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## **KEYNOTE ADDRESS BY THE REGISTRAR OF POLITICAL PARTIES-KENYA ANN N. NDERITU, CBS DURING THE INTERNATIONAL CONFERENCE ON THE GREAT LAKES REGION (ICGLR) ON 23<sup>RD</sup> NOVEMBER, 2022, AT TRADE MARK HOTEL, LIMURU, KIAMBU COUNTY, KENYA**

**Distinguished guests, ladies and gentleman,**

I'm pleased to join you on this important forum to reflect together on a critical issue of our time. I note the insightful areas of discussion and eminent person line-up participating in the discussion.

First and foremost, I would like to applaud Levi Mwanawasa Regional Centre for Democracy and Good Governance for the commitment to promote good governance in the Great Lakes Region. Your dedication to promote the protection and respect of gender equality and women's human rights in the region is most commendable. Further, I would like to commend you for organizing this platform for dialogue on gender and electoral management which is timely for a region that has embarked on the journey to optimizing the inclusion of women in political and democratic processes.

Ladies and Gentlemen, allow me to share some thoughts on women's representation in Electoral Management Bodies, as well as their inclusion in political and democratic processes.

As you are all aware, there has been deliberate effort all over the world to include women and other marginalized groups in the political and electoral processes. While there is a global political consciousness on women inclusion, there has been slow growth in numbers of women who end up being elected and appointed in the positions of influence. As a matter of fact, most African countries include women as matter of compliance with laws and gender quotas. The importance of compliance and affirmative action cannot be gainsaid because they induce national consciousness on inclusion. However, there must come a time when Nations must go beyond compliance and ticking the box and realize the intrinsic value of women leadership.

Ladies and gentlemen, it is a fact that women form more than half of the population. Representation is about population and therefore, all strata of leadership should reflect the strata of population: that is equity. It is a fact that women leadership bring on board thoughtful and reflective interrogation of processes and careful consideration of diverge opinions that aims at cohesive outcome. The earlier countries realize that strengthening women's capacity to contributes to political processes leads to improved policies, the better. At no point it is expected that we should do away with men and replace them with women, far from it. What is desired is complimentary leadership where men and women lead together just as they co-exist together. It is no wonder principal 4 of the Universal Declaration on Democracy, Inter Parliamentary Union states that, 'The achievement of democracy presupposes a genuine partnership between men and women in the conduct of the affairs of society in which they work in equality and complementarity, drawing mutual enrichment from their differences.'

Secondly, involvement of women in democratic and political processes is essential in developing multiplicity of perspectives to policy formulation and implementation of programs. There are fundamental differences between men and women which also differentiates their life experiences. Leveraging women's opinions can spark creativity, innovation and create policies that are uniquely responsive to human needs.

Additionally, there is growing realization that involving women has an economic advantage. Many global institutions: World social Forum, World Economic Forum amongst others have concluded that gender equality leads to better performing businesses. In a nutshell, ladies and gentlemen, our society cannot attain sustainable development and consolidate democracy and constitutionalism without meaningful participation of women in political processes.

Ladies and Gentlemen, numerous instruments have been created over the years to enhance the principles of non-discrimination and equal enjoyment of political rights for women worldwide. The Universal Declaration of Human Rights of Women (UDHR, 1948), the Convention on the Political Rights for Women (CPRW, 1952) amongst other international conventions explicitly demand for enjoyment of all rights for women without any kind of distinction. Article 25 of the International Covenant on Civil and Political Rights (ICCPR, 1966) envisions the rights of all citizens to participate in the conduct of public affairs, and to 'vote and be elected at genuine periodic elections.' Indeed, the Convention on the Elimination of all Forms of Discrimination against all women (CEDAW, 1979) goes a step further and places the obligation on State Parties to take appropriate measures to end discrimination. These international human rights instruments, among others, include provisions that recognize and emphasize women's political rights.

The UN has strongly advocated for women's right to participate fully in all spheres of public life through various platforms: the Beijing Declaration and Platform for Action (1995) the Commission on the Status of Women Agreed Conclusion (2006), the General Assembly Resolution on Women and Political Participation (2011), just to name a few. The Sustainable Development Goals 5 and 16 also seek to ensure women's full and effective participation and equal opportunities for leadership at all levels of decision making arenas.

Regionally, Africa has demonstrated commitment to enhance the participation of women in political processes. The African (Banjul) Charter on Human and People's Rights, Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa and The Charter on Democracy, Elections and Governance and the Solemn Declaration on Gender Equality in Africa are instruments that are testament to this commitment. These and all other regional conventions and covenants demonstrate that women rights are inalienable, interdependent and indivisible human rights.

One of the most influential instruments of women inclusion is the political parties. Political parties have a responsibility to not only implement regulations that seek to entrench participation of women, but also create internal policies that enhance the same. Ladies and gentlemen, allow me to briefly illuminate the Kenyan context. Political parties in Kenya are required through various instruments to ensure the inclusion of women in political parties' organs and processes. Indeed, Section 4 (A) of the Political Parties Act (2011) requires political parties to promote representation of women in parliament and county assemblies. The Office of the Registrar of Political Parties, which was established as a state office within the meaning of Article 260 of the Constitution of Kenya (2010) with the mandate of registration, regulation and funding of political parties, is mandated to ensure compliance with aforementioned instruments

There are currently, 89 fully registered political parties and one coalition political party. The Political Parties Act (2011) includes provisions that are intended to ensure the inclusion of women in the management of political parties, political party processes and the electoral process in general. For a political party to be provisionally registered, Section 6 (1) of the PPA requires that the proposed political party must adhere to the Two – Thirds Gender Rule. The membership to a proposed or fully registered political party should reflect and maintain gender parity across ranks.

In the Political Parties (Funding) Regulations, 2019, it is a requirement that the Political Parties Fund(PPF) is distributed as follows: 70% proportionate to the votes garnered in the General Election; 15% proportionate to the number of SIGs elected; 10% the total number of elected representatives and administration. As such, in order for a party to qualify for the

Fund, it must have a governing body whose composition of office bearers adheres to the 2/3rd gender rule and representation of SIGs. Section 25 (2A) provides that 'Office Bearers' means national and county officials elected or nominated by a political party in accordance with the party constitution.

Political parties are required to ensure that their work plans include programs that are aimed at promoting inclusion of women. They are also expected to create and support vibrant women leagues that are aimed at capacity building women in the political parties.

Ladies and gentlemen, as part of fulfilling its regulatory mandate, the ORPP conducts regular compliance audit for all political parties. Among the compliance issues that the Office is concerned with include Governing Body requirements. Remember, Section 7(2)(c) and (d) of the Act provide that the governing body shall not have more than two thirds of the same gender. Indeed, Section 21 (I) (j) of the PPA entitles the Registrar to deregister a political party on grounds of not adhering to the Two – thirds gender principle with respect to elective positions

- I. Article 90 of the Constitution bestows upon the IEBC the duty to ensure Political Parties submit 98 party lists to the IEBC. A list for Member of National Assembly comprising 12 nominees in Zebra
- II. A list for Senate comprising 16 women
- III. A list for Senate comprising 2 Youth (one man, one woman)
- IV. A list for Senate comprising 2 PWDS (one man, one woman)
- V. 94 lists for County Assembly Gender top up and Marginalized lists (47 counties; for each two lists are submitted. One list is for Gender top up and the other is for marginalized category).

The Gender top up list is meant to ensure that all county assemblies are two-third gender compliant. All County Assemblies in Kenya are two-third gender compliant as a result of party lists. The party list has, therefore, become an essential instrument of women inclusion in Kenya.

Ladies and gentlemen, let us briefly discuss the role of Electoral Management Bodies in inclusion of women. EMBs play a crucial role in enhancing the political participation of women in various political processes.

EMBs implement election laws, issue regulations, and oversee the electoral process. The manner in which EMBs implement their electoral policies and processes can make women feel more empowered and secure to participate in the electoral processes, and vice versa. The decisions that EMBs make, however ordinary they may seem could have an impact on

women participation in elections. For instance, location of the polling stations, polling hours, design of the polling stations and the polling ballots: all these have a significant impact on the women participation.

Ladies and Gentlemen, I would propose that EMBs intentionally consider gender issues at every step of making electoral decisions: From considering the security of women who are the most affected by electoral gender based violence, to designing ballots that are easy to read for women in consideration of high illiteracy levels for women in the society, ensuring the secrecy of the ballot to boost the confidence of women to vote independent of the interference of their families, engaging relevant stakeholders to prevent intimidation during campaigns and voting, amongst others. EMBs should also ensure they have well-crafted gender sensitive content for their electoral training programs. Lastly, EMBs should be aggressive in ensuring adherence to regulation that require nomination of a certain number of women in political seats. By so doing, the EMBs will have won half the battle in the realization of women participation and inclusion.

On the flipside, ladies and gentlemen, EMBs are not only an enabler of gender parity in political processes but also a victim of gender disparity. For instance, research shows that only 22% of EMBs worldwide are chaired by women. Gender parity in EMBs is crucial if women participation and inclusion in political processes is to be achieved. The degree to which women participate in elections can be determined by the outlook of EMBs.

Ladies and Gentlemen, the importance of gender inclusive EMBs cannot be overemphasized. Adequate women membership in EMBs ensures gender balance, which in turn helps the institutions to understand and take women's perspectives into account as they decide on various elements of the election process. Ensuring that EMBs are equally staffed with men and women at all levels is crucial to the attainment of gender inclusion. Effective inclusion of women in EMBs has a significant impact on the credibility and legitimacy of electoral institutions as well as the electoral processes that they preside over.

As we apportion responsibility to various duty bearers, I believe, ladies and gentlemen, that women bear an equal responsibility. Women must be cognizant of the fact that power is taken, not given and nature abhors a vacuum. I am well aware that women who venture into the political space face a myriad of challenges. The double burden of work greatly impairs the ability of women to compete effectively with their male counterparts. Also, the traditional, social and cultural stereotypes are oftentimes used to discredit women. In addition, prevailing negative attitudes towards women's political involvement further complicates the situation. The male-dominated model of politics also tends to undermine the value of women's contributions and their participation.

Gender blind legal frameworks, violence and intimidation by opponents, lack of campaign funds and lack of political education and experience, and limited access to information are just but some of the hurdles that women must overcome.

I know the challenges that I have enumerated must paint a grim picture, ladies and gentlemen, but that is not nearly the case. History has proven that women are innovative, resourceful, and motivated, even in the face of insurmountable obstacles. With carefully crafted strategies, women will not only claim their rightful place in politics, but they will excel.

Knowing the legal and operational requirements for the political and election processes, as well as diving into it early in the election cycle will help women to meet statutory timelines with ease. Women are also advised to align themselves with a political party, which bears various benefits than going it alone. Knowing one's electoral area assists women to know the key actors in the electoral field, identify the opinion leaders and map out potential hotspots. Another key strategy that women should employ, ladies and gentlemen, is to debunk potential myths and address them before they are used against them, especially their male opponents. Mapping of mentors is also advisable, especially for inexperienced or young women aspirants. The masculine nature of politics may at times require women to adopt male oriented strategies. As a strategic positioning, women aspirants may benefit from marshalling support of male champions, who might help them break some of the barriers. Building strong networks will help women synergize to compete effectively both in party nominations and the General Elections. Lastly, women will benefit greatly from proper financial planning, since lack of resources is a major hindrance to women participation. Resource mobilization and having a financial plan may help women overcome financial pitfalls.

Before I conclude, I would like to share some data on women participation in the last three Kenyan General Election.

### **Women Candidates Cleared to Vie in Elections**

<b>Year</b>	<b>Number</b>	<b>% Increase</b>
2013	980	
2017	1358	38.6
2022	1959	44.3

Of the 1,358 women candidates in the 2017 election, 172 were elected. These included 3 Senators, 23 Members of National Assembly, 47 Women Member to the National Assembly, 9 Governors and 96 Members of County Assembly.

In 2022, out of the 1,959 women candidates, 190 were elected. These included 3 Senators, 29 Members of National Assembly, 47 Women Member of National Assembly, 7 Governors and 104 Members of County Assembly

I am curious, ladies and gentlemen, to know how these statistics compare with your country and the rest of the region, and what they are indeed saying to us about women inclusion

As I conclude, ladies and Gentlemen, I surmise that political parties must ensure that their constitution, structures, processes, and financing are responsive and inclusive of women. Political parties must commit to being the gateway rather than the roadblock to women candidates. The EMBs, on the other hand, should intentionally take into account gender issues in their composition, planning and implementation of election programs as well as the manner in which they engage other stakeholders. Today, I urge all the represented EMBs to commit to becoming models of gender sensitive institutions that the world desperately requires. As for my fellow women, we must stand and be counted. We must fight political apathy amongst ourselves and become each other's cheerleaders. Ultimately, we must decide that this struggle is for us, and by us.

Thank you.