

**LEGISLATIVE INFLUENCE OF WOMEN
PARLIAMENTARIANS IN KENYA'S NATIONAL ASSEMBLY
OF THE 11th PARLIAMENT 2013 2017**

SIMON OKUMBA MIRUKA

REG. NO: C82/24702/2011

**A THESIS SUBMITTED TO THE SCHOOL OF HUMANITIES AND
SOCIAL SCIENCES IN FULFILMENT OF THE REQUIREMENTS
FOR THE AWARD OF THE DEGREE OF DOCTOR OF
PHILOSOPHY IN GENDER AND DEVELOPMENT STUDIES OF
KENYATTA UNIVERSITY**

JUNE 2021

DECLARATION

This thesis is my original work and has not been presented for a degree in any other university.

Signature: _____ Date _____

Name: Simon Okumba Miruka, MA

Registration No: C82/24702/2011

Supervisors:

We confirm that the work reported in this thesis was carried out by the student under our supervision.

Signature 1: _____ Date _____

Prof. Grace Wamue-Ngare

Department of Sociology, Gender and Development Studies

Signature 2: _____ Date _____

Name: Dr. Pacificah Okemwa

Department of Sociology, Gender and Development Studies

DEDICATION

I dedicate this work to my mother, Susan Awuor Miruka, who never gave up on me when my future looked bleak.

I further dedicate the thesis to my late wife, Jael Akinyi, who passed away the day before I was scheduled to defend my study proposal.

I also dedicate this product to Prof. Wanjiku Kabira, Njoki Wainaina and Rose Chege who, through the African Women's Development and Communication Network (FEMNET), trained and nurtured me on gender.

ACKNOWLEDGEMENTS

I would like to express my gratitude to my supervisors, Prof. Grace Wamue-Ngare and Dr. Pacificah Okemwa, for their encouragement and technical guidance in shaping this work.

Many thanks go to the women parliamentarians and key informants who not only made themselves available for interviews but also provided detailed and candid responses to study questions.

I am indebted to Hon. John Omondi Ogutu and Mr. Robert Nyasuna for assisting me in getting the contacts of members of the National Assembly.

I appreciate the reviews of earlier versions of this thesis done by Dr. Jens-Aagaard-Hansen, Dr. Romanus Otieno Opiyo and Mr. Zablun Omungo.

TABLE OF CONTENTS

DECLARATION	i
DEDICATION	ii
ACKNOWLEDGEMENTS	iii
LIST OF TABLES.....	vii
LIST OF FIGURES.....	vii
OPERATIONAL DEFINITIONS OF TERMS	x
ABSTRACT.....	xv
CHAPTER ONE	1
INTRODUCTION	1
1.1 Background to the Study	1
1.2 Statement of the Problem	5
1.3 Objectives of the Study.....	6
1.4 Research Questions.....	6
1.5 Research Assumptions.....	7
1.6 Justification and Significance of the Study	7
1.7 Scope, Delimitations and Limitations of the Study	9
CHAPTER TWO	12
LITERATURE REVIEW AND THEORETICAL AND CONCEPTUAL FRAMEWORKS	12
2.1 Introduction	12
2.2 Review of Related Literature.....	12
2.2.1 The Legislative Agenda of Women Parliamentarians	12
2.2.2 Methods Used by Women Parliamentarians to Influence Legislation	17
2.2.3 Challenges Faced by Women Parliamentarians in Influencing Legislation	21
2.2.4 Measures to Improve the Legislative Influence of Women Parliamentarians	26
2.3 Theoretical Frameworks	28
2.3.1 Critical Mass Theory.....	29
2.3.2 Liberal Feminism	35
2.4 Conceptual Framework.....	39
CHAPTER THREE.....	41
RESEARCH METHODOLOGY	41
3.1 Introduction	41
3.2 Research Design	41
3.3 Location.....	42

3.4 Target Population	42
3.5 Sampling Techniques and Sample Size.....	43
3.6 Research Instruments.....	46
3.7 Data Collection Procedures	49
3.8 Data Analysis and Presentation	50
3.9 Data Quality Assurance	51
3.10 Ethical Considerations.....	52
CHAPTER FOUR	55
PRESENTATION OF FINDINGS AND DISCUSSION.....	55
4.1 Introduction	55
4.2 Demographic Characteristics of Respondents	55
4.2.1 Age of Respondents	55
4.2.2 Marital Status of Respondents	56
4.2.3 Respondents' Religions.....	57
4.2.4 Respondents' Educational and Professional Backgrounds	59
4.2.5 Respondents' Parliamentary Experience.....	61
4.2.6 Respondents' Political Parties.....	62
4.3 Legislative Agenda of Women Parliamentarians in Kenya's National Assembly of the 11 th Parliament (2013 -2017).....	64
4.3.1 Increasing the Number of Women in Parliament, its Committees and Senior Public Positions	66
4.3.2 Family Bills.....	81
4.3.3 Women's Personal Welfare, Dignity and Respect.....	102
4.3.4 Livelihoods and Household Welfare.....	109
4.4 Methods Women Parliamentarians used to Influence Legislation in Kenya's National Assembly of the 11 th Parliament (2013 -2017).....	119
4.4.1 Mobilisation of Male Colleagues	120
4.4.2 Inter-party Solidarity	124
4.4.3 Activism and Personal Capacity	129
4.4.4 Leveraging Committee Positions	133
4.4.5 Reliance on the National Assembly Leadership	137
4.4.6 Compromise and Conciliation.....	141
4.5 Challenges Faced by Women Parliamentarians in Influencing Legislation in Kenya's National Assembly of the 11 th Parliament (2013 -2017).....	145
4.5.1 Exposure to Dominant Behaviours of Men in Parliament	146

4.4.2 Low Numbers.....	170
4.4.3 Polarisation among Women Parliamentarians	177
4.4.4 Insensitivity of the National Assembly and Political Leadership to Women’s Interests	181
4.4.5 Legislative Inexperience of Majority Women Parliamentarians.....	185
4.5 Measures Proposed by Respondents to Improve Women Parliamentarians’ Influence in Kenya’s National Assembly and their Implications	189
4.5.1 Increase in the Number of Women in the National Assembly.....	189
4.5.2 Training for Legislative Work	193
4.5.3 Diplomatic and Inclusive Pursuit of Women’s Legislative Agenda	196
4.5.4 Gender Mainstreaming by the National Assembly	198
CHAPTER FIVE	202
SUMMARY, CONCLUSIONS AND RECOMMENDATIONS	202
5.1 Introduction	202
5.2 Summary of Findings	202
5.3 Conclusions	207
5.4 Recommendations	211
5.4.1 Strategic Positioning of Legislative Agenda.....	211
5.4.2 Techniques of Influencing Legislation.....	212
5.4.3 Preparation for Parliamentary Work	213
5.4.4 Gender Mainstreaming in the National Assembly.	214
5.5 Suggestions for Further Research.....	215
REFERENCES	216
APPENDICES.....	228
A1: Approval from Kenyatta University	228
A2: NACOSTI Permit	229
A3: Consent Form	230
A4: Circular PSC/RES/2013/413 on Lactation Room	231
A5: Schedule of Interviews and Respondents	232
A6: Study Schedule	232
A7: Research Budget.....	233
A8: Research Instruments.....	234

LIST OF TABLES

Table 3.1: Distribution of Women Respondents by Sampling Criteria	44
Table 4.1: The Agenda of Women Parliamentarians	65
Table 4.2: Committee Types by Roles.....	70
Table 4.3: Committee Membership by Gender as at October 25, 2016	73
Table 4.4: Committee Leadership Positions by Women	76
Table 4.5: Bills by Women in the National Assembly 2013 - 2017	116
Table 4.6: Methods Used by Women Parliamentarians to Influence Legislation	119
Table 4.7: Challenges Faced by Women Parliamentarians in Kenya's National Assembly 2013 - 2017	145
Table 4.8: Men's Dominant Behaviours Experienced by Women Parliamentarians	146

LIST OF FIGURES

Figure 2.1: Group Types in the Critical Mass Theory (Kanter, 1977, p. 383)	30
Figure 2.2: Legislative Influence of Women Parliamentarians in Kenya's National Assembly 2013 - 2017: A Conceptual Framework.....	39
Figure 4.1: Age of Respondents.....	56
Figure 4.2: Respondents' Marital Status	57
Figure: 4.3: Religions of Respondents.....	58
Figure 4.4: Respondents' Level of Formal Education.....	59
Figure 4.5: Respondents' Professional Backgrounds	60
Figure 4.6: Respondents' Parliamentary Experience	61
Figure 4.7: Respondents' Political Parties.....	63

ABBREVIATIONS

AIDS:	Acquired Immune Deficiency Syndrome
AMWIK:	Association of Media Women in Kenya
ANC:	African National Congress
AG:	Attorney-General
CEDAW:	Convention on Elimination of all Forms of Discrimination Against Women
CoD:	Community of Democracies
CORD:	Coalition for Reforms and Democracy
COK:	Constitution of Kenya
CPA:	Commonwealth Parliamentary Association
CREAW:	Centre for Rights Education and Awareness
CSO:	Civil Society Organisation
CWRs	County Women Representatives
FGM:	Female Genital Mutilation
FIDA-K:	Federation of Women Lawyers - Kenya
FSG:	Foundation Strategy Group
HIV:	Human Immuno-deficiency Virus
IEBC:	Independent Electoral and Boundaries Commission
IDEA:	Institute for Democratic and Electoral Assistance
IEA:	Institute of Economic Affairs
IG:	Inspector General
ILO:	International Labour Organisation
IVF:	In-vitro Fertilisation
IPU:	Inter-Parliamentary Union
KANU:	Kenya African National Union
KEWOPA:	Kenya Women's Parliamentary Association
KI:	Key Informant
KLRC:	Kenya Law Reform Commission
KNBS:	Kenya National Bureau of Statistics
MLH:	Male Parliamentarian in Hansard
MP:	Member of Parliament
NAK:	National Assembly of Kenya
NARC:	National Rainbow Coalition
n.d.:	Not dated
NGAAF:	National Government Affirmative Action Fund
NFK:	New Ford Kenya
NGOs:	Non-governmental Organisations
ODM:	Orange Democratic Movement
OI:	Oral Interview
PADV:	Protection against Domestic Violence
RoK:	Republic of Kenya
TNA:	The National Alliance
UBOS:	Uganda Bureau of Statistics
UK:	United Kingdom

UN:	United Nations
UNDP:	United Nations Development Programme
URP:	United Republican Party
USA:	United States of America
VAT:	Value Added Tax
WDM-K:	Wiper Democratic Movement-Kenya
WHO:	World Health Organisation
WLH:	Woman Parliamentarian in Hansard
WR:	Woman Respondent

OPERATIONAL DEFINITIONS OF TERMS

Acclamation: A process through which the National Assembly makes a decision on an issue by shouting support or opposition without members being counted.

Affirmative action: Deliberate temporary measures taken to address historical imbalances in a population where such have resulted into direct or indirect discrimination.

Act: Law.

Amendment: Proposed change to the content and/or wording of a law.

Assent: Signing by the President of an approved Bill to make it law.

Backlash: Opposition to an idea as a way of taking revenge on its proponent(s).

Bi-cameral: A configuration of parliament into two Houses. In Kenya, this consists of the Senate and National Assembly.

Bill: A proposed law that has been published for introduction into the National Assembly for debate.

Chamber: Hall in parliament where debates are held.

Gender-blind: Characteristic of neglecting differences in the needs and interests of men versus women in laws, policies, programmes and practices.

Gender equality: According women and men, boys and girls similar rights in all spheres of life.

Gender Quotas: Number or proportion of seats in a representative body that must be filled by either women or men to ensure inclusion. In Kenya, the quota is 47 women to the National Assembly as provided for in Article 97 (1b) of the Constitution of Kenya 2010.

Gender-responsive governance: Attention to differences in the needs and interests of women versus men in the political, economic and social management of society.

House: A configuration of parliament e.g. the Senate or National Assembly.

Influence: Ability to determine the decisions of the National Assembly, have specific perspectives included in legislative decisions and achieve certain goals.

Lapse: Of a Bill to be ineligible for debate because either the term of the National Assembly has ended or two calendar years within which the National Assembly has adjourned have passed without it being debated.

Leader of the Majority Party: Member of the National Assembly assigned to articulate the official positions of the political party or coalition with majority members in the House.

Legislative business: Agenda items placed for discussion in the National Assembly.

Legislative/parliamentary processes: Order and way of conducting business in the National Assembly.

Legislator: Member of the National Assembly, whether elected or nominated.

Legislature: Any legislative institution.

Lip service: Verbal support not backed with action.

Lower House: One of the two configurations of a bi-cameral parliament with more members and wider powers than the other. In Kenya, the terminology is generally avoided due to the connotation of “lower” as “inferior”.

Majority Party: Political party or coalition that has the largest number of members in the National Assembly.

Motion: Statement by a Member of the National Assembly seeking agreement on a report or any other matter under discussion.

Move a Bill: Introduce a proposed law in the National Assembly by outlining its purpose and contents before it is subjected to debate.

Objectification: Treatment of women as material items for acquisition, admiration and/or exploitation.

Parliamentary discourse: Language used by members of the National Assembly and perspectives from which specific issues are discussed.

Party list: Sequence of candidates provided by a political party to an electoral body to determine the pattern in which they are declared elected once numerical thresholds are reached in countries where citizens vote for parties rather than individuals.

Pass a Bill: Approve a proposed law after it has gone through all the prescribed stages of debate and amendment in the National Assembly.

Petition: Formal request to the National Assembly by a member of the public, parliamentarian or any other entity for intervention on any specific matter.

Second a Bill: Speak in support of a proposed law after it has been introduced by its sponsor before debate is opened to other members of the National Assembly.

Speaker: Elected head of the National Assembly who presides over debates and chairs its key administrative organs and committees.

Sponsor: Person who has drafted and/or introduced a Bill to the National Assembly for debate.

Standing Orders: Norms and procedures of the National Assembly.

Super-majority: Number of parliamentarians that is larger than a simple majority (51%) and is significant enough to determine a decision on its own in the National Assembly.

Tabling: Physically lay a report or any other document on the designated desk in the National Assembly for it to be formally accepted for debate.

Unicameral: Configuration of parliament into one House.

Upper House: One of the two configurations of a bi-cameral parliament with fewer members and assigned restricted powers in relation to the other. In Kenya, the terminology is generally avoided due to the connotation of “upper” as “superior”.

Whip: As a noun, member of the National Assembly assigned by his or her party/coalition to mobilise respective members to take common stands on issues under discussion. As a verb, the act of mobilising parliamentarians towards a specified decision or action.

Zebra system: Listing of electoral candidates in alternation so that if the first is a man, the next is automatically a woman, and vice versa.

ABSTRACT

Global evidence shows that women's increased legislative presence leads to gender-responsive laws. The proportion of women in Kenya's National Assembly increased from less than 10% in 2007 to 18.9% in 2013 due to introduction of gender quotas. It was therefore important to assess whether and how women parliamentarians maximised on their numbers to influence legislation in the immediate post-quotas National Assembly. The objectives of the study were to: identify the legislative agenda of women parliamentarians in Kenya's National Assembly (2013 -2017); evaluate the methods the women parliamentarians used to pursue their legislative agenda; examine challenges faced in pursuing the legislative agenda; and outline the implications of measures proposed by respondents to improve the influence of women parliamentarians in Kenya's National Assembly. This was a descriptive study which addressed the following gaps from past studies on the National Assembly: scant documentation and analysis of women's legislative agenda; limited documentation of methods used by women to influence legislation; emphasis of challenges faced by women parliamentarians outside rather than inside the legislature; and little focus on implications of various measures to improve women's legislative influence. The study used the Critical Mass Theory to analyse how women parliamentarians did their legislative work as a minority exposed to dominant behaviours of the majority men. It also applied liberal feminism to contextualise the efforts of women parliamentarians as quests to eradicate gender-based discrimination and cast the dominant behaviours of men as results of a mindset of entitlement. The study population consisted of the 68 women in the National Assembly. Respondents were identified through stratified and purposive sampling. Data was collected using interview schedules and a content analysis guide. The quality of data was assured through consistent administration of the same tool to similar categories of respondents, interviewing individuals separately, triangulation of data from different sources and reliance on actual quotations. All primary data is anonymised. Findings are narrated with quantitative data presented in tables and graphs. The main study findings were that women: successfully supported legislation on gender equality and social welfare issues; failed on their quest for a law to increase their numbers in the National Assembly; and secured two affirmative funds. To pursue the agenda, they relied on a variety of methods with varying levels of success. The main challenge they faced was resistance from male colleagues. To remedy the situation, respondents proposed: diplomatic presentation of women's agenda; alliance building; training; and gender mainstreaming by the National Assembly. The major conclusions of the study are that: although a number of the women's pursuits were achieved, this cannot be solely attributed to their increased numbers; the methods used by women were not intrinsically weak but were compromised by patriarchal mindsets of men; the quotas in the Constitution were tokenistic and did not substantially interrupt male domination in the legislature; gender quotas undermine the credibility of beneficiaries and should not be regarded as a panacea; and the various proposals floated by respondents need to fulfil certain preconditions in order to be effective. The study recommends: concentration of women in the most influential National Assembly committees; development and implementation of a gender policy by the National Assembly; pressure for compliance with the Constitution; training; mentorship; and strategic alliances.

CHAPTER ONE

INTRODUCTION

1.1 Background to the Study

Women are a minority in parliaments globally with most countries having used gender quotas to increase their numbers (IDEA, 2019). As at January 1, 2019, they constituted only 24.3% and 24.1% of Lower and Upper Houses respectively worldwide. By then, only Nordic countries and the Americas had achieved the 30% threshold considered significant to influence legislation. In Sub-Saharan Africa, women constituted 23.9% and 22.2% of Lower and Upper Houses respectively. Kenya posted 30.9% in the Senate and 21.8% in the National Assembly (Inter-parliamentary Union, IPU, 2019).

Gender quotas refer to the minimum number or proportion of seats in a representative body that must be filled by either women or men (Dahlerup, 2005). They are applied as parts of affirmative action to reduce men's domination of representation (Coleman (2012).

The Constitution of Kenya 2010 (COK) provides for quotas. In Article 81 (b), it states that Kenya's electoral system shall comply with the principle that "*not more than two-thirds of the members of elective public bodies shall be of the same gender*". Article 97 (1b) states that members of the National Assembly will include "*forty-seven women, each elected by the registered voters of the counties, each county constituting a single*

member constituency". This provision embeds gender quotas on parliamentary representation and guarantees women a specific number in the National Assembly. According to Dahlerup (2005), gender quotas have a number of advantages. They: compensate for barriers faced by women in joining politics; minimise pressures associated with being a minority in parliaments; and ensure inclusive representation and contribution of knowledge, skills and experiences. Quotas also reduce male monopoly, diversify choices for the electorate and enhance realisation of targets set by international human rights instruments to eliminate discrimination against women.

Although quotas increase women's legislative presence, they have certain shortcomings. For example, they are considered undemocratic for favouring women based on nothing else but identity (Maillé, 2015). Using data from 159 developing countries, among them 48 from Africa, Asiedu, et al. (n.d.) argues that gender quotas negate competitive politics. They also lead to treatment of beneficiaries as inferior by colleagues elected in open contests (Rosenbluth et al. 2015). In the view of Dahlerup (2005), quotas also limit voters' choices, diminish the value of ideas as the platform for political competition, portray women as inadequate competitors, create conflicts in political parties and stimulate demand for preferential treatment by various groups.

There are three main quotas applied in politics in different parts of the world (Larsrud & Taphorn, 2007). First are quotas prescribed in a country's Constitution, as has been applied in Rwanda, which reserves 30% of seats in the Chamber of Deputies and 24 slots in the Senate for women (Powley, 2005; IEA, 2015). Second are quotas provided for in

statutory law. In Argentina, for example, the law establishes quotas for women in both Houses of parliament. This has led to 42% of members of the Chamber of Deputies being women. The country's amended Electoral Code of 2017 also requires political parties to alternate women and men in their lists of candidates (IDEA, 2021). In both constitutional and legislative quotas, non-compliance by political parties attracts penalties. Last are voluntary quotas set by political parties as have been implemented in Sweden, Denmark and Norway (IPU, 2012). As the examples show, quotas can be applied through either nomination of candidates or reserved seats. The former increases opportunities for the target group to compete while the latter guarantees a predetermined result.

Bolstered by increased numbers from quotas, women have influenced passage of legislation and policies responsive addressing gender equality and social welfare issues (Brechnemacher, 2018; Mügge et al, 2019). Examples are laws on: spousal equality in South Africa; women's right to inherit land in Rwanda; and gender-based violence - GBV – in Uganda (Goetz & Hassim, 2002; Powley, 2005; UBOS, 2017). They are also credited for establishment of childcare facilities in parliament in Sweden and change in parliamentary discourse on issues of reproductive health from moral arguments to debates about choice in Scandinavian countries and the United States of America (USA) (Dahlerup, 1988; Karam & Lovenduski, 2005; Brechnemacher, 2018).

Women are, however, not always united on their legislative agenda with some of their choices being determined by factors other than identity (Asiedu, et al., n.d.). For example, women in the USA took opposing stands on abortion based on the ideological positions

of their political parties rather than personal convictions on the benefits of the procedure (Sanbonmatsu, 2017). Ford (2012) argues that expecting women's automatic support for certain issues feminises political activity and excuses men from the full range of legislative responsibilities while Mügge et al., (2019).observes that this reinforces a fallacious notion that women have a fixed shared identity and mindset.

To influence legislation, women parliamentarians rely on a variety of methods including inter-party parliamentary caucuses, activism and support by male colleagues (IDEA, CoD & UNDP, 2017). The effectiveness of these methods is, however, limited by: intimidation from and condescending attitude of male colleagues; polarisation due to partisan loyalty; inexperience; low numbers: assignment to stereotyped roles; sexual harassment; masculine parliamentary cultures; and domestic responsibilities (Latt et al., 2017; IPU, 2018; Erikson & Josefsson, 2019).

Among measures suggested by various scholars to address the challenges are: learning, using and changing parliamentary rules; training; strengthening internal party systems; gender mainstreaming in parliament; engagement of male parliamentarians; alliance with women's movement; and strategic use of parliamentary caucuses (Karam & Lovenduski, 2005; Markham, 2013; IPU & UNDP, 2017).

In Kenya, women constituted less than 10% of members of parliament prior to 2013. The COK 2010 changed this through gender quotas which reserved 47 National Assembly seats for women. This was meant to increase women's presence in the National

Assembly, grant them more visibility and reduce male domination of representation (IEA, 2015; Kanyi, 2016). In addition to the 47, a total of 16 women were also elected on the 290 single constituency seats contested by both genders and five were directly nominated by political parties. This resulted in election of 68 women to the 2013 -2017 National Assembly, translating to 19.5% of the 349 total seats (IEBC, 2013).

It is in this regard that the study sought to investigate the legislative influence of women in Kenya's National Assembly of the 11th parliament (2013 – 2017).

1.2 Statement of the Problem

Kenya first applied gender quotas in the 2013 general elections through 47 seats reserved for county women representatives (CWRs). This increased the percentage of women in the National Assembly from 7.62% in 2007 to 19.5% in 2013, the largest number since independence to then. The quotas were meant to reduce men's domination of political representation and improve women's legislative influence.

Considering that this was the first time for such a measure to be applied in Kenya, it was not clear what effect this had on the legislative influence of Kenyan women parliamentarians in this first National Assembly to house beneficiaries of quotas. It was therefore, important to assess whether and how the women parliamentarians maximised on their numbers to influence legislation in the immediate post-quotas National

Assembly, what methods they used, the challenges they faced and how their performance can be improved.

1.3 Objectives of the Study

The purpose of the study was to examine the legislative influence of women in Kenya's National Assembly of the 11th parliament. The specific objectives were to:

1. Identify the agenda women parliamentarians pursued to influence legislation in Kenya's National Assembly 2013 -2017.
2. Evaluate the methods women parliamentarians used to pursue their agenda in order to influence legislation in Kenya's National Assembly 2013 -2017.
3. Examine the challenges women parliamentarians faced in pursuing their agenda in order to influence legislation in Kenya's National Assembly 2013 -2017.
4. Outline the implications of proposals made by respondents to improve women parliamentarians' influence on legislation in Kenya's National Assembly.

1.4 Research Questions

The study was guided by the following questions.

1. What agenda did women parliamentarians pursue to influence legislation in Kenya's National Assembly 2013 -2017?

2. Which methods did women parliamentarians use to pursue their agenda in order to influence legislation in Kenya's National Assembly 2013 -2017?
3. What challenges did women parliamentarians face in pursuing their agenda in order to influence legislation in Kenya's National Assembly 2013 -2017?
4. What were the implications of proposals made by respondents to improve women parliamentarians' influence on legislation in Kenya's National Assembly?

1.5 Research Assumptions

The study assumed that:

1. Women parliamentarians pursued specific agenda in order to influence legislation in Kenya's National Assembly 2013 -2017.
2. Women parliamentarians used certain methods to pursue their agenda in order to influence legislation in Kenya's National Assembly 2013 -2017.
3. Women parliamentarians faced certain challenges in pursuing their agenda in order to influence legislation in Kenya's National Assembly 2013 -2017.
4. The proposals made by respondents to improve women parliamentarians' influence on legislation in Kenya's National Assembly had certain implications.

1.6 Justification and Significance of the Study

Kenya ratified the 1979 Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in 1984 thus committed to taking measures to eliminate

discrimination against women in politics. It is also party to the International Covenant on Civil and Political Rights of 1966 which requires non-discrimination in political participation and representation. Furthermore, the country ratified the Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa (Maputo Protocol) in October 2010, hence committed to equal participation of women in politics. Kenya is also one of the State parties to the East African Treaty which requires member states to ensure "*enhancement of the role of women in cultural, social, political, economic and technological development*" (Article 5). The country has also signed the Sustainable Development Goals (2015) of which Goal 5 seeks to "*ensure women's full and effective participationin political, economic and public life*". At the national level, the COK 2010 mandates gender equality in all spheres of life. Specifically, articles 27 (8) and 81 (b) require that not more than two-thirds of members of elective or appointive bodies should be of the same gender. Kenya's *Vision 2030* also states that the country will increase "*the participation of women in ...decision-making processes*" (RoK, 2007, p. 21). To implement these commitments, Kenya used gender quotas in the 2013 general elections and realised an increase in the number and percentage of women in the National Assembly. Since this was the first Kenyan National Assembly to house women elected on quotas, it was important to examine the effect of the increase bearing in mind trends from other parts of the world that such changes have led to legislation and policies that address women's interests and gender inequality in general. Would this trend be repeated in Kenya? If yes, in what ways? If not, why? The National Assembly was selected because it is the principal and largest national law-making institution in the country. Focus on women was based on the fact that they have been the minority in

Kenya's National Assembly since independence, hence by default had limited influence on law-making. The importance of this study is to demonstrate women's influence on legislation in Kenya in the wake of an increase in numbers from gender quotas. In addition, the study expands literature on women in politics. The findings may be used by the State to gauge its progress in implementing international and regional treaties and identify gaps that need to be addressed to protect women's rights. The findings can also be relevant to women's rights organisations in identifying programmes on women in parliament. Women in the National Assembly can use them to demonstrate their legislative influence and value added by increased numbers in parliament, identify challenges and adopt measures proposed to increase their influence. The findings can also help women political aspirants to project what to expect once in the National Assembly and therefore, prepare for legislative work. Scholars in gender and politics could make use of the findings in comparative studies and to derive themes for further research. For the National Assembly, the findings could be used to isolate bottlenecks to women's participation and influence, hence develop measures to make the institution more inclusive.

1.7 Scope, Delimitations and Limitations of the Study

In terms of scope, the study focused only on the experiences of women parliamentarians in Kenya's National Assembly of the 11th parliament 2013 -2017. This was structured around the: legislative agenda they pursued; the methods they used to pursue the agenda;

the challenges faced; and implications of various measures proposed by respondents to strengthen their influence.

The study focused on all 68 women in the National Assembly of the 11th parliament. This included 47 beneficiaries of gender quotas, 16 women elected on single constituency seats and five political party nominees. The study did not cover the Senate and county assemblies, which are also legislative institutions in Kenya.

Focus on the National Assembly was justified on the grounds that it is the principle law-making institution in the country and the largest House of Parliament with 349 members compared to the 67 in the Senate. It was also the only legislature in the country with women elected on reserved seats. The Senate had only women nominated by political parties while county assemblies had women elected in open contests and those nominated by political parties on special seats to ensure that no more than two thirds of members were of the same gender as required by Article 177 (2) of the COK 2010.

Due to this specific focus on Kenya's National Assembly 2013-2017, the findings may not be generalised to the Senate, county assemblies or earlier and later national assemblies in Kenya.

The limitation of the study was the small number of women parliamentarians interviewed. This was managed through stratified and purposive sampling to ensure that all the strata of women in the National Assembly were included in the sample to capture

their diversity. The study also relied on views of women from the Hansard, the verbatim record of parliamentary proceedings. This recorded contributions and experiences of 31 (46%) of women in the National Assembly, which have been included in the findings.

The next chapter presents the literature review and theoretical and conceptual frameworks for the study.

CHAPTER TWO

LITERATURE REVIEW AND THEORETICAL AND CONCEPTUAL FRAMEWORKS

2.1 Introduction

The previous chapter introduced the study. This chapter reviews the literature on women parliamentarians' agenda from different parts of the world, the methods used to pursue them, challenges faced and measures proposed to strengthen their influence. It also presents the theoretical and conceptual frameworks for the study.

2.2 Review of Related Literature

This section contains a review of literature related to each study objective. It also points out the gaps to be filled by the study.

2.2.1 The Legislative Agenda of Women Parliamentarians

The literature reviewed in this section relates to the legislative agenda of women parliamentarians from different parts of the world. The review highlights the issues women have prioritised and why. The section ends with a look at the gaps in past studies on Kenya's National Assembly which the study sought to fill.

Increased numbers of women in parliaments due to quotas results in attention to gender inequality and social welfare issues (Karam & Lovenduski, 2005; Powley, 2005; Brechnemacher, 2018; Mügge et al, 2019). This is largely because women parliamentarians prioritise such subjects (CPA, 2017). A poll conducted by the IPU on 110 countries established that women focused on childcare, equal pay, parental employment benefits, reproductive rights, protection from GBV, poverty alleviation and delivery of health and educational services (Karam & Lovenduski, 2005).

In the USA, they introduced legislation on non-discrimination, children and the gendered effects of changes on healthcare and tax policy (Sanbonmatsu, 2017; Brechnemacher, 2018). This is attributed to needs arising from family responsibilities, experience of discrimination and unique health needs related to reproduction (IPU & UNDP, 2017; Latt et al., 2017).

Women have also influenced parliamentary discourse in the USA and Europe. In the former, they predominantly debated abortion based on its impact on health while men focused on morality, public finance and costs of medical services. Through this, women influenced fellow parliamentarians to look at abortion as a medical rather than moral issue (Ford, 2012). In the latter, specifically in the Netherlands, they transformed debate on abortion from a medico-religious issue to that of choice (Karam & Lovenduski, 2005). Dahlerup (1988) shows that they introduced the vocabulary of discrimination, inequality and sexual violence in Scandinavian parliaments hence made the terms part of parliamentary language.

Asiedu et al. (n.d.) shows that women parliamentarians in developing countries are more likely to support laws addressing sexual harassment, rape, divorce and domestic violence. In India, they supported a Bill to lengthen parental leave for working mothers from 12 to 26 weeks for the first two children (CPA, 2017).

Research on African countries shows similar patterns as evident in Powley (2005), Kadaga (2013) and UBOS (2017). For example, women parliamentarians in Egypt initiated a Bill against female genital mutilation (FGM) to introduce tougher penalties against perpetrators of the vice (Hassan, 2018). In Uganda, they successfully campaigned for laws, policies and programmes that addressed discrimination, violence and under-representation in politics (Kadaga, 2013; UBOS, 2017). Women also influenced the revocation of a discriminatory law on the right to inherit land in Rwanda (Powley, 2005). The Tanzanian counterparts influenced passage of laws addressing women's labour, land and reproductive rights. For instance, they successfully opposed a law compelling schools to expel pregnant girls (Asiedu et al., n.d.). in Chapter Four, the study shows concurrence or divergence of these patterns with the influence of women in Kenya's National Assembly 2013 -2017.

While the literature reviewed shows gender as a primary determinant of women parliamentarian s' agenda, instances exist where the choices went contrary to expectation. For example, women parliamentarians in New Zealand opposed parental leave, not because it was unnecessary, but to resent stereotyping of mothers as the primary care givers (Grey, 2001). According to Sanbonmatsu (2017), women parliamentarians in the

USA defied expectations when they took divergent standpoints with republicans opposing and democrats supporting proposed legislation on abortion, with the consequence that their cooperation across parties on other issues was compromised.

In South Africa, women from smaller parties did not support proposed laws on women's rights initiated by their African National Congress (ANC) colleagues whom they pejoratively labelled "*feminists*" (Goetz & Hassim, 2002). The case of Uganda shows that women tended to vote on issues based on their pathway to parliament. In this case, those elected on quotas routinely supported government Bills even if they were disadvantageous to women, just to express gratitude to the ruling party for "*rewarding*" them with parliamentary seats (Tripp et al., 2000). Based on these findings, the study sought to establish what kind of polarity, if any, occurred among women in Kenya's National Assembly 2013 -2017.

Past studies on Kenya's National Assembly were also reviewed to establish what they have covered on women parliamentarians' legislative agenda. Kamau (2010) recognises that the 9th (2003 – 2007) and 10th (2007 – 2012) national assemblies, which had higher numbers of women than earlier ones, passed the Sexual Offences Act 2006, Employment Act 2007 and Prohibition of Genital Mutilation Act 2011. These laws addressed issues of interest to women, namely violence, harmful traditional practices and discrimination. Kamau (2010) therefore posits that a further increase in women's numbers would lead to passage of more such legislation. This study, therefore, sought to verify this prognosis with regard to the National Assembly under study, which had more women.

Musyoka (2011) looks at the relationship between increased numbers of women in the National Assembly and enactment of legislation addressing women's interests but focused on the 10th parliament, which had a smaller number of women (22), while this study looks at the 11th legislature, which had more (68). It also focused on the content of only 30% of Bills while this study covers a wider spectrum of legislative business. Furthermore, it solely relied on content analysis of the Bills while this study also interviewed women parliamentarians and captured personal reflections on their legislative choices and experiences. This study therefore differs in scope from Musyoka (2011).

Chege (2016) focuses on the contributions of women in the National Assembly 2013 - 2017 but does not cover the five-year cycle as this study does. Mbugua (2017) analyses only three Bills (the Basic Education Amendment Bill 2017, Breastfeeding Mothers Bill 2017 and Magistrates Courts Bill 2015) while this study looks at a wider range of legislative pursuits by women. Godia (2017) asserts that women focused on "*soft topics*" at the expense of "*important issues*". This study illustrates that the issues pursued were critical to women's rights and should, therefore, not be dismissed as "*soft*".

There are therefore distinct differences between this and previous studies on the same and earlier national assemblies in terms of scope, breadth and detail. Under this objective, the central gap addressed is the limited analysis of women's legislative agenda in the five-year cycle of the National Assembly 2013 -2017.

2.2.2 Methods Used by Women Parliamentarians to Influence Legislation

This section reviews literature related to the methods women parliamentarians apply to influence legislation globally, regionally and nationally. It documents which methods have been used on specific pieces of legislation. The review then focuses on Kenya to show that such methods have not been documented comprehensively, which constitutes a gap addressed by the study.

Parry (2014) notes that women achieve greater success once they gain enough seats to counter-balance domination by men. Thus, the scholar posits that women's influence is enhanced by numbers and saturation of legislative business with their agenda. Grey (2001) notes that women became more assertive in New Zealand's legislature as their numbers increased. Based on experiences from the United Kingdom (UK), Norris (2000) suggests that a surge in numbers gives women a stronger bargaining power. In all these cases, the key factor on legislative influence is optimisation of increased numbers through solidarity.

According to IPU and UNDP (2017), women have significantly relied on their parliamentary caucuses to get their legislative agenda passed. Evidence from 87 countries worldwide shows that women parliamentarians have used such caucuses to monitor legislation and policies for responsiveness to women's interests, mentor new colleagues and counter domination by men (CPA, 2017). Furthermore, women parliamentarians work through coalitions to increase their bargaining power in order to achieve success (Volden et al. 2013).

In a departure from the literature cited, Sanbonmatsu (2017) notes that women's caucuses do not always promote cross-party collaboration, citing that unity in the Congressional Caucus for Women's Issues in USA was compromised when the women aligned with party ideologies on reproductive rights. In this case, democrats supported liberal reproductive rights while republicans opposed them. Latt et al. (2017) also notes that collaboration among women parliamentarians in Myanmar occurred most frequently within rather than across parties. These experiences indicate that although collaboration enhances women parliamentarians' influence, it is not always guaranteed and should not be assumed to be automatic.

Parliamentary space for women to air their views is instrumental in asserting influence as shown in Karpowitz, Mendelberg and Mattioli (2015) who identify five patterns based on a study on the USA. One, women's influence is drastically reduced when they are outnumbered by men. They, therefore, need to reach a "*super-majority*" to realise speech dominance. Two, their participation is diminished when decisions are made by consensus where they are a minority. Three, women are more effective when they have increased speech time even when in the minority. Four, an increase in the number of women results in greater support from men. Five, although women have greater certainty about their choices, they are more willing than men to endorse a different majority position if outnumbered. The scholars conclude that women's influence flourishes when they are many under majority rule but diminishes when they are a minority. These patterns suggest that numbers and space to speak are critical for women to influence legislation.

Various other methods have been used by women to influence legislation. For example, Froimovich et al. (2013) shows that women parliamentarians in Mexico influenced legislation by mobilising the Gender Equality Committee in parliament, advocacy by a female presidential candidate and reliance on a judicial decree obliging political parties to respect the 40% quota set out in the amended Election Code 2011. The scholar outlines other methods used in Mexico, Uganda and Viet Nam for success as: reliance on political parties to sponsor Bills; liberal proposals to counter men's conservative ones; support from non-governmental organisations (NGOs), mass media and United Nations (UN) agencies; anchoring proposed law on international conventions; and alliance with men in parliament.

At the regional level, Hassan (2018) shows that an increase in numbers gave women parliamentarians impetus to initiate a Bill against FGM in Egypt. Tanzanian and Ugandan women parliamentarians capitalised on female speakers of parliament to push laws addressing women's interests and claim higher inclusion in legislative committees (CPA, 2017). Women in South Africa exploited the context of post-apartheid activism (1994-99), high ranking colleagues and a strong civil society movement to get legislation on domestic violence, reproductive rights, spousal maintenance and customary marriages passed (Goetz & Hassim, 2002; Vetten et al., 2012).

Experiences from Uganda reveal that women successfully influenced passage of the Domestic Violence Act (2010) through: intense lobbying by the women's caucus and civil society organisations (CSOs); alliance with key male parliamentarians; issue-

specificity; and depiction of domestic violence as a vice that affects even men (Froimovich et al., 2013). Okello-Orlale and Ugangu (2010) and Tamale (2000) show that Ugandan women parliamentarians saturated the legislative agenda with their Bills and thus ensured that their concerns were attended to. On Rwanda, Powley (2005) indicates that women used their parliamentary caucus to get a discriminatory law on inheriting land revoked.

The literature reviewed shows that women's legislative influence was enhanced by use of a variety of methods built around an increase in numbers. Tripp (2000) cautions, however, that merely expanding physical presence is inadequate if parliaments continue to be configured in ways that suppress women's interests, an observation similar to that by Mendelberg et al. (2013).

This study related the literature reviewed to women's solidarity in the National Assembly, especially through the Kenya Women's Parliamentary Association (KEWOPA) to enhance their legislative influence. The literature was also related to how the women managed to claim speaking opportunities and membership in and leadership of parliamentary committees in an institution dominated by men.

A review of past academic studies on Kenya's National Assembly showed scanty documentation of methods used by women to influence legislation. For example, Chege (2016) focuses on the contributions of women in the National Assembly of the 11th parliament but does not examine the methods used to achieve success. Likewise,

Musyoka (2011) does not examine the methods women used to influence legislation. Mbugua (2017) focuses on how women used the power of numbers to pursue three Bills in the National Assembly while this study looks at other methods as well and examines a wider range of legislative business. Unlike the foregoing reviewed studies, this study systematically documents the various methods used by women to influence legislation in the National Assembly, the issues they were applied on and results achieved. The gap filled by the study regards the bare attention to how specific methods have been applied by women parliamentarians to influence legislation in Kenya's National Assembly, and their effects.

In the application of various methods, women parliamentarians also faced challenges. Related literature on such challenges is reviewed in Section 2.2.3.

2.2.3 Challenges Faced by Women Parliamentarians in Influencing Legislation

This section reviews literature on the challenges faced by women parliamentarians from global, regional and national perspectives. The review highlights how the challenges compromised women's influence on legislation.

Captivity to political party standpoints is one challenge faced by women parliamentarians worldwide (IPU & UNDP, 2017). For example, Latt et al. (2017) shows that women's legislative agenda in Myanmar were not accepted for debate if they did not originate from the political party manifestoes. In Mexico, women's efforts were frustrated by domination of party leadership and committee decisions by men (Froimovich et al.,

2013). The net effect was that women's agenda were excluded from parliamentary business, automatically minimising their influence.

Inexperience is another factor identified as limiting women's legislative influence as shown in Latt, et al. (2017) with regard to Myanmar where new women parliamentarians were disadvantaged by ignorance of the requirement that questions to government ministers had to be submitted ten days in advance with the Speaker having the prerogative to allow or exclude them. In the UK, women parliamentarians' ability to draft Bills was constrained by inexperience (Childs, 2004). By default, this excluded them from influencing legislation.

Prevalence of sexual harassment, personal attacks, intimidation, interruptions, sexist remarks and scrutiny of their private lives by male colleagues are other challenges reported with regard to USA, France, Sweden, UK, Uganda and Tanzania (IPU, 2018; Brechnemacher, 2018; Erikson & Josefsson, 2019). Latt et al. (2017) shows that women parliamentarians in Myanmar experienced disparaging remarks and patronising language from male colleagues. Specifically, the latter referred to them as "*little sisters*", instead of using the established honorifics. Derived from a patriarchal norm that women need protection from men, as outlined in Sultana (2012), the remark was meant to demean and depict them as inferiors whose legislative contributions were dispensable.

Low numbers is also identified as a constraint to women's visibility and activity in parliament (IPU & UNDP, 2017; Erikson & Josefsson, 2019). Using results from seven European countries, Buck and Debus (2018) show that women had fewer speaking

opportunities than men hence less potential to influence the final contents of legislation. Sanbonmatsu (2017) also shows that because of low numbers, issues pursued by women in USA were less likely to be successful compared to those proposed by men.

Masculine parliamentary procedures and culture are cited as a challenge by Brechnemacher (2018) which shows that emphasis on longevity to determine allocation of parliamentary leadership and speaking opportunities in Sweden favoured men because they were more experienced. Additionally, parliamentary sessions were often held late into the night, without childcare services, hence complicating women's ability to combine domestic and legislative roles. In Indonesia, Guatemala, Brazil, Thailand, Nicaragua, the Philippines and India, assignment to marginal parliamentary roles rendered women less visible and insignificant in influencing legislation (Pedwell & Perrons, 2007).

Falch (2010) and Rosenbluth et al. (2015) show that women elected on quotas have been treated as illegitimate politicians in different parts of the world, because of a perception that they would have probably been defeated in contests with men. Another common challenge is exclusion by men when they hold forums in places women are uncomfortable going to (Latt et al., 2017).

Literature on African countries show that similar challenges have been faced by women parliamentarians across the continent. Party loyalty, domination by men and conservatism are reported to have negatively affected the independence and influence of women in

Uganda, Tanzania, Burundi and South Africa (Falch, 2010; Okello-Orlale & Ugangu, 2010; Froimovich et al., 2013). In Uganda, men argued that the Domestic Relations Bill (2003) initiated by women contradicted religious and cultural norms (Froimovich et al., 2013). Similar conservatism occurred in Egypt where a male parliamentarian demanded that women colleagues be subjected to FGM. This was a backlash against a Bill they initiated to criminalise the practice (Hassan, 2018).

Legislative inexperience is documented as a major constraint to women's influence in such places as Mozambique, Rwanda and Tanzania (Asiedu et al., n.d.; de Abreu, 2000; Powley, 2005). Such inexperience results in poor drafting of Bills and inability to penetrate the formal and informal decision-making processes in parliament. In South Africa, women parliamentarians also felt constrained by schedules that conflicted with their domestic roles (Goetz & Hassim, 2002).

Treatment of women elected through quotas as illegitimate politicians is reported in Tanzania, Burundi and Rwanda (Asiedu et al., n.d.; Powley, 2005; Falch, 2010). Such women lost credibility in Uganda where they were persistently reminded that it was identity rather than merit which qualified them for office (Goetz, 2002). Malawian women parliamentarians were polarised along party lines even though they belonged to the same caucus (Amundsen et al., 2016).

Other hurdles faced by women parliamentarians in Uganda and Tanzania were: frequent disruption and secret manoeuvres by male colleagues; low presence in parliamentary

committees; assignment to peripheral roles; and use of androcentric language and sexist remarks by the men in parliament (Okello-Orlale & Ugangu, 2010).

The study related the literature reviewed to specific experiences of women in Kenya's National Assembly 2013 -2017. These rotated around: the masculine nature of the National Assembly, which are analysed through the Critical Mass theory; inexperience hence poor understanding of informal mechanisms through which parliamentary work is done; low numbers as a key constraint to legislative influence; and contempt towards beneficiaries of quotas by those elected on open seats and men in parliament.

With regard to Kenya, Godia (2017) examines challenges faced by women in the National Assembly of the 11th parliament but focuses mostly on external factors while this study looks at internal dynamics. Kamau (2010) identifies challenges faced by women in Kenyan politics generally and does not distinguish between the ones faced inside the National Assembly and those outside. Okello-Orlale and Ugangu (2010) identify other challenges as: assignment to peripheral committees; dominant behaviour by male colleagues; lack of child care facilities; and use of derogatory language by men. They do not, however, discuss these issues in detail. Moreover, their study was based on the 10th parliament.

The study notes that although some of the studies have identified challenges, their approach is descriptive, hence did not apply any theoretical framework to contextualise them. Moreover, they did not specifically focus on the internal dynamics in parliament.

The main contribution of this study is to move from general challenges faced by women politicians to specific ones experienced within the National Assembly and in the course of legislation. Its other significant contribution is provision of concrete examples from the National Assembly of the 11th parliament using the Critical Mass Theory and liberal feminism to contextualise the challenges.

2.2.4 Measures to Improve the Legislative Influence of Women Parliamentarians

The study reviewed literature on measures suggested in past studies to enhance the influence of women parliamentarians on legislation from global, regional and national perspectives. It noted that the proposals rotate around overcoming domination by men and acquiring knowledge and skills for legislative work. From the literature at the national level, the review recognises that the proposals are made without discussing their implications and preconditions for success. This is the gap the study sought to fill.

One of the proposals identified was that women parliamentarians should be trained on leadership skills in order to enhance their effectiveness (Markham, 2013). Gender mainstreaming in parliament and budgetary support for women's caucuses to make parliaments hospitable to women is recommended by IPU and UNDP (2017).

Brechnemacher (2018) recommends parliamentary policies on harassment while Wängnerud (2015) proposes allocation of more opportunities to women in parliamentary debates.

Karam and Lovenduski (2005) propose that women should learn, use and change parliamentary rules to their advantage. They also suggest: partnership with men; alliance

with external women's organisations; caucusing and networking; effective use of the mass media; and establishment of parliamentary committees on gender equality.

Alignment of women's agenda with government programmes is also proposed (CPA, 2018). Froimovich et al. (2013) suggests increasing the number of women in political party leadership and mobilisation of male parliamentarians around gender equality legislation. The suggestions focus on factors that are internal and external to parliament while this study narrows down to only those that relate to women's work within the legislature.

Literature on African countries suggest more or less similar strategies. These include: alliance with male parliamentarians, issue-specificity and presentation of women's legislative proposals as beneficial to the whole society (Froimovich et al., 2013). Reliance on parliamentary caucuses and influential women is also recommended (Powley, 2005; Vetten et al., 2012).

Studies on Kenya propose different measures to improve women's legislative presence and influence but they differ from this study in terms of approach as they remain at a general level without outlining the practical implications of the recommendations. For instance, Kanyi (2016) proposes greater solidarity among women while Nthiiri (2014) highlights engagement with electoral entities to ensure higher numbers of women in politics. Training on the standing orders is highlighted in Musyoka (2011) and Nthiiri (2014). Mastery of the male-dominated political landscape, mentorship, networking and effective use of the mass media are suggested in Kamau (2010). Notably, the timeline in

Kamau (2010) predates that of this study and is outside the period when gender quotas were applied in Kenya. Nzomo (2010) suggests solidarity across ethnic and party lines.

The contribution of this study lies in delineation of the implications of various measures proposed on how to improve women's legislative influence instead of general recommendations without outlining the practical preconditions required for success, as this study does. Moreover, the measures proposed tend to focus on improving women's general political participation while this study looks at enhancing their influence in the National Assembly.

In summary, the study sought to fill four main gaps in the literature on the National Assembly of 2013 -2017 namely: limited analysis of women's legislative agenda and resulting influence; scant attention to methods used by the women parliamentarians to influence legislation; primary focus on general challenges faced by women politicians rather than specific ones inside the National Assembly and in the course of legislation; and little reflection on implications of proposals to improve women's influence on legislation.

The next section outlines the theoretical frameworks that guided the study.

2.3 Theoretical Frameworks

The study used two theoretical approaches namely the Critical Mass Theory and liberal feminism.

2.3.1 Critical Mass Theory

The Critical Mass Theory, published in 1977, was developed by Rosabeth Moss Kanter from studying Industrial Supply Corporation in USA where women were a minority in salaried jobs and executive positions in the 1970s. Derived from Nuclear Physics, “*critical mass*” refers to the chain reaction caused by addition of uranium to an assemblage leading to fission between neutrons hence increasing the likelihood of an atomic explosion. Beyond a certain point, addition of extra uranium causes a result bigger than the quantity of the original. Applied to the study of human beings, the theory means that when a minority attains a certain numerical strength, it exerts substantial influence on the culture of an institution.

In this study, the theory was used to interrogate the challenges faced by women parliamentarians as a minority in Kenya’s National Assembly 2013 -2017 based on the three tenets namely: group types; patterns of dominant behaviour by men in skewed institutions; and implications of numbers.

Tenet 1: Group Types

The theory identifies four group types to explain the relationship between women as minorities and men as majorities in an institution. First are **uniform groups** in which there is only one type, so there are no minorities. Second are **skewed groups** where one type constitutes a clear majority (such as 85%) and the other is a **minority**. The dominant type determines the group culture with the minority as **tokens** rather than individuals in their own right. Third are **tilted groups** in which the ratio stands at “*perhaps 65:35*”.

The minority can form coalitions and influence the group culture. Fourth are **balanced groups** which have ratios of 60:40 to 50:50. Either group can influence the institutional culture. Figure 2.1 depicts the typology.

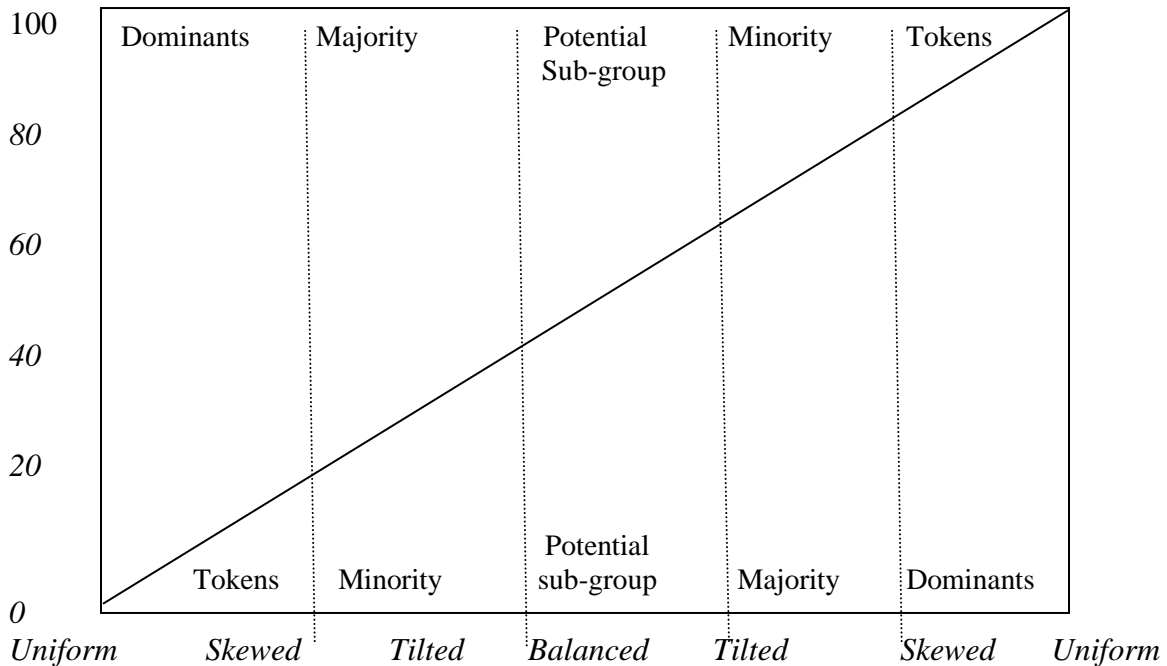


Figure 2.1: Group Types in the Critical Mass Theory (Kanter, 1977, p. 383)

This tenet was applied to typify the National Assembly as a skewed institution. This is in the context that the 2013 general elections in Kenya resulted in a National Assembly with a ratio of 81:19 in favour of men, marginally above the lowest denominator for a skewed group. The results did not, however, generate high enough numbers to qualify the institution as ‘tilted’. The National Assembly was therefore more skewed than tilted hence the women in it constituted tokens subjected to the dominant behaviours of men as a majority in such an institution. These behaviours are detailed in Tenet 2.

Tenet 2: Patterns of Behaviour by Dominant Male Groups

The theory postulates that when women are a minority in a skewed institution, they are subjected by the majority men to three tendencies of visibility, contrast and assimilation.

Visibility means that the minority is alienated and subjected to generalisations about its type. This leads to *“performance pressure”* which manifests in four ways. In the *“limelight”*, women are under constant scrutiny, have restricted freedom and are judged by *“a different set of rules”* from that applied to men (Kanter, 1977, p. 385). Thus their technical abilities are subordinated to their physical appearance. Next is *“tokenism eclipse”* where *“the token does not have to work hard to have her presence noticed, but (must do so) to have her achievements noticed”* (Kanter, 1977, p. 386). Under *“symbolic consequences”*, women have *“the burden of representing their category, not just themselves”* (ibid). *“Fear of retaliation”* inhibits women from outperforming men in order to avoid hostility.

Contrast refers to creation of boundaries by the dominant group (men) in order to isolate the minority (women), who can choose to remain excluded or become *“insiders”*. For survival, they tend to choose the latter. This tendency is characterised by four behaviours collectively classified as *“loyalty tests”* as described next.

The first behaviour is referred to as exhibition of *“aggression and potency”* marked by *“sexual innuendos ...teasing and prowess-oriented ‘war stories’”* to show men’s

dominance (Kanter, 1977, p. 388). The second is interruption of women by, for example, taking over conversations and using crude language. Because women do not want to make a fuss, they play along, get co-opted and are intimidated into silence. The theory classifies this as “*interruptions as reminders of ‘difference’*”. The third is exclusion of women by switching venues of activities, holding clandestine meetings and maintaining selfish social networks in what the theory classifies as “*overt inhibition and informal isolation*”. The last is acceptance of women by men only if they demonstrate loyalty to the latter. This makes them feel exceptional and ready to “*occasionally turn against ‘the girls’*” (Kanter, 1977, p. 390). They are further expected to be “*comic inferiors*” by tolerating demeaning jokes by men. This subtly coerces them into “*not criticising their situation or pressing for any more advantage*” (ibid).

Under **assimilation**, women are pushed to “*fit pre-existing generalisations*” by performing traditional gender roles and becoming submissive, frivolous and self-limiting (ibid). For example, those in official places are assumed to be wives or mistresses of their colleagues rather than equals. The theory classifies this as “*status levelling*”. Women are also assigned predetermined roles regardless of interest and are then marginalised. The theory calls this the “*woman’s slot*”. Additionally, they are driven into four “*traps*”. In the “*mother*”, they are expected to provide care to men in ways that undermine their official status. The “*seductress*” casts them into sex objects. Under the “*pet*”, they are treated as objects of amusement and targets of sympathy. The “*iron maiden*” has outstanding women labelled “*tough*” and “*militant*” with the consequence that they are

ostracised to “*flounder on their own*” (Kanter, 1977, *ibid*, p. 393). The theory classifies these traps as “*stereotyped informal roles*”.

This part of the theory was applied to classify and exemplify the challenges faced by women parliamentarians as a minority in Kenya’s National Assembly 2013 -2017.

Specific dominant behaviours of men in the National Assembly were identified, analysed and linked with the theory.

Tenet 3: Implications of Numbers

The theory notes that how one is treated in a skewed institution “*depends on their numbers ... (and) ... in how many people, like that person in significant ways, are present*” (Kanter, 1977, p. 395). This means that the minority (women) are discriminated against just because of numbers. Thus the theory postulates that a shift in women’s absolute numbers re-defines their social experiences as the power of likeness reduces stresses of tokenism and chances of manipulation. It concludes that increased numbers of women are an initial measure of non-discrimination and a means to further outcomes. Numerical parity is therefore a goal in itself and a means to an end.

This tenet was used to contextualise women’s pursuit for increased numbers in the National Assembly on the basis that this would be an initial contribution to reducing men’s domination and also be a determinant of legislative influence.

Scholars that have used the theory in recent times have largely focused on numbers from quotas as an important variable in boosting women's bargaining power in influencing legislation. For example, Kadaga (2013) notes that women parliamentarians in Uganda used numbers to campaign for laws, policies and programmes that addressed discrimination, violence and under-representation in politics. Powley (2005) also documents that women parliamentarians in Rwanda relied on numbers to influence the revocation of a discriminatory law on the right to inherit land.

Reflecting on the interruptive effect of an increase in numbers, Hassan (2018) avers that the performance of women elected after use of quotas in Egypt in 2015 "*offers some evidence in support of the Critical Mass Theory*" because it became "*harder to infringe on women's rights*".

Dahlerup (1988) maintains that a critical mass enables women parliamentarians to improve the situation for themselves and their category in what she calls "*critical acts of empowerment*". Karam and Lovenduski (2005) observe that large numbers enable women to overcome tokenism and form strategic partnerships both within and outside parliament.

The limitation of the theory lies in its assumption that numbers alone is the basis of discrimination and determinant of legislative influence hence highlight why quotas are not universally popular. For example, Asiedu, et al. (n.d, p. 10-11) show that African feminists oppose gender quotas because they are appropriated by the state and political

patrons to “*win over the women’s vote, consolidate their positions, and guarantee their majority in parliament*” without regard to the quality of beneficiaries and their ability to influence legislation in favour of women. They argue that this ultimately “*lowers the quality of parliamentarians*”.

While lauding the effect of a critical mass of women in passage of pro-women laws and creating a mother-friendly parliament in the immediate post-apartheid South African parliament, Meintjes (2005) points out, however, that more important was the need for adequate budgets and training of implementing officials for the legislation to be meaningful. This implies that critical mass and resulting legislation are not adequate to guarantee women’s rights unless the laws are implemented.

These insights demonstrate the applicability of the theory but also its weaknesses that should be considered when using it. It is in this context that the study used liberal feminism to contextualise the experiences of women in the National Assembly 2013 – 2017 beyond numbers to ideology. The theory helps to contextualise how women parliamentarians sought to transform gender relations not only for themselves but also for all in the wider Kenyan society.

2.3.2 Liberal Feminism

This theory is rooted in liberalism, which informed the French Revolution of the 18th century to challenge the notion that monarchs and aristocrats had a divine and perpetual right to rule all other citizens (Duman, 2012). The revolution dismantled such entitlement

in order to accord all citizens freedom to participate equally in political life. Women were then considered naturally inferior to and hence dependent on men. Associated with Mary Wollstonecraft and John Stuart Mill, liberal feminism argues that treating women as unequal to men is a violation of human rights and freedoms.

Wollstonecraft (1792) challenged the 18th century belief in Britain that women did not deserve education since they were considered incapable of abstract and logical thinking. They were thus regarded as mere appendages of men. She argued that women were autonomous human beings who deserved rights similar to those enjoyed by men.

Mill (1869) stated that intellectual development through formal education was good for both men and women. In his role as a Member of Parliament (MP), he advocated women's right to vote so they could, like men, exercise autonomy. He further argued that relegation of women to the domestic sphere was morally unacceptable and retrogressive. He therefore proposed "*perfect equality*" in which no group had monopoly of power and privilege. In his opinion, excluding women from certain activities based on the assumption of natural incapacity was fallacious and unjust. To him, women's emancipation would result in complementarity and competition with men hence benefit the whole society through aggregated ideas. Furthermore, he criticised the existing marital laws which treated women as items for trade and denied them property ownership, opportunities to work outside home and financial independence.

Liberal feminism argues that people should be governed only with their consent. It also separates the public and private spheres of life and states that the former is regulated by the government while the latter is subject to other factors principally social norms.

In this regard, Wollstonecraft (1792) argued that biological differences between women and men were irrelevant to granting of political rights and that the concept of women being intellectually inferior was a result of inequality not its justification. The first tenet of liberal feminism is thus based on the argument that subordination of women is rooted in history and social norms rather than sex. Consequently, it is these norms that need to be changed to eradicate inequality. This is the point in Davies (2011) about women as a group that has been historically disadvantaged.

This tenet was used in the study to locate the domineering behaviours of men in the National Assembly to mindsets of entitlement to opportunities and assumptions that women are primarily caregivers and nurturers. The study identified such assumptions from the experiences of women in the National Assembly under stereotyped allocation of parliamentary committees and other spaces such as political party functions (Objective Three).

The theory's second tenet is its emphasis on the need for equal opportunities for women and men, as also captured in Davies (2011). The study used this element to locate women's quests for family laws and legislation to increase their numbers in the National Assembly as efforts to secure more opportunities in both the private and public spheres (Objective One).

The third tenet of liberal feminism used in the study is with regard to women's right to choose on personal matters such as reproductive health. The theory argues that factors in the domestic sphere that perpetuate subordination and vulnerability of women, such as violence, should be subject to legal regulation. This argument was used in the study to place the Assisted Reproductive Technology Bill and family laws as efforts to address the vulnerabilities women face in the private realm. As pointed out by Jagger (1983), laws that assign women rights inferior to those of men should be subjects of reform. This kind of argument was relevant to the laws on marriage and property that were supported by women to create a different regime eradicating discrimination.

The theory additionally argues that discrimination against women is often not mandated by law. The study applied this argument in locating women's quest for gender equality in representation and marriage as a matter prescribed in articles 27 (8), 81 (b) and 45 (3) of the country's Constitution, the supreme law (Objective One).

The theory's fourth tenet is its justification of special policy measures to promote women's interests by removing discriminatory practices. According to Lewis (2019), *"liberal feminism's primary goal is gender equality in the public sphere"* hence its emphasis on legal changes. The theory places responsibility for this on the State as the sole *"protector of individual rights"*. Specifically, it supports affirmative action and formation of organisations pursuing women's interests to accelerate the desired change. The study applied this tenet to interpret women's quests for affirmative action to increase their numbers in the National Assembly as a necessary legislative measure to reduce men's domination (Objectives One and Four).

Presented next is the conceptual framework for the study.

2.4 Conceptual Framework

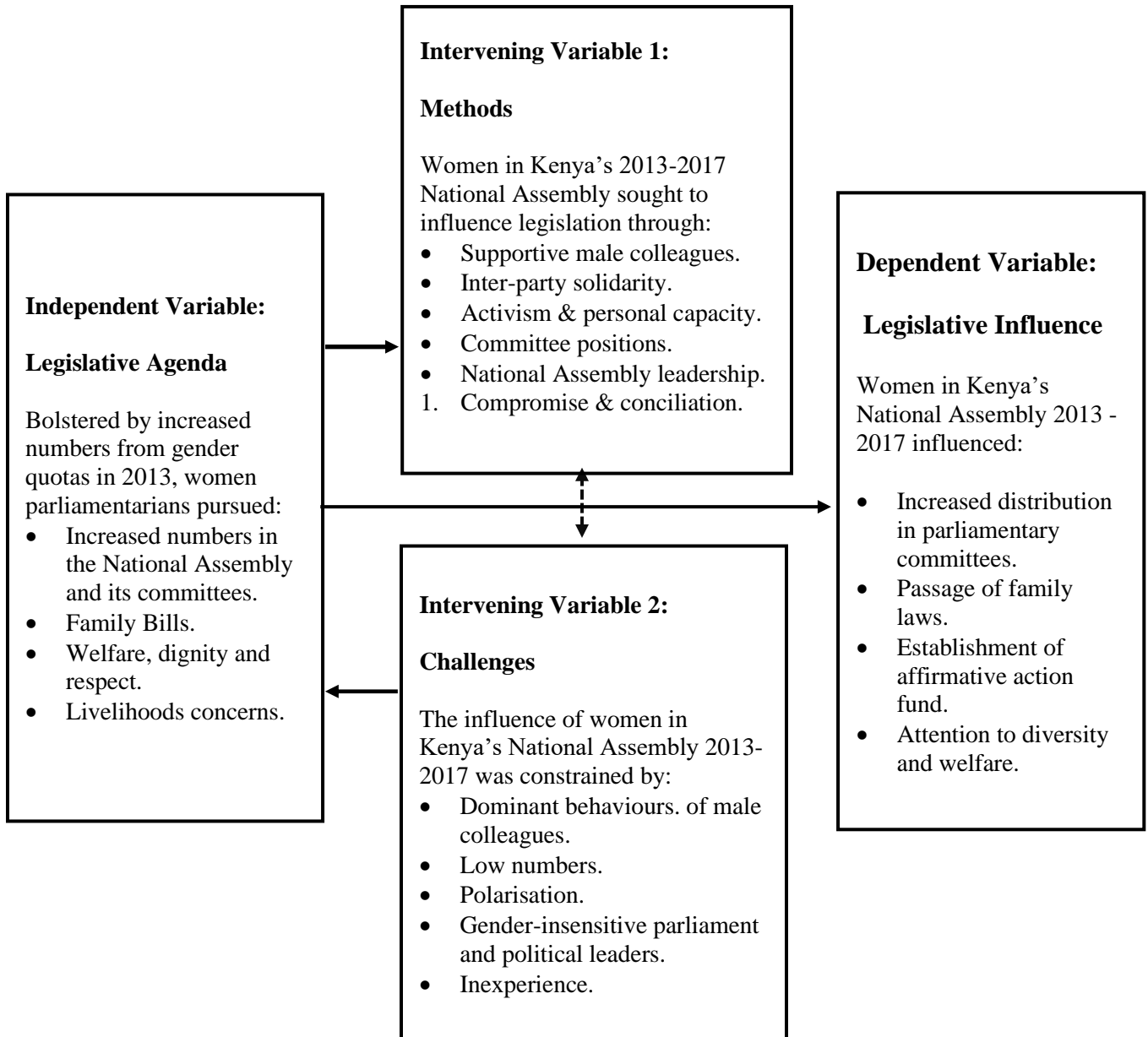


Figure 2.2: Legislative Influence of Women Parliamentarians in Kenya's National Assembly 2013 - 2017: A Conceptual Framework

The conceptual framework in Figure 2.2. developed by the researcher for the study indicates that due to gender quotas, more women were elected to Kenya's National Assembly in 2013. Bolstered by this, women parliamentarians pursued specific legislative agenda (**independent variables**), listed in the first box on the left of Figure 2.2. They used certain methods to pursue the agenda. The methods are captured in the upper middle box in Figure 2.2. The arrow connecting the agenda and methods indicates that the latter were meant to propel realisation of the agenda. The women also faced challenges in their pursuits. These are captured in the lower central box. Unlike the methods which were aimed at propelling the agenda, the challenges did the reverse. This is captured by the arrow connecting the box on the agenda and that on challenges. Both the methods and challenges (**intervening variables**) **determined** the progress made on the legislative agenda. The double-edged arrow connecting the middle boxes on methods and challenges captures the tension between the two. The eventual influence (**dependent variable**) is captured in the box on the far right of Figure 2.2. This consisted of: increased distribution of women in National Assembly committees; passage of family laws; and attention to diversity and citizens' welfare. This was the net difference between the success of the methods and the negative effects of the challenges.

This chapter has presented the literature review and theoretical and conceptual frameworks for the study. It has highlighted the gaps to be filled, how the theories were applied and the interaction of study variables. The next chapter presents the research methodology.

CHAPTER THREE

RESEARCH METHODOLOGY

3.1 Introduction

The previous chapter presented the literature review and theoretical and conceptual frameworks for the study. This chapter describes the methodology, outlined as: research design; location; target population; sampling techniques and sample size; research instruments; data collection procedures; data analysis; data quality assurance; and ethical considerations.

3.2 Research Design

The research was designed as a descriptive study on the legislative influence of women parliamentarians in Kenya's National Assembly of the 11th parliament (2013 -2017).

Descriptive studies are inquiries about the state of affairs as they exist.

The design was suitable for studying a specific group, in this case women in the National Assembly, in the real context of their work as it allowed for detailed investigation to collect comprehensive information on personal experiences.

3.3 Location

The study site was Kenya's National Assembly in Nairobi. This is one of the Houses of the bi-cameral parliament prescribed by the COK 2010 in Article 93 (1). At the time of study, it had 349 members (excluding the Speaker).

The National Assembly debates legislative proposals, allocates national revenue to the various arms and levels of government, exercises oversight over public funds and represents the people of Kenya through their elected MPs.

3.4 Target Population

The study focused on the 68 women in the National Assembly of the 11th parliament 2013 -2017 distributed as follows: 47 affirmatively elected CWRs; 16 single constituency parliamentarians; and five political party nominees. This translates to 19.5% of the total seats hence an increase from 2007 – 2013 when women were only 22 (10.5%) of the then 210-member Assembly (FIDA-K, 2013; IEBC, 2013). The surge resulted from use of gender quotas, which formed the basis of this study on how women influenced legislation in the context of their increased numbers. The study did not focus on men but they have been referred to with regard to their interactions with the women's agenda, methods and challenges, where relevant, in the process of legislation.

3.5 Sampling Techniques and Sample Size

The study used stratified sampling to ensure that all categories of women in the National Assembly were included. The first step was to list all the women parliamentarians in the National Assembly (68). They were then categorised by pathway to the legislature. This yielded the following strata: beneficiaries of quotas (47), women elected on single constituency seats (16) and direct party nominees (5). The 68 were listed and assigned codes and numbers for identification and acknowledgement.

The second step was to determine how many women were in parliamentary committees. This was done by referring to the list of committee members available on the National Assembly website. The step established that each of the women parliamentarians was in one or more committees. Based on this, any of them could be sampled for the study.

In Step Three, women who were actively involved in parliamentary debates were identified through a scan of the Hansard for the period 2013 to 2017. This showed that all the 68 women had participated in debates hence any could be sampled for the study.

However, 51 (75%) were more regular contributors while 17 (25%) were less active. The study included the former in the next stage of sampling.

For the fourth step, the study identified women who were both active in debates and occupied leadership positions in parliamentary committees from the 58 sampled in the previous step. This yielded 12 women - seven chairpersons and five vice chairpersons of committees. The study listed them for preferential inclusion in the sample.

The fifth step involved identifying how many women were in the Parliamentary Service Commission, the policy-making organ of parliament. It was established that two women sat in this entity. The study identified and targeted to include at least one of them in the sample.

The last step was to identify women who had sponsored Bills that were passed. This yielded six women who were then listed as priority respondents since this was one key measure of legislative influence.

A total of eleven women (16%) out of 68 who fulfilled at least two of the criteria used in sampling were interviewed. Table 3.1 shows their distribution by sampling criteria.

Multiple counts apply.

Table 3.1: Distribution of Women Respondents by Sampling Criteria

SN	Criteria	Respondent Codes	Number
1	Members of parliamentary committees	WR-1 to 11	11
2	Active contributors to debates	WR-1 – 11	11
3	Leaders of parliamentary committees	WR - 4, 5, 11	3
4	Members of the Parliamentary Service Commission	WR - 10	1
5	Sponsors of successful Bills	WR- 1, 4, 7, 8, 11	5

Table 3.1 shows the distribution of respondents by sampling criteria. Each of the respondents fulfilled at least three of the criteria and were thus interviewed in multiple capacities. For example, one was a member and leader of a parliamentary committee, active contributor and sponsor of a successful Bill. Being interviewed under these four capacities generated rich data from different perspectives. This multiplicity obviated the need for a larger sample of separate individual respondents.

Moreover, the study population was relatively homogenous in terms of work environment hence there was limited variation in their experiences and responses. This translated into early data saturation.

The study also interviewed four key informants (KIs) - three male and one female. All were purposively sampled based on their positions in the National Assembly, political parties and the Kenya Women's Parliamentary Association (KEWOPA). The first was the chairperson of an oversight committee of the National Assembly. The second was a member of Kenya Parliamentary Human Rights Association, one of the interest groups in the National Assembly. The third was a Senator and senior official of a political party. The fourth was a Programme Officer of KEWOPA, the national caucus for all women parliamentarians. The key informants were interviewed to provide additional insights on the experiences of women in the National Assembly for triangulation with the data generated from self-reporting by the primary respondents.

Copies of the Hansard of the National Assembly, which are verbatim records of parliamentary proceedings, were relied on for primary data on women parliamentarians' legislative contributions. Sampling of the Hansard content was done through a series of steps. Electronic copies from 16 April 2013, when parliament was opened, to 7 August 2017, when its term ended were accessed from the National Assembly website. They were then scanned to identify sessions where women featured either as sponsors of Bills and motions, petitioners or contributors to debate. The content to be analysed was extracted and categorised by research questions.

The extracts were then scrutinised for Bills sponsored by women. This identified a total of 20 Bills, which were matched with the themes identified by respondents as women's legislative agenda. The Bills that matched the priorities were given preference in sampling. These were the Marriage Bill 2013, Matrimonial Property Bill 2013, Protection Against Domestic Violence (PADV) Bill 2013, Mining Bill 2014, Assisted Reproductive Technology Bill, basic Education (Amendment) Bill 2014, Water Bill 2016 and Constitution of Kenya Amendment Bill No. 6 of 2015.

Sampling of the Hansard content captured views of 31 (45.7%) of women parliamentarians on diverse themes, which have been included in the findings under each study objective.

3.6 Research Instruments

Semi-structured interview schedules were used to collect data from sampled women parliamentarians and key informants.

Under Objective One, the instrument focused on: the Bills and Motions tabled or supported by women parliamentarians for debate; why women prioritised specific issues; and what they regarded as their major achievements in the National Assembly.

It was applied under Objective Two to solicit information from respondents on: methods women parliamentarians used to persuade the National Assembly to pass the Bills they sponsored or supported; whether they held committee leadership positions and, if so, how

they used them to influence legislation; evidence that they relied on increased numbers to advance their legislative agenda; and what results were achieved through use of each method.

With regard to Objective Three, the instrument was deployed to gather information on: major challenges women parliamentarians faced as they pursued their legislative agenda; and the effect their levels of achievement. Data on Objective Four was collected using the instrument to gather views of respondents on possible measures that can be employed to improve the legislative influence of women parliamentarians in the National Assembly.

The instrument allowed intensive focus on study themes and in-depth investigation leading to generation of detailed information, diverse perspectives and vivid illustrations. There was flexibility in data collection since study questions could be reorganised according to the flow of responses followed by probing for clarification. It was also possible to continuously triangulate information from different respondents. Additionally, administration of the tool to individuals eliminated data contamination from multiple views, which is common in group discussions, and eradicated the problem of missing responses that is associated with mail questionnaires.

A content analysis guide was used to review copies of the Hansard sampled for the study. For the first objective, the tool focused on Bills, motions and petitions by women parliamentarians. Under the second objective, it had questions on what methods women parliamentarians used during debate to promote their agenda and how they voted on

specific subjects. With regard the third objective, it was used to isolate the dominant behaviours of men faced by women in their interactions during legislative processes for triangulation with those mentioned in interviews. In Objective Four, the instrument was applied to identify factors mentioned by women parliamentarians as potential enhancers of their legislative influence, such as increased numbers and speaking opportunities.

The tool was appropriate for the following reasons. The data available was credible since it was not influenced by either the researcher or subjects of study. The information was publicly available in an accessible electronic format, which eliminated costs that would have been incurred in transport and photocopying the Hansard. The tool enhanced reliability of results as the same procedure can be repeated by any other researcher using the same corpus. The corpus was easily retrievable from the saved files or the website of the National Assembly hence risk of loss was minimal. Extracts could also be cross-checked for accuracy in reporting.

Reliability of both instruments was ensured in a number of ways. Before going to the field, the instruments were reviewed and adjusted in consultation with the study supervisors. The same tool was used to consistently ask the same questions to similar categories of respondents. The content guide was also uniformly applied in assessing all extracts from the Hansard. Validity was achieved by strictly basing the study questions on research objectives.

3.7 Data Collection Procedures

Interviews were conducted between October 2015 and November 2018 through administration of interview schedules to sampled women parliamentarians and key informants. All were interviewed in Nairobi. Responses were recorded simultaneously in writing and audio-tape as consent was sought and received (See appendix for consent form).

In lieu of a pilot, the first two interviews were used to test the questions and the kind of responses generated as well as the amount of time it took to administer the schedule. This enabled the researcher to consolidate questions that elicited similar responses in order to reduce repetitiveness. It also helped in negotiating with respondents on the duration of interviews.

For content analysis, daily electronic copies of the National Assembly Hansard were continuously accessed from the website of the National Assembly for the five-year cycle. A search was done to locate relevant extracts using the identifier “Ms” which is appended by the Hansard to women’s contributions. The extracts were selected and labelled by date of contribution.

The combined data from interviews and Hansard was then analysed as described under Section 3.8.

3.8 Data Analysis and Presentation

The data collected from interviews was transcribed under each objective and processed manually to identify common themes. Responses under each theme were consolidated and tallied to establish their significance for the women parliamentarians based on the number citing each. They were then narrated and illustrated using the examples provided by respondents before being combined with data from the content analysis.

For example, under Objective One, women stated what their legislative agenda were and reasons behind the choices. Data from content analysis was used to confirm that the issues women presented and/or supported in the National Assembly concurred with the agenda listed from interviews. Regarding Objective Two, women parliamentarians reported use of activism to pursue legislative agenda. Analysis of the Hansard confirmed how they used the method to get speaking opportunities and inclusion in parliamentary committees. Under Objective Three, the interviews established that women experienced dominant behaviours from the men. Data from the Hansard was used to verify and illustrate the behaviours and their effect on women's legislative influence. For Objective Four, the study cross-checked which of the proposals made by respondents corresponded with the agenda they sponsored and/or supported in the National Assembly.

Using the content analysis guide developed for the study, four steps were followed in analysing the extracts from the Hansard, organised by study objectives. Step One involved reading and extracting content relevant to each study objective. In Step Two,

the content was matched with responses from interviews. Step Three focused on narrating this information and selecting illustrative quotes. In Step Four, the content was interpreted in response to research questions based on theme, contribution of women parliamentarians and reactions by other parliamentarians.

Findings from both the interview and content analysis were combined and compared to determine concurrence hence confidence on the data. They were then narrated, interpreted, cross-referenced, subjected to the theoretical frameworks and used to draw conclusions. Relevant tables and graphs were developed to capture quantitative data which were then described and interpreted.

3.9 Data Quality Assurance

The role of the researcher was explained to respondents to ensure that responses focused on and would be useful to answer research questions. The interview schedules were administered to the same category of respondents by consistently asking the same questions and probing for details and clarification. This enabled collection of adequate responses under each question and objective as well as verification of experiences reported. Each respondent was interviewed separately to eradicate data contamination. Interviews were conducted in secluded locations convenient to respondents and away from distractions. Collected data was cleaned and organised by study objectives.

The study used actual quotations from interviews and extracts from the Hansard for credibility. Such information can easily be verified by another researcher relying on the same sources of information using similar methods. This also eliminated biases that would arise from paraphrasing the responses and Hansard content.

Four standards of validity expounded by Guba and Lincoln (1985) were applied. For *triangulation*, it compared data from interviews with those from the Hansard to establish convergence and ensure confidence in the findings. With regard to *peer de-briefing*, the whole study was guided by university-appointed supervisors who provided feedback that was used to refine data handling. The standard of *rich thick descriptions* was applied through detailed explanation of the findings. That of *external audits* was realised through examination of the thesis by independent parties.

3.10 Ethical Considerations

After approval for field work was granted by Graduate School at Kenyatta University, an application was made for a research permit from the National Council for Science, Technology and Innovation. The application was approved and Permit No. NACOSTI/P/16/46137/9391 issued.

All respondents were informed of the purpose of the study, their consent to be interviewed and audio-taped established and an assurance given that the information would be used purely for academic purposes. Respondents were informed that their participation was voluntary.

A number of logistical considerations were taken into account during the study.

Availability of respondents was central. Each was contacted directly or through personal assistants for briefing on the study, request to participate and scheduling of the interview.

Flexibility to respondents' availability was granted considering their engagements in parliamentary sessions, political party functions and constituency responsibilities.

Privacy and distance from distraction were prime considerations with regard to location of interviews. Respondents' preferred venues were respected and adhered to for their convenience.

For content analysis, the main logistical consideration was the availability of copies of the Hansard. The study benefited from convenience and cost-effectiveness in this regard since the copies were freely accessible from the website of the National Assembly (www.parliament.go.ke).

Data sources were anonymised by assigning the codes WR (woman respondent), WH (Woman Parliamentarian in Hansard), MH (Male Parliamentarian in Hansard) and KI (key informant). All respondents, key informants and Hansard voices were allocated specific numbers for identification and acknowledgement.

In summary, this chapter has: described and justified the design; specified the study site and target population; elaborated on the sampling procedure and sample size; clarified how research instruments were linked with study objectives; outlined the data collection procedures; explained how data was analysed; and presented the ethical considerations.

The next chapter presents the study findings and discussion.

CHAPTER FOUR

PRESENTATION OF FINDINGS AND DISCUSSION

4.1 Introduction

The previous chapter outlined the research methodology. This chapter presents the findings and discussion. The chapter begins with demographic characteristics of respondents. The chapter then presents the findings under each of the study objectives and themes namely: the legislative agenda of women parliamentarians in Kenya's National Assembly 2013 -2017; the methods women parliamentarians used to pursue their legislative agenda; challenges faced by women parliamentarians in pursuing their legislative agenda; and measures proposed by respondents to improve women parliamentarians' legislative influence in Kenya's National Assembly.

4.2 Demographic Characteristics of Respondents

Respondents were asked to state their demographic characteristics. The findings are presented under age, marital status, religion, educational and professional background, parliamentary experience and party affiliation.

4.2.1 Age of Respondents

In this section, findings on the age of respondents are presented. Global statistics show that majority of women parliamentarians are middle-aged (IPU, 2016). The study

documented the age of respondents to determine consonance with the global pattern.

Figure 4.1 shows the distribution.

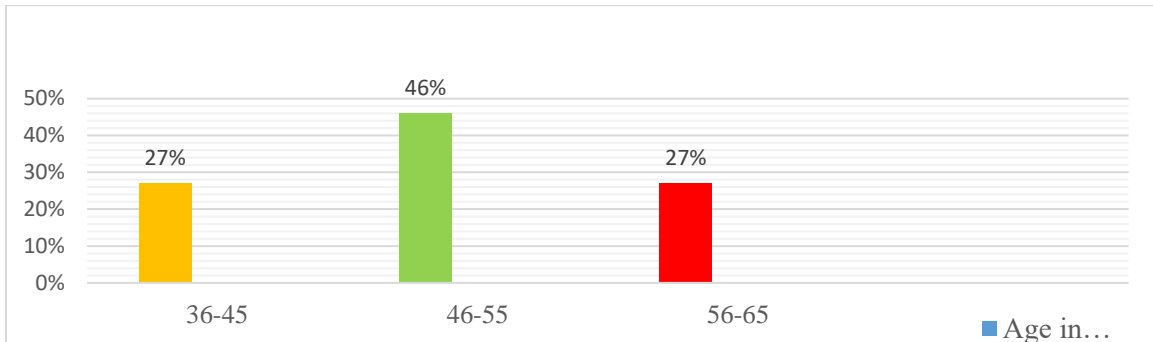


Figure 4.1: Age of Respondents

Figure 4.1 shows that all respondents were above 35 years of age distributed as follows: 27% (36-45), 46 % (46-55) and 27% (56-65). In other words, majority respondents were middle aged. This is a common global pattern attributed to the fact that most women seek political office when direct child care responsibilities have subsided (IPU, 2016). This variable was related in the study to women’s legislative agenda, especially focus on family laws, that are presented in Section 4.3.

4.2.2 Marital Status of Respondents

Respondents were asked to state their marital status. The percentage distribution is presented in Figure 4.2.

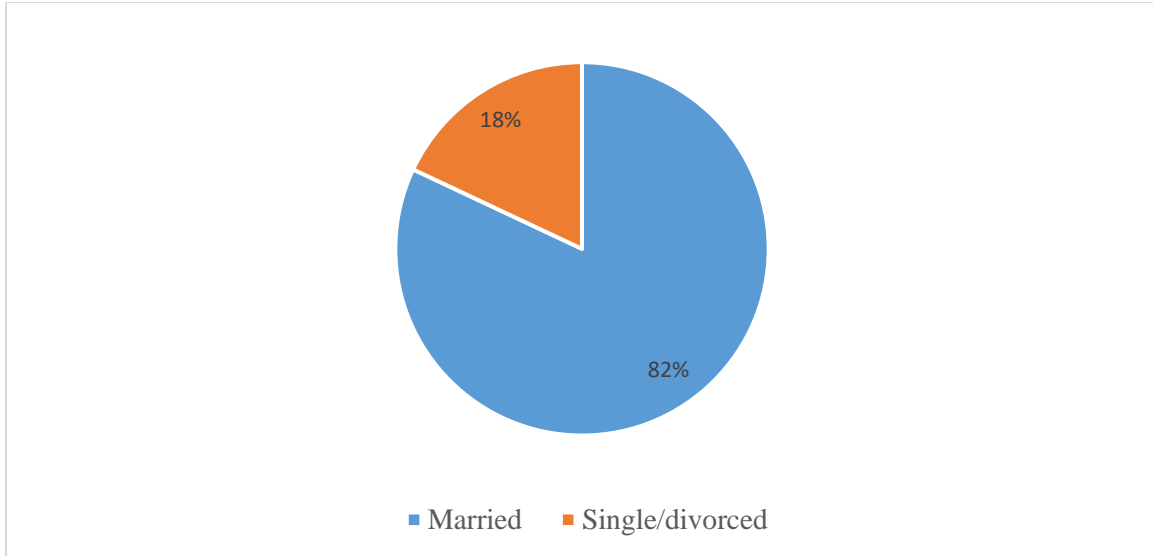


Figure 4.2: Respondents' Marital Status

Figure 4.2. shows that 82% of respondents were married while 18% were separated/divorced. This factor relates to home-work balance as parliamentary schedules often ignore women's domestic responsibilities (Goetz & Hassim, 2002). This variable was relevant in the study with regard to the legislative agenda of women parliamentarians as it featured during debates on domestic violence and reproductive health. All respondents reported these as matters that affected them directly hence of primary interest.

4.2.3 Respondents' Religions

The study documented the religions of respondents. The distribution is presented in Figure 4.3.

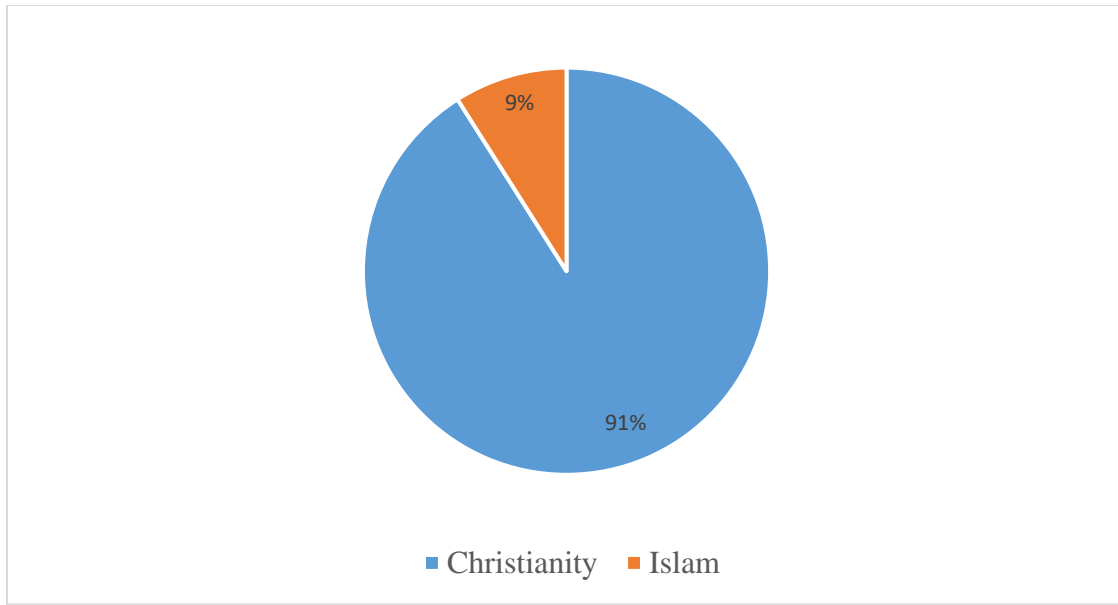


Figure: 4.3: Religions of Respondents

As Figure 4.3. depicts, 91% of respondents were Christians and 9% Muslims. Religion was considered important to help identify if it influenced the legislative agenda and participation of women parliamentarians. The study established that religion featured during debates on laws on marriage and matrimonial property. Respondents pointed out that women from the Islamic faith abstained from such debates because their views could compromise their political careers. Religion was also an issue with regard to the parliamentary gymnasium. Respondents reported that Muslim women parliamentarians could not use the facility because it lacked the kind of privacy their religion prescribes on proximity with men. This subject was relevant under proposals made by respondents on gender mainstreaming in the National Assembly, presented in Section 4.6.

4.2.4 Respondents' Educational and Professional Backgrounds

Formal education of parliamentarians in Kenya is an electoral requirement (RoK, 2013, p. 77). It is also associated with exposure, enlightenment, knowledge and confidence to effectively participate in legislative work (Mitullah, 2010). This study therefore documented the formal educational backgrounds of respondents. The findings are presented in Figure 4.4.

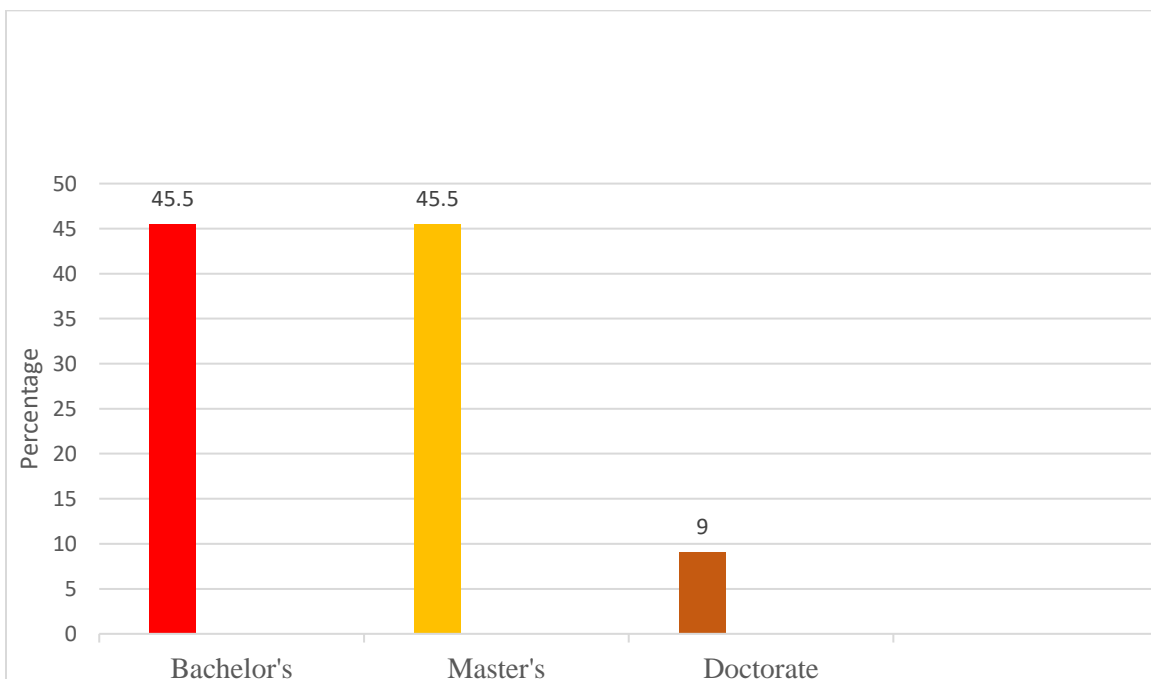


Figure 4.4: Respondents' Level of Formal Education

Figure 4.4 shows that 45.5% of respondents had bachelor's, 45.5% master's and 9% doctorate degrees. It is thus clear that the majority had the minimum educational qualifications for legislative election and work in Kenya, which is post-secondary school education (NDI, 2011). This echoes findings that most women parliamentarians globally

have at least a first degree, a factor cited as contributory to their ability to perform legislative work (Mitullah, 2010; Latt et al, 2017).

The study further documented the professional backgrounds of respondents. The findings are presented in Figure 4.5 below.

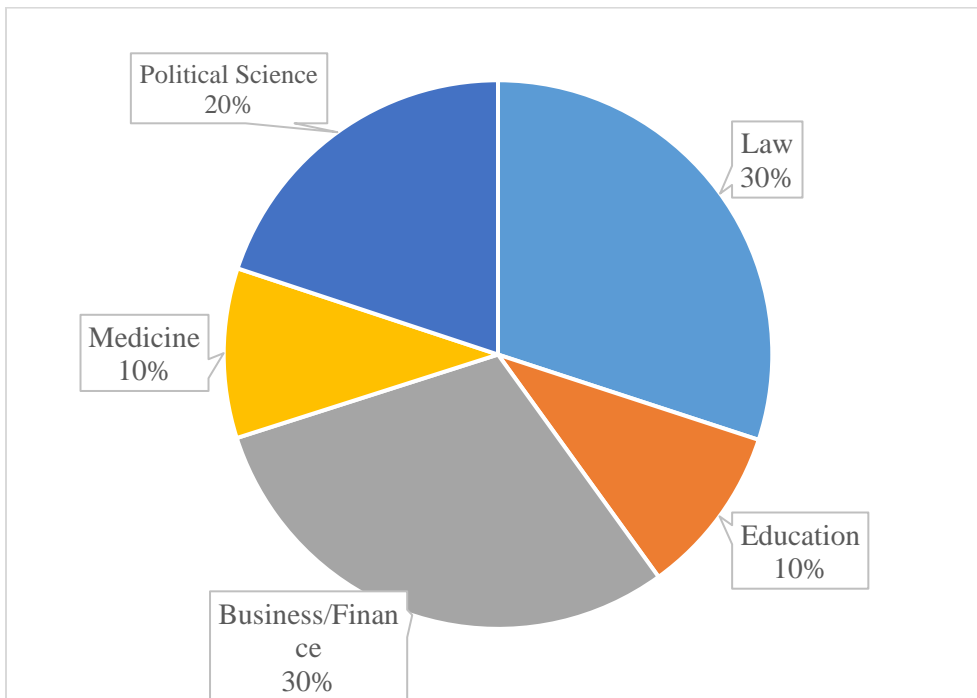


Figure 4.5: Respondents' Professional Backgrounds

Figure 4.5 shows that respondents' professional backgrounds were: law (30%), education (10%), business/finance (30%), medicine (10%) and political science (20%). The pattern shows that a majority were from law and business/finance followed by political science.

This corresponds with global statistics which show that most women parliamentarians come from business, public and non-profit sectors (Rosenbluth et al., 2015; Latt et al., 2017). Study respondents reported that professional backgrounds informed their insights

on parliamentary debates and was used by political parties to place them in departmental committees. Mzalendo (2015, p. 31) confirms that the contributions of women in the National Assembly were “*greatly influenced by their ...professional backgrounds*”. The finding underlines that this variable is indeed a determinant of women’s legislative influence, a fact established to have informed the Bills they sponsored as shown in Section 4.3.

4.2.5 Respondents’ Parliamentary Experience

Legislative experience is a basic indicator of familiarity with and ability to navigate the procedures of the National Assembly towards asserting influence (Mzalendo, 2015). The study therefore documented whether respondents had been in parliament before and if so, for how many terms, including the current one. The findings are presented in Figure 4.6.

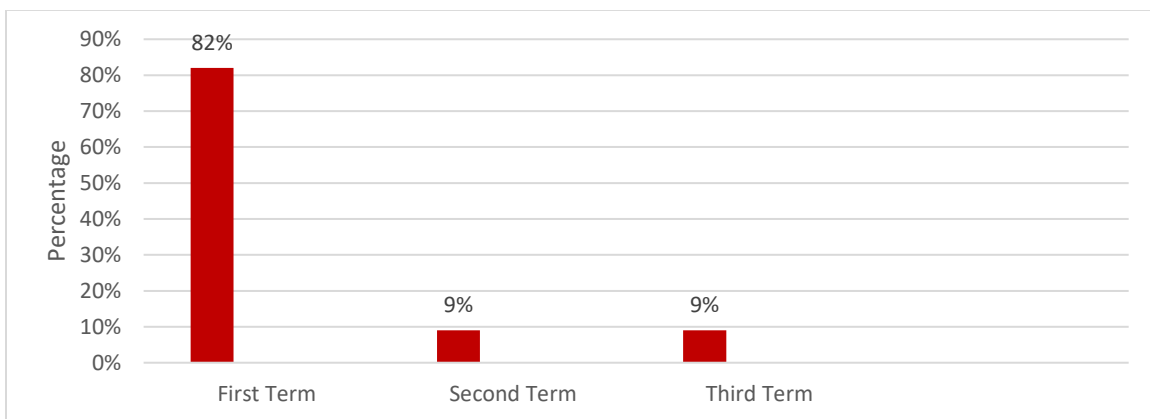


Figure 4.6: Respondents' Parliamentary Experience

Figure 4.6 shows that majority (82%) of respondents were in parliament for the first time while the minority (9%) were on their second and a similar percentage on third terms.

The large number serving their first term was directly related to the introduction of the 47

affirmative seats for CWRs as explained in the background to the study. Logically, most had no parliamentary experience and were unfamiliar with legislative practices, a factor that respondents cited to have limited their ability to generate Bills and manoeuvre the formal and informal networks where decisions were made. Studies such as Falch (2010) and Latt et al. (2017) confirm that inexperience compromises women parliamentarians' ability to draft Bills and contribute to debate as these require conformity with prescribed rules, procedures and traditions. This study discusses inexperience as a challenge to the legislative influence of women in the National Assembly in Section 4.5.

4.2.6 Respondents' Political Parties

Alignment of women parliamentarian' standpoints with party positions has been shown to compromise their solidarity (Amundsen & Kayuni, 2016; Latt et al., 2017; Sanbonmatsu, 2017). On the other hand, belonging to the ruling party enables women to ascend parliamentary leadership positions through which they gain important skills and greater influence on legislative decisions (Parry, 2014).

Article 99 of the COK 2010 allows contestants for political office to seek office as independent or party candidates. Data on the 2013 elections shows that all the women parliamentarians were either elected on the platforms of or directly nominated by political parties (IEBC, 2013). The study therefore sought to establish the party affiliations of respondents. The percentage distribution is presented in Figure 4.7.

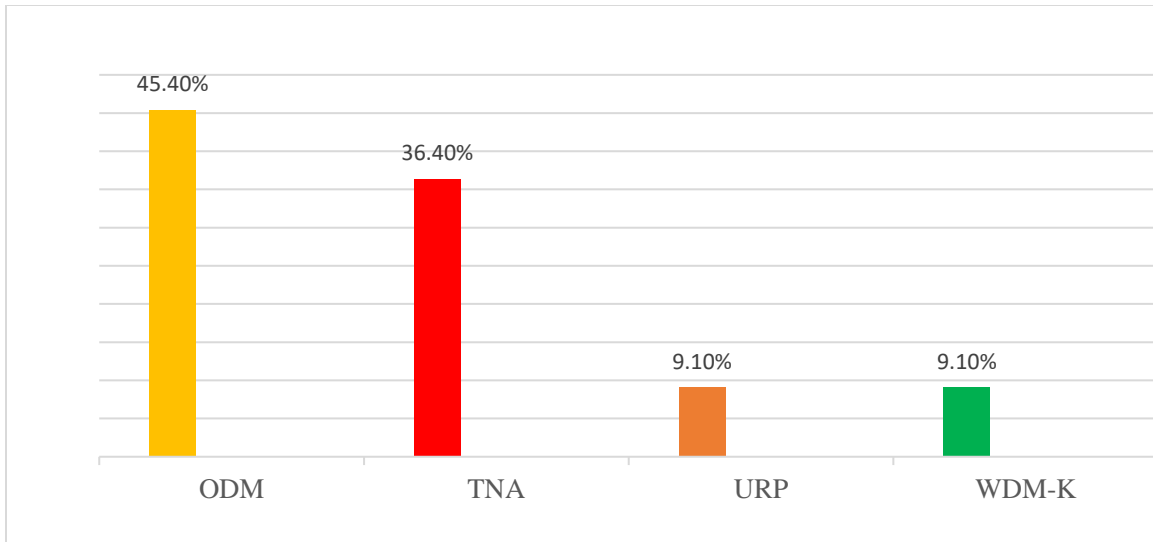


Figure 4.7: Respondents' Political Parties

Figure 4.7 shows that respondents were distributed as follows by political party affiliation: Orange Democratic Movement – ODM (45.4%), The National Alliance – TNA (36.4%), United Republican Party - URP (9.1%) and Wiper Democratic Movement-Kenya – WDM-K (9.1%). This aggregates to 45% being from the ruling Jubilee coalition (TNA and URP) and 55% from the opposition CORD (ODM and WDM-K).

Party diversity was important for representativeness of views, triangulation and assessing whether women took divergent positions due to their political affiliation. In addition, the study investigated whether party differences compromised their ability to work in solidarity as speculated in Nzomo (2011). The diversity was also important in terms of distribution in parliamentary committees. Respondents pointed out that since parties had the prerogative to allocate and withdraw members from committees, internal party negotiations resulted in some of them ascending influential committee leadership

positions. The effect of this is examined in Section 4.4 while the negative impact of party loyalty is highlighted in Section 4.5.

The next section presents findings on Objective One of the study - the legislative agenda of women parliamentarians.

4.3 Legislative Agenda of Women Parliamentarians in Kenya's National Assembly of the 11th Parliament (2013 -2017)

The first objective of the study was to identify the legislative agenda of women in Kenya's National Assembly of the 11th parliament (2013-2017). This was the country's first legislature to have beneficiaries of gender quotas due to Article 97 of the COK 2010 which created 47 affirmative seats for CWRs, purposely to diversify the National Assembly and its decisions. The affirmative seats increased the number of women in the National Assembly from 22 in the 2007 – 2012 cycle to 68 in the 2013 -2017 period. It is against this background that the study interrogated their agenda and influence on legislation in the National Assembly.

The agenda was determined through interviews with sampled women parliamentarians and a scan of the Hansard. Responses were clustered thematically and tallied by the number in support. The aggregate list consisted of four themes as ranked in Table 4.1.

Table 4.1: The Agenda of Women Parliamentarians

Rank	Theme	No. of Women Citing Agenda		
		Hansard	Interviews	Cumulative
1.	Increasing the number of women in the National Assembly, its committees and senior public positions.	68	6	74
2.	Women's personal welfare, dignity and respect.	56	8	64
3.	Livelihoods and household welfare.	38	9	47
4.	Family Bills (Marriage Bill, Matrimonial Property Bill & Protection against Domestic Violence Bill).	29	10	39

Table 4.1 captures the four main legislative agenda pursued by women in Kenya's National Assembly 2013 -2017. It is through the listed agenda that women sought to principally influence legislation. The influence was measured through various assessments. The study first looked at the Bills sponsored by women. It then enumerated the number that were passed as confirmation of their influence on legislation. Second, the study analysed the views expressed by women on various matters debated in parliament to establish recurrent patterns as a way of establishing their legislative agenda. This was augmented by assessing whether their views were eventually reflected in the Bills that were passed. Furthermore, the study identified the petitions submitted by women and determined that they focused on welfare issues. This was followed by confirming the decisions made on the Bills and petitions by women to measure the success of their agenda.

4.3.1 Increasing the Number of Women in Parliament, its Committees and Senior Public Positions

One of the main agenda of women parliamentarians in the National Assembly was to increase their numbers in the institution and its committees, as well as support their category in senior public positions. This was highlighted by six (55%) of women interviewed and all during parliamentary debates.

The quest for increased numbers can be traced back to 1997 when a woman parliamentarian moved a Bill to have at least 33% of parliamentary seats reserved for women (Kanyi, 2016). The Bill was defeated based on the argument that

male MPs represented everybody...there was already one Assistant Minister for Culture who was a woman... and...the Constitution did not prevent women from coming to parliament (ibid, p. 6).

The passage indicates that opposition to the Bill was based on persuasions that representation is not an identity issue and the dearth of women in the Cabinet was not considered problematic by the men in parliament. More critical is the insinuation that since the Constitution did not bar women from joining the institution, they had themselves to blame for the low numbers. The arguments would be valid if they explained why women could also not represent “*everybody*”, like the men, and reasons behind the appointment of only one to the Cabinet, yet there were nine in that National Assembly (FIDA, 2013). They also ignored factors that limit women’s success in elections, which include patriarchal political parties, gender-based violence, lack of resources and historical domination of politics by men (FIDA, 2013; Biegon, 2016). In essence, these arguments assumed that constitutional requirements are always translated into action. Historical patterns confirm this to be the case as evident from statistics on women in previous parliaments (FIDA, 2013).

A version of the Bill was tabled by another woman parliamentarian in 2001. The Attorney-General (AG) advised, however, that it be referred to the Constitution Review Commission of Kenya, which was working on embedding gender quotas in law (Kanyi, 2016). Affirmative action was eventually provided for in Article 27 (8) of the COK 2010 which directs that:

the State shall take legislative and other measures to implement the principle that not more than two-thirds of the members of elective or appointive bodies shall be of the same gender...(including) affirmative action programmes and policies (RoK, 2010, p. 24).

The cited article proposes gender quotas to reduce the gap in the numbers of women and men in parliament and other bodies. Against this background, the AG, on 8 October 2012, sought an advisory opinion from the Supreme Court on whether the two-thirds principle was to be applied immediately or progressively. The court, on 11 December 2012, held that it was not an immediate right but advised the National Assembly to pass relevant legislation on the principle on or before 27 August 2015. This effectively prescribed a deadline for the National Assembly to comply with the Constitution. In the event that it failed to do so, the advisory held that any citizen could petition the court to declare parliament unconstitutional based on articles 261(5), (6) and (7) of the COK 2010 (See *In the Matter of the Principle of Gender Representation in the National Assembly and Senate (2012): Advisory Opinion No. 2 of 2012* available at kenyalaw.org/caselaw/cases/view/85286/). It is important to note, however, that the Constitution itself allowed the National Assembly, through Article 261 (2), to defer passage of the two-thirds legislation by a year. This created an obvious loophole for procrastination.

Following the advisory, the AG constituted a technical working group to develop an implementation formula. The group recommended nomination of over 90 more women to the National Assembly in future elections and presented it as the basis for the Constitutional Amendment Bill No. 6 of 2015 to embed the principle in law (IEA, 2015). On 30 April 2015,

however, the Justice and Legal Affairs Committee of the National Assembly published the Constitution of Kenya (Amendment) Bill which did not reflect the recommendation (ibid).

The Bill was opposed by women parliamentarians who considered it retrogressive for not specifying a time frame within which to achieve the principle. They observed that the Bill instead proposed a vague process called “*progressive realisation*” (Hansard 26 October 2016PM, p. 6-35). This points to a deliberate and cynical resistance to the principle and may be construed to mean that majority members of the committee were uncomfortable with it hence tactically framed the Bill in such a way that it would automatically be unacceptable to women, who wanted instant results in the next elections. Such an interpretation is given credence to by the fact that the next two Bills from the same committee were also non-committal on the time frame for implementing the principle (CREAW, 2019).

In an apparent bid to comply with the Supreme Court advisory, the Leader of the Majority Party moved the Constitution of Kenya Amendment Bill, No. 6 of 2015 before expiry of the August 27, 2015 deadline. It required nomination of additional women in proportion to the numerical strength of each political party represented in the National Assembly. This Bill was supported by women parliamentarians, a sample of whose arguments are now presented.

In the last parliament where ...we were only 22...we were unable to pass crucial bills that affect women. In this current parliament... we have passed four critical laws that touch on ...women ... because we have a bigger voice. We are asking for a much bigger voice so that we can even bring more (such) laws (WH-12, Hansard, 22 March 2016PM, p. 21).

In Uganda, 34 per cent of the legislators are women...That tells you that our sister countries are way far beyond us (WH-5, Hansard, 22 March 2016PM, p. 21).

The two-thirds gender principle tries to ...(ensure)... that we do not have one gender that dominates politics and the House... If the voice of women is missing, then a lot is missing (WH-2, Hansard 21 April 2016AM, p. 27).

The first statement claims that since the 68 women in this National Assembly had influenced passage of laws beneficial to women, an increase in numbers would lead to more such pieces of legislation. While this may not necessarily be true, it is predicated on an assumption that women parliamentarians always acted in unison and had the requisite numbers to pass laws. The second remarks depict Kenya as retrogressive in comparison with its neighbour, Uganda, hence was aimed at stimulating a guilty conscience to move parliamentarians to pass the Bill. The last statement emphasise that women's increased numbers helps in diversifying legislative voices, enhancing inclusion and improving the quality of legislation. It also suggests that domination by one gender leads to skewed perspectives hence the need to have more women in the National Assembly. A respondent argued that since *“men do not have similar priorities to women, if there was a significant number of women, the issues prioritised would be passed”* (WR-10, OI, 28.7.2016). All the statements converge on the fact that men's domination needed to be reduced.

The remarks echo findings in Strachan (2015), UBOS (2017) and Hassan (2018) that women parliamentarians rely on their increased numbers from gender quotas to make legislation more responsive to issues of gender equality and social welfare. This coheres with the Critical Mass Theory that an increase in the number of women in an institution is an initial measure of non-discrimination and a means to further outcomes (Kanter, 1977). It also shows that the women's agenda was anchored on liberal feminism on inclusion in representation as a right (Mill, 1869).

Had the pleas by women parliamentarians been heeded, the intent of the Constitution to reduce men's domination of the National Assembly would have been realised. Unfortunately, all the constitutional amendment Bills to achieve that were defeated.

A related quest was to raise the proportion of women in committees of the National Assembly. Committees enhance division of labour among members, examine issues in more detail than done in plenary and provide avenues for communication with the public. They also: generate, review

and monitor legislation; scrutinise government expenditure; and conduct research (NAK, 2017b).

Article 124 of the COK 2010 mandates the establishment of committees. In this regard, it is important to clarify how the committees are composed, their types, roles and eventual membership.

Standing Order No 174 of the National Assembly requires that committee members be nominated to reflect the relative numerical strength of parliamentary political parties. Members are nominated by the House Business Committee (HBC) in consultation with political parties who nominate based on their internal interests and members' technical capacities to influence thematic matters handled by the committees (WR-4, O.I. OI, 6.8.2016). The parties can retain or remove a parliamentarian from any committee in line with its internal interests. Table 4.2 summarises the four main categories of committees in Kenya's National Assembly 2013 -2017 and their roles.

Table 4.2: Committee Types by Roles

SN	Type of Committee	Roles
1	Departmental committees e.g. Education, Health etc.	Mirror the functions of government ministries. Generate majority of the Bills introduced in the National Assembly.
2	Oversight committees e.g. Public Accounts Committee.	Scrutinise public accounts, investments and special funds to check government's compliance with the law and accountability principles.
3	Housekeeping committees e.g. Health and Catering.	Handle the internal operations of parliament e.g. procedures, privileges and members' welfare.
4	Select committees e.g. Committee on Implementation of the Constitution.	Deal with specialised functions such as budgets, regional integration, implementation of legislation and constitutionalism.

(Source: NAK, 2007b).

Each committee has an elected chairperson and vice, except where the leadership is prescribed. For example, the Standing Orders specify that the HBC, Committee on Appointments, and Procedure and House Rules Committee must be chaired by the Speaker of the National Assembly. As well, the Public Accounts Committee is traditionally chaired by a member of the opposition party or coalition to ensure relative independence in its oversight functions.

In the previous National Assembly (2007 -2012), ten of the twenty-five committees had no women. These were committees on: defence and foreign relations; energy, communications and information; finance, planning and trade; health; local authorities; transport, public works and housing; public investments; local authorities and funds accounts; house broadcasting; and Constituency Development Fund (FIDA, n.d).

Although the source does not indicate why these committees had no women, it is deducible that the paucity resulted from their low numbers and the need by parliament to accommodate every MP into at least one committee, as a standing practice. Women's highest presence was 6% in the Select Committee on Review of the Constitution. This limited women's opportunity to influence decisions in their favour (FIDA-K, n.d.).

The low presence of women in the committees may be attributed to their overall numbers. There were 22 women in this Assembly. Were they evenly spread, they would still occupy only 22 committees and be missing in three. Considering, however, that the Catering Committee, Select Committee on the Review of the Constitution and House

Business Committee were allocated more than two women while others had none, it is apparent that the allocation was arbitrary. Such a pattern automatically limits the ability of women to leverage committees for legislative influence.

To address the situation, women in the National Assembly of the 11th parliament petitioned to be allocated at least one third of committee positions or numbers reflecting their proportion relative to the total membership (Hansard 17 April 2015AM, p. 5; 25 February 2016PM, p. 13-14). The National Assembly agreed to allocate at least 20% of the positions in each committee to women to align with their overall proportion (Hansard, 17 April 2013AM, p. 6). Table 4.3 shows the distribution of committee positions at 25 October 2016.

Table 4.3: Committee Membership by Gender as at October 25, 2016

	Name of Committee	Men	Women	Total
1	Administration & National Security Committee	22 (81%)	5 (19%)	27
2	Agriculture, Livestock & Co-operatives Committee	24 (83%)	5 (17%)	29
3	Defence & Foreign Relations Committee	23 (79%)	6 (21%)	29
4	Education, Research & Technology Committee	18 (64%)	10 (36%)	28
5	Energy, Communication & Information Committee	22 (81%)	5 (19%)	27
6	Environment & Natural Resources Committee	21(75%)	7 (25%)	28
7	Finance, Planning & Trade Committee	26 (93%)	2 (7%)	28
8	Health Committee	25 (86%)	4 (14%)	29
9	Justice & Legal Affairs Committee	25 (86%)	4 (14%)	29
10	Labour & Social Welfare Committee	20 (69%)	9 (31%)	29
11	Lands Committee	23 (82%)	5 (18%)	28
12	Transport, Public Works & Housing Committee	26 (90%)	3 (10%)	29
13	Public Investments Committee	24 (89%)	3 (11%)	27
14	Public Accounts Committee	24 (89%)	3 (11%)	27
15	Budgets & Appropriations Committee	43 (86%)	7 (14%)	50
16	Committee on Selection	13 (65%)	7 (35%)	20
17	Committee on Appointments	14 (64%)	9 (36%)	25
18	Committee on Delegated Legislation	26 (93%)	2 (7%)	28
19	Committee on Implementation (of resolutions)	22 (79%)	6 (21%)	28
20	Committee on Regional Integration	21 (75%)	7 (25%)	28
21	Constitutional Implementation Oversight Committee	19 (73%)	7 (27%)	26
22	National Government Constituency Development Fund Committee	18 (95%)	1 (5%)	19
23	Catering & Health Club Committee	22 (76%)	7 (24%)	29
24	House Business Committee	21 (66%)	11 (34%)	32
25	Liaison Committee	17 (71%)	7 (29%)	24
26	Procedure & House Rules Committee	13 (81%)	3 (19%)	16
27	Pensions Committee	3 (100%)	0 (0%)	3
28	Privileges Committee	9 (82%)	2 (18%)	11
29	Joint Committee on National Cohesion & Equal Opportunity	9 (64%)	5 (36%)	14
30	Joint Committee on Parliamentary Broadcasting & Library	12 (71%)	3 (29%)	15

Source: <http://www.parliament.go.ke/the-national-assembly> (Accessed on January 9, 2017)

From Table 4.3, it is evident that the 20% agreement was implemented in only 13 (43%)

of the 30 committees with the highest numbers of women being in Education, Research

and Technology Committee (36%), Committee on Appointments (36%) and House Business Committee (34%). The table further indicates that the lowest numbers of women were in committees dealing with finance, planning and trade (7%) and pensions (none). This is a reflection of the 10th parliament hence perpetuation of the notion that some themes are exclusive to men, as pointed out by Erikson and Josefsson (2019). A scrutiny of the table shows that some committees had fewer women than others even when the total numbers were the same. For instance, both the Justice and Legal Affairs and the Labour and Social Welfare committees had 29 members each but the former had only four women while the latter had nine. The three-member Pensions Committee had no woman.

This shows that the positions were not allocated using any standard formula.

Furthermore, the distribution did not comply with Standing Order 173 (1) which requires that selection of committee members should

give consideration to ...gender balance and, so far as may be practicable, ensure that no more than two-thirds of members of a committee of the Assembly...be of the same gender.

Moreover, neglecting the agreement to allocate at least 20% of all committee positions to women suggests that the National Assembly accepted it for expediency rather than conviction or recognition that the overall numbers would not guarantee such to be achieved.

Based on total size of the National Assembly (349), if the 30 committees were evenly constituted, each would have eleven members with two women. Men would therefore still be a majority. The numerical inferiority of women was therefore a fatalistic pre-destination that would not be overcome by any clamour for greater inclusion. As such, therefore, the quest was only valid from the premise that it is easier to be heard in committees than in the plenary where competition for attention is higher.

Considering that there was no woman in 10 (40%) committees in the 10th parliament, however, this National Assembly achieved a better spread of women in committees as only one (on pensions) was occupied by men only. Women's maximum presence also increased from 6% to 36%. Furthermore, this National Assembly surpassed the 30% threshold of women's membership in some committees, which had not been achieved in earlier legislatures (Nthiiri, 2014).

Interrogated against Tenet One of the Critical Mass Theory that the 30% threshold begins to tilt an institution and accord women power to influence its decisions and culture, the configuration achieved implies that women had a higher potential to determine legislative proposals tabled by committees for debate. Notwithstanding this supposition, the fact that women remained a minority in all committees means that they would not be able to tilt decisions without the support of men. In other words, they were still in an overall position of disadvantage.

According to one respondent, women parliamentarians also “*sought committee leadership positions because the chairpersons mobilise support for and determine the final contents of Bills*” (WR-4, OI, 6.8.2016). Table 4.4 lists the committees led by women by positions held.

Table 4.4: Committee Leadership Positions by Women

	Chairpersons	Vice Chairpersons
1	Education, Research & Technology Committee.	Justice & Legal Affairs Committee.
2	Environment & Natural Resources Committee.	Labour & Social Welfare Committee.
3	Committee on Health.	Budgets & Appropriations Committee.
4	Committee on Regional Integration.	National Government Constituency Development Fund Committee.
5	Committee on Implementation (of resolutions)	Procedure & House Rules Committee.
6	Catering & Health Club Committee.	
7	Liaison Committee.	

Source: <http://www.parliament.go.ke/the-national-assembly> (Accessed on January 9, 2017).

As Table 4.4 shows, women chaired seven committees and were vice chairpersons of five. This works out to 23% and 17% of chairpersons and vice chairpersons of all committees respectively. This was achieved through women’s insistence that “*men should not take all the positions*” (WR-5, OI, 18. 1. 2017). The demand was articulated by one woman parliamentarian as follows:

I want to remind the committee that is looking at the Standing Orders that we expect, as women members in this House, to be given our rightful role. First of all...we must have some committees chaired by women. We are also saying that you should not take us to committees that are seen to be junior ... We can chair important committees. I am saying this because I know that many times in the history of this parliament, women are taken to the Catering Committee. We are not here to cater for anybody (WH-12, Hansard 24 April 2013AM, p. 7).

These sentiments sought to pre-empt domination of committee leadership positions by men and stereotypical allocation of the Catering Committee to women as in previous parliaments. Despite the protests, however, leadership of the Catering Committee was still allocated to a woman as shown in Table 4.4. The statement that “*we are not here to cater for anybody*” is a protest against extending women’s domestic gender roles to the public sphere. This is a problematic norm that “*the role of women ... is to be caretakers*” (Bouka, et al, 2018, p. 38). From a theoretical perspective, it coheres with the “*woman’s slot*” trap in the Critical Mass Theory, that certain positions are automatically assigned to women regardless of their interest and based on stereotyped assumptions about gender roles. That the National Assembly retained this pattern is symptomatic of a residual mindset that despite their high offices, women parliamentarians must conform to traditional gender norms and roles.

To put the women’s demands for committee leadership into perspective, it is important to look at the powers and roles of the chairpersons. Standing Order 180 designates chairpersons as the committee spokespersons. This automatically gives them more speaking opportunities than ordinary members by virtue of having to respond to petitions and present Bills and departmental reports. From this, they gain greater visibility and have platforms to influence legislation.

Evidence of this is provided in Mzalendo (2015) that among the most active and effective parliamentarians in this National Assembly were three women chairpersons of committees. One such parliamentarian confirmed that she used her

role in the leadership of the Justice and Legal Affairs Committee to accelerate drafting and tabling of Bills on marriage, matrimonial property and domestic violence (WR-4, OI, 6.8.2016).

It is inferable from the statement that were she not in the leadership position, the Bills would have been delayed and become ineligible for debate. The findings cohere with Parry (2014) that women's ascension to parliamentary leadership positions affords them greater influence on legislation. They demonstrate that the quest for committee leadership positions had merit as it elevated women above ordinary committee members in terms of determining the content and direction of legislation.

From these findings, the study observes that although women still constituted a minority in the committees, their improved inclusion was a result of their assertive demands. The fact that they had to agitate for these positions, however, illustrates that the mere existence of a constitutional principle and a plenary agreement did not guarantee inclusion. Success in getting included, and findings that they were effective as committee leaders, confirm the standpoint in liberal feminism that marginalising women is fallacious and denies the society the benefit of their talents (Wollstonecraft, 1792; Mill, 1869).

Nevertheless, the persistent allocation of the leadership of the Catering Committee to women, despite a clear objection, is indicative of a problematic fixed mindset that they must still conform to traditional gender norms, a tendency to fit them into predetermined roles as pointed out in the Critical Mass Theory.

Women parliamentarians also petitioned for inclusion of their type in senior public offices. The following remarks illustrate.

As ladies, we are a rare species in leadership. When one of us is nominated for appointment... we should support her by all means (WH-16, Hansard, 2 April 2015PM, p. 90).

Women are always discriminated against. If there is a female police officer who can rise to the position of the Inspector General or deputy, then she should not be dropped in favour of a man... (WH-18, Hansard, 4 December 2013AM, p. 36).

There are certain times of the month that we may be moody...If such things are not considered ... then you will send enough women who are exceptional judges and magistrates home (WH-1, Hansard, 9 July 2015AM, p. 10).

The first remarks were made during debate on the nomination of a woman to the Judicial Service Commission, which women parliamentarians unanimously supported. It outlines that because of men's domination of leadership, women parliamentarians had an obligation to support their own for such positions. While this demonstrates women's solidarity, it embodied the risk of ignoring merit if exercised blindly.

The second statement arose in opposition to a Motion by a male parliamentarian to remove the requirement that if the Inspector General (IG) of Police was a man, the deputy must be a woman, and vice versa. The remark specifically identifies discrimination against women as a common practice and notes the conspiracy to reverse a progressive regulation that guaranteed them a senior leadership position in the police service. Women parliamentarians interviewed averred that this was a deliberate scheme to remove the then Deputy IG, who was a woman.

True to their suspicions, the officer was actually removed from office and replaced by a man on 2 September 2015 (Ombati & Wenangula, 2015). The Motion in the National

Assembly and the subsequent removal demonstrate not only an orchestrated scheme to marginalise women from leadership, but also a stereotype that certain positions, such as leadership of the police service, belong to men by right. The officer in question was the first woman to hold such a position in the country's history, having been appointed on 22 January 2013 through Kenya Gazette Notice No. 1079 (kenyalaw.org/kenya_gazette/gazette/volume/Nzk1/Vol.%20CXV-No.%2011)

The last statement in the box castigated the Judges and Magistrates Vetting Board for dismissing a judge from office simply because of her temperament. It suggests that such temperament could be the result of a natural process hence using it against the judge was discriminatory. By implication, it suggests that if not curtailed, this could legitimise use of factors extraneous to technical competence and performance to discriminate against women in senior appointments.

This study notes that all the statements analysed advocate inclusion and retention of women in senior public positions. Combined with the quest for committee leadership positions, they demonstrate that women parliamentarians undertook to challenge biased treatment both inside and outside the National Assembly. Their action coheres with the tenet of substantive representation which, according to Childs and Krook (2009), consists of pursuits to create a positive effect on matters that affect all women.

In the context of the Critical Mass Theory, the quest for inclusion seeks to increase women's numbers as a first step towards reducing discrimination and alienation by the

presence and culture of the dominant group of men (Kanter, 1977). It resonates with liberal feminism (Mill, 1869) that whimsical discrimination against women is unjust. The women's quest can thus be seen as a claim to diversity as envisaged in articles 27 (8) and 81 (b) of the COK 2010 and its Bill of Rights that outlaw discrimination on various grounds including gender.

4.3.2 Family Bills

Bills on family matters have been part of women parliamentarians' agenda in different countries. In Uganda, women parliamentarians sought to have the Domestic Relations Bill (2003) passed to address divorce, widow inheritance, marital rape, bride price and equality between spouses (Froimovich et al., 2013). South African women parliamentarians-initiated legislation to equalise customary and statutory marriages (Meintjes, 2005).

The expression "*family bills*" was used in the National Assembly to refer to the Marriage, Matrimonial Property and Family Protection Bills given their focus on marital issues, custody of children, succession and relationships within the domestic sphere (Hansard 16 July 2013). These Bills were identified as a priority by 91% of women interviewed and 29 (43%) during legislative debates. This section highlights the women parliamentarians' focus on the contents of and justifications for the Bills and the eventual decisions by the National Assembly. The three Bills emanated from the Justice and Legal Affairs Committee whose deputy chair was a woman.

According to NAK (2017a), a Bill may originate from a political party, the executive arm of government through the AG, a committee of the House, individual parliamentarian or member of the public. Once a Bill is passed on the floor of the National Assembly, it is presented to the President for assent and is henceforth referred to as an Act of Parliament, once signed.

When the list of parliamentary business was presented in July 2013, women parliamentarians asked that the family Bills be given preference. They argued that these Bills contained important provisions on the rights of women and had been carried over from the previous National Assembly (Hansard 16 July 2013). Side-lining them would therefore be insensitive to women's interests. The specifics and fates of each Bill are discussed next.

4.3.2.1 The Marriage Bill 2013

The Bill's history goes back to 6 April 1967 when the then President, Mzee Jomo Kenyatta, established the Commission on the Law of Marriage and Divorce to come up with a uniform statute applicable to all persons in Kenya with "*particular attention to the status of women in relation to marriage and divorce*" (Cotran, 1996, p. 195). Marriage in Kenya was then governed by multiple laws namely: Marriage Act 1902; Subordinate Courts (Separation and Maintenance) Act 1929; Mohammedan Marriage and Divorce Registration Act 1906; Matrimonial Causes Act 1941; Hindu Marriage and Divorce Act 1960; African Christian Marriage and Divorce Act 1931; and customary laws. The multiplicity "*create (d) numerous problems of conflict and administration*" as there was

no uniformity with regard to age requirements, consent, registration and grounds for divorce (ibid). The governing Constitution also excluded marriage and division of the property of a deceased person from provisions on discrimination hence allowed application of customary law on such matters, to women's detriment (Biegon, 2016: FIDA-K, n.d.).

The commission outlined the various weaknesses in the existing laws. It noted that polygamous unions were treated as inferior to monogamous ones. The commission also observed that the laws were vague on the rights of individuals married across religions, races and cultures. Moreover, customary and religious standards on the rights of women were not uniform across communities. Lastly, it noted that the laws placed the burden of proving unregistered marriages on women, which often led to being disinherited if they were unable to convince courts of law on the same (Cotran, 1996).

It subsequently recommended that: all marriages be registered; the minimum age for marriage be 18; bride price be optional; and couples to decide in advance whether their union would be monogamous or polygamous. The commission's submissions also gave women "*the right to object to a subsequent wife on certain defined grounds*" as determined by a Marriage Tribunal, abolished "*Levirate*" unions (widow-inheritance) and gave courts of law the power to determine maintenance for wives and children as well as division of property upon divorce (Cotran, 1996).

A draft Marriage Bill was thereafter tabled in the National Assembly by the leader of government business in 1971. The Bill was defeated because the men in parliament felt that *“it gave women more rights than men”* (Kibwana & Mute, 2000, p. 204). The National Assembly then had 158 members out of whom only two were women - one elected and the other nominated (FIDA-K, 2013). Such a small number would have had little impact on the fate of the Bill were it to be subjected to a vote, especially with the majority men being hostile. The defeat of the Bill meant that the status of women as legally inferior partners in marriage continued to prevail.

The same Bill was re-introduced by the government in the third (1974-1979), fourth (1979-1983) and fifth (1983-1988) parliaments. The number of women in these parliaments was six (1974-1979, 1979-1983) and three (1983-1988) out of 158 parliamentarians. In all these cases, the Bill was defeated based on arguments by men that it was too *“Western”*. This implies that they regarded it as irrelevant to local realities in which marriage did not have to be registered to be valid, women’s approval for a man to take on another wife was not mandatory, age of consent was not standardised, and many marriages were arranged by parents without consulting the bride. Specifically in 1979, they argued that the Bill demonised traditional practices such as polygyny, payment of bride price and Levirate unions (Cotran, 1996). Following this, the government formed a task force in 1993 to:

- a) *review all existing laws, regulations, practices, customs and policies which (had) the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of*

- men and women, of human rights in the civil, political, economic, social, cultural or any other field;*
- b) make recommendations to modify, amend or abolish ... (those) ... which constitute(d) **discrimination against women**; and*
 - c) consider and recommend a comprehensive Bill which (would) render unlawful any discrimination on the basis of sex and promote equality of opportunity between all persons (Cotran, 1996, p 203).*

These terms of reference articulated the government's recognition of discrimination against women as a problem in the existing laws. The recommendations of the task force were drafted into a Bill in 2007 by the Kenya Law Reform Commission (KLRC) after a long lull attributable to hostility by the men in parliament towards previous versions (FIDA-K, n.d.).

The Marriage Bill of 2007, tabled in 2009 by the then Minister for Gender, Children and Social Services, a woman, sought to consolidate the aforementioned statutes into one law and thereby create a singular legal point of reference on marriage. The key provisions of the Bill were: minimum age of marriage as 18; equal recognition and mandatory registration of all marriages; liberty to convert polygamous into monogamous unions; emphasis that bride price should be optional; presumption of marriage after two years of cohabitation; and couples' responsibilities to one another after divorce. In essence, it sought to: protect girls by outlawing child marriages; equalise the status of women in monogamy and polygamy through registration; and neutralise traditional practices that compromised women's rights.

Like its predecessors, the Bill failed due to a perception that it was against traditional marital practices (Baraza, 2009). Parliament then recommended it for “*wider consultations*” with MPs and other stakeholders.

It is to be noted that all the cited Marriage Bills were frustrated by resistance from the men in parliament to provisions challenging traditional practices that subordinated women. It is therefore inferable that this resistance was driven by a determination to retain systems that preserved men’s positions of dominance. Explaining how such marital systems subordinate women, Miruka (2013, p. 26) states that polygyny

diffuses the power games between the husband and wife and diverts it to the co-wives...reinforces the notion of male sexual prowess ...objectifies women...puts the male on a pedestal over the spouses and creates a situation where they have to compete for his attention and resources.

The next attempt was The Marriage Bill (No. 13 of 2013) tabled on February 18, 2014.

The Bill sought to repeal and consolidate the aforementioned multiple laws into one and align them with the country’s 2010 Constitution, which provided for gender equality and recognised local cultural realities (18 February 2014PM, p. 47; 20 February 2014PM, p. 34).

The Bill: defined marriage as the “*voluntary union of a man and a woman whether in a monogamous or polygamous union*”. Further, it: specified 18 as the minimum age of marriage; clarified circumstances under which marital unions could be invalidated; listed the five types of marriages allowable in Kenya (Civil, Christian, Customary, Hindu, and

Islamic); and assigned responsibilities for spousal maintenance. Mandatory registration and certification of all marriages to establish proof was also prescribed.

All the 13 women who contributed to debate supported this Bill for various reasons. The following is a sample of their arguments.

This idea of re-arranging various laws that cover marriage and putting them together... will go a long way in bringing harmony...when it comes to (resolving) disputes, there is a very clear channel (WH-23, Hansard 20 February 2014PM, p. 34).

Now we can have one statute...that recognises... certain realities like polygamy... We are also protecting children ... from getting married (WH-12, Hansard 20 February 2014PM, p. 42).

This Bill protects both men and women (WH-13, Hansard 20 February 2014PM, p. 41).

According to the first remark, the Bill would eradicate disharmony in existing laws and standardise marital dispute resolution mechanisms. The second statement focuses on protection of children, ostensibly girls exposed to under-age marriage by traditional practices, while the third one highlights that the Bill would equally protect men and women hence was not biased. A respondent explained the value of the Bill as follows;

Registration ...recognises women in all marriages and provides documentation when they go to contest.... succession and inheritance... If a woman is able to be housed, her security is there and she is able to have her children provided for (WR-5, OI, 18. 1. 2017).

The gist of the remark is that recognition of all types of marriages invalidated the prevailing notion that monogamy was superior to polygamy, as identified by Cotran (1996). In this regard, polygamous marriages would equally be protected by law as

monogamous ones since all would be certified, which would eradicate the burden on women to prove their marriages. This would protect them from being disinherited of property during succession disputes. The Bill would also guarantee shelter to widows and their children.

From these deductions, it is evident that this Bill incorporated the recommendations of the 1967 commission and were supported by women because it addressed discriminatory practices in customary law and previous legal regimes.

By supporting this Bill, women parliamentarians were essentially reinforcing Article 45(3) of the COK (2010) which states that “*parties to a marriage are entitled to equal rights at the time ofduring ... and ...at the dissolution of marriage*”. This was tantamount to dismantling the patriarchal underpinnings of previous laws which allowed men “*the flexibility to define marriage together with duties and responsibilities flowing from it*” (Kibwana & Mute, 2000, p. 198). Eleven men supported the Bill because it recognised customary marriages and set the minimum age of marriage (Hansard, February 20, 2014)

The Bill was passed on 25 March 2014, assented to on 29 April 2014 and became the Marriage Act 2014. Respondents considered this a significant milestone considering the Bill’s long history, redefinition of the status of different marital regimes and prescription of mandatory means of protection from vulnerability to disinheritance. By arguing for

the provisions of this Bill, the women influenced the final content of the law whose value was summarised by one respondent as follows:

Mandatory registration protects women from being deprived of property when the marriage breaks down or the husband is deceased because there is documentary proof (WR-2, OI, 24.7.2016).

It is to be noted, however, that a clause in the original Bill which required all marriages to be registered was successfully opposed by men who argued that it contradicted the Constitution which allowed Muslims to be governed by religious laws that did not oblige couples to register their unions (Hansard 19 March 2014). The net effect is that women of Islamic faith would still have to prove marriage during disputes. Moreover, this breached the instruction to the 1967 commission to produce a “uniform” law for all Kenyans.

A provision requiring a woman’s consent for the husband to marry an additional wife was also expunged after men argued that African marriages were intrinsically polygamous hence such permission was irrelevant (Hansard 18 February 2014, p. 45). If retained, the provision would have accorded women a say on the configuration of marriage. The exclusion implies that such power was reserved for men.

The findings in this section echo experiences from countries such as Uganda and South Africa where women parliamentarians successfully advocated legislation on marital issues such as divorce, Levirate unions, rape within marriage, bride price and status of marriages contracted under traditional and statutory law (Meintjes, 2005; Froimovich et

al., 2013). By so doing, they tackled patriarchal subordination of women, as described by Hussain (2017).

The Kenyan Bill falls within this quest to eradicate subjugation of women's rights within marriage and reflects liberal feminism that marital legal systems that subordinate women are discriminatory and therefore unjust (Mill, 1869). The unanimous support for the Bill by women coheres with the Critical Mass theory that minorities assume "*the burden of representing their category, not just themselves*" (Kanter, 1977, p. 386). According to IPU and UNDP (2017), this arises from women's shared experience of marginalisation hence their collective determination to create change.

4.3.2.2 The Matrimonial Property Bill (2013)

The Bill can be traced back to 17 March 1967 when the then President, Mzee Jomo Kenyatta, appointed the Commission on the Law of Succession to review the existing laws on succession to property upon death and divorce and draft a uniform code for the whole nation (Cotran, 1996). This was meant to reduce the multiplicity of laws that were based on racial extraction and religion, namely: Indian Succession Act 1865 (Indians); Probate and Administration Act 1881 (Europeans); Hindu Succession Act 1961 (Hindus); Mohammedan Marriage, Divorce and Succession Act 1962 (Muslims); and Africans' Wills Act 1961 (Africans). The terms of reference for the commission emphasised the need to introduce "*a common law of succession*" and "*end discrimination in relation to women*" (ibid, p. 197). For example, the Mohammedan Marriage, Divorce and

Succession Act 1962 allocated daughters a smaller share of family property than sons. Meanwhile, distribution of property among Africans was guided by the customary laws of specific ethnic communities which largely recognised male heirs only.

The commission recommended that all persons, including women, be allowed to make Wills. It also recognised a widow as having “*a life interest*” in the husband’s property and assigned daughters an equal share of family inheritance with sons in all communities. The recommendations were rejected by lobbyists from the Muslim community on the ground that the existing Constitution recognised their right to be governed by their religious law on such matters hence were not subject to statutory legislation on the same. They petitioned the President leading to withdrawal of the plan to introduce the Bill in the National Assembly in 1970 (Cotran, 1996).

The Bill was successfully introduced in July 1971 and passed on 8 October 1972 (Kibwana & Mute, 2000). Due to another opposition by the lobbyists, however, the National Assembly postponed its implementation and gave the Minister concerned the discretion to determine the date for its publication as law. Thus the Bill remained in abeyance until 1 July 1981 when it was published in the *Kenya Gazette* as the Law of Succession Act (ibid, 2000). The lobbyists from the Muslim community again petitioned the President who asked the AG to consult further for a solution, to no avail. The Act was therefore maintained in its 1981 form until 1990 when pressure from the lobbyists led to its amendment to exclude Muslims from provisions relating to succession (Cotran, 1996). This effectively reinstated the 1967 situation which entitled Muslim widows to only

“one-eighth of (the) deceased husband's estate and daughters to... half the share of sons” (ibid, p. 204).

The successful opposition by the lobbyists essentially invalidated the instructions given to the commission to standardise marital and succession laws for all Kenyans. It meant that while all other Kenyan women would benefit from the revised laws, their Muslim counterparts were subject to a different legal regime. Technically, therefore, the law discriminated against them.

The next attempt was in 2007 through the Matrimonial Property Bill drafted by KLRC. This version sought to have Matrimonial Causes Act 1941, Married Women's Property Act 1882 and Law of Succession Act 1981 consolidated into one law. It defined *“matrimonial property”* and prescribed how to divide it upon dissolution of marriage or death of a spouse (FIDA-K, n.d.). Unfortunately, the term of the National Assembly expired before the Bill was debated so it automatically lapsed according to Standing Order 141 (RoK, 2013).

In 2013, the Bill was re-introduced by the Justice and Legal Affairs Committee. Women parliamentarians' reasons for supporting it were summarised as follows by the one who seconded it.

In our present-day society, most married women do not have gainful employment. So, they would be left at home to take care of their children and the man when he gets home. Therefore, in defining “contribution”, this Bill has included the management of the husband ... Of great importance is the definition of “matrimonial home” (as) the premises that the man has given to the family to live in.

According to this Bill, a married woman shall have equal rights to property as the man. Once you acquire and administer property together ... you have equal rights over (it) ...in the event of a dispute.

Any property that is acquired before marriage by either party ...shall be regarded as belonging to the party that had acquired it.

...the Bill also addresses ...polygamous marriages... If a man and the first wife acquired property before he takes another wife, the property ...acquired within the first union ...will be taken to belong to the first wife and him. So, if the man decides to get another wife and he acquires property with her ... (it) ...is regarded to belong to the other wife and the man.

If a man had a parcel of land and he gets married, and he improves this property with the wife ...it will mean that the other party to the marriage has acquired a beneficial interest in that property. So... it seeks to duly protect the interests of the parties to a marriage.

...either spouse cannot mortgage a matrimonial home or lease (it) without the written and informed consent of both. The rationale of this provision is to protect the family (WH-5, Hansard, 17 October, 2013PM, p. 43).

The remarks highlight a number of women’s interests addressed by the Bill. It recognized that a wife’s domestic labour was legal contribution to generation of matrimonial property hence the Bill intended to entitle them to inheriting it. This negated arguments that only financial contribution by wives mattered when determining their entitlement during divorce. By implication, the proposed law would eradicate bias in allocation of property.

Neither the Marriage Act 2013 nor The Matrimonial Property Act 2013 define the term “wife”. By inference from the former, however, this is a woman who has entered into a marriage that is legally recognised as having fulfilled the conditions prescribed under Christian, civil, customary, Hindu and Islamic marriages.

The women parliamentarian noted that the categorical definition of a matrimonial home as the premises the family lived in would also strengthen women’s claim to shelter based on their children’s right to domicile even after breakdowns in marriage. More significantly, the Bill aimed to grant women equal rights to property generated during the marriage thus eradicating treatment as inferior partners during allocation. Moreover, women would not lose their pre-nuptial property by virtue of marriage. In other words, marriage did not give men automatic right to assets acquired by women before marriage. Therefore, women with such property would have an economic basis independent of their husbands and one they could resort to should their marriages fail. The proposed law also aimed to eradicate bias in allocation of property to women in polygamous unions since it established a rational basis for determining their entitlements. As summarised by a respondent, the Bill was progressive

since women before got a raw deal when unions broke down. It also allows women to keep property inherited from their parents and to decide how to deal with it even it means sharing it with her spouse (WR-2, OI, 24.7.2016).

These arguments show that all these provisions were intended to create levers for women to claim property during disputes. In short, the Bill nullified patriarchal traditional

practices related to succession and widowhood which hitherto disadvantaged women as follows.

Under customary law, there is a general principle that a husband should manage his wife's property, whether acquired before or during the marriage ... Because women lack control over property during their marriage, if their husbands die, it is not uncommon, particularly in rural areas, for the husband's relatives to take the family property, including land, homes, livestock, furniture and household items (Ellis et al, 2007, p. 24-24).

The reference in the Bill to parties in a marriage covered both women and men equally and was consistent with Article 60 (f) of the COK 2010 on “*elimination of gender discrimination in law, customs and practices related to land and property in land*”. The Bill was passed on 12 November 2013 and assented to on 24 December 2013, becoming the Matrimonial Property Act 2013. During debate, it was supported by all the 35 women parliamentarians who contributed compared to nine men (Hansard 17 October 2013; 7 November 2013).

Despite the enactment, it is significant to note that a proposal in the original Bill to have marital property shared equally between husband and wife on dissolution of marriage was removed when majority men supported an amendment to have the allocation determined “*according to*” rather than “*irrespective of*” the contribution of spouses to its generation (Hansard 7 November 2013). This means that women still have to prove contribution in courts of law to determine their share.

Women parliamentarians' unanimous support for the Bill coheres with the tenet of “*symbolic consequences*” that by virtue of identity, they champion the interests of their

category (Kanter, 1977). The motivation to do so is attributed to women's experience of marginalization and scant attention to gender equality issues by men, considered beneficiaries of the existing order (Froimovich, et al., 2013; Markham, 2013). From the perspective of liberal feminism, passage of the Bill fulfils the ideal of reforming discriminatory legal systems that assign women a lower status to that of men (Mill, 1869).

4.3.2.3 The Protection against Domestic Violence Bill (2013)

Laws against domestic violence have been successfully pursued by women parliamentarians from different countries, largely because it affected them and their lot directly (IPU & UNDP, 2017; Mügge et al, 2019). As pointed out by Goetz and Hassim (2002) and Froimovich, et al., (2013) with regard to Uganda and South Africa respectively, such laws do not benefit only women but also protect men and children hence should not be narrowly defined.

The first Bill on domestic violence in Kenya (The Family Protection Bill) was tabled by a woman parliamentarian in 2000 but the National Assembly went on recess before it was debated (FIDA-K, n.d., p. 24). It was again proposed by KLRC in 2007 but debate was cancelled to allow for consultations between parliamentarians and external stakeholders (ibid). The Bill: defined domestic violence and its contexts; allowed courts of law to make orders protecting victims; proposed quick, affordable and efficient means of accessing justice; and prescribed counselling for those involved. It was reintroduced in

2013 by the Justice and Legal Affairs Committee as the Protection against Domestic Violence (PADV) Bill.

The 2013 version defined domestic violence as aggression and injurious actions “*in a domestic relationship*” with such acts including

child marriage, female genital mutilation, forced marriage, forced wife inheritance, interference from in-laws, sexual violence within marriage.... (and) widow cleansing (PADV Bill 2013, p. 18-19).

These are harmful traditional practices that were not included in earlier versions of the Bill (FIDA-K, n.d.). The Bill also prescribed training of the police to ensure expedient and efficient processing of complaints. Women parliamentarians’ reasons for supporting the Bill are evident from the following three contributions.

We are aware of women who have been unable to go to work ... (and)...men who have been unable to go to the farm because of domestic violence ... We cannot continue to have people in our hospitals whose only sickness is domestic violence. That is costing the country economically (WH-4, Hansard 19 August 2014PM, p. 31).

Domestic violence is one area that police officers have never taken seriously. That is why when you report a case...they say it is a private matter. But this time, they are going to be trained ... on how to deal with it (WH-2, Hansard 19 August 2014PM, p. 44-45).

The society expects men to be very strong ... A man who is battered or abused by his wife is seen to be a weak person. This Bill seeks to give that man a voice and to protect him (WH-12, Hansard 19 August 2014PM, p. 47).

The first statement is anchored on the fact that the Bill protected both men and women, hence dismisses the notion that it was skewed in the latter’s favour. Furthermore, it notes that domestic violence negatively affected economic production by both and so should

not be restricted to personal relationships. Two gender perspectives arise from the other remarks. One is the attitudinal problem that police officers tended to dismiss domestic violence cases as private matters hence trivialising the issue and encouraging its continuation, a trend that mainly affected women as majority victims (Miruka, 2010). Two is that the Bill would encourage battered men to seek assistance against a masculine socialisation that they should not show “*weakness*” by revealing their brutalisation.

Both statements point to domestic violence as a social vice with no gender boundary, a position also articulated by four of the 14 men who supported the Bill (Hansard 20 August 2014PM, p. 47-49; 21 August 2014PM, p. 51). Passed on 24 March 2015, the Bill was assented to on 14 May 2015 as the Protection against Domestic Violence Act (2015).

The significance of this statute lies in being the first law in Kenya to define domestic violence. More specifically, inclusion of harmful traditional practices in the definition broadens the scope and is a progressive development in challenging injurious acts that have been perpetrated against women with impunity justified by culture. Furthermore, recognition of men among victims of domestic violence removes the stereotyped equation of ‘gender’ with ‘women’, which opens up for inclusive application of the law even by conservative judicial officers.

The study notes that like the other two Bills, the PADV Bill was subjected to removal of a clause by men at the committee stage. In this case, the clause required the State to establish shelters for victims of domestic violence. The clause was expunged after it was

argued by men in the Justice and Legal Affairs Committee that it was administrative rather than legal (WR-4, OI, 6.8.2016). The implication is that victims of domestic violence cannot hold the State accountable for lack of a sanctuary to go to when brutalised, which leaves them at the mercy of charitable individuals and organisations or their own designs.

These findings reflect global patterns that women parliamentarians seek legislation on violence as it directly affects them (Goetz & Hassim, 2002; Froimovich, et al., 2013, IPU & UNDP, 2017; Mügge et al, 2019). From a feminist theoretical perspective, violence is one of the means through which men's domination is perpetuated (Davies, 2011).

Tackling it, therefore, enhances women's rights. This is in line with human rights instruments such as the Maputo Protocol which, in Article 5 (4), requires States Parties to *"adopt and implement appropriate measures to ensure the protection of every woman's right to respect for her dignity"*. It is also consistent with the International Covenant on Civil and Political Rights which guarantees all individuals protection against harmful and discriminatory treatment.

The study makes a number of observations about the passage of the three Bills.

Enactment of the three family laws was a major achievement for women parliamentarians given the fate of earlier versions and the long history dating back to 1967. The central gains from a women's rights perspective were: protection of girls from under-age marriage; equal recognition of women in monogamous and polygamous unions; mandatory registration of all marriages in order to reduce succession disputes;

clarification of individual right to pre-nuptial property; and inclusion of harmful traditional practices among acts that constitute domestic violence.

It should be noted, however, that the original Bills were amended to remove clauses which were contested by men as being antagonistic to religion and African culture. The overall implication of these exclusions is that some issues of interest to women were not redressed hence need for amendment of the passed laws for comprehensiveness.

The passage of family laws shows progress in addressing discrimination against women in line with the 1967 initiatives to reform such statutes. This was limited, however, by persistent resistance from men in the National Assembly to some of the recommendations that would grant women a wider range of rights. The study posits that men resisted the clauses to deflect perceived threat to their patriarchal power and privilege.

The relativity of the threats can be demonstrated. For example, men were comfortable with equitable division of property among co-wives but opposed sharing it on an equal basis with their wives. The first locates competition among women themselves in the absence of the deceased husband. The second creates a contest between the husband and the wife. By opposing the 50-50 clause, men were therefore protecting their selfish interests. A similar analysis can be placed on registration of all marriages and sharing of property on a 50-50 basis. Men were comfortable with the former because it did not dilute their power over the multiple wives. Contrastingly, they were uneasy about the latter which would whittle down their economic power base.

The men also had the provision on marital rape expunged from the PADV Bill on the basis that intercourse was intrinsic to marriage and that the clause was “*un-African*” (Hansard, 19 August 2014PM, p. 43). It is inferable that including marital rape as an offence instilled fear in men that the law would diffuse their power of determining sexual interactions to women hence totally weaken the patriarchal foundation of personal relationships. By disallowing marital rape, men ensured that sexual conduct within marriage was exempt from legal regulation, contrary to what liberal feminism advocates (Mill, 1869). This maintained the norm that marriage confers on them automatic sexual intercourse regardless of the circumstances under which it is obtained.

The women parliamentarians’ support for the family laws demonstrates their influence in determining legislative decisions. Their unanimity on the Bills is in line with the Critical Mass Theory postulate on surrogacy and numbers as a means to transformative outcomes for women (Kanter, 1977). Most significant is that the laws contain provisions responsive to women’s interests even if some of the original provisions were excluded.

Based on the premises that women parliamentarians pressured for preferential listing of family Bills in the legislative calendar, unanimous support for them, arguments in support of their provisions, and that earlier versions were not passed, it is logical to conclude that there was a causal link between the passage of the Bills and their influence. Nevertheless, considering that the Marriage and Marital Property Bills were initiated way back in 1967 without advocacy by women, and eventually passed in the 2013-2017 National Assembly by acclamation rather than numerical voting, their success cannot be directly attributed to women’s numbers. It can therefore only be concluded that the National Assembly 2013 -

2017, unlike earlier legislatures, was more tolerant of these particular Bills. The fact that it also expunged certain provisions indicates that it was still captive to patriarchal underpinnings and reluctant to grant women all the rights originally envisaged.

4.3.3 Women’s Personal Welfare, Dignity and Respect

Personal welfare, dignity and respect constituted another thematic pursuit of women parliamentarians. The theme was identified as a priority by 8 (73%) of women interviewed and 56 (83%) during parliamentary contributions. The issues highlighted by respondents under this theme were: access to assisted reproductive technology and maternity support systems; free or affordable sanitary pads; protection of girls from pregnancy and under-age marriage; and respectful and dignified treatment in private and public spheres. Each of the sub-themes is discussed in the following subsections.

4.3.3.1 Access to Assisted Reproductive Technology and Maternity Support Systems

Under this sub-theme, women parliamentarians sponsored and supported the In-Vitro Fertilisation (IVF), which was later renamed the Assisted Reproductive Technology Bill, and the Breastfeeding Mothers’ Bill. The sponsor of the first Bill declared that she was the *“voice of the many women who have challenges in having children”* (WH-1, Hansard, 15 April 2015AM, p. 14). She further declared having *“a big constituency (to) represent by choice ...namely the women of this country”* (WH-1, Hansard, 29 October 2015PM, p. 29). The first declaration indicates the woman parliamentarian’s recognition that women would be the main beneficiaries of the Bill while the second shows a

deliberate choice to represent them as a category. The following are sample contributions by women parliamentarians on the Bill.

A sizeable number of the Kenyan population...have opted for assisted technologies... yet there is no legislative framework... Therefore, ... women who have given birth through these processes face legal challenges, especially when they use surrogate mothers ... We have members in this house who are facing the same challenges (WH-1, Hansard 15 April 2015PM, p. 14).

The African culture had other means of ensuring that families got children... In modern society...technology can support the family (WH-2, Hansard 15 April 2015PM, p. 32).

Usually, you have a barren woman and the man will simply take off, marry and life continues. The woman is left frustrated, dejected and depressed ... The society will always tend to blame women, but the problem is for both men and women (WH-7, Hansard 15 April 2015PM, p. 36).

The first observations highlight that childlessness affects all categories of women regardless of social status hence is a feminised problem worsened by lack of a legal framework for recourse. This is reinforced by the second contribution which notes that modern technology can complement traditional African mechanisms in overcoming the problem. The third remark specifies that the discrimination against childless women lies in the fact that husbands have options of getting children while the wives do not. All the remarks converge on the need for a law that would assist women to overcome childlessness and the discrimination that it creates.

Chelagat (2017) demonstrates the fallacy in discriminating against childless women by pointing out that men account for 50% of infertilities. The ironical injustice towards women inheres in the fact that among those who are divorced, some re-marry and bear

children “*while their previous husbands ...remain childless in their second marriages*” (ibid, p. 27). Stigma against childless women is a form of gender-based discrimination that mutates from being a “*a private distress*” to a public issue in which those affected are blamed for the condition, condemned as evil and marginalised in allocation of resources and opportunities (ibid). Other consequences include: extra-marital relationships by the husband; denial of matrimonial property; and physical and psychological violence (Sing’oei & Choge, 2012; Tabongo & Adongo, 2013). It is these types of practices that Bill addressed. The Bill was passed on 10 March 2016 after it had been re-named the Assisted Reproductive Technology Bill to include other methods besides IVF.

The Breastfeeding Mothers’ Bill 2017 was moved by a woman parliamentarian to establish designated lactation stations, flexible working hours and changing rooms in work places. The essence of the Bill was to enable women achieve home-work balance which, according to the International Labour Organisation, ILO (2002), benefits both the employer and employee and contributes to higher productivity. It is a Bill based on what Markham (2013) recognises as factors that affect women for biological and social reasons. This informs the propensity of women parliamentarians to prioritise such Bills. Unfortunately, the term of the National Assembly expired before it was debated hence the Bill automatically lapsed (Mbugua, 2017).

4.3.3.2 Access to Sanitary Pads

A study by FSG (2016) reports that 65% of women and girls in Kenya cannot afford sanitary towels despite establishment of the National Sanitary Towels Programme in 2010 to distribute the items to public primary schools. The situation is attributed to high prices and poor distribution. The FSG study further reveals that apart from compromising menstrual health, poor access forces girls into transactional sex in order to obtain the pads, in turn exposing them to sexually transmitted infections, pregnancies and dropout from school. This highlights two issues – the nexus between a biological condition and a social right; and gender-blind governance.

According to Markham (2013), women parliamentarians prioritise matters related to reproductive health which specifically affect their lot due to biological factors. In this regard, Kenyan women parliamentarians were concerned about ensuring dignity during menses through free and/or affordable sanitary pads. The following remarks capture their sentiments during debates.

For women, sanitary towels are even more important than unga (flour). Imposing VAT on ... (them) ...will return our women to using blankets (WH-10, Hansard 30 July 2013, p. 32).

The person who did the VAT Bill was being punitive to the women and girls of this country. He did not give us a formula of how we should do what nature intended us to do (WH-13, Hansard 19 March 2014AM, p. 22).

We have spoken before about the matter of ...having sanitary towels provided to girls so that they ...do not skip school during their periods (WH-4, Hansard 23 July 2014PM, p. 42).

The gist of the cited remarks was that sanitary pads are a primary requirement for women and girls due to nature and an assurance of dignity, hence imposing value added tax (VAT) on them was gender-blind and unreasonable. Such action would interfere with girls' educational rights and circumstantially compel recourse to unhygienic alternatives inimical to health and dignity.

Women's legislative influence on menstrual health was demonstrated when one of them initiated the Basic Education (Amendment) Bill 2016 obliging the government to provide pubescent girls in public primary schools with free sanitary towels. The Bill was passed and enacted as the Basic Education (Amendment) Act No. 17 of 2017. According to the State Department of Gender Affairs, enhanced access to the pads improved girls' confidence, menstrual health and school attendance (<http://gender.go.ke/sanitary-towels-program/>). The success should therefore be construed as a demonstration of how pursuits by women parliamentarians can lead to gender-responsive legislation.

4.3.3.3 Protection of Girls from Sexual Exploitation and Under-age Marriage

Women parliamentarians focused on the impact of law on girls' welfare. The following is sample of their views on the Statute Law (Miscellaneous Amendments) Bill (2016) moved by a male parliamentarian on 31 January 2017 to lower the age of consent from 18 to 16.

As we seek to amend the Sexual Offences Act, the original intent of the law must be kept ... that is a country that is safe for ...boys and girls... 18 is the age of maturity... (and) should be the age of consent for sexual conduct (WH-4, Hansard 11 February 2017 PM, p. 11).

A 16-year-old girl is still a child ... It is, therefore, illegal to even imagine that we can reduce that age from 18 to 16 years (WH-5, Hansard 1 February 2017PM, p. 18).

The remarks show that women parliamentarians considered lowering the age of sexual consent as a retrogression on existing laws and potentially an exposure of children, especially girls, to sexual exploitation and abuse. The mover of the Bill, a man, justified it on the basis that the Sexual Offences Act 2006 victimised boys who engaged in coitus with their peers yet these are typical adolescent escapades (Hansard, 31 January 2017, p. 33). This argument shows that he was more concerned with the plight of boys, without regard to the fact that they would continue with their education while the girls would drop out due to pregnancy.

Women parliamentarians' defence of 18 as the age of consent is consonant with Article 1 of the United Nations Convention on the Rights of the Child of 1979, ratified by Kenya in 1990 and which requires States Parties to protect children "*from all forms of sexual exploitation and ...abuse*". It is also consistent with Article 2 of the African Charter on the Rights and Welfare of the Child of 1990, ratified by Kenya in 2001.

By opposing the intended amendment to the Sexual Offences Act 2006, women parliamentarians were therefore re-stating the State's obligations to children generally and girls specifically. Their opposition to the proposed amendment led to its withdrawal

(Hansard, 9 February 2017PM). This constituted a tangible success for women parliamentarians in influencing legislation on an issue with serious implications for girls.

4.3.3.4 Respectful and Dignified Treatment of Women

Article 28 of the COK states that “*every person has inherent dignity and the right to have (it) respected and protected*” (RoK, 2010, p. 25). Women parliamentarians asserted their right to respect and dignity as illustrated in the following instances.

They raised concern about dignity in the corporate world and invasive institutional procedures. The following remarks illustrate.

One of the reasons that a (mining) licence should be revoked (is) violation of human rights...In Kasigau... a lady ...in a mining area (is) violating the rights of women.... In the evening, this woman searches women in the private parts to see whether they have stolen gemstones (WH-8, Hansard, 5 August 2014PM, p. 22).

As the women of this country, we have really suffered by being subjected to searches by male police officers. Many times, it ceases being a search and becomes something else. The law now states that a male police officer will only search male suspects (and vice versa). This is extremely important in protecting the right to dignity for both men and women (WH-4, Hansard, 27 November 2014PM, p. 12).

The first remark arose during debate on the Mining Bill 2014 moved by a woman parliamentarian to improve working conditions in mines. It highlights the need to protect women from invasive searches at the behest of preventing pilferage. As it points out, the procedure was not only abusive, it was also ironically perpetrated by a fellow woman oblivious to the indignity she was exposing her colleagues to, probably a blindness occasioned by power.

The second came up during debate on the Persons Deprived of Liberty Bill (2014). It criticises male police officers for taking advantage of search duties to touch women inappropriately. In the view of the contributor, the law would terminate such opportunistic behaviours and thereby accord women dignity.

Both remarks identify institutional practices that contradict the requirements of human rights instrument such as the Maputo Protocol which, in Article 3, requires States Parties to “*prohibit any ... degradation of women*” and “*ensure ...every woman's right to respect for her dignity*”. By seeking protection from invasive searches, the women parliamentarians were re-stating the State’s obligations to implement a women’s rights instrument it has ratified.

Highlighting the issues cited cohere with substantive representation - seeking to create a positive effect on specific matters relevant to all women (Childs & Krook, 2009). By so doing, they affirm women’s rights in line with liberal feminism that mistreatment of women should be eradicated as a matter of justice (Mill, 1869; Wollstonecraft, 1792)

4.3.4 Livelihoods and Household Welfare

Livelihoods and household welfare constituted another legislative area of concern for women parliamentarians. This theme was prioritised by 9 (82%) of the women interviewed and 38 (56%) in parliamentary debates. According to one respondent, focus on livelihoods, especially of own constituents, was motivated by the fact that “*all politics is local*” hence women’s prioritisation of their electoral areas (WR-5, OI, 18. 1. 2017).

To assess women's influence on this theme, the study first analysed 32 petitions submitted to the National Assembly by 14 of them and established that 22 (69%) focused on livelihoods (Hansard 3 July 2013 – 30 August 2016). A further analysis of 75 requests for statements submitted by 36 women parliamentarians established that 45 (60%) concerned livelihoods (Hansard 23 July 2014 - 16 May 2017). This illustrates the significance of this theme to women parliamentarians. Examples of their contributions are captured in the following contributions.

Human-Wildlife Conflict

I ...come from near the hydro-electric power dams... Very early in the morning, sometimes women and children go to the dams. ... We have lost very many families to crocodiles... Whenever a victim is compensated, the amount is so little that we wonder what it means ... It also takes a very long time (WH-22, Hansard 21 November 2013AM, p. 33-34).

Mining

In my constituency, we have a lot of mining ... (which has) left very huge areas destroyed ... We need to have an environment that is habitable for human beings. ...Our concern (also) is that ...the benefits go directly to ...the central government (WH-14, Hansard 5 August 2014, p. 34).

The presence of minerals is not enough. Exploitation of those minerals and benefiting of the community is what is important (WH-17, Hansard 16 July 2014PM, p. 46).

Some of the areas where we are discovering minerals are strategic drought reserve areas for our animals... So, if ... the communities are not involved, then conflicts will arise (WH-19, Hansard 22 July 2014PM, p. 50).

Livestock and Fishing

If we could encourage proper management and marketing of ...livestock products, we would not be relying on relief food (WH-33, Hansard 8 February 2017AM, p. 37).

It is important to have legislation to address the problems of pastoralists who have nothing else to depend on but their livestock that are often ravaged by drought. (WH-32, Hansard 15 February 2017AM, p. 16).

If VAT is removed (from animal feeds), we shall have many farmers breeding more animals... (and)... our youth will have their own jobs (WH-25, Hansard, 19 March 2014AM, p. 29).

The lake is dying. Nobody is doing anything to the water hyacinth... We need cold storage facilities along Lake Victoria so that fishermen can get value for their fish (WH-3, Hansard April 18, 2013, p. 45).

The remark on human-wildlife conflict was made during debate on the Wildlife Conservation and Management Bill (2013) meant to strengthen community participation in managing wildlife. The Bill raises three points, namely: loss of lives from attacks by crocodiles; non-commensurate compensation; and inconsiderate delays in paying affected families. The ones on mining related to the Mining Bill 2014 moved by a woman parliamentarian to improve the welfare of mine workers (Hansard 16 July 2014PM). They highlight that: environmental degradation from mining rendered areas inhabitable; domination of the proceeds by the central government denied host communities the benefits of their natural heritage; and alienation of range land interfered with the livelihoods of pastoralists and resulted in conflicts. All the remarks show women parliamentarians' concern with the livelihoods of communities.

The statements on livestock arose from debate on the National Drought Management Authority Bill 2014 and Livestock and Livestock Products Development and Marketing Bill (No. 44 of 2016) while those on the fishing industry arose from discussions on the Statute Law (Miscellaneous Amendments) Bill 2014 which sought to regulate the fishing industry. A respondent averred that she

advocated improvement of the fisheries sector because it was a lifeline for my communities yet was not treated as a serious commercial activity but regarded as subsistence economy (WR- 3, OI, 18.7.2016)

The remarks highlight policy and legislative lacunas in protecting different livelihoods through legislation. The views by women parliamentarians were incorporated in the Bills that were passed. For example, Article 128 (b) of the Mining Act 2016 requires agreement between companies and community representatives on adequate compensation to residents as a basis for granting mining permits. On its part, Article 24 of the Wildlife Conservation and Management Act 2013 stipulates Kshs 5 million, Kshs 3 million and a maximum of Kshs 2 million compensation for death, disability and other injury respectively. Additionally, it mandates indemnification of people whose land has been acquired by the State for conservation of wildlife.

The influence of women parliamentarians on livelihoods can be illustrated with the case of the cash crop *Miraa* (Khat), pursued by a woman parliamentarian when the product was banned from European markets on allegations that it was a drug harmful to health.

She stated as follows:

My main challenge as a representative of my constituents was to look at the issue of Miraa. So I petitioned the Speaker to allow me form an ad hoc committee to look at the issue. We were able to deliberate and called in stakeholders including scientists. We were allowed by the Speaker to travel to the United Kingdom and Netherlands to ask why they wanted to ban Miraa. Despite this, they proceeded to ban the product (WR-5, OI, 18. 1. 2017).

The woman parliamentarian contended that the ban would lead to loss of income for her constituents and successfully moved a Motion on July 4, 2013 establishing a 22-member ad-hoc committee to investigate matters relating to the crop (Hansard 4 June 2014PM, p. 33). Her efforts resulted in a National Assembly resolution listing *Miraa* as a scheduled crop, meaning that the government was obliged to allocate funds for its production and

marketing (Hansard 4 June 2014). Through this, she was able to safeguard her constituents' livelihoods.

Women parliamentarians were also concerned with inclusion of marginalised groups in electoral processes, parliament and allocation of public contracts to improve their livelihoods. The following are sample contributions on the issues.

Youth Unemployment

We have not had any sustainable legislation on youth employment.... Most of the affected youth are from the ...hard to reach parts of this country. I am sure that the proposed database will ensure regional balance (WH-19, Hansard, 24 June 2015AM, p. 14-15).

Persons with Disability (Amendment) Bill

This Bill is a follow-up to the Persons with Disability Act of 2003. I am seeking to correct the mischief that I read in that Act. Television stations are the only mode through which the deaf can receive information, but then the words "or sub-titles in all newscasts" were introduced in the amendment. So, television stations have opted for the easier option of just introducing sub-titles in all their newscasts If we amend that section by inserting the word "and", television stations will be compelled to anchor news through the sub-titles and sign language (WH-21, Hansard 18 June 2014AM, p. 42).

There is no clear government policy on child-headed households. I am hoping that ...we will...amendthe Children's Act so that we ...have a whole section dealing with how to protect children who ...head fragile households (WH-1, Hansard, 30 July 2014AM, p. 30).

Affirmative Funds and Tenders

The purpose for which we create Uwezo Fund is to enable youth and women ...to access ...cheap credit...with less bureaucracy (WH-12, Hansard 19 November 2013PM, p. 22).

We have a youth representing the males and we should also have a youth representing the females...in ... decision-making on this fund (WH-27, Hansard 19 November 2013PM, p. 22, 29).

The area of procurement is a challenge. This is an area that gives 30 per cent to women, the youth and people living with disability. Can the governors tell us how they have allocated funds to those special groups? (WH-2, Hansard, 14 August 2014PM, p. 47).

The remarks on unemployment were made in support of the National Youth Employment Authority Bill which was meant to establish a database for use in matching young job-seekers with available opportunities (Hansard 17 June 2015). It raises concerns about the vulnerability of youth, especially those from remote areas. Moved by a woman parliamentarian, the Bill on disability sought to compel television stations to include sign language in their broadcasts so that people living with hearing impairment could follow televised news like sighted individuals. The remark on child-headed households arose during debate on the Kenya National Aids Authority Bill initiated by a woman parliamentarian to establish a statutory institution on Acquired Immune Deficiency Syndrome (AIDS). It concerned about minors assuming parental responsibilities hence losing their childhood from being orphaned by AIDS, an issue confirmed by IEA (2011).

The sentiments on Uwezo Fund were based on the Public Finance Management (Uwezo Fund) Regulations 2014, which established an affirmative fund for youth and women, considered to be among disadvantaged groups, highlight the need to ensure that credit to such groups was accessible and not burdensome. The issue highlighted is that of gender-balanced representation in the fund's decision-making structure.

Reference to procurement relates to the Access to Government Procurement

Opportunities policy reserving 30% of all public tenders to disadvantaged groups in order

to provide them with economic opportunities, which is stipulated in the Public Procurement and Asset Disposal Act 2015. It raises concerns that intended beneficiaries were not receiving the funds.

Women parliamentarians also supported the Victim Protection Bill moved by one of them to have victims of crime compensated by the perpetrators or through a statutory fund. The Bill was passed and enacted on 14 September 2014.

The foregoing findings show women parliamentarians' concern with the plight of disadvantaged groups and ordinary citizens. The findings resonate with Kamau (2010) on women's concern with community goals and social welfare. They echo IPU and UNDP (2017) that women parliamentarians tend to focus on intersecting factors such as gender, age and disability, the concept of "*expansionist intersectionality*" (Ewig, 2018). In the context of the Critical Mass Theory, the findings cohere with the tenet of surrogacy, that women parliamentarians see themselves as representatives of disadvantaged segments of society (Kanter, 1977).

To put the findings into perspective, the following is a summary of Bills initiated by women and their status at the end of the National Assembly.

Table 4.5: Bills by Women in the National Assembly 2013 - 2017

SN	Bill	Purpose	Sponsor
Passed and enacted			
1	Public Benefits Organisation Bill 2013. Assent: 14.1.2013.	Formation, registration and conduct of charities and NGOs.	WH-38
2	Social Assistance (Amendment) Bill 2013. Assent: 14.1.2013.	Sustain vulnerable groups.	WH-35
3	Engineering Technologists and Technicians Bill 2015. Assent: 2.8.2016	Standardise practice in the sector.	WH-7
4	Basic Education (Amendment) Bill 2016. Assent: 21.6.2017.	Oblige government to provide sanitary towels to girls in public schools.	WH- 23
5	Access to Information Bill 2015. Assent: 31.8.2016	Entrench the public's right to information.	WH-4
6	Persons with Disabilities (Amendment) Bill 2014. Passed: 11.11.2014	Compel television stations to use sign language for hearing-impaired persons.	WH-21
7	Victim Protection Bill 2013. Assent: 14.9.2014.	Compensate victims of crime.	WH-1
8	Water Bill 2014. Passed: 11.11.2014. Assent: 31.8.2016	Have water resources regulated, managed, conserved and developed.	WH-11
9	Mining Bill 2014. Assent: 6.5.2016.	Improve community benefits and working conditions in mining companies	WH-8
10	Wildlife Conservation and Management (Amendment) Bill 2017. Assent:24.12.2013.	Integrate communities in management of wildlife.	WH-11
Passed but not enacted			
11	Assisted Reproductive Technology Bill 2014. Passed: 20.3.2016. Handed over to the Senate, lost on 19.10.19.	Enable childless couples to get children.	WH-1
Defeated			
12	Sexual Offences (Amendment) Bill 2016.	Eradicate traditional practices that limit justice for victims.	WH-37
Lapsed			
13	Cancer Prevention & Control (Amendment) Bill 2016.	Introduce modern telecommunication in managing cancer.	WH-10
14	Breastfeeding Mothers Bill 2017.	Establish workplace lactation stations, flexible working hours and changing rooms.	WH-36
15	Nutritionists & Dieticians (Amendment) Bill 2017.	Standardise practice in the sector.	WH-30
16	Kenya Citizenship & Immigration (Amendment) Bill, 2017.	Align the law with the 2010 Constitution.	WH-28
17	Diabetes Management Bill 2014.	Accelerate reporting of new cases of diabetes and improve its management.	WH-17
18	Traditional Health Practitioners Bill 2014.	Training, registration & licensing of practitioners.	WH-17
19	Pharmacy Practitioners Bill 2014.	As above.	WH-17
Withdrawn			
20	Kenya AIDS Control Authority Bill 2014.	Replace the National AIDS Council.	WL-17

(Source: Mbugua, 2017 with updates).

As Table 4.5 shows, women moved 20 bills out of which eleven were passed. This translates to a success rate of 55% of all the Bills they initiated but falls to 6% of the 180

Bills passed by the National Assembly, meaning that men sponsored 94% of the successful ones. This statistic shows that the success rate of women-sponsored Bills was rather low even relative to their 20% overall proportion in the National Assembly.

Of the 20 Bills initiated by women, six (30%) directly addressed social welfare and equality issues namely: sexual and reproductive health (2); dignity (1); violence (1); work environment and livelihoods (3); general health (7); disadvantaged groups (3); and civil and political rights (3). The majority (8) of the eleven Bills initiated by women and passed also focused on social issues. Of the nine that either lapsed or were defeated, the majority (8) again focused on social issues. This is a clear indication that women's priorities rotated around social sector issues. These findings resonate with literature reviewed that such issues are prioritised by women worldwide and relate to social and biological factors specifically affecting them (Markham, 2013; Gresch & Sauer, 2015; IPU & UNDP, 2017).

Under this section, the gap the study has responded to was the limited documentation and analysis of women's legislative agenda in the five-year cycle of the National Assembly. This is demonstrated in Mbugua (2017) which analysed only three Bills (the Basic Education Amendment Bill 2017, Breastfeeding Mothers Bill 2017 and Magistrates Courts Bill 2015) while this study looked at additional Bills and other legislative pursuits by women.

From a global perspective, the study confirms the findings in Karam and Lovenduski (2005), Sanbonmatsu (2017), IPU and UNDP (2017), CPA (2017), Latt et al. (2017) and Brechnemacher (2018) that women parliamentarians give primary attention to gender inequality and social welfare issues. The study further agrees with Parry (2014) and Joshi and Goehring (2018) that it is strategic for women parliamentarians to occupy internal leadership positions as this puts them in vantage positions to influence the legislative agenda and decisions.

At the regional front, it also agrees with Asiedu et al. (n.d.), Powley (2005), Kadaga (2013), UBOS (2017) and Hassan (2018) that women parliamentarians support laws addressing marriage, equality to property, gender-based violence and discrimination in political representation.

With specific reference to Kenya, the study affirms Kamau (2010) that Kenyan parliaments tend to pass gender-responsive Bills when they have large numbers of women. But it disagrees with Godia (2017) on the assertion that these are “*soft topics*” and illustrates that they are critical in addressing a fundamental issue, of gender equality. While the findings resonate with Musyoka (2011) and Mbugua (2017) that Kenyan women introduced and supported legislation to address women’s interests, they also show contribution to having the Bills passed through unanimous support. Of significance are the family Bills. The consonance of the findings with those in past studies show that the priorities of women parliamentarians are predictable.

The study demonstrates that the women's agenda cohere with liberal feminism about equality and the place of policy and legal action against discrimination to challenge patriarchal privilege and dominance. It further confirms the tenet of surrogacy in the Critical Mass Theory.

Specific methods women parliamentarians applied to pursue their legislative agenda are discussed next.

4.4 Methods Women Parliamentarians used to Influence Legislation in Kenya's National Assembly of the 11th Parliament (2013 -2017)

This section focuses on the methods applied by women parliamentarians to influence legislation. The methods were determined from interviews and triangulated with content analysis of the Hansard. Table 4.6 shows the frequency of respondents mentioning specific methods.

Table 4.6: Methods Used by Women Parliamentarians to Influence Legislation

Rank	Method	Tally N=11	%
1	Mobilisation of male colleagues.	10	91
2	Solidarity across political parties.	9	82
3	Activism and personal capacity.	8	73
4	Leveraging committee positions.	7	64
5	Reliance on the National Assembly leadership.	3	27
6	Compromise and conciliation.	2	18

The top four most frequently cited methods, as shown in Table 4.6, were: mobilizing male colleagues; solidarity across party lines; activism and personal capacity; and

leveraging committee positions. Reliance on the National Assembly leadership and compromise and conciliation were each mentioned by less than half of respondents; but they reinforced the other methods hence were still included in the analysis. The findings on each are discussed in the sub-sections that follow.

4.4.1 Mobilisation of Male Colleagues

The National Assembly was dominated by men with women holding only 20% of the total seats. In order to galvanise support for their agenda, the women sought support from the men as exemplified in the following explanations.

We assigned ourselves a male colleague each to lobby for passage of the family and two-thirds gender rule Bills (WR-5, OI, 18. 1. 2017).

We invited male MPs to a dinner on the eve of voting on the two-thirds gender rule Bill so as to lobby them. Often, we gave the issue to a male colleague when we felt that presenting it ourselves would be resisted (WR-2, OI, 24.7.2016).

We relied on the leaders of the majority and minority parties who were both men to whip male colleagues. If the majority leader had 'your ear', you were better off than if you only had the support of an ordinary MP (WR-4, OI, 6.8.2016).

The two-thirds gender rule Bill required 233 votes to be passed since it was a constitutional amendment subject to Article 256 of the COK that such a change must be supported by two-thirds of all members of the National Assembly (Hansard, 27 April 2016PM, p. 13; 5 May 2016PM, p. 10). This justifies the lobbying of male colleagues by women parliamentarians. The remark on assigning selves to lobby particular male colleagues implies that if each woman parliamentarian succeeded, they would get 68 additional supporters. However strategic this was, it would generate only 136 votes,

including the 68 women, 97 short of the threshold required. This strategy was therefore defective from the beginning. To assure success, the women needed to convince a minimum of three men each in order to get the necessary number of votes. In the view of one woman parliamentarian, the strategy failed because “*some men who had promised support did not actually vote for the Bill*” (WR-5, OI, 18. 1. 2017). This could be interpreted to mean that they were not convinced about the value of the Bill or were simply being diplomatic when promising support yet clear about their contrary standpoint. Whatever the case, failure to fulfil their promises, as stated by women parliamentarians, amounted to hypocrisy. This shows that this method had inherent risks hence need to combine it with additional ones.

The dinner dance strategy was meant to get commitment from men immediately before voting on the two-thirds gender rule Bill (WR-2, OI, 24.7.2016). Like the previous strategy, it failed as there were only 195 total affirmative votes on the first attempt and 159 during the second with 60 and 63 women in the chambers, respectively (Hansard, 27 April 2016PM, p. 13; 5 May 2016PM, p. 10). From the foregoing figures, it is clear that not all the 68 women were available to vote for the Bill on both occasions but the majority of them were. Given the threshold required, even if all voted in the first round, there would still have been a shortfall of 22 votes. This means that the support of an overwhelming number of men was critical; unfortunately, the lobbying did not generate it.

A key respondent was of the view that the dinner dance lobbying failed because “*the presentation was not compelling enough to transform patriarchal mindsets of men*” (KI-1, OI, 15.2.2017). The view suggests that men who attended the event had already made up their minds not to support the Bill and treated the dinner as a mere social event. This again points to a hypocritical and exploitative trend. The sentiment was confirmed by a woman parliamentarian as follows: “*We tried our best through intense lobbying, but our male colleagues totally let us down in the final stages*” (WR-5, OI, 18. 1. 2017). Given that the Bill was based on a constitutional requirement that the National Assembly should not have more than two-thirds of the seats occupied by one gender, its failure meant that the legislature was technically unconstitutional with regard to articles 27 and 81 of the COK 2010.

Reliance on leaders of the majority and minority parties rested on the belief that they were “*influential men who could use their positions to mobilise party members to vote collectively in support of the Bill*” (WR-4, OI, 6.8.2016). Further to this, using male proxies was meant to deflect pressure from women to defend the Bills and subtly influence antagonistic men to support them as a face-saving measure. This strategy failed with the two-thirds gender rule Bill but succeeded with family Bills that were passed by acclamation. This pattern shows the importance of numbers on matters decided by voting and which require a minimum threshold to be passed.

The fact that a substantial number of men (135) voted for the two-thirds gender rule Bill on the first attempt, however, indicates that not all were opposed to it and that the advocacy by women partially succeeded. Its failure cannot therefore be entirely blamed

on a blanket hostility by men but the threshold required to pass a constitutional amendment. That fewer men (96) voted for it on the second round, however, suggests loss of interest or a feeling that the Bill was doomed after failing to be passed the first time when momentum was high. It could also mean that women slackened on their advocacy. In other words, it is inferable that the Bill was frustrated by the following combination of factors: low numbers of women; backlash from some men; lip-service; and counterproductive lobbying. It is inadequate to conclude that it was caused by only one factor.

One of the men in support of the Bill reported that he aligned with women's pursuits because they "*were human rights issues and if space was left for them to be withdrawn, a precedent would be set against similar issues in future*" (KI-2, OI, 7.3.2017). Thus he opposed the list of the House Business Committee tabled in which more than two thirds of slots were allocated to men. He remarked as follows:

We passed a constitution to entrench the ...gender rule. To start on a footing of allowing the ...most important committee of the House to go like this is not good. There are enough women ...capable of being in this committee ... It is a dangerous precedent to set ... I oppose the list (Hansard, 17 April 2013AM, p. 6).

The findings suggest that without adequate numbers on their own, women would not be certain of success on matters decided by voting unless they successfully rallied men. To get such numbers, enough men would need to be convinced about the women's pursuits in order to tilt voting.

This confirms Karpowitz, Mendelberg and Mattioli (2015) that women's influence wanes when they are outnumbered where votes are physically counted to determine an outcome. As also pointed out by IDEA, CoD and UNDP (2017), cooperation of male colleagues is essential to women's legislative success. The case of Uganda illustrates how successful alliance with men led to passage of the Domestic Violence Act 2010 (Okello-Orlale & Ugangu, 2010). From these findings, it is clear that such cooperation must not only be pledged but also be actualised in voting.

This method coheres with the concept of loyalty in the Critical Mass Theory where women align themselves with men in order to succeed (Kanter, 1977). There is no guarantee, however, that such loyalty always works, as the findings show. This therefore calls for additional or fallback alternatives.

4.4.2 Inter-party Solidarity

Women parliamentarians reported that they exercised inter-party solidarity through mentorship, support for one another during debates and the Kenya Women's Parliamentary Association (KEWOPA) as a rallying unit. Formed in May 2001,

KEWOPA

...was established after women parliamentarians noted that since Kenya's independence in 1963, the number of women members of parliament had always been low compared to ...men, and as a result issues that were of special concern to women and girls had often been side-lined.... Similarly, there was no parliamentary committee ... chaired by a woman... There were no women representatives in the Parliamentary Service Commission (PSC); as a result, the policies and practices influenced by the PSC were mostly insensitive to, if not abusive of, women members (e.g. parliament had no maternity policy and no

facilities for women members). The national budget (the main tool for mobilization and allocation of public resources) was (also) insensitive to women's needs (KEWOPA, 2014, p. 8).

The passage implies that KEWOPA's main objectives were to increase the number of women in parliament and its committees, ensure adequate attention to their agenda, lobby for facilities addressing unique biological factors and make allocation of public resources sensitive to women's needs. It further implies that these matters affected women and girls collectively and were better handled in solidarity. How women parliamentarians relied on KEWOPA is reflected in the following voices of respondents.

Most of the legislative work is done under KEWOPA to ensure a collective approach to issues. We have used KEWOPA to oppose laws we feel are unfair or retrogressive (WR-4, OI, 6.8.2016).

KEWOPA has been instrumental in organising seminars to enable women study the Bills before-hand and to agree on which elements they should support (WR-2, OI, 24.7.2016).

KEWOPA played a big role in inducting new legislators on how to go about sponsoring Bills (WR-6, OI, 15.2.2017).

KEWOPA facilitated women's access to experts on legal drafting and relevant themes to prepare them with adequate points of argument (KI-4, OI, 7.3.2017).

The statements suggest that KEWOPA enabled women parliamentarians to: work as a team on specific legislative issues; adequately prepare for debate; familiarise new members with parliamentary work; and acquire technical capacity. Specifically, respondents reported that this enabled them to collectively support the family and two-thirds gender rule Bills as well as oppose amendments to the Sexual Offences Act. This means that KEWOPA played a facilitative role in enhancing women's legislative capacity and influence. For example, it led to withdrawal of a proposed amendment to the

Sexual Offences Act which would have lowered the age of consent for intercourse hence exposed girls to child marriages (Hansard, 9 February 2017PM). The study findings show that even though women did not have the numbers on their own to determine voting, their collective action created a stronger bargaining power with the majority men. This does not mean, however, that solidarity always led to success as evident from the fate of the two-thirds gender rule Bill, which suggests that unanimity is not a guaranteed means to success and is neutralised by inferior numerical power.

These findings cohere with IPU and UNDP (2017) and CPA (2017) that women parliamentarians use caucuses to minimise the disadvantage of low numbers. Evidence from Mexico, Vietnam, Uganda and South Africa indicates that women used such caucuses to successfully lobby for passage of laws on quotas and domestic violence (Vetten et al., 2012; Froimovich, et al., 2013). In Egypt, they rallied together to initiate a Bill against FGM, identified as a common assault on the rights of women and girls (Hassan, 2018).

Despite its success, working through women's parliamentary caucuses has its own drawbacks. The case of Malawi demonstrates that they are often derailed by internal politics and personal interests (Amundsen & Kayuni, 2016). Women parliamentarians also often find it difficult to coordinate through caucuses due to busy personal schedules (Krause & Kanthak, 2011). In this study, failure of the two-thirds gender rule Bill shows that merely working as a caucus does not guarantee success.

Solidarity was also exercised by experienced women parliamentarians through mentoring of new colleagues across party affiliations. A respondent exemplified as follows:

“Personally, I prioritise helping women MPs with Motions, Bills and maiden speeches” (WR-1, OI, 16.12.2016). Additionally, *“seasoned women parliamentarians were useful in helping new ones to handle the male-dominated space”* (WR-8, OI, 16.12.2016). These remarks point to the fact that mentoring familiarised new women parliamentarians with legislative work, countered inexperience and prepared them to expect and manage male domination. The importance of mentoring can be appreciated in the context that majority (60%) of the women parliamentarians were in parliament for the first time hence had little exposure to legislative work. This resonates with Kamau (2010, p. 77) that mentorship is useful to counter minority in *“a situation that can be intimidating even to the most courageous”*, underlining that numerical inferiority can compromise influence hence the need for solidarity.

The solidarity also manifested when women contested removal of their colleagues from committees. For instance, when a woman parliamentarian from WDM-M was transferred from the House Business Committee, a colleague from TNA complained as follows:

“Why is she being removed ...yet ...no accusationhas been levelled against her? Is it just because she is a woman?” (WH-5, Hansard 4 December 2014PM, p. 19-20). This statement illustrates sensitivity to a decision unfavourable to women as well as to a possible deliberate gender bias. The clear attempt to defend a colleague therefore demonstrates obligation to one another as a group experiencing similar problems.

The findings echo Kanthak and Krause (2011, p. 251) that women resort to numbers to shield colleagues as they “*no longer face men’s backlash without a weapon*”. In other words, when women speak as a unit, they stand a higher chance of neutralising men’s dominance even if they are a minority. In fact, women parliamentarians also stated that the surge in numbers by virtue of gender quotas provided them with leverage to be heard. As stated by one respondent, “*the higher the numbers, the better your chance of getting an audience*” (WR-4, OI, 6.8.2016). The essence here is that increased numbers enhanced the visibility of their pursuits in the National Assembly.

In summary, women relied on inter-party solidarity to identify, prioritise and prepare their legislative agenda, mentor one another and assert the right to fair treatment from a realisation that such unity was critical in view of their minority status. According to a male key informant, the solidarity “*made this particular parliament more sympathetic to women’s causes*” (KI-2, OI, 7.3.2017).

The findings contradict a prognosis in Nzomo (2011) that even if the number of women in the National Assembly increased, party and ethnic parochialism would limit their ability to work together. They further contradict the assertion by Lawless and Fox (2001) that Kenyan women parliamentarians would lack passion for gender equality issues once in parliament. Instead, they show that women were united across party divides from an understanding that this would minimise the disadvantage of numerical inferiority and focused on gender equality themes.

From the perspective of the Critical Mass Theory, women exercised the power of likeness to assert themselves in order to tilt the institutional culture towards greater inclusion (Kanter, 1977). Such solidarity counter-balances the established patriarchal order and confirms the importance of organising in pursuit of common interests (Sultana, 2012; Lewis, 2019).

4.4.3 Activism and Personal Capacity

“Activism” is used in this study to refer to pressure exerted by women parliamentarians over and above routine parliamentary procedures to influence legislation. Biegon (2016) shows that activism thrives on numbers, unity and alliance with forces inside and outside parliament. “Personal capacity” is used to refer to individual expertise and experience. Kamau (2010) lists the ingredients of this as: strong academic grounding; solid civil society experience; drafting skills; alliance with colleagues; passion for women’s rights; and identification of niche subjects to pursue.

The activism of some women parliamentarians was shaped by their training as human rights lawyers and work in CSOs (WR-1, OI, 16.12.2016; WR-4, OI, 6.8.2016). This was reported to have honed their skills, made them approach legislative work with clarity of purpose and provided networks to leverage in drafting Bills and lobbying.

The quest by CWRs for the National Government Affirmative Action Fund (NGAAF) illustrates how women used activism successfully.

As county women representatives, we went to court and got a judicial declaration to have the National Government Affirmative Action Fund established... 16 of us also made it a habit to randomly appear in the offices of the President, Deputy President and Cabinet Secretary in charge of the Treasury to make our demands known. After endless meetings, the Executive eventually accepted the idea. This led to drafting of regulations that were taken to the Committee on Delegated Legislation which initially rejected but later allowed them to be tabled in the House (WR-4, OI, 6.8.2016).

We confronted male colleagues opposed to the affirmative fund by collectively bombarding and making them uncomfortable (WR-2, OI, 24.7.2016).

We had a strong association with the media through which we issued ultimatums...and demanded removal of people creating obstacles to establishment of the kitty (WR-9, OI, 16. 1. 2017).

The first remarks identify two tracks that were used: legal suit and picketing. They show that women parliamentarians' demand for the fund were vindicated and given legitimacy by a court of law. Furthermore, picketing pressured members of the Executive to accept the demands. The second set refers to direct confrontation of men opposed to the fund. It illustrates that this was used to exert collective pressure on antagonistic men in order to relent. The last remarks talk about ultimatums and media support, the first belonging to the same category as picketing in creating pressure while the second illustrates mobilisation of supportive external actors. Use of various tactics illustrates the importance of diversifying approaches to influence legislation.

From the remarks, it is apparent that there was resistance to the fund from male colleagues and members of the Executive. The background to the activism on NGAAF was that "*the 47 women representatives did not have a fund for constituency level work*" (WR-4, OI, 6.8.2016). They were therefore disadvantaged in comparison to single constituency MPs who had the Constituency Development Fund (CDF), established in

2004 and allocated 2.5% of the government's ordinary revenue out of which 75% is divided equally to all the 290 unreserved seat constituencies (Auya & Oino, 2013, p. 307).

The successful legal suit in the High Court enabled CWRs to access Sh2 billion from the Treasury for NGAAF (WR-4, OI, 6.8.2016). The fund was eventually established through Legal Notice No. 24 of the Public Finance Management Act and published on 13 February 2015. In the view of one respondent, this was "*the greatest victory for county women representatives*" as it affirmed their right to resources and reduced treatment as aliens in the National Assembly (WR-5, OI, 18. 1. 2017). The fund is meant to facilitate socio-economic empowerment of women, youth, persons living with disabilities, needy children and elderly persons (<http://www.ngaaf.go.ke/index.php/about>).

While the quest for the fund was legitimate, it was also largely a self-serving agenda to make the 47 CWRs relevant to the electorate by enabling them exercise financial clout at county level. The clear added value of the fund is debatable considering that it serves the same purpose as the Women's Enterprise Fund, Youth Enterprise Development Fund and Uwezo Fund, established earlier. In fact, the duplicative nature of the funds led to initiatives to merge them into one facility called the Biashara Kenya Fund, according to the Public Finance Management (Biashara Kenya Fund) Regulations of 2019.

Additional to the examples of activism described, women parliamentarians repeatedly agitated against skewed allocation of speaking opportunities in favour of men (Hansard

27 October 2015PM, p. 14; 17 January 2017PM, p. 21). The resulting chances enabled them to contribute their views (Hansard 26 March 2014AM, p. 45; 1 April 2014PM, p. 39; 5 March 2015PM, p. 50; 27 October 2015PM, p. 14). That they had to resort to this tactic suggests that the National Assembly lacked a system obligating and automating gender-based diversity in speaking opportunities. This brings into question the responsiveness of its Standing Orders to diversity.

In terms of using personal capacity, lawyers among the women parliamentarians reported applying their formal training and civil society experience in parliamentary work. For instance, one pointed out as follows: *“I personally drafted and popularised the Bills I sponsored”* while another stated that being a lawyer helped her *“to counter use of legal jargon by men to oppose women’s agenda”* (WR-4, OI, 6.8.2016).

The findings are in consonance with women parliamentarians’ experiences globally on use of activism and personal capacity to influence legislation. In Argentina, for example, Law No. 24,012 was initiated by the woman leader of the Radical Civic Union in 1989 and adopted by an inter-party caucus which introduced and lobbied for its passage with support from the women’s movement (Carrio, 2005). South African women engaged the Women’s National Council in developing the Charter for Women’s Effective Equality followed by lobbying parliamentarians to have its contents reflected in the new Constitution to remove women’s minority status in customary law (Meintjes, 2005). They also relied on influential colleagues to get laws on domestic violence and recognition of customary marriages passed (Goetz & Hassim, 2002).

The centrality of activism and personal capacity in amplifying women's demands, neutralising opposition and achieving tangible legislative results is clear. The findings cohere with the Critical Mass Theory about use of pressure by minorities to realise their objectives (Kanter, 1977). They also illustrate that routine parliamentary processes may not always be reliable avenues for women parliamentarians to achieve desired results hence the need for additional measures.

4.4.4 Leveraging Committee Positions

According to NAK (2017b), legislative work in Kenya is done mainly through the committee system. The National Assembly had 30 committees as at October 25, 2016 categorised as follows: audit/oversight (2), departmental work (12), select duties (8), housekeeping (6) and joint functions with the Senate (2). Departmental committees generate, review and approve Bills for debate hence are the most crucial in legislation.

Respondents reported that belonging to these committees enabled them to influence legislation. For example, women in the Labour and Social Welfare Committee capitalised on their membership *“to generate support for establishment of NGAAF”* (WR-10, OI, 28.7.2016). Of significance was the pioneering membership of two women in the PSC, which is responsible for formulating the policies of parliament. This was the first time women were sitting in this entity (KEWOPA, 2014). The women members of the PSC successfully lobbied for a policy on maternity leave, increased medical insurance and support systems for lactating parliamentarians (WR-10, OI, 28.7.2016). The medical insurance was provided through a Salaries and Remuneration Commission circular dated

May 27, 2013 which entitled each MP to the following annual covers: inpatient (Kshs 10 million), outpatient (Kshs 300, 000), maternity (Sh150,000), dental (Sh75,000) and optical (Sh75,000). Support to lactating mothers was done through Circular PSC/RES/2013/413 which states as follows:

During its One Hundred and Seventy Eighth Meeting of 1st August 2013, the Commission considered Paper No. 574 on facilitation for lactating members and staff and resolved as follows:

- 1. That with effect from 1st July, 2013, lactating mothers who serve as members or staff of parliament be facilitated by the Parliamentary Service Commission to carry with them their infants who are one year old or less and a care-giver for the infant whenever they travel on parliamentary business within the country as follows: a) travel expenses for the infant and the care-giver; and b) accommodation, meals and related costs for the infant and the care-giver.*
- 2. That a designated room be provided within the precincts of parliament for the exclusive use of lactating members and staff of parliament whose infants are one year old or less. The room should be equipped with comfortable seats, baby cots, a refrigerator and any other equipment that may promote the hygiene and comfort of the mothers and the infant.*

In essence, the circular recognised that parliament had a responsibility to enable women combine motherhood with legislative work. Funding travel and work-related child care expenses means that women parliamentarians were relieved of that financial burden while on duty. They would also not be distracted from legislative work by child care responsibilities. This would give them more time to contribute to and influence legislation.

A lactation room would ensure that women parliamentarians could easily access and breastfeed their infants, a benefit not only to themselves but the babies as well. This is

because exclusive breastfeeding for the first six months is fundamental to “*optimal growth, development and health*” of the child, accelerates “*maternal weight loss after birth*” and delays resumption of menses hence contributes to lower fertility (WHO, 2011),

The existence of such work place policies as articulated in the PSC circular is rare in Kenya’s public and private sectors. A study by the National Gender and Equality Commission, NGECE (2016) notes that only 10.1% of public institutions provided child care facilities for workers. Another study, of 61 companies listed in the Nairobi Securities Exchange, established that only five (8.2%) had progressive maternity leave policies and there was no law compelling employers to ensure that work places were mother-friendly (Equileap, 2019).

The step taken by the PSC is in consonance with international best practice on home-work balance as stipulated in ILO (2002) and recommended by IPU (2012). That the policy was only developed in the wake of women’s presence in the PSC constitutes an achievement of KEWOPA’s objective related to establishing facilities responsive to the unique needs of women parliamentarians (KEWOPA, 2014).

Women parliamentarians confirmed that leading parliamentary committees was crucial as it enabled them to decide the final contents of Bills tabled. The following remark explains.

As chairperson, you are very influential in determining the committee decisions, including making sure that statutes are gender-sensitive, because you are the last person to read the Bills (WR-2, OI, 24.7.2016).

The remark raises key points on the importance of committee leadership. First, the leaders have leeway in shaping legislative decisions. Second, they determine whether or not Bills are gender-sensitive. Third, advance knowledge of the contents of Bills enables them to anticipate and prepare for debate. This suggests that occupation of such positions would enable women to directly and subtly influence legislation. This advantage was exercised with regard to family Bills which originated from the Justice and Legal Affairs Committee, in which the deputy chair was a woman (WR-4, OI, 6.8.2016).

The significance of such positions was further evident in instances where women chairing committees used their positions to include in debates issues they had a vested interest in. For example, the chairperson of the Departmental Committee on Education, Research and Technology used her position to support inclusion of CWRs in distribution of sanitary pads to school girls in order to strengthen implementation of the scheme (Hansard, 23 July 2014AM, p. 29). She also campaigned against school girl pregnancy using her position (Hansard, 13 November 2013AM, p. 9). The chairperson of the Departmental Committee on Environment and Natural Resources moved the Water Bill (No. 8 of 2014) which, among things, proposed investment in innovative rain harvesting technologies to reduce distances travelled by women to fetch water (Hansard, 23 October 2014PM).

These findings show that even though only a few women held committee leadership positions, the status enabled them to influence the content of Bills. They echo Joshi and Goehring (2018, p. 357) that “*committee leaders (have) greater power over legislation compared to ordinary MPs*”, which explains why it is strategic for women to occupy the positions. In South Africa, for example, the woman-led Joint Monitoring Committee on the Quality of Life and Status of Women was instrumental in checking that laws addressing women’s rights were implemented (Meintjes, 2005).

As the findings show, women leveraged membership and leadership of committees to ensure attention to their agenda. The circular on support to lactating parliamentarians particularly stands out given its origination in the wake of women’s presence in the PSC. This study posits that women parliamentarians’ occupation of committee leadership positions enabled them to create pressure on their agenda and diversify spaces and decisions. The findings cohere with the Critical Mass Theory on the power of numbers to tilt the experiences of women (Kanter, 1977). They further lend credence to liberal feminism, that creating space for women enables the society to benefit from a wider range of talents (Mill, 1869).

4.4.5 Reliance on the National Assembly Leadership

The topmost leader of Kenya’s National Assembly is the Speaker, who presides over debates and chairs all the legislature’s policy-making organs. Next are leaders of the majority and minority parties, who are given precedence in parliamentary debates (COK, 2010). These posts vest in the holders immense powers to influence parliamentary

processes and decisions hence the importance of aligning with them. For example, the Speaker has the discretion to allocate speaking opportunities and apply the Standing Orders, including invoking special provisions that can determine crucial legislative processes and outcomes. By virtue of being the official spokespersons of their political coalitions, the leaders of majority and minority parties can mobilise members to support or oppose specific legislative proposals.

Women parliamentarians reported that the Speaker was supportive of their quests and protected them from adverse treatment by men. For example, when men pejoratively and stereotypically referred to CWRs as “*Mama County*” (Mother of the County) and treated them with contempt because of being beneficiaries of quotas, “*the Speaker declared that all members were of equal status regardless of how they were elected*” (WR-4, OI, 6.8.2016).

Support from the Speaker was further illustrated when he invoked a special provision allowing a vote to be re-taken on the two-thirds gender rule Bill. He quoted Standing Order No. 62(2) that:

...whenever a Bill or a special Motion the passage of which requires a special majority in the Assembly fails to obtain the required majority and the vote results in a majority of the “Ayes” but the “Noes” have not numbered at least one third of all the members of the Assembly, the Speaker may direct that a further vote be taken on the particular question... within five sitting days from the day the first vote was taken (Hansard, 27 April 2016PM, p. 10).

The first vote attracted 195 supporters out of 349. All the 28 members who voted against the Bill and two abstentions were men (Hansard 27 April 2016PM, p. 14). This shows a clear gender divide on the subject. Since the dissenting voters constituted only 8% of all members of the Assembly, a re-vote was allowable. It is this lever that the Speaker relied on. He also allowed members who had forgotten their electronic log-in cards to vote by directing as follows:

I understand that there are those of you who ... forgot your log-in cards. Due to the importance of the business to be transacted, I have decided to allow even those who forgot their cards to vote (Hansard, 27 April 2016PM, p. 10).

The action indicates the Speaker's determination to protect the Bill from being knocked out on technicalities and manoeuvres such as men deliberately leaving their cards behind so as to be precluded from voting. The initiative shows that parliamentary procedures can be interpreted progressively in favour of women's pursuits. In this case, the Speaker used his discretion to create a favourable environment for the two-thirds gender rule Bill. As documented earlier, however, the Bill failed to muster the minimum votes required.

While this suggests that altruism of the leadership alone was not adequate to guarantee success, repeated failure of the Bill regardless of the method used to promote it points to a sustained scheme by the men to kill it.

The fact that this was the first National Assembly in the country to have a woman Deputy Speaker was considered by women parliamentarians as a morale booster and "*a powerful tool in ensuring that women's issues were not ignored*" (WR-4, OI, 6.8.2016). The

Hansard captures the following instance when the Deputy Speaker made a pronouncement on an issue of interest to women.

Honourable members. As you may have noticed, there is a team from the State Department of Gender Affairs ...at the main reception of parliament. The team is raising awareness about the ongoing HeForShe Campaign ...to engage men in the elimination of all forms of discrimination and violence against women and girls. To this end, I call upon all male members to visit the desk and sign up for the... initiative in solidarity with women (Hansard 22 November 2016PM, p. 2).

This pronouncement directly appeals to men to support a campaign on eradication of discrimination and violence against women. By asking them to do this “*in solidarity with women*”, the Deputy Speaker was hinting at two things. First, that these problems affected women more than men and targeted all categories regardless of social status hence the need to unify against them, as outlined in WHO (2017). Two, that women parliamentarians were already in support of the campaign. Although the Hansard does not record how the men responded, the remarks depict the Deputy Speaker’s alignment with, and recognition of her authority to mobilise men’s support for, matters of interest to women. This is consistent with the Critical Mass Theory on the power of likeness to get attention to women’s agenda. According to the theory, similarity of factors affecting women makes what happens to one have consequences for all, thus justifying unity (Kanter, 1977).

Support of parliamentary leaders has been used by women parliamentarians in different countries to increase presence in legislative committees and get Bills of interest passed (Vetten et al. 2012; Froimovich, 2013; CPA, 2017). For example, the woman Speaker in

Uganda intervened to ensure that a minimum number of committee slots was reserved for women when men were allocating themselves all the positions (CPA, 2017). In Sweden, the initiative of a woman Speaker resulted in establishment of a parliamentary child care centre which benefited even male members, who found it convenient to bring their infants to Stockholm when attending sessions (Wängnerud, 2005). The case of Sweden demonstrates that issues perceived as gender-specific are actually useful to both men and women and their benefits should not be feminised.

The section has shown that it was strategic for women to rely on the leadership of the National Assembly to create additional traction for the gender rule Bill. This did not, however, guarantee success and was negated by the entrenched opposition by men to affirmative action in this National Assembly. It shows, however, that the support asserted women's right to fair treatment.

4.4.6 Compromise and Conciliation

“Compromise and conciliation” are used in this study to refer to women parliamentarians' concession of ground on controversial issues so as to pre-empt rejection by men, which would injure even uncontested agenda. The following explanation illustrates.

If there was an element of a law that would be unpopular, we chose to let it go as long as the main thrust remained intact. For instance, with the Marriage Bill, we let go the proposal to have men intending to marry a subsequent wife get the earlier wives' consent as long as the age of marriage was fixed at 18 years... We took solace in the fact that the Constitution provides for equality in marriage at all times and that we could use this handle to push an amendment later (WR-4, OI, 6.8.2016).

These remarks show that women parliamentarians were ready to sacrifice pursuits that were unpopular with men but did so strategically so as not to lose on key elements. In other words, they avoided counter-productive rigidity. This strategy was successfully used in the 9th parliament (2002 – 2007) when women parliamentarians relented on a clause that criminalised marital rape in the Sexual Offences Bill. Opposed by men, the clause was threatening to have the whole Bill rejected, and with it all provisions women considered important in dealing with sexual offences, such as enhanced jail terms for perpetrators. Once the clause was excluded, men supported the Bill and it was passed (FIDA-K, n.d.).

In the National Assembly under study, conciliation was applied on the two-thirds gender rule Bill when a number of men were antagonised by a message from the Federation of Women Lawyers – Kenya (FIDA-K) indicating that it would be monitoring how parliamentarians voted (Hansard, 27 April 2016AM, p. 2). Women parliamentarians became conciliatory to manage the reaction as evident in the following statement.

I want our male colleagues to know the kind of pressure we are under, as female members of parliament, especially from the civil society, who feel we are not doing enough. We normally work together harmoniously in this House on different issues. Today, as we vote, we will depend on the rapport and consultations that we have had At no time did we want our male colleagues to feel intimidated... On behalf of KEWOPA, I apologise (WH-18, Hansard, 27 April 2016AM, p. 6).

In these remarks is a categorical attempt to appease the men who were infuriated by the FIDA-K message. It hints at the fact that CSOs expected women to lead in pursuing

legislation beneficial to their lot and further cites precedence in working harmoniously with the men, ostensibly to appeal for the latter's support. It is inferable that women resorted to this given their lower numbers and the inevitable need for men's support to get the Bill passed, especially given the threshold required to do so. While this underlines the importance of a non-adversarial approach, it also shows that the men could always wield their numerical superiority and threat of retribution to defeat women's pursuits. This suggests that numerical minority placed women in a precarious position in determining legislative outcomes, tactical as they were in being conciliatory.

The fact that the Bill still failed despite the conciliatory appeal resonates with Elgin (1993) that "*placating*" communication is a desperate act of subordination and surrender which does not always yield intended results. The method is consonant with "*loyalty tests*" in the Critical Mass Theory which states that in certain situations, women acquiesce to men's dominance in "*fear of retaliation*" (Kanter, 1977, p. 390). As the findings show, such loyalty can either work or fail even though it may be a realistic strategy to manage resistance.

In summary, this section has established that application of a variety of methods enabled women parliamentarians to influence: passage of Bills responsive to women's interests; increased presence in committees; establishment of NGAAP for CWRs; and attention to diversity. The methods failed, however, with regard to the two-thirds gender rule Bill.

Given the strengths and weaknesses of each method, the study observes that they should be selected carefully in consideration of the issue at hand and dynamics in the legislature, especially the standpoints of male colleagues.

At the global level, the study agrees with Norris (2000), Grey (2001), Volden et al. (2013) and IPU and UNDP (2017) that increased numbers enhance women parliamentarians' assertiveness and use of caucuses to exercise solidarity on common legislative agenda. On the regional front, it affirms Okello-Orlale and Ugangu (2010), Vetten et al. (2012), Froimovich et al. (2013), CPA (2017) and Hassan (2018) that an increase in numbers gives women parliamentarians impetus to initiate legislation on gender-related issues and that they complement this with other methods.

From the national perspective, the academic studies reviewed showed lack of documentation and analysis of methods used by women parliamentarians for legislative influence. Nthiiri (2014) looked at how women used their caucus to strengthen democracy, not to influence legislation as this study did. Moreover, it did not cover the five-year period 2013 – 2017 as done by this study. Chege (2016) focused on women's contributions but did not look at the methods used to achieve success. Mbugua (2017) analysed only the power of numbers on three Bills while this study looked at five methods and their application on a wider range of Bills. The study has responded to these gaps.

Influencing legislation using the methods discussed was not without constraints, as analysed in the next section.

4.5 Challenges Faced by Women Parliamentarians in Influencing Legislation in Kenya's National Assembly of the 11th Parliament (2013 -2017)

The previous section assessed the methods applied by women parliamentarians to influence legislation. This section examines the challenges they faced. Studying the challenges was to identify the hurdles women entering the National Assembly in Kenya may expect. This would form the basis for recommendations on how to improve their influence.

To determine the challenges, women parliamentarians were asked to identify and describe the difficulties they had faced. The responses were tallied as shown in Table 4.7.

Table 4.7: Challenges Faced by Women Parliamentarians in Kenya's National Assembly 2013 – 2017

	Challenge	Tally	%
1	Exposure to dominant behaviours of male colleagues.	10	91
2	Low numbers.	10	91
3	Polarisation among women themselves.	9	82
4	Insensitivity of parliament and political leadership to women's interests.	7	64
5	Legislative inexperience of majority women parliamentarians.	6	55

Each of the listed challenges were identified by more than half of respondents thus demonstrating their prevalence among women parliamentarians. Evidence was adduced from the Hansard to illustrate how the challenges manifested and their effect on the influence of women parliamentarians.

4.5.1 Exposure to Dominant Behaviours of Men in Parliament

The expression “*dominant behaviours*” has been adopted from the Critical Mass Theory (Kanter, 1977) where it refers to how women are treated by men when in a minority.

From interviews, 10 (91%) of the respondents cited exposure to such behaviours as a challenge to their pursuits. The number of women parliamentarians who experienced specific behaviours described by the theory was established through a semi-structured questionnaire and responses tallied in Table 4.8.

Table 4.8: Men’s Dominant Behaviours Experienced by Women Parliamentarians

Behaviours	N = 11		Example Provided
	Yes	No	
a) Backlash from male colleagues due to increased numbers as a result of quotas.	10	1	Resistance to the two-thirds gender rule Bill.
b) Frustration of women’s pursuits by religious and cultural conservatism from male colleagues.	9	2	Arguments against women’s consent for a husband to marry an additional wife (Marriage Bill).
c) Demeaning and dismissive treatment of women parliamentarians by male colleagues.	5	6	Trivialisation of county women representatives.
d) Contempt towards affirmative action and its beneficiaries.	8	3	Treatment of beneficiaries of quotas as inferior.
e) Secret manoeuvres by male parliamentarians to exclude women from decision making activities.	11	0	Holding meetings at times when women were not available.
f) Shortcomings of women parliamentarians were more noticeable than those of male colleagues.	10	1	Accusing a victim of rape of attracting it.
g) Women blamed even when they were the aggrieved.	9	2	
h) There were stereotypes about women in the National Assembly.	11	0	Assigning women the leadership of the Catering Committee.
i) Women parliamentarians were pushed to conform to traditional gender roles.	6	5	Assigning women to caring and nurturing roles
j) Women parliamentarians were co-opted into the culture of male colleagues.	6	5	Treatment of women holding single constituency seats as superior to county women representatives because they contested against men.
k) Women parliamentarians were treated as sex objects by male colleagues.	6	5	Obsession with women parliamentarians’ physical appearance.
l) Women parliamentarians were treated as objects of amusement and sympathy.	6	5	Expecting women to tolerate misogynistic comments as humour.
m) Outstanding women parliamentarians were considered “ <i>tough</i> ” by male colleagues and consequently ostracised.	7	4	Conspiracy to exclude a woman parliamentarian from an influential committee.

Table 4.8 shows that each dominant behaviour was experienced by more than half of respondents. Apart from identifying the behaviours, respondents were also asked to exemplify how they manifested in the National Assembly and how this affected their legislative influence. The behaviours have been collapsed into the following seven themes for analysis: contempt for and backlash against affirmative action; conservatism; trivialisation; objectification; sexist language; stereotyping; and victim blaming. Their manifestations and effect on the influence of women parliamentarians are then discussed.

4.4.1.1 Contempt for and Backlash against Affirmative Action

Eight (73%) out of eleven respondents indicated that there was contempt from male colleagues towards affirmative action and its beneficiaries. This was evident from men's sentiments on the 47 CWRs. For example, a key informant was categorical that CWRs were not adding value. He opined that *"you cannot put a finger on the gap the 47 filled hence the 'flower girl' tag idea around them"* (KI-1, OI, 15.2.2017). The flower girl metaphor alludes to the common practice in public ceremonies in which little girls present bouquets to principal actors. The terminology was used in the National Assembly to depict the CWRs as merely decorative and substantially inconsequential (WR-11, OI, 11.2.2018).

Such treatment is to be understood in the context that CWRs were sponsored by male-headed and dominated political parties (Biegon, 2016). It suggests that the leaders of political parties merely placed loyalists in the quota positions without regard to merit or the substantive difference the beneficiaries would create, a blanket condemnation that

does not provide evidence based on actual performance. Notably, such criticisms were not levelled against men nominated directly to parliament without going through competitive election, which shows a double standard and clear bias against women. Another male key informant argued that affirmative action was filling the legislature “with people who have no mandate from the electorate and are mere sycophants, cronies and relatives of political godfathers” (KI-2, OI, 7.3.2017). Underlying these remarks is the sentiment that women beneficiaries of affirmative action were undeserving of being in the National Assembly, illegitimate, merely decorative and perpetrated favouritism and nepotism. This belittles the fact that they also campaigned for their seats. Inlaid in the remark is an attitude that unless women contested against men, they were inferior.

The resulting backlash is exemplified by the reaction of four out of seven men who reacted to the following message sent to parliamentarians by FIDA-K before voting on the two-thirds gender rule Bill.

Dear Hon. Member of Parliament. The Constitution of Kenya (Amendment) (No. 4) Bill is coming up for voting on Wednesday, 27th April 2016. Please note that voting for constitutional Bills is public. We will be watching and counting on you to vote the Bill (Hansard, 27 April 2016AM, p. 2).

There are two salient points in this message. One, the public would know which parliamentarians supported or opposed the Bill. Two, FIDA-K had an interest on the results and specifically wanted an affirmative vote. This is logical given that FIDA-K was formed “to promote women's individual and collective power to claim their rights in all spheres of life” (<http://www.fidakenya.org/site/history>). In reaction to this message, a male parliamentarian stated as follows:

This is coercion and trying to threaten members of parliament to vote in a particular way...When we finally vote for (the Bill), will we have (done so) because (of) our conscience ...or becausepeople like FIDA-Kenya are wielding a big stick over our heads? (Hansard, 27 April 2016AM, p. 2).

The reaction depicts an attitude that FIDA-K was trying to blackmail parliamentarians to support the Bill and thereby compromise their independence of choice. In the view of a male key informant, *“this idea of putting a gun over the heads of MPs backfired because it fortified men’s resolve to ensure that the Bill was defeated”* (KI-2, OI, 7.3.2017). This remark indicates that male parliamentarians deliberately schemed to defeat the Bill as revenge against FIDA-K and, by extension, women parliamentarians. It can be inferred that the FIDA-K message was a convenient excuse for men to actualise their opposition to the Bill, which underlines the negative gender power dynamics in the National Assembly.

An important point for discussion is whether the defeat was only informed by the FIDA-K message or men’s general distaste for affirmative action! It is logical to believe that the latter was the case considering the sentiments that affirmative action was not adding value. The resistance arose from men’s feeling that the two-thirds gender principle would make women *“muscle into their territory”* (WR-9, OI, 16. 1. 2017). This reveals a mindset that the National Assembly belonged to men by right and affirmative action was an assault on their dominance. In which case, the resistance was basically protectionist. Therefore, the reaction to FIDA-K’s message reeks of men’s sense of entitlement to political leadership. This also raises the possibility that FIDA-K had under-estimated the

resistance of men to the two-thirds issue hence issued a counter-productive advocacy message.

It is important to note that although the message was addressed to all members of the National Assembly, it was conveniently construed to target men going by the fact that only their lot opposed it (Hansard, 27 April 2016AM, p. 2). The construal appears to have arisen from a guilty conscience on men's part and a tacit acceptance that they wielded numerical power and had already decided to scuttle the Bill in advance. If not, they should have simply ignored it and voted with their "*conscience*" as one male parliamentarian put it.

The study discerns that the resistance was a clear backlash against affirmative action and a broad scheme to limit the number of women in the National Assembly so as to perpetuate men's domination and influence on its decisions. It is in this context that the study concurs with Bouka et al. (2018, p. 54) that men's resistance to an increase in the numbers of women in politics arises from a fear that "*it (is) a threat to their own power base and authority within society.*" This coheres with IPU (2016, p. 1) that "*the influx of women into parliament ...has tended to disrupt the established order, (hence) provoking some resistance*". In the context of the Critical Mass Theory, the defeat of the Bill technically isolated women and aligns with the postulate that minority status creates loneliness which compromises tokens' ability to challenge and overcome domination by the majority group (Kanter, 1977).

The findings show that despite its success in increasing women's presence in parliament, quotas create legitimacy concerns about beneficiaries hence the need to examine whether they should be the only means of reducing institutional domination by men. This study contends that relying solely on them is likely to continue being resisted as an undemocratic process that ignores merit and lead to treatment of beneficiaries as inferior to colleagues elected in open contests.

4.4.1.2 Conservatism

The study asked women parliamentarians whether their pursuits were frustrated by conservative standpoints by men, based on findings that this is a common trend. Nine (82%) out of eleven responded in the affirmative. The following remarks by men during debates in the National Assembly illustrate.

On the Marriage Bill

In the ...constituency where I live...failure to register does not invalidate an Islamic marriage (MH-1, Hansard March 20, 2014PM, p. 19).

Under customary law, you do not inform your wives of the coming of the second or third wife. You just appear with a lady and she knows this is the wife...This particular clause offends the customs of the various tribes (MH-2, Hansard, 20 March 2014PM, p. 57).

African men are potentially polygamous. For that reason, there is no need for informing your first wife ... We are not living in Europe or America (MH-11, Hansard 20 March 2014PM, p. 59).

On the PADV Bill:

I was going through what "violence" means in this Bill. It says "interference from in-laws" ... Why do you create a law to punish your mother-in-law and your father-in-law? ... This particular provision is un-African (MH-1, Hansard, 20 August 2014PM, p. 23).

In (our) culture, there is nothing like sexual harassment when you are dealing with a wife or husband...That is because the first reason you marry...is what we are calling sexual abuse (MH-5, Hansard, 20 August 2014PM, p. 32).

The remarks on the Marriage Bill cite religion to dismiss the proposed mandatory registration of all marriages, including Islamic ones. The essence of the Bill was to reduce the burden women bore in having to prove marriage during succession disputes. Opposing it implies that the parliamentarian was against such liberation for Muslim women, which is more poignant given that he does not explain how such registration would harm Islam.

The other views on the same Bill are puritanical, using the premise that polygamy is intrinsic to and a logical expectation in African marriages. In-laid in them is a defence of men's right to be polygamous without addressing women's interest in the matter. Moreover, the arguments do not acknowledge that a multitude of African men are monogamously married. All the arguments seek to maintain the *status quo*, notwithstanding that the issues at stake were among the problems identified by the 1967 commission as constituting discrimination against women in marriage.

As stated by one respondent, the remarks were antagonistic to the central intents of the Marriage Bill, which was to create "*a law mandating registration of all marriages to guard against being disinherited during disputes*" (WR-9, OI, 16. 1. 2017). The impression that this Bill would only benefit women is mistaken given that registration would also save men time, unnecessary squabbles around succession and funds spent in litigating such cases.

The remarks on the PADV Bill dismiss sexual violence in marriage as non-existent and argue that it was culturally alien, citing that it contravened “*African*” reverence for parents-in-law. They reveal a conservative mindset that what is cultural and traditionally “*African*” is inherently good and sacrosanct, without noting the irony that drafters of the Bill were actually African. Furthermore, they do not weigh the potential benefits of the Bill against its alleged weaknesses, hence are lopsided.

The conservative stands by men prevented Muslim women parliamentarians from debating the Marriage Bill so as not to jeopardise their political careers by appearing to oppose religion (WR-11, OI, 11.2.2018). By virtue of this, they forewent their opportunity to influence legislation. On the one hand, such action appears cowardly and unprincipled; but on the other, it was politically realistic considering the historical opposition by Muslim lobbyists to previous marriage Bills with similar intent, as outlined earlier.

The Marriage Bill was eventually passed but without the clauses opposed by men hence diluting its intent in addressing the full range of women’s rights in it. This study contends that exclusion of the contested clauses evidences that conservatism by men was an effective control mechanism consonant with patriarchal power (Sultana, 2012). The study, therefore, observes that if such a tendency is not challenged and reformed, merely increasing the number of women may not substantially make the National Assembly more responsive to their interests.

Looked at from a historical perspective, the conservative arguments echo those used to frustrate earlier versions of the Marriage Bill and exclude “*marital rape*” from the Sexual Offences Bill in the 9th parliament (FIDA-K, n.d.). More critical is that the arguments negated the essence of the legal reform initiated in 1967 to equalise the status of women and men in marriage.

Use of conservative arguments against women’s pursuits is evident from other parts of the world. In Egypt, a male parliamentarian petitioned that all women colleagues be subjected to FGM in reaction to a Bill they initiated against the practice (Hassan, 2018). Male parliamentarians in Uganda based their opposition to the Domestic Relations Bill (2003) on an argument that it was an assault on customs and men (Froimovich et al, 2013). As is the case with Kenya’s National Assembly, these were convenient arguments to oppose reformist agenda on societal problems that primarily had negative effects on women. They depict a tendentious solidarity by men against equality with women.

In the Critical Mass Theory, conservatism relates to “*interruptions as reminders of ‘difference’*” to make women feel out of place hence become silent. The study posits that if such an ideology is left to persist, women’s interests would not be comprehensively addressed even if their numbers in the National Assembly is increased through quotas, unless the action results in such numerical significance as to enable them influence legislation without additional support from men.

4.4.1.3 Trivialisation

To trivialise is to make someone or something look petty. When women parliamentarians were asked whether they experienced this treatment from male colleagues, five (45%) were affirmative. The following exchanges from National Assembly debates illustrate.

Hon. Temporary Deputy Chairlady, as you can see, they are all county women representatives and they are talking about table banking (MH-2, Hansard, 11 December 2014AM, p. 5).

We are honourable members of this House. We speak about laws.... Do not reduce us to table banking! (WH-10, Hansard, 11 December 2014AM, p. 5).

The 47 women representatives can be given the duty to go round schools and create markets for milk farmers ...They need to be busy. We can fund them (MH-9, Hansard, 2 October 2013AM, p. 11).

I think ... we are busy enough. ...I do not think it is in order for him to attempt to create for us a job (WH-5, Hansard, 2 October 2013AM, p. 11).

Table banking refers to an informal financial system in Kenya where members of self-help groups pool funds to instantly loan one another. It is largely associated with women's welfare groups and has evolved into a popular mechanism for raising investment capital and funds to meet social needs (Wanaswa, 2015; Ngumbau, 2017). The remark on table banking, which stereotypes the model as a women-specific activity, depicts the CWRs as engaging in out-of-context discussions hence implying that they were insouciant. The response reveals the inherent attitude in the remark that table banking is primitive. The statement on marketing insinuates that CWRs were idle, required sympathy and were being done a favour by men assigning them a duty. The use

of “we” connotes a belief that the National Assembly belonged to men with women being intruders.

The remarks reveal a condescending attitude of male parliamentarians, which characterises a superiority complex. They clearly depict an isolationist mindset of “us” against “them” and an impression that the National Assembly was intrinsically a structure for men. By depicting women as trivial, the remarks imply that they were undeserving of being in the legislature, a serious institution set up to make laws, not engage in pettiness. In other words, the trivialisation hints at a perception that women did not understand why they were in the National Assembly. It basically indicates an attempt to demean them and confound their legislative space.

These findings resonate with Latt et al. (2017) on how men in the parliament of Myanmar trivialised and subordinated women by ignoring the conventional honorifics when they referred to the latter as “*little sisters*”, in order to undermine and depict them as helpless siblings needing protection. In the same way, the remarks that CWRs needed protection from men align with a patriarchal norm which, according to Sultana (2012, p. 6-7), “*upholds woman’s dependence on and subordination to man*”.

Erikson and Josefsson (2019, p. 11-15) show that the competence of Swedish women parliamentarians was doubted by male colleagues, especially on subjects considered masculine, such as finance. It further reports that young women parliamentarians were especially “*mocked in ways that undermine(d) their ...credibility*”. That this happened in

Sweden, considered in IPU (2012) as a leader in legislative gender parity, shows that merely increasing the numbers of women in parliament does not dismantle patriarchy.

The Critical Mass Theory recognises trivialisation as a means through which men subordinate women by disguising their contempt as humour and subtly coercing them into loyal silence. This calls for parliamentary rules against such behaviour in order to create an atmosphere in which men regard women as equals, not inferiors. The study regards such behaviour as characteristic of an entrenched exclusivist ideology by men which, if not uprooted, mutates to neutralise women's increased numbers and sustain inequality.

4.4.1.4 Objectification

According to *Chambers 21st Century Dictionary*, to objectify is “*to make something into or present it as an object*”. To objectify a person thus means reducing one to the level of a commodity. When asked whether they experienced this from male colleagues, seven (64%) out of eleven women parliamentarians confirmed and indicated that this manifested in greater attention to their personal appearance than technical performance. They illustrated as follows.

There are many comments about our dressing and physical appearance, not substance. They come in veiled compliments such as ‘You are so beautiful in a short skirt’. Many male MPs think female colleagues are cheap sexual objects and flower girls (WR-2, OI, 24.7.2016).

They even call me “Mrembo” (the beautiful one) instead of “Mheshimiwa” (Honourable Member) (WR-8, OI, 16.12.2016).

They asked us to take them out for dinner. We did ...but their complaint was that it was only dinner and nothing else. They were asking why we did not give them sexual favours so that they could pass the Bill (WR-9, OI, 16. 1. 2017).

The statements reveal a perception by the men that women colleagues' value primarily inhered in their sexual appeal, not legislative contributions. They minimise women parliamentarians' official roles by primarily focusing on their personal appearance, to suggest that they were superfluous.

The claim that men asked for sexual favours to pass a Bill symptomatises an opportunistic tendency and a preconditioning of women's legislative success on subjugation to men's amorous demands. It presents a problematic gendered idea that women must lobby using their bodies. If it were men lobbying through such a dance, the issue of sex would not arise. This behaviour is tantamount to sexualisation of women and blackmail. Even if the remarks were made in jest, they betray a sub-conscious expectation which clouded the interactions and rendered the dinner dance meaningless.

This tendency is widespread worldwide and compels women parliamentarians to *“constantly deal with stereotypical perceptions about their appearance, how they express themselves and behave and the role they should play”* (IPU, 2016, p. 3). It therefore creates a toxic atmosphere which limits the influence of women parliamentarians.

The following exchange in the National Assembly also exemplifies objectification.

I was looking at the MP for (constituency name withheld). It is so beautiful when you see her around here (MH-8, Hansard, 25 October 2016PM, p. 34).

I may be beautiful ... However, we are not here to beautify these seats of parliament... We are here to contribute substantively to change in the lives of women of Kenya. Focus on real issues not side-shows (WH-24, Hansard, 25 October 2016PM, p. 34).

The reference to a woman parliamentarian as “*beautiful*” reflects obsession with physical appeal at the expense of formal presence and work. As the target noticed, it was an attempt to downplay her status by equating her with an item merely there to enhance the aesthetic appeal of space.

As captured in Miruka (2013, p. 31), such obsession “*reinforces the notion that women’s value is skin-deep rather than that they also have intellect and other talents*”.

Commenting on sexual blackmail of women parliamentarians by men, a report by IPU (2016, p. 5) states that this “*perpetuates the idea...that only by agreeing to (sexual) favours can a woman find her place and get ahead in politics*”. Such demands “*can lead to reprisals that may seriously impair the victim’s work*” (ibid). The report cites the example of a woman parliamentarian who was permanently denied floor space by a parliamentary Speaker after she declined his sexual advances.

Attention to women’s physical attributes rather than technical competence is classified as “*tokenism eclipse*” in the Critical Mass Theory. Eclipsing denotes that women’s presence

in male-dominated spaces is enough achievement even if they do nothing else, including legislation, which is why they are in parliament. In this regard, it is important to consider whether the men trivialising the women regarded them as present to perform legislative functions or merely to decorate space. If the latter is the case, which the study believes it was, the attitude implies that men considered parliament as innately male-centred with women being mere cheerleaders. Should women conform to such expectations, they become complacent and ineffective (Bouka, et al, 2018).

From the discussion, the study has illustrated the use of objectification to subordinate women parliamentarians in Kenya's National Assembly 2013 -2017, but they detected the attempts, protested and demanded dignified treatment. This study observes that although such attentiveness is necessary, it is not sufficient in the absence of institutional mechanisms to oblige respectful treatment of both women and men. In fact, objectification and the other misogynistic behaviours of men should be candidates for legislation that would then protect women both inside and outside the National Assembly.

4.4.1.5 Sexist Language

Of the eleven women parliamentarians interviewed, six (55%) reported experiencing sexist language, in consonance with treatment as sexual objects as already discussed. The following exchanges in the National Assembly illustrate.

I have eminent and many other good lawyers, including my friend (woman parliamentarian, name withheld). Once in a while, I seek her services (MH-1, Hansard, 23 July 2014PM, p. 25).

Temporary Deputy Speaker: You are free to seek legal services from (another woman legislator, name withheld) (MH-10, Hansard, 23 July 2014PM, p. 25).

You have said that the honourable member can seek legal services from me ... However, I ...can only offer legal services to the exclusion of any other (WH-5, Hansard, 23 July 2014PM, p. 25).

Hon. Temporary Deputy Speaker ... I am actually frustrated by the noise levels ... by (male legislator, name withheld). He has confused my thought process (WH-28, Hansard, 5 May 2016PM, p. 24).

Since my days in school, I confused women. So, I am happy that even now in the chamber, I have some people I can confuse (MH-1, Hansard, 5 May 2016PM, p. 24).

I have said it many times here that I have three more chances if I needed to marry another wife, but I have not made that intention (MH-1, Hansard, 5 April 2017PM, p. 15).

I have one husband and I do not need an extra (one) (WH-31, Hansard, 5 April 2017PM, p. 15).

The remark on eminent lawyers puns on the word “services”. As detected by the target, it contained an undertone that the MP perceived his colleague as a potential provider of sexual services, itself indicating that he regarded her primarily as an object rather than peer. The next remark distorts the word “confuse” from its nominal sense intended to one in which the male parliamentarian exhibits his self-declared chivalry. The additional remarks about his potential for polygamy romanticise a practice that, according to Hussain (2017) is a patriarchal elevation of men’s quest for validation through acquisition of wives that are subordinate to their authority and appetites.

These sexually suggestive remarks depict women as items to be acquired and of lower mental fortitude. As illustrated in the responses of women parliamentarians, they had a nuisance value of interruption, irritation, derailment and marginalisation from participating in and influencing legislation. This study thus agrees with IPU (2016, p. 4, 7) that

coarse and misogynistic remarks about women's bodies and their appearance undermine their sense of legitimacy and competence... (as well as) ability to fulfil their mandates and freely express their opinions.

Sexism in parliament is prevalent globally as evident in France and the UK (Brechnemacher, 2018). Sexist jokes on women parliamentarians in the Swedish parliament have also been reported (Erikson & Josefsson, 2019). Apparently, the behaviour persists because parliaments tend not to have institutional safeguards against it. As established by a survey covering 18 countries in Africa, 15 in Europe, 10 in Asia-Pacific, eight in the Americas and four in Arab countries,

only four ...parliaments – (in) South Africa, Canada, Costa Rica and Thailand – (had) provisions that explicitly protect members against sexist remarks, sexual harassment and threats of violence from other members (IPU, 2016, p. 3).

This shows that the vast majority of parliamentarians lack protective measures against sexist behaviour. It further demonstrates that proactive ones can actually take action to make their environments less toxic and safer from gender-based violence.

In the Critical Mass Theory, sexually suggestive language falls under “*the seductress*” trap which expects women to pander to men’s sexual advances in order to gain

acceptance. The theory notes that women who conform lose moral credibility while those who resist are ostracised by men as a punishment (Kanter, 1977). Contrary to Kanter's finding that this behaviour mostly occurred in informal settings, this study has established that it was manifest right within the formal setting of Kenya's National Assembly debates hence suggests that it straddles private and public spheres. That the behaviour targeted only women indicates a deliberate strategy by men to dominate the legislative space by diverting women's attention from work to self-defence.

4.4.1.6 Stereotyping

A stereotype is

an over-generalised and preconceived idea ...of what characterises someone ...especially one that does not allow for any individuality or variation” (Chambers 21st Century Dictionary, 1999, p. 1381).

All women parliamentarians interviewed reported experiencing stereotyping in Kenya's National Assembly 2013 -2017. The following remarks illustrate.

When you travel outside, male colleagues expect you to help them with shopping (WR-9, OI, 16. 1. 2017).

In party meetings ...women parliamentarians are expected by men to serve the refreshments (WR-2, OI, 24.7.2016).

They (male MPs) refer to county women representatives as “Mama County” (The Mother of the County) to depict them as nurturers (WR-4, OI, 6.8.2016).

The statements show that women parliamentarians were expected by male colleagues to perform traditional gender roles of providing care in both informal and formal settings.

This reveals an attitude that women were primarily at men's service irrespective of the context and relationship. Being expected to serve refreshments not only diminishes their official status, it also implies that they would be excluded from party discussions and decisions. Both reveal an entrenched mindset which ignores the seniority that comes with being a parliamentarian. This treatment of women in their personal capacity, which is not applied to men, means that whatever they say may not be taken seriously, is prone to interpretation from a domestic perspective and would be regarded as dispensable, irrelevant and inconsequential.

The reference to CWRs as mothers of counties falls within the same stereotype as caretakers, especially when looked at from the context that male Senators, who are also county representatives, are never referred to as fathers of counties. It reiterates the belief in the wider Kenyan society that women are primarily caregivers. As Bouka et al. (2018, p. 38) shows the Kenyan public largely perceives women parliamentarians as "*motherly, nurturing and meek*", which "*perpetuates the idea (that they play) support roles in traditionally male domains*".

Another stereotype reported by women parliamentarians was an expectation to automatically focus on matters dealing with gender equality, yet some had no such interest. For example, one respondent stated that her "*main concern was the environment*" because of technical expertise in the subject (WR-11, OI, 11.2.2018). In other words, expecting her to focus on predetermined agenda was tantamount to conditioning her work and diverting her attention.

According to Ford (2012), stereotyping women as automatic advocates of feminised issues sets them up for blame if the matters are not addressed. This excuses men from full legislative responsibilities since the duty to generate and pass laws rests on all parliamentarians regardless of identity and the content of Bills. In fact, women are not elected to parliament to pass feminised laws but are there by right to legislate on all issues. Restricting their scope of work denies them individuality and overall legislative influence.

As Kanthak and Krause (2011) show, it is fallacious to assume that women are homogenous in interest and ideology. Mügge et al. (2019) notes that treating them as such perpetuates the idea of a “*fixed female identity*”, which is then used to justify discrimination against women in allocation of legislative responsibilities to further entrench their marginalisation from other spheres of influence and limit their work (Ford, 2012).

Stereotyping falls under “*the mother*” trap described in the Critical Mass Theory as a scheme used to consign women to provision of care to men in ways that undermine their official roles (Kanter, 1977). Effectively, this denies them space to influence institutional processes and outcomes. In the context of liberal feminism, it reinforces the belief that women are mere appendages and servants of men (Wollstonecraft (1792).

This study considers that stereotyping of women parliamentarians was a tactic of marginalisation, limitation of influence to feminised agenda and subordination to men.

Its overall purpose was to minimise their legislative influence. The study posits that such an ideological tendency should be eradicated to open up space for women to apply their talents, knowledge and skills holistically without limitation, as articulated in liberal feminism.

4.4.1.7 Victim Blaming

Victim blaming refers to castigating the aggrieved party for own plight (Kanter, 1977). Nine (82%) out of eleven women parliamentarians reported experiencing such treatment from men in Kenya's National Assembly 2013-2017. The following examples illustrate.

I was assaulted and undressed in parliament by male colleague but was blamed for allegedly exposing my body (WR-1, OI, 16.12.2016).

When I was sexually harassed by a male colleague on a trip to Japan, men shifted blame on me for allegedly attracting the treatment (WR-8, OI, 16.12.2016).

The first remark is based on an acrimonious partisan debate on the Security Laws (Amendment) Bill which was opposed by CORD but supported by Jubilee members (Hansard 18 December 2014). The debate degenerated into anarchy involving a woman parliamentarian who alleged that she was undressed by men from the counterpart coalition without any action being taken against the perpetrators, implying tacit complicity of the National Assembly's disciplinary system to such violence. The second remark alleges that an aggrieved woman parliamentarian was accused of deliberately attracting sexual harassment. Both cases show a tendency to excuse perpetrators of injurious activities by blaming the victim, in effect making it difficult to demand redress

and accountability. The affected parliamentarians reported that victim blaming diverted their attention from work to personal defence hence reduced their concentration on official work and, eventually, legislative influence.

These reported behaviours raise a number of concerns. If male parliamentarians can sexually harass their female colleagues, how about their spouses, female employees and other acquaintances? Would such parliamentarians see anything wrong with sexual exploitation and abuse of women in the larger society? How then can they be expected to initiate and/or support legislation to protect women from violence? To what extent would they be trusted to understand such violence as a problem that needs to be eradicated?

What then would be expected of the ordinary man?

The following exchange, which arose during discussion of allegations that a male MP had raped a married female director of his private company after luring her late at night to his office ostensibly to discuss official matters, exemplifies how victim blaming works.

If you are a married person, you have to respect yourself. You do not have to stay out with another man until past midnight and say that you were being raped (MH-12, Hansard, 31 March 2015PM, p. 31).

Conferring unto himself powers to regulate when women can walk, stay out, stay in ...is not the way to go (WH-10, Hansard, 31 March 2015PM, p. 32).

The sentiment of the male parliamentarian justifies rape as being circumstantially acceptable, notwithstanding that it is a criminal offence in Kenya's Sexual Offences Act 2006. Furthermore, it suggests that women have no reason for staying out late, while men do. This is the gist of the criticism by the woman parliamentarian. Moreover, it insinuates

that women who accompany men that are not their husbands have automatically acceded to sexual indulgence, meaning that the assailants have a circumstantial right to the same. In essence, this sets up a scenario where every act of rape, or other violence against women, is excusable without considering the culpability of aggressors. In the case at hand, the allegation did not only constitute rape, it was also tantamount to fraud and abuse of power.

The remarks by the woman parliamentarian highlights duplicity in how men and women are treated. Inherent in this is that women's right to freedom of movement and association is inferior to men's. In the view of one respondent:

Women are judged against a plethora of variables that are not applied to men. For instance, if a woman is promiscuous, it is hell for her. A promiscuous man is regarded as a hero (WR-5, OI, 18. 1. 2017).

The statement reveals a norm that women are the custodians of chastity, a paradoxical proposition given that they do not engage in sexual affairs without men (Miruka, 2013). It illustrates that victim blaming is predicated on biased moral judgement.

Blaming women parliamentarians for their own plight has been noted in countries such as Uganda and Tanzania (Powley, 2005; Okello-Orlale & Ugangu, 2010). Tamale (2000) documents, for example, that Ugandan women parliamentarians were accused by male colleagues of attracting sexual harassment. According to NDI and IPU (2018), this is a global problem that constitutes violence against women politicians.

Davies (2011, p. 73) notes that victim blaming constitutes “*contradictory conventional wisdoms*” which do not recognise culpable men as offenders. According to Elgin (1993), it is a “*pattern*” through which one party subordinates another. Essentially, victim blaming legitimises injustice, casts the aggrieved party into a permanent loser position, sustains stigma and makes it difficult to seek redress due to a feeling of alienation resulting from blanket condemnation (Hamby & Grych, 2014).

In the Critical Mass Theory, victim blaming falls under “*limelight*”, a tendency of placing women in a situation where their mistakes are more conspicuous than those of men in the same institution. This imposes on them a heightened self-consciousness in order to escape harsh judgement, in effect limiting their freedom and autonomy while intimidating them into silence and ineffectiveness.

All the behaviours cited are typical of patriarchal practices that, according to Sultana (2012), create and perpetuate women’s subordination. In the context of this study, their multiplicity compromised the atmosphere for women’s legislative influence despite a surge in numbers. Dealing with them would require an overhaul of the institutional culture of the National Assembly.

The findings confirm that women in Kenya’s National Assembly 2013 -2017 experienced dominant behaviours of male colleagues as outlined in the Critical Mass Theory. The study locates the behaviours under overt and subtle workings of patriarchy and shows

that they undermined women parliamentarians' space. It is necessary to address them as an ideological problem that hinders the legislative participation and influence of women.

4.4.2 Low Numbers

Due to gender quotas, there was a surge in the number of women joining the National Assembly in Kenya after the 2013 general elections. Despite this, women constituted only 20% of the total membership. Such minority status has been shown to compromise the influence of women parliamentarians globally primarily because they are outnumbered when decisions are made through numerical voting (IPU & UNDP, 2017; Brechnemacher, 2018). How this manifested in Kenya's National Assembly 2013 – 2017 is discussed in this section.

Right from the opening of the National Assembly in April 2013, women parliamentarians recognised that if there was no deliberate effort to allocate speaking opportunities equitably, their lot would be disadvantaged by numerical inferiority (Hansard 23 April 2013). The study identified ten occasions between April 2013 and July 2016 when they raised the issue (Hansard 23 April 2013; 25 September 2013; 12 February 2014; 26 February 2014; 20 November 2014; 1 April 2015; 15 May 2016; 9 June 2015; 27 October 2015; 28 July 2016). The following conversation illustrates.

Honourable Temporary Deputy Chairman....this House consists of ...men and women... You cannot only give men the opportunity to speak (WH-30, Hansard 27 October 2015PM, p. 14).

Temporary Deputy Chairman: The first thing is that you were not even cited in the list here. I have decided to go the gender way... Now, rather than being grateful, you are beginning to tell us that members are both men and women (Hansard 27 October 2015PM, p. 14).

This exchange occurred when a woman parliamentarian complained about skewed allocation of speaking opportunities. The reaction shows a grudging and condescending response by the session chairman. Similar attitude was evident in other instances as well with session chairmen indicating that distribution of opportunities to women was discretionary rather than obligatory (Hansard 27 October 2015PM, p. 14; 17 January 2017PM, p. 21). In other instances, the opportunities were allocated condescendingly, implying that the women were being done a favour, connoting that the National Assembly was intrinsically men's domain (Hansard 5 March 2015PM, p. 50; 26 March 2014AM, p. 45; 1 April 2014PM, p. 39).

Given that debate is one of the primary processes in legislation, limited speaking opportunities logically results in reduced influence. Furthermore, the discretionary allocation of opportunities leads to the inference that rules of the National Assembly did not oblige diversity by virtue of which they created a loophole that insensitive session chairpersons could easily manipulate to women's disadvantage.

The issue of numbers recurred in relation to committees as illustrated in the following remarks when women demanded fair inclusion.

I know that ...the entire House ...does not constitute one-third in terms of gender. However ...we must be alive to ...proportionality. ... I do not think one woman out of 19 men represents proportionality... (WH-1, Hansard, 25 February 2016PM, p. 15).

Speaker: Maybe, you could give us the total number of women in the House. Are we likely to get into a situation where women will be in all the committees? Obviously, we also do not want people to be overworked (Hansard, 28 November 2013AM, p. 3).

There is no single committee ... that has one-third representation of women, the reason being that the total proportion of women members ...is 20 per cent... If you were to put a third of them in every committee, one woman member will end up being in five committees (MH-6, Hansard, 25 February 2016PM, p. 15).

In these remarks, a woman parliamentarian identifies the obvious skew in distribution of committee positions in favour of men. The remark arose during debate on composition of the National Constituency Development Fund Committee. The reactions, based on women's overall minority, manifest a denial of the disproportion pointed out and rotate around workload as justification for the disparity. They also contradict the earlier agreement by the National Assembly to allocate 20% of committee positions to women in proportion to their overall numbers (Hansard 28 November 2013AM, p. 3; 25 February 2016PM, p. 15). Failure to comply with this pact suggests that the National Assembly was dishonest when accepting it.

As reported earlier, women remained a minority in all the committees. According to NAK (2007b), legislative work is principally done in committees. The paucity of women in committees, therefore, means that they were by default disadvantaged from influencing legislation. Respondents confirmed this in the following remarks.

Most chairpersons of committees are men who also champion their party positions and manage according to their personal inclinations (WR-2, OI, 24.7.2016).

Our small number in House committees means that where the men oppose an element, we are outnumbered and cannot get our way ... This happened with a provision to establish shelters for victims of domestic violence which was removed from the Protection Against Domestic Violence Bill because the majority men in the committee rejected it. If we had the numbers, we could have argued for them (WR-4, OI, 6.8.2016).

The foregoing remarks evidence domination of committees by men and how it was used to advance personal and partisan agenda without regard to women's interests. The second statement illustrates the primacy of numbers in determining the contents of Bills and how

minority neutralised women's ability to influence a committee decision that would have addressed a problem of primary concern to women, namely sanctuary for survivors of domestic violence.

In the view of a key informant, minority "*made women and their contributions relatively invisible and marginal*" (KI-1, OI, 15.2.2017). This implies then that women's influence was compromised not because of technical incompetence but due to numerical inferiority. The earlier argument that the two-thirds principle could not be applied because women were overall fewer suggests that they could only hope to realise fair inclusion if their proportion was equal to or came close to that of men. This in turn emphasises the importance of increased numbers to boost women's significance in determining legislation.

Respondents indicated that even with women's number already low, men still conspired to exclude those considered strong and principled from holding influential committee positions. The following personal examples illustrate.

The men fiercely vied for positions I held in the previous parliament and wanted to retain. They also colluded to assign a senior position I was interested in to a first-time colleague just to spite me. Then they side-lined me from a particular committee and only placed me there when its role was already accomplished (WR-1, OI, 16.12.2016).

The experience cited is indicative of a conspiracy to retaliate against a woman parliamentarian and limit her right to perform, in effect denying the electorate the benefits of her roles and expertise. Further, it shows that men schemed to violate a parliamentary tradition of basing appointments to certain positions on longevity

(Brechnemacher, 2018). As stated by IPU (2016: 7), such actions “*complicate the jobs of women parliamentarians, impeding the work they are elected to do*”. Such hostility coheres with the *iron maiden* treatment in the Critical Mass Theory, that women considered “*tough*” are systematically isolated by men as a way of silencing and making them ineffective. In other words, the expectation is that women should not be outstanding.

The disadvantage of low numbers was particularly felt during voting on the two-thirds gender rule Bill. On the first vote, the Bill mustered 195 supporters which included all the 60 women in the chambers (Hansard, 27 April 2016PM, p. 13). When the exercise was repeated, it received only 159 votes which included all the 63 women in chambers (Hansard, 5 May 2016PM, p. 10). If there had been 38 more supporters on the first vote and 74 on the second, the Bill would have been passed. Consequently, the National Assembly failed to comply with the Supreme Court advisory opinion of 11 December 2012. This suggests an intransigent opposition to the Bill and indicates that unless women gain numerical significance, it would be difficult to succeed on matters decided by voting. Alternatively, they would have to forge reliable alliances with men as happened in Uganda with regard to the Domestic Relations Bill (Froimovich et al, 2013).

Out of all the two-thirds gender rule Bills, only the one proposing nomination of women in proportion to the numerical strength of parliamentary political parties gained favour with women because it prescribed a clear time frame for realising the principle. That all the others did not suggests that they were merely meant to delay action. Noting that even

the version supported by women failed raises a fundamental question as to why the Leader of the Majority and his Justice and Legal Affairs Committee counterpart did not use their influence to mobilise enough men to have it passed. Such behaviour suggests that they sponsored the Bill perfunctorily without campaigning for it. This is hinted to by the fact that the same National Assembly easily raised the required majority to suspend further debate on the Bill by a year, a move opposed by all the 12 women contributors (Hansard 25th October, 2016PM; CREAM, 2019).

Men's power was further illustrated by a woman parliamentarian as follows in reference to the Justice and Legal Affairs Committee with regard to one version of the two-thirds gender rule Bill that women opposed:

The committee has 25 male ... and four female members ... I want women ... to know that the Bill before this House today is nothing but a show of might; that the 25 men of the committee were able to canvass, collude and do many things to bring this Bill here today (Hansard, 15 October, 2016PM, p. 23).

The remark indicates that women in the Justice and Legal Affairs Committee disapproved of the Bill but were ignored by the men who conspired to present it nevertheless, knowing that it was ill-fated. In this case, presenting the Bill was mere pretence that the committee wanted to have it passed. This reinforces the earlier observation about a conspiracy against the Bill and, by extension, the whole principle of affirmative action. More significantly, this study notes that the whole spectacle around the Bill would have been avoided if the Constitution had prescribed an electoral process that would automatically yield the two-thirds configuration without requiring further legislation.

This tends to suggest that the designers of the Constitution were unable to reach consensus on the issue, schemed to frustrate it or merely abdicated their responsibility.

The findings reflect global experiences. Brechnemacher (2018) shows that even when women's numbers in parliament increase, they tend to be underrepresented in internal leadership positions. This is attributed to parliamentary traditions that vest seniority on longevity and informal negotiation, which disadvantage women since most are first-time parliamentarians. This coheres with findings from a global survey which established that consideration of party balance in configuring parliamentary committees results in women being a minority in their leadership, which is a reflection of their overall rarity in parliaments, resulting in compromised power, authority and influence (IPU & UNDP, 2017).

The study observes, therefore, and concurs with Childs and Krook (2009), that women's impact on legislation is likely to remain limited until they move from being "*token individuals*" to a significant minority that can counter-balance men's dominance. This coheres with the Critical Mass Theory that when rarity shapes the institutional environment, it makes women lonely among peers (Kanter, 1977). In principle, therefore, there is justification for deliberate measures to increase women's numbers, as postulated in liberal feminism, in order to challenge discrimination and men's dominance (Lewis, 2019).

It is evident that women's influence in the National Assembly was limited by the interplay of overall numerical minority and low representation in committees. The study discerns, therefore, that without the numbers, women remained secondary actors in the National Assembly. It recognises, however, and concurs with Tripp (2000) and Mendelberg et al. (2013), that merely increasing the numbers without ideologically re-configuring legislatures is inadequate to assure women's impact. This could be cured by an unequivocal constitutional provision that does not depend on further legislation to achieve the desired proportion of women to men in the National Assembly. Such a mechanism is provided for with regard to county assemblies through Article 177(b) of the COK which requires nomination of special members to fill the gap from election and ensure that not more than two-thirds of the seats are occupied by one gender.

4.4.3 Polarisation among Women Parliamentarians

From interviews with eleven women parliamentarians, nine (82%) identified polarisation among themselves as a challenge to their work. The manifestations of this polarisation was explained as follows.

At times, political parties push for positions not popular with women. For instance, when the President wanted the list of non-vatable goods reduced, sanitary pads were not included... Although women opposed taxing pads, those in the President's party felt obliged to support his position (WR-4, OI, 6.8.2016).

The 47 county women representatives ...wanted to prove that they were as good as, if not better than, the 16 women elected on single constituency seats and were unwilling to learn from them (WR-1, OI, 16.12.2016).

Men made the 16 women on single seats feel that they were not typical since they defeated men and had no obligation to support the 47 colleagues for the

affirmative fund. The multiple women's caucuses also led to clashes because one caucus did not understand the problems of the other (WR-2, OI, 24.7.2016).

The first statement shows that women parliamentarians supported the position of their political coalition even when it contradicted their genuine desires regarding taxation of sanitary pads. This demonstrates a conflict between obligation to the sponsoring political unit and to women's thematic agenda. In this particular regard, women parliamentarians in the ruling coalition selected to be obedient to party requirements, inferably aware that not doing so could lead to consequences such as being removed from committee positions or subjection to other disciplinary measures. This left only their colleagues in the opposition to oppose VAT on sanitary pads, hence diminishing women's collective power.

The second remarks show that egoism prevented the affirmatively elected CWRs from being mentored by their single constituency counterparts. The last ones further show that this made the 16 hostile to their 47 counterparts and reveal that existence of multiple women's sub-caucuses depending on the pathway to parliament aggravated the polarity.

There were three women's caucuses in the National Assembly, one for 47 CWRs, another for the 16 single seats and the third for nominated women parliamentarians each focusing on its members' interests (WR-4, OI, 6.8.2016). The multiplicity of caucuses potentiated for opportunistic manipulation by detractors to weaken the women's collective strength. Because of the resulting schism, the 16 women parliamentarians abandoned the 47 CWRs

in their quest for the affirmative action fund, a selfish act considering that the former had the CDF to rely on (WR-4, OI, 6.8.2016).

The dichotomy played out in a reference to the 16 single constituency women parliamentarians as “*men-women*”. This was because they were regarded as more deserving of being in parliament since they defeated men as opposed to the CWRs who competed against fellow women (KI-1, OI, 15.2.2017). The polarity was exacerbated when the 16 were co-opted by men into treating the 47 as inferior.

The findings illustrate that the solidarity of women parliamentarians was limited by parochial and partisan interests which made them vulnerable to external machinations. While parliamentarians’ support for their political parties or coalitions is expected, the co-optation exposed the women to manipulation and reduced the dividends that they would have gained by working in unity.

The contempt towards affirmatively elected women echoes findings from Burundi, that women elected on quotas were considered tokens placed merely to fill space and comply with the law (Falch, 2010). Similar sentiments were recorded in Nepal (Froimovich et al., 2013). In Rwanda, there was “*an obvious status difference between ...seats ... reserved for women and those ...gained in open competition with men*”, the latter being considered superior (IDEA, 2005, p. 160).

Polarisation among women parliamentarians is reported to have happened in Nepal, Uganda, Tanzania, South Africa, Mexico and Malawi (Okello-Orlale & Ugangu; 2010; Froimovich et al., 2013; Amundsen & Kayuni, 2016). In South Africa, women parliamentarians allied to the ANC were abandoned in their quest for laws addressing women's rights by colleagues from smaller parties who stigmatised their agenda as radical and extreme (Goetz & Hassim, 2002).

The Critical Mass Theory notes that such division results in one group of women aligning with men against their own colleagues. Described as an element of “*loyalty tests*”, this manifests in a “*willingness to occasionally turn against ‘the girls’*” in order to benefit from acceptance by men (Kanter, 1977, p. 390). This perpetuates a complex that proximity to men is the ultimate indicator of success.

The tendency has an intrinsic flaw. For example, Childs (2004) shows that it makes women try to behave like men only to be overwhelmed by their inability to master the masculine style hence become ineffective. This constitutes an inherent paradox that whenever women are co-opted, they are punished in equal measure as there is a:

decrease in actual influence in the legislature (due to) ‘asymmetric tokenism’ whereby men devalue women as the (latter’s) proportion increases...yet women do not increasingly value each other, a phenomenon that is counter to the predictions of the tokenism theory (Kanthak & Krause, 2011, p. 14).

Essentially, polarisation constrains women's legislative influence as it compromises their collective power and aggravates their minority status. This study notes that co-optation deflected the women parliamentarians' focus from their legislative pursuits to superiority

contests, a negation of their potential collective influence. It further posits that such disunity made them easy targets of manipulation by the majority men. Overcoming complexes which create this is necessary for women parliamentarians to maintain a united front for collective legislative influence.

Without doubting the power of solidarity, the study contends, however, that polarisation is not a weakness innate to women but one driven by divergence in ideology and interest. Thus, it concurs with Markham (2012) that women should not be expected to be homogenous in their pursuits but be allowed to exercise authenticity and autonomy. In this regard, predetermining how women parliamentarians should act is unwarranted.

4.4.4 Insensitivity of the National Assembly and Political Leadership to Women's Interests

According to 7 (64%) of study respondents, insensitivity of the National Assembly and the political leadership to women's interests was inimical to their influence as the following statements from parliamentary debates explain.

Mine is to seek a clarification ... on the Affirmative Social Development Bill...It has gone through the Departmental Committee on Labour and Social Welfare and was approved... We are ...pleading that this Bill be brought to the floor of the House...It has really over-stayed in the Budgets and Appropriations Committee. It has been there for about six months. We feel that it might be time barred (WH-20, Hansard 20 February 2014PM, p. 18).

Is it in order for the government to make a political statement to the effect that Uwezo Fund will be administered through county women representatives only for the gazette notice to show that there is no role for (them)? That is political suicide for some of us (WH-18, Hansard 10 October, 2013, p. 19).

The claim that the Budgets and Appropriation Committee was lethargic in approving the affirmative fund for debate hints at a deliberate scheme to delay its realisation. This is the fund that CWRs were demanding to facilitate county-level projects, and which was renamed the NGAAF. That they were still asking for such a fund one year after the 2013 elections means that they had lost valuable time and were handicapped in meeting their constituents' expectations. The next remark highlights lip-service from the Executive where a political statement is contradicted by formal communication on a fund of interest to women. Both statements show that women parliamentarians were frustrated by a combination of legislative bureaucracy and executive inertia, which hint at a conspiracy to defeat the agenda. Denial of needed funding is considered by IPU (2016) as discriminatory and a form of political violence against women.

On the National Assembly as a whole, women parliamentarians identified lack of a gender policy as an indicator of responsiveness to the unique gender-related needs and interests of members. The following remarks explain.

The National Assembly has not done very well. The only thing it talks about are toilets for women. Yet even these are not enough. Furthermore, it does not take into consideration the needs of women given their varying religious and cultural backgrounds... There is only one gymnasium for all parliamentarians, which is not appropriate for Muslim women whose faith dictates distance from men and discourages bodily exposure. ...I have also not seen a gender policy for parliament (WR-1, OI, 16.12.2016).

Implicit in the remarks is that the National Assembly did not have adequate separate sanitation facilities for women, which constitutes insensitivity to their presence and needs. Equating gender-responsiveness to provision of toilets for women is also

simplistic. Having only one gymnasium for both sexes, which automatically excluded women of Islamic faith from its use, was insensitive to religious diversity. Lack of a National Assembly gender policy implies a gap in guidelines on how to ensure inclusion. This is ironical given that this is the institution ordinarily expected to create a national legal framework on inclusion, as well as lead by example.

Respondents also cited indifference of the executive arm of government to the two-thirds gender rule Bill due to its potential ramifications. A respondent explained that “*some people in the Executive believed that amending the Constitution would lead to far-reaching changes in the Elections Act and Political Parties Act*” (WR-2, OI, 24.7.2016). In the respondent’s view, such changes would reduce men’s stranglehold on political power. For example, passing the two-thirds gender rule Bill would mean that at least one third of all electoral candidates and elected members must be women. This would mean adopting the party list and/or zebra system in nominating political party electoral candidates. The former requires political parties to list their candidates in order of preference so that the topmost get elected as votes for a party achieve the minimum stipulated threshold. In the latter, men and women are alternated in the list, meaning that for every successful one, the next would be of the opposite gender (IDEA, 2005). The comment by the woman parliamentarian intimates that the Executive, led by the President and his deputy (both men), were uncomfortable with such an arrangement.

Respondents further indicated that calls by political party leaders (all men) on their members to vote for the two-thirds gender rule Bill were defied without any consequence.

Two topmost leaders of the opposition coalition not only made such a call, they were also physically present in the National Assembly on the day of voting, apparently to demonstrate their support. Additionally, the leader of the ruling Jubilee coalition made similar calls. Both were unheeded with none of the leaders castigating members for such defiance (WR-5, OI, 18. 1. 2017). This suggests that the calls and parliamentary appearances by the leaders were mere lip-service meant to hoodwink women about their support.

In summary, these findings suggest an intricate web of opposition to women's interests informed by patriarchal underpinnings to sustain men's domination at all costs.

Evidence shows that weaknesses related to parliaments and overall political culture have curtailed the legislative influence of women worldwide (IPU & UNDP, 2017; Erikson & Josefsson, 2019). These include parliamentary schedules, structures and norms that ignore women's biological needs and domestic roles. In South Africa, for example, late sessions and lack of a child care centre constrained women's ability to combine legislative work with domestic responsibilities (IDEA, 2005).

In the context of the Critical Mass Theory, the constraints explained relate to "*loyalty tests*" where women's pursuits are subjected to domination and manipulation by men (Kanter, 1977). In this case, they were subjected to the decisions of men in executive, legislative and political party leadership, which curtailed passage of a Bill that would have re-configured the National Assembly and given women additional numerical impetus. The net effect was inertia in getting women's interests addressed. That the

issues were frustrated internally and externally by men indicates that patriarchy is systemic and should be addressed through attitudinal change.

4.4.5 Legislative Inexperience of Majority Women Parliamentarians

Respondents were asked to state whether they had been in parliament before and if so for how many terms. They were also asked to exemplify if and how inexperience affected their influence. The responses indicated that out of the eleven women parliamentarians interviewed, nine (9) were in parliament for the first time, one was serving a second and one a third term. They further indicated that inexperience was a disadvantage as the new colleagues took longer to generate and have their Bills tabled. The task of mentoring them was also complicated because they outnumbered the experienced colleagues.

The large number of women parliamentarians serving their first term was directly related to the introduction of the 47 affirmative seats for CWRs. Logically, most had limited parliamentary experience and were unfamiliar with legislative practices, a factor that respondents cited to have limited their influence. The following are sample explanations on how inexperience limited the influence of women parliamentarians.

For those newly elected, getting to know how parliament works was quite a challenge. Pushing legislation through is very difficult because of competing parliamentary priorities, overwhelmed departmental committees and the procedure of first come first served. Sometimes you can even spend five years before your Bill comes through to the floor of the House (WR-8, OI, 16.12.2016).

Nothing happens on the floor of the House that has not been planned elsewhere. All the issues are discussed in networks outside parliament and the legislature is only used to endorse them. The women were mistaken that they could use the floor of the House to get their issues passed...Many also assumed that their technical

background would automatically determine the committees they would be placed in. But the power brokers in parliament deliberately placed women in committees they had no technical knowledge about just to render them ineffective (WR-11, OI, 11.2.2018).

Male colleagues excluded us by scheduling committee meetings late in the evening when we were away attending to the family (WR-9, OI, 16. 1. 2017).

The first remarks capture two elements that worked against inexperienced women parliamentarians, namely personal inadequacies and external factors. The former consists of poor preparation for legislative work and naivety about how parliament works. The latter relates to men's manipulation of committee membership and tactical exclusion of women due to their domestic roles. Of the issues covered, use of informal networks to exclude women from decision making leads to what the Critical Mass Theory describes as "*overt inhibition and informal isolation*", where "*dominants do not wish to have tokens around all the time*" hence use clandestine tactics to exclude them from their networks (Kanter, 1977, p. 389).

Inexperience is a common constraint for women parliamentarians in different parts of the world (Falch, 2010). In Myanmar, for instance, three quarters of women parliamentarians, most of them beneficiaries of quotas, cited that inexperience limited their ability to initiate Bills and conform with a requirement that questions to government ministers had to be submitted to parliament ten days in advance to be eligible for debate (Latt et al., 2017). In the same country, men technically excluded women parliamentarians by holding policy forums in local restaurants or drinking establishments which the latter would not go to for moral and ethical reasons. The findings cohere with experiences in Burundi that women's

effective participation in politics (was) limited by the ...tendency to exclude (them because) decisions ... (were) usually taken by a small group of men behind closed doors... before voting in parliament (Falch, 2010, p. 13-14).

This section has exposed that women's legislative influence was constrained by dominant behaviours of men, low numbers, polarisation, insensitive structures, indifferent political leaders and inexperience. The combination of factors made it difficult to pass the two-thirds gender rule Bill, resulted in dilution of women's legislative agenda and led to manipulation. The findings confirm that the main factors limiting women parliamentarians' influence are related to gender dynamics in parliament (IPU & UNDP, 2017; Erikson & Josefsson, 2019).

The study has used the Critical Mass Theory to outline these dynamics in Kenya's National Assembly 2013 -2017 and liberal feminism to illustrate the inherent patriarchy in the challenges faced by women.

The study confirms that loyalty to political parties undermines the unity of women parliamentarians on issues of mutual interest as captured by Falch (2010), Okello-Orlale and Ugangu (2010), Froimovich et al., 2013) and Sanbonmatsu (2017), But it differs with the findings by Latt et al. (2017) that collaboration among women parliamentarians occurs mostly within rather than across parties. The study instead demonstrates that women parliamentarians in the National Assembly strongly collaborated across parties to gain visibility and strategise for parliamentary work. It agrees with Childs (2004), Powley (2005) and Latt, et al. (2017) that inexperience limits women's legislative influence. The

study additionally confirms use of sexist behaviour by men to confound women's parliamentary space and influence (Latt et al., 2017; IPU, 2018; Brechnemacher, 2018; Erikson & Josefsson (2019). It confirms that low numbers constricts the space for women to speak in parliament, which in turn limits their influence by default (Sanbonmatsu, 2017; IPU & UNDP, 2017; Buck & Debus, 2018; Erikson & Josefsson, 2019). On contempt for affirmative action and its beneficiaries, the study agrees with Asiedu et al., (n.d.), Powley (2005), Falch (2010) and Rosenbluth et al. (2015) that women elected on quotas are treated as illegitimate politicians.

At the national level, the study notes that Kamau (2010) and Godia (2017) focus on challenges faced by women outside, not inside, the National Assembly. The study has filled this gap by identifying and analysing the challenges experienced within the legislature. It builds on Okello-Orlale and Ugangu (2010) which identify some challenges inside parliament but does not discuss them in detail. The study systematically expounds on how the challenges manifested and affected women's legislative influence. Further, unlike the previous studies, it systematically uses the Critical Mass Theory and liberal feminism to contextualise the challenges as ideological issues.

To address the challenges, the study asked respondents to propose remedies. The proposals are presented and the implications outlined.

4.5 Measures Proposed by Respondents to Improve Women Parliamentarians' Influence in Kenya's National Assembly and their Implications

The previous section discussed the challenges faced by women parliamentarians in the National Assembly. This section presents measures proposed by respondents to overcome the challenges and improve the influence of women parliamentarians. It also outlines their practical implications in Kenya. The findings are organised under the following sub-topics: increase in the number of women in the National Assembly; training for legislative work; diplomatic and inclusive pursuit of legislative agenda; and gender mainstreaming by the National Assembly.

4.5.1 Increase in the Number of Women in the National Assembly

One of the proposals made by respondents was that the overall number of women in the National Assembly should be increased to give them additional clout to neutralise opposition by men and determine voting patterns. The proposal was explained and justified as follows.

The proportion of women in the legislature needs to increase relative to men so they are equal partners. Once you have the numbers, you will be taken seriously (WR-10, OI, 28.7.2016).

Parties should earmark specific constituencies and field in them strong women candidates with a high likelihood of being elected then put its weight behind them (WR- 3, OI, 18.7.2016).

It is important for women to be insiders of parties so that they can influence the manifestoes. They can then hold the parties to account for not implementing their own policies on gender (WR-11, OI, 11.2.2018).

The first proposal was based on the fact that the number of women in the National Assembly was not adequate to influence decisions made by voting. It argues that an increase would give them leverage to negotiate with men.

Low numbers is the main reason the 47 affirmative seats were introduced. Unfortunately, the measure did not tilt the configuration and culture of the National Assembly. This calls for either reservation of more seats for women, use of a different electoral system or both to guarantee the desired result. Such a combination has been successful in Rwanda which has a constitutional quota of 30% positions for women in the Chamber of Deputies, 24 seats in the Senate and allows direct nomination (Powley, 2005). In Sweden, Netherlands, Norway, Spain, Belgium, Costa Rica, Argentina, Germany, Iceland, Mozambique and South Africa, a similar effect has been achieved through use of proportional representation where seats are allocated based on the share of total electoral votes received by a political party in an election (IPU, 2012).

For proportional representation to be applied in Kenya, the electoral system needs to be changed from voting for individuals to electing parties. This should then be complemented with a law compelling parties to alternate men and women in their candidate lists. Such reforms require constitutional amendments through either legislation or public referenda. The first has failed in the National Assembly with regard to the two-thirds gender rule Bill. The second requires endorsement by one million registered voters and passage by a majority of county assemblies and both Houses of parliament, according to Article 257 of the COK. The alternative is to get judicial intervention. This also failed when the National

Assembly ignored the advisory opinion by the High Court to pass the two-thirds law within a given time frame. Similar reaction followed the declaration by the Chief Justice on 20 September 2020 that parliament should be dissolved for not passing the two-thirds law (See <https://www.kbc.co.ke/2-3rd-gender-headache-maraga-calls-for-dissolution-of-parliament/>). The declaration was ignored by both the Executive and the National Assembly with the latter actually challenging it in court. If any of these avenues has to be pursued again, they need to be refined with new strategies including unequivocal support from all the three arms of government.

The proposal for political parties to select and field women in their strongholds was based on the notion that in Kenya, being the nominee of a party with a massive regional and ethnic following almost always guarantees election into the National Assembly (FIDA-K, 2013). It presupposes that political parties are convinced about the added value of having more women candidates and are willing to adopt voluntary quotas. In Scandinavian countries, such quotas helped to systematically increase the number of women in party leadership and parliament (Wängnerud, 2005). The key lesson from the experience is how it happened.

Wängnerud (2005) attributes the development to contagion. In Sweden, a surge in the proportion of women in parliament from 14% in 1971 to 45% in 2002 began in 1972 when the Social Democratic Party decided to include more of them in its ranks in order to attract votes. Once it ascended power, the party put in place a gender policy unit in government. The Liberal Party imitated this through a policy allocating women 40%

positions in its leadership. All other parties followed suit in implementing the zebra system of configuring party lists.

Article 7 (2b) of the Political Parties Act (2011) of Kenya requires gender balance in the minimum prescribed membership of a political party as one of the conditions for full registration. The same article in Section 2(d) requires that “*not more than two-thirds of the members of (the party’s) governing body (be) of the same gender*”. While these appear to be progressive provisions, they are easy to manipulate by placing women figureheads in the membership and governing bodies simply to fulfil registration requirements without according them substantive power to determine party decisions.

As the Swedish model shows, inclusion of more women in parties and their leadership is more fruitful if driven by a genuine recognition of the value it adds to the party’s success and is followed up by electoral policy action that automatically yields an increase in women’s numbers and embeds them in the party’s system. Such deliberate voluntary action by political parties would generate social change better than imposition of legislative measures as the latter is not equivalent to a “*belief in the value proposition of women’s leadership*” (Biegon, 2016, p. 92). This essentially means that the ideology of the political parties and their patrons with regard to gender is what needs to be progressive.

Penetrating the political party systems, as suggested by one respondent, would make women priority party nominees hence boost their numbers in the National Assembly

without resorting to gender quotas. Parties, however, prefer to post on their lists women with a track record of political activity as evident from Rwanda, South Africa and Argentina (IDEA, 2005). It is in this regard that strengthening internal party systems to allow more women into the leadership is proposed in IDEA, CoD and UNDP (2017). This proposal requires agency by women in claiming political space and would take time to realise given domination of Kenyan politics by men.

This study posits that increasing the number of women in the National Assembly can be achieved through a combination of measures including voluntary party quotas, proportional representation and constitutional electoral mechanisms that automatically yield the constitutionally mandated configuration of the National Assembly.

4.5.2 Training for Legislative Work

One problem the study identified was the inexperience of most women parliamentarians. Respondents proposed that this could be addressed through various types of training as the following remarks explain.

There is need for serious orientation of women immediately they are elected to re-socialise them from the euphoria of getting to parliament to getting down to business. Women also need to break into the informal networks where decisions are made before they are floated in parliament. They should be taken through self-awareness and personal planning on what it takes to be an effective parliamentarian. This requires balancing family life and legislative work (WR-11, OI, 11.2.2018).

Women should be trained to identify and focus on niche subjects. This will make them the thematic points of reference in the National Assembly and also more appealing to political parties (KI-3, OI, 30. 1. 2017).

The first proposal identifies that new women parliamentarians lost time before settling to work due to euphoria from electoral success. It hints that they did not penetrate the informal networks in the National Assembly hence were side-lined from decision making. Additionally, it suggests that they were not adequately prepared on how to balance parliamentary work with private lives.

The proposed orientation appears superfluous considering that the National Assembly actually gives all parliamentarians such induction. One such orientation held in October 2018 covered parliamentary practice and procedures, committee work, budget scrutiny, communication skills and relationship with colleagues (CPA, 2018). Nonetheless, it focused more on formal parliamentary procedures rather than informal ways through which parliamentarians work which, the study has established, is part of the reason women were out-manoeuvred by men. It might be surmised that the sub-topic on relationship with colleagues would cover the issue. A close reading of the workshop report reveals, however, that the orientation concentrated on formal interactions and etiquette than the indirect nuances of legislative work.

The proposal on training is justified by experiences of women parliamentarians worldwide. As Markham (2012) notes, although both newly elected men and women need training on legislative functions and procedures, the circumstances of the latter are different because of higher chances that they have no political experience. Nthiiri (2014) confirms this as a problem for Kenyan women parliamentarians. This study has established the same.

Markham (2012) further suggests that women should preferably be trained in their own sessions which “*provide a ‘safe’ learning environment in which (they) are more likely to actively engage*”. This implies that programmes where women are trained alongside men are characterised by gender dynamics that limit their active participation and benefit. This proposal ignores the fact that women have to interact with men in legislative work hence are better off learning to manage their behaviours by being trained together.

The scholar further identifies mentoring and networking as particularly important for women to learn the informal rules of operation. This suggestion is given credence to by the fact that KEWOPA organises separate induction sessions for its members beyond the ones carried out by the National Assembly. The question, however, is whether these sessions adequately address the problems identified.

From January 11 to 14, 2018, KEWOPA held an induction themed “Laying the Foundation for an Effective Female Legislator”. While one of the sessions referred to the need for women parliamentarians to “*embrace the sister-sister approach in their day-to-day tasks to counter the underhand tactics male legislators engage*”, there is no evidence from the report that informal mechanisms of parliamentary work were tackled to any detail. Additionally, the forum did not address personal planning. Instead, it focused on the KEWOPA strategic plan. On a positive note, however, it emphasised niche building for specialisation.

This study observes that training for women parliamentarians should be based on empirical identification and analysis of their needs to inform a meaningful and transformative process for greater sophistication in manoeuvring the informal mechanisms of legislative work in order to gain greater traction.

4.5.3 Diplomatic and Inclusive Pursuit of Women's Legislative Agenda

The two-thirds gender rule and family Bills debates were polarised with women largely on one side and men on the other. Women parliamentarians attributed this to a perception that these Bills were radical hence a backlash from men. To overcome this, respondents proposed the following.

Women should avoid over-emphasising the female perspective. They should clearly demonstrate how the matters would benefit both sides so as not to alienate men (WR-7, OI, 20.2.2017).

The strategy is to push gender equality as a human rights issue rather than a narrow women's rights concern... construed as negatively targeting men (KI-2, OI, 7.3.2017).

Women should align their agenda with government business because this makes them easier to pass once the ruling party colleagues take the lead (KI-3, OI, 30. 1. 2017).

The first proposal claims that women presented their legislative agenda in a manner perceived to be parochial and biased against men. Specifically, it alleges a failure to demonstrate how the legislative proposals would benefit men also. It therefore hints that the reverse would earn women greater support from men and enhance their legislative influence. This is reinforced by the comments that legislative ideas perceived to be negatively targeting men are not advisable. An analysis of debates in the National

Assembly confirms that such a skew was inevitable given the intent of the Bills was to address past gender inequality which favoured men. While the allegation of parochialism is thus partly true, it conveniently ignores the prevailing context of inequality.

Evidence from Uganda shows that similar allegations of radicalism were made until men were sensitised on what they stood to gain from the proposed legislation on domestic violence and marriage (Okello-Orlale & Ugangu, 2010). This coheres with the suggestion in Froimovich et al. (2013) that gender equality should be articulated as a benefit to the whole society. Experience from Sweden also shows that once men realised the value of women's vote, they voluntarily adopted quotas and party policies that improved their inclusion (Wängnerud, 2005). These examples show that degeneration of debates on gender issues into battles between women and men can be tactfully avoided through clarity of purpose and careful choice of methods of discourse.

Aligning women's agenda with government business, as proposed by one key informant, was hinged on the belief that this would ensure support by the majority coalition hence increase chances of success. It is a valid assumption considering that the vast majority of Bills passed originate from committees as government proposals. The fallacy in the proposal, however, is the presupposition that members of the majority coalition and the executive arm of government would always be supportive. As the two-thirds gender rule Bill demonstrates, this cannot be guaranteed. The proposal essentially requires that the Bills are first adopted by the Executive and presented as government agenda, followed by massive mobilisation for support within the National Assembly.

Evidence from Rwanda shows that aligning women's pursuits with the relevant government ministries contributed to adoption of a constitution stipulating gender equality in 2003 (IDEA, 2005). The case of Zimbabwe shows that women took advantage of the Ministry of Community Development and Women's Affairs to get two laws passed. One was the Legal Age of Majority Act (1982), which declared 18 as the age at which one is recognised as an adult. Another was the Matrimonial Causes Act (1985) which recognised a wife's contribution to marital property (Kamau, 2010).

The study notes that alignment of women's legislative agenda with government policies is potentially powerful but must be augmented with internal mobilisation in the National Assembly to increase chances of being passed.

4.5.4 Gender Mainstreaming by the National Assembly

Women parliamentarians identified that the National Assembly lacked a gender policy and adequate physical facilities responsive to their unique needs and other diversities.

These are matters best addressed through gender mainstreaming, defined in this study as taking into consideration the perspectives, needs and interests of men and women in all circumstances. Respondents proposed the following remedies.

In the first six months of a new parliament, there should be gender sensitization of all MPs, especially men, to recognise the need to have an atmosphere that is less intimidating. Parliament should also establish facilities responsive to the needs of women MPs in the reproductive age bracket. There should be crèches and playing fields or rooms where women can attend to the children when not in session (WR-2, OI, 24.7.2016).

Have more sensitisation for male colleagues to see gender equality as beneficial to their daughters, wives and mothers rather than a fight between men and women (WR-7, OI, 20.2.2017).

Having one gymnasium for all legislators is not appropriate considering cultural and religious differences and should be addressed (WR-1, OI, 16.12.2016).

The gist of the proposals on sensitisation was that this would create a collegial atmosphere between men and women in the National Assembly. The emphasis on male parliamentarians suggests that they had not gone through such sensitisation and that it will necessarily change their attitudes. The study did not come across any evidence that gender sensitisation was part of induction for new parliamentarians hence considers the proposal as having merit. It was clear from National Assembly debates, however, that some men consistently supported the agenda pursued by women, albeit they were a minority. One of the supportive men interviewed as a key informant indicated that he did so because these were human rights issues which, if ignored, would set a negative precedent for similar matters in the future. Getting a majority of the men to share such a perspective would be a major breakthrough in reducing hostility towards women's agenda.

The suggestion on facilities for women in the reproductive age bracket was premised on the fact that more younger ones were joining the National Assembly hence the need was more conspicuous. The one on the gymnasium was based on the fact that Muslim women parliamentarians were unable to use the facility due to religious edicts. Both are based on the need for responsiveness to the unique practical needs of women. The study considers

this as only logical if the National Assembly has to lead by example and be meaningfully inclusive, not discriminate by default.

Evidence from South Africa shows that establishment of child care facilities enabled women to comfortably balance their legislative and domestic roles (Meintjes, 2005). In Sweden, even men benefited from and appreciated such an initiative (Markham, 2012). This justifies the need to transform parliaments from their masculine orientation to accommodate women's practical needs. The study believes that this can be done through comprehensive gender mainstreaming in the National Assembly.

Meaningful realisation of this may, however, be constrained by patriarchal resistance. As Meintjes (2005) shows, a similar attempt in South Africa was frustrated by an entrenched androcentric culture hence need for reformist parliamentary policies, procedures and sensitisation programmes for attitude change. This in itself calls for a clear articulation of progress indicators. A comprehensive gender training of the National Assembly leadership and membership on this would be imperative.

The gaps addressed under this objective regard scant attention given to outlining the implications of various measures proposed in earlier studies. None of the academic studies on this parliament - Nthiiri (2014), Mbugua (2017) and Godia (2017) – outlines measures proposed by respondents to improve women's legislative influence or their implications, which is the gap filled by this study.

The next chapter presents a summary of the findings, conclusions and recommendations of the study.

CHAPTER FIVE

SUMMARY, CONCLUSIONS AND RECOMMENDATIONS

5.1 Introduction

The purpose of the study was to investigate the legislative influence of women parliamentarians in Kenya's National Assembly 2013 – 2017. Chapter One outlined how gender quotas have been used to increase the number of women in parliament, resulting in laws responsive to women's interests. Chapter Two reviewed literature related to the study objectives, highlighted the gaps filled and presented the theoretical and conceptual frameworks. Chapter Three outlined the study methodology. Chapter Four presented the findings. This chapter summarises the findings, draws conclusions, makes recommendations on how to improve the influence of women parliamentarians in Kenya's National Assembly, highlights the study's contribution to knowledge and suggests areas for further research.

5.2 Summary of Findings

Demographically, the women parliamentarians were middle-aged and married. Majority were Christians and the rest Muslims. The study established that religion constrained Muslim women parliamentarians from expressing their opinions on marriage laws in order to protect their political careers. Education and professional backgrounds had a bearing on women's placement in committees and contributions to debate. That most were first-time parliamentarians compromised their influence due to limited familiarity

with parliamentary formalities. The political affiliations contributed to polarity hence loss of collective power.

Objective One of the study was to identify the agenda women parliamentarians pursued to influence legislation in Kenya's National Assembly 2013 -2017. The study established that they realised varying levels of success. A significant achievement was the passage of three family Bills which create a legal framework for improving women's status in Kenya. That some of the clauses within the Bills were expunged after being opposed by men implies that the passed laws need amendment if they are to comprehensively address women's rights.

Based on the pressure to have family Bills listed in the legislative calendar and unanimous support for them, the study infers a causal link between the passage of the Bills and the influence of women parliamentarians. Nevertheless, considering that the Marriage and Marital Property Bills were initiated in 1967 without advocacy by women, and eventually passed in this Assembly by acclamation rather than numerical voting, the success cannot be directly attributed to women's numbers but collaboration with men, especially after controversial clauses were removed. The exclusion of the clauses indicates captivity of this National Assembly to patriarchal tendencies. Women also influenced the contents of laws addressing livelihoods, welfare and marginalised groups by means of which they demonstrated surrogacy.

The findings concur with literature at global, regional and national levels that women parliamentarians primarily focus on gender equality and social welfare issues. But it

differs with a previous study which regarded such agenda as “*soft*”. This study contends that these are important subjects touching on human rights.

The study systematically applied the Critical Mass Theory under this objective to typify the National Assembly as a skewed institution. In this regard, women’s pursuit of greater numbers was founded on a conviction that it would give them greater leverage in influencing passage of laws of interest to themselves and their lot. The failure to get such a law passed because of their minority illustrates the theory’s postulate on the significance of numbers in an institution. Liberal feminism was used to show that women’s agenda focused on eradicating discrimination. The tenet on women’s right to choose on personal matters and have the domestic sphere under legal regulation was used to equate the laws supported by women with measures to address the vulnerabilities that they face in private life. The theory’s argument that discrimination is often not mandated by law was applied in contextualising women’s quests for equality as matters prescribed in the country’s Constitution, not arbitrary ambitions. The assumption of the study that women had certain legislative agenda was proved and the objective to identify the women’s legislative agenda achieved.

The second objective was to evaluate the methods women parliamentarians used to pursue their agenda. It was established that the most successful ones were: mobilising men specifically on family Bills; leveraging committee leadership positions; solidarity during debates; and activism on the NGAAF. The least effective ones were: support of

the leadership of the National Assembly and conciliation, both on the two-thirds gender rule Bill.

The study findings confirm the reviewed literature at global and regional levels on women's use of solidarity around their caucus, alliance with men and reliance on the leadership of parliament. New significant findings established by the study on effective methods were: leveraging committee positions, internal activism and conciliation.

Moreover, unlike the earlier studies, this study provides a detailed examination of how each method was used with reference to specific agenda. The assumption of the study was proved and the objectives to examine the methods used achieved.

The Critical Mass Theory was applied under this objective with regard to women's compliance with survival tactics in a skewed institution. In this regard, the study established that women parliamentarians used methods that sought to pre-empt hostility from men and get support for their quests. This is a pragmatic survival mechanism which the study demonstrates to have been effective with regard to family Bills but unsuccessful with two thirds gender rule Bill. The theory was also used to demonstrate the significance of solidarity to reduce men's dominance.

Objective Three was to examine the challenges women parliamentarians faced in pursuing their agenda. The major finding was that dominant behaviours of men, as outlined in the second tenet of the Critical Mass Theory, were the main constraints. How they manifested and limited women's legislative influence was identified and illustrated.

The conclusion from this is that the National Assembly was a patriarchal bastion that should be a candidate for ideological and institutional reforms. The study observes that unless women reach a super-majority, they would remain precariously captive to the men and desperate for the latter's collaboration in order to influence legislation. The other challenges led to manipulation by men and limited inclusion of women's pursuits in the legislative calendar.

In relation to the literature reviewed under this objective, the study confirms that low numbers, polarisation, men's dominance and inexperience are common challenges faced by women parliamentarians. However, the study's distinct contribution is the systematic application of the Critical Mass Theory to identify, classify and exemplify the challenges women faced as a minority in a skewed parliament, which did not feature in the literature reviewed.

The main theory applied under this objective was the Critical Mass Theory with regard to women's numerical inferiority and exposure to dominant behaviours of the majority men, which the study categorically matched with the experiences of women in the National Assembly. From this, the study confirms the theory's postulate that numbers are significant for women's influence, in terms of promoting their agenda and overcoming the stresses of tokenism through the power of likeness.

The argument in liberal feminism that subordination of and discrimination against women is a consequence of social norms was used to relate the domineering behaviours

of men in the National Assembly to mindsets of entitlement. Through the analysis, the study illustrates assumptions that women are primarily men's appendages and inferiors. Women's quests were thus cast as forms of resistance to men's perceived automatic right to opportunities and power. The study assumption was confirmed and the objective to examine the challenges faced achieved.

The fourth objective was to outline the proposals made by respondents to improve women parliamentarians' influence on legislation in Kenya's National Assembly and their implications. The study noted that the proposals should fulfil certain preconditions in order to stand a chance of succeeding. Key among these are political interventions, alliance building and a gender policy for the National Assembly. The findings converge with the literature reviewed on a variety of measures that could improve women's legislative influence but diverges in terms of the detailed explication of the proposals, which the earlier studies did not cover. The assumption of the study was proved and the objective to outline the proposals and their implications achieved.

5.3 Conclusions

The problem investigated by the study was to establish what effect the increase in numbers had on the legislative influence of Kenyan women parliamentarians in the National Assembly 2013 -2017, which was the first national legislature to benefit from gender quotas.

The overall conclusion is that women relied on their increased numbers to influence laws directly and indirectly. The study notes, however, that the numbers were not adequate on matters decided by counted votes. The study therefore concludes that affirmative action policy which paved way for more women not only increased their numbers but gave their agenda greater visibility. This, however, was not the primary determinant of their success. Conclusions on specific objectives now follow.

On Objective One (legislative agenda), the study concludes that women parliamentarians' agenda rotated around gender equality and social welfare issues, which resonates with the literature reviewed. The higher representation they pursued and achieved in parliamentary committees gave them greater leverage to influence legislation. The study contends, however, that just pursuing a spread in all committees was not very strategic since women would still be outnumbered due to their overall low numbers.

The study notes further that the success rate of women-sponsored Bills was rather low relative to their 20% overall proportion in the National Assembly and the total laws passed. This could be attributed to the challenges they faced. Nevertheless, the findings on women's agenda concur with the literature reviewed. Their focus on issues affecting vulnerable groups is consonant with the Critical Mass Theory on surrogacy and liberal feminism on the necessity of deliberate efforts to eradicate gender-based discrimination.

The main conclusion under Objective Two is that the methods women used were not intrinsically weak, but they were compromised by circumstances in the National

Assembly. Solidarity was critical in enabling them to optimise on their increased numbers. Activism created additional pressure on issues pursued. Altruism of the Speaker had limited effect due to men's resistance. Compromise and conciliation were pragmatic but perpetuated captivity to men's dominance.

The challenges women faced in pursuing their legislative agenda (Objective Three) were largely gender-based. Patriarchal mindsets was the major constraint that needs to be transformed to make the legislative environment less toxic for women. This is the import of liberal feminism. The challenges illustrate the applicability of the Critical Mass Theory to Kenya's National Assembly 2013 -2017.

Proposals made by respondents to improve the influence of women parliamentarians (Objective Four) focus on a combination of numbers, institutional changes and relationships with male peers. Analysis of the proposals shows that certain preconditions need to exist for them to be effective. In this regard, women parliamentarians need to work with other actors to implement them.

Considering the origin and justification of the study, it is important to reflect on quotas. The study is in consonance with the literature reviewed that quotas increase women's numbers, which in turn emboldens them to assert their presence towards influencing legislation. It notes, however, that the quota formula in the Constitution of Kenya 2010 with regard to the National Assembly seems to have fallaciously expected that a large number of women would be elected on single constituency seats which, combined with the 47 affirmative slots, would erase men's dominance. This was not the case. The study

considers this formula as a flawed and tokenistic experiment that should be re-examined. Additionally, since gender quotas create legitimacy deficits for beneficiaries, they should not be regarded as a panacea but an option to be combined with other measures that tackle patriarchy as the fundamental problem.

The study fills four main gaps from the literature reviewed on the National Assembly of 2013 -2017. First was limited documentation and analysis of women's legislative agenda in the five-year cycle of the National Assembly. The study fills this gap by identifying, justifying and analysing in detail the women's legislative agenda and achievements realised in the five-year cycle 2013 -2017.

Second was scant attention in past studies to methods used by women to influence legislation. The contribution of this study lies in the systematic documentation of the various methods used by women, the issues they were applied on and results achieved. New significant findings that do not stand out from the literature but established by the study were: leveraging committee positions, internal activism and conciliation.

Third was the tendency to focus on challenges women parliamentarians face outside the National Assembly in relation to their political careers rather than inside in pursuit of their legislative agenda. The main contribution of this study is the departure from general challenges faced by women politicians to specific ones experienced within the National Assembly and in the course of legislation. The study's distinct contribution lies in the systematic application of the Critical Mass Theory and liberal feminism to identify,

classify and exemplify the challenges women faced as a minority in a skewed parliament, which was not visible in the literature reviewed.

Fourth was the little attention given to outlining the implications of various measures proposed in earlier academic studies. This study contributes by delineating the implications of various measures proposed hence the practical preconditions required for success.

5.4 Recommendations

The study recommends various measures to improve the influence of women parliamentarians in the National Assembly. They are meant to be implemented by the women parliamentarians and the National Assembly. The measures are organised thematically under: strategic positioning of legislative agenda; techniques of influencing legislation; preparation for parliamentary work; and gender mainstreaming in the National Assembly. Potential challenges likely to be faced in implementing them are also identified.

5.4.1 Strategic Positioning of Legislative Agenda

Women parliamentarians should **introduce Bills early in the legislative calendar** to increase chances of being debated before expiry of the tenure of the National Assembly. This may be constrained by inexperience of new women parliamentarians and sabotage by the House Business Committee. To address this, new and experienced women

parliamentarians should work in solidarity and establish rapport with the House Business Committee.

The women should peg their legislative pursuits on government priorities to ensure adoption and support by the ruling coalition. This pre-supposes that the government will whip the members of the majority party or coalition to offer block support to women's agenda.

5.4.2 Techniques of Influencing Legislation

The women parliamentarians should **negotiate with their political parties to appoint them to positions of majority leader, minority leader, party whips and the most influential committees.** The leadership positions would give them additional authority and leverage to mobilise colleagues to pass legislation they have an interest in.

Membership in the House Business Committee, which determines legislative calendar, would aid in ensuring that Bills of interest to women are tabled for debate early.

Belonging to the Budgets and Appropriations Committee is strategic for ensuring that government resources are allocated to programmes that address women's interests.

Significant presence in the Justice and Legal Affairs Committee would enable women advise other committees on legal and judicial subjects on legislation that have a bearing on women's interests. Membership in the Public Accounts and Public Investments committees would create a lever for monitoring attention given to women's interests in government expenditure. The main potential challenges are resistance by political parties and inability to balance women's and other party interests.

The women parliamentarians should **identify and work with supportive male colleagues** in drafting, presenting, defending and mobilising support for Bills to reduce antagonism based on perceptions that their pursuits are adversarial to men. The potential challenges include fixed patriarchal mindsets, reluctance to collaborate and lip service to women's agenda.

For strategic purposes, they should **build alliances** with other interest groups in the National Assembly to generate a broad support base for their legislative agenda. The likely challenge is pre-occupation of these groups with their own agenda.

The women parliamentarians should also **invoke Article 104 of the Constitution of Kenya 2010 on the right to recall a Member of Parliament representing a constituency**, using the failure to pass the two-thirds gender rule Bill as a basis.

5.4.3 Preparation for Parliamentary Work

In partnership with the Centre for Parliamentary Studies and Training, the legal entity mandated and resourced by the State to build the capacity of both the members and staff of parliament, the women parliamentarians should **conduct an empirical study on the needs of new women parliamentarians**, as determined from the list of members after general elections, **and thereafter train them** on parliamentary work. The priority training themes should include: drafting of Bills; caucusing; informal mechanisms for legislative work; capturing and leveraging committees; and neutralising domination by

men. The potential challenges are lack of resources and poor levels of collaboration by newly elected women.

They should also **develop and implement a mentorship programme for women in political leadership** to create a pool that can be supported for election into the National Assembly. The potential challenges lie in lack of resources to sustain such a programme and inadequate time for mentors to interact with the mentees.

5.4.4 Gender Mainstreaming in the National Assembly.

The women parliamentarians should move a Motion to have the National Assembly **establish an observatory in the form of a select committee to monitor and file reports** on the scheduling and progress of Bills addressing women's rights and compliance with constitutional principles of gender equality in the National Assembly.

The National Assembly should **develop and implement a comprehensive gender policy and action plan** domesticating the equality ideals in the Constitution and treaties that Kenya has ratified. The plan should prioritise: gender sensitisation of all parliamentarians; training of all parliamentary committees on gender-responsive legislation; and revision of the Standing Orders to prescribe a minimum threshold for inclusion of women in parliamentary committees, leadership positions and speaking opportunities. The gender policy should also obligate the establishment of adequate health and welfare facilities cognisant of biological, religious and other diversities that affect women differently from men. These recommendations may be constrained by

lethargy of the leadership of the National Assembly, paucity of resources and resistance by influential men in parliament hence need for intense lobbying and building of rapport.

5.5 Suggestions for Further Research

The study proposes the following topics for future research.

1. The legislative influence of women when they are a parliamentary majority.
2. Mechanisms for collaboration between men and women in the National Assembly towards gender-responsive legislation.
3. The legislative influence of women members of county assemblies.

REFERENCES

Books

- AMWIK (2014). *86 and counting: Women leaders in the 11th parliament*. Nairobi: Association of Media Women in Kenya.
- Amundsen, I. & Kayuni, H. (Eds) (2016). *Women in politics in Malawi*. Bergen: Chr. Michelsen Institute (CMI) and Zomba: Department of Political and Administrative Studies.
- Ballington, J. & Karam, A. (Eds.) (2005). *Women in parliament: Beyond numbers (A revised edition)*. Stockholm: IDEA.
- Beauvoir, D. S. (1974). *The Second Sex*. New York: Vintage Books.
- Biegon (Ed.) (2016). *Gender equality and political processes in Kenya*. Nairobi: Strathmore University Press, International Commission of Jurists and National Gender and Equality Commission.
- Bouka, Y., Kamuru, M., Berry, M., & Moss, N. (2018). *Strengthening the leadership and influence of women in politics in Kenya*. Nairobi: Rift Valley Institute.
- Brechnemacher, S. (2018). *Tackling women's underrepresentation in US politics: Comparative perspectives from Europe*. Washington DC: Carnegie Foundation for International Peace.
- Carrio, E. M. (2005). Argentina: A new look at the challenges of women's participation in the legislature. In J. Ballington & A. Karam (Eds.). *Women in parliament: Beyond Numbers (A revised edition)*, pp 164-173. Stockholm: IDEA.
- Chesoni, A. (2006). Ethnic chauvinism, xenophobia and gender inequality in Kenya. In SID (2006). *Readings on inequality in Kenya: Sectoral dynamics and perspectives* (pp. 195-251). Nairobi: Society for International Development.
- Childs, S., Lovenduski, J. & Campbell, R. (2005). *Women at the top: Changing numbers changing politics?* London: Hansard Society.
- CREAW (2019). *Tracing the journey: Towards implementation of the two-thirds gender principle*. Nairobi: CREAW.
- Davies, P. (2011). *Gender, crime and victimisation*. London: Sage Publications.
- De Abreu, A.A. (2000). Mozambique. In J.S. Foster, S.T. Makanya & G. Mutukwa (Eds.). *Women in politics and decision-making: A gendered political analysis*. Harare: Women in Law and Development in Africa.

- Elgin, S.H. (1993). *Genderspeak: Men, women and the gentle art of verbal self-defense*. New York: John Wiley and Sons.
- Ellis, A., Cutura, J., Dione. N., Manuel, C. & Thongori, J. (2007). *Gender and economic growth in Kenya: Unleashing the power of women*. Washington DC: The World Bank.
- FIDA-Kenya (n.d.). *A gender audit study of the 10th parliament*. Nairobi: FIDA-Kenya.
- FIDA-Kenya (2008). *The gender score card: The 2008 report on the gender sensitivity of the Kenyan parliament*. Nairobi: FIDA-Kenya.
- FIDA-Kenya (2013). *Key gains and challenges: A gender audit of Kenya's 2013 election process*. Nairobi: FIDA-Kenya.
- Ford, L. (2012). *Women and politics: The pursuit of equality (Third Edition)*. Boston: Wadsworth.
- Froimovich, S., Foster, S. A., Nozaki, M, Leeds, N., Keegan, A. & Mehra, N.K. (2013). *Women in politics: Evidence of legislative change - A Case study of Mexico, Uganda and Vietnam*. New York: School of International and Public Affairs, Columbia University.
- Gaidzanwa, R. , 1992. Bourgeois theories of gender and feminism and their shortcomings with refence to Southern African countries. In R. Meena (Ed.). *Gender in southern Africa: Conceptual and theoretical issues*, pp. 92-125: Harare: SAPES Books.
- Goetz, A.M. & Hassim, S. , 2002. In and against the party: Women's representation and constituency-building in Uganda and South Africa. In M. Molyneux & S. Razavi (Eds.). *Gender justice, development and rights*. New York: Oxford University Press.
- Guba, E., & Lincoln, Y (1985). *Naturalistic inquiry*. California: Sage Publications.
- Hassan, M. (2018). *Women in the Egyptian parliament: A different agenda*. James A. Baker III Institute for Public Policy of Rice University.
- Hooks, B. (1984). *Feminist theory: From margin to centre*. Boston: South End Press.
- Hussain, I. (1944, 2017). *Purdah and polygamy: Life in an Indian Muslim household*. Bangalore: Hosali Press and Oxford University Press.
- IEBC (2013). *4th March 2013 general election data*. Nairobi: IEBC.
- IEA (2011). *Youth research compendium*. Nairobi: Institute of Economic Affairs.
- IEA (2015). *Implementing the constitutional two-thirds gender principle: The cost of representation*. Nairobi: Institute of Economic Affairs.

- IDEA (2019). *Political gender equality and the global state of democracy indices*. Stockholm: IDEA.
- ILO (2002). *The issues and guidelines for gender equality bargaining: Booklet three*. Geneva: ILO.
- IPU & UNDP (2017). *Global parliamentary report*. Geneva: IPU & UNDP.
- Jagger, A.M. (1983). *Feminist politics and human nature*. New Jersey: Rowman & Allanheld.
- Kabira, W.M., Akombe, R. & Wasike, C. (2000). *Setting the pace: Kenyan women in the seventh and eighth parliaments*. Nairobi: The Collaborative Centre for Gender and Development.
- Kamau, N. (2010). *Women and political leadership in Kenya: Ten case studies*. Nairobi: Heinrich Böll Stiftung.
- Kanter, R.M. (1977). *Men and women of the corporation*. New York: Basic Books.
- Kanthak, K. & Krause, G.A (2011). *The diversity paradox: Political parties, legislatures, and the organizational foundations of representation in America*, Pittsburgh, Pennsylvania.
- Kanyi, W.M. (2016). *The walls we can't see: Public policy lethargy on women's political participation in Kenya*. Nairobi: Heinrich Böll Stiftung & the African Women's Studies Center, University of Nairobi.
- Karam, A. & Lovenduski, J. (2005). Women in parliament: Making a difference. In J. Ballington and A. Karam (Eds.). *Women in parliament: Beyond numbers (A revised edition)*, pp. 187-238. Stockholm: IDEA.
- KEWOPA (2014). Kenya Women's Parliamentary Association Strategic Plan 2014-2019. Nairobi: KEWOPA.
- KEWOPA (2018). *12th parliament members' induction training workshop report 11th – 14th January, 2018*. Nairobi: KEWOPA.
- Kibwana, K. & Mute, L. (Eds.) (2000). *Law and the quest for gender equality in Kenya*. Nairobi: Claripress.
- Larserud, S. & Taphorn, R. (2007). *Designing for equality*. Stockholm: IDEA.
- Latt, S., Ninh, K., Myint, M. & Lee, S. (2017). *Women's political participation in Myanmar: Experiences of women politicians 2011 – 2016*. The Asian Foundation & Phan Tee Eain.

Lovenduski, J. (2005). *Feminizing politics*. Oxford: Polity Press.

Mannathoko, C. , 1992. Feminist theories and the study of gender issues in Southern Africa. In R. Meena (Ed.). *Gender in southern Africa: Conceptual and theoretical issues*, pp. 71-91: Harare: SAPES Books.

Mburia, P., Thuo, J., & Nyambala, M. (2010). *Journey to leadership: Women parliamentarians in Kenya's tenth parliament*. Nairobi: AMWIK.

Meintjes, S. (2005) South Africa: Beyond numbers. In J. Ballington & A. Karam (Eds.). *Women in parliament: Beyond numbers (A revised edition)*, pp. 230-237. Stockholm: IDEA.

Mill, J.S. (1869). *The subjection of women*. London: Longmans, Green, Raeder & Dyer.

Millett, K. (1977). *Sexual politics*. London: Virago.

Miruka, O. (2004). *Parliamentary survey report*. Nairobi: FIDA-Kenya.

Miruka, O. (2013). *A training manual on masculinities and engaging men to end gender-based violence*. Nairobi: African Women's Development and Communication Network.

Mitullah, W. V. (2010). Institutional framework for gender equality: A scoreless affirmative action in the Kenya 2007 elections. In K. Kanyinga & D. Okello (Eds). *Tensions and reversals in democratic transitions: The Kenya 2007 general elections* (pp. 565-597). Nairobi: Society for International Development & Institute for Development Studies, University of Nairobi.

NGEC (2016). *Status of equality and inclusion in Kenya*. Nairobi: NGEC.

NDI (2011). *Leadership and campaign academy candidates' manual*. Nairobi: National Democratic Institute.

NDI & FIDA-K (2018). *A gender analysis of the 2017 Kenya general elections*. Nairobi: NDI & FIDA-K.

NDI & IPU (2018). *Violence against women in politics*. UN Women & Office of the High Commissioner for Human Rights, New York.

Norris, P. (2000). Gender and contemporary British politics. In Colin Hay (Ed.). *British Politics Today*. Cambridge: Polity Press.

Okello-Orlale, R. & Ugangu, W. (2010). *Beyond numbers: Narrating the impact of women's leadership in Eastern Africa*. Nairobi: African Women and Child Feature Service.

Pedwell, C. & Perrons, D. (2007). *The politics of democratic governance: Organising for social inclusion and gender equity*. UK: One World Action.

Powley, E. (2005). Rwanda: Women hold up half the parliament. In J. Ballington & A. Karam (Eds.). *Women in Parliament: Beyond Numbers (A revised edition)*, pp. 154-163. Stockholm: IDEA.

Rosenbluth, F, Kalla, J. & Teele, D. (Eds), 2015. *The female political career*. Zurich: World in Parliaments (WIP) Global Forum & World Bank.

Sawer, M. (2012). *What makes the substantive representation of women possible in a Westminster parliament? The story of RU486 in Australia*. Sage: International Political Science Review.

Strachan, A.L. (2015). *Women in politics and the public sector in Tanzania* (GSDRC Helpdesk Research Report 1286). Birmingham, UK: GSDRC, University of Birmingham.

Tamale, S. (2000). Point of order, Mr. Speaker: African women claiming their space in parliament. In C. Sweetman (Ed.). *Women and leadership*. Oxford: Oxfam GB.

Tripp, A. M. (2000). *Women and politics in Uganda*. Madison: University of Wisconsin Press.

Uganda Bureau of Statistics (2017). *Women and men in Uganda: Facts and figures 2016*. Kampala: UBOS.

Vetten, L, Makhunga, L. & Leisegang, A. (2012). *Making women's representation in parliament count: The case of violence against women*. Braamfontein: Tshwaranang Legal Advocacy Centre to End Violence against Women.

Wängnerud, L. (2005). Sweden: A step-wise development. In J. Ballington & A. Karam (Eds). *Women in parliament: Beyond numbers (A revised edition)*, pp. 238-246. Stockholm: IDEA,

Wollstonecraft, M. (1792). *A vindication of the rights of woman: With strictures on political and moral subjects*, London: J. Johnson.

Journal Articles

- Auya, S. & Oino, P. (2013). The role of constituency development fund in rural development: Experiences from North Mugirango Constituency, Kenya. *International Journal of Science and Research (IJSR)*, India. ISSN: 2319-7064, June 2013.
- Bauer, G. (2012): Let there be a balance: Women in African parliaments. *Political Studies Review*, Vol. 10, no. 3, 370-384.
- Childs, S. & Krook L. (2009). Analysing women's substantive representation: From critical mass to critical actors. *Government and Opposition*, Vol. 44, No. 2, 125-145.
- CPA (2017). Women and parliament. *The Parliamentarian*, Vol 98-2. London: CPA.
- Cotran, E. (1996). Marriage, divorce and succession laws in Kenya: Is integration or unification possible? *Journal of African Law*, Vol. 40, No. 2, 194-204, Cambridge University Press.
- Dahlerup, D. (1988). From a small to a large minority: Theory of critical mass. *Scandinavian Political Studies*, Vol. 11 (4), 275–298.
- Dahlerup, D. (2005). Increasing women's political representation: New trends in gender quotas. In J. Ballington & A. Karam (Eds). *Women in parliament: Beyond numbers (A revised edition)*, pp. 238-246. Stockholm: IDEA,
- Dahlerup, D. & Freidenvall, L. (2005). Quotas as a fast track to equal political representation. *International Feminist Journal of Politics*, Vol. 7 (1), March, 26–48.
- Duman, F. (2012) The Roots of Modern Feminism: Mary Wollstonecraft and the French Revolution, *International Journal of Humanities and Social Science*, Vol. 2. No. 9: 75-89, Hitit University, Turkey.
- Falch, A. (2010). Women's political participation and influence in post-conflict Burundi and Nepal. *International Forum* 27, 531-546.
- Farzadi, L., Ghasemzadeh, A, Asl, Z.B., Mahini, M. & Shirdel. H. (2014). Intimate partner violence against infertile women. *Journal of Clinical Research and Governance* (4) No..2. pp.147-151.
- Kaimenyi, C., Kinya, E. & Macharia, S.M (2013). An analysis of affirmative action: The two-thirds gender rule in Kenya. *International Journal of Business, Humanities and Technology* Vol. 3 No. 6; June 2013.
- Karpowitz, C. F., Mendelberg, T. & Shaker, L. (2012). Gender inequality in deliberative participation. *American Political Science Review* 106 (3): 533–47.

Karpowitz, C. F., Mendelberg, T. & Mattioli, L. (2015). Why women's numbers elevate women's influence, and when they don't: Rules, norms and authority in political discussion. *Politics, Groups, and Identities: Special Issue on Gender and Political Psychology* 3, No. 1.

Lawless, J. & Fox, R. L. (2011). Gendered perceptions and political candidacies: A central barrier to women's equality in electoral politics. *American Journal of Political Science* 55(1), 59–73.

Maille, C. (2015). Feminist interventions in political representation in the United States and Canada: Training programs and legal quotas. *European Journal of American Studies* 10, no. 1 (2015).

Markham, S. (2012). Strengthening women's roles in parliaments. *Parliamentary Affairs*, Vol. 65, 688–698.

Markham, S. (2013). Women as agents of change: Having voice in society and influencing policy. In NDI. *Women's voice, agency, and participation research series 2013 No.5*.

Mendelberg, T., Karpowitz, C. F., & Goedert, N. (2013). Does descriptive representation facilitate women's distinctive voice? How gender composition and decision rules affect deliberation. *American Journal of Political Science*, Vol. 00, No. 0, xxxx 2013, Pp. 1–16 2013, Midwest Political Science Association.

Mendelberg, T., Karpowitz, C. F., & Goedert, N. (2013). Does descriptive representation facilitate women's distinctive voice? How gender composition and decision rules affect deliberation. *American Journal of Political Science*, Vol. 00, No. 0, xxxx 2013, Pp. 1–16 2013, Midwest Political Science Association.

Ombelet, W. 2011. Global access to infertility care in developing countries: A case of human rights, equity and social justice. Facts, views and vision. *Issues in Obstetrics, Gynecology & Reproductive Health* (3) No 4. 257-266.

Sing'oei R. & Choge, E. (2012). Nandi traditional woman to woman marriages and their effect on the spread of HIV and AIDS. *Theologies and Cultures Vol. IX No. 2 December, 2012: 59-74*.

Stockemer, D. & Sundström, A. (2018). Age representation in parliaments: Can institutions pave the way for the young? *European Political Science Review* (2018), 10:3, 467–490, European Consortium for Political Research.

Seminar Presentations

Bazara, N. (2009). Family law reforms in Kenya: An Overview. A presentation at Heinrich Boll Foundation's Gender Forum, 30 April 2009.

Grey, S. (2001). Does size matter? Critical mass and women MPs in the New Zealand House of Representatives. Paper for the 51st Political Studies Association Conference, 10-12 April 2001, Manchester, United Kingdom.

Kadaga, R. A. (2013). Women's political leadership in East Africa with specific reference to Uganda. Paper presented at Tenth Commonwealth Women's Affairs Ministers Meeting held in Dhaka, Bangladesh, 17-19 June 2013.

Volden, C. Wiseman, A, & Wittmer, D. (2013). "*Women's Issues and Their Fates in Congress.*" Midwest Political Science Association Annual Conference, Chicago, IL.

Theses and Project Reports

Chege, J. (2016). Experiences of elected women in Kenya with legislation: A case study of the 11th parliament. A project report submitted in partial fulfilment of the requirements for the degree of Master of Arts of the University of Nairobi.

Godia, J. (2017). Challenges facing women in legislation process in the Kenya National Assembly of the 11th parliament 2013 -2017. A research project submitted to the Institute of Anthropology, Gender and African Studies in partial fulfilment of the requirements for the degree of Master of Arts in Gender and Development Studies of the University of Nairobi.

Mbugua, R.W. (2017). Affirmative action as a strategy for increased women's political leadership: A case study of the National Assembly of Kenya's 11th parliament 2013-2017. A research project submitted in partial fulfilment of the requirements for the degree of Master of Arts in African Women in Leadership and Governance in Africa at African Women's Studies Centre of the University of Nairobi.

Miruka, S.O. (2010). The role of men in combating violence against women: The case of Men for Gender Equality Now in Kenya. A research project report submitted in partial fulfilment of the requirements for the award of the degree of Master of Arts of Kenyatta University.

Musyoka, K. (2011). The relationship between increased number of women in parliament and enactment of gender sensitive legislation in the 10th parliament. A project report submitted in partial fulfilment of the requirements for the degree of Master of Arts of the University of Nairobi.

Mwathi, M.W. (2017). Perceptions of female legislators in the 11th parliament on media portrayal of women politicians in Kenya. A project report submitted in partial fulfilment of the requirements for the degree of Master of Arts of the University of Nairobi.

Ngumbau, J.M. (2017). Relationship between table banking and the growth of women-owned micro and small enterprises in Uhuru Market, Nairobi County. MBA thesis, Kenya Methodist University.

Nthiiri, G. (2014). The contribution of the Kenya Women's Parliamentary Association in strengthening democracy in Kenya. A project paper submitted in partial fulfilment of the requirements for the degree of Master of Arts of the University of Nairobi

Wanaswa, L.K. (2015). Influence of table banking on empowerment of women: A study of savings-led schemes in selected counties in Western Kenya. MA project report, University of Nairobi.

Internet Sources

Asiedu, E., Branstette, C, Gaekwad-Babulal, N, & Malokele, N. (n.d.) The effect of women's representation in parliament and the passing of gender sensitive policies (online). Available at <https://www.aeaweb.org/conference/2018/preliminary/paper/an5yEb5h>.

Bäck, H. and Debus, M. (2018). When do women speak? A comparative analysis of the role of gender in legislative debates (online). Available at https://www.researchgate.net/publication/326801012_When_Do_Women_Speak_A_Comparative_Analysis_of_the_Role_of_Gender_in_Legislative_Debates.

Childs, S (2004). A Feminised Style of Politics? Women MPs in the House of Commons (online). Available at <https://journals.sagepub.com/doi/abs/10.1111/j.1467-856x.2004.00124.x>.

Coleman, I. (2012). *Are Quotas for Women in Politics a Good Idea?* The Atlantic. Available at <https://www.theatlantic.com/international/archive/2012/01/are-quotas-for-women-in-politics-a-good-idea/251237/>

CPA (2018). Kenya parliamentary staff training and new members' induction (online). Available at <https://www.uk-cpa.org/news-and-views/kenya-parliamentary-staff-training-and-new-members-induction>.

Delvin, C. & Elgie, R. (2008). The effect of increased women's representation in parliament: The case of Rwanda. *Parliamentary Affairs, Volume 61, Issue 2*, April 2008, pp. 237–254 (online). Available at <https://doi.org/10.1093/pa/gsn007>.

Equileap (2019). *Gender equality in Kenya: Assessing 60 leading companies on workplace equality*. Equileap (online). Available at https://equileap.com/wp-content/uploads/2019/11/Gender-equality-in-Kenya_Special-report-by-Equileap.pdf.

Erikson, J. & Josefsson, C. (2019). Equal playing field? On the intersection between gender and being young in the Swedish Parliament". *Politics, Groups and Identities* (online). Available at DOI: 10.1080/21565503.2018.1564055.

FSG (2016). Menstrual health in Kenya: Country landscape analysis (online). Available at https://menstrualhygieneday.org/wp-content/uploads/2016/04/FSG-Menstrual-Health-Landscape_Kenya.pdf.

Goetz, A.M. (2002). No shortcuts to power: constraints on women's political effectiveness in Uganda. (online). Available at <https://www.usip.org/sites/default/files/missing-peace/Anne%20Marie%20Goetz.pdf>

Gresch, N. & Sauer, B. (2015). Debates on women's representation in Austria. Or: The development of the pitfalls of a conservative gender regime. *EUI Working Paper LAW 2015/32*, European University Institute, 2015 (online). Available at https://blogs.eui.eu/genderquotas/wp-content/uploads/sites/24/2015/07/Austria_LAW_2015_32.pdf.

Hamby, S. & Grych, J. (2014). The Complex Dynamics of Victimization: Understanding Differential Vulnerability without Blaming the Victim (online). Available at <http://thevigor.org/wp-content/uploads/2014/06/Dynamics-of-victimization-Hamby-Grych-Wiley-chap.pdf>

IDEA (2021). Gender quotas database (online). Available at <https://www.idea.int/data-tools/data/gender-quotas/quotas>.

IDEA, IPU & Stockholm University (2010). Global database of electoral quotas for women (online). Available at www.quotaproject.org.

IDEA, CoD & UNDP (2017). Regional organisations, gender equality and the political empowerment of women. Stockholm, Warsaw, New York: IDEA, Community of Democracies & UNDP (online). Available at <https://www.idea.int/sites/default/files/publications/regional-organizations-gender-equality-and-the-political-empowerment-of-women.pdf>.

IEA (2015). Actualization and implementation of the two-thirds gender-principle in Kenya (online). Available at <https://www.sidint.net/content/actualization-and-implementation-two-thirds-gender-principle-kenya>.

IPU (2012). IPU parline database (online). Available at <http://www.ipu.org/parline-e/reports/2167.htm>.

IPU (2014). Women in national parliaments (online). Available at <http://www.ipu.org/wmn-e/world.htm>.

IPU (2016). Sexism, harassment and violence against women parliamentarians: Issue brief (online). Available at <http://archive.ipu.org/pdf/publications/issuesbrief-e.pdf>.

IPU (2017). Women in national parliaments (online). Available at <http://archive.ipu.org/wmn-e/world.htm>.

IPU (2018). Women in parliament in 2018 (online). Available at <http://archive.ipu.org/wmn-e/world.htm>.

IPU (2019) Women in politics (online). Available at <http://archive.ipu.org/wmn-e/world.htm>.

Joshi, D. & Goehring, R. (2018). Conceptualizing and measuring women's political leadership: From presence to balance. *Politics & Gender*, 14 (2018), 350–375 (online). Available at <https://www.cambridge.org/core>, IP address: 41.80.162.73.

KLRC. In the Matter of the principle of gender representation in the National Assembly and Senate (2012): Advisory Opinion No. 2 of 2012) (online). kenyalaw.org/caselaw/cases/view/85286/).

Lewis, J.J. (2019). Liberal feminism (online). Available at <https://www.thoughtco.com/liberal-feminism-3529177>.

KNBS (2014). Kenya census results presentation (online). Available at <http://www.knbs.or.ke/Census%20Results/Presentation%20by%20Minister%20for%20Planning%20revised.pdf>.

Mügge, L.M., van der Pas, D.J. & van de Wardt, M. (2019). Representing their own? Ethnic minority women in the Dutch parliament. *West European Politics*, 42:4, 705-72 (online). Available at DOI: 10.1080/01402382.2019.1573036..

Mzalendo Trust (2015). Debunking myths: Women's contributions in Kenya's 11th parliament (online). Available at http://info.mzalendo.com/media_root/file_archive/Debunking_Myths_on_Women_MPs_report.Pdf.

National Assembly Hansard (online). Available at www.parliament.go.ke.

Nzomo, M. (2011). Impacts of women in political leadership in Kenya: Struggle for participation in governance through affirmative action. Nairobi: Institute of Diplomacy & International Studies, University of Nairobi. Available at https://ke.boell.org/sites/default/files/uploads/2014/01/affirmative_action-impacts_of_women_in_political_leadership_in_kenya_by_prof_maria_nzomo.pdf

Ombati, C. & Wenangula, D. (2015). Drama as defiant Kaindi forced out of coveted office (2015). *The Standard*. Available at <https://www.standardmedia.co.ke/counties/article/2000175313/drama-as-defiant-kaindi-forced-out-of-coveted-office>

Parry, J. (2014). Critical mass and legislative influence: From minority to (near) majority, University of Arkansas (online). Available at <http://sppc2014.indiana.edu/Papers/Parry.pdf>.

Sanbonmatsu, K. (2017). Why women? The impact of women in elective office. *Political Parity* (online). Available at <https://www.politicalparity.org/wp-content/uploads/2015/08/Parity-Research-Women-Impact.pdf>.

Sultana, A. (2012). *Patriarchy and women's subordination: A theoretical analysis*. Dhaka.(online). Available at <http://www.banglajol.info/index.php/AFJ/article/view/12929>.

Tabongo, P.T. & Adongo, P.B. (2013). Infertility and childlessness: a qualitative study of the experiences of infertile couples in Northern Ghana.(online). Available at <http://www.biomedcentral.com/1471-2393/13/72>.

WHO (2011). Exclusive breastfeeding for six months best for babies everywhere (online). Available at http://www.who.int/mediacentre/news/statements/2011/breastfeeding_20110115/en/.

WHO (2017). Violence against women (online). Available at <https://www.who.int/news-room/fact-sheets/detail/violence-against-women>.

Government Documents

National Assembly of Kenya (2017a). *How law is made: Fact sheet no. 2*. Nairobi: NAK.

National Assembly of Kenya (2017b). *The committee system of the National Assembly: Fact sheet No. 22*. Nairobi: NAK.


Kenya National Bureau of Statistics (2014). *Kenya demographic and health survey 2014*. Nairobi: Government Printers.

Republic of Kenya (2010). *Constitution of Kenya 2010*. Nairobi: Government Printers.

Republic of Kenya (2013). *The National Assembly standing orders 4th edition*. Nairobi: Government Printers.

APPENDICES

A1: Approval from Kenyatta University



**KENYATTA UNIVERSITY
GRADUATE SCHOOL**

E-mail: dean-graduate@ku.ac.ke P.O. Box 43844, 00100
NAIROBI, KENYA
Website: www.ku.ac.ke Tel. 8710901 Ext. 57530

OUR REF: C82/24702/11 Date: 11th November, 2015

The Director General,
National Commission for Science, Technology & Innovation,
P.O. Box 30623,
NAIROBI

Dear Sir/Madam,


RE: RESEARCH AUTHORIZATION FOR MR. SIMON O. MIRUKA REG. NO. C82/24702/11

I write to introduce **Mr. Miruka** who is a Postgraduate Student of this University. He is registered for Ph.D. Degree programme in the **Department of Gender & Development Studies** in the **School of Humanities & Social Sciences**.

Mr. Miruka intends to conduct research for a Ph.D. thesis entitled, **"The Performance of Women in the Legislature: A Case Study of Kenya's First National Assembly After 2018 Elections"**.

Any assistance given will be highly appreciated.

Yours faithfully,



MRS. LUCY N. MBAABU
FOR: DEAN, GRADUATE SCHOOL

RM/cao

A2: NACOSTI Permit

**NATIONAL COMMISSION FOR SCIENCE,
TECHNOLOGY AND INNOVATION**

Telephone: +254-20-2213471,
2241349, 310571, 2219420
Fax: +254-20-318245, 318249
Email: secretary@nacosti.go.ke
Website: www.nacosti.go.ke
When replying please quote

9th Floor, Utalii House
Uthiru Highway
P.O. Box 30623-00100
NAIROBI-KENYA

Ref. No: **NACOSTI/P/16/46137/9391**

Date:
15th March, 2016

Simon Okumba Miruka
Kenyatta University
P.O. Box 43844-00100
NAIROBI.

RE: RESEARCH AUTHORIZATION

Following your application for authority to carry out research on "*The performance of women in the legislature: A case study of Kenya's First National Assembly after 2013 elections*," I am pleased to inform you that you have been authorized to undertake research in all Counties for a period ending **15th March, 2017**.

You are advised to report to Clerk, National Assembly, the Chief Executive Officers of selected Government Agencies, the County Commissioners and the County Directors of Education, all Counties before embarking on the research project.

On completion of the research, you are expected to submit **two hard copies and one soft copy in pdf** of the research report/thesis to our office.


DR. M. K. RUGUTT, PHD, HSC.
DIRECTOR-GENERAL/CEO

Copy to:

- Clerk
National Assembly.

The Chief Executive Officers
Selected Government Agencies.



A3: Consent Form

This is to confirm that I Hon. _____

MP/Women's Representative for _____

Nominated MP on (name of political party) _____

have voluntarily agreed to be interviewed by Simon Okumba Miruka, a student of
Kenyatta University (or his assignee) for his academic research on women
parliamentarians in Kenya's National Assembly 2013 -2017. I consent to the use of the
information I have provided in the study report without prejudice.

A4: Circular PSC/RES/2013/413 on Lactation Room

REPUBLIC OF KENYA

Telegraphic Address
 'Bunge', Nairobi
 Telephone 2848000
 Fax: 2243894
 E-mail: csenate@parliament.go.ke



Parliamentary Service Commission
 Parliament Buildings
 P. O. Box 41842 -00100
 NAIROBI, Kenya

CLERK OF THE SENATE/ SECRETARY TO THE PARLIAMENTARY SERVICE COMMISSION

PSC/RES/2013/413

2nd August, 2013


Director-General,
 Parliamentary Joint Services,
 Parliament Buildings,
 NAIROBI.

RE: FACILITATION FOR LACTATING MEMBERS AND STAFF

During its One Hundred and Seventy Eighth Meeting of 1st August 2013, the Commission considered Paper No.574 on facilitation for lactating Members and staff and resolved as follows:-

1. That with effect from 1st July, 2013, lactating mothers who serve as Members or staff of Parliament be facilitated by the Parliamentary Service Commission to carry with them their infants who are one year old or less and a care-giver for the infant whenever they travel on parliamentary business within the country as follows-
 - (a) travel expenses for the infant and the care-giver; and
 - (b) accommodation, meals and related costs for the infant and the care giver.
2. That a designated room be provided within the precincts of Parliament for the exclusive use of lactating Members and staff of Parliament whose infants are one year old or less. The room should be equipped with comfortable seats, baby cots, a refrigerator and any other equipment that may promote the hygiene and comfort of the mothers and the infants.

Please take necessary action(s) to implement the above resolutions as directed by the Commission.


 J.M. NYEGENYE,
 CLERK OF THE SENATE/SECRETARY,
 PARLIAMENTARY SERVICE COMMISSION.

Copies to:-

- ✓ The Speaker of the National Assembly
- ✓ The Clerk of the National Assembly

When replying please quote our reference

A5: Schedule of Interviews and Respondents

	Code	Designation	Political Party	Date Interviewed
1	WL-3	CWR	ODM	18.7.2016
2	WL-2	CWR	ODM	24.7.2016
3	WL-10	CWR	ODM	28.7.2016
4	WL-4	CWR	TNA	6.8.2016
5	WL-1	MP	ODM	16.12.2016
6	WL-8	CWR	ODM	16.12.2016
7	WL-9	CWR	TNA	16. 1. 2017
8	WL-5	CWR	TNA	18. 1. 2017
9	WL-6	CWR	WDM-K	15.2.2017
10	WL-7	CWR	URP	20.2.2017
11	WL-11	Nominated	TNA	11.2.2018
12	KI-1	Male MP	ODM	15.2.2017
13	KI-2	Male MP	ODM	7.3.2017
14	KI-3	Nominated Senator	WDM	30. 1. 2017
15	KI-4	Programme Officer, KEWOPA	N/A	7.3.2017

A6: Study Schedule

SN	Activities	Proposed Dates
<i>Preparatory Activities</i>		
1	Secondary data review	October 2015 – December 2016
2	Sampling of respondents	January – June 2016
4	Scheduling with respondents	January – June 2016
<i>Data Collection</i>		
5	Interviews	July 2016 – April 2017
<i>Data Processing, Analysis & Reporting</i>		
6	Data processing (editing, tabulation, synthesis)	April – September 2017
7	Analysis of findings and report writing	October 2017 – August 2020
8	Departmental presentation	August 2020
9	Submission of thesis to Graduate School	November 2020
10	Oral defence of thesis	May 11, 2021
11	Final submission of corrected thesis	June 14, 2021

A7: Research Budget

SN	Item	Quantity	Unit Cost in Kshs	Total Cost in Kshs
1	Transport	N/A	N/A	50,000
2	Research Assistant	1	10,000 monthly for 8 months	80,000
3	Stationery	5 reams of printing paper, pens, note books, pencils, erasers	N/A	20,000
4	Printing cartridges	4	8,000	32,000
5	Photocopying and binding	N/A	N/A	15,000
6	Telephone and internet	N/A	5,000 monthly for 8 months	40,000
7	Photography and audio taping	One camera, one recorder with tapes	N/A	5,000
8	Meals	N/A	6,000 monthly for 8 months	48,000
	Sub-Total			290,000
10	Miscellaneous	10% of sub-total		29,000
	Total			319, 000

A8: Research Instruments**A8-1 Interview Schedule for Women in the National Assembly****Name of Respondent:****Date of Interview;****Location of Interview:****Interviewer;****Demographic Details**

SN	Particulars	Response
1	Sex	
2	Age	
3	Marital Status	
4	Religion	
5	Formal Educational Level <ul style="list-style-type: none"> • Doctorate Degree • Master's degree • Bachelor's degree • Other (specify) 	
6	Professional background	
7	First time to join National Assembly	
8	Political party	

Objective 1: Legislative Agenda

1. What issues/themes have you pursued as a member of the National Assembly?
2. Why have you prioritized these issues?
3. How does gender determine the issues you prioritise?
4. How has your political party/coalition determined your agenda and standpoints in the National Assembly?
5. What other factors determine your agenda?

6. Who do you consider to be your primary constituents? To what extent do you consider that you are a representative of all women?
7. Comment on whether your male colleagues prioritise the same issues as you do.
8. Comment on whether other women parliamentarians prioritise the issues you do.
9. Are there certain issues you would automatically support? If so, which ones and why?
10. Specify the Bills you and other women have introduced in the National Assembly
Which of them were passed into law?
11. What other matters have you pursued in the National Assembly? Why are these matters important to you? (Probe for parliamentary human resource policies, procedures, practices, facilities, schedules, privacy, distribution of committee positions, attention by the speaker, standing orders, opportunities to participate in debates).
12. What do you regard as your major achievements in the National Assembly?

Objective 2: Methods

1. Describe the methods and steps you followed to pursue your agenda in the National Assembly.
2. Which formal positions do you hold in the National Assembly e.g. chair of committee, leader of government business, chief whip etc.)?
3. How have you used these positions to realise your agenda?
4. Describe any rules/procedures that specifically create space for women parliamentarians to participate in the National Assembly.
5. How have you taken advantage of the increased number of women in the National Assembly to realise your agenda?
6. How has women's increased presence changed parliamentary discourse and practices (probe for: legislative agenda, language, attitude by male colleagues, sexist treatment, decorum, discrimination, sexual harassment, attire, social behaviour etc.)?
7. How have you taken advantage of the opportunities offered by debates, voting, lobbying, committee work and parliamentary caucuses to realise your agenda?
8. Under what circumstances have you felt that women receive more support from men in the National Assembly?
9. In summary, which are the most effective methods women parliamentarians have used to realise their agenda in the National Assembly? Which ones do you consider least effective and why?

Objective 3: Challenges

1. What challenges have you faced in pursuing your agenda in the National Assembly with regard to: a) plenary debates b) committee work c) initiation of Bills and

Motions d) intra- and inter-party forums) getting attention from party whips, the speaker, leader of government business etc.) general interactions with other parliamentarians (male and female)>

2. How do you relate these challenges to the fact that you are a female parliamentarian ?
3. Comment on the assertion that once in power, women are co-opted, mime men and even oppose legislation in women's favour.
4. Answer Yes or No to the following questions and provide brief examples for your responses.

SN	Have you ever felt that:	Yes	No	Example
1.	Pursuits by women have been perceived as negatively targeting men?			
2.	Your choices are dictated by party loyalty rather than genuine personal choice?			
3.	Women lacked consensus on issues beneficial to women?			
4.	Your effectiveness suffered from lack of experience in parliamentary work?			
5.	Women's presence and leadership in parliamentary committees is lower than it should be?			
6.	The National Assembly does not have facilities responsive to women's practical gender needs?			
7.	You are conspicuous and different from male colleagues in the National Assembly?			
8.	You are pressured to perform twice as much as male colleagues to be recognized?			
9.	You are not expected to out-perform your male colleagues?			
10.	Your shortcomings are more noticeable than those of your male colleagues?			
11.	There are generalisations and stereotypes about women in the National Assembly?			
12.	You are treated as an automatic representative of all women?			
13.	An issue pursued by women was defeated due to religious and cultural conservatism?			
14.	There is contempt towards women elected on affirmative quotas or nominated?			
15.	Opposition by male colleagues was a backlash due to the increased numbers of women from quotas?			

SN	Have you ever felt that:	Yes	No	Example
16.	Excluded by male colleagues from venues, meetings, discussions etc. because of being in the minority?			
17.	That you are blamed even when you are the aggrieved party)?			
18.	Hostility towards you was based on the fact that you are in the minority?			
19.	You were co-opted into the culture and behaviour of male colleagues by virtue of being a minority.			
20.	You were intimidated into silence because of being in the minority?			
21	You were under pressure to show allegiance to your male colleagues even at the expense of abandoning fellow women?			
22	You were pushed to conform to traditional roles of women?			
21.	That you are expected to provide care to male colleagues in ways that submerge your official roles?			
22.	Certain roles are reserved for you because you are a woman even if you are not interested in them?			
	You are seen as a sex object by male colleagues?			
23.	You are treated as an object of amusement and target of sympathy and protection by your male colleagues?			
24.	More recognition and attention is given to your personal attributes than technical competence?			
25.	You are considered “tough” and are isolated as a result?			
26.	Interruptions by male colleagues were because of your gender rather than because of your ideas?			
27.	You endorsed a position simply because you were outnumbered even if you did not believe in it?			

Objective 4: Recommendations

1. How can the effectiveness of women parliamentarians in the National Assembly be improved?

2. What institutional changes do you propose in the National Assembly to make it more responsive to women's needs and create more space for them to be effective in their roles of representation, legislation and oversight?
3. How can women best make use of their increased numbers to realise their agenda in the National Assembly and address women's interests?

A8-2 Interview Schedule for Key Informants

Name of Informant	Date of Interview:
Sex:	
Designation:	Location of Interview:

Objective 1: Legislative Agenda

1. What issues/themes have women parliamentarians pursued in the National Assembly?
2. In your view, why have they prioritized these issues?
3. How has political party/coalition determined the agenda and standpoints of the women in the National Assembly?
4. Specify the Bills that have been introduced in the National Assembly by women parliamentarian, their current status and why this is so.
5. What other matters have the women in the National Assembly pursued? Why are these matters important to them, in your view? (Probe for parliamentary human resource policies, procedures, practices, facilities, schedules, privacy, distribution of committee positions, attention by the speaker, standing orders, opportunities to participate in debates).
6. What do you regard as the major achievements of women in the current National Assembly?

Objective 2: Methods

1. What methods have women used to achieve their agenda in the National Assembly?
2. What factors have facilitated the work of women in the National Assembly?
3. Describe any rules/procedures that specifically create space for women to participate effectively in the activities of the National Assembly.
4. To what extent have women taken advantage of their increased number to realise their agenda individually and collectively?
5. How has women's increased presence changed parliamentary discourse and practices (probe for: legislative agenda, language, attitude by male colleagues, sexist treatment, decorum, discrimination, sexual harassment, attire, social behaviour etc.)?
6. Under what circumstances have you felt that women receive more support from men in the National Assembly?

7. Which are the most effective methods that women used to realise their agenda in the National Assembly? Which ones do you consider least effective and why?

Objective 3: Challenges

1. What challenges have women faced in pursuing their agenda in the National Assembly? Probe for challenges in a) plenary debates b) committee work c) initiation of Bills and Motions d) intra- and inter-party forums e) getting attention from party whips, the speaker, leader of government business etc.) general interactions with other parliamentarians (male and female).
2. How do you relate these challenges to the fact that they are female?
3. Comment on the assertion that once in power, women are co-opted, mime men and even oppose legislation in women's favour.

Objective 4: Recommendations

1. How can the effectiveness of women in the National Assembly be improved?
2. What institutional changes do you propose in the National Assembly to make it more responsive to women's needs and create more space for them to be more effective?
3. How can women best make use of their increased numbers to realise their agenda in the National Assembly and address women's interests?

A8-3 Content Analysis Guide

Objective 1: Legislative Agenda

1. What issues/themes are recurrent in the Bills, motions and petitions by women in the National Assembly?
2. What views have women expressed through and on those Bills, motions and petitions?
3. What do these views reveal about the women parliamentarian's legislative priorities?
4. Which of the Bills, motions and petitions have been passed?
5. Which of the Bills, motions and petitions have not been passed and why?
6. How do the Bills, Motions and petitions passed demonstrate women parliamentarians' influence?

Objective 2: Methods

1. What methods have women parliamentarians used in debates to persuade the National Assembly to pass their Bills, Motions and petitions?
2. What is the distribution of women in the parliamentary committee and their leadership?

3. What criteria was used to place women in the parliamentary committees?
4. How did women use their membership and leadership in parliament committees to pursue their legislative agenda?
5. How did women parliamentarians work in solidarity across political parties?
6. What did women achieve by mobilising men in the National assembly to support their legislative agenda?
7. How did women seek to overcome the fact that they were a minority hence could easily be outnumbered in voting?
8. How did women rely on their increased numbers from quotas to get their legislative agenda passed?
9. What achievements were realised by women from use of each of the methods applied?

Objective 3: Challenges

1. What challenges did women face on the floor of the National Assembly in pursuing their agenda?
2. What were the reactions of men to the Bills, Motions and petitions resented or supported by women parliamentarians?
3. How did minority affect women's ability to have their legislative agenda passed?
4. What elements of dominant behaviours by men, as outlined in the Critical Mass Theory, were evident in the National Assembly and to what effect?
5. How did each of the challenges faced limit the legislative influence of women parliamentarians?

Objective 4: Recommendations

1. What emerges from findings on objectives 1 to 3 that need to be addressed in order to improve the legislative influence of women in the National Assembly?
2. What measures could be put in place to strengthen the methods used and overcome the challenges faced so as to improve the legislative influence of women in the national assembly?
3. What factors are mentioned by women parliamentarians as potential enhancers of their legislative influence?