



**“Gender Mainstreaming in the Electoral Administration –  
The Kenyan Experience”**

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*“Any woman who understands the problems of running a home will be nearer to understanding the problems of running a country” –*

*Margret Thatcher*

## **Introduction**

Although women represent 52% of the population in Kenya and a similar percentage in the voters roll, they have remained marginalized in the political process in the country. Several factors account for this state of affairs including the following:

- Men dominate the political stage and set the rules of the political game and women lack confidence in vying for political leadership.
- Political life is organized according to male norms and values, which set the standards through which political achievement is judged. These often emphasize aggression and long hours spent outside the family set-up.
- Short changing of women during political party nominations.
- The nature of the electoral system, which may not be favourable to women candidates.
- Inability to utilise women’s voting power and numerical strength.
- Ignorance and illiteracy.
- Lack of material and financial resources.
- Lack of capacity to accommodate women’s leadership.
- Lack of sustained Government support for women’s political empowerment through affirmative action.

The country adopted a new Constitution in August 2010 which has set the basic foundation for ensuring the success of gender mainstreaming in elections and electoral administration. The implementation of the new constitution has seen a lot of gains for the struggle for women's rights to participate in the governance of the country.

This paper will address the National state of gender mainstreaming in elections and electoral process and the role the Independent Electoral and Boundaries Commission (IEBC) has played in promoting women's participation in the electoral process and integrating the gender perspectives in its activities.

### **Legal Framework Underpinning Gender Mainstreaming in the Electoral Administration and Process**

The Constitution of Kenya makes the general rules of international law and any treaty or convention ratified by Kenya, as forming part of the laws of Kenya. This has in effect ensured the domestication of international conventions and treaties such as the Universal Declaration of Human rights (UDHR), International Covenant on Civil and Political Rights (ICCPR), Convention for the Elimination of all forms of Discrimination against Women (CEDAW) and others.

The Constitution now guarantees full and equal right of women to participate in the socio-economic and political affairs of the country. It has also institutionalized the 1/3 rule which requires that all elective and appointive bodies in the country must not have more that 2/3 of one gender. (In effect this is meant to act as an affirmative action to ensure that there are 1/3 women in every elective and appointive body in Kenya). This has not been achieved in every sector but there is a progress in achieving this goal.

The Constitution has set the framework to guarantee that 1/3 of the Members of Parliament (MPs) in the National Assembly, Senate and the Executive are women. It also requires all statutory and Constitutional Commissions to have 1/3 women of the total number and for the chair and vice-chair to be of the opposite sex.

The Judiciary has ensured that 1/3 of the Judges in the Supreme Court, Court of Appeal, High Court and Magistrates Court are women. The Senate has 1/3 women as well as all the 47 County Assemblies. The National Assembly is yet to achieve the 1/3 rule and the Supreme Court has rendered an advisory opinion that measures should be put in place to ensure that 1/3 of the National Assembly are women (the measures are to be put in place by August 2015).

In the Executive Arm of the Government, the President has appointed 1/3 women to his cabinet, including giving the crucial ministries of Defence and Foreign Affairs to women. He has also appointed 7 female Permanent Secretaries out of the total 26 Permanent Secretaries, translating to 26.9% while in the diplomatic service the President has appointed 15 women Ambassadors or 23.8% of the country's diplomatic corps.

### **The Role of the Electoral Commission in Gender Mainstreaming In Electoral Administration and Process**

The Commission is a Constitutional Commission established under Article 88 of the Constitution. As a state organ, the Commission is bound by the Constitution and obliged to implement the letter and spirit of the Constitution in enhancing the role and participation of women in election administration and process.

The Independent Electoral and Boundaries Commission (IEBC) is a permanent body established under the Constitution with the following mandate:

- Conducting elections for all elective positions and referenda
- Boundary delimitation for constituencies and wards
- Voter registration and voter education
- Settling disputes arising out of political party nominations
- Investigation and prosecution of election offences
- Monitoring and evaluating the amount of money to be spent by candidates and political parties in elections
- Ensuring parties comply with the law on submission of party list for the special seats reserved for women in parliament and in the county assemblies

The IEBC is made up of 9 Commissioners and a Secretariat. The Chairperson and 8 Commissioners are appointed for a single term of 6 years and are responsible for policy and oversight. They also employ staff of the commission. Three of the Commissioners are women. The Vice-Chairperson is elected by the Commissioners and must be of the opposite gender of the chairperson. Currently the Vice-Chair is a lady because the Chair is a man.

The Secretariat is led by a Chief Electoral Officer (CEO), assisted by 8 directors (4 of whom are ladies) and over 50 managers (out of whom 17 are ladies). The Commission also has 17 Regional Election Coordinators (RECs) (5 of whom are ladies) and 290 Constituency Election Coordinators (CECs) (15% being ladies).

During General Elections and the Referendum the Commission employs over 240,000 temporary staff as presiding officers, polling clerks and support staff out of this female staff account for over 30%.

In matters of mainstreaming gender and the participation of women in the electoral process, the Commission leads by example (internally) and takes deliberate policy actions to enable women participate fully in the Country's political process as

voters, candidates, elected officials and as nominated members of legislative assemblies.

The Commission has enacted regulations to guide political parties comply with the affirmative action principles of the Constitution in preparing the party list for the nomination of women to parliament and the County Assemblies.

The Commission with the support of UNDP and UN women, has began the training of all its senior staff on gender mainstreaming in the election process and is now rolling out similar training for other stakeholders, such as the political parties and religious leaders.

Either through the influence of strongly held religious beliefs or deep rooted traditional and customary norms and practices, the Kenyan society is largely conservative and patrilineal and this places hurdles on the efforts by women to fully participate in the political process in the country.

Few examples will suffice:

- Some Muslims who believe women cannot be leaders and should not be so elected (fundamentalist view). In some parts of the Country, inhabited by Muslims, some male voters refuse to vote for Women Representative to the National Assembly (special seat for women).
- Communities that consider a woman who is married, not to belong to her ancestral home anymore and should not contest or be nominated for any elective positions from her home region. (*Maasai saying – “women and cattle have no borders”*). This view also applies to inheriting land.
- False perception being created that paints women who venture into politics as being of loose morals or questionable integrity.

- Men who believe that being head of the household includes the power to dictate to the women in the household on their political choices.

The Commission conducts voter education to turn the tide on these misconceptions and negative cultural practices. It also partners with Government Agencies, Civil Society Organizations (CSOs), Faith Based Organizations (FBOs) and other stakeholders to make the case for the rights of women to fully participate in the electoral process. The Commission, when deemed necessary, conducted voter education sessions for women only audience.

During voter registration, the Commission took proactive steps to warn some men in some parts of the country who were holding the identity cards documents of their women to release them so that they could go and register as voters. In some special instances, the Commission deployed female staff to conduct the Biometric Voter Registration (BVR) of women voters in some regions (Coast province and North Eastern).

During campaigns, women candidates are vulnerable to physical attacks and negative campaign propaganda and insults. The Commission has enforced a code of conduct that obligates all candidates to conduct themselves well and it is an offense to use offensive, demeaning and derogatory language that is sexual in nature against women candidates.

In the 2013 General Elections, the Commission worked with women groups and Civil Society Organisations (CSOs) in promoting a peaceful election. Notable among these groups were the Women's Situation Room (WSR) and Mothers of the Nation.

During the day of the elections, women are among the voters that are given priority to vote, especially the elderly, pregnant women and those with young children.

## **Conclusion**

Mainstreaming of gender in the political process and ensuring that women fully participate in the political process of a country is a process that cannot be left only to the Electoral Management Body (EMB). It is always a working progress and for it to fully succeed it requires genuine political goodwill and sound and clear legal frameworks.

It also requires a lot of civic education and stakeholder engagement in order to achieve a total paradigm shift and change of attitudes to women in politics by some conservative and patrilineal societies.

Kenya is on the right track in achieving this ideal and it is possible that with the full implementation of the new Constitution, the principle of having at least 1/3 of women in all elective and appointive bodies will be fully realized after the next elections in August 2017.

**End**