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# A Gender Analysis of the 2017 Kenya General Elections





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## List of Abbreviations

<b>ACHPR</b>	African Charter on Human and People's Rights	<b>MNA</b>	Member of the National Assembly
<b>AG</b>	Attorney General	<b>MP</b>	Member of Parliament in the National Assembly
<b>ANC</b>	Amani National Congress Party.	<b>NARC-K</b>	National Rainbow Coalition - Kenya
<b>AP</b>	Agano Party	<b>ODM</b>	Orange Democratic Movement
<b>CCM</b>	Chama Cha Mashinani Party.	<b>ODPP</b>	Office of Director of Public Prosecution
<b>CEDAW</b>	Convention on the Elimination of All Forms of Discrimination against Women	<b>ORPP</b>	Office of Registrar of Political Parties
<b>CIC</b>	Commission on the Implementation of the Constitution	<b>PDR</b>	Party for Development and Reforms
<b>CIOC</b>	Constitution Implementation Oversight Committee	<b>PNU</b>	Party of National Unity
<b>COK</b>	Constitution of Kenya.	<b>PPA</b>	Political Parties Act
<b>CREAW</b>	Centre for Rights Education and Awareness	<b>PPF</b>	Political Parties Fund
<b>CSOs</b>	Civil Society Organisation	<b>PPK</b>	Progressive Party of Kenya
<b>ELOG</b>	Election Observation Group Kenya	<b>PPDT</b>	Political Parties Dispute Tribunal
<b>FAP</b>	Frontier Alliance Party	<b>PWDs</b>	Persons with Disabilities
<b>FIDA-K</b>	Federation of Women Lawyers - Kenya	<b>SDP</b>	Social Democratic Party
<b>FORD-K</b>	Forum for Restoration of Democracy- Kenya	<b>TWG</b>	Technical Working Group
<b>GBV</b>	Gender-based Violence	<b>UDHR</b>	Universal Declaration of Human Rights
<b>HAK</b>	Healthcare Assistance Kenya	<b>VAWIE</b>	Violence Against Women in Elections
<b>ICCPR</b>	International Covenant on Civil and Political Rights	<b>WDM-K</b>	Wiper Democratic Movement –Kenya
<b>IEBC</b>	Independent Electoral and Boundaries Commission	<b>WMNA</b>	Women Representative Member of the National Assembly
<b>IND</b>	Independent Candidates		
<b>JP</b>	Jubilee Party		
<b>KADU-Asili</b>	Kenya African Democratic Union-Asili		
<b>KANU</b>	Kenya African National Union		
<b>KEAP</b>	Kenya Electoral Assistance Program		
<b>MCAs</b>	Members of County Assemblies		
<b>NCIC</b>	National Cohesion and Integration Commission		
<b>NDI</b>	National Democratic Institute		
<b>NGEC</b>	National Gender and Equality Commission		
<b>MCCP</b>	Maendeleo Chap Chap Party		
<b>MGP</b>	Mazingira Greens Party of Kenya		

# FOREWORD & ACKNOWLEDGEMENTS

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The National Democratic Institute (NDI) and the Federation of Women Lawyers (FIDA Kenya) are honoured to present *A Gender Analysis of the 2017 Kenya Elections*, following a similar joint report produced by the two institutions in 2013. NDI is a non-profit, non-partisan organization working to support and strengthen democratic institutions worldwide through citizen participation, openness and accountability in government. NDI has provided assistance in Kenya since 1994, and provided support for thousands of women in political parties and as candidates prior to the 2017 elections. FIDA-Kenya is a non-governmental, non-partisan, not for profit organization that envisions a society that is free from all forms of injustices and is the oldest women's rights organization in East Africa and has worked in Kenya since 1985.

We hope that this analysis may bring greater awareness to the status of women's participation in politics in Kenya and offer recommendations for future efforts to improve the equality of women's participation.

NDI and FIDA-Kenya would like to recognise the hundreds of women who dedicated their time, resources and energy to run for offices throughout the country. They are at the forefront of the efforts to bring greater equality to women in society, and set the example for others who would participate in the future. Without their drive and dedication, ambitious initiatives to increase women's political participation would not be possible. This report also benefited greatly from the contributions of these candidates through focus group discussions and personal interviews. Their stories informed and deepened the narrative, built upon records of legislation passed and percentages of seats won, and reminded us of the human experience of running for office and working in politics.

Both organizations wishes to acknowledge the individuals who have helped in developing this report. Ms. Catherine Mumma and Dr. Okumba Miruka are appreciated for their intellectual input and commitment in the development of this publication. The following individuals also assisted with the heavy lifting on this report: the NDI Kenya gender team members Roseline Idele, Ursula Bahati, Alice Njau, and Benedictus Rono; NDI Kenya senior program manager for research, Dennis Omondi; NDI Kenya program director, Rakeb Abate; and the FIDA Kenya program officer for women and governance team, Michelle Oyuga, and Deputy Executive Director, Barbara Kawira Japan. The team is grateful to NDI's Washington DC staff for assisting with editing and making the report ready for production. Special thanks to Catherine Messina Pajic for serving as the principal editor for the report.

Finally, NDI would like to acknowledge that this report would not have been possible without the support of the people of the United Kingdom and the United States, through the generous funding of the Department for International Development (DFID) and the United States Agency for International Development (USAID). FIDA Kenya expresses its utmost gratitude to development partners UN Women and DANIDA for the resources that made the development, printing and dissemination of this publication possible.

Yours Sincerely,

Dickson Omondi, Country Director  
**National Democratic Institute**

Teresa Omondi-Adeitan, Executive Director  
**FIDA Kenya**



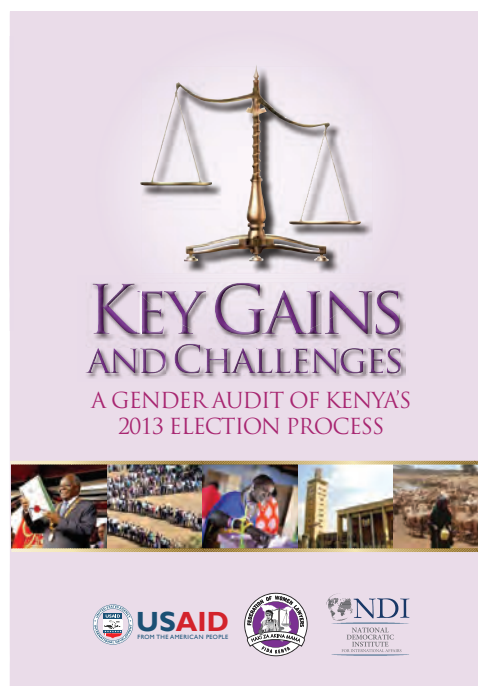
## EXECUTIVE SUMMARY

This report was prepared by NDI in conjunction with FIDA-Kenya as a follow-up to their previous gender audit, *Key Gains and Challenges: A Gender Audit of Kenya's 2013 Electoral Process*.<sup>1</sup> Similar to its predecessor, this document reviews the performance of women in the 2017 general elections, in the context of the systems and structures put in place to encourage their political inclusion and participation. Through examination of the legal and social environment in which the 2017 campaigns took place, and a comparison of the recent electoral outcomes to previous ones, the report draws conclusions about the barriers that women face as candidates and aspirants. These conclusions form the basis of a series of recommendations to increase women's representation in Kenya's elective bodies in the next general elections, scheduled for 2022.

Kenya's legal framework lays a firm foundation for the principles of gender equity and equality in the country's politics and government. The Constitution of Kenya, adopted in 2010, contains a provision that no elective body shall have more than two thirds of its members from the same gender. This key provision is supported by other articles within the Constitution, upheld by legislation regulating elections and political parties, judicial decisions, and complemented by a body of international treaties and conventions.

Unfortunately, this critical legal standard of gender equity and equality has not been completely met. The parliament has yet to pass legislation that would bring its own two houses – the National Assembly and the Senate – in line with the Constitution's "two-thirds rule." Amendments to the Elections Act and the Political Parties Act (PPA) have improved the regulatory environment but remain inadequate, lacking meaningful incentives and enforcement mechanisms. Compliance among political parties and the parliament continues to be problematic, despite Supreme Court rulings mandating implementation of the two-thirds rule. Consequently, although the 2017 elections were the second to be held since the Constitution's passage, women still comprise less than 33 percent of the parliament.

Making gender equality a reality in Kenya requires not only a conducive legal framework but also the collaborative efforts of relevant state and non-state actors. These include not only the parliament, but government ministries, commissions responsible for gender issues, the judiciary, the Independent Electoral and Boundaries Commission (IEBC), the Office of the Registrar of Political Parties (ORPP) and the Attorney General (AG), as well as civil society. Some of these, particularly the judiciary and civil society, did their part to provide the institutional and



<sup>1</sup> <https://www.ndi.org/files/Kenya-Gender-Audit-2013-Electoral-Process.pdf>; <http://fidakenya.org/elections-gender-audit-2013/>

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legal support that would guarantee the meaningful participation of women in the 2017 elections. Nonetheless, larger institutional, cultural, and political barriers remain which, through decades of precedent and preference for male participation, continue to prevent significant advancement of women in Kenyan politics.

That said, the 2017 elections did represent a step forward for women's representation, albeit an incremental one. Compared to the elections in 2013, more women won seats at all levels, except for the presidential race, which remained exclusively male. For the first time, women became governors and senators (three of each in 2017, compared to none in 2013), while more women were elected to the national and county assemblies (23 members of the national assembly in 2017 vs. 16 in 2013 and 96 members of county assemblies in 2017 vs. 82 in 2013). Women running as independent candidates were also elected for the first time. While these are positive changes, women comprised just 9.2 percent of the 1,835 elected individuals in 2017, a marginal increase from 7.7 percent in 2013.

As a result, all elected bodies, and indeed, all political institutions in Kenya, require further reform to achieve gender parity. One step to this achievement will be the full enactment of the two-thirds threshold, including the special appointment or "nomination" of female members to ensure that elected bodies reach at least 33 percent women. Only at the county level have such mechanisms been implemented to increase the number of women in the assemblies, resulting in rates of female representation ranging from 32 to 41 percent. In contrast, the National Assembly has only a small percentage of seats designated for women and the rest elected through open constituency seats, only 8 percent of which are occupied by women. Similarly, the Senate's openly contested seats are held by just 6 percent of women. Despite the low representation of women, neither body has adopted the necessary legislation to meet the two-thirds gender rule requirement, and so have yet to meet the Constitution's threshold.

While women's representation did show a marginal increase in 2017, the fact that it continued to fall short can be attributed to factors beyond the incomplete nature of the country's legal frameworks and its noncompliant political institutions. A comprehensive review of the experience of female candidates shows that women faced the same challenges in 2017 that they did in 2013, namely: inadequate political support from their parties, particularly in the primaries; a lack of financial resources; gender-based violence; gender stereotyping; and patriarchal structures across society. However, the 2017 elections also demonstrated that prior experience in public office or in previous campaigns contributed to the success of those female candidates who did win, creating a virtuous cycle of positive outcomes. Women who had served in specially nominated positions, for example, were more likely to win an election than those who had never held office at all. But, with so few women involved in politics to begin with, a large cadre of experienced women may never materialise, particularly while persistent barriers limit the entry of new women into politics.

Based on conclusions drawn from election data and from the insights shared by female candidates and aspirants, this report provides recommendations to ensure that the 2022 elections are safer for women, more inclusive, and finally meet the two-thirds gender rule. Key recommendations are:

- Most important, NDI and FIDA-K recommend that the parliament enact progressive legislation that includes specific mechanisms for meeting the two-thirds threshold in the National Assembly and Senate, as has been done at the county level.
- The IEBC, ORPP and other institutions should review the current legislative frameworks and enforce the existing laws to ensure greater gender compliance. This could include improving enforcement of codes of conduct to ensure the safety of women in elections, and also closer scrutiny of parties leadership and nomination lists to require inclusion at all levels. Further rewarding parties for women's representation via the Political Parties Fund could be a strong incentive to recruit more women for office.



- Comprehensive efforts to create funding mechanisms for marginalised candidates – including women – must be completed in a more systematic manner. The ORPP should take more robust action to ensure that public funds set for political parties are used transparently and that 30 percent of the funds support marginalised groups. Civil society efforts to create an independent fund, such as those of Kenya Women Holding, are equally important.
- Civil society will remain an important tool for women politicians through all aspects of their work. Civil society organisations (CSOs) can train new candidates and provide mentorship, while also working with elected leaders to ensure that they are effective politicians. CSOs work across all sectors – such as media, conflict, political parties, and governance – and together they can build support for more women in politics.

For true gender equity and equality to become a reality in Kenya, as elsewhere, decades will be required to alter entrenched attitudes and customs. Nonetheless, much can be done in the short-term to meet the provisions of the Constitution and ensure that women are fairly represented in the political institutions that can contribute toward long-term change.

## I. BACKGROUND

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### Overview<sup>2</sup>

The 2017 Kenyan polls were the second elections conducted after comprehensive changes to the political system that included the adoption of the new constitution in 2010 and a newly established Independent Electoral and Boundaries Commission (IEBC). These sweeping reforms of the legal and institutional frameworks in Kenya, which had been discussed in Kenyan politics since the 1990s, were finally implemented as part of the response to the outbreak of violence after the 2007 elections. Among the reforms instituted after 2007 were a number of measures to increase women's participation. At the highest level, Article 81(b) of the 2010 Constitution stipulated that no more than two-thirds of the members of elective public bodies shall be of the same gender. The electoral system also provided for 47 seats in the National Assembly specifically for women, and a mechanism for representation of marginalised groups. However, the Constitution only set out a clear mechanism for meeting the so-called two-thirds gender rule at the county level, and provided no such procedure for the National Assembly and the Senate. Instead, the 2010 Constitution required parliament to enact the necessary legislation to achieve this quota within five years, but numerous attempts to pass such legislation have failed.

As a result, only 20 percent of the members of the 11th parliament (2013-2017) were women, far below the required threshold. This low level of representation was attributed not only to the lack of a legislative framework, but also to the cultural, financial and political barriers that prevent women from vying for non-affirmative action seats. Consequently, out of the 290 constituency seats in the National Assembly, only 16 were won by women in 2013. None were elected as governors or senators in 2013.

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<sup>2</sup> Unless an alternative source is cited, all figures are sourced from the IEBC website and the lists published in the government gazette [[www.iebc.or.ke](http://www.iebc.or.ke)].

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The 2013 election outcome led several state and non-state actors, including CSOs, political parties, the IEBC, and the ORPP, to take measures to increase the number and capacity of women competing for office in 2017 and to reduce the barriers they faced. These measures included identifying and training female candidates, building community awareness to increase support for women's leadership, enhancing the visibility of female candidates, working with political parties to support and motivate women running for office, and helping state agencies to ensure compliance with gender laws. Nonetheless, political will to reduce barriers to women's participation, both within political parties and in the legislature, remained low. Male leaders largely ignored multiple court rulings requiring implementation of the two-thirds gender rule and disregarded political regulations that mandated women's inclusion in preference for the status quo.

Ahead of the 2017 elections, political parties formed into two major groupings to compete at the presidential level. The parties of incumbent President Uhuru Kenyatta and Deputy President William Ruto's Jubilee Coalition decided to merge into a single entity, the Jubilee Party, while four parties formed the opposition National Super Alliance (NASA) and selected Raila Odinga as their presidential candidate. These political parties also selected candidates during primaries for the five other elected positions – Senator, Member of National Assembly (MNA or MP), Women Member of the National Assembly (WMNA), Governor, and Member of the County Assembly (MCA). Political parties are required by law to adhere to “democratic principles of good governance [and] promote and practice democracy through regular, fair, and free elections within the party.” In reality, party primaries and internal selection to leadership in 2013 and in 2017 are often opaque and chaotic affairs that frequently exclude women and other groups. Women in the primaries have been intimidated to drop out in favor of male candidates and encouraged to join the party list for nominated seats rather than compete against men in the party.

Kenya held general elections on August 8, 2017.<sup>3</sup> Candidates from 41 political parties and a record number of independent candidates competed for office. The total number of registered voters was 19,611,423<sup>4</sup> (about 9.1 million female, and 10.6 million male), and voter turnout approximately 79 percent with roughly 15.2 million valid votes cast. Women won elections for governor and senator for the first time, and more women were elected to the national and county assemblies than in 2013. Nonetheless, women were unable to gain the constitutionally mandated 33 percent representation in elective office.

In this context, NDI and FIDA-K analyzed the performance of women politicians in 2017, compared to the 2013 elections and within Kenya's political, legal, and cultural environment. This report identifies and documents the challenges encountered by these women and the lessons to learn from this election, along with myriad program successes. Specific objectives of this report include:

- To provide a comparative synopsis of the performance of women in the 2013 and 2017 elections and draw conclusions from the collective data.
- To evaluate the political, economic, social, and legal context in which the elections were conducted and its potential influence on women's participation, exploring any changes that have taken place since 2013.
- To examine the role and performance of key political and electoral institutions in creating an enabling environment and supporting women aspirants and candidates in the national and county level races. These include the IEBC; the ORPP; the judiciary, to include the Political Parties Dispute Tribunal (PPDT); political parties; and CSOs.

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<sup>3</sup> The presidential election held on 8 August 2017 was annulled by the Supreme Court and subsequently held on 26 October 2017. Most non-presidential races from 8 August 2017 were not overturned in the courts.

<sup>4</sup> IEBC Press Statement on the Certification of the Register of Voters, June 27, 2017

The report concludes with recommendations, based on the investigation of factors that contributed to gains in women's participation. These include the policy, legislative, and institutional frameworks designed to implement the two-thirds gender principle in elective bodies as well as cultural traditions, societal attitudes, and the capacity of women themselves.

## Methodology

The study used a range of methodologies to collect information, including desk research and key informant interviews. Analysis of 2017 election data was based on IEBC election results, the IEBC gazette of candidate lists for primaries and the general elections, political party documents, election laws, reports from non-governmental organizations on the electoral process, reports on women's political participation, and media articles. Data on the composition of parliament (National Assembly and Senate) and the 47 county assemblies, as well as the offices of the presidency<sup>5</sup> and governors,<sup>6</sup> was also collected.

Interviews were conducted with female candidates, women who were elected and nominated at the national and county levels, officials from National Gender and Equality Commission (NGEC), ORPP, and political parties, and staff from non-governmental organizations. Information was gathered as well from NDI and FIDA-K experts who trained women candidates and worked with political parties throughout the 2017 election period. The report also benefited from focus group discussions on violence against women in elections conducted by NDI with women candidates in Kisumu, Nyeri, and Nairobi. Finally, a wide range of stakeholders were consulted prior to publishing the findings in this report.

The absence of a standardised format and/or government policy guidelines in publishing election data made it difficult to capture and analyze data at some levels. The IEBC does not always issue election data in machine readable formats, while political parties provide even less information on their primaries. Where relevant, the report notes when data was unavailable for review.

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<sup>5</sup> This includes the Office of the Deputy President

<sup>6</sup> This includes the Offices of Deputy Governors.

## II. POLICY AND LEGISLATIVE FRAMEWORKS

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This analysis focuses on the body of laws and policies relating to women's representation in elective bodies and in politics in Kenya. In general, the law of Kenya is progressive and advances the equality of women's rights. In practice, however, the implementation and enforcement of law has been more mixed, and there have not been great changes in the legal framework from 2013 to address these deficiencies. There have been a few amendments to electoral laws since 2013, most notably to the PPA, which have created additional incentives for parties to recruit women candidates and promote women to leadership positions. Despite these amendments, in the past five years there has been only marginal improvement in the overall legal environment for women candidates.

### The Legal Framework

Kenya's legal framework for women's political representation, participation, and inclusion are laid out in numerous documents and directives.<sup>7</sup> These include not only the 2010 Constitution, and an array of national and international laws and treaties. The judiciary has also developed significant case law in this area.

#### INTERNATIONAL TREATIES

International human rights laws embody fundamental values shared by all participating members in the community of nations. Kenya has ratified various international human rights treaties that now form part of its national law.<sup>8</sup> Among the key international laws that recognise every citizen's right to take part in the government of their country, either directly or indirectly, are the Universal Declaration of Human Rights (UDHR),<sup>9</sup> the

<sup>7</sup> Gender Policy (2011), GoK, State Department of Gender and Youth Affairs; COK Articles 10, 27 (8), 54 (2), 100 & 177 (1) (b); The Supreme Court Advisory Opinion, No. 2 of 2012; The Political Parties Act (2011); Section 52(2).

<sup>8</sup> COK Article 2 (5) and 2 (6).

<sup>9</sup> UDHR Article 21.

International Covenant on Civil and Political Rights (ICCPR),<sup>10</sup> the Convention on the Political Rights of Women, the UN Convention on the Elimination of all forms of Discrimination against Women (CEDAW) and the African Charter on Human and People's Rights (ACHPR).<sup>11</sup>

The UDHR forms one of the cornerstones of human rights and is a fundamental principle in democratic constitutional states. The UDHR stipulates equal enjoyment of political rights without discrimination based on gender or other designated categories.<sup>12</sup> The ICCPR reaffirms the UDHR principle of the right to participate in public and political life without discrimination.<sup>13</sup> To address continued discrimination against women in voting and holding political office, the UN also adopted the Convention on the Political Rights of Women, one of the early covenants specifically aimed at promoting and protecting women's rights. It affirms the right of women to vote and hold public office without discrimination. The Political Rights Convention was followed by CEDAW, which requires state parties to the Convention to protect women's rights to "participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government."<sup>14</sup> CEDAW outlines specific discriminatory acts and elaborates upon the necessary actions required to eliminate all of them.<sup>15</sup> It defines equality, equal treatment and equal status of women and men in terms of formal recognition in law and in practice.<sup>16</sup> Kenya has also signed but not ratified the Protocol to the ACHPR on the Rights of Women in Africa ("Maputo Protocol") and the African Charter on Democracy, Elections and Governance. The Maputo Protocol affirms the principle of equal participation and the use of affirmative action to ensure equal and effective participation of women in politics.<sup>17</sup> The African Charter on Democracy, Elections and Governance aims to promote representative governance and promote and protect the full realisation of rights.

## THE CONSTITUTION

The country's 2010 Constitution serves as the primary legal foundation for equal representation in appointive and elective bodies, and makes international laws ratified by the state automatically applicable in Kenya.<sup>18</sup> The Constitution provides for women's effective representation through the two-thirds principle.<sup>19</sup> The document's Bill of Rights also prohibits discrimination on several grounds including race, religion, ethnic or social origin, and sex, and obligates the State to:

- Refrain from acts that may occasion discrimination on the grounds stated above;<sup>20</sup>
- Develop policies and enact laws which not only prohibit discrimination but also redress the inequality that has, in the past, been created by discrimination on these grounds;<sup>21</sup> and
- Take the necessary measures to ensure that no more than two-thirds of persons in any appointive or elective body are of the same gender.<sup>22</sup>

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<sup>10</sup> ICCPR Article 25(a) and (b).

<sup>11</sup> ACHPR Article 13.

<sup>12</sup> UDHR Articles 2,7 and 21

<sup>13</sup> ICCPR Article 25(a) and (b).

<sup>14</sup> CEDAW Article 7.

<sup>15</sup> CEDAW Articles 2, 4 & 7.

<sup>16</sup> CEDAW Articles 2, 44 & 24.

<sup>17</sup> Maputo Protocol Article 9

<sup>18</sup> COK Article 2 (5) and 2 (6)

<sup>19</sup> Particular reference is made to: Articles 10 (2), 23, 27, 54 (2), 54 55 (b), 98 (1) (b), and 177) of the Constitution.

<sup>20</sup> COK Article 27 (4).

<sup>21</sup> COK Article 27 (6).

<sup>22</sup> COK Article 27 (8).



The two-thirds gender rule is reiterated under the general principles of the electoral system on the membership and composition of Kenya's 47 county assemblies.<sup>23</sup> The Constitution dictates that, should the election not yield a 33 percent majority, the county must nominate (i.e., appoint) members of the minority gender as needed to meet the threshold. Legislation governing how to appoint those members was thus enacted. For the parliament, the Constitution established 47 seats in the National Assembly (one from each county) that would be open only to female candidates, who would compete for them in the general elections. It also provided for 12 nominated or appointed seats to the National Assembly, to be selected from a zebra list, (i.e., alternating male and female candidates<sup>24</sup>) that would represent marginalised groups. In the Senate, the Constitution established 16 seats for women, nominated by political parties according to their relative strength in the Senate elections, plus two members to represent youth and two to represent persons with disabilities (PWD). The two PWD and youth members must be split evenly by gender.

For the remaining 290 open constituency seats in the National Assembly, as well as the remaining 47 seats in the Senate, the Constitution makes no specific provisions to ensure that the two-thirds rule is respected. Instead, it obligates parliament to enact legislation promoting the representation of women, PWDs, youth, ethnic and other minorities, and marginalised communities in the national legislature.<sup>25</sup> The Constitution also mandates political parties to respect and promote human rights and fundamental freedoms and gender equality and equity.<sup>26</sup>

## NATIONAL LAWS

Two key pieces of legislation establish a practical regulatory framework for women's political representation, along with the agencies needed to execute and ensure compliance with the law. These include the Elections Act (2011), which guides the conduct of elections, and the PPA (2011), which governs political party registration and conduct and establishes the ORPP.

### *THE ELECTIONS ACT (2011)*

The Elections Act (2011) elaborates on the Constitution's provisions for governing the conduct of elections at all levels in Kenya through the IEBC.<sup>27</sup> The Act contains several provisions to increase the participation of women in politics and guarantees their right to vote. The Act provides for voter registration and criminalises actions that interfere with one's right to vote and/or the exercise of that right through bribery, intimidation, or violence. The Act also designates a process for representation of minority groups in parliament through mixed-member party lists, as per the Constitution. It also requires the IEBC to determine from party lists the numbers required to comply with the two-thirds gender rule in allocating special seats in county assemblies.<sup>28</sup> In case of the death or incapacitation of an occupant of one of these special seats, the law requires that it be re-allocated to a person of the same gender. To ensure compliance with election regulations, the Act requires political parties to submit their nomination rules to the IEBC for review. Parties that are found to be in violation are given 14 days to revise the rules to be in compliance. In the case of the 2013 and 2017 elections, noting the financial challenge that most women face in their campaigns, election regulations reduced the amount of IEBC-required nomination fees for all female candidates.<sup>29</sup>

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<sup>23</sup> COK Articles 81(b), 177(1)(b) and 197.

<sup>24</sup> The National Assembly has a total of 390 seats, of which 290 represent constituencies, 47 are designated seats for women, and 12 are nominated. The Senate has 47 members.

<sup>25</sup> COK Article 100

<sup>26</sup> COK Article 91(1)(f).

<sup>27</sup> The IEBC was established separately through the IEBC Act of 2011.

<sup>28</sup> Elections Act Section 36(7).

<sup>29</sup> Elections (General) Regulations, 2012 Regulations 19, 25, 29, 33 and 37

The Elections Act also contains an electoral code of conduct that regulates the actions of all parties, their officials, candidates, agents, and supporters. The code of conduct promotes a free and peaceful campaign process, devoid of violence and intimidation. The code requires political parties to commit to promoting gender equality and prohibits discrimination. Section 16 of the code seeks to safeguard the political rights of women as candidates and voters. It obligates referendum committees, candidates, and agents to ensure security and full participation of women and PWDs; respect the right of women to communicate freely with political parties' committees and candidates; facilitate the full participation of women in political activities; ensure free access of women and PWDs to all public political events; and, take reasonable steps to ensure that women are free to engage in any political activity. During the 2017 elections, the IEBC established a Code of Conduct Enforcement Committee to hear and determine complaints brought before it regarding violations by candidates, their agents and supporters. The cases resulted in the warning, fining, and/or dismissal of those found guilty.

## ***THE POLITICAL PARTIES ACT (2011)***

The PPA (2011) governs the formation and operation of Kenya's political parties. The PPA provides guidance to political parties on relevant provisions in the Constitution including the integrity of leaders, representation of marginalised groups, and free and fair elections. Since its inception, the PPA has been gender sensitive, with provisions geared toward guaranteeing the inclusion and participation of women in the formation and governance of political parties.<sup>30</sup> For example, the PPA requires that party governing bodies comply with the two-thirds gender rule. All parties must subscribe to the Political Parties Code of Conduct, which obligates them to respect the rights of all persons to participate in the political process and to respect and promote gender equity and equality, human rights, and fundamental freedoms.

The PPA also establishes the Political Party Fund (PPF), public money that is allocated to parties based on prescribed criteria. For a political party to qualify for public funds, it must, among other things, have no more than two-thirds of its registered office bearers from the same gender. To reinforce women's inclusion in the leadership of political parties, the Act further directs that 30 percent of these public funds be used for promotion of representation of women and other marginalised groups.

Despite these requirements, the Act did not achieve its intended objective of increasing women's political leadership ahead of the 2013 elections. In 2016, in response to demands from civil society and women politicians, the AG established a Technical Working Group (TWG) to develop mechanisms for attaining the two-thirds gender principle, and the TWG proposed amendments to the PPA.<sup>31</sup> The Act was subsequently amended to include provisions that facilitate gender equity in political parties.<sup>32</sup> Following are some of the highlights:

- The amendments substituted the term 'special interest groups' with 'minorities and marginalised groups' to clarify who falls within the inclusion framework.<sup>33</sup>
- Section 7(2) (f) (iv) requires that, to qualify for full registration, political parties must submit a document detailing the number of members they have recruited from special interest groups. The amendment is meant to assist the ORPP in monitoring and auditing parties for adherence to the constitutional principle of inclusion and, where necessary, compel compliance with the law.

<sup>30</sup> Political Parties Act (2011) S. 7 requires parties to have diversity and gender balance (among other requirements) as well as governing bodies whose leadership meet the gender representation principle.

<sup>31</sup> The TWG included NGEC, Ministry of Devolution, IEBC, CIC, ORPP, Kenya Law Reform Commission and FIDA-K.

<sup>32</sup> The Political Parties (Amendment) Bill, 2016

<sup>33</sup> Section 2 of the Political Parties Act.

- The original Act had provided for the representation of women in party governing and functional organs.<sup>34</sup> Following its amendment, the Act now provides for deregistration of parties that do not include representation of special interest groups in their governing and functional organs.<sup>35</sup>
- After revisions to section 25 1(aa), the Act stipulates that 15 percent of the PPF will be distributed proportionately among qualifying parties based on the number of its elected candidates who come from special interest groups.
- Prior to amendment, the PPA required parties to develop policies and plans for affirmative action; now the Political Parties Code of Conduct requires implementation of those programs and policies.

## Compliance with the Law

Compliance with the two-thirds gender rule has been a challenge since the passage of the Constitution. County assemblies constitute a particular bright spot, the only place where laws have been enacted which ensure that women comprise at least one third of their members. The parliament's attempts to enact broad implementing legislation have failed repeatedly, and the government has done little to hasten the process or apply pressure. Court decisions mandating legislative compliance have in some cases encouraged delay and in others have gone unenforced. National laws related to political parties and elections have significant gaps that allow non-compliance to continue while prohibiting attempts at enforcement or discouraging recourse.

Kenya's signatory status to various international laws on women's representation has led to the domestic adoption of laws and reforms on women's participation in politics. These laws have resulted in an increase in women's representation within all levels of government and, consequently, allowed women to increase their influence in decision-making processes. However, a large gap still exists between commitments pursuant to the ratification of the texts and the reality of women's leadership. Much more needs to be done to guarantee the full realisation of women's rights to representation as envisioned in the international law, the Constitution of Kenya, and in Kenyan law.

## JUDICIAL INTERPRETATION

The two-thirds gender rule, as it exists in the Constitution, has been reviewed several times in Kenyan courts since no action has been taken in parliament. The first case regarding the realisation of the principle in elective positions came barely two years after the Constitution's passage.<sup>36</sup> In 2012, the AG approached the court to establish whether the two-thirds principle would apply to the impending 2013 general elections. The Supreme Court held that the provisions of Article 81(b) as read with Articles 27(4), (6), and (8) could only be realised progressively as the government could not redress gender inequality through a single act. However, it noted that the Fifth Schedule of the Constitution required parliament to pass the necessary legislation to realise sufficient representation of marginalised groups within five years of the Constitution's promulgation.<sup>37</sup> Thus, parliament was given until August 27, 2015 to enact necessary legislation to promote representation of women, youth, PWDs, ethnic and other minorities and marginalised communities.

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<sup>34</sup> Section 9 of the Political Parties Act

<sup>35</sup> Section 21 (h) and (i) of the Political Parties Act

<sup>36</sup> *The Matter of the Principle of Gender Representation in the National Assembly and the Senate [2012]* ("the Gender Representation Case")

<sup>37</sup> COK 2010 Article 100.

The ruling, while it may have been both pragmatic and proper, nonetheless seemed to give the government and parliament the impression that it need not hurry to pass the implementing legislation, since little was done in the ensuing time frame. As the deadline set by the Supreme Court drew closer, the Centre for Rights Education and Awareness (CREAW) sought to compel the Attorney General and the Commission on the Implementation of the Constitution (CIC) to draft and table the necessary legislation in parliament for enactment before the August 2015 deadline.<sup>38</sup> The court ruled in their favor and issued an order compelling the AG and CIC to draft and table legislation in parliament for debate and enactment within 40 days of the judgement. Subsequently, the AG and the CIC drafted the Two-Thirds Gender Rule (Amendment) Bill, 2015 which was tabled before parliament. However, the Bill was rejected when it came up for debate. Parliament cited a constitutional provision that allowed it to extend the period within which to enact that legislation by not more than one year and set a new deadline of August 27, 2016.<sup>39</sup>

Parliament did not pass the Bill by this new deadline, either. This prompted CREAW to once again seek the intervention of the courts. They requested that the court compel the National Assembly and Senate to enact legislation to ensure the representation of marginalised groups, which included the Two-Thirds Gender Rule (Amendment) Bill.<sup>40</sup> In March 2017, the court ordered parliament to do so within 60 days or be dissolved under Article 261(7) of the Constitution.<sup>41</sup> The 11th parliament adjourned on June 15, 2017 having not passed the law.

Following the failure of the 2017 election to produce the requisite number of women, CREAW and CRAWN Trust filed a case seeking a declaration that parliament was unlawfully constituted and an order compelling it to pass legislation to implement the two-thirds gender principle.<sup>42</sup> A second case was filed by FIDA Kenya seeking a declaration that the 12th Parliament had failed to meet the two-thirds principle and was thus unconstitutional.<sup>43</sup> FIDA is also seeking an Order of Mandamus requiring the Speaker to present a list of nominees in numbers sufficient to bring the parliament into conformity with the Constitution. These cases are still pending court decisions.

The Katiba Institute adopted a different approach, shifting focus from parliament to the IEBC. In *Katiba Institute v Independent Electoral and Boundaries Commission [2017]*, the former petitioned the court in January 2017 to compel the IEBC to ensure that parties adhered to the two-thirds gender rule in their nominations for seats representing marginalised groups, even though parliament had not yet passed the relevant legislation on those seats. The court agreed and held that:

- 1) Political parties were obligated to adhere to the two-thirds gender rule in all things, including their nominations;
- 2) The IEBC had a duty to ensure that parties adhere to the two-thirds gender rule in their nominations and, in default, reject their nomination lists.

Given the date of the judgement, the court believed that it would do more harm than good to compel parties to adhere to the two-thirds gender rule in the August 2017 elections and its preceding nominations. Therefore, the judgement would apply from the next elections.

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<sup>38</sup> *Centre for Rights Education and Awareness (CREAW) v the Attorney General and the Commission on the Implementation of the Constitution [2015]*

<sup>39</sup> COK 2010 Article 261(2)

<sup>40</sup> *Centre for Rights Education and Awareness and two others v the Speaker of the National Assembly and six others [2016]*

<sup>41</sup> Article 261(7) empowers the Chief Justice to advise the president that parliament should be dissolved if it fails to enact such legislation.

<sup>42</sup> *Centre for Rights Education and Awareness (CREAW) & Community Advocacy & Awareness Trust (CRAWN Trust) v The Speaker of the National Assembly and 2 others (Petition No. 397 Of (2017))*

<sup>43</sup> *Federation of Women Lawyers in Kenya v The Speaker of The National Assembly and 3 Others (Petition 401 OF 2017) (2/3 gender rule).*

The court's judgements in the CREAM cases of 2015 and 2017 and the Katiba Case of 2017 formalised the idea that legislative measures are not the only means to bring about gender equality. Other arms of government, as well as constitutional bodies and commissions, are not exempted from doing their part to create gender equity in Kenya.

## ENFORCEMENT AND INCENTIVES FOR COMPLIANCE

The laws governing elections and political parties, which were intended to bring to life the constitutional provisions around gender equity and equality, remain imperfect even after the amendments of recent years. Some lack the necessary enforcement mechanisms, clear guidance, or strong incentives for compliance. As a result, the laws alone are inadequate for ensuring that women are free to participate and are fairly represented throughout the political process.

The Elections Act, for example, does not include any procedures for realising the two-thirds gender rule in national-level institutions. It reiterates the Constitution's provisions, while offering no clear guidance on how to implement the two-thirds rule. Some of the current gaps include:

- Lack of guidelines that would increase chances of selection of the underrepresented gender on party lists for other special seats (e.g., a requirement that the first name on all lists must be of the underrepresented gender). Currently, the parties in the National Assembly often nominate more men than women to represent special interests.
- Lack of clear enforcement mechanisms or deterrents that the IEBC could have at its disposal to guarantee political party compliance with election timelines and other provisions in the law. Despite the amendment of election timelines to address challenges faced in 2013, delays by the parties were still common. The parties' non-compliance with timelines has often been to the detriment of women candidates.
- Lack of provisions that would give the parties greater impetus to act and increase the chances of the gender rule being realised (e.g., provisions like those in the Electoral Code of Conduct and Election Regulations that address key challenges to the attainment of the gender rule).

Some provisions in the Elections Act actually hinder compliance, albeit inadvertently. For example, candidates who wish to dispute the results of party primaries or the elections are required to pay for travel and a number of fees. The cost can be substantial<sup>44</sup> and makes disputing results prohibitively expensive for most female candidates. Many women ultimately choose not to challenge poorly conducted primaries or elections due to the cost.

The Electoral Code of Conduct is intended to prohibit actions that make the electoral environment hostile toward women and other candidates but enforcement of the code has clearly been incomplete. In 2017, the IEBC published a list of cases it heard regarding violations of the Code against candidates. Unfortunately, the list only captured a minority of the known violations against women candidates – meaning that the committee was not aware of most incidents or that many women chose not to seek recourse through the IEBC.<sup>45</sup> Some women candidates have only tangential knowledge of the Code or how to file complaints, and even among women that do understand the Code, many have accepted certain violations as the cost of working in politics. As a result, most violations go unreported.

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<sup>44</sup> For example, election petitions require fees of 100,000kshs for MCAs, 500,000kshs for MPs, Governors and Senators, and 1,000,000kshs for President

<sup>45</sup> IEBC Press Statement, Monday 4th July 2017

The PPA has yielded a mixed record of compliance, with parties either ignoring the relevant provisions or meeting the bare minimum to avoid penalties from the ORPP. The 2016 amendments to the Act were a useful evolution toward filling gaps and ensuring achievement of the intended objectives. The ORPP immediately started implementing the provisions of the amendments and in August 2016 directed all parties to revise their constitutions and rules to ensure that, among other things, their governing bodies were compliant. If they failed, they would face deregistration<sup>46</sup> and the chairperson or secretary general would be deemed to have committed an offence under the Act.<sup>47</sup> Parties did amend their constitutions, but generally there was no strict enforcement if parties committed other offences under the Act. No parties were deregistered in 2017 for non-compliance.

In addition to the threat of deregistration, the Political Parties Fund offers another powerful lever to the ORPP to ensure compliance. By denying parties their share of the funds, the ORPP can compel them to apply the two-thirds gender rule in constituting their governing bodies. At times, the ORPP did direct parties to make changes to their governing bodies before releasing funds. However, the provisions around the allocation of funds are not without fault. Since the PPF is distributed based on previous electoral performance, new or emerging parties are at a significant resource disadvantage even if the party has complied with the PPA's other clauses. The provisions effectively disqualify all but the main political parties in Kenya from receiving public funds. This puts smaller political parties, which tend to be friendlier to women, at a disadvantage and lacking the financial resources to promote their female candidates.

Changes to the Act that were intended to ensure compliance have resulted in some parties following the letter of the law, but not the spirit. Political parties have elected or appointed women to positions without meaningful responsibility or decision-making powers just to meet the provisions. In some cases, parties have submitted fictitious lists of names to the ORPP to create the impression of compliance. Other reported cases of abuse have included men being nominated as women, and women from other counties or non-party members nominated at the expense of loyal party members. A combination of political will on the part of male party leadership and initiative taken by women party members, as well as vigilance by the ORPP in enforcing regulations, are all critical to ensuring compliance.

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<sup>46</sup> The Political Parties Act Section 9 (4).

<sup>47</sup> The Political Parties Act Section 45.



### III.

## STATE AND NON-STATE ACTORS

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The institutions charged with enforcing the constitutional requirements on gender equity and equality in elective bodies include the Ministry of Public Service, Youth and Gender; the AG; IEBC; NGEC; ORPP; political parties; and the judiciary. This section briefly looks at the mandates of the above-mentioned and other institutions and their performance in promoting gender equality in the 2017 elections.

### The Ministry of Public Service, Youth and Gender

The Ministry of Public Service, Youth and Gender is responsible for developing national policies on gender, creating standards to guide the implementation of policies, making legislative proposals to parliament<sup>48</sup> and providing leadership in shaping the gender agenda. The ministry revised *the National Policy on Gender and Development* to align with the Constitution so as to realise the participation of women, PWDs, youth, and ethnic and other minorities. The ministry also developed *The National Equality Policy* to facilitate implementation of the constitutional equality principles in all sectors. It gives guidance on the application of Article 27 on affirmative action with respect to gender. Along with these two policies, the ministry issued a national strategy document to support women in elective politics and guide state and non-state actors on implementation of programs to prepare women for elections. The Ministry was an active member of the TWG set up by the AG in 2014 to find a formula for implementing the two-thirds gender rule.

The Gender Sector Coordination Group within the state department of gender promotes coordinated technical support on gender issues with the government and non-state actors. The group has five thematic areas, among them the National Taskforce on Women Leadership and decision making, whose short term activities include

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<sup>48</sup> This function is performed in consultation with the Office of the Attorney General.

regular meetings on progress of women in elections, and working with state actors such as the police service and IEBC to ensure adherence to the law. Its long term strategies include capacity building for women, partnership with political parties, and development of strategies to address challenges facing women in politics. However, the national strategy document to support women in elective politics was launched in May 2017, just two months to the elections, and the Ministry was thus unable to provide much support for women in the 2017 elections. It is expected that the strategy will be implemented in time for the 2022 elections.

## The Attorney General

In 2012, after consultations with different actors including the CIC, the Constitution Implementation Oversight Committee (CIOC), the IEBC, the Kenya Women Parliamentarians Association, and the Parliamentary Committee on Legal Affairs, the AG sought an advisory opinion from the Supreme Court on implementation of the two-thirds gender principle in parliament. In 2014, following the Supreme Court's ruling that the government put a policy framework in place within five years from the date of the Constitution, the AG set up the TWG headed by NGENC to consider possible formulas of meeting the two-thirds gender rule through a bill in parliament. The TWG proposed that provisions of Article 177 (b) and (c) be lifted and added to Articles 97 and 98 of the Constitution and that various electoral laws be amended in tandem. These laws include the PPA, Elections Act, IEBC Act, NGENC Act and County Governments Act. Subsequently, the Constitution (Amendment) Bill No. 2 of 2016 was drafted. However, it failed to get the support required for passage, without which several organizations reverted to the courts to ensure that the 2010 constitutional provisions were carried forth.<sup>49</sup>

## Parliament (The National Assembly and the Senate)

Despite efforts by the TWG to secure constitutional amendments in parliament, the legislature has failed to pass any bill that would implement the two-thirds gender rule. Parliament has passed few other pieces of legislation that specifically address women's inequality in Kenya. To implement the two-thirds gender rule, parliament first drafted the Constitutional Amendment Bill, 2015 (the Duale Bill) with provisions for a gender top-up clause like the one applied to county assemblies.<sup>50</sup> In a move that seemed to contradict the Duale Bill, the Legal Affairs Committee of the National Assembly tabled a separate bill – popularly referred to as the Chepkonga Bill<sup>51</sup> – which provided for more gradual implementation. The Chepkonga Bill lengthened the timeline for the implementation and ensured that parliament would not be dissolved if it failed to meet the Supreme Court's August 2015 deadline. Honorable Senator Judith Sijeny tabled a bill similar to the Duale Bill in the Senate but limiting to two the number of terms one can serve as a county woman representative. Yet another bill, known as the Green Amendment, was developed by an informal parliamentary caucus on human rights, proposing to substantively change the Constitution through a referendum. This bill proposed to create twin constituencies to offer additional competitive seats for women. All these measures failed to garner sufficient votes in parliament, despite receiving endorsements from President Kenyatta and others.

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<sup>49</sup> In 2016, CREAM, the Community Advocacy and Awareness Trust and Kenya National Commission on Human Rights filed a petition against the AG and the speakers of both houses to compel them to pass the bill. In the same year, Wilbert Kipsang Choge, a citizen, filed a similar suit against the AG and the speakers of both houses.

<sup>50</sup> This being a government sponsored bill, it was tabled by Hon. Adan Duale, the Leader of Majority in the National Assembly.

<sup>51</sup> Hon. Samuel Chepkonga was the Chairman of the Departmental Committee on Justice and Legal Affairs.

## The Independent Electoral and Boundaries Commission

The IEBC has the constitutional mandate to conduct and supervise referenda and elections of all public bodies in line with Article 88 of the Constitution and applicable laws and regulations. The IEBC also has an obligation to uphold the general principles of the electoral system, including the two-thirds gender rule.<sup>52</sup> It is expected to propose to parliament any legislative and regulatory proposals for enactment to guide the delivery of its mandate.

The Elections Act requires the IEBC to review party nomination rules to ensure compliance with regulations. Parties are issued Compliance Certificates if they meet the requirements. The IEBC reported the receipt of nomination rules from 67 political parties. However, despite media reports that some parties' rules were not compliant and needed to be reviewed, no public record exists regarding which parties were asked to review their rules and whether they subsequently complied. The Elections Act also requires political parties to submit their party lists to ensure compliance with the published guidelines.<sup>53</sup> In the event that a political party presents a list that does not meet the requirements, the party is invited to amend the list to ensure compliance. In 2013, the IEBC did not publish the final party lists in line with Section 54(8) of the Elections (General) Regulations (2012) that allows public scrutiny of the lists to enable aggrieved persons to lodge complaints. In 2012, the High Court found the IEBC to be in violation of laws relating to party lists. In 2017, the IEBC did publish the lists in newspapers, on its website and in the government gazette.

Among the specific IEBC's functions is the "the settlement of electoral disputes, including disputes relating to or arising from nominations but excluding election petitions and disputes subsequent to the declaration of election results."<sup>54</sup> Ahead of the 2013 elections, concerns were raised that this mandate of the IEBC overlapped with the jurisdiction of the High Court to enforce political rights in its original jurisdiction, and the PPDT. In 2017, the IEBC and the PPDT agreed that, among other things, the IEBC would be responsible for resolving disputes related to the nomination process, while PPDT would hear disputes on the party primaries.<sup>55</sup>

Given its mandate, the IEBC could play a greater role in providing guidelines to political parties to ensure compliance with the two-thirds gender rule. To date the IEBC appears to have restricted its role in the implementation of the gender rule to party lists only. The ruling in the *Katiba Institute v Independent Electoral and Boundaries Commission [2017]* case has served to demonstrate the commission's wider mandate. It therefore falls upon the IEBC to work with other stakeholders in carrying it out.

Raising awareness around provisions of the Election Code of Conduct among candidates, political parties, and their supporters by the IEBC would go a long way toward creating an environment that is tolerant of inclusive participation and that encourages a free and fair electoral process. Distributing information about available remedies in cases of violations, as well as effective and efficient prosecution of complaints, would be another good step.

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<sup>52</sup> COK Article 81(b).

<sup>53</sup> Section 34(6A) of the Elections Act (2011)

<sup>54</sup> COK Article 88 (4)(e)

<sup>55</sup> <http://www.ppdtd.judiciary.go.ke/wp-content/uploads/2017/04/PPDT-IEBC-MOU-28-March-2017.pdf>

## The Office of the Registrar of Political Parties

The ORPP is the body charged with implementation of the PPA and therefore plays a crucial role in the implementation of Articles 27 and 81(b) of the Constitution. The ORPP is the main institution responsible for creating and enforcing regulations on the formation and operations of political parties. Since its creation, the ORPP has completed a number of activities to improve representation of women in parties, including advocating for amendments to the PPA that created more enforcement provisions for the ORPP. In 2017, the ORPP created a gender-sensitive nomination checklist for political parties to guide the drafting of party constitutions, and conducted some auditing of political parties for compliance with the Constitution and the amended the PPA. The ORPP works directly with the IEBC to audit nomination lists and regulate parties during the electoral process.<sup>56</sup>

The ORPP has some positive achievements in ensuring compliance with the two-thirds gender principle. However, the ORPP could do more to promote women's representation in the parties. Though provided with some tools for enforcement, the ORPP has largely taken a more positive approach to regulating parties, holding meetings and workshops designed to showcase the benefits of women's inclusion, and developing materials to guide the political parties in complying with the law. The ORPP could conduct other activities, such as comprehensive civic education to teach women and other special interest groups about their right to: participate in political parties as both members and leaders; vie for both appointive and nominative seats; and be adequately represented in county and national level structures. The ORPP could also better collaborate with the other relevant agencies, such as Directorate of Immigration and Registration of Persons, the National Council of Persons with Disabilities, and the IEBC, to verify party membership lists to ensure that they include special interest groups.

## The National Gender and Equality Commission

The NGEC was established under Article 59 of the Constitution and the National Gender and Equality Commission Act (2011). It is mandated to oversee implementation of the constitutional obligations on gender equity and inclusion of marginalised groups. The NGEC also has powers to investigate violations relating to its mandate.

The NGEC has conducted both court and legislative initiatives to implement the two-thirds gender rule. In 2014, NGEC initiated the consultations on how to facilitate implementation of the two-thirds gender rule in the 2017 general elections – leading to the eventual amendments to the PPA. In 2013, NGEC filed a case challenging IEBC's criteria for allocating elective seats from party candidate lists. In the *National Gender and Equality Commission v Independent Electoral and Boundaries Commission & another [2013]* case, the NGEC argued that the party lists submitted to the IEBC did not meet constitutional requirements, including the two-thirds gender rule. Since the 2013 elections had already been conducted and the statutory time limit for submitting party lists had passed, the court chose not to nullify the existing party lists but instead asked IEBC to publicise the parties that had qualified to nominate members to the legislature so that individuals could bring their own challenges. Unfortunately, these lists were never published. The court also tasked IEBC to establish and publicise criteria for admissibility of party lists.

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<sup>56</sup> It was noted that none of the parties met the two-thirds gender rule in either their party lists nor in the list of candidates submitted for election

During the 2017 elections, NGEK deployed election monitors in various parts of the country to collect information on the level of participation of women voters and other marginalised groups. The commission plans to use this information to determine challenges facing women voters or women candidates in the elections. Due to budget constraints, the NGEK could not recruit or deploy a sufficient number of observers during the election, and has a limited breadth of information to work from in its reporting.

## The Judiciary

The judiciary has express constitutional mandates on matters relating to human rights, particularly in determining whether a right or fundamental freedom in the Bill of Rights has been denied, violated, infringed on or threatened.<sup>57</sup> Courts are also expected to apply the national values and principles of the Constitution which include equity, equality, non-discrimination, and inclusion of the marginalised.<sup>58</sup> The Supreme Court has a further mandate to provide advisory opinions on matters of national importance.

The question of gender parity in appointive and elective offices has been addressed by courts on several occasions, generally with positive outcomes in so far as the court has influence. The first case lodged by FIDA-K challenged the appointment of Supreme Court judges claiming it did not meet the two-thirds gender principle.<sup>59</sup> The court ruled against FIDA, noting that the rule only applied to elected bodies and a limited scope of appointed bodies. A later series of cases were filed regarding the application of the two-thirds gender rule in parliament. In total, five cases have been brought forward on the two-thirds gender rule in parliament and other bodies.<sup>60</sup> The courts have upheld the two-thirds principle in almost all cases, though they have yet to provide major punitive action for non-compliance with the court's rulings.

The PPDT is an independent quasi-judicial body with the mandate of resolving disputes arising from political parties.<sup>61</sup> The PPA mandates the PPDT to determine, among others, disputes from the political party primaries.<sup>62</sup> The PPDT heard and determined 305 cases emanating from political party primaries in 2017. The PPDT and the IEBC dispute process as currently constituted are only in Nairobi, requiring aggrieved parties to travel to have their matters heard. For many women candidates this meant additional costs for transport and lodging. Factoring in the cost of filing fees and hiring a lawyer, the amount was prohibitive if one chose not to represent themselves.

## National Cohesion and Integration Commission

The National Cohesion and Integration Commission (NCIC) was established to “facilitate and promote equality of opportunity, good relations, harmony, and peaceful co-existence among persons of different ethnic and racial communities of Kenya, and to advise the government on all aspects thereof.”<sup>63</sup> This mandate includes monitoring signs of conflict, ethnic and other forms of discrimination, hate speech and demeaning language. In 2016, NCIC audited commissions, parastatals, and county public services to determine how diverse they were. The audit showed that women comprised only 12 percent and 33 percent of the chief executive officers

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<sup>57</sup> COK Article 165(3) (b).

<sup>58</sup> COK Article 10.

<sup>59</sup> *FIDA-K & five others v Attorney General & another* [2011].

<sup>60</sup> Three cases have been heard to completion and two are still pending determination.

<sup>61</sup> Section 39 of the Political Parties Act

<sup>62</sup> Section 40(1)(fa) of the Political Parties Act

<sup>63</sup> Section 25 of the National Cohesion and Integration Commission Act.



of parastatals and national commissions, respectively. These statistics indicated a wide gender gap in the top offices of government despite the law providing for gender equity and equality. In the 2017 general elections, the NCIC generally included women in its mandate for monitoring conflict, but was not specifically focused on women.

## The Office of the Director of Public Prosecutions

The ODPP is established by Article 157 of the Constitution to prosecute criminal cases on behalf of the State. In conjunction with the police, it is responsible for enforcing the Election Offenses Act and the Penal Code. In preparation for the August 2017 elections, the ODPP created the Election, Hate Speech and Incitement Cases Prosecution Team and the Election Secretariat Team and tasked them to prosecute election offenses expeditiously. It also set up a 24-hour call centre for citizens to report electoral offenses. While the efforts were commendable, they did not address offenses specifically faced by women during the campaigns. Instead, the teams focused on general offenses related to rigging, obstruction, and dereliction of duty by election officials. The ODPP is well positioned to do more to enforce the Election Offenses Act and the Penal Code specific to violence against women in elections, and should do so in future elections.

## Political Parties

Political parties serve as the main conduit for candidates to compete for and attain elected office. As such, they are key players in advancing women to appointed and elected positions. As of May 2017, 77 political parties were registered in Kenya,<sup>64</sup> many of which fielded candidates in various parts of the country. Most parties claim to have met the two-thirds gender requirement in their governing bodies, in compliance with the law. However, women typically occupy low positions, such as women league leaders and deputies to other positions, which have minimal influence on party decisions. These positions do not offer visibility and influence at the national and local levels, which is essential for those seeking elective positions.

In the 2013 electoral cycle, only three parties - TNA, URP, and ODM - received funds directly from the ORPP. Some of these parties in turn shared their funds with affiliate parties, based on coalition agreements established before the 2013 elections. Even though parties are required to use 30 percent of public funds for women's participation, leaders of various women's leagues described their parties' inability to finance women's activities. A report by the Institute for Education in Democracy (IED) assessing political parties' adherence to Kenyan laws (2015) notes that women's leagues lack resources to implement their programs, thereby making them inactive in party affairs.<sup>65</sup>

During the 2017 campaign period, several of the major parties, in collaboration with organizations such as NDI, identified and trained women candidates. Most parties also put in place some measures to ensure that more women ran for office, including reducing the nomination fees for women by half. However, these measures were insufficient, as women faced myriad challenges, including inadequate resources to campaign for the party primaries, poorly organized primaries, violence, and patriarchal cultures. Perhaps the biggest challenge identified by women during party primaries was the tendency by parties to favor male candidates, particularly those with resources to support parties' campaigns.

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<sup>64</sup> ORPP website at [http://www.orpp.or.ke/images/UPLOADSpdf/PARTY\\_SYMBOLS\\_MAY\\_2017.pdf](http://www.orpp.or.ke/images/UPLOADSpdf/PARTY_SYMBOLS_MAY_2017.pdf)

<sup>65</sup> [https://www.the-star.co.ke/news/2015/07/09/ied-launches-political-parties-report-in-nairobi\\_c1165385](https://www.the-star.co.ke/news/2015/07/09/ied-launches-political-parties-report-in-nairobi_c1165385)



## Civil Society Organisations

For the 2017 elections, CSOs provided technical assistance to women candidates, created hotlines for women to report violence, and worked with political parties, the IEBC, and other institutions to help women gain positions of leadership. Groups like NDI, FIDA, Kenya Women Holding, and Women's Empowerment Link focused on identifying and training women aspirants and candidates. The goal was to increase their number as well as enhance their capacity to compete. Training took place in all 47 counties and centered on campaign planning and management, communication and media, election laws, and fundraising for campaigns, among other topics.

In recognition of the cultural challenges facing women politicians, many organizations engaged in community awareness activities in various counties to change the negative perception of women in leadership and increase support for women candidates. The use of social media campaigns like #Ni Mama, #Chagua Dada Jenga Nchi, #BetterThanThis, and the work of groups such as Tuvuke made important contribution to improving media coverage and raising awareness around women in politics. Some organizations held dialogue sessions bringing together women and community elders and opinion leaders to look for ways in which women would be supported in their campaigns. Although these efforts were welcome in many counties, these CSOs recognised that changing cultures and perceptions is a long-term goal that can only be achieved through ongoing programs. In addition to addressing cultural barriers, some organizations undertook initiatives to counter violence against women in elections by providing mechanisms for the reporting of incidents. However, responses were uneven, and many women said they were unable to receive help after reporting.

To increase the visibility of women, several organizations implemented programs in traditional and social media. Through these programs, women candidates and aspirants were able to use the media to communicate their campaign agendas. Although the number of women using the media increased, it was still low compared to their male counterparts. A few organizations were able to produce publicity materials for women candidates such as t-shirts, caps, and kangas, among other items. To increase visibility at the community level, some organizations held local forums for women candidates. However, these activities required huge financial expenditure and thus were hampered by inadequate resources. Recognising that political parties remained the key actors in elections, a few organizations engaged parties on gender mainstreaming, encouraging them to create a conducive environment for women candidacies.

All in all, the work of CSOs helped to recruit and train candidates, provide media exposure, advocate to political parties for more women, and assist regulatory bodies to fulfill their mandates. Limited coordination was the key challenge for CSOs in implementing activities, leading in some cases to duplication of activities. Attempts were made to hold coordination meetings among the different organizations implementing women's political participation activities. However, each organization's internal activity priorities, combined with the fast speed of implementation, often diminished the incentives to participate in the meetings.

# IV. 2017 GENERAL ELECTIONS SCORECARD

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This chapter provides a quantitative analysis of electoral outcomes for women in 2017 vis-a-vis their performance in 2013 and the electoral environment. It analyses data from the IEBC and examines the participation of women in presidential, gubernatorial, senatorial, National Assembly, and county assembly elections. Given the two-part process of Kenya's electoral system, this section provides a brief overview of women's participation in the party primaries and then a more in-depth review of women's performance in the national elections. All election data is derived from the IEBC information published in government gazettes. There are some inconsistencies across data sets but the following represents the best information currently available to NDI and FIDA.

## Political Party Primaries

For women aspiring for elective office, the period leading up to the 2017 elections renewed the same breadth of issues that have made it difficult to gain office. Compared to 2013, women also faced increased competition for all positions, even at the lowest level. The county assembly seats were the target of fresh interest from established politicians, and an analysis of MCA aspirants revealed that county assembly seats were attracting individuals with a higher level of professionalism, academic achievement, and financial ability than in the past. In addition, party mergers and coalitions, as well as negotiated democracy<sup>66</sup> – all of which favoured male candidates – narrowed the overall political space. Overall, just 1,333 (11 percent) of the 12,188<sup>67</sup> contenders – not including WMNAs – in the party primaries were women.<sup>68</sup>

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<sup>66</sup> The term is used in Kenya to mean a situation in which influential persons come up with a list of preferred candidates for specific posts and throw their weight behind the candidates. It has been popularised by community leaders from North Eastern Kenya.

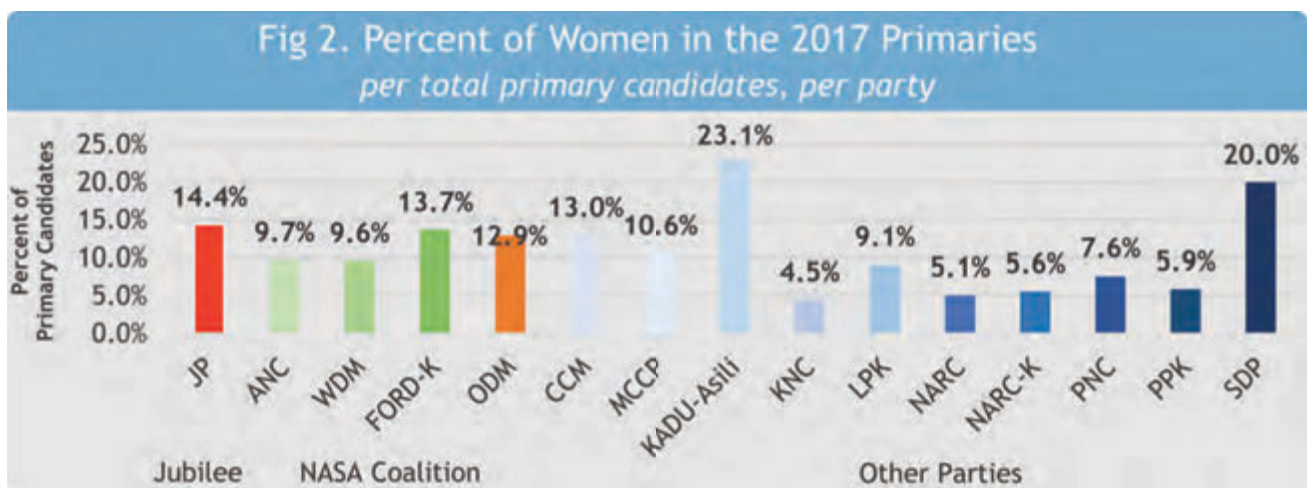
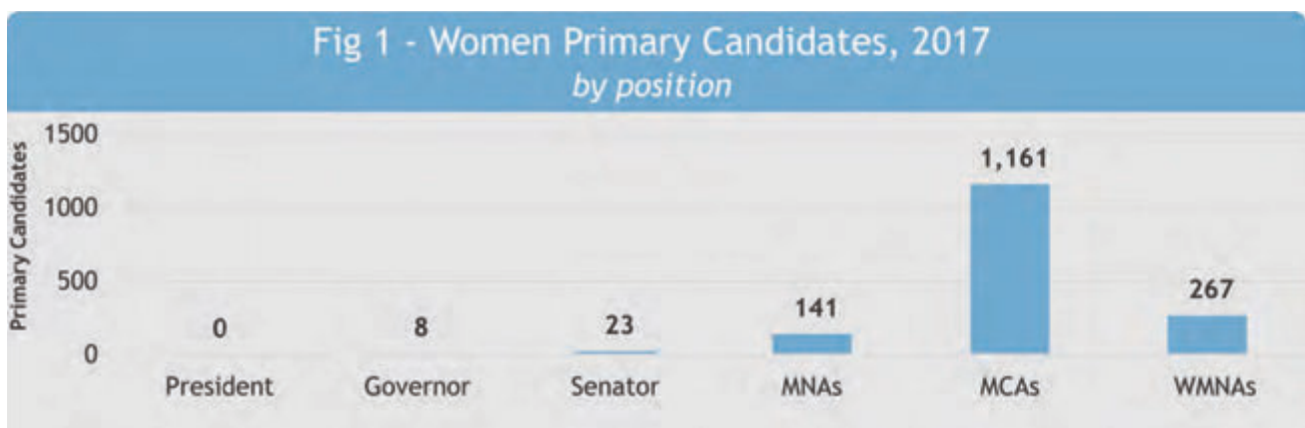
<sup>67</sup> Overall numbers for party primary contenders may vary – IEBC lists of gazetted candidates missed some parties altogether, while many candidates receiving direct nominations were left off the primaries lists.

<sup>68</sup> NDI assistance reached 602 of these women.

## PRIMARY CANDIDATES

Among the 77 registered parties in Kenya, only six fielded more than 10 women as aspirants during their primaries. As expected, the distribution of women competing for party tickets was in proportion to the size of the party, with the largest parties having the most women aspirants. Jubilee and ODM had the highest number of female aspirants at 759 and 477 respectively. Other parties fielded the following numbers: ANC had 97 female aspirants, WDM had 90, FORD-K had 73, Maendeleo Chap Chap had 50, Chama Cha Mashinani had 26 and the rest had 10 female aspirants or fewer. Detailed data on the party primaries is more limited than in the general elections, as party lists and aspirants are not always easily available. The data provided here is not necessarily representative of all parties or candidates, since IEBC information did not publish the aspirant lists from some parties, and those aspirants that received direct nominations were not always included.

In 2013 and in 2017, County Assemblies were the most popular entry point for women into politics, with 73 percent of the women in the 2017 primaries vying for county assembly seats. MCA positions accounted for 77 percent of all open seats. Looking at other seats, the women's member of national assembly spots appeared to have undercut women's competition for regular MP positions – 17 percent of women competed for the women representative spot, despite being just 3 percent of the available spots. Meanwhile, MP positions were 16 percent of all open positions in the elections, but only 9 percent of women vied for those spots. The higher rate of interest in the WMNA spot is due to push and pull dynamics on women – parties push women to compete in the “women's seat” so as to free up male candidates to compete in other races, and the lower gender discrimination and harassment in those races may appeal to women candidates. The senate, gubernatorial, and presidential positions attracted the lowest number of women aspirants (1 percent or less).

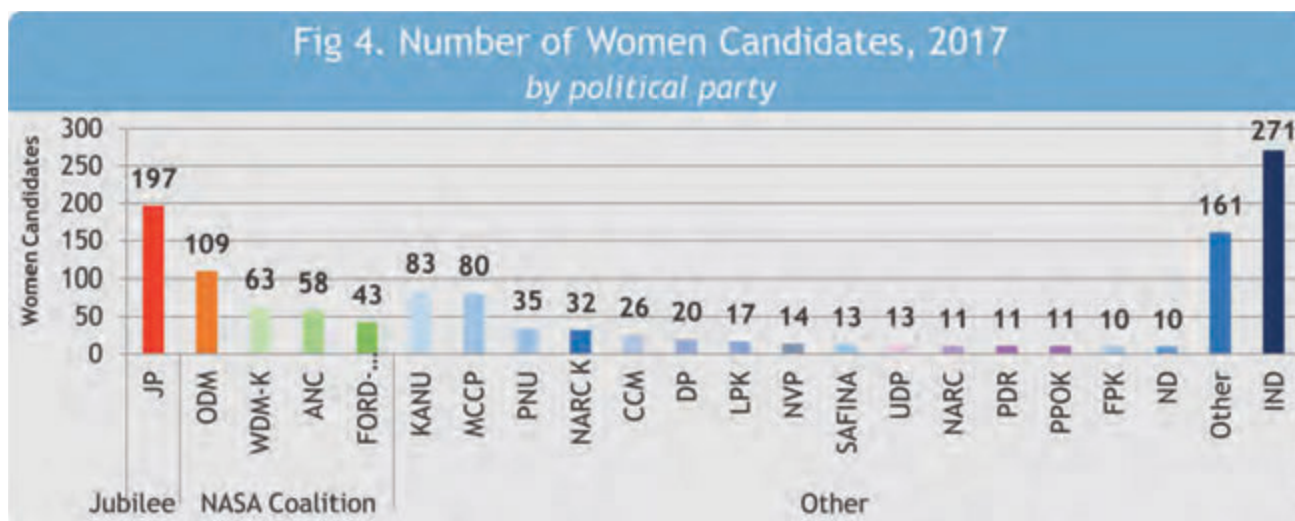
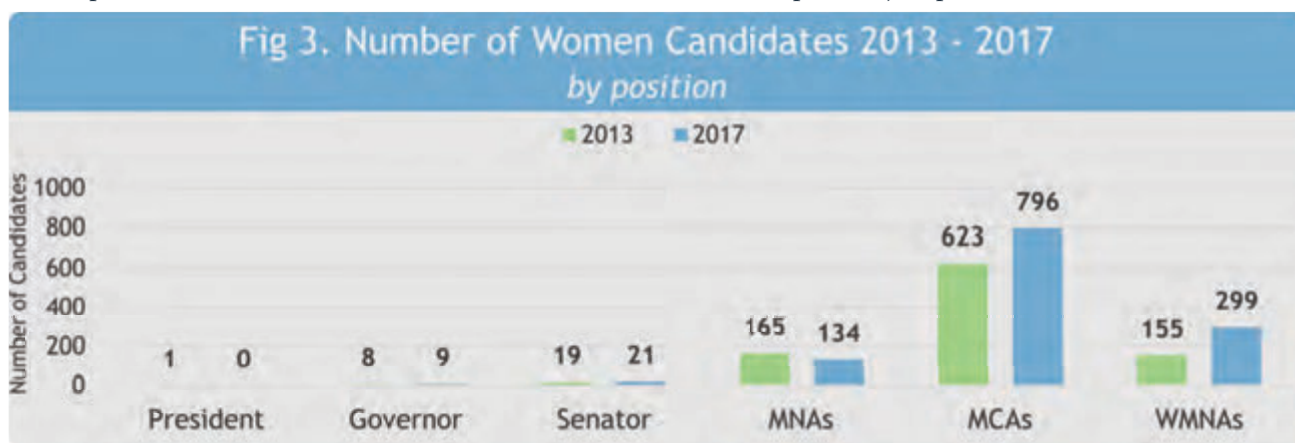


## General Elections Analysis

### CANDIDATES GAZETTED BY THE IEBC<sup>69</sup>

At the conclusion of the primaries, parties were required to submit the names of their 2017 general elections candidates to the IEBC. Independent candidates were also required to apply to the IEBC to participate in the election. Due to changes in the laws, losing candidates in the primaries were allowed to compete as independents in the general elections, and hundreds of candidates competed as independents. Unlike in 2013, the IEBC consolidated the list of candidates from the parties and those cleared as independent candidates and published them as candidates for the 2017 election.

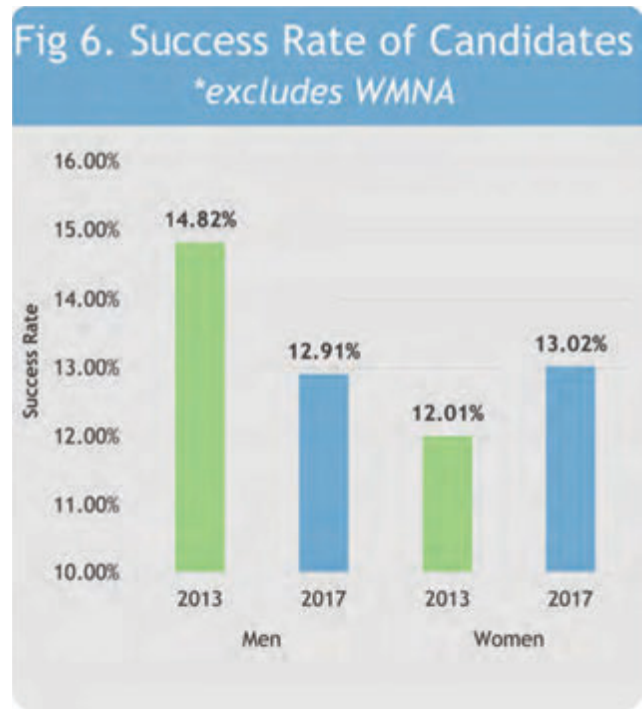
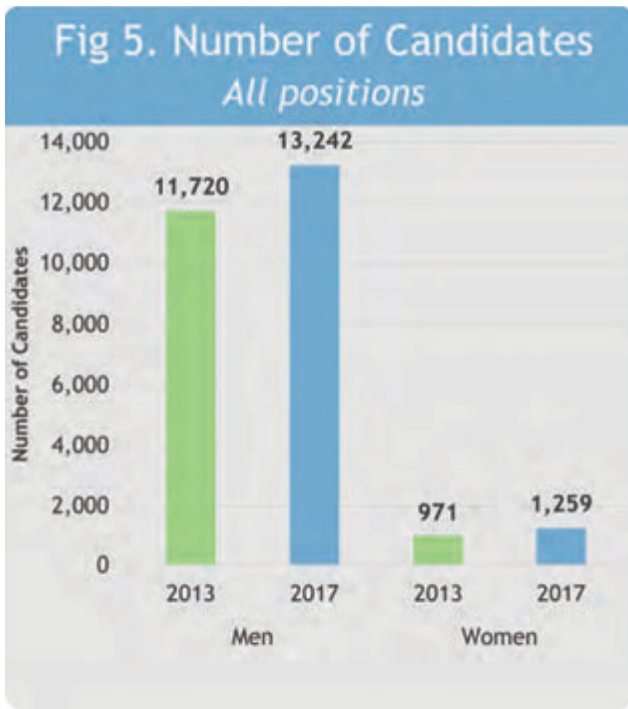
A gender breakdown of IEBC's candidates list revealed that prior to the election, the number of women lagged far behind that of their male counterparts. Of the 14,501 candidates who participated in the 2017 election, 1,259 (8.7 percent) were women. Despite the concerted efforts of various actors to increase the pool of aspiring women candidates, a majority of the women who received this support did not participate in the party primaries.<sup>70</sup> A survey of women who had expressed interest in competing but did not run found that they chose not to run due to lack of resources,<sup>71</sup> negotiated democracy, stiff competition, family obligations, violence/intimidation, and lack of internal party democracy. Nonetheless, more women competed overall compared to 2013, which can largely be attributed to efforts to recruit, train and support women. In absolute terms, the increase in women candidates is mostly due to large jumps in the candidate numbers for MCA and Women MNA positions, which had a net increase of 317 candidates (a 40 percent jump) from 2013.



<sup>71</sup> NDI interviewed 1,457 women trained under the DFID, KEAP and Previous USAID funded program.



# CANDIDATES AND ELECTORAL SUCCESS 2013 - 2017



The IEBC gazetted 1,862 persons as duly elected, which included 172 women (9 percent of the total). Among the women elected were three governors and three senators, 23 MNAs, 47 women MNAs and 96 MCAs. The success rate of women in 2017 remained similar to 2013, with around 13 percent of candidates winning office. The net increase in number of women candidates meant that more women gained office overall.

**29%**

Increase of women candidates competing in the 2017 general elections, compared to 2013

**13%**

Increase in male candidates competing in the 2017 general elections, compared to 2013

**13%**

Percent of women elected to office, out of all women candidates – the same as 2013 despite an increase in competition.

**18%**

Increase in the number of women elected to office in 2017, compared to 2013

## CANDIDATES ELECTED

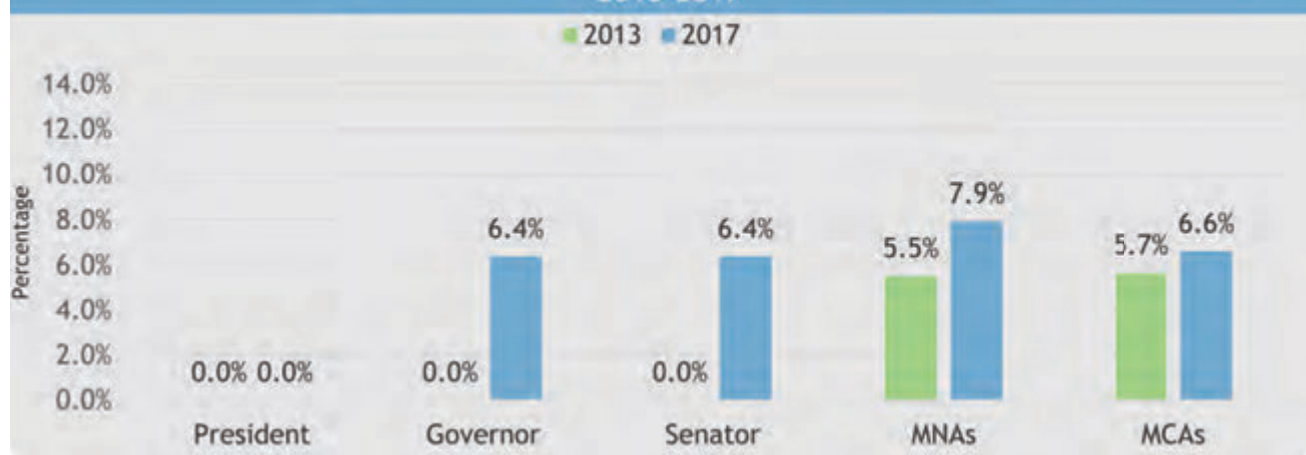
The IEBC gazetted 1,862 persons as duly elected, which included 172 women (9 percent of the total). Among the women elected were three governors and three senators, 23 MNAs, 47 women MNAs and 96 MCAs. The success rate of women in 2017 increased compared to 2013, with around 13 percent of candidates winning office (excluding the WMNA position). With the net increase in the number of women competing, the 13 percent success rate still translated to even more women gaining office. Compared to 2013, the number of women elected to office increased by 18.6 percent. Perhaps most interesting, women's success rate increased slightly even as that of male candidates faltered, indicating that women were able to maintain their competitiveness despite the larger numbers of candidates in all races. As noted in 2013, a principal conclusion is that voters are willing to elect women, given the opportunity, and will do so at rates equal to that of men. Yet, few women make it far enough in the electoral process to have the opportunity to gain higher office.

The election of 26 women to parliament represented the growing number of women in parliament that has continued since the 2002 election and changed markedly since the 2010 Constitution. In 2002, 4 women were elected to parliament, increasing to 16 women in 2013 and 26 women in 2017.

**Table 1: General Election Results, 2017**  
by gender

Position	Elected		Nominated		TOTAL	%Women (Elect+Nom)
	Men	Women	Men	Women		
President	1	0	--	--	1	0%
Deputy President	1	0	--	--	1	0%
Senator	44	3	2	18	67	31%
MNA	267	23	7	5	302	9%
WMNA	0	47	--	--	47	100%
Governor	44	3	--	--	47	6%
Deputy Governor	40	7	--	--	47	15%
MCA	1334	96	97	650	2177	34%
<b>TOTAL</b>	<b>1731</b>	<b>179</b>	<b>106</b>	<b>673</b>	<b>2689</b>	<b>32%</b>

**Fig 7. Women as Percent of Elected Seats**  
2013-2017





## County Elections

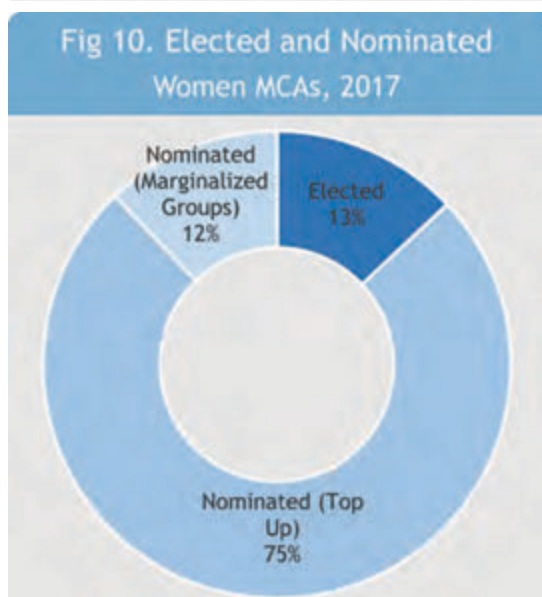
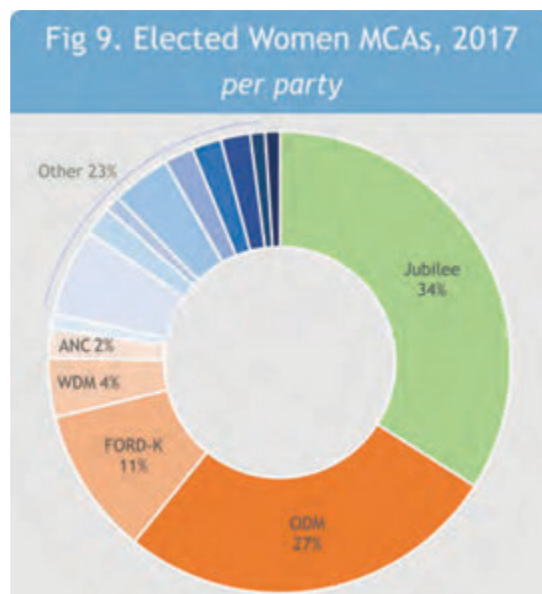
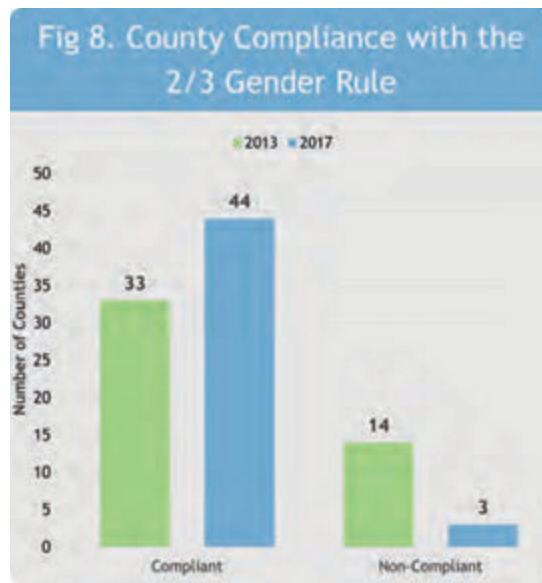
The 2017 general elections had a national aggregate of 747 women elected and nominated to serve as members of county assemblies (MCAs). The 2017 figures consist of 650 nominated women (87 percent of all the female MCAs) and 96 elected women (13 percent of all female MCAs). The 96 elected women MCAs were an increase of 17 percent from 2013.

Nonetheless, a quarter of counties had no elected women MCAs, requiring all their women MCAs to come from nominated seats. The following 12 county assemblies had no elected female MCAs:

- Kwale, Garissa, Wajir, Mandera, Isiolo, Embu, Kirinyaga, West Pokot, Samburu, Elgeyo-Marakwet, Narok and Kajiado.

Three counties also did not meet the 33 percent threshold as dictated under the two-thirds gender rule. Though the IEBC used party lists to add nominated women to achieve the two-thirds gender rule in most counties, the mistakenly low numbers in three counties are indications of potential mishandling of the top-up procedures.

- Taita-Taveta (32%) has only 11 women (nine nominated under the top-up quota, one nominated under the marginalised criteria, and one elected);
- Trans Nzoia (31%) has only 12 women (10 nominated under the top-up quota, one nominated under the marginalised criteria, and one elected); and
- Narok (32%) has only 15 women (13 nominated under the top-up quota and two nominated under the marginalised criteria).



## FEMALE GOVERNORS AND DEPUTY GOVERNORS PER COUNTY<sup>72</sup>

The 2017 general elections resulted in three women elected as governors, a first for Kenya. Seven women became deputy governors, having been running mates of elected governors. The table below compares 2017 and 2013, in which the number of deputy governors fell from 9 to 7 in 2017. Though deputy governors could be viewed as potentially a springboard to higher office, there is no clear guidance on the deputy governor's role and authority. Office holders are not able to carve out specific roles and achievements that would allow them to better campaign on their own ticket. As a result, only two deputy governors from 2013 chose to run for competitive office and did not succeed. One recommendation from deputy governors has been to institute reforms that create a formal role and responsibility for the position, empowering them to have a more distinct role in government.

Table 2: Female Deputy Governors  
2013 - 2017

County	2013	2017
Narok	Evalyn Chepkurui Aruasa	Evalyn Chepkurui Aruasa
Kwale	Fatuma Achani Mohammed	Fatuma Achani Mohammed
Kericho	Susan Chepkoech Kikwai	Susan Chepkoech Kikwai
Makueni	Adelina Ndeto Mwau	Adelina Ndeto Mwau
Taita-Taveta	Mary Ndiga Kibuka	Majala Mlagui Delina
Nyandarua		Cecilia Wanjiru Mbuthia
Nandi		Yulita Mitei Chebotip
Kisumu	Ruth Odinga	
Embu	Dorothy Nditi Muchungu	
Mombasa	Hazel Katana	
Kitui	Penina Malonza	

## Appointed Bodies

Following the elections, Kenyan institutions selected leaders to run parliamentary and county assembly committees and executive positions. These positions have historically been dominated by men and remained so in 2017.

## CABINET SECRETARIES

In early 2018, President Uhuru Kenyatta announced the cabinet secretaries in his new government. The new cabinet did not change the number of women in cabinet positions from 2013, despite adding four new sports. The government appointed 6 women to the 22 cabinet secretaries, less than one-third of the available positions. The appointments do not meet the minimum of the two-thirds gender rule. For the women cabinet secretaries, they were assigned to influential ministries that oversee parts of the Jubilee government's "Big Four" economic pillars of food security, affordable housing, manufacturing, and healthcare.<sup>73</sup>

<sup>72</sup> Refer to Kenya Gazette, Vol. CXIX No 118, Gazette Notice No: 7845.

<sup>73</sup> <https://www.nation.co.ke/news/Uhuru-says-housing-among-four-key-issues-to-receive-attention-/1056-4226112-101qau8z/index.html>

**Table 3: Female Cabinet Secretaries  
2013 - 2017**

2017	
Cabinet Position	Cabinet Secretary
Defence	Raychelle Omamo
Education	Amina Mohammed
Foreign Affairs	Monica Juma
Health	Cecily Kariuki
Lands	Farida Karoney
Public Service, Youth and Gender Affairs	Margaret Kobia
2013	
Cabinet Position	Cabinet Secretary
Defence	Raychelle Omamo
Devolution and Planning	Anne Waiguru
EAC Affairs, Commerce and Tourism	Phyllis Kandie
Environment, Water and Natural Resources	Judi Wangalwa Wakhungu
Foreign Affairs	Amina Mohammed
Land, Housing and Urban Development	Charity Ngilu

## SENATE AND NATIONAL ASSEMBLY

In the Senate and National Assembly, women comprise about 24 percent representation in all committees. However, women hold few leadership positions in either body, such as committee chairs or speaker positions, and have been unable to breakthrough into significant committee assignments or other influential positions. Women are chairs of only 3 of 27 committees in the National Assembly, and zero committees in the Senate. Overall leadership is also limited; women comprise three leadership positions in the Senate (Majority whip – Senator Susan Kihika; minority deputy whip – Senator Petronila Were; deputy majority leader – Senator Fatuma Dallo) and one position in the National Assembly (deputy chief whip – Hon. Cecily Mbarire).

## COUNTY ASSEMBLY SPEAKERS

After the elections, the 47 county assemblies elected their speakers, of whom five were female. These included: Florence Mwangangi (Machakos), Catherine Mukenyang (West Pokot), Hasna Mmbone Mudeisi (Vihiga), Elizabeth Atieno Ayoo (Homa Bay) and Beatrice Elachi (Nairobi). This is a slight improvement from 2013, in which only three speakers were women.

# A Gender Analysis of the 2017 Kenya General Elections

Table 4: National Assembly Committees and Leadership  
by gender

Committee	Total	Men	Women	Chair M/F	Vice Chair M/F	% Women
Security and administration	19	17		2 M	M	11%
Agriculture and Livestock	18	14		4 M	M	22%
Communication and information	19	14		5 M	M	26%
Defense and Foreign affairs	19	16		3 M	M	16%
Education and Research	19	14		5 M	M	26%
Energy	19	14		5 M	M	26%
Environment and natural resources	19	13		6 M	M	32%
Finance and national planning	19	17		2 M	M	11%
Health	19	15		4 F	M	21%
Justice and Legal affairs committee	19	13		6 M	F	32%
Labour and social welfare	19	12		7 M	F	37%
Lands	19	14		5 M	F	26%
Sports, Culture and Tourism	19	12		7 M	M	37%
Trade, Industry and Cooperatives	18	15		3 M	M	17%
Transport, public works and housing	19	17		2 M	M	11%
Public Accounts Committee	19	17		2 M	F	11%
Public Investment Committee	19	17		2 M	M	11%
Special Funds Account Committee	19	15		4 M	M	21%
Budget Appropriation Committee	25	19		6 M	M	24%
Committee on implementation	23	23		0 M	M	0%
Delegated Legislation	22	17		5 F	F	23%
Regional integration	22	17		5 F	M	23%
Constituencies development committee	19	15		4 M	M	21%
Constitution implementation oversight	23	18		5 M	M	22%
National cohesion and equal opportunities	23	15		8 M	M	35%
Parliamentary broadcasting and library	23	13		10 M	F	43%
Members service and facilities	14	6		8 M	F	57%
<b>TOTAL</b>	<b>534</b>	<b>409</b>		<b>125</b>	<b>3</b>	<b>24%</b>



Table 5: Senate Committees and Leadership  
by gender

Committee	Total	Men	Women	Chair M/F	Vice M/F	% Women
Agriculture, livestock and fisheries	8	6		2 M	M	25%
Education	9	6		3 M	M	33%
Information, communication, and technology	9	7		2 M	F	22%
Roads and transportation	9	7		2 M	M	22%
Energy	9	5		4 M	F	44%
Finance and Budget	9	7		2 M	M	22%
Health	9	5		4 M	M	44%
Justice, Legal affairs, and human rights	9	7		2 M	M	22%
Devolution and intergovernmental relations	9	0		1 M	M	11%
Labour and social welfare	9	8		1 M	F	11%
Lands, Environment and natural resources	9	7		2 M	M	22%
Committee on national cohesion, equal opportunity and reg	9	5		4 M	F	44%
National security, Defence and Foreign relations	9	5		4 M	M	44%
Tourism, trade and industrialization	9	6		3 M	M	33%
Senate business committee	12	9		3 M	M	25%
Procedures and rules	6	4		2 M	M	33%
Liaison committee	17	17		0 M	M	0%
Public accounts and administration	9	7		2 M	M	22%
Delegated legislation	9	6		3 M	F	33%
<b>Total</b>	<b>178</b>	<b>124</b>		<b>46 0</b>	<b>5</b>	<b>27%</b>

## V. INSIGHTS FROM WOMEN CANDIDATES

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This chapter is largely drawn from interviews with female candidates in the 2017 elections, experiences captured during implementation of programs, focus group discussions on violence against women in elections conducted in three counties, and information obtained from CSOs. It is focused on the major hindrances women faced in their bid to political office and factors that worked in favor of women candidates, which could be incorporated into future interventions aimed at increasing meaningful participation of women in politics. Of the issues described below, the three greatest challenges were: the failure by parties to comply with the regulations guiding political party primaries; limited financial resources; and socio-cultural stigmatization. These provide insights into what strategies should be developed and implemented to ensure greater participation by women in campaigns for elective political office.

### Political Party Support

Political parties remain the key gateway for women's successful participation in politics. Party backing is the most important factor for female candidates, while the lack of support – or worse, a party's active exclusion, discrimination, or hostility – can ruin a woman's campaign. Many of the women who were elected reported having received support from their parties in the form of discounted nomination fees, funding for campaigns, equal treatment with men, and the application of constitutional provisions that promoted women's inclusion, especially during the nomination process. Some political parties were reported to have provided material support, including T-shirts and posters. A few party leaders were cited to have gone to the constituencies to campaign for female candidates, using their clout to give the women a boost. On the other hand, many women who failed to get elected felt abandoned by their parties' lack of adherence to the constitutional provisions on inclusion, stating that the party laws and regulations were not supportive of women. In other cases, parties



deliberately did not inform or misinformed women on the proper timelines and procedures to vie for office, preventing them from running. Women had to apply their own legal, political, and professional knowledge to manage the nomination procedures.

Despite understanding the importance of primaries, most political parties did not take the necessary steps to ensure that their processes were undertaken in a free, fair, and transparent manner. Consequently, both male and female candidates complained about voter bribery and intimidation, rigging, interference from incumbents and party officials seeking political office, multiple voting, and importation of voters. Outbreaks of violence and unrest were also reported during the primaries, with little reaction from relevant government agencies. Some parties were reported to have nominated non-members in the primaries over female members. Among the women who won during the primaries, some had their nomination certificates issued to other aspirants, leading to expensive court battles. Parties used the appointed (nominated) seats as tools to keep women from competing in court or for open seats. Parties would actively discourage women from challenging election offences in exchange for a promise of a nominated seat. This promise of a nominated seat was not always upheld.

Political party mergers and coalitions in the election period locked out many women aspirants who were initially deemed strong within their individual parties but later lost their places to male aspirants who were better placed within the new coalition or merger. On the other hand, competition between political parties led male and female candidates from the same party in various constituencies to work together. Some of the women reported teaming up or receiving support from their male counterparts who were contesting for higher level positions, campaigning on the women's behalf while carrying out their own campaigns.

## Candidate Training

The majority of women running for office for the first time were unfamiliar with the process of organizing a campaign and working with political parties. Most parties lacked dedicated training operations, and typically committed what few resources they had to male candidates. Several CSOs offered training to women aspirants and candidates to enhance their knowledge and capacity to effectively compete, both in their party primaries and in general elections. Most of the respondents had high regard for the training provided by these organizations. The training topics, such as campaign planning and preparation, transformative leadership, communication, public speaking and media relations, helped them navigate the political landscape. Many of the women reported using their new skills to improve their campaigns.

However, most women believed that these initiatives began too close to the election period, making it difficult to fully engage in the training as well as utilise the knowledge and skills acquired. Further, these groups did not always coordinate their training activities, which led to duplication; one woman received similar training from several organizations on the same topics. Some communities reportedly received extensive public outreach campaigns on the importance of electing women while other areas, especially remote ones, had no civic education or capacity building programs for women.

## Negotiated Democracy

Negotiated democracy, a custom whereby influential persons draw up and support a list of preferred candidates, has traditionally locked women out of politics. However, inroads in 2017 in some areas meant that negotiated democracy worked in women's favor. Several women reported that endorsement by local chiefs and community elders enabled them to win both the primaries and the eventual elections. These changes were made largely

through civil society efforts to conduct dialogue forums with cultural and religious leaders and the community at large aimed at increasing support for women aspirants. Over the long term though, even this limited success with negotiated democracy can have negative impacts on women's ability to participate independently in politics, since they are beholden to the local chiefs rather than the electorate.

In most cases, negotiated democracy continued to disadvantage women candidates. Elders played a significant role in selecting the candidates for elective seats in their communities, and most often the process saw the entrenchment of patriarchal culture. This significantly reduced the number of seats available for women to contest, dissuading many of them from participating and forcing others to seek nomination for the special women's representative position.

## Media Coverage

The media has tremendous influence over political attitudes and electoral outcomes. Women candidates have reported in the past that they received less media coverage than their male counterparts, and a lack of resources prevents women from breaking through into the media. When women do attract the attention of the media, women are generally tagged with more negative news as compared to men. Gender stereotypes and stigma were also prevalent in the coverage of female political leaders. The application of double standards for men and women resulted in tremendous caution among many of the female candidates when given the opportunity to participate on television or radio, and as a result most women avoided media-based public discourse and ultimately lost visibility. Despite the problems and disparities, women candidates overall felt that the quality of coverage of female politicians and candidates (and the issues that they feel passionate about) has improved significantly since 2013, perhaps because journalists better understand the need for giving women more space in a political landscape dominated by men.

Despite using very little mainstream media, the women capitalised on social media, such as Facebook and WhatsApp to communicate to voters, most of whom found this very effective. Posting of campaign events and photos of their development work helped to communicate their message and improve their visibility among voters.

## Financial Resources

The IEBC attempted to implement new campaign finance regulations prior to 2017, but resistance in parliament meant that regulations did not take effect prior to the elections. The lack of campaign finance regulation that limits spending is a major constraint on women candidates, who generally have fewer resources and are less likely to be incumbents. Most women candidates interviewed said that they would perform better if supported not only financially but with campaign materials for visibility and overall popularity. The lack of resources also affected their capacity to conduct their campaigns, leaving them to rely on family and friends and restricting their travel. Some women felt that they would have been more effective if they could have had different campaign materials for different segments of voters. The limited financial resources also meant that the majority of their campaign funding was used to pay for party membership and nomination fees, agents' emoluments, and logistical costs, rather than promotional materials and community engagement activities. Some also faced financial hurdles related to challenging election results in court.

## Violence Against Women in Elections

The level of gender-based electoral violence experienced by women remains one of the primary barriers to their participation in politics. Party election boards and relevant security agencies failed to implement laws regarding electoral violence, leaving women particularly vulnerable to harassment, intimidation, threats, hate speech, stereotyping and physical attacks from opponents and their supporters. Women reported that they were subjected to various forms of violence including physical, psychological, and economic violence as well as threats and coercion. Reports from the Elections Observation Group (ELOG) indicated that violence against women voters and candidates was a serious issue, with 31 percent of long term observers reporting to have witnessed or heard of violence against women candidates during the campaign.

No clear Early-Warning, Early Response framework was put in place to track and analyze violence against women in elections (VAW-E). Out of 14 platforms proposed to track and respond to violence, FIDA and Health Assistance Kenya had dedicated lines for reporting VAW-E cases. However, they indicated that the majority of calls and cases received were in for general election offences and not gender-related violence.

The Electoral Code of Conduct clearly prohibits violence or threats against candidates, but there was little enforcement. The IEBC improved their response to complaints relative to 2013, but it often was unable or unwilling to sanction candidates in the case of infractions. In some cases, women who sought assistance from the police were often told that officers could not help because they did not want to “interfere in politics.” In focus group discussions, women noted that they chose not to report incidences of violence since they did not believe that any action would be taken.

### PHYSICAL

Acts of physical violence targeted women candidates and their families as well as the women’s supporters. Opponents used supporters to intimate the women and disrupt their campaigns. One female candidate reported, “It got so chaotic that guns had to be fired to disperse the attackers. Another time a car in our campaign was burnt down.” During the party primaries, Millie Odhiambo, not only had her house burnt down, but her bodyguard was run over and killed by a man driving an opposition campaign vehicle. In February, Eunice Wambui, an aspiring MP for Embakasi South, was attacked while on a voter registration drive in Mukuru Kwa Reuben, in Nairobi. In May 2017, Esther Passaris, a Nairobi entrepreneur and politician running to be Nairobi County representative, was held hostage at the University of Nairobi by a group of male students. The students demanded that she give them 150,000 Kenyan shillings (US\$ 1,500) before she managed to escape. She was at the university to address a women’s welfare association. These attacks were meant to discourage, intimidate, and ultimately prevent women from participating in the elections.

The violence was perpetrated by opponents (both male and female) either directly or through hired individuals, as well as members of the security forces. In focus groups in three counties, all the women highlighted incidents of such physical abuse. One woman candidate from Nairobi, reported being beaten and sexually defiled, and ultimately ended up not leaving home to vote during the party primaries. In Kisumu and Nairobi focus groups, women noted that running against close family members did not spare them from being subjected to violence. In one case, a woman who competed against her husband experienced an assault by hired men from her husband’s campaign.

## PSYCHOLOGICAL

Verbal abuse was frequently used to intimidate the women aspirants. “I had to put up with a lot of gender-based insults,” remarked one female candidate. “My family and my children especially suffered very intrusive public attention.” These were coupled with negative propaganda to cause emotional distress, which not only affected the women aspirants/candidates but their families, too. In one case in Nyeri, the aspirant’s mother was harassed and her customers scared away from her business premises. The objective was to persuade the aspirant to step down from the race in order to protect her family from the consequences of her candidacy. In another case, a respondent was accused of murdering her husband and using his money to seek election.

## SEXUAL

Most of the respondents did not report having experienced sexual violence. Propaganda and negative campaigning about their sexual morality was more common. Almost all women candidates reported that rival campaigns would attempt to undermine them through allegations of sexual misconduct. Mulika Uhalifu, an organisation that was working to highlight cases of electoral offences and insecurity in Nakuru County during the party primaries, reported that women voters requested separate voting queues during the party primaries to avoid cases of indecent touching.

## ECONOMIC

For most women candidates, financial resources were one of the most difficult aspects of their campaign. As a result, economic pressure was often used as a means to persuade women to drop out of running. Some political parties helped alleviate some of this by reducing nomination fees for specific groups of candidates – including women – but would often still withhold financial assistance to candidates when they preferred the male candidate.

## Culture and Traditional Gender Roles

In traditional Kenyan culture, men are viewed as leaders while women are expected to work in the home and support their family. Constitutional and legal gains to support gender equality have not overcome these entrenched cultural, religious and stereotypical gender roles that prevent women from rising into political leadership roles. As in many other countries, women running for political positions are forced to choose between their families and the opportunity for leadership, since women are still expected to continue with childcare and other household activities.

Balancing their campaigns against their domestic responsibilities proved challenging for many female candidates. Political networking in Kenya often takes place in environments and hours that are not typically inconvenient for women, who are less able to stay out late at bars and leave children at home. Those women candidates who had the backing from family members (spouse or partner, in-laws, parents, and siblings) to run for political office were more successful, since they could rely on family for childcare, donations, campaign activities, and to stand-in for the candidate at events and meetings.

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 religious principles for women to run. Husbands did not think that their wives could run the family and lead at the same time, while single women were attacked for not being married. Women were criticized for their age, appearance, experience in ways that were not typically used against men.

In one interview, a respondent cited the masculine nature of politics as a factor that forces women to adopt male leadership styles. In her view, women are more strictly vetted and more harshly condemned. Furthermore, their failure is generalised for all women seeking office. In addition, she felt that the performance of current female leaders can, in some instances, determine the electability of other women. All these challenges indicate the need for enhanced gender responsive voter and civic education to support women aspirants across all positions.

## Political Experience

Campaigns for county-wide seats (governor, senator and county woman representative) were grueling and protracted, particularly for first time candidates. Women who had contested for political office previously were more likely to win office than newcomers to campaigns. Previous candidates had higher levels of public recognition and were cited as role models and mentors for new entrants. For these women, their earlier experience as candidates helped them improve their campaign planning and outreach.

In addition, women who had previously served in government office were also more likely to win elected office. Women who had held a nominated seat from 2013-2017 and decided to campaign for an open position, or work within the party to maintain their nominated seat, were more successful than newcomers to politics. In the 2017 elections, 20 of the 23 women elected as a MNA held office previously or had campaigned for office before. Only one had no experience at all in public life. In the Senate, there were 18 women nominated to the Senate in 2013. Of the 18 women, 14 went on to run for elected positions in 2017 and had a 35 percent success rate in gaining office. For women that did not win, several parties chose them to fill nominated positions. NDI and FIDA have observed that these women tend to be more qualified and committed to their positions due to their campaign experience.

MCA Sarah Malel from Uasin Gishu County campaigned for the second time in 2017, and in this election she won in Kimumu ward. She had joined Jubilee, which was the popular party in her region, as opposed to her previous political party. She was also more prepared with resources from fundraising activities and a more robust campaign strategy. She established a campaign team of 10 representatives from every village who were also opinion leaders in the community. Unlike in 2013, where she had inexperienced agents, she attributed some of her success in the primary to trained agents who were able to secure her votes during the primaries. Some of these agents were later used by the party during the general elections.

# VI. CONCLUSIONS & RECOMMENDATIONS

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## Conclusions

Although international law and the Constitution have set a firm foundation for inclusion in government, Kenya's national legislature has persistently failed to translate the principle of equality into a body of binding laws, regulations, and policies. The judiciary has upheld the constitutional principles in various rulings, but enforcement of the Supreme Court's decisions has been lacking. The existing laws that regulate parties and elections often miss the mark in terms of establishing clear guidelines and enforcement mechanisms, allowing violations to go unpunished and providing little incentive or instruction for compliance.

Political parties continue to express ambivalence about gender equality. It is evident that most parties have not put in place the necessary measures to create an environment for the full and equal participation of women, including meaningful support for affirmative action. Parties are reluctant to embrace the spirit of the law, instead meeting the letter of the law in the barest possible sense and often skirting it with confidence that they will not be held accountable. Some exceptions exist, particularly among the smaller parties that are often more likely to promote women within their ranks. Regrettably, the financial incentives meant to reward parties for inclusion of women inadvertently punish these smaller parties that have no electoral track record, the main criterion for distribution of funds. There were some small signs of progress, as a few larger parties established mechanisms to support women candidates.

Overall, the performance of women candidates in the 2017 general elections was an improvement from 2013. More women were elected to office than previously, and women achieved valuable milestones and won for the first time gubernatorial and senatorial seats. Nevertheless, the overall participation of women as candidates is still an uphill battle—only 6.9 percent of all candidates were women (9.2 percent if the women members of



national assembly candidates are included). In addition, Kenya's elected and appointed institutions remain unrepresentative, with women consisting of less than one-third of positions in all institutions, excepting the county assemblies.

Perhaps most importantly, women who run for office win at the same or greater rates than their male counterparts. In fact, at all levels, 13.1 percent of women candidates won their elections, compared to 12.9 percent of men (excluding WMNA). But, men's overwhelming numbers of candidates – they accounted for 13,242, or 93 percent, of all candidates, still means that women are underrepresented in government. For those women that did succeed, there are a number of influential factors. Among these is the affirmative action principle, which allowed more women to hold office in 2013, particularly at the county level, leading them to be more experienced candidates and thus more successful in later campaigns. As more women enter politics and government, whether through open constituency seats or appointed office, the benefits of their experience to long-term political advancement will lead to longer term gains in representation and success in running for office. Further, the effect of social media and other civic education campaigns has contributed toward a gradual change in societal attitudes toward women and greater awareness of acceptable standards for electoral conduct.

However, the fact that 12 counties had no woman elected to their assemblies is indicative of the deep-seated challenges in many areas of Kenya to compete for office as a woman. The challenge is not limited to any single area or issue - a combination of legislative, institutional, social, and financial factors all contributed to the barriers to women rising to political office. Many of these were cultural, rooted in traditional and religious values. Gender roles and stereotyping were pervasive and problematic in 2017. Access to funding and support, both within their party and outside of it, was often not available. Violence and the threat of violence, as well as harassment, were issues for many women candidates in the primaries and the general elections, while the inability or unwillingness to report those incidents compounded the problem for future candidates who will be subject to the same ill treatment.

Many of these challenges are related to legal frameworks and the lack of enforcement mechanisms. In other cases, enforcement mechanisms exist but are not implemented. Societal, cultural, and religious reluctance may take many election cycles to overcome. Nonetheless, all of these challenges can be conquered, and must be, so that women can enjoy their right to political participation and representation.

## Recommendations

A number of measures are needed to bring Kenya into compliance with its constitution, national laws, and international standards, and to create a more tolerant electoral environment for women that is free of harassment, violence, and discrimination. A diverse range of tools are available to increase the representation of women in political life. These include the passage and amendment of relevant legislation, the use of enforcement mechanisms and incentives to ensure compliance, the collection and analysis of data to develop evidence-based solutions, and increased training and awareness.

### LEGISLATION AND POLICY

Above all, parliament needs to enact progressive legislation that includes specific mechanisms for meeting the two-thirds threshold in the National Assembly and Senate, as has been done at the county level. It should amend the Elections Act to facilitate full implementation of the inclusion principles in compliance with Article 100 of the Constitution, anchoring the two-thirds gender rule to the national legislature.

Parliament should also implement laws to regulate campaign funding and facilitate the enforcement of electoral malpractice. This should include establishing meaningful measures to protect women candidates from violence, a reporting system for victims of election-related violence and proper and prompt investigation and prosecution of reported cases. A fund should be created to enhance women's ability to get justice on election petitions and election-related gender-based violence.

The ORPP should identify gaps in the current laws relating to political parties and lobby for their amendment. The ministry in charge of gender should fast-track adoption of policies and strategies that enhance gender parity in elective bodies and seek the necessary budgetary provisions to implement the same in preparation for the next general elections.

## REGULATION AND COMPLIANCE

The IEBC should play a greater role in providing guidelines to political parties to ensure compliance with the two-thirds gender rule. The IEBC should also develop clear regulations around the conduct of party primaries. These should cohere with Article 81 on the gender quota, fair representation of PWDs, and free and fair elections.

The IEBC and the ORPP need to be stricter in monitoring political parties for compliance with the law. The ORPP could collaborate with the Directorate of Immigration and Registration of Persons to verify party membership lists and ensure that they include special interest groups. Both agencies should also impose available sanctions on non-compliant political parties.

The ORPP, IEBC, and NGEC should review the policies and legal frameworks of all political parties to ensure they fully adopt the constitutional provisions on gender equity in elective bodies. These should include strategies for implementation of the directions given in the *Katiba Institute v Independent Electoral and Boundaries Commission [2017]* case. This may require amending the PPA to peg some portion of party funding to the number of women elected under each party. A revision of the rules should incentivize smaller parties rather than excluding them from all funding.

The IEBC should raise awareness around provisions of the Election Code of Conduct among candidates, political parties, and their supporters to create an environment that is tolerant of inclusive participation and that encourages a free and fair electoral process. This should include the distribution of information concerning available remedies in cases of violations, as well as effective and efficient prosecution of complaints.

The ODPP needs to enforce the Election Offenses Act and the Penal Code more rigorously to ensure that the laws and regulations governing equal political participation are upheld, both in spirit and in fact.

## DATA

The ORPP and the Directorate of Immigration and Registration of Persons should collaborate to regularise the integrity of information provided by political parties on their membership. A policy and guidelines should be established to compel all political parties to disaggregate their data at all levels by gender, minorities, special interest, and marginalisation. Election data, including candidate lists and results should also be easily available, machine readable, and disaggregated by gender to allow for comparison. In addition, nomination lists from parties, timelines for registration, election, and dispute processes, and election results should be readily published and adhered to.

## TRAINING AND CAPACITY BUILDING

Civil society, the NGECC, and/or the ORPP should train political parties on the implementation of affirmative action regulations. Journalists should be trained to identify, understand, and report on violence against women in the electoral context. Sensitizing the media to gender bias in their reporting should also be considered.

Civil society should take the lead on training female politicians and candidates, not only during electoral periods, but continuously to enhance women's knowledge, skills, strategies, and attitudes towards competitive politics. Preparing women well in advance would lay the groundwork for more effective women candidacies, as well as avoid the dilemma of female candidates having to choose between gaining new skills in the midst of a busy campaign and actually utilising them.

Elected women should assist other female aspirants to realise their ambitions through mentorship and other forms of technical support. This can be configured as a program at national and regional levels and should include professional exchanges. CSOs and NGECC should organise an annual gender symposium to develop a common agenda for the country on gender issues. This platform could be used for networking, experience sharing, deliberation on lessons and strategic planning.

## PUBLIC AWARENESS INITIATIVES

The ORPP should conduct comprehensive and rigorous civic education to teach women and other special interest groups about their right to: participate in political parties as both members and leaders; vie for both appointive and nominative seats; and be adequately represented in county and national level structures.

Civil society should conduct ongoing civic education campaigns to enable attitude and behaviour change in communities and reinforce positive images of women candidates. Social media campaigns against violence should be sustained along with other media initiatives that can encourage more women to campaign in the next electoral cycle.

## COORDINATION AND COLLABORATION

All relevant governmental and non-governmental actors should work together to come up with a way of reducing violence against women during elections. CSOs and donors should better coordinate to eliminate duplication of efforts and ensure that resources are optimised. Joint and coordinated planning should be carried out by these actors.

## ADEQUATE RESOURCES

Women aspiring for elective political office should start preparing early. This should involve researching and understanding the needs of the electorate, the available opportunities, and the records of incumbents so as to plan their campaigns effectively. They should also build a strong set of supporters who can launch their campaign and mobilise other citizens.

A critical element to women's success will be the amount of resources that parties, policies, and CSOs dedicate for their campaigns. All candidates expressed concern that fundraising was one of their biggest disadvantages compared to men. Further support is needed for CSOs, such as Kenya Women Holding, that are developing a women's campaign fund. Political parties should dedicate resources for women candidates, and PPF funding should be monitored to ensure that they are allocated to women candidates.

# A Gender Analysis of the 2017 Kenya General Elections

## **ANNEX 1: DATA TABLES FEMALE MEMBERS OF THE NATIONAL ASSEMBLY**

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# A Gender Analysis of the 2017 Kenya General Elections

## Elected Single Constituency Female Members of the National Assembly

(Source: Vol. CXIX No. 121, Gazette Notice No. 8239)

2017						
No:	County		Constituency		Name of Elected MPs	Party Affiliation
	Code	Name	Code:	Name		
1.	22	Kiambu	112	Gatundu North	Hon. Annie Wanjiku Kibeh	JP
2.	36	Bomet	196	Bomet East	Hon. Beatrice Pauline Cheron Kones	JP
3.	21	Murang'a	109	Kandara	Hon Alice Muthoni Wahome	JP
4.	21	Murang'a	108	Maragwa	Hon. Mary Wamaua Waithira Njoroge	JP
5.	21	Murang'a	107	Kigumo	Hon. Ruth W. Mwaniki	JP
6.	31	Laikipia	165	Laikipia North	Hon. Sara Paulata Korere	JP
7.	32	Nakuru	167	Njoro	Hon. Charity Kathambi Chepkwony	JP
8.	32	Nakuru	168	Naivasha	Hon. Jayne Njeri Wanjiru Kihara	JP
9.	30	Baringo	160	Baringo South	Hon Grace Jelagat Kipchoim	JP
10.	43	Homa Bay	246	Kabondo Kasipul	Hon. Eve Akinyi Obara	ODM
11.	43	Homa Bay	248	Rangwe	Hon. Lilian Achieng' Gogo	ODM
12.	43	Homa Bay	251	Suba North (Mbita)	Hon Millie Grace Akoth Odhiambo	ODM
13.	15	Kitui	74	Kitui South	Hon Rachael Kaki Nyamai	JP
14.	27	Uasin Gishu	142	Turbo	Hon. Janet Jepkemboi Sitienei	IND
15.	6	Taita/Taveta	23	Taveta	Hon Naomi Namsi Shaaban	JP
16.	34	Kajiado	185	Kajiado East	Hon. Peris Pesi Tobiko	JP
17.	17	Makueni	88	Kibwezi East	Hon Jessica Nduku Kiko Mbalu	WDM-K
18.	47	Nairobi City	280	Kasarani	Hon. Mercy Wanjiku Gakuya	JP
19.	7	Garissa	32	Ijara	Hon. Sophia Abdi Noor	PDR
20.	25	Samburu	133	Samburu West	Hon. Josephine Naisula Lesuuda	KANU
21.	32	Nakuru	169	Gilgil	Hon. Martha Wangari	JP
22.	1	Mombasa	5	Likoni	Hon. Mishi Mboko	ODM
23.	3	Kilifi	16	Malindi	Hon. Aisha Jumwa Karisa Katana	ODM



# A Gender Analysis of the 2017 Kenya General Elections

## Nominated Female Members of the National Assembly

(Source: Vol. CXIX No. 123. Gazette Notice No: 8379 – Sch. 1)

No:	Name	Category	Party Affiliation
1.	Hon. Cecily Mbarire	Special Interest	JP
2.	Hon. Denittah Ghati	Persons Living with Disability	ODM
3.	Hon. Halama Yussuf Mucheke	Workers	JP
4.	Hon. Jennifer Shamalla	Special Interest	JP
5.	Hon. Prof. Jacqueline Adhiambo Oduol	Marginalised Woman	ODM
6.	Hon. Nasiri Sahal Ibrahim	Minority	FORD-K

## Elected County Women Representative Members of National Assembly

(Source: Vol. CXIX No. 118. Gazette Notice No: 7847)

County Code	Name of County	Name of Elected WRs	Party Affiliation
1	Mombasa	Hon. Asha Hussein Mohamed	ODM
2	Kwale	Hon. Zuleikha Juma Hassan	ODM
3	Kilifi	Hon. Gertrude Mbeyu Mwanyanje	ODM
4	Tana River	Hon. Rehema Hassan	MCCP
5	Lamu	Hon. Ruweida Mohamed Obo	JP
6	Taita/Taveta	Hon. Lydia Haika Mnene Mizighi	JP
7	Garissa	Hon. Anab Mohamed Gure	JP
8	Wajir	Hon. Fatuma Gedi Ali	PDR
9	Mandera	Hon. Amina Gedow Hassan	EFP
10	Marsabit	Hon. Safia Sheikh Adan	JP
11	Isiolo	Hon. Rehema Dida Jaldesa	JP
12	Meru	Hon. Kawira Mwangaza	IND
13	Tharaka-Nithi	Hon. Beatrice Nyagah	JP
14	Embu	Hon. Jane Wanjiku Njiru	JP
15	Kitui	Hon. Irene Muthoni Kasalu	WDM-K
16	Machakos	Hon. Joyce Kamene	WDM-K
17	Makueni	Hon Rose Munyao	JP
18	Nyandarua	Hon. Faith Wairimu Gitau	JP
19	Nyeri	Hon. Rahab Mukami Wachira	JP
20	Kirinyaga	Hon. Purity Wangui Ngirici	JP
21	Muranga	Hon. Sabina Chege	JP
22	Kiambu	Hon. Gathoni Wamuchomba	JP
23	Turkana	Hon. Pauline Akai Lokuruka	JP
24	West Pokot	Hon. Lilian Cheptoo Tomitom	KANU
25	Samburu	Hon. Maison Leshoomo	JP
26	Trans Nzoia	Hon. Janet Wanyama	JP
27	Uasin Gishu	Hon. Gladys Boss Shollei	JP
28	Elgeyo/Marakwet	Hon. Janet Jepkorir Chebaibai	JP



# A Gender Analysis of the 2017 Kenya General Elections

County Code	Name of County	Name of Elected WRs	Party Affiliation
29	Nandi	Hon. Dr. Tecla Chebet Tum	KANU
30	Baringo	Hon. Gladwell Jesire Cheruiyot	JP
31	Laikipia	Hon. Catherine Wanjiku Waruguru	JP
32	Nakuru	Hon. Liza Chelule Chepkorir	JP
33	Narok	Hon. Roselinda Tuya	JP
34	Kajiado	Hon. Janet Marania Teyiaa	JP
35	Kericho	Hon. Florence Chepng'etich Koskey	JP
36	Bomet	Hon. Joyce Korir Chepkoech	ODM
37	Kakamega	Hon. Elsie Busihile Muhanda	ANC
38	Vihiga	Hon. Beatrice Kahai Adagala	FORD-K
39	Bungoma	Hon. Catherine Wambilianga	ODM
40	Busia	Hon. Florence Mutua	ODM
41	Siaya	Hon. Christine Ombaka	ODM
43	Homa Bay	Hon. Gladys Wanga	ODM
44	Migori	Hon. Dr. Pamela A. Ochieng'	ODM
45	Kisii	Hon. Janet Ongera	ODM
46	Nyamira	Hon. Jerusha Mongina Momanyi	JP
47	Nairobi	Hon. Esther M Passaris	ODM

Elected Female Members of the Senate				
(Source: Vol. CXIX No. 118, Gazette Notice No: 7846)				
2017				
No:	County		Name of Elected Senator	Party Affiliation
	Code	Name		
1.	32	Nakuru	Hon. Susan Wakarura Kihika	JP
2.	27	Uasin Gishu	Hon. Margaret Jepkoech Kamar	PDR
3.	11	Isiolo	Hon. Dullo Fatuma Adan	JP

# A Gender Analysis of the 2017 Kenya General Elections

## Nominated Female Members of the Senate

(Source: Vol. CXIX No. 123. Gazette Notice No: 8379 – Sch. 2)

No:	Name of Nominated Senator	Party Affiliation
1.	Hon. Abshiro Soka Halake	KANU
2.	Hon. Alice Chepkorir Milgo	JP
3.	Hon. Beatrice Kwamboka Makori	ODM
4.	Hon. Christine Zawadi Gona	JP
5.	Hon. Faldaha Dekow Iman	JP
6.	Hon Agnes Zani	ODM
7.	Hon. Farhiya Ali Haji	JP
8.	Hon. Beth Mugo	JP
9.	Hon. Judith Ramaita Pareno	ODM
10.	Hon. Mary Yiane Seneta	JP
11.	Hon. Millicent Omanga	JP
12.	Hon. Naomi Jilo Waqo	JP
13.	Hon. Naomi Shironga Masitsa	ODM
14.	Hon. Petronila Wqere Lokorio	ANC
15.	Hon. Rose Ogendo Nyamunga	ODM
16.	Hon. Sylvia Mueni Kasanga	WDM-K

## Female Member Nominated to Senate to Represent Youth

(Source: Vol. CXIX No. 123. Gazette Notice No: 8379 – Sch. 3)

No:	Name of Nominated Senator	Party Affiliation
1.	Hon. Mercy Chebeni	ODM

## Female Member Nominated to Senate to Represent Persons Living with Disabilities

(Source: Vol. CXIX No. 123. Gazette Notice No: 8379 – Sch. 4)

No:	Name of Nominated Senator	Party Affiliation
1.	Getrude Musuruve Inimah	ODM

# A Gender Analysis of the 2017 Kenya General Elections

Elected Female Members of the County Assembly							
(Primary Source: Vol. CXIX No. 121, Gazette Notice No: 8240)							
(Secondary Source: Vol. CXIX No. 123, Gazette Notice No: 8378)							
No:	Name of Elected MCA	County	No. in County	Constituency	Code	Ward	Party
1.	Faith Mwendu Boniface	Mombasa	4	Changamwe	2	Kipevu	WDM-K
2.	Lucy Chizi Chiteri			Kisauni	13	Mtopanga	ODM
3.	Maimuna Salim Mwawasi			Kisauni	15	Shanzu	ODM
4.	Prischilla Mema Mumba			Mvita	29	Shimanzi Ganjori	ODM
5.	Caroline Kalume	Kilifi	3	Rabai	67	Mwawesa	ODM
6.	Valentine Matsaki Mwamanga			Rabai	69	Kambe Ribe	KADU-Asili
7.	Elina Stephen Mbaru			Magarini	81	Magarini	ODM
8.	Rhoda Katisha Raha	Tana River	3	Garsen	87	Garsen South	KADU-Asili
9.	Sauda Maiya Loda			Galole	94	Chewani	FORD-K
10.	Fauzia Hacheweke Sadik			Bura	99	Sala	JP
11.	Anab Haji Mohamed	Lamu	1	Lamu West	106	Hindi	JP
12.	Beatrice Mkanyikia Mwabili	Taita Taveta	1	Wundanyi	116	Wundanyi Mbale	SDP
13.	Uqa Qabale	Marsabit	2	Moyale	222	Sololo	MCCP
14.	Assunta Galgitele			Laisamis	237	Kargi/South Horr	FAP
15.	Joy Karambu Muthogi	Meru	2	Buuri	282	Kisima	PNU
16.	Eunice Karegi Kirimi			Central Imenti	288	Kiagu	MCCP
17.	Margaret Mukwanjeru Gitari	Tharaka-Nithi	3	Maara	300	Chogoria	JP
18.	Kigwari Bonifacia Njeri			Chuka Igambang'ombe	305	Igambang'ombe	JP
19.	Susan Ngugi Nduyo			Tharaka	310	Marimanti	JP
20.	Mary Kanini Philip	Kitui	6	Mwingi Central	340	Central	IND
21.	Jane Mutua			Kitui West	347	Kauwi	WDM-K
22.	Eunice Mwathi Katheke			Kitui East	359	Zombe Mwitika	PPK
23.	Ruth Kyene			Kitui East	360	Nzambani	NARC
24.	Grace Mwikali Sammy			Kitui East	363	Endau Malalani	Muungano
25.	Annastacia Mwathi Mutunga			Kitui East	364	Mutito Kaliku	NARC
26.	Jacqueline Nziva Munyao	Machakos	4	Yatta	379	Ikombe	MCCP
27.	Grace Munini Mutwiwa			Kangundo	383	Kangundo East	WDM-K
28.	Betty Nzisa Nzioki			Mwala	407	Masii	WDM-K
29.	Annastaciah Syomwai Mutuku			Mwala	410	Kibauni	MCCP
30.	Elizabeth Kawembe Mutinda	Makueni	1	Makueni	425	Muva Kikumini	Muungano
31.	Catherine Wairimu Njane	Nyandarua	1	OI Jorrook	461	Charagita	JP
32.	Pauline Wanjira Maina	Nyeri	3	Mathira	478	Magutu	PNU
33.	Mary Wamuyu Wamui			Mukurweini	487	Gikondi	JP
34.	Margaret Muthoni Kuruga			Nyeri Town	491	Kiganjo Mathari	JP



# A Gender Analysis of the 2017 Kenya General Elections

No:	Name of Elected MCA	County	No. in County	Constituency	Code	Ward	Party
35.	Jecinta Wangari Nganga	Murang'a	2	Kiharu	525	Township	JP
36.	Pelagiah Muthoni Maina			Gatanga	546	Kakuzi Mitubiri	JP
37.	Jackline Wanjiku Nungari	Kiambu	1	Limuru	601	Bibirioni	JP
38.	Leah Nachere Ideya	Turkana	1	Turkana North	612	Lake Zone	JP
39.	Raisy Ahamed Letura	Samburu	1	Samburu	668	Ndoto	JP
				North			
40.	Sarah Nekesa Simiyu Lubano	Trans Nzoia	1	Kwanza	677	Kwanza	IND
41.	Sarah Jelegat Malel	Uasin Gishu	1	Moiben	718	Kimumu	JP
42.	Jostine Chepnyango	Nandi	6	Tinderet	752	Songhor Soba	JP
43.	Rael Jeptoo Rotich			Tinderet	754	Kapsimotwo	JP
44.	Nancy Chemutai			Aldai	758	Kobujoi	JP
45.	Magdalene Cheptoo Rono			Aldai	760	Koyo-Ndurio	IND
46.	Cynthia Jepkosgei Muge			Emgwen	773	Kilibwoni	IND
47.	Milka Jerobon Chumba			Mosop	775	Kipkaren	JP
48.	Cheporiot Maria Losile	Baringo	2	Tiaty	785	Loiyamorock	KANU
49.	Jeniffer Kabon Kiptoo			Baringo Central	797	Kapropita	JP
50.	Veronica Muthoni Ikunyua	Laikipia	1	Laikipia East	820	Nanyuki	JP
51.	Jane Wangui Ngugi	Nakuru	5	Gilgil	844	Gilgil	JP
52.	Rose Chepkoech			Kuresoi South	851	Kiptagich	JP
53.	Mary Wanjiru Waiganjo			Subukia	857	Subukia	JP
54.	Irene Chebichi Cheruiyot			Rongai	861	Soin	JP
55.	Cecilia Nyambura Karanja			Rongai	862	Visoi	JP
56.	Nancy Chebet Langat Kimeto	Kericho	1	Bureti	951	Tebesonik	JP
57.	Alice Chesangi A. Orwas	Bomet	2	Bomet East	980	Chemaner	JP
58.	Clara Cherotich			Konoin	987	Kimulot	JP
59.	Leylah Muhandale Ichami	Kakamega	4	Lugari	993	Lumakanda	IND
60.	Godliver Omondi			Matungu	1028	Kholera	ANC
61.	Helemina Shikokoti Llanziva			Shinyalu	1041	Isukha North	ODM
62.	Gladys Omukongolo Malenya			Ikolomani	1049	Idakho North	ODM
63.	Gladys Madere Analo	Vihiga	1	Sabatia	1060	Busali	ANC
64.	Jane Chebet Kamwanja	Bungoma	10	Mt. Elgon	1076	Cheptais	JP
65.	Joan Chemayiek Kirong			Mt. Elgon	1079	Kapkateny	JP
66.	Everlyne Mutiembu Naboelela			Sirisia	1083	Malakisi South Kulisiru	FORD-K
67.	Rosemary Nafula Khisa			Kabuchai	1087	Bwake Luuya	FORD-K
68.	Violet Namaemba Makhanu			Webuye West	1104	Mihuu	ODM
69.	Miliah Nanyoka Masungo			Webuye West	1107	Misikhu	FORD-K
70.	Grace Sundukwa			Webuye West	1108	Sitikho	FORD-K
71.	Florence Fulano Wekesa			Kimilili	1113	Maeni	FORD-K
72.	Joan Nafula Lutukai			Tongaren	1116	Naitiri Kabuyefwe	FORD-K
73.	Elly Tindi Manasseh			Tongaren	1119	Tongaren	FORD-K

# A Gender Analysis of the 2017 Kenya General Elections

No:	Name of Elected MCA	County	No. in County	Constituency	Code	Ward	Party
74.	Grace Tata Olita	Busia	3	Teso North	1123	Ang'urai South	ODM
75.	Mwajuma Bahati Toloyi			Nambale	1133	Nambale Township	ODM
76.	Beatrice Phemmy Kanoti			Funyula	1151	Bwiri	FORD-K
77.	Susan Achieng Okwirry	Siaya	4	Gem	1170	West Gem	IND
78.	Abigael Perpetua Awino			Gem	1171	Central Gem	ODM
79.	Lorna Achieng Ochieng Adida			Bondo	1180	North Sakwa	ODM
80.	Judith Anyango Oyugi			Rarieda	1181	East Asembo	ODM
81.	Pamela Akinyi Odhiambo	Kisumu	5	Kisumu East	1188	Manyatta 'B'	ODM
82.	Judith Atieno Ogaga			Kisumu West	1192	Central Kisumu	ODM
83.	Priscah Auma Misachi			Kisumu Central	1198	Shaurimoyo K	ODM
84.	Sally Achieng Okudo			Seme	1203	Central Seme	ODM
85.	Maureen Anyango Opondo			Muhoroni	1214	Chemelil	ODM
86.	Joan Minsari Ogada	Homa Bay	2	Kabondo Kasipul	1229	Kojwach	ODM
87.	Mary Ojalla			Homa Bay Town	1242	Arujo	ODM
88.	Beatrice Adhiambo	Migori	3	Suna East	1272	Kwa	ODM
89.	Jackline Atieno Ongoro			Nyatike	1283	Kanyasa	ODM
90.	Susan Mohabe			Kuria West	1295	Nyamosense	FORD-K
91.	Rosa Kemunto Orondo	Kisii	1	Bomachoge Chache	1323	Majoge Basi	ODM
92.	Callen Kemuma Atuya	Nyamira	1	North Mugirango	1359	Bokeira	ODM
93.	Cecilia Achieng Ayot	Nairobi	5	Kibra	1386	Laini Saba	ODM
94.	Rose Adhiambo Ogonda			Embakasi South	1410	Kware	ODM
95.	Millicent Wambui Mugadi			Starehe	1442	Ziwani Kariokor	JP
96.	Esther Chege Waitira			Starehe	1444	Nairobi South	JP
97.	Patriciah Mutheu Musyimi			Mathare	1449	Mlango Kubwa	JP

## Elected Female Members of the County Assembly

Code	2017 County:	Nominated Representatives				Elected Representatives			Grand Total	Grand Total (M)	Grand Total (F)	% Gap
		Marginalised		Top-Up	Total	M	F	Total				
		M	F									
1	Mombasa	2	2	8	12	26	4	30	42	28 (67%)	14 (33%)	33%
2	Kwale	2	2	10	14	20	0	20	34	22 (65%)	12 (35%)	29%
3	Kilifi	2	2	15	19	32	3	35	54	34 (63%)	20 (37%)	26%
4	Tana River	3	1	4	8	12	3	15	23	15 (65%)	8 (35%)	30%
5	Lamu	2	2	4	8	8	1	9	17	10 (59%)	7 (41%)	18%
6	Taita/Taveta	3	1	9	13	20	1	21	34	23 (68%)	11 (32%)	35%
7	Garissa	3	1	15	19	29	0	29	48	32 (67%)	16 (33%)	33%
8	Wajir	2	2	14	18	31	0	31	49	33 (67%)	16 (33%)	35%
9	Mandera	2	2	14	18	30	0	30	48	32 (67%)	16 (33%)	33%
10	Marsabit	2	2	6	10	18	2	20	30	20 (67%)	10 (33%)	33%



# A Gender Analysis of the 2017 Kenya General Elections

Code	2017 County:	Nominated Representatives				Elected Representatives			Grand Total	Grand Total (M)	Grand Total (F)	% Gap
		Marginalised		Top-Up	Total	M	F	Total				
		M	F									
11	Isiolo	1	3	3	7	10	0	10	17	11 (65%)	6 (35%)	29%
12	Meru	2	2	19	23	43	2	45	68	45 (66%)	23 (34%)	32%
13	Tharaka-Nithi	1	3	1	5	12	3	15	20	13 (65%)	7 (35%)	30%
14	Embu	2	2	9	13	20	0	20	33	22 (67%)	11 (33%)	33%
15	Kitui	2	2	10	14	34	6	40	54	36 (67%)	18 (33%)	33%
16	Machakos	3	1	15	19	36	4	40	59	39 (66%)	20 (34%)	32%
17	Makueni	3	1	14	18	29	1	30	48	32 (67%)	16 (33%)	33%
18	Nyandarua	2	2	10	14	24	1	25	39	26 (67%)	13 (33%)	33%
19	Nyeri	2	2	10	14	27	3	30	44	29 (66%)	15 (34%)	32%
20	Kirinyaga	2	2	9	13	20	0	20	33	22 (67%)	11 (33%)	33%
21	Muranga	2	2	14	18	33	2	35	53	35 (66%)	18 (34%)	32%
22	Kiambu	3	1	28	32	59	1	60	92	62 (67%)	30 (33%)	35%
23	Turkana	2	2	13	17	29	1	30	47	31 (66%)	16 (34%)	32%
24	West Pokot	2	2	9	13	20	0	20	33	22 (67%)	11 (33%)	33%
25	Samburu	2	2	8	12	14	1	15	27	16 (59%)	11 (41%)	19%
26	Trans Nzoia	3	1	10	14	24	1	25	39	27 (69%)	12 (31%)	38%
27	Uasin Gishu	2	2	13	17	29	1	30	47	31 (66%)	16 (34%)	32%
28	Elgeyo/Marakwet	2	2	9	13	20	0	20	33	22 (67%)	11 (33%)	33%
29	Nandi	2	2	5	9	24	6	30	39	26 (67%)	13 (33%)	33%
30	Baringo	1	3	11	15	28	2	30	45	29 (64%)	16 (36%)	29%
31	Laikipia	2	2	5	9	14	1	15	24	16 (67%)	8 (33%)	33%
32	Nakuru	2	2	19	23	50	5	55	78	52 (67%)	26 (33%)	33%
33	Narok	2	2	13	17	30	0	30	47	32 (68%)	15 (32%)	36%
34	Kajiado	2	2	12	16	25	0	25	41	27 (66%)	14 (34%)	32%
35	Kericho	2	2	13	17	29	1	30	47	31 (66%)	16 (34%)	32%
36	Bomet	2	2	7	11	18	2	20	31	20 (65%)	11 (35%)	29%
37	Kakamega	2	2	25	29	61	4	65	94	63 (67%)	31 (33%)	34%
38	Vihiga	1	3	9	13	24	1	25	38	25 (66%)	13 (34%)	32%
39	Bungoma	2	2	11	15	35	10	45	60	37 (62%)	23 (38%)	23%
40	Busia	2	2	14	18	32	3	35	53	34 (64%)	19 (36%)	28%
41	Siaya	2	2	8	12	26	4	30	42	28 (67%)	14 (33%)	33%
42	Kisumu	2	2	9	13	30	5	35	48	32 (67%)	16 (33%)	33%
43	Homa Bay	2	2	16	20	38	2	40	60	40 (67%)	20 (33%)	33%
44	Migori	1	3	13	17	37	3	40	57	38 (67%)	19 (33%)	33%
45	Kisii	2	2	20	24	44	1	45	69	46 (67%)	23 (33%)	33%
46	Nyamira	3	1	12	16	19	1	20	36	22 (61%)	14 (39%)	22%
47	Nairobi City	2	2	34	38	80	5	85	123	82 (67%)	41 (33%)	33%
	Total	97	91	559	747	1,353	97	1,450	2,197	1,450	747	703
	Percentage (%)	13%	12%	75%	100%	93%	7%	100%	100%	66%	34%	32%



# A Gender Analysis of the 2017 Kenya General Elections

Marginalised Nominated Representatives, County Assemblies																													
County	Persons Living with Disability			Ethnic Minority			Religious Minority			Youth			Minority			Marginalised Women			Marginalised Community			Elder			Total	Total Number of Men	Total Number of Women	(% of Men)	(% of Women)
	Male	Female	Total	Male	Female	Total	Male	Female	Total	Male	Female	Total	Male	Female	Total	Female	Male	Female	Total	Male	Female	Total							
Mombasa	0	1	1	1	0	1	0	1	1	1	0	1	0	0	0	0	0	0	0	0	0	0	4	2	2	50%	50%		
Kwale	0	0	0	1	0	1	0	0	0	0	1	1	1	0	1	1	0	0	0	0	0	0	4	2	2	50%	50%		
Kilifi	0	0	0	1	1	2	0	0	0	0	1	1	0	0	0	0	1	0	1	0	0	0	4	2	2	50%	50%		
Tana River	1	0	1	0	0	0	0	0	0	1	1	2	1	0	1	0	0	0	0	0	0	0	4	3	1	75%	25%		
Lamu	1	0	1	0	0	0	0	0	0	0	1	1	0	1	1	0	0	0	0	1	0	1	4	2	2	50%	50%		
Taita/Tavet	0	0	0	2	1	3	0	0	0	1	0	1	0	0	0	0	0	0	0	0	0	0	4	3	1	75%	25%		
Garissa	1	0	1	1	0	1	0	0	0	1	1	2	0	0	0	0	0	0	0	0	0	0	4	3	1	75%	25%		
Wajir	0	1	1	0	0	0	0	0	0	2	1	3	0	0	0	0	0	0	0	0	0	0	4	2	2	50%	50%		
Mandera	1	2	3	0	0	0	0	0	0	1	0	1	0	0	0	0	0	0	0	0	0	0	4	2	2	50%	50%		
Marsabit	1	0	1	1	1	2	0	0	0	0	0	0	0	1	1	0	0	0	0	0	0	0	4	2	2	50%	50%		
Isiolo	0	1	1	0	0	0	0	0	0	1	2	3	0	0	0	0	0	0	0	0	0	0	4	1	3	25%	75%		
Meru	0	1	1	1	1	2	0	0	0	1	0	1	0	0	0	0	0	0	0	0	0	0	4	2	2	50%	50%		
Tharaka-Ni	0	1	1	0	1	1	0	0	0	1	1	2	0	0	0	0	0	0	0	0	0	0	4	1	3	25%	75%		
Embu	1	0	1	0	1	1	0	0	0	1	1	2	0	0	0	0	0	0	0	0	0	0	4	2	2	50%	50%		
Kitui	0	2	2	1	0	1	0	0	0	1	0	1	0	0	0	0	0	0	0	0	0	0	4	2	2	50%	50%		
Machakos	1	1	2	1	0	1	0	0	0	1	0	1	0	0	0	0	0	0	0	0	0	0	4	3	1	75%	25%		
Makueni	0	0	0	1	0	1	0	0	0	2	1	3	0	0	0	0	0	0	0	0	0	0	4	3	1	75%	25%		
Nyandarua	0	0	0	2	2	4	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	4	2	2	50%	50%		
Nyeri	0	0	0	1	1	2	0	0	0	1	1	2	0	0	0	0	0	0	0	0	0	0	4	2	2	50%	50%		
Kirinyaga	0	1	1	1	0	1	0	0	0	1	1	2	0	0	0	0	0	0	0	0	0	0	4	2	2	50%	50%		
Muranga	0	0	0	1	1	2	0	0	0	1	1	2	0	0	0	0	0	0	0	0	0	0	4	2	2	50%	50%		
Kiambu	0	1	1	1	0	1	0	0	0	1	0	1	1	0	1	0	0	0	0	0	0	0	4	3	1	75%	25%		
Turkana	0	0	0	0	0	0	0	0	0	2	1	3	0	0	0	1	0	0	0	0	0	0	4	2	2	50%	50%		
West Pokot	0	0	0	1	1	2	0	0	0	1	1	2	0	0	0	0	0	0	0	0	0	0	4	2	2	50%	50%		
Samburu	1	1	2	0	0	0	0	0	0	1	1	2	0	0	0	0	0	0	0	0	0	0	4	2	2	50%	50%		
Trans Nzoia	1	0	1	0	0	0	0	0	0	2	0	2	0	0	1	0	0	0	0	0	0	0	4	3	1	75%	25%		
Uasin Gishu	0	1	1	1	0	1	0	0	0	1	0	1	0	1	1	0	0	0	0	0	0	0	4	2	2	50%	50%		
Elgeyo/Mar	1	1	2	0	0	0	0	0	0	1	1	2	0	0	0	0	0	0	0	0	0	0	4	2	2	50%	50%		
Nandi	1	1	2	0	0	0	0	0	0	1	1	2	0	0	0	0	0	0	0	0	0	0	4	2	2	50%	50%		
Baringo	0	0	0	0	0	0	0	0	0	1	2	3	0	1	1	0	0	0	0	0	0	0	4	1	3	25%	75%		
Laikipia	0	0	0	1	1	2	0	0	0	0	0	0	1	1	2	0	0	0	0	0	0	0	4	2	2	50%	50%		
Nakuru	0	0	0	0	1	1	0	0	0	1	0	1	1	1	2	0	0	0	0	0	0	0	4	2	2	50%	50%		



# A Gender Analysis of the 2017 Kenya General Elections

County	Persons Living with Disability			Ethnic Minority			Religious Minority			Youth			Minority			Marginalised Women			Marginalised Community			Elder			Total	Total Number of Men	Total Number of Women	(% of Men)	(% of Women)
	Male	Female	Total	Male	Female	Total	Male	Female	Total	Male	Female	Total	Male	Female	Total	Female	Male	Female	Total	Male	Female	Total							
Narok	0	0	0	0	0	0	0	0	0	1	1	2	1	1	2	0	0	0	0	0	0	0	4	2	2	50%	50%		
Kajiado	1	1	2	0	1	1	0	0	0	1	0	1	0	0	0	0	0	0	0	0	0	0	4	2	2	50%	50%		
Kericho	0	0	0	0	0	0	0	0	0	1	1	2	1	1	2	0	0	0	0	0	0	0	4	2	2	50%	50%		
Bomet	0	1	1	0	0	0	0	0	0	1	1	2	1	0	1	0	0	0	0	0	0	0	4	2	2	50%	50%		
Kakamega	1	1	2	1	0	1	0	0	0	0	1	1	0	0	0	0	0	0	0	0	0	0	4	2	2	50%	50%		
Vihiga	0	2	2	0	1	1	0	0	0	0	0	0	1	0	1	0	0	0	0	0	0	0	4	1	3	25%	75%		
Bungoma	0	0	0	0	1	1	0	0	0	1	1	2	1	0	1	0	0	0	0	0	0	0	4	2	2	50%	50%		
Busia	0	0	0	1	1	2	0	0	0	1	0	1	0	0	0	1	0	0	0	0	0	0	4	2	2	50%	50%		
Siaya	1	0	1	0	0	0	0	0	0	1	1	2	0	0	0	1	0	0	0	0	0	0	4	2	2	50%	50%		
Kisumu	0	1	1	1	0	1	0	0	0	0	1	1	1	0	1	0	0	0	0	0	0	0	4	2	2	50%	50%		
Homa Bay	1	0	1	0	1	1	0	0	0	1	1	2	0	0	0	0	0	0	0	0	0	0	4	2	2	50%	50%		
Migori	1	2	3	0	0	0	0	0	0	0	1	1	0	0	0	0	0	0	0	0	0	0	4	1	3	25%	75%		
Kisii	0	0	0	0	0	0	0	0	0	1	1	2	0	0	0	1	1	0	1	0	0	0	4	2	2	50%	50%		
Nyamira	1	0	1	1	0	1	0	0	0	1	1	2	0	0	0	0	0	0	0	0	0	0	4	3	1	75%	25%		
Nairobi City	1	0	1	0	0	0	0	0	0	1	2	3	0	0	0	0	0	0	0	0	0	0	4	2	2	50%	50%		
<b>Total</b>	<b>18</b>	<b>24</b>	<b>42</b>	<b>24</b>	<b>18</b>	<b>42</b>	<b>0</b>	<b>1</b>	<b>1</b>	<b>41</b>	<b>34</b>	<b>75</b>	<b>11</b>	<b>9</b>	<b>20</b>	<b>5</b>	<b>2</b>	<b>0</b>	<b>2</b>	<b>1</b>	<b>0</b>	<b>1</b>	<b>188</b>	<b>97</b>	<b>91</b>				
<b>%</b>	<b>###</b>	<b>###</b>		<b>###</b>	<b>###</b>		<b>0%</b>	<b>1%</b>		<b>###</b>	<b>###</b>		<b>6%</b>	<b>5%</b>		<b>3%</b>	<b>1%</b>	<b>0%</b>		<b>1%</b>	<b>0%</b>		<b>####</b>	<b>###</b>	<b>###</b>				

## Members of the County Assembly 2013-2017, Gender Breakdown Elected and Nominated MCAs

County Code	County	2017 Total MCAs					2013 Total MCAs				
		M	M%	F	F%	T	M	M%	F	F%	T
1	Mombasa	28	67%	14	33%	42	28	62%	17	38%	45
2	Kwale	22	65%	12	35%	34	22	67%	11	33%	33
3	Kilifi	34	63%	20	37%	54	37	70%	16	30%	53
4	Tana River	15	65%	8	35%	23	16	62%	10	38%	26
5	Lamu	10	59%	7	41%	17	12	60%	8	40%	20
6	Taita/Taveta	23	68%	11	32%	34	22	63%	13	37%	35
7	Garissa	32	67%	16	33%	48	31	66%	16	34%	47
8	Wajir	33	67%	16	33%	49	31	67%	15	33%	46
9	Mandera	32	67%	16	33%	48	32	67%	16	33%	48
10	Marsabit	20	67%	10	33%	30	22	67%	11	33%	33

# A Gender Analysis of the 2017 Kenya General Elections

County Code	County	2017 Total MCAs					2013 Total MCAs				
		M	M%	F	F%	T	M	M%	F	F%	T
11	Isiolo	11	65%	6	35%	17	13	65%	7	35%	20
12	Meru	45	66%	23	34%	68	47	68%	22	32%	69
13	Tharaka-Nithi	13	65%	7	35%	20	15	63%	9	38%	24
14	Embu	22	67%	11	33%	33	27	71%	11	29%	38
15	Kitui	36	67%	18	33%	54	38	67%	19	33%	57
16	Machakos	39	66%	20	34%	59	39	66%	20	34%	59
17	Makueni	32	67%	16	33%	48	31	66%	16	34%	47
18	Nyandarua	26	67%	13	33%	39	26	63%	15	37%	41
19	Nyeri	29	66%	15	34%	44	27	57%	20	43%	47
20	Kirinyaga	22	67%	11	33%	33	22	76%	7	24%	29
21	Muranga	35	66%	18	34%	53	35	69%	16	31%	51
22	Kiambu	62	67%	30	33%	92	60	70%	26	30%	86
23	Turkana	31	66%	16	34%	47	30	64%	17	36%	47
24	West Pokot	22	67%	11	33%	33	22	69%	10	31%	32
25	Samburu	16	59%	11	41%	27	17	65%	9	35%	26
26	Trans Nzoia	27	69%	12	31%	39	26	67%	13	33%	39
27	Uasin Gishu	31	66%	16	34%	47	30	70%	13	30%	43
28	Elgeyo/Marakwet	22	67%	11	33%	33	22	73%	8	27%	30
29	Nandi	26	67%	13	33%	39	28	58%	20	42%	48
30	Baringo	29	64%	16	36%	45	30	63%	18	38%	48
31	Laikipia	16	67%	8	33%	24	15	65%	8	35%	23
32	Nakuru	52	67%	26	33%	78	52	70%	22	30%	74
33	Narok	32	68%	15	32%	47	31	66%	16	34%	47
34	Kajiado	27	66%	14	34%	41	27	66%	14	34%	41
35	Kericho	31	66%	16	34%	47	31	66%	16	34%	47
36	Bomet	20	65%	11	35%	31	25	71%	10	29%	35
37	Kakamega	63	67%	31	33%	94	61	71%	25	29%	86
38	Vihiga	25	66%	13	34%	38	27	69%	12	31%	39
39	Bungoma	37	62%	23	38%	60	40	63%	23	37%	63
40	Busia	34	64%	19	36%	53	35	66%	18	34%	53
41	Siaya	28	67%	14	33%	42	28	60%	19	40%	47
42	Kisumu	32	67%	16	33%	48	32	67%	16	33%	48
43	Homa Bay	40	67%	20	33%	60	40	65%	22	35%	62
44	Migori	38	67%	19	33%	57	38	59%	26	41%	64
45	Kisii	46	67%	23	33%	69	46	65%	25	35%	71
46	Nyamira	22	61%	14	39%	36	24	73%	9	27%	33
47	Nairobi City	82	67%	41	33%	123	85	67%	42	33%	127
	<i>Total</i>	<i>1,450</i>	<i>66%</i>	<i>747</i>	<i>34%</i>	<i>2,197</i>	<i>1,475</i>	<i>66%</i>	<i>752</i>	<i>34%</i>	<i>2,227</i>









FIDA KENYA  
Amboseli Road, off  
Gitanga Rd  
Lavington, Nairobi



NDI KENYA  
Block C, Ground Floor,  
Methodist Ministries Centre  
Oloitoktok Road  
Lavington, Nairobi