photographs with members of the Team of Eminent Persons, the Vice-chair of the Independent Electoral and Boundaries Commission, and the representative from the Kenya Police Service during the launch of the Women’s Situation Room.

Left: Dr. Zipporah Kittany addresses the participants during the launch of the Women’s Situation Room.

Bottom left: Participants listening to speeches during the launch of the Women’s Situation Room.
PART 2: UN WOMEN’S SEVEN FLAGSHIP INITIATIVES

Top: The Women’s Situation Room’s Peace Cloth.

Right: Zebib Kavuma addresses the participants during the launch of the Women’s Situation Room.

Bottom right: Zebib Kavuma and other participants signing the Women’s Situation Room’s Peace Cloth.
Before the establishment of the WSR Process in Kenya, several preparatory activities had to be undertaken to create a viable framework. That there was a need to modify the design and framework of the WSR Process for the Kenyan context (without altering its fundamental characteristics) was not in doubt. Naturally, the basis for such modification lay firstly in taking stock of the lessons gathered from its application in Liberia, Senegal, and Sierra Leone. The first step in the establishment of the WSR Process in Kenya related to the platform from which it would be launched.

The WSR Process was established under the aegis of the National Women’s Steering Committee, which comprises a number of women’s organizations led by the joint team of the Maendeleo ya Wanawake Organization (MYWO), the Caucus for Women’s Leadership, and the Women Political Alliance. MYWO provided the physical space for hosting the secretariat of the WSR Process at its national headquarters in Maendeleo House, Nairobi. The secretariat personnel included a national coordinator, an international coordinator, a communications officer, an information technology officer, and an administrative officer, with additional support from MYWO staff.

This secretariat was the focal point of the WSR Process, responsible for running its day-to-day activities and rolling out its strategies and activities prior to, during, and after the March 2013 General Elections. The functions of the secretariat included developing and implementing a comprehensive work plan for the WSR Process, which was developed with technical support from the Angie Brooks International Centre, using the templates from the Liberian, Senegalese, and Sierra Leonan WSR Processes while taking into account the context of Kenya.

### 2.6.3 The Establishment of the Focal Point for the Women’s Situation Room Process in Kenya

The WSR Process in Kenya infused some creative innovations. For example, the Team of Eminent Persons (TEMPs) and three professional experts provided crucial support to the physical situation room, which constituted the basic operations of the process. It was manned by 20 volunteer call operators, who received reports from the trained election observers on the ground. The reports were logged and recorded before being handed over to the TEMPs and professional experts, who would screen them for passing on to the relevant government office or institution, or to other key players in the electoral field.

#### Identification of Suitable Premises to Set Up the Physical Women’s Situation Room

The physical WSR had to be a place that allowed the WSR Process to carry on unhindered. A suitable room was identified at the InterContinental Hotel in the centre of Nairobi. Locating the WSR at such a hotel in the city centre had certain advantages, including ease of access. The location promoted easier face-to-face communication between the TEMPs and the WSR personnel, as many of the key players in the electoral process were located in the city centre. The hotel was also home to key observer missions, such as that of the East African Commission, and media actors such as the British Broadcasting Corporation (BBC).

#### Setting Up the Call Centre at the Women’s Situation Room

The call centre of the WSR was a room with a reception area manned by a volunteer tasked with welcoming visitors, and an area demarcated for the answering of telephone calls by trained youth volunteers. The call centre, which was operational 24 hours a day, had 20 toll-free telephone lines open to everyone. The 20 phone operators received telephone calls from the election observers trained specifically for the WSR Process and from members of the public. The operators were then required to complete an incidence form for each case reported to them and immediately hand it over to the trio of experts and the TEMPs for analysis and response.

The 20 call operators were assisted to post the incidence reports online by data entry clerks for further perusal by Uchaguzi, with whom the WSR was in collaboration. Uchaguzi was an ICT platform that used the ‘crowd sourcing’ concept to promote citizen and civil society participation in the monitoring of elections. Crowd sourcing is essentially the practice of obtaining needed services, ideas, or content by soliciting contributions from a large group of people, and especially from an online community, rather than

### 2.6.4 The Establishment of the Physical Women’s Situation Room and Its Activities

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79 Uchaguzi is a community initiative located in Nairobi that provides an ICT platform that enables citizens, civil society, election observers, law enforcement agencies, and humanitarian response agencies to monitor election incidents of significance using any technology at their disposal. More information is available at https://uchaguzi.co.ke/info [accessed on 04.06.2013].
from traditional employees or suppliers. In the end, 885 calls were placed to the call centre by the WSR-trained election observers in the field and the public, with the issues ranging from voting complaints to electoral cases.

*Shifting the Operations of the Team of Eminent Persons into the Physical Women’s Situation Room*

It is important to note that when the physical Women’s Situation Room was established, the working base of the TEMPs was moved there. The local TEMPs was then joined by a second TEMPs from the African region which was constituted to complement their work in the WSR. This joint TEMPs formed the quick-response mechanism of the WSR Process during the 4 March General Elections. The joint TEMPs worked closely to promote and encourage dialogue and the need to maintain peace during the voting exercise and the tallying of votes at the IEBC National Tallying Centre at Bomas of Kenya, and indeed upon the announcement of the results. In fact, at the critical hour during the elections when the IEBC electronic voter and identification devices and the results transmission system collapsed, the TEMPs visibly called for calm among the public.

Behind the scenes, the TEMPs made telephone calls, and visits where possible, to the leaders of the leading political parties. This was with a view to prevailing upon them to publicly utter messages of peace, calm, and restraint to their supporters as the IEBC team sought solutions to the crisis. The TEMPs also requested the chairperson of the IEBC to issue regular updates on the progress being made to resolve the crisis at the tallying centre, which if unresolved would have had consequences of a national nature. Undeniably, the participation of the TEMPs from the African region alongside the local TEMPs had specific advantages. Specifically, it gave the advice and interventions from the TEMPs under the auspices of the WSR an aura of neutrality. Their calls to the various political actors in the counties to promote peace were often taken in good faith and without suspicion.

Furthermore, the TEMPs led in intervening in cases of violence or potential violence that were reported to the situation room during the delicate period after 4 March and before the ruling by the Supreme Court on CORD’s challenge of the Presidential results. Honourable Raila Amollo Odinga, the Presidential candidate for CORD’s Coalition, had submitted an objection to the Supreme Court, in line with the law, about the accuracy of the Presidential results announced by the IEBC. Odinga had essentially alleged that these results, which formed the basis for the IEBC’s declaration of his opponent, His Excellency Uhuru Kenyatta, the current President of Kenya and Presidential flag bearer for the Jubilee Coalition, as winner, were flawed. The fortnight within which the
Supreme Court had to make a decision was a very delicate period in Kenya, given the memories of the violence after the December 2007 General Elections. Consequently, from their base at the Women’s Situation Room, the TEMPs continued to engage with all relevant stakeholders from the political parties, the IEBC, and the government to ensure that peace prevailed. After the Supreme Court’s decision on the Presidential results, the TEMPs focused their attention on promoting national healing and lobbying the incoming Jubilee Government and county governments to appoint and deploy women in key positions within the public service.

Identification of Experts to Support the Work at the Women’s Situation Room

The engagement of experts to support the implementation of the work at the physical WSR was one of the key innovations and modifications made to the WSR Process in Kenya. In this regard, three experts were engaged from the fields of political science, law and gender, and media. The three experts produced timely analyses of the various issues presented to the TEMPs. The issues that the experts provided answers for arose from various fronts, including calls made directly to the WSR, intelligence from other election monitoring and observation mechanisms, reports in the media, etc. The experts also carried out their own independent research in order to increase the capacity of the TEMPs, the personnel of the WSR, and the call centre operatives in carrying out their respective mandates. The experts also produced daily bulletins on the operations of the WSR for the consumption of relevant stakeholders with a mandate to take action on various issues.

2.6.5 Selection, Training, and Deployment of the Women’s Situation Room Process Election Observers

Election observation was a key component of the WSR Process in Kenya. With the support of UN Women, the WSR secretariat recruited and trained 478 women and youth as observers. This was done in accordance with international standards and in conformity with the rules and procedures of the IEBC.

The Members of the Team of Eminent Persons from the African Region

1. Hon. Dr. Miria Matembe – Former Member of Parliament and Minister for Ethics and Integrity (Uganda)
2. Hon. Dr. Gertrude Mongella – Former Member of Parliament (Tanzania), former Member of the Pan-African Parliament (Tanzania), and former Coordinator of the UN Beijing Conference
3. Cllr. Yvette Chesson-Wureh – Establishment Coordinator of the Angie Brooks International Centre, initiator of the WSR, and Special Representative of the President of Liberia (Liberia)
4. Ms. Elizabeth Lwanga – Former United Nations Development Programme (UNDP) Resident Representative and Resident and Humanitarian Coordinator of the UN System Operational Activities in Kenya (Uganda)
5. Hon. Turrie Akerle-Ismail – Former and first female Solicitor-General and Permanent Secretary of the Federation (Nigeria)
Following the identification of the WSR Process election observers, they were expected to play the role of ‘whistle-blowers’ on threats and actual incidents of violence in the already identified hotspot areas in their respective regions. This was to be done through making regular telephone calls to the WSR call centre to report any potential or imminent threats to peaceful elections. Prior to deployment across the eight counties identified as election hotspots in Kenya – Nairobi, Mombasa, Tana River, Kwale, Kisumu, Naivasha, Nakuru, Eldoret, and Kajiado – the observers were equipped with logistical supplies, including the following:

- Mobile telephone airtime
- WSR-Kenya election observer kits comprising of a T-shirt, branded reflective jackets, and a cap
- A bag containing information packs
- A set of three different Observations Forms: Form A (Opening of Polling Station), Form B (Visit to Other Polling Stations), and Form C (Closing of Polling Station)

The contents of the election observer kits were carefully thought out and were intended to increase the capacity of the observers to immediately respond to any incidents witnessed by calling the WSR on the designated lines. The three forms availed for the election observers to record their observations were intended to form a permanent record, which, when conveyed to the WSR secretariat, would allow for further analysis and dissemination of information. The information packs provided quick facts for the observers to refer to, as well as to inform and educate others of their responsibilities with respect to promoting peace in the run-up to the elections and on election day.

**Breakdown of the Nature of Calls Placed to the Women’s Situation Room by the Election Observers and Members of the Public**

The WSR call centre received 1,200 calls from the WSR Process election observers deployed in the various electoral violence hotspots and from the public. Interestingly, the majority of the calls were from members of the public. This may be attributed in part to the success of the media campaign undertaken to publicize the WSR Process (such a campaign is included in the minimum standards for a properly undertaken WSR Process).

The calls made to the WSR call centre ranged from voting-related complaints to cases of electoral gender-based violence. In order to verify the accuracy of the information received, further clarification was sought from collaborating observer organizations in the same location. In each case, the TEMPs engaged relevant and concerned stakeholders to find a solution.
The following testimonies from two women Members of the National Assembly illustrate the nature of the electoral gender-based violence that was meted out to women candidates during their quest to capture seats in the 4 March 2013 General Elections.

I was elected as an MP through the ticket of the Orange Democratic Movement (ODM) Party in the 4 March 2013 General Elections and this is my second term in Parliament. I served my first term in the tenth Parliament from 2007 to 2013 as a nominated MP on an ODM ticket. During my stint in Parliament as a nominated MP, I served as a member of various Parliamentary committees and more particularly served as the Vice-chairperson of the Constitutional Implementation Oversight Committee and the Justice and Legal Affairs Committees.

My decision to vie for a competitive electoral seat in the March 2013 General Elections exposed me to the challenges and experiences that women in elective politics face. In my quest to become an elected MP, there were a number of issues that were raised in an attempt to influence the voters against me. Some of my opponents in the election went to the extent of saying that it was against the community’s culture for a woman who was married elsewhere like me to come and seek leadership where she was born. They were implying that since I am married elsewhere, I should not seek an elective position in the constituency where I come from, i.e. Ndhiwa Constituency.

In addition to that, my campaign was targeted by opponents seeking to malign my name and reputation. Publications and leaflets were printed with messages portraying my sexuality and morality negatively. In fact, some of the leaflets spread had illustrations of me urinating on the ballot boxes. My campaign caravan was also attacked on several occasions and my car shot at several times by unknown people. Despite reporting these incidents to the police, no arrests have been made to date.

The playing field of elective politics in Kenya is very tough for women in general. Despite these challenges, I would strongly encourage women to muster the courage to vie for these seats. It is only through winning such battles that the war can be won by women.

Honourable Millie Odhiambo Mabona, MP Ndhiwa Constituency, Homa Bay County
Honourable Alice Munene Wahome, MP Kandara Constituency

I was elected for the first time as an MP in the 2013 General Elections on the ticket of The National Alliance (TNA) Party. However, I had previously been involved in elective politics through various political parties. Throughout my quest to be elected as an MP, I have encountered many challenges by virtue of my sex identity. For instance, in 2007 the biggest challenge I faced was patriarchal stereotypes and hate messages based on the fact that I was married in a different county away from Murang’a where I was seeking election. My opponents capitalized on this and incited voters against me saying that I was a ‘foreigner’ in Kandara Constituency since I was married elsewhere. Also, the then outgoing Kandara MP hired youths who attacked me and violated me physically; my hair was pulled, breasts bruised, and clothes torn. I was admitted to Nairobi Hospital and was not able to present my nomination certificate to the then Electoral Commission of Kenya.

In the March 2013 General Elections, I was also a victim of electoral gender-based violence. In fact, throughout the campaign period, I was verbally abused and flyers with hate messages against me were frequently distributed in public places by my opponents, who had realized that I was the popular candidate on the ground. On the nomination day, 50 cartons full of condoms affixed with stickers bearing my name were distributed at the entrance of almost half of the polling stations as ‘gifts’ from me to the men in the constituency. Nasty propaganda was also spread to the effect that I had dropped my skirt on several occasions in rallies and had requested my male agents to pick it up for me. This is just but an example of the tormenting propaganda and demeaning falsehoods that were spread about me to malign my candidature.

The challenges notwithstanding, I won the seat and I am grateful for the support given to me by UN Women. Through UN Women, I was part of the women candidates who were trained, and the training proved useful to my campaign as it sharpened my skills in campaign strategies, public speaking, self-branding, and the nature of the electoral processes. In addition, I received publicity material support as well as visibility through caravans that UN Women’s partners undertook, thus enabling me to create significant impact at the crucial time of campaigns at the grass-roots level.

Honourable Alice Munene Wahome
MP Kandara Constituency
Murang’a County

PHOTO by the MPs Office, Kandara Constituency, retrieved from www.kandaraconstituency.com/mps-profile (13.05.2014)
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2.6.6 Creating Publicity for the Women’s Situation Room in Kenya

Upon the setting up of the physical WSR, a robust media campaign was carried out by the secretariat and UN Women to publicize it. This ranged from press releases, articles, and advertisements in the print media to the airing of a documentary entitled Women Situation Room Kenya 2013 – Amani ipo Mikononi Mwetu on key TV networks, including Nation Television (NTV), Citizen TV, and Kenya Television Network (KTN). In addition, the Internet and social media were used (http://www.wsrkenya.org/site/ and https://www.facebook.com/wsr.kenya), and the WSR toll-free line for use by the public was highly publicized in both the print and electronic media.

An advertisement was also put up five days before the 4 March 2013 General Elections in The Standard newspaper publicizing the WSR and providing the toll-free telephone numbers through which members of the public could place calls to the WSR. A similar advertisement was made through the popular Kiss 100 FM Radio Station. Publicizing the WSR Process in the media was important for sensitizing the public and creating awareness about the existence of the WSR process and its role in promoting peaceful elections. The public was encouraged to use the toll-free number provided to alert the WSR of incidents or potential incidents of violence wherever witnessed, as well as electoral malpractices on the polling date.

2.6.7 Highlights, Key Impressions, and a Critical Analysis of the Implementation of This Flagship Initiative

As had earlier been indicated, Kenya was the fourth country in Africa to use the WSR Process. Regardless of the fear of teething problems that characterize the adoption of new practices, the women’s organizations led by the National Women’s Steering Committee embraced the WSR Process and actively played their part in ensuring its successful implementation. This opened up opportunities for learning and broadened their exposure to new ways of promoting peace and by extension the participation of women in the electoral process and electoral politics.

Throughout the implementation of the WSR Process in Kenya, four things in particular were outstanding. Firstly, the latitude available for the modification and adaptation of the process, bearing in mind the need to retain its fundamental characteristics, provided scope for creativity and innovation in designing a process that would work for Kenyans. This was seen in the incorporation of the TEMPs in the physical situation room, the engagement of a team of experts to shore up the capacity of the WSR, and the addition of an election observation component. These modifications greatly enhanced the peacebuilding objective of the WSR.

Secondly, the seriousness with which government offices and institutions, electoral bodies, security agencies, and others took the WSR Process was quite gratifying. This enhanced the role of the WSR as a quick-response mechanism to avert or prevent incidences of electoral violence, given the rate at which assistance was provided quickly where needed on the ground.

The third outstanding issue was the platform provided by the WSR Process for various collaborations among local and regional actors. At the local level, the WSR remained in active contact with like-minded actors who also had election observers on the ground, e.g. organizations working under the frameworks of Uwiano and Usahidi. The WSR also transmitted its reports onto an online platform hosted under the aegis of Uchaguzi for further dissemination. The involvement of the regional TEMPs illustrates the formation of partnerships beyond Kenyan borders. Undoubtedly, the WSR Process had succeeded in arousing the interest of persons and organizations other than women’s organizations.

Lastly, another key highlight of the implementation of the WSR Process in Kenya was the evidence emerging that members of the public had made more calls to the WSR call centre than the WSR trained election observers. This demonstrated the effectiveness of the media campaign to publicize the WSR Process in Kenya within the short period of its establishment, but also, and more importantly, the interest of the public in being part of the solution to prevent electoral gender-based violence and electoral malpractices.

Notably, the way the WSR Process was designed and set up largely contributed to its success in promoting peaceful elections. Firstly, the linkage that was created between the TEMPs and the WSR was ideal for coordination purposes and enhancing the effectiveness of the process. This is because the TEMPs, due to their stature, were able to ensure quick responses to distress calls coming in to the WSR call centre. For instance, the TEMPs had representation in the National Security Committee and ready access to the Deputy General Inspector of Police, who could address issues quickly. The linkage in activities between the work of the TEMPs and the WSR not only enhanced the profile of the WSR, but also exemplified the interconnectedness of the activities being undertaken and supported by UN Women.

Furthermore, the training of election observers and dispatching them to the various identified hotspots assisted in the detection of electoral gender-based violence. Indeed, the presence of these observers on the ground further enhanced the effectiveness of the WSR.

It must, however, be acknowledged that the WSR Process was set up rather near to the election date and hence a number of the critical elements defining the implementation of a WSR Process were not accomplished as well as they could have been.

80 The Uwiano Platform for Peace was launched in July 2010 by PeaceNet Kenya, the National Cohesion and Integration Commission (NCIC), and the National Steering Committee (NSC) on Peacebuilding and Conflict Management, with support from UNDP. It was an SMS-based information-gathering and action programme that was designed to ensure that the Kenyan referendum held on 4 August 2010 on the new Constitution was violence-free; owing to its success then, it was employed in the 2013 elections. Uwiano – meaning “connection” or “correlation” in Swahili – also deployed a pool of volunteer monitors to hotspots across the country and established peace committees to improve relations between rival communities. Online at http://www.comminit.com/ict-4-development/content/Uwiano-platform-peace [accessed 23.05.2013].

81 Usahidi is a non-profit technology company that specializes in developing free and open-source software for information collection, visualization, and interactive mapping. See www.usahidi.com [accessed on 23.05.2013].

82 Uchaguzi was a joint initiative between SODNET, Usahidi, CRECO, and Hivos Foundation (non-governmental organizations in Kenya), with support from Canadian International Development Agency (CIDA), to help Kenya have free, fair, peaceful, and credible General Elections on 4 March 2013. See https://UCHAGUZI.co.ke/info/index/5 [accessed on 23.06.2013].
had there been sufficient time. Undoubtedly, there exists scope to improve the mobilization of women and youth with peace messages.

In addition, many women’s organizations, both inside and outside of Nairobi, were unaware of the activities of the WSR Process, of which they should have been part. To promote the ownership and legitimacy of the WSR Process as a method for enhancing the participation of women in electoral politics, it is necessary that such a process be undertaken well in advance in order to bring as many partner organizations on board and improve the design to the best extent possible.

2.6.8 Lessons Learned

1. That a Women’s Situation Room Process is an important tool for the promotion of peace through its ability to highlight factors that impede the participation and representation of women in the electoral process, including electoral gender-based violence.

2. That the WSR Process should be instituted well in advance of the election date, with early engagement of key stakeholders, to build rapport and to position the WSR Process at the centre of the elections for it to be effective.

3. That the WSR Process should be based on the wide participation of as many women’s organizations as possible in order for it to gain wider acceptability and ownership.

4. That the WSR Process can be well modified and adapted, without altering its fundamental characteristics, to suit the interests and concerns of the country in question. There needs to be clarity about the roles of various entities such as the government, security agencies, women’s organizations, and the rest of civil society. The latter all need to be inducted as to the roles they can play to ensure the success of the WSR Process.

5. That the training of the election observers should be placed closer to the date of deployment and the checklist for their proposed task finalized before training. The checklist itemizing the tasks of the election observers should take into account the peculiar needs of the country.

6. That where applicable, induction of the local and regional Team of Eminent Persons should be done in good time to give them the opportunity to bond and understand their roles and responsibilities prior to the opening of the physical WSR.

7. That there is need for close engagement with the media early enough to ensure that the WSR Process receives sufficient publicity and coverage in order for the public to be sensitised about the importance of the WSR Process and what role they can play.

8. That the role of the public in ensuring the success of the WSR Process cannot be underestimated. This was made apparent by the public’s encouraging response to the WSR through placing calls to the call centre to report various elections related matters.

9. That the engagement of professional experts to augment the work of the WSR Process serves to enhance the capacity and effectiveness of the WSR Process.

2.6.9 Best Practices

1. The Women’s Situation Room Process should necessarily comprise one of the key features of electoral processes in Africa.

2. The conceptualization of the WSR Process in any country should be undertaken by as many stakeholders as possible in order to identify the points of modification and adaptation that would enhance its relevance to the local circumstances.

3. The WSR Process should conduct regular and frequent briefings in the press about its activities and any areas of concern.

4. The WSR Process should be accompanied by the production of publicity materials such as video documentaries, brochures, and a factsheet of frequently asked questions (FAQs) to educate the public and enhance the professional image of the process.

5. The WSR Process should collaborate with other entities working towards the same goal of promoting peace and the participation of women in the electoral process of a country. Such entities include the Team of Eminent Persons.

6. The work of the WSR is best linked with other complementary peacebuilding processes (e.g. the TEMPs).
n the period preceding the 4 March 2013 General Elections, UN Women supported the engendering of preparatory processes spearheaded by the government through the National Disaster Operation Centre, the humanitarian community led by the Kenya Humanitarian Partnership Team, and the Kenya Red Cross Society. The process involved developing a coherent humanitarian contingency plan that aimed at outlining assumptions, scenarios, and potential response arrangements in the event of a dispute such as the one in 2007/2008. This was the first time that such a multi-sector, multi-agency coordinated effort was organized in Kenya as part of election preparedness and response.

Humanitarian preparedness in the context of the March 2013 General Elections was deemed necessary considering that preparedness gaps had been seen in the 2007/2008 post-election violence among various stakeholders: the government, security agencies, humanitarian actors, and civil society. This lack of preparedness at the height of the violence was manifested in the untimely launch of the large-scale response to the 2007/2008 electoral crisis.


Following disputed election results in 2007-8, an estimated 1,133 Kenyans were killed, 117,216 private properties destroyed, and at least 663,921 displaced [CIPEV Report p. 346, and Status Report on IDPs p. 3]. Manifestations of EGBV were prolific and extreme as men, women and children were systematically assaulted and murdered. There is considerable documentation of sexual violence, including rape, gang-rape, sexual mutilation, loss of body parts and forced circumcision, which were often accompanied by other forms of extreme physical and psychological violence. Family members were forced to witness mothers, fathers, sisters, brothers and children being raped, killed, and maimed.

A series of rapes and gang-rapes were mostly targeted at poor women in their homes by gangs numbering up to twenty, with the perpetrators being state security agents, organized gangs, neighbours, relatives, and “friends”. The sexual violence was used to:

- pressure people to leave their homes;
- retaliate against people for voting for a particular candidate, tribe or party;
- dominate, humiliate and degrade men and women, and their (ethnic) communities;
- coerce and control internally displaced persons (IDPs), who traded sex unwillingly for basic services [CIPEV Report p. 253]

Between 27 December 2007 and 31 March 2008 Nairobi Women’s Hospital treated 524 cases of rape and defilement, 89% of which were women and girls. Nevertheless this is considered to be a tip of the iceberg bearing in mind the fact that most rape cases were unreported.

The pattern of violence showed planning and organizing by politicians, businessmen and others who enlisted criminal gangs to execute these crimes, according to the CIPEV.

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### Table 7: Comparative Analysis: Key Features of Documented Electoral Gender-based Violence in 2007/2008 and 2013

<table>
<thead>
<tr>
<th>Type of Violence</th>
<th>Analysis</th>
<th>Election Period</th>
</tr>
</thead>
<tbody>
<tr>
<td>Discrimination</td>
<td>Political parties subjected female candidates to routine discrimination.</td>
<td>2007-8 and 2013</td>
</tr>
<tr>
<td>Threats of violence</td>
<td>Female candidates and their supporters were subjected to threats of divorce and threats of violence, including rape.</td>
<td>2007-8 and 2013</td>
</tr>
<tr>
<td>Normalization of verbal abuse, defamation, and use of false propaganda</td>
<td>In 2007-8 the overt use of hate speech and insults significantly contributed to mass violence. In 2013 the threats and incitements were more subtle but widespread: verbally abusive language and propaganda were widely used to discredit women using public forums, mobile phones, photos, printed leaflets, and social media.</td>
<td>2007-8 and 2013</td>
</tr>
<tr>
<td>Use of bribery/rigging</td>
<td>Party leadership and officials were complicit in excluding women by tolerating, and in some cases promoting, bribery and rigging to exclude female candidates.</td>
<td>2007-8 and 2013</td>
</tr>
<tr>
<td>Violence perpetrated by political party supporters, agents, opponents, security personnel, and the public</td>
<td>A wide range of state and non-state actors were complicit in perpetrating electoral gender-based violence, including rape and gang rape (in 2007-8). It was similar in 2013; however, the cases of rape and gang rape that were reported were few.</td>
<td>2007-8 and 2013</td>
</tr>
<tr>
<td>Widespread use of rape</td>
<td>Hundreds of rapes were committed. CIPEV reports that 876 women were raped and 1,984 girls were defiled.</td>
<td>2007-8</td>
</tr>
<tr>
<td>Widespread use of gang rape</td>
<td>Twenty-four of the 31 people who testified before the CIPEV were gang-raped. The Nairobi Women’s Hospital Gender Violence Recovery Centre reports that 11 percent of the 524 sexual violence cases reported were gang rapes.</td>
<td>2007-8</td>
</tr>
<tr>
<td>Sexual violence perpetrated by security personnel</td>
<td>Security personnel were among the key perpetrators of sexual violence (in 2007-8). Human Rights Watch (2011) estimates that more than one-quarter (26 percent) of the recorded rapes were committed by the police. In 2013, only isolated cases of sexual violence were reported and none has incriminated the security personnel so far.</td>
<td>2007-8</td>
</tr>
<tr>
<td>Isolated acts of physical and sexual violence</td>
<td>These included incidents of kidnapping, assault, beatings, stripping, sodomy, rape, and murder.</td>
<td>2013</td>
</tr>
<tr>
<td>Sexual mutilation</td>
<td>Bladed objects, bottles, and sticks were used to rape; women’s and children’s labia and vaginas were cut; men and boys were traumatically circumcised and had penises cut off.</td>
<td>2007-8</td>
</tr>
<tr>
<td>Ethnicized sexual targeting</td>
<td>Rapes and gang rapes were ethnically driven.</td>
<td>2007-8</td>
</tr>
<tr>
<td>Chanting of political slogans</td>
<td>Gangs chanted political slogans supporting one party or the other as they attacked, raped, killed, and destroyed homes.</td>
<td>2007-8</td>
</tr>
<tr>
<td>Continued violence in the camps for internally displaced persons</td>
<td>Insecure conditions in the camps led to further sexual violence and exploitation.</td>
<td>2007-8</td>
</tr>
<tr>
<td>Family intimidation</td>
<td>Women were beaten and kicked out of their homes for voting for or supporting particular candidates. Their identity cards were confiscated.</td>
<td>2007-8 and 2013</td>
</tr>
<tr>
<td>Preparedness</td>
<td>Kenyans were keenly aware of the potential for violence in 2013 and many took precautions. The national 1195 gender-based violence hotline received 970 calls from women and 226 from men, the vast majority requesting information on what to do in the event of sexual violence. Measures by different actors targeting stakeholders were put in place to avert a repeat of 2007-8, including putting in place a contingency plan.</td>
<td>2013</td>
</tr>
<tr>
<td>Widespread impunity</td>
<td>Only a handful of cases have been prosecuted for the extreme violence in 2007-8. In 2013, much of the violence was not reported, much less prosecuted.</td>
<td>2007-8 and 2013</td>
</tr>
</tbody>
</table>

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without defined response systems. The humanitarian contingency plan was therefore aimed at increasing the capacity of humanitarian actors to respond appropriately and in a timely manner in the event of an outbreak of violence or an electoral crisis.

The contingency planning process was guided by an in-depth analysis by the National Steering Committee (NSC) on Peacebuilding and Conflict Management, which identified possible trends in conflict and possible hotspot areas and thus provided an analytical basis to develop the scenarios for planning. The National Disaster Operation Centre (NDOC), housed in the then Ministry of Special Programmes, spearheaded the process with support from the United Nations Office for the Coordination of Humanitarian Affairs (OCHA). Pillars that were planned for concurrently with the humanitarian pillar were the ‘early warning and conflict prevention mechanisms’ led by the National Steering Committee on Peace; ‘security’ led by the Kenya Police Service; and the ‘mass casualty pillar’ under the leadership of the Kenyatta National Hospital and the Kenya Red Cross Society. Under the humanitarian pillar, eight coordination hubs were identified throughout the country based on the conflict analysis and the hotspot-mapping exercise by NSC. These were Nairobi, Mombasa, Kisumu, Nakuru, Eldoret, Isiolo, Garrisa, and Lodwar. Various organizations were identified by NDOC and OCHA, based on their presence and strength, to support the existing provincial/county/district coordination mechanisms and primarily the District Steering Groups led by the provincial administration.

UN Women, in fulfilment of its role of coordinating and strengthening gender integration in humanitarian action, engaged from the perspective of strengthening capacities and ensuring that the hub-specific humanitarian contingency plans were gender responsive. This applied also to the actions designed to prevent and respond to gender-based violence. The support was at both national level and hub level; at the national level it was in the form of technical support in gender analysis and at the hub level through enhancing the skills of diverse humanitarian actors to identify, plan, and respond to any gender issues or gender-based violence issues within the preparedness framework.

2.7.1 UN Women’s Prior Involvement in Supporting Humanitarian Contingency Initiatives

Since 2011, in accordance with the new global mandate to coordinate gender in humanitarian action within the UN system, UN Women has incrementally engaged in
humanitarian planning and responses through the key result area that aims to enhance ‘women’s leadership in peace, security, and humanitarian response’. With support from the Inter-Agency Standing Committee Gender Standby Capacity Project (IASC GenCap) through the secondment of a gender advisor, UN Women has been at the forefront of providing technical support to humanitarian sectors since 2011. It is on this basis that UN Women took the leadership in providing technical gender support to the humanitarian contingency planning exercises in 2012.

The basis of this support has been the fundamental principle that any initiative to prevent or respond to humanitarian crisis must be based on an understanding of the differential impact of disasters/crises on women, men, girls, and boys. This understanding can only be achieved through a gender analysis, and translating the analysis into the planning and programming across various sectors, to enhance the targeting of men, women, boys, and girls according to their prioritized needs.

Indeed, in response to any electoral crisis, there is a need for a deepened and coordinated understanding of electoral gender-based violence and the manifestation of gender concerns during such a period.

It is in this context that UN Women engaged with the elections contingency planning process through a capacity-strengthening strategy with a focus on gender in the following priority areas:

1. To strengthen the capacity of the Government of Kenya and humanitarian actors on the integration of gender and actions to prevent and respond to gender-based violence in election preparedness

2. To support the mapping of the gender and gender-based violence actors in every hub through the application of the ‘Three Ws’, i.e. who does what where in the identified hotspots

3. To identify the manifestations and trends of gender/gender-based violence concerns/issues, and enhance the inclusion of response activities in the hub-specific contingency plans for the elections

4. To provide contextual technical support to humanitarian sectors: emergency shelter and non-
As mentioned, UN Women’s intervention in the humanitarian contingency initiative was based on the already existing coordination mechanisms led by the government and UN-OCHA. UN-OCHA had designated eight operative regions referred to as hubs, which were potential hotspots. UN Women aligned its support accordingly and worked within the identified hubs with the government, humanitarian partners, NGOs, and the Kenya Red Cross Society. UN Women’s engagement with the above-mentioned groups prioritized forming strategic partnerships within the existing coordination mechanisms, strengthening capacities, and raising awareness on gender equality and women’s empowerment. This effort was aimed at strengthening effective and efficient humanitarian planning and response at the national and subnational levels.

UN Women trained humanitarian actors as part of enhancing their capacity in emergency preparedness and response. In this regard, UN Women and IASC GenCap trained a core pool of 23 ‘trainers of trainers’ (ToTs) on gender and gender-based violence in humanitarian action as part of developing a critical

The Samburu are a marginalized minority group in Kenya whose women have faced inequality over the decades.
national surge capacity to integrate gender into humanitarian action. The trainers were drawn from identified hubs/hotspots and were linked to the different existing devolved humanitarian coordination mechanisms. One of the key criteria in selecting these trainers was their contextual knowledge of and easy access to the hubs/hotspots, which is strategically important during a crisis.

UN Women developed a training package/guide that was given to each ToT to ensure consistency in content during the trainings. A unique feature of the training package was its format, which allowed its content to be complemented by the experiences related by participants during the training. These experiences were recorded and disseminated to participants to constitute further content for reference when on the ground and will be annexed to the humanitarian training manual under production.

After the national-level ToT training, 7 out of the proposed 8 hubs were targeted for further training, and more than 315 humanitarian practitioners from the government, UN, civil society, and the Kenya Red Cross Society were trained. The trainings also built onto the work done in 2011 by UN Women and IASC GenCap. This work targeted the different sectors of the humanitarian contingency planning process (e.g. water, sanitation, and hygiene (WASH); nutrition; and education) with consistent technical support and capacity building. The purpose of the latter had been to enhance the attention paid to gender issues in sectoral plans and responses, as well as other relevant national initiatives such as the election’s contingency planning and the Emergency Humanitarian Response Plan. Notably, in all the trainings, the Kenya Red Cross Society was given priority as the first responder to all emergencies in Kenya.

The Training Process and Mapping of the ‘Three Ws’

The trainings were designed as consultative forums with multi-pronged outputs that included capacity strengthening; mapping of gender and gender-based violence actors, concerns, and gaps; reviewing the contingency plan; strengthening coordination mechanisms; and establishing linkages among different actors to enable improved collective plans and responses to gender and gender-based violence over a two-day period. Furthermore, the sessions aimed at imparting a deepened understanding of gender and gender-based violence and their links to the electoral process.

As a result of these consultative and training processes within the hubs, humanitarian actors reviewed their draft hub contingency plans accordingly. The reviewed plans were then shared with the Hub Coordinators and the Provincial Administration, as the government authority at the district level.
The following testimonies from participants in the UN Women trainings in support of the humanitarian contingency plan give insight into how this flagship initiative was implemented and the impact of the training on the general preparedness of participants and institutions.

“Ms. Joyce Muthoni Njagi, Training Consultant

I undertake capacity building of adults in various segments of socio-economic development and humanitarian action and I am a holder of a Master of Arts in Gender and Development Studies. In the run-up to the 4 March General Elections in Kenya, I was selected and trained as a trainer of trainers by UN Women within the context of imbuing the humanitarian contingency and elections preparedness with gender perspectives. Before the roll-out of the trainings, I underwent a five-day ToT training workshop. In addition, I received soft-copy hand-outs to use in my trainings and a copy of the Inter-Agency Standing Committee material on gender and gender-based violence. The trainings were very effective and prepared me well to carry out the trainings in the hubs.

In terms of carrying out the actual trainings, I got logistical support from UN Women that facilitated the effective delivery of trainings. As a result, I was able to carry out training for key sectoral actors in the Nairobi and Nakuru hubs.

Overall, the hub training proved to be a very informative and interesting exercise for me and, going forward, I would advise that UN Women use the information gathered during these forums to follow up or strengthen other initiatives on gender and gender-based violence issues as well as to have periodic forums for humanitarian actors at a national level.

“Mr. Daniel Mutinda, Urban Risk Reduction Officer, Kenya Red Cross Society

At a personal level, I got involved with UN Women in 2012 in a common initiative to prepare for a humanitarian response in anticipation of the 2013 General Elections in Kenya in the Nairobi regional hub.

In the period running up to the General Elections, UN Women trained both staff and volunteers of the Kenya Red Cross Society working in different geographical regions, given that they were key to any response mechanism. I participated in the training in Nairobi with my colleagues, following which we were expected to cascade the skills to our staff and volunteers involved in election preparedness. After the training, we were given reference materials for further use. It is noteworthy that this was the first time that we had received gender and gender-based violence (GBV) training in preparation for elections.

The training received from UN Women was very useful, as it equipped us with the skills necessary to handle GBV cases during the election period, and we were able to pass these skills on to our volunteers at the grass-roots level as well through Red Cross Society-facilitated trainings. As a result of the enlightenment received from this training, we have also incorporated gender and GBV messages into our programming, not only in health-related projects but also disaster management projects.

“Mr. Paul Mutinda Kituku, Head of Nakuru Office, Norwegian Refugee Council

I work at the Norwegian Refugee Council, a non-governmental organization, based in Nakuru. The Norwegian Refugee Council is concerned with the provision of shelter for farm returnees, peacebuilding, and reconciliation.

In the period leading up to the 4 March 2013 General Elections, I was selected and trained by UN Women as a humanitarian Hub Coordinator in the Nakuru hub. Before the elections, I was engaged for approximately six months, mainly in training partners within the Nakuru hub, which includes Narok, Bomet, Kericho, Nakuru, and Baringo Counties. Apart from this, I was also involved in sharing and updating information, validating the hub contingency planning, and creating awareness on gender and GBV. These trainings were important since they provided a platform for hub coordinators to develop the ‘Three Ws’ and generated a contact list of all partners and stakeholders. In addition, the partnership established created a forum for the Government of Kenya and NGOs to openly discuss lessons learned from the 2007/8 violence with a view to planning to minimize future conflicts.

As a hub coordinator, my role involved shortlisting participants, liaising with UN Women on invitations, providing guidance on the progress made in contingency planning, documenting the key areas of concern, and sharing workshop notes with all stakeholders in the hub. Indeed, the experience and knowledge gained from participating in the initiative is invaluable to me personally and my organization. In fact, after the elections, my organization has been able to share the information with other partner organizations and further developed a gender-and-GBV-specific advocacy campaign, which now feeds information to the GBV clusters and, by extension, the hub information system.
2.7.3 Highlights, Key Impressions, and a Critical Analysis of the Implementation of This Flagship Initiative

Given that this was the first time UN Women was involved in an election-related humanitarian contingency initiative of this magnitude, its own institutional capacity in this area was enhanced. UN Women occupies a strategic space in humanitarian action and has the technical capacity and space to bring gender perspectives into emergency preparedness, particularly with regard to humanitarian financing mechanisms, assessments, and reporting and monitoring tools and frameworks. The Kenya Country Office successfully demonstrated its ability to quickly leverage leadership space (including those created through other development coordination mechanisms such as JP-GEWE and the gender and governance; women, peace, and security; and violence against women units) to integrate gender into the humanitarian continuum and to influence the capacity of actors to identify and respond to gender and gender-based violence concerns.

Four things stood out in the course of UN Women’s implementation of this flagship initiative. Firstly, because of consistent participation in the planning processes for the humanitarian contingency, the contingency plan for each regional hub was reviewed through a gender lens; it included gender perspectives generally, but also contextual gender and gender-based violence concerns/issues and response actions. Indeed, the contextualization of global guidelines and standards to make them more relevant to the Kenyan situation was critical to enhancing dialogue and the ownership of the response actions designed by various actors. This also contributed to continuity in networking and planning beyond the electoral period.

Secondly, the inclusion of officials from the various levels of the Provincial Administration in the trainings boosted the programme. This is because, in most cases, the officials acted immediately on issues that arose during the training workshops, which greatly enabled the preparedness and responses of the humanitarian actors in that region. In fact, at that time the Provincial Administration in Kenya had the mandate of addressing emergency issues, as well as public administration. Moreover, its decentralized structure at the grass-roots made it a viable means for quick interpretation, dissemination, and implementation of the contingency plans and responses in the event of a crisis.

Thirdly, there was a wide range of humanitarian actors who took part in the trainings. Among the participants were persons working within the various structures of government and civil society, including the Provincial Administration, government hospitals, NGOs, gender violence recovery centres, other UN agencies, etc. Participants were also drawn from the various civil society organizations working in the humanitarian field. The diversity in the professional backgrounds of the participants was useful because it widened the scope of the knowledge and information shared during the trainings.

Lastly, the linkages that were created as a result of the facilitation and space created by UN Women in the planning processes of the humanitarian contingency initiative were exceptional. UN Women forged useful links from among the members of the humanitarian contingency planning process and from humanitarian actors working outside of the ambit of the contingency plan. The agency was able to avail the contacts of its various partner organizations working on gender issues on the ground to the various humanitarian actors in order to foster better linkages. This strengthened both coordination and the gender-based violence referral mechanisms available. For instance, UN Women was able to link its election observers who had been trained within the Women’s Situation Room Process with the various humanitarian response actors, thereby enhancing the quick gender-sensitive response to any reported humanitarian crisis. This in turn improved the monitoring of electoral gender-based violence.

By tapping into the existing humanitarian coordination mechanism spearheaded by the Government of Kenya and OCHA, UN Women was able to maximize the use of resources, given that there was minimal investment in mobilization/coordination structures and therefore more investment targeted towards technical gender support. It is clearly important to invest in enhancing the skills of humanitarian actors to identify, address, and respond to gender and gender-based violence concerns, as this leads to more effective and efficient responses. Furthermore, capacity strengthening also contributes to improved accountability to gender equality programming by diverse stakeholders.

Using the training guide in the training of ToTs on the conceptual knowledge of gender and gender-based violence in preparedness and humanitarian action was key to building a national critical pool of regional/country focal points to facilitate the mainstreaming of gender and gender-based violence initiatives into humanitarian contingency plans around the identified regional hubs, and consequently the national contingency plan. This group continues to be a resource for training in humanitarian preparedness, capacity support in the regions they are based in, and information sharing and monitoring in the present phase. This also reflected the optimum utilization of resources, as the localized pool was able to respond to needs and monitor the situation without being dependent on the UN Women team in Nairobi.

The interconnectedness of the various initiatives carried out by UN Women was apparent, given that the internal linkages maximized the resources available under the women, peace, and security and violence against women dockets to leverage for more space for and impact of the humanitarian response initiative. UN Women’s presence on the ground through its various ToTs working under different programmes also created more space and partnerships in the implementation of the humanitarian contingency plan. These ToTs on the ground were able to provide a rapid first-line response, e.g. information, referral, and analysis on gender and gender-based violence, as well as linking up the same to the other coordination mechanisms in the identified hotspots.
While the robustness of the humanitarian contingency plan was not tested during the March 2013 General Elections, it was clear upon further reflection that any future initiative would need to account for a number of things. This includes the need to commence the planning process well in advance so as to ease the pressure of procuring the various items required in the event of a humanitarian crisis. In addition, the humanitarian contingency plan designed for the March 2013 General Elections was based on the election date itself. It did not take into account the statutory possibilities for an extension of the election process, for example due to a challenge of the electoral results and the time-consuming legal mechanism available to address the same. Therefore, had there been a presidential run-off, it is unclear whether the humanitarian contingency plan would still have been deployed to good effect.

Ultimately, the involvement of UN Women in the humanitarian response initiatives during the March 2013 General Elections offered a wide range of lessons, which would best be captured in a strategic way to continue to guide future engagement in humanitarian action. This would guide both internal UN Women programming and inter-agency technical approaches, with a view to enhancing the efficiency and effectiveness of humanitarian action in meeting the needs of women, men, boys, and girls during preparedness efforts or during a crisis or disaster.

2.7.4 Lessons Learned

1. That the involvement of UN Women in the humanitarian contingency initiative facilitated the bridging of the gap between gender in development and gender in humanitarian action.

2. That these trainings offered a non-traditional space for diverse actors, who are not necessarily natural allies in the ordinary course of their daily engagements, to work together to strengthen coordinated and gender-responsive humanitarian action. This reflects how the trainings were key to establishing local-level partnerships and networks, which are critical in building ownership and sustainability.

3. That linking gender and gender-based violence with other cross-cutting issues further raised the learning bar by helping participants recognize how existing individual vulnerabilities and risks are magnified by the interplay of multiple factors, such as age, sex, HIV, and disability. The thematic groups resulting from these cross-cutting factors were actively engaged in supporting the elections preparedness process and thus established linkages that further propelled the gender agenda.

4. That making the sessions hands-on, practical, and relevant to the context was key to UN Women’s success in keeping trainees engaged. Supporting the individual groups to identify gender and gender-based violence issues in the regional hubs – as well as the existing gaps and how these gaps can be filled and by whom in preparedness for the elections – made a big impact on the quality of the reports. The process was complemented by having a diverse group of participants that included the Provincial Administration of the Government of Kenya, members of the District Steering Group, security personnel, local and international NGOs, UN agencies, service providers, and other key humanitarian actors.

5. That timely information sharing is crucial to any coordination effort, but especially so in the humanitarian context. This was true for the regional hub trainings, where the training outputs (i.e. the issues, gaps, and actors doing the mapping, along with the revised contingency plans) were immediately shared with the district coordination mechanism (i.e. the District Steering Group meeting). In the Isiolo hub, the group meeting was scheduled for the morning after the training. This meant that the training report had to be finalized the night before to make the key learning points and recommendations available to the group so that it could make relevant and informed decisions.

2.7.5 Best Practices

1. Establishing linkages and joint working modalities with the other cross-cutting thematic areas – such as HIV, disability, and age – leverages space for gender in humanitarian action. Furthermore, developing guidance tools jointly with the other cross-cutting teams supports the reaching out to humanitarian personnel in multiple forums and exercises.

2. Humanitarian contingency plans are best supported by locally based surge support teams that understand the context and dynamics on the ground, are accessible, and are linked to the coordination mechanisms. This makes it easier to offer timely technical, analytical, and response support in case of emergencies. Moreover, due to their presence in the hotspot areas, the surge teams are key in establishing and maintaining effective lines for the rapid communication and verification of information on the ground.

3. Strengthening internal linkages regarding peace, security, and violence against women maximizes resources and enhances the establishment of strategic partnerships for long-term humanitarian action programming and strategic linkages to recovery and development programming.
**3.0 FINAL CONCLUSIONS**

Part 2 of this publication has provided an in-depth analysis of UN Women's direct involvement in enhancing the participation of women in electoral politics in the run-up to the 4 March 2013 General Elections through an examination of its seven flagship initiatives. To this end, Part 2 has provided great insight into the activities that UN Women implemented itself or supported others to implement. In addition, the implementation processes and strategies, the activities and programme designs, as well as the outputs of these activities have been analysed. Over and above this, the highlights of the implementation of each component were reviewed, and the mode of implementation of each initiative was critically analysed.

Overall, five key conclusions emerged out of UN Women's engagement with women – individually and as groups (government, non-governmental organizations, and like-minded funding partners) – under the aegis of the seven flagship initiatives. These are as follows:

1. That women in Kenya are ready to take up the mantle of leadership and require support in order to surmount the challenges they experience in their quest to do so. Such support includes, among other things, confidence building through civic and voter education, candidate training, and active lobbying and advocacy for the adoption and full implementation of affirmative action measures, not only in the public life of Kenya but also within political parties, which are the seedbeds of political ambition.

2. That achieving the objective of gender parity in the political life of Kenya requires precision in the planning and implementation of activities. It was abundantly clear that the planning process and timing have a direct bearing on the outcome of any initiative. Indeed, it was noted that some initiatives are best executed well in advance of the general elections, and others just prior to the elections. In some cases, the duration of the initiative was found to be an important parameter. For example, it was important for the humanitarian contingency planning initiative to span from before the elections until after the elections. Ultimately, for there to be incremental gains in the agenda of enhancing the participation and representation of women in electoral politics, it is essential that attention be paid to the details of the planning and implementation stages of initiatives, as well as the future outlook following the expiry period of the active programmes on the ground.

3. That the full inclusion and integration of women in politics through the adoption of affirmative action measures in Kenya still attracts resistance from sections of both men and women. It became clear that the full implementation of affirmative action measures in line with the provisions of the 2010 Constitution is not only a matter for the courts to arbitrate and rule on, but one that requires lobbying, advocacy, and civic education throughout Kenyan society. Such sensitization would be expected to inform and educate the public about the importance and benefits of the implementation of affirmative action measures so as to dispel any myths and misconceptions.

4. That the Government of Kenya is a key actor that must be engaged with in the quest to advance gender parity in politics. Indeed, the government’s support for ensuring gender parity in politics was evident in the collaborative efforts that were undertaken between it, women’s organizations, and UN Women to ensure the attainment of the 30 percent threshold in the recruitment and promotion of women in the public service. This support was also demonstrated when the government allowed a representative from the Team of Eminent Persons to sit in the National Security Committee, which was charged with planning for and ensuring a safe and secure electoral environment. It is essential that collaborative efforts are stepped up between the government and the various actors in Kenya working to achieve gender parity in order to sustain and grow the momentum.

5. That the building of constructive relationships between all actors working towards achieving gender parity – government, civil society, funding agencies, and others – and actors on the ground in the counties is essential for optimizing any initiatives undertaken. As was noted, the nurturing of skills and talent among the trainers of trainers from the various counties was critical to the execution of various initiatives by UN Women; these ToTs were then available as reference points for other actors who needed assistance with the penetration of their programmes on the ground. Indeed, the retention of this critical mass of highly trained and skilled persons on the ground continues to be a resource for the community, future UN Women programmes, the government, and programmes initiated by other like-minded entities.

From the foregoing, it is inarguable that UN Women did actively play its part in contributing positively towards the fundamental agenda of promoting the participation and representation of women in electoral politics by supporting diverse activities, each with varied impact. Undoubtedly, the role UN Women played in promoting peaceful elections in Kenya through support to the various initiatives and programmes in the run-up to the 2013 General Elections cannot be gainsaid. The lessons learned and the emergent best practices will surely feed into wider UN Women programmes. This will also add value to the work of like-minded organizations. Certainly the enhanced capacity of UN Women staff, its partner organizations, the ToTs on the ground, and all who interacted with UN Women under the seven flagship initiatives will no doubt be useful to current and future initiatives aimed at promoting the participation and representation of women in electoral politics and other decision-making positions.
BIBLIOGRAPHY

BOOKS, JOURNALS, ARTICLES, AND REPORTS

Cambridge Advanced Learner’s Dictionary and Thesaurus.


LIST OF LAWS, STATUTES, AND BILLS

2. Elections Act No. 24 of 2011
3. Political Parties Act No. 11 of 2011
Do you think Kenya is ready for Women leaders?

Yes [ ]

No [ ]