



Summary

This Fact Sheet discusses women's access to political finance in Kenya. It outlines the challenges women face within political parties and at the national level, provides examples of gendered legislative measures from around the world and recommends a series of measures to address the gender gap in Kenya.

It is based on a joint report produced by International IDEA and the Netherlands Institute for Multiparty Democracy (NIMD) as part of the Women's Political Rights Programme.

About International IDEA

The International Institute for Democracy and Electoral Assistance (International IDEA) is an intergovernmental organization with a mission to support sustainable democracy worldwide.

www.idea.int

About NIMD

The Netherlands Institute for Multiparty Democracy (NIMD) is a democracy assistance organization established by political parties in the Netherlands to support political parties in young democracies.

www.nimd.org

Women's access to political finance in Kenya

Background

Money plays a critical role in the electoral process in Kenya. Elections are highly competitive and parliamentarians are the highest paid in the world, relative to per-capita GDP. Voter loyalty means that there are many 'safe seats' in Kenya. Nomination in a constituency seen as a party stronghold is a guarantee of success in the general election. This helps create highly competitive party primaries, making it difficult for newcomers, especially women, to enter the political arena and essential to gather huge amounts of money to run a campaign.

Demographic reality is not reflected in the participation of women in the electoral process or in politics more generally. Women have been able to vote since independence in 1963 but despite laudable efforts to outlaw discrimination on the basis of gender, Kenya remains a patriarchal society (Ohman and Lintari 2015, p.6). The lack of adequate legislative measures to ensure women's representation in parliament, the weakness of internal political party initiatives to encourage women's participation and the struggle female candidates face to enter the political field and compete with their male counterparts all explain women's low level of participation. Moreover, Kenya uses single-member districts and the first-past-the-post (FPTP) electoral system.

Women county representative (WCR) seats were introduced in each of Kenya's 47 counties under the 2010 Constitution to increase the representation of women in parliament (Ohman and Lintari, p.7). The seats are reserved for women candidates who must be nominated by a political party. This led to a significant increase in the proportion of women in parliament but the proportion of women holding constituency seats declined. The creation of reserved seats made it harder for women to compete for constituency seats, which were now perceived as men's seats.

Challenges for political parties and the national parliament

In Kenyan politics, the lack of access to financial resources and the bias of political party candidate selection processes have been identified as major impediments to the women's participation. In addition, Kenya's patriarchal culture and FPTP electoral system exclude women from electoral politics. The lack of interplay between political finance and gender in Kenya poses challenges at the national political level and for intra-party politics.

About the Women's Political Rights Programme

This Fact Sheet is part of a broader effort by International IDEA and NIMD to understand the impact of political finance on women. It has been produced under the Respect for Women's Political Rights Programme (WPR Programme) developed by International IDEA, NIMD and other partners.

The four-year programme (2014–17) aims to strengthen the political leadership of women in three countries—Colombia, Kenya and Tunisia—by improving the political environment for equal participation and leadership of women and men in political parties. The programme works directly with political parties in the above-mentioned countries to:

- assess, reform and transform both formal and informal barriers that impede and discourage progress on gender equality and women's political rights;
- enhance the capacity of women candidates, as well as men and women politicians in general to be more effective fundraisers, campaigners, and leaders; and
- build political parties' institutional capacities on gender-sensitive policymaking and legislation.

Lack of support from political parties

Many political parties in Kenya are based on a system of patronage. Electable female candidates often fail to get past the party primary barrier. After the 2013 elections, FIDA (2013: 58) identified the candidate selection process 'as one of the most pivotal factors in the success or failure of women aspirants and candidates' (FIDA 2013: 58). The Carter Center (2013: 36) underlined that: 'Political parties declined to adopt specific policies to enhance women's participation in the party primary candidate nomination process. As a result, the number of women nominated by political parties was significantly lower than their male counterparts'. Political parties commonly use the nomination process as a means to raise money from candidates through the payment of candidate fees. This can exclude women, who generally have access to fewer resources than men. In some constituencies, candidates had to spend more money during the primary campaign than in the general election.

Vote buying is another major hindrance to women's participation in politics. It is a widespread practice in Kenya (Ohman and Lintari, p.7), and voters expect handouts from political parties and candidates in exchange for their support. This well-established system automatically favours incumbents and candidates endorsed by a political party at the expense of candidates, mostly women, with fewer financial resources.

Weaknesses of the legal framework around political finance and gender

The adoption and introduction of the WCR seats had unexpected negative effects. During the campaign, there was a widespread belief—often circulated by

male candidates—that women could not stand for any position other than those reserved for women. This made it even harder for women to campaign and run in the constituency seats. Moreover, the geographical size of an entire county posed real problems for the women running as candidates in terms of the financial resources and time needed to cover the electoral area. Thus, 165 women battled it out with the men for parliament's 290 constituency seats, while 155 women sought one of the 47 WCR seats. The lack of civic education regarding the purpose of the WCR seats combined with misinformation campaigns organized by male candidates led to situations where women candidates running in WCR seats had to spend more time explaining the set-up and rationale of the system than actually campaigning.

Political finance regulation is often seen as a tool for levelling the playing field, reducing election costs, cutting corruption and increasing oversight (Falguera, Jones, Ohman 2014, pp.2-3). Legislation on political finance can contain gender-targeted measures explicitly promoting women's participation through public funding but also gender-neutral regulations that do not directly aim to reduce the gender gap but help to do so in practice. These are often related to the electoral campaign period. During the 2013 elections, the absence of campaign finance regulation was exacerbated by the absence of a fully enforced campaign period. This penalized candidates and parties that lacked the resources to run a long and expensive pre-campaign.

Examples of gendered legislative measures

Throughout the world, countries have started to adopt political finance reforms to level the playing

field for women and alleviate the financial burden that campaigns often represent. At the same time, initiatives by electoral stakeholders such as political parties or civil society organizations (CSOs) can help level the electoral field by supporting financing for women for, among other things, training, capacity building and fundraising support. Examples of gendered legislative measures include the following:

- In Chile, for the next four electoral cycles (starting in 2017), the reformed electoral law will establish a higher compensatory amount for women candidates for every vote won, designed to help reimburse campaign expenses—irrespective of whether a women candidate won or lost the election. In addition, there will be an increased amount of public funding to parties for each female candidate elected. The reformed electoral law requires parties to nominate not less than 40 per cent or no more than 60 per cent of women and men on their candidate lists.
- In Romania, state funding allocated to eligible political parties is increased in proportion to the number of seats obtained by women candidates.
- In Niger, 10 per cent of the public grant is allocated proportionately to political parties that have women elected at all levels by the quota.
- In Mali, 10 per cent of state funding is proportionately shared among political parties that have women elected as deputies or municipal councillors.
- In Morocco, the government has created a support fund to encourage women’s representation; this finances projects that strengthen women’s capacities.
- In Ireland, the women’s wing of the Labour Party has developed an initiative to address the ‘five-Cs’ they have identified as affecting women: care, culture, cash, confidence and candidate selection. The party fundraises on behalf of female candidates, with an emphasis on supporting new or first-time candidates.
- In the United States, EMILY’s list (Early Money is Like Yeast) is a partisan fundraising network of the Democratic Party that collects funds on behalf of women candidates and seeks to alleviate disparities between male and female candidates by providing ‘seed money’, or early money, for women’s campaigns, especially for the primaries. Funds are either donated directly to the candidate or spent on their behalf.
- In Cambodia, the Sam Rainsy Party provides female candidates with key items they might need during the campaign, such as appropriate clothing or transport for campaigning.
- In Canada, the Liberal Party provides subsidies to women candidates for childcare during the party nomination process, and an additional sum for travel costs in geographically large electoral districts.
- In Mexico, each party has to devote 2 per cent of its regular annual public funding for the training, promotion and development of women leaders.

- In an effort to encourage more women to run for office, most political parties in Ghana have voluntarily halved the fees associated with the registration of candidates for women.
- In Togo, the nomination fee is 25 per cent lower if a party list contains female candidates.
- In Nigeria, different initiatives run by CSOs aim to help female candidates finance their campaign by providing access to low- or no-interest loans for electoral expenses.

Actions to address the gender gap in Kenya

For political parties

Political parties play a crucial role in the candidate selection and nomination process, and in the administration of political funds, including public funding for political activities. It is therefore critical to establish measures to ensure that women and men in political parties have equal and equitable access to the essential resource of political finance. Actions could include the following:

- Develop and strengthen political parties’ internal rules on the nomination process in order to conduct free, fair and peaceful primaries. Political parties should reduce or waive the payment of nomination fees in order to encourage more women to run for office.
- Organize training for male members of political parties to make them familiar with the issue of gender equality and the importance of women’s participation in politics.
- Develop intra-party fundraising mechanisms through the establishment of grassroots political networks to support women candidates at the pre-nomination stage by providing them with seed money.
- Establish special funds earmarked for women to use to help organize electoral campaigns; ensure that women candidates benefit from a more equitable distribution of campaign financing and other resources

For the Kenyan Parliament

Actions could include the following:

- Introduce gendered criteria for the allocation of public funding. For example, the amount of public grant should be linked to the percentage of women candidates put forward by each party or elected to parliament.
- Implement the recently adopted campaign finance regulations and reform those that do not work in practice. All these regulations should apply to both the nomination and the election period.
- Ensure the effective enforcement of campaign finance regulations by the Independent Electoral and

Boundaries Commission and of the two-thirds gender requirement by the Office of the Registrar of Political Parties. This would promote transparency and accountability in the campaign finance system and enhance women's participation, respectively.

For other relevant actors

Civil society initiatives can also have an impact on gender equality in political finance and reducing the gender gap. They can help women candidates run successful campaigns. Actions could include the following:

- Conduct a civic education campaign on the importance of women's participation and representation in politics.
- Organize tailor-made training and capacity development for women candidates on effective strategies for raising both direct and indirect resources, as well as effective ways to use those resources.
- Sensitize media professionals to the importance of gender equality in media coverage and the importance of profiling women as capable leaders.

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Further reading

Political finance and the equal participation of women in Kenyan electoral politics: a situation analysis

Magnus Ohman and Carol Lintari

Fewer women have served as members of parliament in Kenya than elsewhere in the sub-Saharan region. Change in this area has been coming very slowly, even though most Kenyan parties claim to favour increased gender equality. Creating opportunities for advances in gender equality requires work on many fronts, such as addressing social attitudes to women and men, improved education and training for women and legal protection with regard to violence against women.

This joint International IDEA–NIMD report makes recommendations on how reforms related to the role of money in politics could help women participate and continue to be engaged in politics. These include providing increased public funding to lists headed by women; and providing ongoing public funding to political parties, with specific funds earmarked for activities related to gender equality.

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