WOMEN'S LEADERSHIP AS A ROUTE TO GREATER EMPOWERMENT

KENYA CASE STUDY

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CONTENTS

ACRONYMS AND ABBREVIATIONS

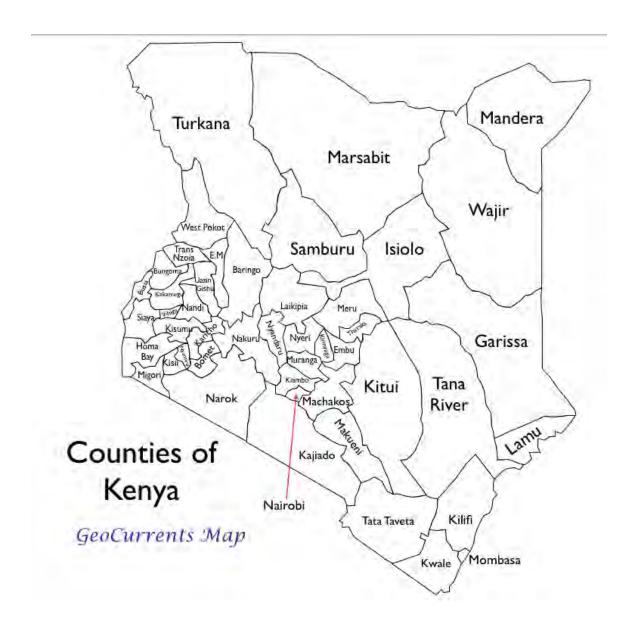|	
CBO	Community-Based Organization
CDCS	Country Development Cooperation Strategies
CEPPS	Consortium for Elections and Political Process Strengthening
CKRC	Constitution of Kenya Review Commission
CMD	Centre for Multi-Party Democracy
CREAW	Center for Rights, Education and Awareness
CSO	Community Support Organizations
DRG	Democracy, Human Rights and Governance
EPT	Elections and Political Transitions
FIDA	Federation of Women Lawyers
GBM	Kenyan Greenbelt Movement
GBV	Gender-Based Violence
HIV	Human Immunodeficiency Virus
IEBC	Independent Election and Boundaries Commission
IFES	International Foundation for Electoral System
IRI	International Republican Institute
KANU	Kenya Africa National Union
KEPPS	Kenya Election and Political Processes Strengthening Program
KEWOPA	Kenya Women Parliamentary Association
KEWOSA	Kenya Women Senators Association
KWPC	Kenya Women's Political Caucus
M&E	Monitoring and Evaluation
MCA	Member of County Assembly
MP	Member of Parliament
MSI	Management Systems International
MYWO	Maendeleo ya Wanawake
NARC	National Rainbow Coalition
NCWK	National Council of Women of Kenya
NDI	National Democratic Institute
NGEC	National Gender and Equality Commission
NGO	Non-Governmental Organization
ODM	Orange Democratic Movement
PR	Proportional Representation
SUNY	State University of New York
TNA	National Alliance
UN	United Nations
USAID	United States Agency for International Development
WDM	Wiper Democratic Movement
WPAK	Women's Political Alliance of Kenya

MAP OF KENYA

MAP OF KENYA'S COUNTIES

Counties of Kenya

GeoCurrents Map

Source: GeoCurrents

I. EXECUTIVE SUMMARY

Purpose of Study

This report presents the findings and recommendations of a Women's Political Empowerment assessment conducted for USAID/Kenya by a team assembled by Management Systems International (MSI). The study is part of a broader global study that will advance understanding of the nature and extent of relevant USAID programs and their contribution to improving women's leadership and political empowerment. The purpose of this assessment was to identify major trends and challenges with regard to women's political empowerment in Kenya to inform the design of USAID strategy and programs in this area. This report on Kenya is one of five country case studies selected to provide USAID with a more in-depth assessment of results achieved and complement a desktop study of USAID programming in this area.

Conceptual Framework

This study is interested in women's political empowerment: how to increase both the presence of women in political leadership and their voice and ability to effect policy changes once in office. This is important not only because it is a question of equity and justice, but also because women cannot have their voices, interests and experiences taken into account if they are not present in leadership and decision-making bodies.

Whether women political leaders have an impact on woman-friendly policy is still being debated, especially because so many other factors, including the role of parties, women's movements, regime type, and backlash movements can also influence outcomes. Much also depends on how one defines women's interests and woman-friendly policies and how one accounts for varied and even conflicting interests among women themselves (Escobar-Lemmon and Taylor Robinson 2014; Franceschet, Krook and Piscopo 2012; Htun and Weldon 2012; Swers 2013).

Background

The one-party rule of Kenya Africa National Union (KANU), and its patronage-based dominance of women's mobilization through organizations like Maendeleo ya Wanawake (MYWO), kept women's rights activists depoliticized and mainly focused on developmental issues from the time of independence until the early 1990s. The adoption of a multiparty state opened up new possibilities for women's mobilization and advocacy that was autonomous of the state and ruling party. Women's organizations became engaged in numerous efforts to promote women's political empowerment, particularly in the constitution-making process. Political unrest after the 2007 elections reinvigorated the process and a new 2010 constitution created the basis for women to claim more than one-third representation in government and all decision-making bodies and state institutions. The struggle after 2010 has been to implement the constitution, particularly in the national parliament and in areas where women have been especially poorly represented, such as the military and police.

Recent trends indicate that the need to address women's political empowerment, and empowerment more generally, has never been greater. According to the World Economic Forum Gender Gap Index, the status of women has declined in Kenya since the index began measuring the gap in 2006, particularly in the area of economic empowerment.

Influences on Women's Political Empowerment

The key drivers of women's political empowerment have been the women's movement, the Kenya Women Parliamentary Association (KEWOPA), UN agencies and donors, but also to some extent political parties, women's policy agencies such as the National Gender Equality Commission and Gender Directorate under the Ministry of Devolution and Planning. The Council of Governors has been an important ally for tactical reasons.

Gatekeepers

Political parties are the most influential gatekeepers for women in politics. As much as parties have facilitated women's political empowerment, they have also been among the biggest obstacles. They have at times excluded women from competitive nomination processes, which are often rigged, and have withheld support to women, particularly financial support in the case of smaller parties.

Other important gatekeepers include the media, Independent Election and Boundaries Commission, Registrar of Parties, elders and religious institutions.

Constraints on Women Running for Office

Violence and Intimidation: Perhaps the single factor that has the most influence on women's political leadership is the extensive violence and threat of violence experienced by women political aspirants as well as leaders. The level of violence women experienced in the elections is unparalleled in Africa.

Resources: The lack of campaign finance reform is another major constraint on women candidates, who generally have fewer resources and are more likely not to be incumbents, further disadvantaging them.

Cultural Constraints: Interview respondents often articulated a deep awareness that patriarchy was at the root of beliefs and practices that stood in the way of women making political gains.

2013 Elections

The 2013 elections brought modest gains for women in affirmative action seats. For example, the percentage of women rose in:

- The Cabinet from 12.5 percent to 33 percent;
- The legislature from 7.5 percent to 19.4 percent;
- The county assembly to 52 percent*;
- The Supreme Court to 29 percent*;
- The Appeals Court from zero to 31 percent; and
- The High Court from 40 percent to 49 percent.

However, the proportion of women elected to open seats actually declined at the national level in the 2013 elections from 2002 and 2007. (*County assemblies and the Supreme Court did not exist before the new constitution, so there is no starting figure for them.)

USAID'S Work in Political Empowerment of Women

USAID was involved in crucial efforts to write and implement the 2010 constitution, particularly to include key provisions affecting women. Subsequently, it was involved in a variety of activities leading up to the 2013 elections to train women and promote them as candidates, primarily through its Kenya Election and Political Processes Strengthening Program (KEPPS).

Much of the focus of USAID in the recent past has been on the constitution-making process and then the 2013 elections, ensuring that neither process succumbed to the violence that was seen after 2007. Although 2013 did not have the levels of election violence and rape of women seen in 2008, other forms of insecurity persisted for women candidates, who faced high levels of intimidation and violence. These threats to women candidates served as serious impediments to their pursuit of political leadership. Continued terrorism and land-related unrest in the Rift Valley make insecurity an ongoing problem that threatens the overall political process.

Key Problems to Be Addressed

Three major changes, building on existing gains, would improve women's leadership in Kenya:

- A long-term strategy, led by the Commission on Gender and Equality, women legislators and the women's movement (supported by UN Women and donors), to: 1) address institutional constraints on affirmative action, 2) politically strategize on how to get key legislation passed and 3) more effectively use judicial allies and the court system to push forward meaningful public litigation.
- Greater cohesion between: 1) women in the legislature, 2) UN Women and the women's movement and 3) the women's movement and the Directorate of Gender and National Commission on Gender and Equality.
- A serious policy initiative to address election-related violence and violence against women.

Recommendations for USAID Programming

1. Support allies.

Give support to allied groups and individuals, such as:

- Women's legislative caucuses;
- Council of Governors, which is holding onto decentralization and has a vested interest in ensuring that the process moves forward;
- Key commissions like the Gender and Equality Commission, the Human Rights Commission and the Commission on the Implementation of the Constitution and Transition Authority (and its successor, the Intergovernmental Technical Working Committee); and
- The chief justice of the Supreme Court, who has proven to be an important supporter of women's rights causes.

2. Strengthen accountability mechanisms.

This can be achieved through:

- Scorecards;
- Tracking government performance on elected and appointed positions;
- Supporting public litigation; and
- Enhancing women's presence in the security sector.

3. Train and mentor women.

Include those who are already in office.

- Start early in the election cycle;
- Train and mentor first-time and younger candidates, but also those in office;
- Bring legislators together with women leaders in other sectors;
- Coordinate different NGO trainings to ensure national coverage and standardize them to ensure coherence;

- Promote learning from experienced politicians; and
- Encourage cross-county mentoring to minimize feelings of competition.

4. Link national and county levels of government.

- Strengthen dialogue between national and local structures to allow local women leaders to communicate with national officials and vice versa.

5. Target gatekeepers.

- Train elders, religious leaders and key community leaders. Recently released DRG Center research has produced some interesting results, demonstrating that mixed training (elders with community leaders) is a more effective approach for change (contact clott@usaid.gov).
- Focus support on parties that are "winners" in promoting women's leadership.
- Help women develop media strategies and work on media coverage of women leaders.

6. Develop synergies with other USAID programs.

There are huge gains to be made by marrying the technical side of health programming to the democracy, rights and governance aspects of health programming (e.g. good governance, legal policies, human rights and inclusion, sustainability of service delivery, etc.).

II. INTRODUCTION

This report presents the findings and recommendations of a Women's Political Empowerment assessment conducted for USAID Kenya by a team assembled by Management Systems International (MSI). The purpose of this assessment was to identify major trends and challenges with regard to women's political empowerment in Kenya to inform the design of USAID strategy and programs in this area. The study is part of broader research on the nature and extent of relevant USAID programs and their contribution to improving women's leadership and political empowerment. It complements a desktop study that analyzed selected programs supported by USAID's Center of Excellence on Democracy, Human Rights and Governance (DRG) to show how women's political empowerment is being defined. The study also assessed the reported achievements and results. The desktop study focuses on the common trends and themes across the set of programs, highlighting particular program activities, challenges and promising strategies that are noteworthy or illustrate the trends and themes. This report on Kenya is one of five country case studies of selected programs to provide USAID with a more in-depth assessment of results achieved.

The MSI team consisted of team leader Aili Mari Tripp, professor of political science and women and gender studies, University of Wisconsin-Madison; Catie Lott, Deputy Director, Center of Excellence on Democracy, Human Rights and Governance; and Louise Khabure, Kenya country expert. Lilian Nyandoro of Abantu provided logistical support. Professor Tripp and Ms. Lott are the principal authors of this report.

The team visited Kenya from May 26 to June 19, 2014, spending approximately two weeks interviewing relevant U.S. government personnel and USAID implementing partners, as well as key Kenyan officials and politicians; civil society and community-based organization (CBO) leaders; women's organizations; government officials and commissioners (gender, implementation of the constitution and human rights); members of the judiciary, including the chief justice; legislators; local government; parties; media; academics; UN Women; and donors. Team members conducted research in Nairobi, Naivasha and Kisumu. A total of 64 people were interviewed, some individually and some in focus groups. Due to security concerns at the time of the assessment, Ms. Lott was

required to leave the country several days early, and was unable to personally meet with all implementing partners and key government officials.

The team greatly appreciated the interest and support shown by Tina Dooley-Jones, deputy mission director of USAID Kenya, and John Smith-Sreen, director of the Office of Democracy, Rights and Governance. The team's work was assisted by the generous support provided by the members of USAID Kenya's Democracy and Governance Team, with special thanks to Betty Mugo for her assistance, guidance, and patience.

III. CONTEXT: KEY ACTORS, INSTITUTIONS, STRUCTURES AND FRAMES

Contextual Factors

Kenya's recent political history has profoundly shaped the status of women in the country. The one-party rule of Kenya Africa National Union (KANU) and its patronage-based dominance of women's mobilization kept women's organizations such as Maendeleo ya Wanawake (MYWO) depoliticized and mainly focused on developmental issues from the time of independence until the early 1990s. At that time, Kenya shifted from a single-party to a multiparty state. Women's organizations were highly active in the democratization process. The adoption of a multiparty state opened up new possibilities for women's mobilization and advocacy that was autonomous of the state and ruling party. Women's associations became engaged in numerous efforts to advance themselves politically, particularly in the constitution-making process. Political unrest after the 2007 elections reinvigorated the process and a new 2010 constitution created the basis for women to claim more than one-third representation in government and all decision-making bodies and state institutions.

The struggle after 2010 has been to implement the constitution, particularly in the national Parliament, and in areas where women have been especially poorly represented, such as the military and police. The gains made by the new constitution may unravel if overall insecurity rises with continued terrorist attacks and heightened ethnic tensions in the Rift Valley. Opposition leaders are putting increased pressure on the government for not responding adequately to the country's deteriorating economy, security and political climate. There appears to be limited political will and government capacity to respond effectively to the growing sense of insecurity in the country.

Overall Status of Women in Kenya

Recent trends indicate that the need to address women's political empowerment and empowerment more generally has never been greater. According to the World Economic Forum Gender Gap Index, the status of women has declined in Kenya since 2006, when the index began measuring the gap.[1] The overall gender gap index has increased from .649 in 2006 to .68 in 2013, and Kenya's global ranking has dropped from 73 to 78 in that same period. The biggest drops have been in economic participation, where the gap increased from .657 in 2006 to .715 in 2013. Women are still highly concentrated in agricultural and informal sectors of the economy. Those who are employed

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[1] The Global Gender Gap index (1) measures gaps rather than levels of equality, (2) measures outcomes rather than inputs, and (3) ranks countries according to gender equality rather than women's empowerment. Economic participation and opportunity captures differences in labor force participation, earned income, and ratio of female to male legislators, managers and technical and professional workers. Political empowerment measures the ratio of women to men in minister-level positions, parliamentary positions and executive office. Educational attainment looks at the gender gap in primary-, secondary-, and tertiary-level education and literacy rates. Health and survival measures include sex ratio at birth and gender gap in life expectancy survival.

earn just 65 percent of men's salaries. Women's access to economic opportunities has regressed even as new credit sources have become available to entrepreneurial women. Some of these business women have been able to access financial services from the Women Enterprise Fund (WEF), which between 2008 and 2012 disbursed Ksh 1.55 billion through the Constituency Women Enterprise Scheme. The WEF is a semi-autonomous government agency in the Ministry of Devolution and Planning that was established in 2007 to provide credit to women for business purposes. An additional Ksh 1.85 billion was disbursed through 83 active financial intermediaries. In total, approximately 704,026 beneficiaries from across the country accessed the fund.

There has not been much change in the gender gap regarding educational attainment and health and survival since 2006. Women have 86 percent the literacy rate of men, but outnumber boys in primary school by a ratio of 1.01. The ratio at the secondary level is 0.94 and at the tertiary level it is .70. In the area of health, women have a higher life expectancy than men by a ratio of 1.01. Maternal deaths are increasing and have jumped from 414 per 10,000 in 2003 to 488 per 10,000 in 2008–09.[2] According to UN statistics, the number of mothers making four antenatal visits declined from 64 percent in 2003 to 47 percent in 2008–09. One-half of mothers are anemic. Use of skilled attendants at delivery stands at 46 percent. Although some gains have been achieved in use of modern contraceptives, the rate of use remains relatively low at 46 percent of women of childbearing age. Consequently, Kenya's population growth and fertility rates remain high at 2.7 percent and 4.7 percent respectively.

Women still suffer greatly from domestic violence, both physical and verbal. A 2008 Federation of Women Lawyers (FIDA) study found that 75 percent of women had reported abuse in the home, while the Kenya Demographic and Heath Survey (2009) found that 39 percent of women surveyed had experienced physical violence. In 2014, a 16-year-old with the pseudonym "Liz" was attacked, beaten, and raped by six men and dumped bleeding and unconscious in a sewage ditch. The story, known as the "grasscutter" case, made international headlines after hundreds of demonstrators demanded justice in response to police ordering three of the alleged rapists to cut grass around the police station as punishment.

The only area of improvement in the gender gap was in political empowerment, where the gap was significantly closed from .053 to .116 between 2006 and 2013 and Kenya's international ranking jumped from 93 to 85.

History of Mobilization for Women's Political Rights in Kenya

Women's rights have generally been closely associated with changes in women's political status in Africa. In Kenya, efforts to improve women's political status began in earnest in the 1990s. However, the contemporary women's movement had its origins during the time of the one-party state, when women's organizations were tied to the ruling party, the Kenya African National Union. Until 1992, there were only three major national organizations: Maendeleo ya Wanawake (MYWO), founded in 1956; the National Council of Women of Kenya (NCWK), founded in 1961; and the Nairobi Business and Professional Women's Organization.

After 1981, KANU strengthened its hold over MYWO and made it a virtual party wing. It was forced to withdraw from NCWK, which was an umbrella organization. In 1987, following the pullout, then-President Daniel arap Moi effectively elevated MYWO to be the sole representative of all Kenyan women. KANU hoped the move would gain it votes, since MYWO had thousands of members throughout the country. Not only were MYWO women depoliticized through a focus on developmental-type activities, but MYWO's chair stated at one point that women should leave to men top positions like the presidency as a sign of respect (Kamau 2010, 17). The NCWK was

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[2] http://www.ke.undp.org/content/kenya/en/home/mdgoverview/overview/mdg5/

another major women's organization that was established after Kenya's independence in 1964. Although its mandate was to encourage women's political participation and leadership, it had little to show for its efforts up until the early 1990s (Kiragu 2006).

Thus, women's mobilization until 1992 was almost totally co-opted by KANU and there was little independent mobilization. MYWO's leadership, funding and agenda were controlled by KANU (Nzomo 1996; Onsando 1996, 26). With the return to political pluralism in Kenya in 1992, women began mobilize to influence the democratization process. In February 1992, a group of mothers of political prisoners held a hunger strike in Uhuru Park in Nairobi to demand the release of their sons. At one point they leveled the strongest of curses against the authorities by publicly stripping naked, drawing on the political and moral authority of common understandings of motherhood. They gained tremendous popular support and as a result of their action, eight prisoners were released.

That same year, a National Women's Convention was held under the theme, "Women's Agenda for a Democratic Kenya." The convention brought together more than 2,000 Kenyan women from throughout the country. The agenda that was set then has continued to drive the activities of the movement to this day, including legal reform and representation of women in all decision-making positions. They also called for more research to guide policy decisions, voter and civic education and training of candidates. In addition, they pressed for more advocacy around women's rights, public interest litigation, collaboration between women's organizations, working with the media, and advocating for gender budgeting (Nzomo 2014).

At that time, KANU was attempting to divide the women's movement and politicize ethnicity within leading women's organizations. In response, the various women's organizations united around the motto "Unity in Diversity for Women's Empowerment." These types of efforts to divide women's organizations on political and ethnic bases have long plagued the movement. For example, in 2000, the largest coalition of women's organizations, known as the Women Political Caucus, split into two groups, one led by women from Southwestern Kenya and the other by women from Central Kenya. Female political leaders resisted efforts to divide the movement in these ways and became a force for national unity during the 2008 electoral violence.

After 1992, the formation of new autonomous women's organizations, along with other civil society organizations, increased. They were more independent of the ruling party and government in selecting their leadership, in their funding sources, and in their programming. More importantly, they were not all part of the patronage ties that KANU had cultivated with various societal organizations. This meant that they could pursue more political goals. Unlike the earlier women's organizations, which had focused on developmental concerns, handicrafts, childcare, literacy, sports and agricultural techniques, the new organizations included those with advocacy as part of their goals. Thus, in this period, the most important issue for organizations was their autonomy from the state and ruling party (Kabira and Nzioki 1993; Ndegwa 1996). Even though patronage and tribal politics have plagued the women's movement, at this time the women's agenda trumped the imperative of ethnically based patronage.

Organizations related to women's political engagement and advocacy emerged in this period and even slightly earlier. Established in 1983, the Association of Media Women of Kenya (AMWK) was one of the first independent organizations in Kenya. The League of Kenya Women Voters (LKWV) was formed in 1992, along with the National Commission on the Status of Women (NCSW). One of the earliest independent alliances was the Coalition on Violence against Women – Kenya (COVAW-K), formed in 1995. In this period, Wangari Maathai, the 2004 Nobel Peace Prize winner, led one of the most successful environmental movements in Africa, the Kenyan Greenbelt Movement (GBM) and ended up in numerous confrontations with the government over environmental concerns as well as the movement's promotion of democracy and human rights. The Kenya Women's Political Caucus (KWPC) formed in 1997 after the defeat of the Hon. Phoebe Asiyo's Affirmative Action Motion. The KWPC helped organize women's organizations to support a women's political

manifesto before the 2002 elections, laying out women activists' common concerns. The caucus was renamed the Caucus for Women's Leadership in 2007.

Much of women's mobilization in the first decade of the 2000s focused on efforts to get women's rights embedded in the new constitution, which eventually passed in 2010. The Women's Political Alliance of Kenya (WPAK), formed in 2000 and comprised of 26 civil society organizations, had as one of its main objectives the promotion of women's political empowerment at both the national and county levels. The Kenya Women Parliamentary Association (KEWOPA) was formed in 2002 to mobilize parliamentarians on a nonpartisan basis. The women's program of the Center for Multiparty Democracy (CMD) appeared in 2004 to promote efforts to carry out gender analysis of national budgets. More than 30 NGOs came together in 2012 to hammer out the National Women's Charter, which set a common agenda for women's associations in the period leading up to the 2013 elections.

The process of constitution-making in Kenya was unusually acrimonious and contested. Its eventual passage followed two decades of false starts, failed drafts, national debate and strong advocacy for a dramatically new vision for the country. Yet, according to the first head of the Constitution of Kenya Review Commission (CKRC), Yash Ghai (2005), Kenyan women were the most active and coordinated civil society group involved in the process. As Cottrell and Ghai wrote: "They made full and skillful use of the opportunities opened up by the review for women in particular . . . . The group which came out best from the process were women, who were able to present a united and coordinated position, transcending ethnic or religious distinctions. Women had made considerable gains during the whole reform movement in which they were very active and the Review Act itself was 'gender sensitive': it provided that gender equity be a factor in appointing CKRC Commissioners" (Cottrell and Ghai 2007).

At several points — 1998, 2000 and after the election violence in 2008 — the Kenya Women's Political Caucus took the initiative to break the stalemate in the constitution-making process. In 2004, Abida Ali-Aroni, who had been the commission's vice chair, became its chairperson.

The final drafting of the 2010 constitution was an impressive effort that included Kenyan and international experts, as well as thoughtful input from citizens and civil society. The constitution itself was drafted and overwhelmingly passed in a national referendum relatively quickly.

Women's rights activists fought hard for affirmative action provisions, which were finally included in the 2010 constitution. Three of the most contentious issues at the end had to do with gender: abortion, the constitution's recognition of the Kadhi courts (which decide on family law issues pertaining to marriage, divorce and inheritance of the Muslim community) and the adoption of affirmative action provisions.

Passage of the 2010 constitution was a watershed moment for Kenya, particularly since it dramatically increased the presence of women, especially in governmental and county assembly positions. The 2010 constitution sought to radically change the political structure of Kenya through a newly devolved system of government. It also attempted to tackle major reforms in contentious sectors such as the judiciary, police, land ownership and elections. Informally, the constitution has been referred to as "the women's constitution." The Bill of Rights (Chapter 4) guarantees equal political, economic and social rights for women. The constitution also mandates greater political representation. Article 27(8) says: "[T]he 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."

In addition, the constitution stipulates the following:

- Any law, including customary law, that is inconsistent with this constitution is void to the extent of the inconsistency, and any act or omission in contravention of this constitution is invalid.

- Neither the state nor a person can discriminate against another based on sex and other grounds.
- The state shall put in place affirmative action programs for minorities and marginalized groups with respect to governance, education, economic opportunity, employment and other such factors.
- The constitution provides for the elimination of gender discrimination in law, customs and practices related to land and property in land.
- Parliament shall enact legislation to promote the legislative representation of women.

While the constitution was considered a great leap forward for women's rights and political empowerment, it was tempered by backlash from the entrenched male elite. Interviews conducted in 2011 with leading women politicians, judges, security sector representatives and civil society members highlighted that, while the constitution created a legal framework for women's increased participation, how that would be implemented in practical terms was being framed divisively. The two-thirds principle was being packaged and propagated as, "When women win, men lose." A substantial blow to the legality of the constitution occurred when the new Supreme Court determined in 2012 that the two-thirds principle was to be implemented progressively in the National Assembly and Senate. While the constitution provided a clear framework, cultural and legal interpretations undermined its authority as the country prepared for the 2013 elections. However, the Supreme Court also ruled that a law must be passed by August 27, 2015, to implement Article 81(b), which mandates that "not more than two-thirds of the members of elective public bodies shall be of the same gender." If this does not happen, the parliament will be deemed unconstitutional, according to Supreme Court Chief Justice Willy Mutunga. The stakeholders, who are parties to the case, include the National Gender and Equality Commission (NGEC), the Independent Electoral and Boundaries Commission (IEBC), the Commission on Administrative Justice (CAJ), the Commission on the Implementation of the Constitution and civil society organizations such as the Centre for Rights, Education and Awareness (CREAW) and others, the Centre for Multiparty Democracy (CMD), FIDA-Kenya and the Katiba Institute.

Subsequent legislation sought to ensure that women's rights were guaranteed. The Elections Act of 2011 provided for proportional representation (PR) through the use of mixed-member party lists. The PR system is used in conjunction with the plurality system with respect to the women nominated to the National Assembly and Senate. This was seen as a positive step in facilitating women's representation, since such systems generally do better than others in advancing women candidates. The Political Parties Act of 2011 mandated that parties cannot be registered or receive funds from the political party fund unless they ensure gender equality. They have to have gender balance in their governing structures and one-third of their funds must go toward promoting female candidates. In practice, there has been weak enforcement of this regulation.

Influences on Women's Political Empowerment

Drivers of Change in Women's Political Empowerment

The drivers of women's political empowerment have been comprised of national and local women's organizations and individuals that seek to collectively improve the status of women and advance gender equality and equity. Key drivers also include the Kenya Women Parliamentary Association (KEWOPA), UN agencies, donors, their implementing partners and to some extent women's policy agencies such as the National Gender Equality Commission and Gender Directorate under the Ministry of Devolution and Planning. The Council of Governors has been an important ally.

The Women's Movement

The women's movement has played an important role since the 1990s in helping expand democratization in Kenya and usher in the 2010 constitution. In spite of many differences, they have

united when it mattered and embraced a common gender agenda. Since the passage of the constitution, however, the women's movement has lost some of its earlier momentum. There are few formal mechanisms through which the women's movement can engage the governmental processes and past ties with the government have been weakened. The women's movement lost some of its best leaders to government and the private sector, and funding dried up as more donor funds were directed toward government. Moreover, the movement is somewhat divided, reflecting the political and ethnic divisions within the country. In the past when they have shared common goals, they generally have been able to overcome such differences, as was the case during the constitutional deliberations.

There has also been a loss of momentum in women's mobilization. The focus has been on implementing the two-thirds rule at the national level within the national legislature to ensure that the affirmative action policies continue. However, there has not been a major push from women's organizations to see that this happens. Similarly, there was little response to legislation such as the recently enacted 2014 Marriage Bill, which legalizes polygamy and allows a man to marry multiple women without having to consult his wife.

Women's organizations have coalesced under the National Women Steering Committee,[3] the key organization advocating for women's political empowerment. Founded after the 2010 constitution was adopted, the committee seeks to allow women to speak with one voice and ensure the implementation of the constitution. The committee is coordinated by the Women's Political Alliance-Kenya, the Caucus for Women's Leadership and MYW. It coordinates with the NGEC, parliamentarians, UN Women and other donors.

According to its chair, Daisy Amdany, the focus of the committee's energies has been to find a workable mechanism to implement the two-thirds requirement of the constitution. They came up with a viable mechanism, but a lack of political will led to its rejection by the Cabinet, parliamentarians and the Commission for the Implementation of the Constitution, according to FIDA (Maingi 2014). The NWSC has also worked to increase the number of female candidates, monitored the nomination process, and worked with media to promote women leaders.

The steering committee has not worked so well with the government in recent years. The Directorate of Women, for example, has not incorporated the women's NGOs in the same way as the Ministry of Women did in the past in the UN Committee on the Status of Women meeting. The steering committee has also encountered difficulties with UN Women, which it has accused of being too close to the government. UN Women claims that the difficulties have arisen from their need as a UN agency to work in a nonpartisan fashion, which has meant cooperating with the government.

Women's Parliamentary Caucus

Prior to the 2013 election, the Kenya Women Parliamentary Association (KEWOPA) had been quite successful as a nonpartisan body. It had built the capacity of legislators in their representational and political party functions, as well as the institutional capacity of KEWOPA as an organization. The budget grew from $22,000 to $1.6 million between 2007 and 2013. Supported by the National Democratic Institute (NDI) and State University of New York (SUNY), KEWOPA trained members in developing an agenda, preparing speeches, organizing political party functions, and working with

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[3] The steering committee includes International Federation of Women Lawyers-Kenya (FIDA), Center for Rights Education and Awareness (CREAW), Women in Law and Development in Africa (WILDAF), Coalition on Violence Against Women (COVAW), Christian Partners in Development Agency (CPDA), Community Advocacy and Awareness Trust (CRAWN), Kenya Federation of Self-Help Groups (KEFSHA), Kimbilio Trust, Social Reform Centre (SOREC), the League of Kenya Women Voters (LKWV), Young Women Leadership Institute (YWLI), Youth Agenda, Kangemi Women's Empowerment Centre, Foundation of Women's Rights in Kenya (FWRK), Womankind – Kenya, Grassroots Organizations Operating Together in Sisterhood (GROOTS Kenya), African Women and Child Features (AWCFS), Africa Gender & Media Initiative (GEM), League of Muslim Women, AIDS Orphans Care and Support Program, United Disabled Persons of Kenya (UDPK), Women's Empowerment Link (WEL) and COREMOG-Turkana (FIDA 2013).

personal assistants. The group also developed a new 2014–2018 strategic plan based on the 10 subcommittees and their budgetary implications, with a concerted input on not only gender issues but also on broader matters.

KEWOPA had contributed to the debate that led to the Female Genital Mutilation/Cutting Act in 2011. It had helped women parliamentarians draft and introduce a number of key private member bills. It successfully advocated for the increased representation of women in parliamentary committees and also helped create a parliamentary committee on the Equal Opportunity Strategic Plan. KEWOPA developed guidelines for gender budgeting. In addition, it administered training at the community level on civic education in electoral and political processes, family bills, gender-based violence (GBV) framework and action plan, female genital mutilation, project management and many other topics. It created 19 committees to address gender-based violence prevention and response locally. Since the 2013 elections, however, the organization, which previously had only 22 members, became fragmented as it expanded to 86 women in parliament. Today the Kenya Women Senators Association (KEWOSA) has formed separately and women in the National Assembly who were elected from the 47 counties have also formed their own group. The remaining 16 women who were elected to the National Assembly constitute KEWOPA. The division between women elected in their own right, versus those appointed through affirmative action measures, has been particularly problematic, leading to divisions and making it harder for women to form a coalition in Parliament.

Women's Policy Agencies

The women's policy agencies have been in flux since the 2010 constitution passed and are constantly under threat of being gutted or eliminated. A national machinery was created in 1976 in Kenya after the UN started encouraging the creation of such structures (Department of Women's Affairs within the Ministry of Culture), but it was not until 2003 that the Ministry of Gender, Sports, Culture and Social Services was formed. It shifted in 2008 into the Ministry of Gender, Children's Affairs and Social Development, which included a Department of Gender and Social Development.

In spite of protests by women, the ministry was gutted and reorganized under the Ministry of Devolution and Planning after the 2013 elections. At the same time a Gender Directorate was created to implement gender policy. It is one of three directorates under the Department of Planning[4] within the Ministry of Devolution and Planning. The Gender Directorate has two divisions: the Gender Mainstreaming division and the Socio-Economic Empowerment division. The former has responsibility for gender mainstreaming in the ministries, departments, agencies and counties, Integrated County Development Plans (ICDPs), Post-2015 agenda and the Medium-Term Expenditure Framework (MTEF) process. It also monitors affirmative action policies, develops gender policy and compiles sex-disaggregated data. The Socio-Economic Empowerment division is responsible for overseeing the Uwezo Fund (Public Finance Management); a 30 percent preferential procurement provision for women; and the Women Enterprise Fund (WEF), set up by former president Mwai Kibaki. Its major challenge is to make the case for gender budgeting in the national budget so that the policy translates to the county level and planning offices.

Article 59 of the 2010 constitution mandated that Parliament create a National Gender Equality Commission, which occurred in 2011 by separating the gender and human rights functions of the Kenya National Human Rights and Equality Commission. Its functions are much the same as the prior gender commission's, but it also delivers public education on gender discrimination; conducts audits on the status of special interest groups including minorities, marginalized groups, persons with disabilities, women, youth and children; oversees compliance with the constitution and legislation regarding gender equality; and other such activities. Its primary role is to serve as an independent oversight and advisory body. The commission is grossly underfunded and there is talk that

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4 The other department is the Department of Devolution.

Parliament may pass legislation to combine all the commissions. One of the major challenges is how to carry out gender budgeting at both the national and county levels.

The roles of the NGEC and Gender Directorate remain unclear, and the lack of funding makes their tasks even more onerous. Although the directorate and commission have mandates, there is little coordination around a clear set of goals. According to observers, the decisions they take regarding resource allocation are rarely informed by data (Oduol 2013). Moreover, there seems to be little direction at the moment around moving forward with a plan to get the affirmative action policy in Parliament in place even though the NGEC, Commission on the Implementation of the Constitution, Transition Authority, National Steering Committee, and other bodies claimed that they were engaged in the process.

Donors and Partners

The Gender Sector Coordination Group has coordinated donor and government work in supporting women's empowerment as leaders. UN Women, which manages the basket fund with 40 civil society organizations, serves as the secretariat to this group and in the past the Kenya Ministry of Gender was the permanent co-chair. The nine donors include: Spain, Netherlands, Denmark, Finland, Norway, Germany, Sweden and Canada. Leading up to the change in government, there had not been much input from the ministry, so the group had primarily been a meeting between the donors and civil society. With the change in government and the disbanding of the Ministry of Gender, the group experienced a continued hiatus in government engagement. But finally in 2014, the Gender Directorate called a meeting of the group and has begun to show renewed leadership and commitment.

The group has confronted numerous challenges. According to women's organization leaders, they were more concerned than the government was about gender equality, which the government saw as an advocacy issue. Moreover, gender mainstreaming had reduced donor funding of critical women's empowerment programs. Funding of women's organizations was also limited because donor support primarily went to the government, and this made it difficult for civil society organizations to influence aid effectiveness when donors supported government directly (Farnworth et al. nd).

The government has seen its priorities as following the Second Medium-Term Plan goals, focusing on economic empowerment, establishing procurement mandates of at least 30 percent from businesses owned by women, youth and persons with disabilities, training of women and producing up-to-date data on how different ministries are applying the two-thirds provision in the constitution. They are also interested in extending UWEZO funding, working on violence against women in a more comprehensive manner, and adopting a more holistic approach to leadership that includes economic empowerment, seen as key to women's leadership.

This is a moment of transition as some donor programs supporting government efforts in this area have come to an end and new ones are being planned. The Gender and Governance program, which was heavily supported by Norway and implemented by UN Women, ended in 2013. It was part of a broader Joint Programme on Gender Equality and Women's Empowerment in Kenya run by 14 UN agencies in Kenya (2009–13) that focused on priority areas of gender mainstreaming, gender-based violence, gender and governance, economic empowerment, coordination and "delivering-as-one." The lead organization for gender and governance was the United Nations Development Programme (UNDP). Continued funding through UN Women supports their country strategy.

The European Union is planning new programs to include gender equality. Finland, Sweden, Denmark and the European delegation are coordinating joint analysis of gender to guide their work in this area.

It appears that resources have been directed toward government, which has been slow in responding and coordinating activities around women's issues. Women's organizations are seeking new resources

to advance their agenda, particularly to press the government to ensure that affirmative action policies are advanced and sustained, especially at the national level. Many organizations do not feel adequately supported by UN Women, with which donors have been working.

Council of Governors

The Council of Governors, a new institution, has the potential to serve as an important ally to the women's movement because it has everything to gain from the success of decentralization, as do women representatives. Numerous strategies have emerged from the National Assembly that many fear are aimed at undermining devolution, especially by depriving the counties of development funds and cutting financial support to the judiciary to "tame" them and prevent them from supporting decentralization. The chair of the Council of Governors, Isaac Ruto, has pledged to ensure that the affirmative action plan is implemented at the national level by 2015 and that women members of the county assemblies, both nominated and elected, should enjoy the same privileges.[5] A joint communiqué issued in May 2014 by the National Women Steering Committee and the Council of Governors and County Governments, the Senate, KEWOSA and the MCAs called for cooperation horizontally and vertically between women legislative representatives and governors. They also called for gender sensitive budgeting for service delivery, and an end to amendments that would prevent inclusion and equity.

Immediately after the governors took office in March 2013, they came under fire with the Senate taking steps to impeach several of them. The County Assembly and Senate impeached the Embu governor in 2014. The wage bill and the county planning bill were introduced to undermine the governors' power. One governor was charged with terrorism, but was supported by fellow governors against what they felt were trumped-up charges of a political nature. The perception exists among some that parliamentarians are being bought off to support these efforts with an aim of undermining decentralization.

Part of what is driving these efforts is the sudden realization that the governors now have significant resources and power. Some in the government may have been under the impression earlier on that the governors were simply "glorified mayors" and later realized that the position had real power. Women representatives are also feeling similar pressure as efforts to erode decentralization are being introduced. For example, a bill was introduced in March 2014 by Joe Mutambu (MP, Mwingi Central) to collapse the number of counties from 47 to 10 and reduce the affirmative action seats from 47 to 10 so that half the MPs are women and half are men. However, it also would thin the Senate to 20 elected members, 10 men and 10 women. The party nominees would be eliminated. Three men and three women senators would be nominated to represent the youth, persons with disabilities and minority groups. The stated aim of the reduction is to allow more time for deliberation. The governors have been supporting women's rights advocates around the efforts to get rid of the nominated seats at the county level. Already in some of the assemblies, the nominated women do not have the same privileges as the elected members. Thus, the alliance between women's organizations and the Council of Governors is based on strategic interests of survival.

Institutional Gatekeepers for Women's Political Empowerment

Political Parties

Political parties are one of the major gatekeepers for women's participation. They select, groom and support candidates for election (Women Direct Service Centre 2006). In the 2013 elections, all 58 parties were approved by the Registrar of Political Parties and were deemed in compliance with the gender quota requirements. Nevertheless, the election of women running for open seats actually

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[5] http://www.ngeckenya.org/news/6055/conference-on-devolution-and-affirmative-action-held-in-naivasha

declined at the national level in the 2013 elections: in 2002, 7.1 percent (16 women) were elected out of 224 candidates and in 2007, 8.9 percent (16 women) were elected out of 207. However, in 2013, with the affirmative action measures in place, only 5 percent (16 women) were elected out of 290. Parties sponsored five of the 12 nominated members in the National Assembly. Parties sponsored 13 women to run for senatorial positions and none won. Similarly, parties sponsored five women to run for governor; none were elected.

TABLE 1. ELECTED WOMEN BY PARTY (HIGHEST TO LOWEST)

Party	Elected Women	
	#	%
National Alliance (TNA)	8	11.11
Wiper Democratic Movement (WDM)	2	10.53
United Republican Party (URP)	3	4.83
Orange Democratic Movement (ODM)	1	1.28
Kenya African National Union (KANU)	1	14.29
National Rainbow Coalition (NARC)	1	33.33
Total	**16**	**5.00**

Source: CMD 2014

All but two of 18 parties studied by CMD mention a commitment to gender equality in their constitution (the two exceptions are KANU and Alliance Party of Kenya); seven out of 18 mention women's rights in their party manifestos; and nine out of 18 mention it in their party rules and regulations. National Rainbow Coalition (NARC), Agano and Orange Democratic Movement (ODM) showed the most attentiveness to gender in their documents, while the Alliance Party of Kenya, the National Alliance (TNA), United Democratic Forum Party (UDF), Federal Party of Kenya and the Safina Party had the least.

Women are increasingly holding positions of power within parties. No parties, however, had expressed a central goal of increasing women's representation. Four parties have female chairs, 10 have women vice chairs and five have a woman secretary general. According to CMD (2014), of 31 parties surveyed, six parties, or 70 percent, had surpassed the requirement that no more than two-thirds of one gender hold positions in the National Executive Council: Safina, 50 percent; Agano, 50 percent; Ford Asili, 50 percent; Party for Independent Candidates of Kenya (PICK), 52 percent; the Independent Party (TIP), 56 percent; and Kenya African Democratic Union (KADU) – Asili, 57 percent.

TNA had the most women elected to Parliament with eight, making up 50 percent of all elected women but only 11 percent of TNA's total elected members. Of the 54 registered political parties in the 2013 elections, only six got women elected as members of the National Assembly (see Table 1). At the county level, 680 women were nominated by parties but only 82 (5 percent) were elected to county assemblies.

In the county assemblies, WDM and ODM had the most elected females, constituting 6.2 percent and 1.3 percent of all their candidates, respectively. None of the seven independent candidates were elected, indicating the importance of party affiliation.

While there is technical compliance with the constitution, according to CMD (2014), women are not influencing major party decisions even when they hold top positions in the party, although this may be a matter of time and experience.

Although parties have facilitated women's political empowerment, they have also been among the biggest obstacles. They have at times excluded women from competitive nominations processes,

which are often rigged, and have withheld support to women, particularly financial support in the case of smaller parties. Women interviewed for this report cited a lack of party support in their campaigns. Sometimes those who are put forward as candidates by the party are selected based on sexual favors. There is little attention paid to sexual harassment within parties.

Political parties also hire thugs to protect their candidates and attack candidates of competing parties. The culture of violence in politics is perhaps the biggest constraint on women, and parties contribute to this (see section on Constraints on Women Running for Office: Violence and Intimidation).

Finally, the fluidity of the political party composition in Kenya poses additional challenges to women candidates. Prior to each election, parties realign themselves based more on strategic assessments than on party platforms. While well-established men can navigate these changes, carrying their reputations along with them, these last-minute changes work against political newcomers like women, who need to build their reputations within a stable party context (Kamau 2010).

Media

The media is one of the most important influences on political attitudes and electoral outcomes. The lack of resources is one of the key impediments for women who have a hard time gaining access to formal media. As one women's media activist explained: "There are men who are semi-literate but are forever in the news because they have resources. Political power goes with power in media." Newspapers can be corrupted and some expect to be paid illicitly by politicians for coverage. Women, who often have limited resources, are disadvantaged because of this practice. As one parliamentary aspirant observed:

> Before I declared my candidature, I used to be given free air time by some of the local radio stations to talk about my work. But once they know you are a politician, you have to pay for 15 minutes, maybe 40,000 shillings, no matter what agenda you are going to talk about. There is a lot of corruption and I am just realizing this now that I am in politics.
> — Esther Wanjiku (cited in Kamau 2010)

Women politicians are often discredited in the media. When women see that, they may avoid the media more often than male politicians do. They may find it harder than men to endure the attacks on their families because of the sometimes-delicate negotiations they have had with their spouse to run. One aspirant's husband, who supported her, ended up hospitalized in part due to the stress of her running. She went on to win, but only after she was assaulted by 50 young men in her office during the nomination process and was hospitalized herself.

Those who study the media find that the coverage of women politicians is biased and limited compared to that of men. This may be related to what is considered newsworthy, but it is partly also tied to the lack of female reporters and editors. In a 2004 report comparing the media in eastern and southern Africa, Colleen Morna said that Kenya had the lowest rates of female reporters in these regions after Angola. A little more than 12 percent of stories in Kenya's newspapers were by women; however, about 40 percent of the news presenters on TV were women. More recent studies have shown that these trends have changed somewhat even though Kenya still has among the lowest percentage of female media workers in the East African region, averaging 26 percent. An African Woman and Child Feature Service study in 2013 found that women make up 77 percent of television anchors and 37 percent of general print media reporters.[6] However, only 11 percent of the print journalists covering political news were women, compared to 88 percent men. The Global Media Report for Kenya looked at 23 media organizations and discovered that men dominate the boards of directors (79 percent) of media houses as well as the top and senior management (66.5 percent), who strongly influence what gets published. Women dominate in coverage of "soft" issues like gender

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[6] Figures adjusted from the report to account only for those whose gender is known.

(100 percent), human rights (60 percent) and health (62 percent), whereas men dominate in investigative/in-depth stories (100 percent), economics/business/finance (84 percent) and disaster/war/conflict (63 percent) (Klage and Macakiage 2009).

Independent Election and Boundaries Commission

The IEBC did halve the nomination fees for women candidates and those from other marginalized groups as a result of pressure from women's organizations and from the attorney general. The electoral system was also changed to incorporate a proportional representation system using party lists, which were to alternate positions between men and women as stipulated in the constitution and in subsequent legislation. After the election, it became evident that party lists submitted to the IEBC did not comply with the law, yet the IEBC had accepted the lists. Moreover, the IEBC failed to provide adequate oversight of political parties by not publishing their lists prior to the elections. This led to serious irregularities and disputes over the composition of the lists. As a result, several county assemblies did not have a correct gender quota. During the election, those groups attempting to register women did not have access to gender disaggregated data from the IEBC so they could monitor their success rates. The IEBC itself did not take steps to encourage female registration and did little to address problems of violence and intimidation against women or manipulations of the nominations process; there were also no dispute mechanisms in place. While men also faced many of these same challenges, these were particular disincentives for women who were new to the process. Finally, according to FIDA, the Electoral Code of Conduct was not monitored or enforced, and there was little political will to enforce the 2012 campaign finance law. It is possible that the IEBC was overwhelmed by the many new regulations put in place.

The National Gender and Equality Commission, with FIDA, took IEBC to court for not publishing the lists and for not providing guidelines to ensure compliance with the alternating gender positions on the party lists. The High Court ruled in 2013 that the IEBC must publish the party lists within five days of receiving them, create a dispute resolution mechanism, resolve disputes within seven days of publishing the list, publish the final lists and ensure the participation of marginalized groups like women. This ruling should have a positive impact in future elections (FIDA 2013).

Registrar of Parties

The Registrar of Parties failed to penalize any parties, in spite of numerous violations. The passage of the Political Parties Act of 2011 was intended to address many of the weaknesses regarding this office. Nevertheless, there were numerous complaints of irregularities such as people being enlisted as party members without their knowledge. Currently there is only an interim registrar; the registrar should be assisted by three assistant registrars, but it was the team's understanding that none of the positions have been filled (FIDA 2013). This suggests that the office is seriously understaffed, making it difficult to fulfill its mission. The lack of funding for this office is indicative of a lack of commitment by the key stakeholders.

Wazee (Elders)

Wazee (elders) and elders' councils, where they exist, have considerable influence over local elections. The stamp of approval of these informal and formal groupings is essential for a candidate to have a chance of winning. Their support for women's leadership in general is uneven. The Kisii Council of Elders has brought women into their council, but other councils are often less inclusive. While some have supported various aspects of women's rights, others have been reticent and have sought to restrict women's rights or have focused on issues such as banning women from wearing short dresses in favor of traditional garb. Women's organizations like FIDA work with the councils and train them on women's rights, women's inheritance rights, female genital mutilation (FGM), problems with wife inheritance, preventing HIV/AIDS and other concerns. They remain important gatekeepers for

those running for office and women's relationships to them play a key role in making it possible for them to run.

Religious Institutions

Like the elders, churches are also an important but ambiguous gatekeeper for women entering politics. They can influence electoral outcomes because Christian and Islamic leaders are highly respected. Religious institutions are not always used by women candidates in the same way as male politicians, who are more accustomed to using them to build their political networks.

Deborah Okumu, executive director of Kenya Women Political Caucus, said that she had yet to see church-sponsored women's group candidates come to work with the caucus. The women's groups that are active in churches keep a distance from civil society organizations promoting women's political leadership. The churches encourage and benefit from the extensive participation of women in their affiliated women's organizations, but are less interested in supporting women's rights activism.

They have nevertheless been a source of information about early marriage, but less of a resource on the issue of FGM (Cloward 2012). The Anglican and Catholic churches came out against the polygamy provisions in the new marriage law; they were supportive of setting the age of marriage at 18 and ordering marriages to be registered, but overall have not talked much about polygamy. The National Council of Churches in Kenya (NCCK) attacked parliamentarians for engaging in debates that were "extremely demeaning to the women of our country," and said the bill itself "does not respect the principle of equality of spouses in marriage especially with regard to polygamy" (Muhumed 2014).

Constraints on Women Running for Office

Violence and Intimidation

Perhaps the factor that has the most influence on women's political leadership is the extensive threats of violence and actual violence experienced by women political aspirants as well as leaders. Elections have been violent in Kenya since 1992, involving ethnic clashes and other forms of violence. Many Kenyan leaders have armed militia or hired goons, who are unleashed during elections to intimidate and harass opponents. The situation is even worse for women candidates, and it is especially daunting for new aspirants.

The level of violence women experienced in the elections is unparalleled in Africa. Virtually every woman politician interviewed for this report mentioned a personal experience with violence — against not only herself, but also family members and supporters. Women had to contend with intimidation, destruction of property and verbal abuse, including language specifically aimed at insulting women. Most of these incidents took place prior to the election, but many also targeted women in office. The speaker of the house and Kisumu North Ward Representative Caroline Owen, received death threats in the form of leaflets scattered along the path to the local market in her ward. The leaflets read: "We give you two months to fulfill the projects you pledged during your campaigns as stated above or else we shall 'cut out your heart.' You are not better than Kibiri ward representative who was killed."[7]

In another case, a woman candidate lost a 5-year-old son to election-related violence. Others were hospitalized, some were raped and some had family members threatened. This would be an unacceptable personal cost to bear for anyone. However, for a new group coming into politics, it creates extreme disincentives. One female candidate had her dress pulled up over her head in public,

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[7] http://www.standardmedia.co.ke/thecounties/article/2000122094/anxiety-as-kisumu-mca-gets-threatening-letters

but she was ready for the attack and had worn long pants underneath her dress. The violence is pervasive and affects men as well. It has caused both parties and individuals to create militia both to protect themselves and to attack other candidates.

Some attacks are aimed to undermine the female candidates' integrity. The opponent's team of one female candidate posted fliers in her constituency saying that she was a devil worshipper and had sworn to kill 1,000 women and children. The fliers said she was greedy with her family, that her husband was not supporting her and was backing another candidate, and that she had removed her blouse and told men that they could suckle her breasts for the next five years. The last statement is regarded as especially vulgar and repulsive.

More than one politician had to contend with opponents' efforts to physically try to steal the documents certifying their nomination. Some women said they were offered money to end their campaign or bribed to not report complaints of harassment to the authorities. Sometimes hecklers were paid to jeer women candidates and prevent them from campaigning. Somebody placed a dead body at the nomination site of Mary Kimwele, who was running for county woman representative in Nairobi (Maingi 2014). One woman had to pay for propaganda to counter vicious attacks against her and to clean up condoms that had been thrown around with her name on them.

Thus, the lack of enforcement of the Electoral Code of Conduct was a major constraint on women. The IEBC did little to respond to complaints. Its lack of involvement led to the perception among some women candidates that it had been bought off by their rivals. Women who sought assistance from the police were often told that officers could not help because they did not want to "interfere in politics."

Resources

The lack of campaign finance reform is another major constraint on women candidates, who generally have fewer resources and are less likely to be incumbents, further disadvantaging them. Resources are important for running a campaign, including the cost of recruitment and salaries for campaign strategy advisers and teams, as well as paying for security, media coverage, opinion poll companies, entertainers and publicity items such as bags and posters. It also includes travel and hotel costs, campaign events and other such expenses. According to a CMD study of the 2007 election, the average expenditure by a parliamentary candidate was Ksh 7 million ($80,000) at that time. The big-ticket items included cash handouts at 44 percent, rallies at 14 percent, travel and logistics at 13 percent and another 13 percent for campaign materials (CAPF 2008).

The pervasive practice of vote buying makes it especially hard for women, who typically have fewer resources for such handouts. Although there has been considerable civic education about the dangers of voting for people based on cash handouts, there is a pervasive tendency to judge leaders by the amount they give, especially in the context of community fundraising drives (*harambee)*.

According to the CMD report, candidates raised funds from the sale of personal assets (45 percent), loans (40 percent), individual contributions (10 percent), their parties (5 percent) and fundraising events and sources abroad. An unpublished CMD study found that in the 2013 election they also received increasing support from corporations, but women are not always privy to information on how to access corporate funds (CAPF 2008).

Incumbents, who tend to be men, have the additional advantage of access to state resources, such as vehicles, aircraft and personnel for campaign use. They also have potentially easier access to the media for campaign purposes.

Corruption at all levels was another major impediment to women's access to power. Even where a woman could gain the community backing she needed, it could be undermined by financial incentives offered by competing candidates.

One of the reasons the campaigns are so violent is that so much money is at stake if aspirants lose. The high cost of campaigns also feeds into corruption; those elected to office have to recoup the money spent while they are in office. Thus, many interviewees for this report said the high cost of elections often attracts individuals who are more interested in money than in public service. It favors the wealthy, leads to the misuse of state resources and fuels corruption.

Cultural Constraints

Throughout interviews, there was a deep understanding among women leaders that patriarchy was at the root of beliefs and practices that prevented women from making political gains. Women had enough experience with the political system to become fairly cynical about their prospects of being able to navigate the political terrain. Traditional attitudes from both men and women, and women's relegation to the private sphere, were cited as significant barriers that keep women out of politics.

Numerous women mentioned difficulty in finding a constituency in which to run. If they ran in their natal constituency, they were seen as not identifying sufficiently with their husband's family. The wife is supposed to leave the natal home when she gets married. Those who ran in the constituency of their husband said they were not accepted since they were considered outsiders.

Many women were told by elders, clan members, male rivals and family members that they should pull out of the race because it was unbecoming for a woman to run, that women cannot lead men or that it was against Islam for women to run. Single women were attacked for not being married, and others were said to be too old while male candidates were not criticized for the same attributes. Misinformation spread that women could vie only for the county women representative seats. Parties also sometimes pressed women not to seek open seats.

When families were unsupportive, this significantly added to the challenges female aspirants face. One woman parliamentary aspirant's husband had given her money and moral support, but his mother vocally opposed the candidacy. As a result, she was unable to run in the husband's constituency. The mother-in-law even sent a delegation from her family to try to talk the candidate out of running. As a result, she had to run in her natal constituency, where she was able to use her family influence and wealth to her advantage.

All of these pressures, which men do not face, have the overall effect of discouraging women from even attempting to run for office. Professor Jacqueline Adhiambo Oduol (2013) aptly summarized the toll this took on women politicians:

> Systemic gender dominance (through methods such as making women invisible, making women ridiculous, burdening women with guilt and shame, double punishment of women and withholding information from women) persists with limiting beliefs, which claw back on gains made as expectations within and outside established networks reinforce discrimination against women.

Once women are elected, they face a different set of related constraints. Nominated women are not seen in same light as those who win office because of how they were elected and because they don't have the same resources. Many women politicians said they could use more mentoring and training once they got into office. Women in county assemblies suffer from low capacity, low literacy, sexual predation, blackmail and other forms of exclusion.

IV. WOMEN'S POLITICAL EMPOWERMENT BENCHMARKS

Institutions and Women's Representation

Kenyan women have had a difficult time moving into the country's formal political structures. Prior to the 2013 election, the 10th Parliament of Kenya (2008–2013) included approximately 9 percent women. Their representation has been weak, especially when contrasted with neighboring countries: Rwanda, 64 percent; Tanzania, 36 percent; and Uganda, 35 percent. Between Kenya's independence in 1963 and 2013, citizens elected only 50 women to Parliament. The executive branch has also had few women appointed. It took more than 30 years after independence for a woman to be given a ministerial position, in 1995. Women have traditionally fared better in the judiciary, for reasons to be discussed. An analysis highlights the lack of women leaders in formal government before 2013.

TABLE 2: WOMEN LEADERS IN KENYA 2007–13

Branch	Title	Women	Men	% Women
Executive	Ministers	4	28	12.5%
	Permanent Secretaries	5	37	11.9%
	Mayors of Top 10 Cities	0	10	0.0%
Legislative	Political Party Leaders	1	17	5.5%
	Committee Chairs	1	20	4.7%
	Members of Parliament	13	160	7.5%
Judiciary	Appeals Court Judge	0	11	0.0%
	High Court Judge	28	42	40.0%
	Lower Court Senior Magistrate	25	49	33.7%
Police	Commanders	0	7	0.0%
	Mid-Level Officers	71	682	9.4%
	Lower-Level Officers	3,566	28,737	11.0%

Along with cultural attitudes mentioned in Section III, the actual political system in Kenya was seen as a major impediment to getting more women elected. Kenya's first-past-the-post electoral system (with single-member constituencies) creates an inherently uneven playing field for women, who have less access to the media, support networks, political party assistance and finances. It was repeatedly emphasized that candidates need money to compete in Kenyan politics. The higher the office sought, the more money is required to campaign, pay staff, buy food and transport for supporters and, in some instances, hire gangs to either spread violence or be used for protection.

Strong patriarchal attitudes, a majoritarian electoral system with a winner-take-all mentality and the ability to initiate violence against women with impunity has created a toxic environment that disadvantages and discourages women to compete for political space. The electoral upheaval of 2007–2008, and subsequent attempts to address the nation's long-simmering grievances, created an opening to dramatically change the landscape for women's political involvement.

2013 Election

The 2013 elections were the most complicated that Kenyans had attempted. There were six elected positions that citizens could vote for: president, senator, National Assembly member, one woman representative from each of the 47 counties to sit in the National Assembly, governor and ward representative (county assembly member). Along with the elected seats, there were 12 nominated National Assembly seats held for members representing special interests that were determined through a proportional representation system. On the Senate side, nominated seats included 16 for women, two for youth, and two for people with disabilities.

Despite widespread civic education and media efforts, the significant changes wrought by the new constitution created a confused environment in which civic education was delivered and ballots cast. Even now, during interviews with knowledgeable civil society members and women leaders, confusion remains around the roles and responsibilities of the elected and nominated members of parliament. Interviewees alternately said explicitly that nominated members do not have voting rights, that they have some voting rights and that they have full voting rights.

The confusion over voting rights is emblematic of deeper divisions and confusion around women who were nominated by parties for political office versus those elected in their own right. Appointed-seat quotas are not new in Kenya. What changed so dramatically in 2013 was the <u>number</u> of women who would have to be appointed to fully meet the two-thirds/one-third principle. Given Kenya's historical precedence, it was clear with the passage of the constitution that sufficient women would <u>not</u> be elected by citizens. Although the constitution provided for increased gender representation, it outlined a mechanism for doing so at the local level only. How to get sufficient numbers of women into the Senate and National Assembly was never articulated, and soon became an increasingly contentious debate and battleground.

As many of the interviewees articulated, the affirmative action clause became a "good news; bad news" story as the election campaign proceeded. Electing more women became seen as a zero-sum competition. The discussion was not about how the greater inclusion of women is a win-win for the country. Instead, it was recast as direct competition between the sexes: women win, men lose. Voters were told to support male candidates, as "women already have their seats." In several instances, interviewees said, men attempted to push the strongest women candidates into women-only seats to lessen competition. In short, there was a common view that it did not matter if voters elected women, because they could get their seats through appointment. The scale of political changes — as well as the lack of understanding about new electoral positions and roles — created fertile ground for spreading misinformation about the two-thirds/one-third quota from the national to the local level. Again, while many women noted that affirmative action as a visionary goal was admirable, it was used in a negative way by parties and male candidates to sideline women from elected positions.

Women's Presence in Formal Political Structures

The 2010 constitution implemented quotas for not only elected positions, but also any <u>appointed</u> positions. This component of Article 27 is often given less attention, as discussion and focus has gravitated toward the elected positions in parliament and the newly decentralized local government. Yet the implications for women are equally significant. Judges, independent commission members, security sector recruits and officers, executive positions, etc., are all appointed. There appears to be a common understanding by citizens that, at a minimum, one-third of all new appointments will be women. While it has been difficult to ensure that quotas are being met across all sectors, a number of interviewees highlighted that "people are now watching." There is a common constitutional understanding of the requirement to have women represented, and growing recognition of the importance attached to more diverse representation. Implementation is imperfect, but women often

cited the positive impact of having a constitutional framework as a starting point for discussion or even legal action.

TABLE 3: EXECUTIVE LEADERSHIP AFTER THE 2013 ELECTIONS

Title	Women	Men	% Women
Cabinet Secretaries	6	12	33.0%
Top Technocrats	7	19	26.9%
Mayors of Top 10 Cities	0	10	0.0%
Commissioners	4	4	100.0%
NEWLY ELECTED / APPOINTED POSITIONS			
Governors	0	47	0.0%
Deputy Governors	6	41	12.7%
Executive Committees	126	435	22.4%

At the national level, clear gains were made for women in top executive positions. President Uhuru Kenyatta publicly committed to meeting the one-third quota. This is significant considering that the number of ministries was reduced from more than 40 to 18, dramatically decreasing the number of high-profile appointments available. It is also worth noting that a number of women were appointed to key cabinet positions, including foreign affairs, defense and devolution — often considered "power" portfolios.

While the increase in appointments was seen as positive overall, there were a number of critiques around the process and effectiveness of those chosen. Several alluded to women being placed there because of their connections versus qualifications or experience. There was also frustration with the government's attitude that one-third — the minimum required by law — was considered sufficient. Other critiques even suggested that the six women ministers were for show and a closer look below this level would highlight a deficit of women in leadership roles. The team was not able to obtain a breakdown of civil service positions according to rank, although the Gender Commission said a survey was planned.

No women candidates were elected as senator or governor, although there are six women deputy governors out of 47. The long list of constraints — lack of political party support, rigged nomination process, targeted violence and threats of violence, community hostility, little access to media, limited funding — was reiterated across candidates and geographic locations. Despite these challenges, quota mandates did, in fact, open up leadership positions. Reserved seats placed an additional 47 women in the National Assembly, 18 women in the Senate and more than 700 women in county assemblies, due to a clear constitutional mechanism for meeting the one-third quota at the local level and a successful legal challenge by the National Gender and Equality Commission.

At the local level, the only consistent measure from 2011 — mayors of the 10 largest cities — has not changed. Under the new devolution structure, however, executive authority is now delegated to county executive committees. Committees include the governor, deputy governor and members appointed by the governor and approved by the county assembly. Of the 47 new county executive committees, 16 have met the one-third threshold and an additional 14 counties have 30 percent female representation. Counties averaged together meet the quota with a total of 31.2 percent women membership on the county executive committees. In some counties women far exceed the one-third quota, making up as many as 86 percent of the seats in Kiambu and 50 percent of the seats in Lamu.

While far from perfect, appointments in the executive branch are outperforming numbers in the elected legislative branch and security sector. There was little discussion about this phenomenon

during two weeks of meetings. Focus remains on the elected, higher-profile positions in the legislative branch. While county assemblies have an important role to play, service delivery falls to the executive arena. Working more closely with the local executive government – that in these early days of devolution seems across the country more open to women's participation – might be a better entry for strengthening gender equality policies and practices.

Legislative Leadership Following the 2013 Elections

TABLE 4: WOMEN LEGISLATORS AFTER THE 2013 ELECTIONS

Entity	Title	Women	Men	% Women
Parliament (Both Houses)	Political Party Leaders	1	8	11.1%
	Committee Chairs	8	38	17.3%
Senate	Members	18	49	26.8%
	Speaker	0	1	0.0%
	Deputy Speaker	0	1	0.0%
National Assembly	Members	68	281	19.4%
	Speaker	0	1	0.0%
	Deputy Speaker	1	0	100%
County Assembly	Members	762	1,479	34.0%
	Speaker	3	44	6.3%

TABLE 5: WOMEN'S REPRESENTATION IN THE NATIONAL ASSEMBLY (1963–2013)

Year of Election	# of Women Elected	Reserved Seats	# of Women Nominated	% of Women in Parliament
1963	0	–	0	0
1969	1	–	1	1.2
1974	4	–	2	3.5
1979	5	–	1	2.9
1983	2	–	1	1.7
1988	2	–	0	1.1
1992	6	–	1	3
1997	4	–	5	1.4
2002	10	–	8	7.1
2007	16	–	6	8.9
2013	16	47	5	19.1

Despite the Supreme Court ruling that the implementation of gender quotas was to be "progressive," with a mechanism to ensure quota compliance by the next election, some gains were made at the national level in top leadership positions held by women. In particular, the number of women chairing committees has expanded significantly in the National Assembly from one to seven (out of 27 committees) and women serve as vice chairs on eight committees. In the Senate, one out of 11

committees has a woman as chair. Most of the committees that women chair are considered among the less powerful, except for the Land Committee, given the importance and controversy around property use and ownership in Kenya. Women's membership levels on the most powerful committees — Budget and Appropriations, Finance, Energy, Defense and Foreign Relations — remain among the lowest.

Once all the votes were counted, only 16 women out of 290 constituency members (5.5 percent) were elected to the National Assembly. At the local level, the percentage is similar: 82 out of 1,450 (5.7 percent) were directly elected as county assembly representatives. The percentage of women elected to open seats in parliament represented a decline from the 2002 and 2007 elections, when the percentage was 7 percent.

The increased percentage of women represented in parliament is due to the number of reserved seats outlined in the constitution. While these "women's seats" have boosted representation, it has also led to divisions among men and women in parliament, civil society and the public around the role and value of appointed seats. As one civil society representative pointedly stated: "When you get a leadership position selected by the community, you have power. When you are appointed, you are a stooge!" Derogatory nicknames indicative of status (flower girls, bonga points, beauties without brains, etc.) were jokingly used in reference to the nominated candidates. From the national level to the local level, questions about the value and role of party-appointed representatives are being debated. What constituency do nominated women represent? What is their obligation to the party that placed them in parliament? What criteria were used to select the women?

The divisive nature of nominated versus appointed positions is fracturing women parliamentarians and impeding work on potential issues of common concern. The team heard repeatedly that the new representatives care first about their cars, their perks and getting access to Community Development Fund resources. Addressing the needs of citizens, and certainly women's concerns, is further down the list. As one donor expressed, "We were concentrating so much on improving the numbers, but now the capacity is the challenge. Women are struggling to deal with their personal lives and leadership. They were selling tomatoes in the market yesterday and now they are leaders — and they are lost." This speaks to the need for continued leadership training, mentoring and support for women in office.

Now that substantial numbers of women have been appointed at the local level through the new quota system, pressure is intense for women to "perform well." Both politicians and outsiders noted this challenge: within the next five years (before the next election) women need to show their value. This discussion is taking place in a belt-tightening economic environment, when many Kenyans are struggling to make ends meet and representatives – either elected or nominated – are among Africa's highest paid.

Judicial Leadership

TABLE 6: WOMEN JURISTS AFTER THE 2013 ELECTIONS

Court	Women	Men	% Women
Supreme Court	2	7	22%
Appeals Court	5	11	31%
High Court	26	27	49%

While the court system remains heavily male as an institution, women have made significant headway in representation. Prior to the 2013 elections, the judiciary had high percentages of women in the

middle courts. The highest court of the land, however, remained off limits. The combination of a new gender-sensitive chief justice, improved constitutional framework and more accommodating work environment for women is continuing to change the face of the judiciary. Intake classes of new magistrates are exceeding the 30 percent quota. This change is occurring not only among judges, but also among the composition of the Judicial Services Commission and registrars. While the team did not talk to a wide range of stakeholders in this area, there was a general sense that the judiciary was making more substantial progress on both merit-based promotions and gender balance. One Appeals Court judge noted that the judiciary is not only cognizant of women's rights issues, but also more aware of the need for ethnic balance.

However, even the judiciary had to be prodded into adhering to the two-thirds principle. In July 2011, FIDA Kenya and several other women's organizations went to court to challenge the constitutionality of the insufficient number of women judges appointed to the Supreme Court. The High Court of Nairobi dismissed the claim that the appointments violated the constitution.

As an institution, the judiciary is not without its critics. Kadhi courts remain discriminatory against women. In the secular courts, long delays, corruption and a lack of openness to the public were all cited. But despite these limitations, the judiciary work environment was cited as more friendly to women, who often assume the majority of house duties and childcare. Court hours are dependable, the salary is good, and the work is predictable. In the lower-level courts, there is some flexibility to accommodate women with young children by providing assignments that keep them together. It was also noted that it is difficult for women to enter the private sector as lawyers, given societal preference for male legal representation. As a result, men drop out from the judiciary more to join the private sector, while women remain for the stability and better work-life balance.

One of the most interesting meetings was with Chief Justice Mutunga. He voiced his frustration over the lack of leadership and action around protecting women's newly found rights, indicating that he was strongly in support of women's representation and devolution and would do everything in his power to defend the constitution in this regard. He called for more public pressure on Parliament to clarify the two-thirds/one-third rule, and determine now — well before the next election — how it will be dealt with. A chief justice who has publicly shown his support (and vote) for women's representation — who advocates for more public litigation — seems to present a clear opening for donor support.

Security Sector Leadership

In 2012, the Kenyan Police Force established a National Women's Police Association to develop leadership skills, advance gender-sensitive policies and serve as a place where policewomen can provide support for one another as affirmative action policies are put into place. Before the affirmative action policies were introduced, 11 percent of the police force was made up of women: It had 42,593 officers, out of which only 4,724 were women, while Administration Police had about 579 female officers in its senior ranks, excluding constables.[8]

In addition to the two-thirds provision in the constitution, a national action plan has been finalized to implement UN Security Council Resolution 1325, which requires that women be involved in all security and peacebuilding activities.

Plans are underway to train more women at the National Police Training College in Kiganjo. As a result of the two-thirds requirement, Grace Kaindi is deputy inspector general of the police (the second-highest position in the force) and Selina Awinja, one of the highest-ranking women, serves as the superintendent of police for Nairobi's Njiru district (Kushner 2013). It will take a while to increase women in the lower ranks of the police since they will need to be recruited. There did not

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[8] http://www.internewskenya.org/summaries.php?id=5836

appear to be any special measures to reach out to women in the 2014 recruitment campaign, which simply mentions the affirmative action provision in recruitment advertisements.

In a country where the police have historically been politicized, Kenya's 2010 constitution provided for major changes in police governance. Pressure from civil society and international actors helped move the reform agenda forward so that now, a once strongly politicized police force is being professionalized. This was evident in the March 2013 elections, when the police helped diffuse and prevent renewed violence (Noyes 2013). The professionalization of the police should help in the recruitment of women.

In contrast to the police, Kenya's military has had a reputation for staying out of politics and has historically had little involvement in political violence with one exception in 1982 (Noyes 1982). Women were first recruited into the Defense Forces in 1972 and were based in a separate Women Service Corps. Their terms and conditions of service were different from those of men. The WSC was disbanded in 1999 and the personnel were integrated into the mainstream Defense Forces, allowing for more women to join the armed forces.

It remains to be seen if Raychelle Omamo, the new female defense minister who was appointed in 2013, will increase the recruitment of female soldiers. In December 2013, NTV Kenya ran a series on women in the military, helping encourage more women to enlist. The Navy has the least number of women because it started recruiting them only recently. In 2000, it received two officers and 38 servicewomen from the disbanded Women Service Corps. Today it has 10 female officers and 115 servicewomen.[9] Similarly, women began to join the Air Force after the WSC was disbanded. The Air Force has 1 percent women and a handful of officers. No figures for the army were available.

Like other branches of government, the security sector is also mandated to increase women's representation to a minimum of one-third. Anecdotal evidence points to an increased appointment of women to leadership positions in the police.

The lack of women in the security sector has a number of negative consequences. In the police force, officers are typically the first responders to the crimes women confront on a daily basis. Past research has revealed a clear and positive correlation between women's representation in the police and the number of reports of sexual assault. Personal testimony by women officers highlights the often negative and hostile environment in which they work. Commanding officers' attitudes shape how women are treated internally, within the force, and externally, as private citizens.

Organizations such as the Gender Commission, FIDA or other NGOs with an interest or connections in this area should be supported to gather better data to understand how the security sector is meeting its constitutional commitments.

Types of Women Represented in Formal Government

Women's representation varies significantly between the national and local levels. Women leaders at the national level are typically elite-based: well educated, professional and with some access to financial resources. In the past, looking across the spectrum of women leaders in the different branches — from judges to commanders, ministers and MPs — the list of women is small but impressive in their qualifications. The number of appointed women in Parliament has seen an influx of "newcomers" onto the political scene, and this has shifted the representation of women to some degree. Questions were often raised around how the appointed candidates were selected by the parties. Many women are not well known in political life. The insinuation was that elected women arrived on merit, while appointed women arrived by an unknown or dubious selection process.

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[9] http://www.mod.go.ke/navy/?page_link=gender

Questions around the merit or qualifications of local-level candidates were magnified at the county level. It was assumed that some of the appointed council assembly members were placed there by the party to control them. Because many of the 682 new members had little to no political experience, there was serious concern about the ability of these women to be effective in negotiating and navigating the political space. Several interviewees recounted stories of sexual favors and predation by male party members. While the team met with a number of articulate and seemingly effective local women leaders, the wide influx of newly appointed candidates almost certainly points to a lack of experience and preparation for office. While candidate training was widespread, a number of donors and NGOs repeated that the focus was on getting numbers into office and not enough on preparing winning candidates for the job.

Factors Influencing Women's Advancement

Many of those women who won elections came in with a reputation of prior involvement in community or women's initiatives. As with men, incumbency was an asset for others because they had established a record. Those who were well networked and had the support of a strong party did well. They started campaigning early and had a strategy for fundraising. Perseverance was important; some ran in several campaigns and lost in initial attempts to run for office following foul play by their opponents. They eventually succeeded in winning as a result of their perseverance. A supportive family, support from women's organizations, the elders (wazee) or elders' councils and other key opinion leaders in the constituency also made a difference. Wealthy and educated women had an advantage.

Impact of Women on Formal Institutions

The significant influx of women into Kenya's formal political institutions, with the exception of the lower level judicial courts, remains a recent phenomenon. The constitution was passed in 2010, but the most dramatic changes resulted from the March 2013 national and local elections. Analysis has shown that the success rate of women candidates for elections in parliament was similar to that of male candidates. If Kenyans are not opposed to electing women, one might assume from the evidence that more women running could have translated into more women elected. However, despite the supportive legal framework established, the team repeatedly heard that on-the-ground women candidates face hostility from many quarters. While individual husbands, family members, and communities offered support, the overarching environment – from competitors, political parties, media, etc. — remains aggressively unsupportive.

The institutions themselves reflect these attitudes. A number of individuals made statements such as:

> "It is just a show that men are accepting this representation of women."
> "You can't implement the new constitution with old structures."
> "Men say one thing but act in another manner."

It is clear that Kenya is grappling with cultural change as it attempts to implement the constitution. It is also clear that there are structural forces pushing back against that change. Many of the debates taking place around the transformation — value of appointed women, quality of the women elected or appointed, etc. — have been echoed previously in neighboring countries implementing quotas. In some respects it is too early to determine whether and how the presence of more women is creating institutional change. The glass ceiling still appears to be firmly in place. Related stories indicate that little has changed institutionally for women in these early days of implementation.

Yet, despite significant pessimism surrounding how the two-thirds/one-third quota is being rolled out, there was almost unanimous agreement that women are in a better place today than pre-2013. Even women politicians were surprisingly optimistic about the overall trends when asked if they would run again. The constitutional framework was continuously cited as a bright spot for women's

political future. There was widespread belief that Kenyans are now paying much more attention to women's representation. While quotas are not always being respected, people are now willing to speak out about underrepresentation.

Because formal institutions are not readily embracing the constitutional changes, it becomes incumbent upon women in office to demonstrate their value. As one interviewee put it: "Women need to show what they can do before 2017" to maintain the public's support. This double standard is by no means fair, but many voiced it as real. The infighting between appointed versus elected officials, the lack of coordination around a common agenda, and the political inexperience of many women are all cause for concern if concrete results are required to maintain support for greater women's inclusion.

Symbolic Impacts

In spite of hostility to women politicians from key gatekeepers, early surveys show that Kenyans are largely supportive of women's leadership and the affirmative action policies put in place, in spite of the cultural constraints that work against women in politics. In Infotrack Research and Consulting's March 2014 survey of 1,200 Kenyans in eight regions, 77 percent said the increased presence of women in parliament would improve the status of politics in Kenya. Almost 57 percent said there had been some change as a result of women's presence; 17.6 percent disagreed and 26 percent were unsure. Eighty percent said women faced great obstacles in entering politics, chiefly fear of insecurity and attacks from male opponents (44.4 percent) followed by lack of support from the family (13 percent) and lack of financing (11 percent). About 87 percent felt women should hold key positions in parties. Another 55 percent agreed that women were better managers than men in government and private sector, while 17 percent felt they were equally competent as managers. Over 60 percent said they would vote for a woman president.

Another survey, by Afrobarometer, produced similar results, showing that both men and women were generally supportive of women's political leadership (75 percent) and women, in particular, tended to endorse the view that they should have the same chance of being elected as men. Only 23 percent of both men and women felt men made better political leaders than women (see Table 7).

These surveys, coupled with the reality on the ground for women politicians, suggests that Kenya is in a period of transition as the country grapples with the meaning and significance of women assuming new leadership roles.

TABLE 7: SURVEY RESULTS ON SUPPORT FOR WOMEN LEADERS

Statement	Response	Total	Men	Women
Men make better political leaders than women, and should be elected rather than women.	Agree very strongly	15%	19%	11%
	Agree	7%	7%	7%
Women should have the same chance of being elected to political office as men.	Agree very strongly	50%	45%	55%
	Agree	25%	26%	25%
Agree with neither		2%	3%	2%
Don't know		1%	1%	1%
TOTAL		**100%**	**100%**	**100%**

N = 2,399; weighted results. Source: Afrobarometer, 2012

V. USAID PROGRAM RESULTS ASSESSMENT

USAID's democracy activities in Kenya have been hampered to some degree by the outcome of the 2013 elections and selection of candidates. The tension, which may be dissipating, has made devolution work especially difficult; this may have particular consequences for the advancement of USAID's work on women and politics, which rests heavily on the success of devolution. However, much has been done in spite of these constraints and Kenya remains the sixth largest recipient of USAID funding, with close to $300 million disbursed annually.

USAID's focus is on three goals: 1) reducing gender disparities in access to, control over, and benefit from resources, wealth, opportunities and services (economic, social, political, and cultural); 2) reducing gender-based violence; and 3) increasing the capability of women and girls to realize their rights and influence life outcomes and decision-making in households, communities, and societies. Specifically, USAID seeks to integrate gender equality and female empowerment in its work; pursue an inclusive approach to foster equality, build partnerships across a wide variety of stakeholders, harness science, technology and innovation to reduce gender gaps, address unique challenges in crisis and conflict, serve as a thought leader and learning community, and hold itself accountable.

USAID was involved in crucial efforts to write and implement the 2010 constitution and, in particular, in efforts to include key provisions affecting women. Subsequently, it was involved in a variety of activities leading up to the 2013 elections to train women and promote them as candidates, primarily through its Kenya Election and Political Processes Strengthening Program (KEPPS), an associate award made through the Consortium for Elections and Political Process Strengthening (CEPPS). CEPPS is a consortium that includes the International Republican Institute (IRI), International Foundation for Electoral Systems (IFES) and the National Democratic Institute for International Affairs (NDI).

National Democratic Institute

In the early 2000s, NDI started training women politicians through its youth leadership academy. With the 2007 elections, its focus shifted to election violence. After passage of the 2010 constitution, there was growing concern about how to implement the two-thirds requirement at the national level.

During the 2013 elections, NDI supported the Association of Media Women in Kenya to train 106 journalists on gender-sensitive reporting. The association used radio to encourage people to vote for women and to profile women candidates in the 2013 election. Trainings for women were part of the Leadership and Campaign Academy (LCA) to strengthen the leadership and campaign skills of potential candidates in the 2013 elections.

The institute is currently focusing on structural issues in parties, particularly identifying and training women who could become trainers for parties. NDI has worked on raising awareness of parties around women's leadership, and has worked with the Independent Electoral and Boundaries Commission (IEBC), Office of the Registrar, party election boards, national executive councils and training for aspirants directly. NDI is working with the Kenya Women Parliamentary Association (KEWOPA) to implement a program to strengthen women's participation in electoral and political processes, to strengthen mentorship and to conduct workshops on the budget process. It developed a manual for mentoring and training women interested in political leadership and is carrying out trainings. NDI is working with KEWOPA to analyze and develop policy proposals to impact the government's budget development process in the energy, infrastructure and information and communications technology (ICT) sectors. NDI also carries out trainings with women members of the county assemblies.

NDI has supported the Federation of Women Lawyers (FIDA) in developing and reviewing gender considerations in the process of elections monitoring for future elections.

International Republican Institute

Much of the strength of IRI's work with women has been at the local level and is based within counties around a set of issues rather than around grants. The majority of its work in this area has focused on training women in civil society and in MCAs in leadership skills, human rights, lobbying, and gender budgeting. Through the Women, Peace and Security Incentive Fund, IRI is conducting a social audit program with a focus on gender-responsive budgeting and other gender audit activities.

KEPPS: Strengthening Women's Participation (2011–2013)

USAID supported an initiative by FIDA Kenya to develop guidelines on using the Political Parties Fund to promote women's participation and encourage party compliance with the two-thirds affirmative action constitutional provision. FIDA also lobbied the Registrar of Political Parties and political parties directly regarding the constitutional provision.

KEPPS: Enhancing Kenya's Transitional Process (2012–2014)

USAID is supporting inter-ethnic/community dialogue in the four informal settlements in Nairobi after houses were forcefully taken away or illegally occupied after the 2007–2008 election violence. The grant supported a gender audit of the impediments to women's inclusion and participation in governance and decision making at the national and county levels.

USAID initiatives have also helped support:

- The **National Women Steering Committee,** which is made up of NGOs and community-based organizations working to ensure that the constitution is implemented.
- **Women's Democracy Network (WDN),** which funded grassroots women's organizations between 2010 and 2013, including WDN country chapters, to foster women's political participation in the elections and provide training and networking opportunities to women leaders. The program also provided guidance in creating achievable strategic plans and strengthening organizational structures, and gave them the funding necessary to implement strategies to address the issues facing women in their countries.
- The **Women in Peace Leadership Program,** which has supported communities affected by conflict in Nyanza, Mt. Elgon and Rift Valley. It has helped women take part in community peace initiatives and strengthened their conflict management skills.
- **Men for Gender Equality Now (MEGEN),** which mobilizes men of all ages to "transform masculinities for gender equality now."
- Organizations **advocating for women with disabilities,** including the Kenya Union for the Blind (KUBE); National Association for the Deaf (NAD); Northern Nomadic Group in the Arid Lands; Youth Disabled (which represents people living in informal settlements); Women Challenged; and the Association of National Disabled Youth (ANDY).

Challenges

Much of the focus of USAID in the past has been on the constitution-making process and, after that, on the 2013 elections in order to avoid the violence that occurred after the 2007 elections. Although the 2013 election did not result in the levels of violence and rape of women seen in 2008, other forms of insecurity persisted for women candidates. These threats to women candidates were serious impediments to their continued pursuit of political leadership. Continued terrorism and land-related unrest in the Rift Valley make insecurity an ongoing problem that threatens the overall political process.

These circumstances require thinking more strategically about the gatekeepers that make it difficult for women to participate in politics as well as the allies of women politicians, who have supported women's political engagement. It also requires efforts to address the practices (e.g., retaining militia, corruption and campaign handouts) that stand in the way of women's political leadership, as well as the institutions that support or hinder women (e.g., quota design and the electoral system).

VI. USAID PROGRAMMING RECOMMENDATIONS

Main Objectives

Three major changes that build on existing gains would improve women's leadership in Kenya:

- A long term-strategy led by the Commission on Gender and Equality, women legislators and the women's movement (supported by UN Women and donors) to address institutional constraints on affirmative action, to help strategize politically how to get key legislation passed and work with Supreme Court.
- Greater cohesion between 1) women in the legislature, 2) UN Women and the women's movement and 3) the women's movement and the Directorate of Gender and Commission on Gender and Equality.
- A serious policy initiative to address election-related violence and violence against women.

Considering the current Country Development Cooperation Strategy (CDCS) and other mission priorities — based on the program accomplishments and contextual assessment of women's access to leadership and power — future USAID programming should address important goals and intervention strategies.

Key questions to consider:

- How can future programs build on accomplishments to date and incorporate lessons learned and best practices to extend and enhance women's political leadership and empowerment?
- Given the broader assessment of women's leadership across government, what new areas of programming should USAID consider?
- How might local partners be further empowered to deliver programming?
- What other donors should USAID consider coordinating with to better harmonize programming and enhance results?
- How can USAID best integrate women's political empowerment programming into its overall strategic agenda for the country, based on current or planned CDCS, development objectives, results frameworks, etc.?
- How can data collection be improved? Problems that get measured are more likely to be addressed.

Recommendations

1. Support Allies

More effort needs to go into thinking strategically about how to work with key allies who can push back against structural and cultural factors that women find so difficult to surmount. Some examples include the women's legislative caucuses, the Council of Governors, the Commission on Gender and Equality, the Commission on the Implementation of the Constitution, the Human Rights Commissions, the Transition Authority and the chief justice.

Women's Legislative Caucuses: While KEWOPA may be having fracturing problems, it should receive support to help it become a force, given its voting bloc. Donors should by wary of fragmenting the

parliamentarian women and should support collaborative initiatives. Kisumu has an interesting model of a county-level caucus that seems to be working. Each woman has chosen one area to pursue. That model involves small but concrete steps forward.

Council of Governors: The governors are key to holding onto decentralization and have a vested interest in ensuring that the process moves forward. They have been supportive of initiatives to implement the two-thirds constitutional gender provision. Supporting them is an important strategic measure.

Gender and Equality Commission/Human Rights Commission, Commission on the Implementation of the Constitution and Transition Authority: The government appears to be trying to financially starve these institutions into uselessness. While this is a larger donor issue, these are important national allies that can help hold gains made by women. While it may not be possible to fund them broadly, there are areas, e.g., public litigation, where commissions can move the agenda and have done so in the past.

The Chief Justice of the Supreme Court has proven to be an important ally of women's rights causes. With his background in human rights advocacy, he places a premium on women's movement activism as a key mechanism to push policy processes forward. He was the only member of the Supreme Court in 2012 to insist on immediate implementation of the two-thirds gender principle at the national level rather than wait for a progressive process to unfold.

2. Strengthen Accountability Mechanisms

Accountability at the county and national levels seems to be a major problem, while at the local level it seems almost non-existent because the structures are so new. Mechanisms are needed for local actors. Agile Harmonized Assistance for Devolved Institutions (AHADI) may be able to address some of these gaps. Here are examples of some strategies:

Scorecards: Effective programs have existed that thoughtfully ranked counties in performance of service delivery. Before publication, governors (and their staff) were able to comment on the scorecard and refute it. Sometimes they made a compelling case. This program led to huge competition between governors and highlighted lagging performance. Similar scorecards could be introduced at different levels, for the MCAs and for Parliament. Coordination with other donors would be necessary and the production of multiple contradictory scorecards should be avoided. Clarity in purpose, ease of use and understanding and fairness of the process are key to the success of such scorecards. Those being evaluated need to have a chance to respond to the assessment.

Tracking government performance on elected and appointed positions: There has been so much focus on the elected affirmative action positions, but getting women into appointed positions is equally important — some might even argue more important, given the tremendous hurdles women candidates face. Only a few agencies and organizations interviewed for this report were paying attention to this. In the security sector, the lack of knowledge about what is happening was shocking. This is not an expensive undertaking. The Gender Commission said they were monitoring the numbers of women elected and appointed, but the need is clear for a more concerted and systematic effort to collect the data. Civil society organizations could also be more involved with this undertaking. An annual scorecard or ranking could be a public exercise that gives kudos to those making good progress and highlights those who are not. One could even have a gender, youth and disabilities ranking.

Public Litigation: Although FIDA lost its Supreme Court case, suing the government was effective in cases concerning the country assemblies and IEBC party lists. The commissions, FIDA and other stakeholders that have used the courts have shown it to be a powerful counterweight to bad government behavior. The chief justice has voiced his support for more public litigation to achieve the affirmative action goals of the constitution. For example, organizations could be supported to collect and monitor the numbers of women in leadership. The data could then be used to file formal

lawsuits through FIDA or a coalition of supporters (e.g., commissions and NGOs). This could be a cost-effective and powerful tool for change.

Security Sector: Given the high level of GBV in Kenya, it is extremely important that more women enter the police force and begin to rise through the ranks. Interviewees told a number of sobering stories about how women police officers are treated and the lack of change within the institution. Bringing light to what is happening within the sector — especially given the rise in crime, terrorism, violent attacks and widespread concern about security — is important.

3. Train and Mentor

While training and mentoring is taking place, there are several considerations to keep in mind:

- Training should start early in the electoral cycle, not right before the election. When money comes late, people are unable to use the skills they have learned and the funding doesn't always reach the intended recipients.
- Training and mentoring should help women candidates — particularly first-time and younger candidates — cope with the realities of running for office, e.g., violence, bribery, party hostility, sex predation and militias.
- Much emphasis had been placed on training women candidates, but more training and mentoring would help women who are already in office. On more than one occasion, interviewees expressed that, "We have focused on getting numbers, and now that women are there, no one is prepared." This training needs to help women think strategically about how to pass legislation, whom to lobby, who is threatened by the legislation, who is supportive and where to build support. Many of the new women parliamentarians are not accustomed to thinking in these terms.
- Leadership training that brings women legislators together with women leaders in other sectors should be emphasized.
- Almost every NGO interviewed for this study said it was involved in training women leaders, mostly at the local level. Efforts should be made to standardize these trainings through a coordination body to ensure that donors and NGOs are not at odds and to ensure that there is national coverage.
- Some of the best types of leadership training programs involve pulling together women from different areas — including various parts of government, the private sector or NGOs. A creative training initiative could be carried out at different levels (national or county). The idea is to work on the broader issues that affect women's leadership while creating linkages across areas.
- Many interviewees spoke about the value of a good mentorship program. The early pioneers can teach and support the next generation. A common theme was how women who lost in earlier elections have persevered, learned, changed tactics, grown their networks, etc., to finally win in the second or subsequent election they were vying for. There is a lot of information to be imparted, but how a mentoring program is structured seems like an area for more exploration.
- Mentors can see younger women as competitors. Younger women are not always aware of earlier struggles and may be dismissive of hard-won gains by the older generation. Therefore, a cross-county mentoring program could be examined to minimize issues of competition. Similarly, mentors can cut across sectors and do not necessarily have to be in the same area of leadership.
- Mentors should be chosen carefully to create ongoing, long-term interactions.

4. Link National and County Levels of Government

A disconnect between the national and county levels of government was apparent. Linkages need to be built between these new structures. There seems no way for local authorities to talk to national

authorities and vice versa. What is emerging is competition between the different levels, rather than collaboration. The issues become framed around "who can deliver what to the constituency." Women lose in this game, as so many are appointed with no access to Constituency Development Funds and the ability to "deliver" goods. The dialogue should be reframed to one that asks: How can these constituencies, at both national and local levels, be supported?

5. Target Gatekeepers

Training gatekeepers: There should be training of elders, religious leaders and key community leaders, who serve as gatekeepers to women's leadership.

Focus on parties that are "winners" in promoting women's leadership. Research has shown that when one party gets serious about women and adopts quotas, and puts women in fully supported leadership positions, women's chances of being elected can improve. This, in turn, has a contagion effect on other parties, which seek to catch up and gain this advantage. A way forward would be to focus on the few parties that are serious about women and focus USAID energy and resources accordingly. By capturing more votes, other parties may follow suit. Efforts should be made to support civil society efforts to try to monitor parties' records in advancing women.

Help women develop media strategies to work on media coverage of women leaders. The media are critical gatekeepers for candidates. Support informative workshops for women political candidates on how they can use the media effectively in their campaigns. Support efforts to educate the media on the impact of negative and degrading images of women in the media.

6. Develop Synergies with Other USAID Programs

The health program should support AHADI (once it is back in full implementation) and programs like it. The issue of violence against women and poor state of health, especially at the decentralized level, was reiterated repeatedly. The hope around decentralization was that it would improve service delivery. Women's organizations, government leaders and MCAs identified women's health and GBV as top priorities. There are huge gains to be made by marrying the technical side of health programming to the democracy, rights and governance aspects of health programming (e.g. good governance, legal policies, human rights and inclusion, sustainability of service delivery, etc.). There seems a willingness among politicians and stakeholders to work together on these common issues. Finally, if county governments don't function properly, nothing will function properly — including health delivery.

VII. INTERVIEWS

Academics

Prof. Maria Nzomo, Director, Institute of Diplomacy & International Studies, University of Nairobi

CEPPS Partners

Michael Yard, Chief of Party, International Foundation for Electoral Systems

John Tomaszewski, Resident Country Director, Kenya, International Republican Institute

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Husna Hassan, Senior Program Manager, International Republican Institute

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Roseline Idele, Program Officer, National Democratic Institute

Civil Society

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Naomi Caroline Wambui, Action Aid

Hon. Rose Waruhiu, Vice Chairperson, Centre for Multi-Party Democracy (CMD); Former Member of East Africa Legislative Assembly; Former Member of Parliament – Kenya

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Commissions and Transition Authority

Winnie Lichuma, Chair, National Gender and Equality Commission

Paul Kuria, Deputy Secretary of Programs and Research, National Gender & Equality Commission

Patricia Nyaundi, CEO, Kenya National Commission on Human Rights

Catherine Mumma, Commissioner, Commission on the Implementation of the Constitution

Kinuthia Wamwangi, Chair, Transition Authority

County Government

Hon. Jenipher Atieno Kere, Executive Member for Education, Youth, Culture and Social Services, County Government of Kisumu

Donors

Patricia Munayi, Gender Adviser, Canadian Cooperation Office

Riikka Raatikainen, Counselor, Governance, Gender and Human Rights, Embassy of Finland

Judiciary

Justice Lydia Achode, Judge, Court of Appeal; Former Chief Registrar to the High Court.

Chief Justice Willy Mutunga, Supreme Court

Media

Rosemary Okello-Orlale, Program Officer, Ford Foundation; Former Executive Director, African Women and Child Feature

Helen Obande, Executive Director, Association of Media Women in Kenya (AMWIK)

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Women Legislators

Hon. Alice Muthoni Wahome, Kandara Constituency, Party TNA.

Hon. Rose Waruhiu, Vice Chairperson, Center for Multiparty Democracy (CMD); Former Member of East Africa Legislative Assembly; Former Member of Parliament-Kenya

Hon. Ruth Cheptarus Sang, Nominated, Nakuru West Constituency

Lilian Mwake, Assistant to the Speaker, Nakuru County Assembly

Hon. Prisca Auma, Kaloleni/Sahuri Ward, Kisumu; Former mayor of Kisumu

Hon. Caroline Owen, Speaker of House, Kisumu North Ward Representative

Hon. Malin Atieno Akinyi, Kisumu County Assembly, Kobura Ward

Nerea Okombo, Member, Kisumu County Assembly

Marylene Olero, Member, Kisumu County Assembly

Pamella Josi, Deputy Speaker, Kisumu County Assembly

Women's Organizations

Deborah Okumu, Executive Director, Caucus for Women Leadership

Hon. Alice Wahome Muthoni, Chairperson, League of Women Voters

Mary Kiuma, Program Officer, League of Kenya Women Voters

Daisy Amdany, Executive Director, Crown Trust and Chairperson, National Women Steering Committee

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Patricia Nyaundi, Former Executive Director, Federation of Women Lawyers (FIDA)

Easter Achieng, Executive Director, Kenya Female Advisory Organization (Kisumu)

Abigael Ambiyo Mutivah, Coordinator, Association of Professional Women with Disabilities

Margaret Mbira Omondi, Coordinator, Women Concerns Centre, and Kenya Female Advisory Organization, Kisumu

Jackline Ingutia, Executive Director, FIDA, Kisumu

Betty Okero, Civil Society Organization Network, Team Leader, Kisumu

Amina Akello, Asalam Muslim Women Forum, Kisumu

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