

Beyond Numbers

From a global perspective, the push in the 1990s for women's involvement in national political decision making processes was about numbers. In Eastern Africa two countries namely; Rwanda and Uganda became the case studies as the numbers of women representation in governance positions begun to shoot upwards. However, while their neighbours were progressing in this way, Kenya seems to have lagged behind.

The "Beyond Number study"- whose findings are now presented in this publication, was motivated by the need to reveal the impact of the women's movement for participation and representation in political decision making in Eastern Africa. It considers the impact of a critical mass of women on such areas as institutional reform culture, service delivery, ability to challenge the status quo, change laws and policies that affect women at various levels of society. In addition to demonstrating the successes, this study considered specific questions relating to the various factors that have constrained or facilitated women's participation in national governance processes across the four countries: Uganda, Kenya, Rwanda and Tanzania.

Beyond Numbers therefore reveals how the women's movement has spearheaded the participation of women's representation in political decision-making in Eastern Africa and it measures the impact of a critical mass of women on such areas in terms of institutional culture, gender and service delivery.



African Woman & Child Feature Service



BEYOND NUMBERS

Narrating the Impact of Women's Leadership in Eastern Africa

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Narrating the Impact of Women's Leadership in Eastern Africa

Edited by: Rosemary Okello-Orlale and Wilson Ugangu with a Foreword by Jacinta Muteshi - Strachan

The African Woman and Child Features Service (AWC) is a media, Non-Governmental Organisation (NGO) based in Nairobi, Kenya and covers the East Africa region. AWC's vision is to promote diversity, gender equality and professional media for equitable development.

Beyond Numbers: *Narrating the Impact of Women's Leadership in Eastern Africa*

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Summary

Beyond Numbers is a first qualitative study of Eastern African women in political decision-making that explores the vast range in women's access to decision-making – from that of Rwanda sporting close to 50 per cent of women's representation in Parliament (the highest in the world) to that of Kenya's 7.6 per cent of women's representation in Parliament.

The study on Eastern African women's participation and representation in political decision-making is based on extensive global and regional literature reviews, as well as case material gathered on the three best performing countries, namely, Uganda, Tanzania, and Rwanda; and two countries with very low representation of women in political decision-making, namely, Kenya and Sudan. An open-ended questionnaire and focus group discussions comprise the methodology used in this study.

The purpose of this powerful study is to reveal how the women's movement for participation and representation in political decision-making in Eastern Africa has moved forward in the interest of those who form at least one half of the population of these respective countries – women. The study measures the impact of a critical mass of women on such areas as institutional culture, gender, and service delivery. In addition, it examines the ability of female decision makers to challenge the status quo; change the attitudes of men and patriarchal forces; and change laws and policies that affect women directly. And, this study shows how the women's movement in the five Eastern African countries advocates for gender mainstreaming in all laws, policies, and institutions. Further, the study examines the quota system and the extent to which it either helps or hinders women's participation and representation in decision-making.

The intention of this study is to form a regional grouping to move the women's agenda forward. Also, this study aims to be combined with a similar study focusing on the South African experience to produce a document that will be used internationally by different institutions to strengthen and propel the women's rights agenda, particularly concerning women's participation and representation in political decision-making, globally.



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We would like also to thank HIVOS for providing financial support to this project. The valuable insights that we received from partners and colleagues while working on the Nairobi+21 commemorative project in 2006 was also critical in the success of this project.

Rosemary Okello of the African Woman and Child Feature Service provided overall guidance to the project while Wilson Ugangu coordinated the research in Rwanda, Kenya, Uganda, Sudan and Tanzania. Our heartfelt gratitude goes to the field researchers who worked with others in Uganda, Tanzania, Rwanda and Sudan. Finally, we are grateful for the editorial eyes of Professor Beverle Lax and Jane Godia who at different times assisted in editing this publication.

The Research Team

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Irene Oloo has served in different capacities in the struggle to defend the dignity of women. As the immediate former Executive Director of The League of Kenya Women Voters where she served from 2004 to 2008, Irene is one of the women leaders that took women's activism to a professional level where accountability for results was her motto. It was during this period that she participated in the research and development of the book "Beyond Numbers".

Prior to that she served as the Programme Liaison Officer for the Engendering Kenya's Political Processes that saw a much untied women's movement in Kenya receive resources from various International Development Partners and Donors to level the playing field and prepare women leaders and voters for the 2002 elections. Irene also has over 6 years International experience where she worked in Somali and the Horn of Africa Region developing and implementing programmes to reintegrate and resettle returning refugees and internally displaced persons (IDPs) with a clear bias towards Women and children.

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Irene holds a Bachelor of Commerce Degree majoring in taxation and is an alumni of the prestigious University of Navarra, Spain where she qualified in the Advanced Management Program (AMP). She has attended numerous trainings and courses abroad and is set to join The University of Nairobi for a Master's Degree in Diplomacy this September.

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Foreword

Feminist politics should be understood not as a separate form of politics designed to pursue the interests of women as women, but rather as the pursuit of feminist goals and aims... (for) the transformation of all discourses, practices and social relations where the category woman is constructed in a way that implies subordination.
Chantal Mouffe, 2005¹

Women make up half of the human population and often experience the world differently from men. Furthermore, women and men as citizens are equally public persons. Yet, there is a deficit of women exercising political power to manage their respective nations' affairs. The need for the equal presence of women in public affairs should be self-evident and mandatory if our nation states are to be democratic, accountable, and responsive to all citizens.

The stories of African women parliamentarians captured by the five essays in this book are a reflection of the changes that are beginning to surface in the realm of state power. The state as a centre of power and decision-making, and as hegemonically masculine, has historically been a target for feminist politics given that the state is gendered, and its decisions always produce gender effects. For example, determining public leadership is influenced by gender arrangements that the state legitimates through different discourses, such as its constitution, civil service recruitment policies, and the chosen electoral processes. All such discourses have generally generated women's low or non-existent presence at and participation in the highest levels of public decision-making in legislative seats, executive positions, and judicial postings. As a consequence, and most critically, many of our nations' political agendas continually resist and exclude explicit gendered perspectives and experiences.

This book provides an important overview of the diverse experiences of women's political participation in Eastern Africa: Kenya, Rwanda, Sudan, Tanzania, and Uganda. The book illuminates women's demands to participate in public decision-making on the one hand and, on the other, their respective nations' range of responses to

those demands: from providing a variety of supportive political environments to repeatedly resisting to make the necessary provisions to bring women equally into the fold of political leadership. These diverse Eastern African responses are best measured against the yardstick of wider regional and global declarations that call upon these five states, party to several of these agreements,² to take the necessary responsive measures.

Clearly, with regards to women's representation, there have been pioneering actions and noteworthy progress on the African continent. The African Union (AU) is committed by its Constitutive Act to the principle of gender equality and equity. Further, the AU Commission was formed on a 50/50 gender parity basis, making women's public presence an important reality with the first Speaker of the AU Pan African Parliament (PAP) being a woman; subsequently, at least one in every five national members of the PAP is a woman. In 2006 Liberia elected the first African woman as president, Ellen Johnson Sirleaf, while by 2008 Rwanda had voted overwhelmingly for women providing the highest representation in Parliament in the world when women won 56.2% of the elective seats. Other tremendous steps are evident in appointive positions where in South Africa 42.9% of all government ministers are women; Mozambique has its first woman Prime Minister; and the Gambia and Uganda both have women Vice Presidents. African women have also entered high decision-making positions in multi-laterals; for example, in 2007 Tanzania provided the first woman Deputy Under-Secretary to the United Nations, while some African states, Kenya, Mozambique, Tanzania, Rwanda, South Africa and Uganda, made credible efforts at positioning elected women in strategic "centres of state power," such as finance, economic planning, foreign affairs, constitutional affairs, and speakers in parliaments.

¹ Chantal Mouffe, 2005 *The Return of the Political*, Verso, London and New York: 87-88

² Internationally: Convention on the Elimination of all Discrimination Against Women (CEDAW) adopted by the United Nations General Assembly in 1979; the Beijing Platform for Action (1995); and the UN Security Council Resolution 1325 of 2000. Regionally: The AU Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa adopted in July 2003 and African Heads of States adoption of the Solemn Declaration on Gender Equality in Africa in 2004.

Yet, the experiences shared in this book outline the enormity of the obstacles facing African women, especially in accessing parliaments and overcoming the challenges that encompass the cultural, social, economic, political, ideological, and institutional. The challenges that raise issues of shared concern for women encompass and reflect the discourses, practices, and sexual and gender differences that construct women as subordinate and perpetuate hostility towards women as legitimate public figures and citizens, and...equal to men. The intersecting barriers that result in obstructing women's entry and participation in public life thus include the patriarchal nature of political parties; the placement of a disproportionate amount of the domestic and social burden on women; the lack of knowledge and adequate level of literacy for accessing political life; violence against women; and the feminisation of poverty that denies women political resources.

Women's grasp of political rights has, therefore, remained tenuous as steps forward can often be followed by losses, with Rwanda as an exception showing remarkable achievement with its sustained increases in women's political representation. Nevertheless, all stories captured here give hope as they detail strategies that have proved successful and illustrate women who go into Parliament and can and do influence politics in ways that are pivotal to the challenging work of promoting gender equality and women's rights agendas. The shared breakthrough for women is often shown as beginning when women activists and women's organisations create the momentum for political reforms. It is their actions, then, that mobilise women to create demand for institutionalising women's presence through special provisions like quotas that

are reflected in laws, political parties' manifestos, and electoral processes as key processes for transforming the environment for women's legitimate presence and participation in decision-making spaces.

The contributions here have underscored some key lessons for sustaining support for women candidates in elective politics. Key among them is addressing the social and cultural attitudes to support and enhance women's rights as citizens to enter into politics. There is clearly a need for women's organisations to continue to mobilise diverse constituencies in support of women as legitimate political candidates and to build political, economic, and technical capital for women that will strengthen and sustain women's success at negotiating and transforming the political arena. Evidence from around the world has demonstrated that our most powerful tool to address the just and fair representation of women will be to legally institute 'proportional representation tied to legal quotas' at all levels of elections – local, regional, and national with 'sanctions for non compliance.' Furthermore, funding agencies with a commitment to gender equality goals can and do play important roles by contributing crucial resources that support women's strategic needs such as media campaigns and political capacity building.

How can decision-making bodies adequately and effectively address the needs of all members of society without the participation, involvement, and representation of half its population? This book has, thus, laid the groundwork for deepening our efforts, even beyond parliaments where progress has begun to be made, for our increased participation and representation in all institutions of power – local, national, regional, and international.

Jacinta K. Muteshi-Strachan, Ph.D.



Uganda

Beyond Numbers Study

Introduction

After his numerous journeys across Africa, Winston Churchill reached Uganda and developed a soft spot for this country, which he would later label 'The Pearl of Africa.' As Churchill rightly put it, Uganda is a country that has been blessed with diverse physical features, hospitable people, and a pleasant climate all year round.

Having been under British rule, Uganda got its independence on October 9, 1962. Its 52 nationalities fall in the broad anthropological ethnic classification of Bantu, Nilotes, Nilo-hamites and Hamites. Each nationality has its own elaborate customs and traditions. Life expectancy in Uganda is 47 years.

Uganda is a republic with direct presidential elections. The country changed to a multiparty system after a referendum held in 2007.

Yoweri Kaguta Museveni is the President of the Republic of Uganda and the leader of the National Resistance Movement, the ruling party.

Politics

Democracy

Right from independence, Uganda has had an unstable political history characterised by civil wars, dictatorships, ethnic conflicts and disunity, and military coups.

From its independence from the British in 1962 until today, Uganda has been led by seven presidents: Dr Apollo Milton Obote (1962-71); Idi Amin (1971-1979); Yusuf Lule (1979); Godfrey Binaisa (1979-1980); Milton Obote (1980-1985); Tito Okello Lutwa (1985); and the incumbent, Yoweri Kaguta Museveni (1986 to date).

The country has also had its share of political party organisations: the Uganda People's Congress (UPC), the main one; the Democratic Party (DP); the Conservative Party (CP); the Forum for Democratic Change (FDC); and the National Resistance Movement (NRM). Several other political parties have been formed but have not been active.

Political Systems

Because of the instability that has characterised Uganda's political landscape, the country did not have a parliament during the era of Idi Amin between 1971-1979. Neither did it have a constitution.

When Dr. Apollo Milton Obote became President in 1967, he abolished the 1962 constitution and replaced it with his own – one that came to be known as the 'Pigeon Hole Constitution' because he placed copies of it in the pigeon holes of the legislators. The Pigeon Hole Constitution gave him absolute powers. In 1971 after the takeover by Idi Amin, the despotic ruler also abolished all laws and took power into his own hands.

When the National Resistance Movement (NRM) took over the government in 1986, it established one of its organs, the National Resistance Council (NRC), as the Legislative Assembly for the country. This NRC consisted largely of people who had participated in the bush war and a few others appointed by the general public as ministers. In 1989 the NRC was expanded. As a result, the elections brought into Parliament more women than seen by any of the previous governments. Parliament also included members from other formerly unrepresented

groups (Matembe, 2002). As Tamale (1999) refers, this expansion of Parliament, making it more representative of Uganda's population, marked a defining moment in Uganda's political history.

The idea of a Constituent Assembly was elected through universal adult suffrage. The Constituent Assembly Statute was passed in April 1993. Delegates were directly elected from each electoral area which included those representing interest groups such as women, youth, people with disabilities, workers, and the army.

Following countrywide consultations, Uganda's constitution was enacted and promulgated on October 8, 1995. The 1995 constitution would, among other things, provide for human rights, democracy, and political participation.

"All power belongs to the people who shall exercise their sovereignty in accordance with this Constitution," as states Article 1 (i) of the constitution. "According to the national objectives and directive principles of state policy in the Constitution, the State 'shall be based on democratic principles which empower and encourage the active participation of all citizens, at all levels in their own governance.'"

The Article also states, "All the people of Uganda shall have access to leadership positions at all levels, subject to the Constitution." "The state shall be guided by the principle of decentralisation and devolution of government functions and powers to the people at appropriate levels where they can best manage and direct their own affairs."

Also included in the Uganda 1995 constitution is gender balance and fair representation of marginalised groups. The constitution also provides for the right to vote. It also provides for the establishment, composition and functions of Parliament as well as a cabinet. Parliamentary elections are held after every five years in accordance with the electoral laws.

The constitution provides that the people of Uganda have a right to choose and adopt a political system of their choice. Every citizen of the age of 18 and above has a right to vote. However, the same constitution contradicts itself, making it difficult for democracy and political participation to flourish. Since the constitution came into force, political

party activity has literally been banned, with certain provisions, including Articles 73 and 270 which regulate the activities of political parties.



Cecilia Ogwal

Party leaders like Uganda People's Congress' Cecilia Ogwal have been arrested and detained on several occasions for holding consultative meetings with supporters. Political parties also have not been allowed to open and operate branch offices, hold delegates' conferences and public rallies. They have been banned from even carrying out any activities that may interfere with the political system for the time it's in force.

The constitution also made it difficult for new political organisations to be formed and registered. From 1986 President Museveni's major political policy has been based mainly on a mass movement rather than on political parties, for example, by ruling the country through 'Resistance Committees,' later changed to 'Local Councils.'

The resistance committee system is a form of administration based on the grassroots of the population. Each citizen is encouraged to participate in the political, economic, and social development of not only the country, but of the individuals themselves (Sekamwa 1994).

Uganda was thus ruled under the movement system of governance, a broad-based system that took leadership right to the grassroots level through the local council system. The basis of election to political offices was through individual merit.

In May 1996, President Yoweri Museveni became the first ever directly elected President of the Republic of Uganda. In 2002 both presidential and parliamentary elections were held, and Museveni emerged victor as President again. This victory, according to the constitution, should have been his second and last term, but he proposed an amendment of the constitution, lifting term limits, thus providing himself with another opportunity to stand in the 2006 election. All this time, political party activity was still banned under the constitution, and Uganda continued to be ruled under the movement system.

In February 2006, however, Uganda held its first multiparty elections after 20 years. This came after a referendum on political systems was held in 2005 in accordance with the constitution. Parties that participated in the elections were the ruling National Resistance Movement (Yoweri Kaguta Museveni), Uganda People's Congress (Miria Obote), Forum for Democratic Change (Rtd Col Klizza Besigye), Democratic Party (John Ssebana Kizito), and Independent candidate Abed Bwanika.

The country is currently under a multiparty system of governance. However, critics believe it will take time for Ugandans to understand how the system works. Several clauses in the constitution will have to be amended, and changes will have to be made in the Local Council Act since Uganda is no longer under military governance. These changes must be in accordance with a multiparty system of governance.

Gender and Rights

The government set up the Ministry of Gender, Labour and Social Development, which is the national instrument for gender mainstreaming and advancement of women. Its main duty is to execute the Convention on the Elimination of All Discrimination against Women (CEDAW) and other international and national commitments (including the 1995 Uganda Constitution which provides for equality under the law (Article 21) and affirmative action (Articles 33 and 78) that are all aimed at redressing imbalances caused by history and tradition on the basis of gender).

Access to justice for women and girls has been simplified by the Uganda Human Rights Commission (UHRC) providing protection of women's and girls' rights and helping them solve problems related to law rather than going through the formal courts. Women and girls can now speak out on issues of domestic violence because family welfare officers can be found in most police stations, thanks to the gender rights advocacy of the UHRC.

Gender and Governance

In Parliament, through the Affirmative Action Policy (part of the electoral laws), one woman MP is elected for each district. In 2003, 25 per cent of the MPs were women, and their number has increased by 44 per cent between 1996 and 2003 (Africa Women's Report 2004, Addis Ababa). In 2006 the number of women MPs increased due to the increase in the number of districts. Women are also acting as representatives at constituency level and for interest groups such as youth and people with disabilities (PWDs).

While in 1996 only four women served as cabinet ministers, the numbers have since increased, and in 2003 16 women were appointed to ministerial positions. There are also several women at the local council, civil service, and other decision-making levels. However, in 2006 the number decreased to 13 out of 69.

It is worth noting that in 2003, the proportion of women in the national civil service was only 19 per cent. While women accounted for almost 40 per cent of local government elected positions, only one out of the then 56 district-level local council (LC) chairpersons was a woman.

The Uganda Constitutional Commission

Since independence Uganda has had three constitutions: the 1962, 1967, and 1995 constitutions. However, the first two constitutions are notorious for discriminating against women in various ways.

In her book *Gender, Politics and Constitution Making in Uganda*, Miria Matembe states: "First and foremost, the old constitutions failed to specifically prohibit discrimination on the basis of sex." She adds that whereas discrimination on grounds such as race, religion, and tribe were prohibited, sex was not mentioned. The omission of gender could



Miria Matembe

be thought of as a mere oversight, but in fact Article 20, Clause 4 expressly allowed the enactment of laws that were discriminatory in matters relating to the family. There were also provisions supporting the application of customary laws. Matembe adds, "On the whole, the old Constitution treated women as minors and not as full human beings in their own right."

The Uganda Constitutional Commission was established by an Act of Parliament in 1988 and passed in 1989 to draft a new constitution. The 21 member body included two women. Miria Matembe, being one of them, says she used the opportunity to the full benefit of women:

"My appointment to the Constitutional Commission gave me the opportunity to change the existing situation that was discriminatory against women in so many ways...I was ready to do my part to construct a gender-sensitive and gender responsive constitution that would guarantee equality for women, in fact, for all people. I saw the beginning of the journey to real liberalisation, based in law, for the women of Uganda."

Although the Commission could not claim to be gender sensitive, the appointment of two highly qualified lawyers and activists, Matembe and Mary Maitum, demonstrated an intention to ensure that women's concerns would be seriously addressed.

More on Women Activists

As Sylvia Tamale, a lawyer and a women's activist, put it: "A defining moment in the political history of Uganda occurred in 1989 when the profile of its Parliament altered significantly as the first cohort of female beneficiaries of an Affirmative Action got their seats in the National Resistance Council."

Fifty women out of the 280 representatives represented the highest number of women legislators ever in the history of Uganda. This gender victory spurred on a tight race for the affirmative action seats in the 1994 Constituent Assembly elections.

The Constituent Assembly was composed of 286 delegates representing all districts in Uganda at that time. Thirty-nine of the 50 women stood as 'Woman Representative' for their respective districts.

However, these women still recognised the fact that they were still a minority block. Consequently, they formed a non-partisan coalition called the Constituent Assembly Women's Caucus, developing a number of structures and services to support caucus members and activities. They also developed strategies to counteract their two main weaknesses – numbers and lack of experience in the field of politics.

Matembe (2002) states: "We lacked political experience and the art of politics, such as public speaking, lobbying and coalition building. However, we should note that it is because of these numbers, however few at that time, that women were able to lobby for fair laws in the Constitution leading to what many now call Uganda's most woman friendly Constitution." "These things were not just given, and it is clear that what was accomplished for women was not a one-person matter. To achieve real unity, collaboration, strategizing and lobbying, women delegates learnt new skills and then used them on the job. When the Constituent Assembly disbanded, many women came out of with the better skills in the art of politics."

The Constitution's Say on Women

The present constitution was enacted on September 22, 1995, and promulgated on October 8, 1995. The constitution contains 19 chapters and 287 articles. Most of the critical provisions concerning women are stated

in the constitution. The constitution states that gender balance and fair representation of marginalised groups in all constitutional and other bodies is a fundamental human right:

Article 20: Fundamental and other human rights and freedoms

- (1) Fundamental rights and freedoms of the individual are inherent and not granted by the State.

Article 21: Equality and freedom from discrimination

- (1) All persons are equal before and under the law in all spheres of political, economic, social and cultural life and in every other respect and shall enjoy equal protection of the law.
- (2) Without prejudice to Clause (1) of this article, a person shall not be discriminated against on the ground of sex, race, colour, ethnic origin, tribe, birth, creed or religion, social or economic standing, political opinion or disability.

Article 31: Rights of the family

- (1) Men and women of the age of 18 years and above have the right to marry and to found a family and are entitled to equal rights in marriage, during marriage and at its dissolution.
- (2) Parliament shall make appropriate laws for the protection of the rights of widows and widowers to inherit the property of their deceased spouses and to enjoy parental rights over their children.

Article 32: Affirmative Action in favour of marginalised groups

- (1) Notwithstanding anything in this Constitution, the state shall take Affirmative Action in favour of groups marginalised on the basis of gender, age, disability or any other reason created by history, tradition or custom for the purpose of redressing imbalances which exist.
- (2) Parliament shall make relevant laws, including laws for the establishment of the Equal Opportunities Commission (EOC) for the purpose of giving full effect to clause (1) of this article.

Article 33: Rights of women

- (1) Women shall be accorded full and equal dignity of the person with men.

- (2) The State shall provide the facilities and opportunities necessary to enhance the welfare of women to enable them to realise their full potential and advancement.
- (3) The State shall protect women and women's rights, taking into account their unique status and natural maternity functions in society.
- (4) Women shall have the right to equal treatment with men and that right shall include equal opportunities in political, economic and social activities.
- (5) Without prejudice to Article 32 of this Constitution, women shall have the right to Affirmative Action for the purpose of redressing the imbalances created by history, tradition or custom.
- (6) Laws, cultures, customs or traditions which are against the dignity, welfare or interest of women, or which undermine their status are prohibited by this Constitution.

Article 38: Civic rights and activities

- (1) Every Ugandan citizen has the right to participate in the affairs of Government, individually or through his or her representatives, in accordance with the law.
- (2) Every Ugandan has a right to participate in peaceful activities to influence the policies of Government through civic organisations.

The Electoral Commission

Chapter 5 of the 1995 constitution talks about representation of the people. Article 59 (1) states: "Every citizen of Uganda of 18 years of age or above has a right to vote." The constitution also put in place the Electoral Commission which was sworn in January 8, 1996 under the chairmanship of Stephen Akabwai, the former commissioner for the Constituent Assembly. The Electoral Commission consists of a chairperson (Prof Badru Kiggundu), a deputy chairperson (Sister Margaret Magoba) and five other members appointed by the President with approval of Parliament. Functions of the Electoral Commission include ensuring that regular, free and fair elections are held; organizing, conducting, and supervising elections and referenda in accordance with the constitution; and demarcating constituencies in accordance with provisions of the constitution.

The Electoral Commission is also responsible for ascertaining, publishing and declaring in writing, under its seal, the results of the elections and referenda, as well as compiling, maintaining, revising, and updating voters register. It also formulates and implements civic education programmes relating to elections, among other things.

Subject to the provisions of the constitution, the Electoral Commission is expected to be independent in the performance of its functions and not to be subject to the direction or control of any person or authority.

The Affirmative Action Policy

The implementation of the Affirmative Action Policy in political decision-making in its present form in Uganda is closely associated with the coming to power of the National Resistance Movement government in 1986. The initial steps taken to have special district seats for women in the National Resistance Council and the mandatory positions for women at the different levels of the nine-member resistance committees were consolidated in the 1995 constitution, observes Elizabeth Kharono (2003).

The Local Government Act (1997) has operationalised aspects of the provisions for affirmative action dealing with representation of marginalised groups in local government structures. The implementation of affirmative action has resulted in a marked increase in the number of marginalised groups (women, PWDs, youth, and workers) in politics and decision-making, thereby changing the landscape of politics and decision-making in Uganda.

Kharono (2003) notes although affirmative action has resulted in increased numbers of all marginalised groups in decision-making processes and politics, women are the most visible beneficiaries of the policy. She further extrapolates that increased visibility and effectiveness of women in politics and decision-making have challenged widespread patriarchal beliefs and practices which have in the past excluded women from such positions. It is for this reason that affirmative action, in general, and women's representation in political decision-making in particular, have attracted the greatest controversy and even resistance.

Legal and Policy Framework for Affirmative Action in Uganda

The Constitution

Article 32 (1) of the constitution spells out the core elements of affirmative action in Uganda. This provision commits the state to applying affirmative action in favour of groups discriminated against on the basis of gender, age, disability or any other reason created by history, tradition, or custom. It also indicates that the intention of committing to affirmative action is to redress imbalances which exist against marginalised groups.

The democratic principles of the national objectives and the directive principles of state in the Constitution of Uganda commit the state to empower and encourage the active participation of all citizens at all levels of their governance. To this end, all people of Uganda shall have access to leadership positions at all levels, and the composition of government shall be broadly representative of the national character and social diversity of the country.

These principles of the Constitution of Uganda further commit the state to ensure gender balance and fair representation of all marginalised groups on all constitutional and other bodies and due recognition of the significant role of women in society. These principles and commitments of the state create a basis for Affirmative Action Policy in favour of women.

Affirmative action for marginalised groups in general is reinforced by the recognition of the fundamental rights of women as stated in *Article 33* of the constitution, in particular, clauses (1), (4), and (5). The Affirmative Action Policy is also supported by clauses (2) and (3) of *Article 33* of the Constitution of Uganda (see *Article 33: Rights of women* under the section 'The Constitution's Say on Women').

The way in which the provisions for the Affirmative Action Policy in the constitution are stated indicates that affirmative action was intended to address structural causes of marginalisation based on gender, age, and disability. As the causes of marginalisation are varied, it is important to understand that they go beyond the political arena. The intention to redress imbalances caused by "history, tradition, or custom" implies that affirmative action is a long-term enterprise as these imbalances can only be righted through long-term processes (qualitative and quantitative) of social transformation.

The representation of women and other marginalised groups in Parliament and on local government councils

is a short-term measure to increase their numbers in political decision-making structures at the national and local levels. These measures which provide for a woman representative for every district in Parliament and the reservation of one-third of the seats on each local council for women are to be reviewed after 10 years from the date the 1995 constitution came into effect and thereafter every five years "for the purpose of retaining, increasing or abolishing such representation."

The Local Government Act

The Local Government Act operationalises the constitutional provisions for affirmative action by providing for one-third of the seats on each local council to be reserved for women. The Act also provides for affirmative action with respect to other marginalised groups in the composition of local councils. These provisions have resulted in a significant increase in the number of women in political decision-making at the different levels of the local government (i.e., district councils, sub-county councils, city division councils, municipal councils, municipal division councils and town councils).

Increased representation of women in decision-making structures of local government is especially significant in the context of decentralisation as substantial powers have been devolved to lower levels of government where policies, budgets and development plans are made. This means that at the LC III level, which is the lowest governance structure for planning and budgeting, at least one third of the councillors in the 954 sub-county, town, and municipal councils are women. This number is further boosted by women's representatives from marginalised groups and women councillors elected or nominated on the "non-affirmative" tickets.

National Women's Councils

National women's councils predated the affirmative action provisions of the constitution. Their origins may be traced to the resistance councils of the NRA/NRM. They were first established under the National Women's Council Statute, 1993, which has since been amended by the National Women's Council (Amendment) Act, 2002. The purpose of the statute is to provide for the establishment of a National Women's Council and its composition, functions, objects, and powers. The statute provides for women's councils from the village to the national levels, with the Village Women's Council at the bottom and the National Women's Council at the apex.

The National Women's Council is composed of the chairpersons of the district women's councils; a representative of women with disabilities; three women representatives of NGOs involved in women's affairs; a representative of the ministry responsible for gender and women advancement; the secretary for female youth on the National Youth Executive Committee; a representative of women parliamentarians; and the Executive Secretary of the National Women's Council. The last five members mentioned are ex-officio and have no voting rights. The same categories of women's interests are represented at the district and sub-county levels.

The affairs of the National Women's Council are managed by an executive committee, the composition of which is spelt out in Section 9 of the National Women's Council (Amendment) Act. A representative of the Ministry of Gender, Labour and Social Development sits on the Executive Committee.

The objects of the National Women's Council are spelt out in Section 4 of the Act: to organise the women of Uganda into a unified body and to engage the women in activities that are of benefit to them and the nation.

There is a sense in which the women's councils can be considered to have been the forerunners of affirmative action in favour of women in Uganda. It is these councils and the prominent role that they gave women following the establishment of the NRM government that provided the impetus that made affirmative action a major issue in the constitution-making process. Among the functions of the councils is "to encourage the women to consolidate their role in national development in the political, economic, social, cultural and educational fields."

Institutional Arrangements for Affirmative Action

Article 32 (2) of the constitution provides that Parliament shall make relevant laws, "including laws for the establishment of an Equal Opportunities Commission" in order to give effect to the affirmative action provision. This means that the institutional mechanism for the implementation, monitoring and evaluation of affirmative action is the Equal Opportunities Commission (EOC). The same article anticipates the passing of legislation to establish and operationalise the EOC.

Since the 1995 constitution came into effect, the EOC has not been established, and the law to operationalise it has not been passed. As a result, little progress has been made in interpreting the constitutional provisions for affirmative action. Where the provisions have been implemented, the process has been mostly ad hoc. Even where progress

has been registered, assessing the extent of its success and impact has been difficult as no clear targets and performance indicators have been put in place. Under the circumstances, it is not surprising that affirmative action, in general, and women's representation at national and local government, in particular, have been dogged by confusion, duplication, and lack of clarity over mandates and roles.

Confusion about women's representation both at the national level and at the local government level has persisted over the years. At the national level, confusion over the 'woman' as opposed to 'women's' representative and whether they represent women or everybody in the district has never been resolved. The mandate of the woman district MP versus the sub-county based MPs also persists. This confusion is further complicated by the unclear role and mandate of the women in the women's councils. This parallel structure of elected representatives from the village level up to the national level is vaguely defined to be apolitical. Its role vis-à-vis that of the women representatives who get onto the local councils structure on the ticket of affirmative action is very unclear. This lack of clarity about mandate, role, and constituency makes the policy of affirmative action susceptible to abuse, clientelism, and political manipulation.

In a paper, "Review of Affirmative Action in Uganda," Kharono (2003) explains the following:

"The Ministry of Gender, Labour, and Social Development (MoGLSD) is the government machinery responsible for setting up the EOC. The ministry planned to operationalise the national machinery for affirmative action in its National Action Plan on Women (1999/2000 – 2003/2004). For various reasons, including lack of adequate resources, the ministry has made little progress in achieving the targets it set for itself in the Action Plan on Women, generally, and setting up of the EOC, specifically. This ministry, whose mandate covers virtually all marginalised social groups, is in reality the least funded and continues to operate with a severely limited budget. Thus, it is hardly surprising that the setting up of the EOC has continued to compete for the meagre resources allocated to the Ministry and lost to other priorities."

Kharono continues:

"Despite the central role it is supposed to play in setting up the EOC, the ministry cannot be held accountable for the policy as this is supposed to be the mandate of the EOC, which is meant to be an autonomous body. Women's councils are also supposed to be autonomous bodies similar to youth councils and children's councils. The institutional divide between the MoGLSD, under which women's councils currently fall, and the MoLG under which women's councillors on affirmative action fall makes it difficult for the two sets of women representatives to have a common and effective agenda. This institutional confusion makes it difficult to determine what is supposed to be achieved through increased representation of women in governance structures and whether it is being achieved."

Women in Uganda: A Brief Socio-political History

Pre-colonial Uganda

Research has shown that right from pre-colonial times, the role of women in the different aspects of their communities has barely been recorded by historians. Sylvia Tamale (1999), in *When Hens Begin to Crow*, states, "Most of the analyses in the standard texts have generally proceeded as if women did not exist." "But even in this situation, the role that women played in the history of Uganda is evident and cannot be ignored. They did this through their different gender roles that society dictates them to play."

According to Tamale (1999), gender analysis in the African context must incorporate a critique of the imperialist imposition of western notions of gender and the effect of neocolonialism on gender relations. A dialectical relationship between gender, class, ethnicity, religion, imperialism, and neocolonialism is especially pertinent for an analysis of gender relations in the African context, she argues. For this analysis, Tamale refers to the interaction that occurs between men and women as they carry out their different roles in society and the relative value attached to those roles.

Following Tamale (1999), this research attempts to go back into history to follow the trends that have today denied women access to positions of power at all levels. The analysis of gender relations draws on Marxist feminist theories that criticise patriarchy in the wider context of imperialism, development, and underdevelopment.

Uganda was declared a British protectorate in 1894. As a result, kings and chiefs in various parts of the country lost their independence to this action. King Kabalega (Bunyoro Kingdom), King Mwanga II (Buganda), and Chief Awich (Acholi) were among those who resisted British rule. The administrative structure of Buganda was headed by the Kabaka (king), assisted by the Katikiro (Prime Minister), Omulamuzi and Omuwanika, with the Lukiiko (Parliament) of 89 members.

In *A Sketch Map History of East Africa*, J. C. Sekamwa (1994) tells of how the British used Baganda chiefs as their agents in many parts of Uganda because the British

had very few officers available when they started their administration in June 1894. These chiefs introduced the system of administration then prevailing in Buganda which was familiar to them. This system was based on Saza, Gombolola, Miruka, and village chiefs.

Tamale (1999) notes that traditionally, no such posts were held by women. To date, even clan heads are traditionally men. To an alien observer in that era, politics in Uganda appeared to be the exclusive realm of men. This was partly because of the male dominance that prevailed in largely patriarchal societies. However, some scholars argue that this is a misconception and that women were indeed active in politics and governance at some levels in their traditional societies. As a consequence, the role of women in pre-colonial times is largely obscured or simply ignored, according to such scholars. Tamale (1999) rebuffs, "If they make reference to women at all, standard political analyses do so through images of apolitical beings at best or mere chattels at worst."

Annie Labeuf, from *The Role of Women in Political Organizations of African Societies* (1963 qtd in Tamale, 1999) noted that "Generally, women did not directly participate in political discussions, but their opinions were valued and often were sought before political decisions were taken."

Tamale (1999) further defends the role of women:

"Scholars argue that women actually wielded social and political influence through indirect methods and that physical absence did not equal political passivity. The common misconception about women's political participation at this time is confounded by two important factors. The first is a misunderstanding of the meaning of 'public' and 'private' life in pre-colonial Uganda (as well as other African societies), which leads to oversimplified cultural evaluations of the sexes based on the domestic/public divide."

Byanyima W. Karagwa (1992) in *Women in Political Struggle in Uganda* makes this clarification: "In pre-colonial Uganda, women had never been confined to the private or domestic

sphere. Rather, multiple responsibilities between and across spheres shaped their political history, the political/juridical spheres heavily depending on personal relationships that women could and often did influence.”

Another factor that contributes to misconceptions about women’s political participation in this period, Tamale (1999) says, stems from the male authored, andocentric history texts as mentioned earlier. Tamale’s sentiment is supported by Audrey Richards (1964 qtd in Tamale, 1999): “Partly influenced by the current marginalisation of African women from the formal political sphere, mainstream historians tend to assume that women have never played a role in the politics of their communities.”

Legends from pre-colonial Uganda, for instance, talk of great women who have been the backbone for successes at war and overall social development. “How is it that mainstream historians subjectively omit from their analyses the exploits and feats performed by women which prevail in Ugandan legends and historical tradition?” Tamale (1999) queries.

Jjuuko (1993 qtd in Tamale, 1999) queries, “Why is there no mention of Nambi of Buganda, Bagaya of Toro, and Nyabingi of Kigezi, for instance?” There have also been stories of the roles played by queen mothers and classificatory sisters. In Buganda, for instance, the powers and prerogatives of the Namasole were superior to and more respected than even those of chiefs. “Not only did these women share political power with the kings, they also in some cases exercised judicial powers, collected taxes and condemned their own people to death” (Jjuuko, 1993 qtd in Tamale, 1999).

Also, according to Tamale (1999):

“In the segmentary societies of the Luo-speaking people of northern Uganda, women assumed the role of divine mediator — the link between the living and the dead.”

“Although during pre-colonial times Ugandan women were not as marginalised as they are today, their status was by no means equal to that of men.”

The dynamics of the development of a sexual division of labour in Uganda before colonialism was different from the post-colonial period that introduced what she terms as colonial capitalism. Then, she says, “Ugandan society did not denigrate women’s work as it does today. Gender relations at this time took more of a complimentary form than hierarchical.”

“Men generally built houses, hunted, herded and milked, fished, and fought. Women cultivated, processed and marketed crops, collected fuel and water, cared for the children, the sick and the elderly...”

“The fact that women were (and still are) not paid for their productive and reproductive labour means that they provide the chief subsidy to capitalist production. Such exploitation of women’s labour markedly lowered their status relative to that of men.”

“British structures and policies focused on delineating a clear distinction guided by an ideology that perceived men as public actors and women as private performers.” Tamale argues that colonialists worked hand in hand with the African patriarchs to develop inflexible customary laws, which evolved into new structures and forms of domination.

Audrey Smock (1997) in *Ghana: From Autonomy to Subordination* (qtd in Tamale, 1999) also espousing colonial corruption of women’s roles in African societies states:

“When the British colonised Uganda, they transplanted their own ethno-centric version of male-dominated politics and completely ignored women’s political roles. Colonial policies had a rather important influence on sex role definitions and opportunities for women. Christian missionaries and colonial administrators brought with them Victorian conceptions concerning the place of women in society. Generally, they did not appreciate the significant contributions frequently made by women and their sense of independence.”

The Birth of the Women’s Movement in Uganda

In 1947 the Uganda Council for Women (UCW) was formed by a group of women following an incident where one of their colleagues had lost a husband and her property had been confiscated by relatives.

As narrated from Tamale (1997):

“Lovinsa Sekyongo was a member of the Young Wives Group (YWG), a subsidiary of the YWCA. Following the death and burial of her husband that year, she was shocked to return and find all their property including the marital home of 12 years inherited by a youthful son born to her husband outside marriage. Lovinsa had one daughter. Members of YWG, then realising they could face

a similar fate, gathered together and stormed the Bishop's house on Namirembe Hill in Kampala, demanding what they as women could get out of marriage. This marked the watershed for the contemporary women's movement in Uganda."

"With time, women began to get a voice and recognition and visibility. Newspapers such as Uganda Empya were also used to advance the women's political cause. UWC had a political agenda and its membership was multiracial."

"Through it, women gained political acumen. UCW members rallied around collective women's rights issues such as citizenship, civic education and voting rights, and they actively pushed for increased female participation in national politics. In 1960, the UCW held a big conference on the status of women in relation to the laws of marriage, divorce and inheritance. This conference was a big boost to the women's movement, sending a vital signal to the government and the nation that women were dissatisfied with their position in society."

"The first African woman to enter the colonial legislative council (Legco) was UCW member Pumla Kisosonkole who joined British born Barbara Saben in 1957. These two women were among the 49 nominated members, sat with their 51 male counterparts, and deliberated on crucial bills and policies that were to shape a framework of an independent Uganda."

"In October 1958, Legco elections saw the exit of both Saben and Kisosonkole and the entry of three women, Joyce Mpanza, Sartah Ntiro and Frances Akello. Only five women ever sat on the Legco prior to independence; Pumla Kisosokole, Joyce Masembe, Sarah Nyendowoha, Frances Akello, and Eseza Makumbi.

"A group called the Uganda African Women's League (UAWL) supported and endorsed the candidates. All were nominated as it was virtually impossible for a woman to be elected to this legislative body. Like men, the women involved in the nationalist movement were mostly from the educated elite class and had fathers and/or husbands who were notables in Uganda's politics."

Post-independence

Right from independence, Uganda did not have a stable political history. Stories of dictatorship, murder, detention without trial and economic decline did not favour democratic participation. Uganda has been led by leaders

who did not think equality of sexes was a matter that deserved discussion.

Uganda gained independence on October 9, 1962. Dr Apollo Milton Obote became Prime Minister. Although women continued to be excluded from formal politics, they relentlessly pressurised government to consider their concerns. They often emphasised Article 16 of the Universal Declaration of Human Rights on Marriage and Family Rights.

The Uganda Association of University Women (UAUW) later emerged, and they extended to the international arena. The UCW sent a delegation to the 1963 International Council of Women Conference in Washington, and Uganda was also represented at the All Africa Women's Conference in Monrovia, Liberia.

Tamale (1999) narrates, "In 1966 in a bid for more visibility, Ugandan women set up the Uganda Association of Women's Organisations (UAWO) to act as an avenue through which different women shared ideas and experiences in their collective struggle. The women's movement recorded a landmark success in January 1964 when a commission was appointed to investigate the status of women."

However, the 1962 constitution was not in any way gender sensitive and did not hold any clauses that specifically aimed to advance the women's cause and recognition in society. It only stipulated issues of protection of fundamental rights and freedoms of the individual in general. There were no quotas for women in the cabinet or for women in the legislature.

Not at any time did the thought that a woman could one day become President of the Republic of Uganda cross the mind of the constitution-makers. For instance, Article 25 said:

"A person shall be qualified to be President and shall not be so qualified unless, a) he is a citizen of Uganda; b) he has attained the age of 35 years; and c) he is qualified to be a member of the National Assembly.

The continuous use of the masculine pronoun 'he' clearly gave the message that women did not stand a chance to vie for the presidency or that there was ever that possibility anyway.

The National Council for Women (NCW) had been formed in 1978 by the National Council Decree No. 3 as the

main national machinery for the integration of women in development (WID) and the umbrella body for coordinating all women's organisations in Uganda.

However, the decree forming the NCW declared that no single woman or girls' voluntary organisation shall continue to exist or be formed except in accordance with the provisions of this decree. The establishment of the council was in response to the UN recommendation to implement the World Plan of Action drawn up by the United Nations World Conference of International Women's Year 1975 (Nakirunda, Maureen).

Between 1983 and 1985, the work of the NCW to represent women's interests suffered mainly due to the deliberate attempt by the state, especially through the UPC, to use the organisation for political purposes. Decisions of the NCW could and were overruled by the UPC women's wing including Mama Mira Obote (First Lady, then) and Margaret Luwuliza-Kirunda (wife to a prominent minister).

In 1967 Dr Obote became President by abolishing the 1962 constitution and making his own constitution, popularly known as 'The Pigeon Hole Constitution.' He abolished monarchs, as well as the Democratic Party (DP) and the Kabaka Yekka (KY) party, and created a one-party state under his own Uganda People's Congress (UPC).

A publication, *Uganda 30 years 1962-1992* (1997), had this to say about Dr Obote:

As gun-politics and power politicians became the order of the day, Obote increasingly adopted the rhetoric of socialism. His so-called 'move-to-the-left' began with the "Common Man's Charter" announced October 8, 1969, rhetorically condemning the exploitation of man by man and expounding unity of Uganda, in particular, and Africa, in general. The document's basic stand was anti-feudalism.

Other documents included the "'One-plus-three' Election Proposal." All this time, Ugandan women were continuously excluded from the arena of formal politics. With this ruthless and authoritarian rule, there was no space for political participation.

Peter M. Gukina (1972) expressed his view about Obote in his publication, *Uganda: A Case Study in African Political Development*:

"Obote's admirable ability and determination to establish his authority in all parts of the country led to government policies that unfortunately made a large majority of

Ugandans believe that he was creating a government of the privileged few, by the privileged few, and for the privileged few who were willing to be subservient to Dr Obote's aspirations."

Gukina continued:

"Adding fuel to fire, Obote declared a 'state of emergency' for all Uganda on May 22, 1966, and declared himself President, Vice President, and Prime Minister of Uganda. He imposed his own constitution which instantly transformed Uganda from a federal and semi-federal system to a unitary state, abolishing all local governments."

With the abolition of the traditional Kingdoms, Obote's victory over traditional structures was unquestionable. Most important was the fact that with the traditional leaders out of sight, the peasants were suddenly to discover that political and economic power was no longer in their respective ethnic capitals but in a government removed physically and emotionally from the rural people.

Sensitive to the fact that his popularity was diminishing with time, Obote became less and less tolerant of criticisms and political activities of his actual and potential political opponents.

The preventive Detention Act and the state of emergency in Buganda were to soon to become Obote's political guillotine.

The *London Times* (9 Mar 1971 qtd in Gukina, 1972) addressed Obote's rule:

"Sir Wilberforce Nadiupe stated on March 7, 1971, in Kampala that more than 4,000 people had been held in detention during the nine years Obote was in power compared with only 35 people detainees during the 70-year era of British colonial rule."

Idi Amin's regime was characterised by killings and disappearances of political opponents, and an economic crisis ensued following the expulsion of Asians from Uganda. The Asian shops were given out as gifts to Amin's loyal subjects. These subjects did not know how to run the businesses. In 1973 all women's organisations were banned by the military government, but they went underground to maintain their identity. In 1978 Amin ordered that all major non-governmental organizations (NGO's), with the exception of the YWCA, close down.

On the basis of developments on the military front, Ugandan politicians formed a united front, the Uganda

National Liberation Front (UNLF), to replace Amin's dictatorship. With the help of the Tanzanian government, disgruntled Ugandans formed a force in preparation for war against Amin.

On April 11, 1979, Kampala fell into the hands of Tanzanian soldiers supported by Ugandan fighters. Idi Amin fled into exile in Libya. A day later, Yusuf Lule was sworn in as Uganda's third Executive President. However, Lule's reign didn't last. He only ruled for 68 days.

Open hostility between the different military factions that had jointly ousted Amin, combined with frequent cabinet reshuffles, night meetings, and aimless shootings, undermined the stability of the government (*Uganda 30 Years*, 1992).

Immediately after Lule fell, a meeting by the National Consultative Council (NCC) voted for a new president, Godfrey Binaisa. This was after the historic motion of the vote of no confidence motion in Lule. Binaisa ruled for one and a half years. He was to be replaced by a "Military Commission" headed by Paulo Muwanga.

After this vote of no confidence in Lule, the first multiparty election took place in December 1980. Four parties participated: The Democratic Party (DP), Uganda People's Congress (UPC), Conservative Party (CP), and Uganda Patriotic Movement (UPM).

In December 1980 elections were widely believed to have been won by the DP, but the chairman of the then ruling Military Commission, Paulo Muwanga, declared the results in favour of the UPC to which he also belonged.

The rest of the political parties were dissatisfied by the decision of Muwanga to hand over power to UPC. What happened after this is that some groups decided to fight the UPC. Apollo Milton Obote became President of Uganda for the second time. There was only one woman in the new cabinet, Thereza Oduka-Odongo. She was given the position of Deputy Minister of Health in 1981.

However, it was not smooth sailing. Obote's second regime faced a guerilla war from 1981 to 1985. The group was led by Yoweri Kaguta Museveni, the present President of Uganda.

Obote's administration in desperation engaged in relentless persecution of many people, some of whom were killed or imprisoned. Many others lost their

property. In July 1985, Tito Okello Lutwa, then the Commander of the Uganda Army, overthrew Obote's government the same way Idi Amin had done in 1971.

Okello's regime did not last long before it was overthrown by Museveni's Resistance Army in a guerilla war. Museveni took over leadership of Uganda in January 1986.

Since 1986 President Museveni's major political policy has been based mainly on a mass movement rather than one based on political parties. This strategy was done through ruling the country through the resistance committees. However, these committees later changed to local councils.

The resistance committee system is a form of administration based on the grassroots of the population. Each citizen is encouraged to participate in the political, economic, and social development of not only the country but of the individuals themselves (Sekamwa, 1994).

Facilitators

In the "Report on Training Workshop on Gender Mainstreaming in the Legislative Process", July 2004, it was observed that:

The success that Ugandan women have so far made in the promotion of gender equality is attributed to a number of factors, the most important being the legal and institutional framework and the political will. The three principles of equality of the sexes, affirmative action, and gender balance enshrined in the 1995 constitution have been springboards for increased participation of women.

Through the years women have been increasingly more able to access decision-making positions, thanks to several factors that are working in their favour. They are more visible in decision-making institutions at national and local government levels. However, the presence of women in governance and political leadership per se is not all that is required in the struggle for the women's cause. Their effective participation is of importance.

Political Will

On the issue of political will the "Report on Training Workshop on Gender Mainstreaming in the Legislative Process" (July 2004) states:

"Political will and commitment at the highest levels by the Head of State is and continues to be a major element that

provides an enabling environment for gender mainstreaming in Uganda. He makes political pronouncements urging development workers to address the disadvantaged position of women and has in some instances issued administrative measures to address this.”

When President Museveni captured Kampala in 1986 after a five-year guerilla war, he marched in with women soldiers fighting side by side with men in the liberation struggle. This was an amazing sight for many who could not imagine women taking up arms to fight in a profession deemed male. Several women were highly ranked in the then National Resistance Army (NRA), including the legendary Lt. Col. Nalweyiso and Captain Zizinga, among other officers. Like a reward, the Ugandan government recognised the role of women in development and leadership.

However, it was disappointing to note that Museveni’s ‘Ten Point Programme,’ that could best be referred to as the NRM manifesto on which he intended to rule Uganda, did not contain anything to do with women, gender, and rights. It did include restoration of security; consolidation of national unity; elimination of corruption; and misuse of power among other positive points. The first point was democracy, which could be debated as a means of access to political participation by all rightful citizens regardless of sex.

However, Museveni did not disappoint the women. In his first cabinet, he appointed Betty Bigombe as Minister of State in the Prime Minister’s office and in 1988, Minister in charge of the pacification of the north. Bigombe later became a mediator between government and rebels of the Lords Resistance Army (LRA), led by the notorious Joseph Kony. Also appointed in 1986 was Victoria Sekitoleko as Deputy Minister of Agriculture and Gertrude Njuba, Deputy Minister of Rehabilitation.

After that, Museveni continued to appoint women ministers at various levels with every cabinet reshuffle, a move that women approved of, calling Museveni a ‘women’s man.’

In the last cabinet, seven out of 21 full ministries were held by women. Nine of 45 ministers of state were women. The Deputy Speaker of Parliament and Inspector General of Government are also women. This is a sharp contrast to the Milton Obote government before 1986 when there was only one woman minister, Geraldine Namirembe Bitamazire, Minister of Education.

The National Women’s Council Statute 1993 established the women’s councils, a six-tier structure beginning at the village level up to the national level. Through the councils,

women are empowered to coordinate their activities and communicate their specific needs to the various levels in community planning. Today, under the affirmative action ticket, by law, 1/3 women’s representation is recommended at every local council level.

The National Gender Policy (NGP) was approved by the government in 1997 as part of its targets of mainstreaming gender concerns in the national development process, ensuring the improvement of women’s status at all levels.

The National Action Plan for Women (NAPW), formed in 1999, aims to achieve equal opportunities for women in accordance with CEDAW, the Beijing Platform for Action (BPFA), and African Regional Platform for Action. It aims to empower women to participate in and benefit from the social, economic, and political development of women’s respective countries.

The present government has provided a relatively free atmosphere for civil society to flourish. During Museveni’s reign, the first woman Vice President in Africa and in Uganda, Specioza Wandira Kazibwe, was picked, as was the first Deputy Chief Justice, Leticia Kigonyogo. Several other women have taken up high-profile posts in the cabinet, Parliament, and local government, among other government sectors.

The establishment and retention of the MoGLSD is in itself a demonstration of political commitment at the government level. The gender ministry was and is a ‘women in development’ (WID) specific project. The initial stages focused on identifying women’s immediate and, therefore, practical needs which included credit, water, and agricultural inputs, among other things. Initial consultations on the way forward have been conducted by women.

Christine Guwatudde, Commissioner of Gender (MoGLSD) noted that: “with time, however, and increasing debates on gender, the focus became more inclusive, involving women and men in strategically addressing women’s disadvantaged position. Concern was shifted from addressing women in isolation to mainstreaming gender concerns in development planning and programming” (Gender Mainstreaming: A Uganda case study, 1998).

While the WID approach has a limited effect in that it benefits those few women directly involved, the mainstreaming strategy attempts to draw more women into mainstream development...Gender mainstreaming in Uganda refers to placing gender concerns into the dominant government ideas and direction.

The dominant areas of concern in Uganda currently include the Poverty Eradication Action Fund (PEAP), Plan for the Modernisation of Agriculture (PMA), Democratisation and Decentralisation, Vision 2025, among other projects. It is, however, important to note that national concerns in terms of political context, legal framework, and policy climate are major determinants in providing an enabling environment for mainstreaming gender.

Gender Sensitisation and Mainstreaming

Gender sensitisation and mainstreaming have been done through the media, seminars, workshops, demonstrations, public speeches and lectures, and conferences, as well as drama and talk shows, among other communication channels. These communication networks target policy makers, legislators, administrators, politicians, NGOs, the media, and even data users and collectors, in a bid to make them aware of the importance of mainstreaming gender in the fields in which they operate.

According to the latest CEDAW report on Uganda, gender mainstreaming has so far covered several ministries which include: Gender, Labour and Social Development; Agriculture; Animal Industry and Fisheries; Water, Lands and Environment; Health; Internal Affairs; Education; and Sports, as well as the local government and the decentralisation secretariat.

The introduction of the Department of Gender Studies at Makerere University has been productive in increasing awareness about women's issues for both men and women. The government has also initiated strategies to remove gender biases from all aspects of the school curriculum and all processes in the education system. Nursing and secretarial courses, for instance, have been raised to degree level. Still, education for women continues to lag behind.

One way to improve women's status is to train those in various cadres who will serve in government and in academic and non-government organisations where they will act as catalysts for change and will facilitate the integration of gender in decision-making and policy formation. The department has influenced the university to establish a Gender-Mainstreaming Unit (in 2002) in the Academic Registrar's office.

According to a statement from the university, the number of women graduating from Makerere University has increased following forward looking interventions by the university and development partners.

During the last graduation ceremony (April 1, 2005), 51.6 per cent of the total graduates were female. In the 48th and 49th graduation ceremonies (October 2005), the percentage of female graduands stood at 38.1 per cent (1133 of 2966 total graduates) and 41.7 per cent (1,365 of 3,276 total graduates), respectively.

The Uganda 1995 Constitution

In 1995 Uganda adopted a new constitution, which has been credited as one of the most gender sensitive constitutions on the continent with several provisions that enhance women's empowerment at various levels and that provide for the equality between the sexes. It calls for gender equality and equal protection of the law and prohibits gender-based discrimination. This means the Uganda government has the mandate to encourage women's political participation in political activities in local councils and all administration committees. Articles 32 and 33 of the Uganda 1995 Constitution speak directly to the government of Uganda's mandate to promote and protect equality between the sexes (see p.).

Subsequently, the Law Reform Commission reviewed certain laws to ensure equality between men and women. Unfortunately, the Domestic Relations Bill, Sexual Offences Bill and the establishment of an EOC remain undebated.

Through the constitution, women, as a marginalised group, are allowed representation at the Electoral Commission, EOC, National Planning Authority, Inspectorate of Government, and the Uganda Parliament, among other government bodies.

Uganda is signatory to several international protocols and commitments which address the equality of women, including: the Convention on the Political Rights of Women; BPFA; CEDAW; the Millennium Development Goals (MDGs); and the Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa (2003).

Electoral Laws

The electoral laws in the country have been set accordingly in order to give women access to decision-making positions. The movement, for instance, due to its already established system, has a Directorate of Gender and Mass Mobilisation at its secretariat. Its Directorate of

Mass Mobilisation and interest groups in the movement secretariat was established in 1998 and is involved in politicisation and creating awareness on gender-related issues (to research further on electoral laws).

Political Systems

It is required by law that every district field a woman candidate/representative in Parliament. While Uganda moved from the movement system to a multiparty democracy after a referendum in August last year, political parties have also written constitutions and manifestoes that are women friendly. For instance, in the 2006 presidential elections, the Uganda People's Congress (UPC) fielded a woman, Mama Miria Kalule Obote, as a candidate for the presidency.

The Forum for Democratic Change (FDC) have placed in their manifestos provisions for the advancement of women through equal opportunity and leadership, property rights, education and training, health, and economic empowerment:

"FDC upholds a "no woman left behind" principle and affirms its commitment to gender equality development and all national affairs. FDC shall operationalise the EOC provided in the constitution and vigorously promote gender-sensitive governance and development; FDC commits itself to scrupulously enforcing all laws against sexual discrimination, equal opportunity, and fair representation of women (at least a third) in all party and elective leadership positions" (www.fdcuganda.org).

The Uganda Women's Parliamentary Association

The Uganda Women's Parliamentary Association (UWOPA) has also gone a long way in creating ways for women to access power. Their mission is to provide a forum for Members of Parliament (MPs) to discuss; share; experience; and support activities that would enhance women's participation, effective representation, and leadership in political, economic, and social activities in the Parliament of Uganda.

UWOPA's areas of operation are women's legislative and gender priorities, institutional and organisational capacity building, research, network, and training. They hold workshops and seminars on a regular basis, targeting

legislators, the executive (the cabinet), the media, and the general public. They have also successfully pushed for the passing of certain bills that promote women's rights.

The Parliament

In 1989 the Affirmative Action Policy was introduced, guaranteeing among other things, the election of a minimum of 39 women district representatives to the national legislature.

Sylvia Tamale (1999) in *When Hens Begin to Crow*, noted that the increased numbers of women legislators in the National Assembly clearly altered the profile of parliamentary politics in Uganda. Tangible benefits have already begun to be registered for Ugandan women in the form of legislation.

The Seventh Parliament under a movement system (2002-2006) saw an increase in the number of women legislators. According to the law that calls for a quota system, all districts in Uganda should have a woman representative. Out of 304 members, 67 are women, 56 having been elected through the quota system representing districts. However, only 11 contested directly against their male counterparts.

The House had 223 MPs directly elected and 81 nominated by legally established special interest groups (Electoral Colleges) in line with the Affirmative Action Policy. In 2004 an international ranking of women in national parliaments placed Uganda in the 25th slot among 180 countries. By then, Uganda, in the Sixth Parliament, had only 50 women MPs (18.1 per cent) out of 276 members.

The Eighth Parliament, however, has more women representatives under the Affirmative Action Policy. Also, several other women contested on the constituency ticket and beat their male counterparts.

The East African Legislative Assembly

MPs agreed that representation at the East African Legislative Assembly (EALA) be of equal numbers in terms of gender balance. In the first EALA, there were four women representatives and five male. They agreed that there should be at least four men and four women, and the ninth representative could be a man or a woman. This year again, Parliament has elected four women and five men to the EALA.

Local Councils

The 1993 Decentralisation Policy and the Local Government Act 1997 provide for a minimum of one-third representation of women on all local council leadership structures. Both the 1993 Policy and the 1997 Act include a number of gender responsive aspects for action at both national and local government levels.

According to the “Report of Government on Uganda’s Implementation of the Beijing Platform of Action (1995) and the outcome of the 23rd Special Session of the General Assembly (2000), these efforts have increased the proportion of women local council leaders from 6 per cent in the early 1990s to 44 per cent by 2004.

The National Women’s Councils Statute 1993 established the women’s councils. In line with the local council structures, the women’s council is a six-tier structure beginning at the village level. Through the council, women are empowered to coordinate their activities and communicate their needs at various levels of community planning.

The Army

When Museveni took over Kampala and subsequently Uganda in 1986, he brought along, for the first time, women soldiers fighting side by side with the men in the liberation struggle. Since then, the country has seen women soldiers taking part in certain decision-making positions of the army, some of whom hold high ranks. They were remembered on Women’s Day (2008) when they held a parade for President Museveni at Kololo Airstrip.

A report by the Ethiopian-based Organisation for Social Science Research in Eastern and Southern Africa (OSSREA) titled “The Role of Women in Armed Conflict” states that by the time NRA took over power in 1986, they had 800 female soldiers. “Struggle has played an important part in attitudes towards the liberation of women, at personal level and at a political level” (Ringling Up The Changes, Gender In Southern African Politics, Edited by Colleen Lowe Morna).

Since 1986 it is only in the Sixth Parliament that a female soldier was elected to represent the army. No woman has reached the rank of Lieutenant General. The highest rank held by a woman is that of a Major, seven ranks below the highest rank which is that of a General.

Civic Education

Increased civic education by both government and civil society organisations has helped citizens understand the importance of political participation and the involvement of women in it. For instance, Human Rights and Peace Centre (1997) did a research study for UNDP (“Report of the Needs Assessment and Capacity Building in Constitutionalism and Civic Education”) to establish respondents’ opinions and views about women in politics. The respondents were asked whether women should be encouraged to participate in leadership and development. The respondents gave various reasons in support of women’s participation, for example:

- They are human beings recognised by the constitution to be equal to men as full members of society. Further, that it is their constitutional right to participate in all activities of the state.
- They have to support the government.
- Women are resourceful.

To underscore the points above, the respondents argued that:

- Women are hardworking people and have more responsibility than men.
- Women have truth in themselves.
- Women sometimes excel more than men and have proved to be better leaders and less corrupt than men.
- Women associate more with the local people. If they are brought more to higher levels of authority, they are more knowledgeable than men.
- Women are mothers of this nation who nurture children. When they are involved in politics and development, the whole nation develops faster. Women’s ideas can only be channeled through their participation.
- Women are the majority and they also pay taxes.

However, there are others who argued that women should not be encouraged to participate in politics and leadership because:

- Women will neglect their families and become impossible to rule in the home.
- Women are inferior, forget easily, are never serious, and are sidelined too much. Furthermore, they are overwhelmed by power and leadership.

Increased civic education is also yielding better results as reported in the Second Participatory Poverty Assessment Process 2003 by UBOS.

For instance, women interviewed in Ntungamo District (southwestern Uganda) identified two positive results from the Affirmative Action Policy in the local council system: a reduction in domestic violence (because in some places men fear to be arrested by the LC1); and an increasing confidence among women from their participation in public life.

However, three main constraints to women's active participation were identified: their low literacy or education levels; a negative attitude by husbands or by the community members; and their domestic chores and family responsibilities. Also, the women's council was not talked about favourably in the sites where they were discussed.

In Uganda levels of civic education awareness remain low as civic education was only actively implemented a few months prior to an election. The report also disclosed that facilitators would come late and would give little education. Also, people expressed a need for the constitution to be translated into simpler language.

Topics discussed in civic education include voting procedures, conduct of voters, the constitution, and the rights of a citizen to vote. The methods used include lectures, visual aids, demonstrations, and electronic media (e.g., radio and TV).

Civic education is conducted at local council homes, under trees, sub-county headquarters, drinking places, trading centers, churches/mosques, and markets. In most cases, civic education sessions are held when women are busy with their domestic chores. Some women are barred by their husbands from participating in community activities. These barriers cause a setback for the success of civic education awareness. It was recommended that local council officials move from door to door, like they do when collecting security fees, to effectively carry out civic education.

Constraints

Even though several factors have facilitated women's access to positions of power at various levels, there still exists constraints and barriers that need to be looked into if the women's cause is to be accomplished.

Gender statistics clearly show an existing wide gender gap between men and women in a number of areas from health, education, decision-making, employment, labour force, disability, and poverty. With this kind of gap, there

are bound to be setbacks as women attempt to achieve parity with men.

Culture and Patriarchy

The impact of women legislators is limited by two important factors: culture and patriarchy. Although social and cultural patterns in Uganda vary according to ethnic differences, there are some common characteristics that feature in all the cultures that suggest sex roles and stereotypes. These social and cultural patterns have their roots in the institution of patriarchy.

Because women are looked at as property within a patriarchal institution, it is difficult for women to make personal decisions. This perception of women is one of the greatest hindrances to women's development and emancipation as a whole. Several African cultures have denied women access to politics and other human rights. The lack of women's access to politics and human rights is why men are still looked at as the natural leaders and why very few women take up or even contemplate taking up political challenges.

Most times women do not even have control over themselves and thus cannot make decisions concerning political participation. In Uganda the media has reported several stories (especially during election time) where women have been battered by their husbands for voting for a candidate that their spouses did not support.

Besides, other cultural practices like female genital mutilation (FGM) affect a woman's self-esteem and ability to actively engage in politics. Sometimes women who have undergone FGM are stigmatised and, therefore, prefer to keep a low profile in society.

The law recognises the payment of bride price. The law also makes the woman 'property' of the man; thus, she is not able to make decisions on her own. In some cases men even dictate whether their wives should work, let alone join politics.

Foster (1998) argues that the structural adjustment programmes (SAPs), for instance, are compounded in the African context because some cultural norms regard women as minors who do not participate in decision-making of any sort. Foster laments:

"We have progressed but nothing has changed. It is time that African women in some contexts have access to

political participation and decision-making. In rural parts of Africa, today where the majority of women live, they are still treated as minors, particularly under the law.”

Foster writes about customary laws and customs that deny women rights to inheritance, access to land, capital resources, education, and medical care, among other amenities.

“Women are predominantly rural, privatized, and affected by social-status laws, and so they cannot access rights, protection, and entitlements that are due to them,” Patricia McFadden (1998) writes in *The Impact Of Colonialism On African Women*.

Mc Fadden (1998) continues:

“For some of us who entered institutions like the heterosexual family, once we entered the institution, it is not only what your marriage contract says. It is what your mother-in-law says, what aunty says, what is expected of you and conventions which govern the way you conform yourself.”

“There are rules and regulations that are not written, but they are regulations that allow for domestic violence, inheritance, using children for compensation and rape.”

McFadden argues that Africa is two-sided in as far as culture is concerned: “Even when it is obvious that it is a violation of the personhood of a woman, we still say ‘it is our culture and tradition.... Yes, but you know without it, we have no identity as women.’

McFadden further argues: “We ride Mercedes Benzes, use flashable toilets and we don’t say this is not African culture. When it comes to certain issues, we say it is African culture.”

“It is very important for us to understand that rights don’t exist in a vacuum. They are embedded within particular spaces and mechanisms. And those mechanisms ensure that people have access and protection.”

Ignorance and the Lack of Access to Education

Even with the introduction of Universal Primary Education (UPE) and the emphasis put on the girl child education, women’s access to school has been limited. This again brings to the fore the issue of culture where parents think boys are the priority when it comes to education.

Because of this, women do not qualify to fill positions of authority as they lack academic papers. Many of them do not know or understand the law and have no idea of what civic education is, and that as a citizen they have a right to participate in the running of their communities.

Even the adoption of UPE or the 1.5 point bonus for qualifying girls to join university has setbacks as access to education begins from childhood. Also, the socio-economic status of a family determines whether one should go to school or not. In most cases, it is the girls who are victims of the lack of access to education, as they are left to do domestic chores and other work at home in preparation for marriage roles.

According to the 2002 Population and Housing Census (Uganda Bureau of Statistics, 2002 Report), out of the 22 million Ugandans were 12.5 million women, 60 per cent of whom were illiterate. The rate of girl school dropouts is also high due to various reasons.

The following statement is quoted from “A Report of the Needs Assessment and Capacity Building in Constitutionalism and Civic Education in Mpigi District” (August, 1997):

“In my community, for a woman to participate in politics and leadership, she must be able to read and write. For a man, that is irrelevant because he must participate by virtue of his manhood (sic).

Electoral Systems

Electoral systems also affect the ability for women to access and participate in politics. Research shows the quota system is women friendly; however, it is argued that the quota system enables women to get it all ‘easy’ and does not justify equality and fairness. But women standing for parliamentary seats have found competing with men at the constituency level competitive! That is why in the Seventh Parliament there are 67 women out of 304 members, 56 of whom were elected through the quota system representing districts. Only 11 females contested directly against their male counterparts.

Poverty and the Economic Situation

African countries are now part of the globalisation process and the global economy. Economic change and transformation prevail in many ways, and this has affected women’s access to and participation in economic and political empowerment. Some scholars argue that globalisation has an impact on the African women’s movement and the World Bank led system of SAPs.

Scholars argue that the mechanics of SAPs applied in Africa were actually incongruent with accepted economic theory. SAPs need macro economic stability as a pre-condition, but Africa did not have this. The continent also needed sustainable levels of external debt: the continent was and still is in serious debt.

Joanna Foster (1998), Regional Coordinator, of Women, Law and Development in Africa, in "The Impact of Globalization on Africa's Development and its Implication for the African Women's Movement," argues:

"The situation of women in Africa has been made worse in all aspects by the introduction of SAPs. As far [back] as the 1980s, women in Africa were voicing their concerns for the social costs of SAPs and the impact they were having on women and children."

"It has become quite clear that the design of the measures for economic adjustment does not consider gender as a distinguishing factor."

According to McFadden (1998), most women are located in the private spheres, and there are no mechanisms to help them cross over to the public spheres. This position leaves women behind closed doors, in kitchens, and in bedrooms, unable to stand independently and make decisions that affect their lives.

McFadden also argues that there is a need to understand the critical importance of the public-private divide, as it reflects itself not only in physical homes and streets, but even in the lives and deaths of women:

"We need to understand that the private-public divide is central to domestic violence and that through privatisation of women's bodies, domestic violence can take whatever form it takes and is usually embedded in the private."

McFadden further argues, for instance, that most rural women do not have the option of coming to where they can access their rights. If they come to the city, they have no means of survival. If they remain in the rural areas, they are non-persons anyway because they cannot access the laws, courts and medical systems:

"The privatisation of the rural spaces has consequences for women in economic, political, cultural and legal terms. And the persistence of culture and traditions underpins this divide."

Also, scholars argue, because there is a basic assumption that women's labour is free and indefinitely expendable,

there is a continued exploitation that leaves them unable to make independent decisions:

"...It (women's labour) is not a commodity because it is not bought or paid for. But it is expected to be there...And by keeping the rural areas backward, by not ensuring that all women in our societies have access to education and insisting that women must be happy with small income generating projects, we reproduce the conditions for the cheap labour that have fed global capitalism for five hundred years."

Legislation

Although the Uganda 1995 constitution provides for equal rights for both women and men, religious, cultural, and traditional practices overshadow these laws. There are still many areas where women get insufficient protection from the law.

The provisions of the constitution need to be put in practice, and this practice needs the goodwill and commitment of the government of Uganda. Some laws have to be amended to fit the provisions of the constitution. The Domestic Relations Bill and the Sexual Offences Bill are still shelved, yet they need to be translated into laws.

The Uganda constitution calls for an EOC, but to date, the Act remains on the shelves. And although the constitution provides for an EOC, this body has never been formed. This body was meant to address problems in relation to marginalised groups. The failure to form the EOC shows that access and participation do not necessarily lead to transformation.

Foster (1998) notes:

"If you don't give a woman her human rights, or if they are not protected or promoted and you come in with an economic activity, she can go only as far as she doesn't have the right to negotiate with the bank for more money, or she has to go back to her husband for more money. We also need to advocate for change in the legal frameworks to allow more women to take advantage of the social and economic changes that are taking place in Africa."

Government Commitment

Like many other countries, Uganda is signatory to several conventions and protocols (as listed under the section 'The Uganda 1995 Constitution,' p.) aimed at preserving and improving the rights of women. However, the government has been criticised for not putting into practice what is on paper.

Funding

One of the major constraints facing government machinery for the advancement of women is funding. The Ministry of Gender, Labour and Social Development receives such meager resources that it cannot carry out many of its programmes, according to the country CEDAW report.

Not much sensitization, paralegal training, or other important programmes can be implemented because much of the funding is from donor agencies.

Conflict

In places of conflict, women and children are bound to suffer most. In Uganda the north and northeast have been engaged in a persistent conflict between the government and rebels of the Lord Resistance Army (LRA) for the past 20 years. The affected people have been forced into internally displaced people's camps for the last 10 years. With this kind of turbulent situation, it is difficult for women to come up and begin discussing issues of politics as they struggle to survive. They lack most basic amenities such as food, medical care, clothing, and education. They also lack a forum for political discussions.

Media Attitudes

The male-dominated media has been accused of being unfriendly towards the women's cause, especially when women comment on issues that do not in any way advance the fight for women's emancipation. For instance, the media, on several occasions ridiculed former Vice President Specioza Wandira Kazibwe's remarks that were not development related, creating a negative picture of many of her speeches and comments. For example, they once reported about a remark she made on 'MPs who come to Parliament with smelly socks.' This remained an issue of debate for a long time, with many criticising the VP and saying she was not serious with her office.

Politician Miria Matembe has also fallen prey to the media by the media calling her names and referring to her as a 'man,' especially after she proposed that all men who defiled young girls should be castrated.

Another politician, Cecilia Ogwal has been nicknamed 'Iron Lady' because she has always been assertive on her decisions, proposals, and comments. These and other derisive acts and comments have made some women who would have like to have joined politics hesitant: they see politics as a profession that gives one too much limelight, becoming a public figure and media magnet for 'the wrong

reasons.' Some women even think politics takes away their femininity.

Personal Obstacles

Related to media attitudes, some women have shied away from politics because they are afraid of 'what the public will think'. These are the women who rather remain 'a woman' – submissive in character – and not get involved in the 'man's world,' as their spouses would tell them. Some women even think they are not capable of leadership roles due to their upbringing.

According to *Women Meeting the Challenge: A Handbook for Media Leadership* (March 1999):

"Often, women are taught to be soft spoken, not question authority, stay at home and in some cases, not look somebody in the eyes. Women are faced with not only overcoming the traditional beliefs held by men in the work place, but also with modifying some of their own views and assumptions."

"Just as women generally possess some traits that are important to leadership, there are other characteristics that women must struggle to overcome if they are to be effective leaders."

"Women tend to avoid taking risks, which can limit their innovative contributions...and, therefore, their visibility."

According to the handbook, women also tend to create rivalry among themselves, and when few top job are available, rivalry grows instead of cooperation and support.

Women are visible but still not enough. Parliament has not reached the 50-50 mark and even where women are given positions of political power, they seem to be given the 'deputy' positions. That means we have a Deputy Speaker, a Deputy Chief Justice, and a number of ministers of state. We also had a woman Deputy Vice President once.

The Need for Advocacy and Networking

On advocacy and networking, Foster (1998) says:

"The need for advocacy cannot be underestimated. We need to advocate for the recognition of women [as] human beings with the corresponding human rights, as these rights underpin all other activities and are the only avenue to sustainable development.

“It’s important that we network to make women visible. If our work is not visible or if what we do is classified as women’s work in the domestic sphere, we shall get lower pay.”

“We should also strengthen our skills in the areas of institutional building, organisational capacity building, use of new technologies, banking and management to enable us to transform our activities from small scale operations to bigger ones.”

According to the “Report on Government of Uganda’s Status on the Beijing Platform”: “Government recognises the vital role played by women in nation building. Despite the achievement so far made, the status of women is still low.”

Gender Specific Reforms

The Commonwealth Secretariat (1999) in “Women in Politics: Voices from the Commonwealth” notes that the entry of women into Parliament leads to issues such as abortion, domestic violence, sexual harassment, rape, single parenthood and women’s health entering the parliamentary agenda.

A defining moment in the political history of Uganda occurred in 1989 when the profile of its Parliament altered significantly as the first cohort of female beneficiaries of an affirmative action policy took her seat in the National Resistance Council (NRC).

Tamale (1999) notes, “After two more ‘Affirmative Action elections’, the presence of women in Uganda’s premier law making body, though still relatively small, has become something of an ordinary occurrence.”

Tamale (1999) continues commentary on affirmative action and women standing for seats:

“Tight races for affirmative action seats in the constituent assembly elections of 1994 marked an increase in women’s political awareness relative to the 1989 race. The June 1996 parliamentary race for the National Assembly was even more competitive, with more women than ever before standing for the affirmative action seats. In that race 106 women competed for the 31 seats reserved for women and 28 tussled it out with men for the county seats.”

Because of their presence and increased numbers, Ugandan women have been able to influence certain laws and push for gender and women friendly legislation. This is recognised by the international community.

“The world is beginning to take note of the significant strides that Ugandan women have made in national decision-making, and there is no denying the extraordinary record that they are making in the annals of the nation’s political history,” Tamale (1999) comments.

The Domestic Relations Bill

The Domestic Relations Bill has no doubt been and still is Uganda’s most controversial Bill. The objective of the Bill is to reform and consolidate the law relating to marriage, separation and divorce; to provide for the types of marriages recognised in Uganda, marital rights and duties, grounds for breakdown of marriage, rights of parties on dissolution of marriage; and for other connected purposes.

The Bill seeks to cover all types of marriages conducted in Uganda and, therefore, seeks to consolidate and replace all family laws.

The Bill seeks to conform to the constitution; it gives effect to the principle in Article 31(1) of the constitution that men and women are entitled to equal rights in marriage, during marriage and at its dissolution.

Aili Mari Tripp (2000) notes, “This Bill would give women more rights in divorce, marriage and other personal relations in which they face discrimination due to customary practices concerning inheritance and property rights.”

The Bill has, however, been lying on the shelves of Parliament for 40 years. In 2003 a report by the Committee on Legal and Parliamentary Affairs on the Domestic Relations Bill proposed that it be amended to fit our diverse cultures and religions.

The committee observed that:

1. The Bill recognises more than one form of marriage but proceeds to provide universal rules even where specific rules apply in the different recognised marriages and that this effort by the Bill is in futility and should be reviewed.
2. The Muslims derive their obligations, duties and procedures of how to marry and divorce from the holy Koran and the Sunna (traditions) of the prophet of Islam, Mohammad. Those marrying customarily derive their obligations, duties and procedures from the custom and traditions of their communities. (In April 2005, for instance, Muslims took to the streets, demonstrating against the Bill which they said conflicted with Sharia laws.)

3. The Bill is pursuant to the provisions of article 31 of the Constitution, and it is intended to give effect to equality in marriage. The short title of the Bill does not appropriately reflect the matters.
4. There are very many religions and other places of worship. The Bill also refers to recognised ministers but does not make a clear criterion for recognition and licensing of such places of worship and licensing of recognised ministers.
5. The definition of customary marriage incorporates the phrase “rites of an African Community,” a phrase alien to the Constitution.
6. On Marriage Gifts, the Bill recognises customary marriage as a recognised form of marriage. To outlaw marriage gifts, which might be an essential requirement for the marriage, is a contradiction in terms. What would then amount to a customary marriage? If the gifts as proposed by the Bill cannot be demanded back, what would then amount to a divorce under the custom, which originally required the gift? In Islam, the bridegroom gives a valuable gift (Mahr) to the bride. This is compulsory upon the bridegroom and without it, there is no marriage. If in the process of their married life the wife asks for divorce (Talaq) she is required to return the gift, unless the husband voluntarily forfeits it.
7. The Bill does not define marriage. It is important that this is defined to indicate the parameters of a lawful marriage.
8. The Bill recognises polygamy, but attaches the condition of the consent of the first wife before the man can marry a second wife. This is a rather de-humanising request to the first wife. Since these are recognised in customary marriages and marriages among people professing the Islamic faith, the matter of the condition for marrying more than one wife should be left to the customs and laws that govern them internally.
9. The Bill proposes that the consent of the parents, relatives or any other person other than the respective parties to the marriage should not be a requirement for the validity of any marriage. This cannot be a restriction of general application, given that the law recognises other forms of marriages, which may require consent of some kind. In Islam consent of the girl’s parents is a pillar of a valid marriage.
10. The concept of cohabitation is an attack on the customary marriage; it offends moral values and undermines the whole institution of marriage. It is

an attempt at creating marriages by presumption. Where this has been applied, the presumption is a discretionary power given to the courts. The courts apply the presumption on the occurrence of certain events in the lives of the people concerned. It may be the death of a partner, or in the event that they want to separate and there are issues of property and children to be settled. The court would then presume that for the purposes of resolving the issues or rights of the people affected, they are presumed to be married. That presumption operates until there is proof to the contrary.

11. The current law does not recognise marital rape. This is seen as a new concept that just highlights a situation where the marriage has broken down irretrievably and the solution should be a petition for divorce.
12. Co-ownership of property in a marriage is a matter of faith, love and loyalty between the spouses, and the law should not dictate and condition the implementation of this faith, love and loyalty. However, the Bill defines matrimonial property and the rights of each spouse regarding property, and recognises the right of each spouse to acquire property individually.
13. The use of the phrase “widow inheritance” is a deliberate coining to make this cultural form of remarriage derogatory. For as long as there is free consent of the widow this should be a form of recognised marriage. The reason for supporting this is that it gives protection and dignity to the widow and the orphans to remain in the home of the deceased and bring up the children according to the customs of the clan. As long as we have patrimonial system, re-marriage within the clan provides a way of maintaining the lineage.

The Committee thus recommended that:

1. The short title of the Bill should be amended to give effect to the true intent of the provision of the Constitution. The short title should be changed to Marriage and Family Act.
2. The Bill provides for the licensing of a place where marriage can be celebrated and the person who can celebrate it. There should be minimum criteria for licensing and cancellation of the license to avoid unnecessary complaints and even more litigation or allegations of bias on the part of the person designated to grant such licences.
3. The definition of customary marriage incorporates the phrase “rites of an African Community,” a phrase

alien to the Constitution. The Constitution in the Article 10(a) and the Third Schedule recognises “Uganda’s Indigenous Communities as at February 1, 1926. The same phrase should be used in the definition of customary marriage.

4. The law should recognise that there are forms of marriages that use marriage gifts as one of the requirements for solemnisation of a marriage. The internal rules of what happens to the gift upon dissolution of the marriage should be a matter left to the internal rules of that form of marriage.
5. Marriage needs to be defined. It should be defined as the union between man and woman recognised in accordance with the laws of Uganda and such union shall be for life or until it is dissolved in the manner accepted by that form of marriage.
6. The law should not provide for general restrictions while at the same time recognizing the peculiarity of other forms of marriage, which may have rules peculiar to them on the matter of consenting to a marriage, marrying a second wife, *et cetera*. As a general principle, these unqualified restrictions should be deleted whenever they appear in the Bill. The law should only recognize what is considered a marriage and the conditions leading to the validity of such marriage.
7. The concept of cohabitation should be deleted wherever it appears in the Bill. Society should seek a moral code that encourages people to become decently married than condone and engage in such relationships. The presumption of marriages should be a discretionary power left to the court to handle rights of the affected persons at either separation or on succession matters upon the death of a partner. Otherwise we would be forcing legal protection on those who by choice desire no protection.
8. The concept of marital rape should be deleted from the Bill wherever it appears. The proof of the offence and the sanctions imposed cannot be sustainable where the relationship is still called a marriage. The aggrieved spouse should just file for divorce in any situation that would be similar to which is imagined by the Bill.
9. The issue of co-ownership of property be left to the individual consideration of the spouses. The law should not regulate this. Article 26 of the Constitution protects all persons from the deprivation of property without adequate compensation. In view of this constitutional right, the Committee recommends

that the Bill should not in any way deprive spouses of their right to property.

10. The phrase “widow inheritance” be dropped and instead the form of marriage should be called “re-marriage according to customary norms”. The prohibition in the Bill should accordingly be deleted.
11. Matrimonial home should have no definition linked to the question of ownership. It is just the home in which the married couple and their children live. It does not matter whether the property is rented or owned by both spouses jointly or by either of them singularly.

Legislators and CSOs have been pushing for this Bill to be passed as they see it, as one of the many ways that gender violence and oppression can be addressed. But the journey is still a tough one. Women believe the Domestic Relations Bill is one of the ways that women’s rights can be recognised and respected.

The debate on the Bill has been a hot topic in the media for several years now.

Both men and women have varying views on the Bill. Supporting or opposing it varies especially between the sexes. However, there are a number of women, too, who are against it including Muslims. Others argue that the proposed law seeks to bring into a single statute, the various laws governing marriage.

Joseph Bbosa (law student) comments, “If passed, the DRB in my view promises to have the most far-reaching social impact of any single law since Uganda was colonized.”

The Land Act and the Co-ownership Clause

“The ‘war’ for equal land rights is not yet over, but small battles have been won” – Jackie Asimwe, 2002.

According to Uganda Land Alliance (2000):

“Land is the most important factor of production in Uganda today, and agriculture the most important income-generating sector of the economy of Uganda, accounting for over 68 per cent of the GDP.”

“Similarly, the importance of women in relation to land cannot be underestimated. Women in Uganda, as in the rest of Africa, play a central role in agriculture and, thus, in land matters. They provide more than 70 per cent of labour

in agricultural production and over 80 per cent in food crop production and processing.”

Jackie Asiiimwe (2002) in *Women and the Struggle for Land in Uganda* adds, “However, only seven per cent of women in Uganda own land, leaving the remaining 93 per cent with only usufruct (usage) rights to land. This has negative consequences for development, which makes the land issue so central to the women’s movement.”

Women and Land in Uganda

Most land in Uganda is held under customary tenure, according to the Land Act 1998, Act 16, and this land is regulated by customary law. Uganda is made up of 52 ethnic groups, each with their own customary practices.

According to Asiiimwe (2002), customary law was introduced in tandem with British common and statutory law in the colonial era. MoGLSD (qtd in Asiiimwe, 2002) notes that although statutory law does not bar women from owning property, social and cultural realities effectively deny them this right. Asiiimwe (2002) emphasizes women not having access to land by stating that the socio-economic position of women in general and their inability to access the economy has blocked women from owning land.

Irene Ovonji Odida (1999, qtd in Asiiimwe, 2002) in “Land Law Reform: Challenges and Opportunities for Securing Women’s Land rights in Uganda,” buttresses the argument of land being inaccessible to women:

“There are, for instance, more illiterate women than men. There are many socio-cultural practices that discriminate against women, discouraging women from owning land or sanctioning them from it. Foremost among these is the high value placed on marriage. Ugandan women are socialised to perceive marriage as a principle goal in life and their ownership of land as incompatible with a happy marriage.”

“Some customary practices, like giving of bride price and polygamy, reduce women’s security on land, something that also denies them their rights to this land. Bride price, for instance, makes a woman be regarded as her husband’s property. This denies her access to any of his property.”

Another obstacle keeping women from access to land is reported from Uganda Women’s Network (1997): “In polygamy, land may be utilised jointly by several wives who then have difficulty claiming portions, individual contribution or ownership.”

Ovonji Odida (1999) notes the following:

Very often, women do not ‘belong’ anywhere. As girls in their father’s homes they are regarded as being in transit to their husbands’ homes. When they marry, they are considered outsiders (because they come from a different clan) and do not share in the clan decision-making. Moreover, since women are seen as belonging to neither their families nor marital clans, they are denied by both camps the opportunity to own land. As a result, they are alienated from land ownership from childhood to widowhood.”

“A woman who purchases land, for instance, is seen as having ‘sinister’ intentions, using the land to run away from her marital home or as a place to ‘entertain’ other men. Gaining power through land ownership is deemed deviant, because only ‘improper’ women are not satisfied with what their husbands or their male relatives can provide them. ‘Proper’ women take whatever is given to them with gratitude and teach their daughters to do the same.”

“Land in Uganda is normally passed through inheritance, traditionally through the male line from father to son. Daughters inherit land only in exceptional circumstances where there is no suitable male heir or when the father dies intestate. Women are regarded as being unable to own property in their own right and are regarded as mere trustees for male kin.”

In 1988 Uganda enacted the Land Act which was meant to address historical gender imbalances in land ownership. Substantial work went into lobbying, not only for women’s land rights in general, but specifically for a clause in the Land Act that would allow spouses to co-own family property. However, when the Land Act was passed, the co-ownership clause was missing, despite its having been discussed and approved by MPs.

Asiiimwe (2002) triumphs, “Women felt and still feel betrayed. But they did not, and have not stood back.”

Currently, there exists a conflict between statutory and customary law, both of which are practiced in Uganda. While statutory law provides greater protection for women, allowing for female inheritance and land ownership, customary law has enabled men to manipulate the system to suit their desires and maintain their power over land.

Thus, even where widows may have the statutory right to administer the estate, access to and control of customary land is severely limited. It is against this backdrop that women of Uganda have felt the need to advocate for women’s rights to land (Asiiimwe, 2002).

Women as a key interest group played a major role in advancing gender issues in relation to the land question, first working with the Uganda Land Alliance, a coalition of organisations representing various interests such as the poor, peasants, development agencies and human rights activists. Then specific groups including the women's movement began to lobby Parliament's Sessional Committee on the same.

Asiimwe (2002) narrates:

"An important feature of the women's action included networking between different women's groups and individuals. The networking effort brought together women in Parliament and those in gender-related and other NGOs, in civil service, development agencies, media and academia among others, who provided crucial information that might otherwise have been difficult to locate."

"Women's groups kept gender on the agenda of the various policy makers and legislatures handling the Land Bill at various stages."

"The women raised their concerns in various spheres organised by themselves or other interest groups. Materials summarising women's position were produced and circulated to MPs and other key persons. For example, Fida-Uganda published pamphlets called 'Land Briefs' that were a summary of the views of the women lawyers on the Land Bill. Uganda Women's Network (UWONET) also published a booklet detailing its views on the Land Bill."

"The women also met with the Ministry of Lands officials to put forward their suggestions on women and land. The meeting did not go well. Instead of welcoming their proposals for the inclusion of women's rights to own land, ministry officials told women activists to come up with a study that would prove that women ought to own, or even wanted to own land."

"The women's movement also prepared itself for the campaign through meetings between technocrats such as women lawyers and economists and female politicians, who could clarify to each other the draft bill, identify allies in Parliament, share information about the parliamentary process and forge a common position," observes Ovonji Odida (1999).

The study UWONET undertook found that the situation was even more appalling than they had previously imagined. This was not because the law precluded them from owning land, but because of something bigger and deeper than the law: culture and patriarchy (UWONET, 1997).



MP Miria Matembe

On July 2, 1998, Uganda had a new Land Act but women were crying foul as the co ownership clause was missing. The co-ownership clause was to give some security of tenure to women in their matrimonial homes. With so much noise raised, the clause soon came to be known as the 'Matembe Clause' after the woman MP Miria Matembe who had proposed it in the House. Up to date, the struggle to have the inclusion of the co-ownership clause continues.

In her book 'Women and the Struggle for Land in Uganda,' Asiimwe explores the ways in which women's organisations and networks have attempted to influence the 1998 Land Act and examines the gains women made:

The positive outcomes that came out of this struggle include networking between women's and other organisations as well as the rethinking of strategies which are currently underway. And the issue of women and land has become a hot topic, partly due to the advocacy by women and NGOs promoting women's rights in Uganda.

The pro-women proposals that made it to the newly enacted Land Act include the following:

- Section 40 requires the prior written consent of both spouses in transaction involving family holdings, defined as land on which the family ordinarily resides and from which they derive substance (The Land Act 1998: Acts 16 and 40).

- Section 28 prohibits decisions affecting customary land which deny women access to ownership or occupation or use of any land or decisions, which impose conditions that violate constitutional provisions protecting women (The Land Act 1998: 28).
- The Act requires land management bodies and institutions to have female representation. The Uganda Land Commission should have one female out of its five members. One third of the membership of the District Land Boards should be female, and land committees at the parish level should have at least one female out of the four members (The Land Act 1998: Sec. 48 (4), 58 (4), 66 (2)).
- Communal land management associations are required to have at least one third female members. These associations are corporate bodies which may be formed under the Land Act by any group of persons on any land for any purpose connected with communal land ownership and management of land (The Land Act 1998: 17(4)(b)).

The Co-ownership Clause

In order to address the issue of women's lack of ownership of land and its related problems that include the feminisation of poverty, women's and human rights groups proposed the co-ownership of land between spouses. The basic principle behind co-ownership is that a husband and wife should equally own the land where their home is situated or they should co-own the land from which the family derives its principle source of income and sustenance.

Co-ownership was one way to address the imbalance in property ownership for women, and, at the same time, deal with the power imbalance that exists in many marital relationships. The idea was that co-ownership would increase women's decision-making power in the family. It would improve the family's livelihood as women would be more willing to invest their labour, time and resources in the land that they owned. Co-ownership was one way to assert women's rights in the smallest unit of society – the home (Asiimwe, 2002).

The women then raised three major concerns in lobbying for the co-ownership clause: access to land as a human rights concern; rights to land as a development issue; and land rights as an equity concern. Each concern is expressed below:

• Access to land as a human rights concern

The government has a mandate to fulfill its obligations under international and domestic human rights instruments as enshrined in CEDAW, ratified on July 22, 1985. Uganda's 1995 Constitution also provides for the rights of individuals to own property (Article 26) and for affirmative action for the purpose of addressing both social and historical balances of which women have been victims in relation to land (Article 32). Article 33 also stipulates that all customs, laws and cultures which are against the dignity, welfare and interest of women or which undermine their status be prohibited. The constitution also contains a non-discrimination clause that guarantees that the women of Uganda have the same rights to land as men.

• Rights to land as a development issue

Because attaining sustainable development requires addressing inequality between men and women, the equal distribution of land is vital. Uganda has an agricultural based economy and women provide 70 per cent of agricultural labour and 60 per cent of labour for cash crops like coffee, tea and cotton (Uganda Land Alliance, 2000).

The lack of ownership of land by women retards development and contributes to poverty. Because the land in most families belongs to the man, many women do not have security of tenure (Asiimwe, 2002).

Most women have low participation or control over household decision-making, particularly in relation to economic activities. They are unable to decide which cash crops to grow, how to use the income accrued from the sale of the family cash crops nor can they determine any transactions regarding the land (Uganda Land Alliance, 2000).

By facilitating women's access to the means of production, co-ownership of family holdings can be a strategic tool for poverty reduction. In particular, co-ownership would promote women's participation in decisions about the use of land and income accrued from crops. It would also provide security of tenure which would create incentives for women to improve and invest in land use and development (Asiimwe, 2002).

• Land rights as an equity concern

The women's movement argued that because women contribute enormously towards the economy and the household, they have a right to co-own land. They argued that in order for women to increase and improve

agricultural productivity, they need security of tenure, and then they will invest more in the land.

However, to date, the co-ownership clause is nowhere near being passed as law. Women rights activists and groups continue to use several strategies to turn the co-ownership clause into law, including:

- **Networking**

Under the leadership of UWONET and Uganda Land Alliance (ULA), the women's groups combined efforts to pressure Parliament to pass the co-ownership clause. The struggle around advocacy for the co-ownership clause galvanised Ugandan women in ways they had not anticipated. They were learning to work together and to respond to issues in a more timely and aggressive way — leaving nothing to chance (Asiimwe, 2002).

- **Threatening a boycott of the 2000 Referendum**

In 2000 the government held a referendum on political systems as provided for under the Constitution. Women's rights activists threatened to boycott the exercise and to encourage women in rural areas to do likewise to ensure that their demands around the co-ownership clause are taken seriously. This threat came after the government failed to live up to its promise to revisit the issue. The threat indeed compelled the government to meet with women's rights activists. The boycott threat was one of the more radical and overtly political tactics of the movement, and the government's reaction demonstrated that women's rights activists could use their political leverage as voters to make the government act (Asiimwe, 2002).

- **Public mourning**

Another strategy employed by the women's movement was mourning. In Africa, this signifies great loss, especially when done publicly. During the celebrations of the International Women's Day in 2000, women mourned the loss of the co-ownership clause at the celebrations that took place in Rukungiri, southwestern Uganda. Thousands of women attended the occasion, carrying big placards with messages demanding their rights to own land. Encouraged to wear black, UWONET made T-shirts with women's rights slogans printed on them. Their message was so strong and clear that the President of Uganda dedicated a considerable amount of time during his speech addressing the issues of women and land. As evidenced by the President's response, the advocacy strategy of mourning worked to make women's dissatisfaction known at the national level and in a public space (Asiimwe, 2002).

- **Legal education**

It is clear that part of the reason women are discriminated against is lack of knowledge of their legal rights. Women's groups such as Fida, UWONET, ULA and ACFODE conduct legal education as part of their activities, either for targeted women's groups in rural areas or on village-to-village basis, one district at a time.

- **Wining and dining**

Women activists convened work lunches with MPs through their different caucuses and working groups. Working lunches were organised for the Women Parliamentarians' Association and the Committee on Lands and Natural Resources which is responsible for discussing the co-ownership clause. In addition, women activists with personal connections to key MPs were encouraged to lobby them informally. This constant targeting of MPs on both public and private fronts successfully kept the discussion on co-ownership alive (Asiimwe, 2002).

- **Use of the media**

Electronic and print media have been used to educate the public on the co-ownership clause. Sometimes, women's rights NGOs pay for advertisement space in the media to pass on their message. But messages have also been carried through informative articles and radio talk shows. The Uganda Media Women's Association (UMWA) has played a crucial role in this.

- **International lobbying**

One of the women's NGOs, Forum for Women in Democracy (FOWODE), made contact with the international NGO Equality Now to share information regarding Uganda's struggle for women's land rights. Equality Now then sent out an action alert recommending that its allies and partners around the world write to the President, Speaker of Parliament, Minister of Lands and chairperson of the Parliamentary Committee on Water, Land and Environment, calling on them to publicly support the co-ownership clause and ensure its swift passage. The action alerts tainted the public image of the government, increasing international scrutiny of the situation of women's land rights and encouraging a reaction from the government (Asiimwe, 2002).

- **Holding a think-tank event**

At the close of 2000, the women's movement under the auspices of Law and Advocacy for Women in Uganda (LAW-U) held a one day think-tank event to evaluate the advocacy efforts in relation to the co-ownership

clause among other [issues related to women's rights]. The think-tank stressed the use of the election year to challenge candidates to discuss their action plans on gender equity and launch a women's voter registration. It also encouraged women to run for political office in order to increase their foothold in political/public spaces. This would enable them to influence laws and policies that favor women (Law and Advocacy for Women in Uganda, 2000; Call for action on women's rights think tank, Dec 19).

- **Issuing a people's manifesto**

In 2001 UWONET produced a document called 'The People's Manifesto' which detailed the issues that civil society wanted the candidates to address. In the manifesto, the women reiterated that to have meaningful development in the country, the practice of preventing women from owning land and discrimination against women could not continue. (UWONET, 2000; 1999 Annual Report: Creating a Change for a Better Future). This document was circulated countrywide and women were encouraged to ask candidates specific questions with regarding women's rights and specifically the co-ownership issue.

- **Public hearing on women and land**

The Uganda Land Alliance held a public hearing in November 2000 to humanise the suffering and discrimination of women in the area of land rights. The hearing brought together MPs, members of CSOs, as well as rural and urban women from several regions of the country. They discussed the issue of co-ownership with a goal of reaching a consensus. The impact of hearing about women's daily experiences in their own words was very strong. By the end of the meeting, many male MPs were calling for the co-ownership clause to be passed (Asiimwe, 2002).

"Despite the many challenges they face, the Uganda women's movement has not and should not give up the fight for women's land rights. Indeed, whatever the obstacles mounted against the march towards equality, the Uganda women's movement should walk on, because no one can ever deny the justice of their cause" — Jackie Asiimwe.

Education

The education of girls and women still lags behind that of boys and men in Uganda.

In 2002 the overall literacy rate was 68 per cent (for persons aged 10 and above). This differed between the sexes with a 76 per cent literacy rate for males and 61 per

cent for females. The government aims to achieve a rate of 85 per cent literacy rate for either sex by 2009-2010.

The adult literacy rate was 64 per cent, with females having a lower rate of 54 per cent than men at 75 per cent. Primary school enrolment rate for persons aged six to 12 years was 83 per cent with no sex differentials. The PEAP target is to increase this percentage to 90 per cent by 2007-2008.

There is also a growing recognition that not only does the state need to play a central role in solving the problem of gender disparities in education, it also needs to recognize that the role of civil society is critical in this regard. Civil society is now recognised as partners in the struggle to ensure basic education for all. The women's movement has played a recognisable role and contribution to girls' and women's education in Uganda.

The gender gap has been steadily narrowing, but more work needs to be done since parity has not yet been reached (Margaret Kikampikaho and Joy C. Kwesiga, 2002).

The government of Uganda has taken positive steps to bridge the gender gap. The following state interventions have been compiled from Kikampikaho and Kwesiga's (2002) "Contributions of Women's Organization to Girls' Education in Uganda":

- Efforts are made by the Uganda Curriculum Development Centre to revisit the 1990 Primary Education Curriculum to make it more gender responsive.
- A 1990 affirmative action measure awards 1.5 extra points to women qualifying to enter public universities to increase the number of women graduates. This increased enrolment of women at the university level from 24 per cent in 1989 to 35 per cent in 1999 and 41 per cent in 2002, according to university records.
- Universal Primary Education (UPE) offers an equal chance for boys and girls to access primary education. This [strategy] increased total enrolment from 2.6 million to 5.5 million in 1997 and 6.8 million in 2002. Today, the figure stands at over 7 million pupils.
- Complementary Opportunities for Primary Education (COPE) and the Alternative Basic Education for Karamoja (ABEK) initiatives are being implemented to give access to disadvantaged children who are not able to attend formal school, many of whom are girls.
- The National Gender Policy (NGP) gives a framework for emphasis of gender perspectives in development planning at all levels, including the education sector.

- The Uganda national long-term perspective (1999) code named 'Vision 2025' addresses the issue of gender equity in education.
- Female dominated occupations like nursing and secretarial assistance have been elevated to degree level, and men are making good inroads into these occupations.
- The Promotion of Girls' Education (PGE) was initiated in 1995 in 15 districts. Under this project, about 1,000 schools which have promoted girls' education have benefited from the programme through the provision of latrines, girls' play grounds, classrooms, houses for senior women teachers who guide and counsel girls, or bringing water to schools.
- The USAID funded Equity in the Classroom (EIC) programme aimed at enhancing girls' participation in the classroom is also being implemented.
- The National Strategy for Girls' Education was launched in August 2000. The strategy gives a framework for addressing barriers to girls' education.
- A gender desk was introduced in the Ministry of Education in 1998 to coordinate and initiate activities and programmes that promote girls' education. The desk played a key role in the implementation of the National Strategy on Girls' Education (Ministry of Education and Sports, 2000) and has put in place a coordinating and planning committee to support the implementation of this strategy at the district level.
- The Education Strategic Investment Plan for 1998-2003 (ESIP) provided vocational and training opportunities to school leavers for both boys and girls at the primary level.
- The Basic Child Care and Adolescent Development (BECCAD) aimed at promoting the rights of children and increasing awareness about girls' education at basic levels is currently being implemented in schools.
- The Women and Gender Studies Department created at Makerere University in 1990 has contributed to bringing women's issues into the national agenda from a gender perspective. Furthermore, it has opened room for more research on women through academic work of students as well as providing training in gender at local and regional levels. The Department runs a Masters degree programme in gender studies with the aim of building a cadre of staff to carry on future innovations in gender-oriented studies in and outside Makerere University.

Makerere University gender mainstreaming division, with the support of the Carnegie Corporation of New York, is running a scholarship scheme to help build the capacity of women who have a diploma in science related fields and are working in local governments (districts).

Under the scheme, women have been given scholarships to study agriculture and veterinary medicine programmes. Starting with the 2005/2006 academic year, the scholarship was also expanded to include other science-related programmes. The 25 successful applicants were part of the university's effort to implement the policy on affirmative action in higher education for female students.

The Uganda People's Defence Force Bill

In March 2005 women activists in Uganda showed anger and disappointment following the announcement that the government was to put in place a law that would punish women in the national army for getting pregnant.

According to Clause 65 (2) of the Uganda People's Defence Force (UPDF) Bill 2005, female recruits should only be allowed to get pregnant after four years in the national army. The Bill also requires women to get pregnant in intervals of not less than three years. If any woman gets pregnant against these provisions, she will be dismissed from the UPDF.

The Uganda Women's Network (UWONET), the coalition of women's NGOs, warned that it would sue the government if Parliament passed the UPDF Bill 2003 with the above clause. Women argued that the clause is discriminatory, and it works against the anti-discriminatory requirements of the national constitution and international instruments on women to which Uganda is a signatory. The NGOs expressed fear of passing the Bill hurriedly at a time when most MPs were engaged in the transitional politics of Uganda.

The worries of the NGOs were heightened after the Parliamentary Committee on Defence and Internal Affairs presented their report to Parliament. Although the Committee recommended amendments, reasoning that "pregnancy does not amount to an offence and it is neither a disease nor a disability and should not be in itself a reason for dismissal," the committee still maintained that in Clause 96 (3), that the female serving officer, militant, cadet or recruit trainee shall not become pregnant within two years of the date of her enrolment, during a period of training or within two years since the period of her last delivery.

The committee insisted that whoever goes against the provision will have committed an offence and is liable

to punishment as may be prescribed by the Ministry of Defence. The committee reasoned that this will regulate pregnancy and ensure efficiency in the UPDF.

But the Uganda Women's Parliamentary Association (UWOPA) recommended that Parliament entitle female members of the UPDF to maternity leave, as denying them the right is violating the key provisions in the Uganda constitution and CEDAW.

UWOPA cited article 21 (10) which entitles all citizens to equal protection of the law and Article 21 (2) which prohibits discrimination on the grounds of sex.

However, the then Defence Minister, Amama Mbabazi argued that Article 65 (2) is meant to protect the health of women and their babies since army work is sometimes demanding.

The then woman Member of Parliament, Mwenge South, Dora Byamukama argued:

"Giving a female member the option of maternity leave under clause 95 provides that protection. Punishing a woman for a natural biological function, however, does not. Forcing her to choose between her profession and her unborn child also potentially endangers the child should the mother choose to illegally abort."

Byamukama argued that while not objecting to an efficiently run military, subjecting all female members to monthly pregnancy tests cannot enhance efficiency.

"If they recognise that women are important and can contribute to national security, they should be cognizant of the fact that they recruit them in their reproductive ages. UPDF should also not forget the social pressure on women. Because of our cultures, many women do not control their bodies and are not able to determine when and how to get pregnant. If they are concerned about the health of the mother and the baby, can't they deploy the women elsewhere since the army is not always fighting?"

Another woman MP, Sarah Kiyingi, suggested that Clause 94 of the Bill, which forces pregnant women to attend military drills and training, be scrapped off. Such concerns aside, others said that Clause 65 (2) of the UPDF Bill contravenes the constitutional rights of both men and women who agree to form a family as Article 32 (1) of the Constitution gives all men and women, "the right to marry and found a family" and states that they should have equal rights in marriage.

Even male MPs lobbied for certain clauses of the Bill to be amended or erased. For instance, the then MP for Samya Bugwe North, Aggrey Awori said:

"The proposed amendments attempt to induce members to delay marriage and reproduction by punishing many of those members who seek to do so. By facially restricting the rights to marry and to found a family, these additional clauses violate the Constitution. The law is also violating the rights of the other party in marriage, by restricting pregnancy."

Women activists are still convinced that they can use Article 33 (1) of the constitution, which accords "full and equal dignity of the person with men" and Article 33 (3) which requires the state to "protect women and their rights, taking into account their unique status and natural maternal functions."

Mary Amajo, UWOPA Chairperson, said:

"These proposed amendments are discriminating against women based on their biological function, subjecting female members to frequent medical testing, restricting their reproductive rights and infringing on their economic rights."

But even without the legal debate, some people argue that the suggested provision to suspend women who get pregnant is inconsiderate.

Prof Joy C. Kwesiga, Makerere University, Department of Gender Studies commented on this legal debate by stating the following:

"They are continuing the discrimination of women from an important power centre — the military — yet women have always been marginalised in the armed forces. They are effectively saying women should not join the army. How come in the war that brought the current government to power, women were included without those conditions?"

"We have to consider reproduction as an important factor of the human race, and we should recognise it other than punish people for it. These women join the army because they are interested. The UPDF should find ways to better encourage joining and staying in the army by discussing with women groups" (extracted from The New Vision, Tuesday, March 22, 2005, an article by Ultimate Media).

The Divorce Act

The ideal of gender equality in Uganda was brought closer to reality recently with a constitutional court ruling on the country's Divorce Act in March 2004.

The court struck out 10 sections of the Act, saying they contravened a clause in the constitution that guaranteed women equal rights to men. The case which led the ruling was filed by the Uganda Association of Women Lawyers (Fida-Uganda).

Previously, the 1964 Divorce Act allowed men to leave their wives in instances of adultery, while women were not granted the same right. They had to prove their husbands' guilt, not only of adultery, but a range of crimes that include cruelty, incest, bestiality, rape, bigamy, sodomy, rape and desertion among others vices.

On March 10, 2004, however, a panel of five constitutional judges unanimously upheld the views that grounds for divorce must apply equally to all parties in a marriage.

The judgment also answered the demands of a 2003 report by the Human Rights Watch "Just Die Quietly: Domestic Violence and Women's Vulnerability to HIV/Aids in Uganda."

The New York based NGO said that domestic violence in the East African country was making women vulnerable to contracting HIV and that laws which hampered their ability to leave abusive relationships should be repealed.

However, the payment of brideprice is also likely to complicate efforts to speeding the divorce process for women. Ugandan tradition requires a groom to give gifts of money, and perhaps also livestock to his prospective parents-in-law. However, these gifts must be returned if the wife leaves her husband.

The ruling on the Divorce Act, however, allowed wives to claim damages from the women who committed adultery with their husbands. Previously, only men could sue those

caught in adulterous relationships with their wives. The court's decision, however, also contained at least one piece of good news for men. They are now allowed to claim alimony from their ex-wives.

It is hoped that the 1904 Divorce Act will ultimately be replaced by the Domestic Relations Bill, a more progressive piece of legislation that was tabled in Parliament in 2003 (Matsamura, March, 2004).

The Local Government Bill, 1997

The 1997 Local Government Bill raised issues relating to women's access to political leadership. Although Parliament had passed the Local Government Bill in December 1996 by 152 votes to 16, Museveni vetoed it, rejecting an Article 108e, which set minimum academic qualifications for Local Council (LC) chairpersons at the LC3 and LC5 levels (O level for LC3 and A Levels for LC5 chairpersons). Women's groups had opposed the O level requirement on the grounds that it would disqualify many suitable women because of their lower education levels (*The Monitor*, 1 Feb 1997 in Tripp,2000).

Even though there had been strong opposition from MPs to revising the qualifications, Parliament succumbed to pressure from women's organisations, women MPs and the President and threw out the leadership requirements. Women's increased mobilisation has meant that they have raised their political activity at the local level (Tripp, 2000).

Rebecca Kadaga

My greatest challenge is being a Deputy Speaker

Political Background

Rebecca Alitwala Kadaga (Hon) is the Deputy Speaker of the Parliament of the Republic of Uganda, an office she holds with dignity, respect and commitment. This is the second term that Kadaga is serving as Deputy Speaker.

In 1996 Kadaga contested for a parliamentary seat as a women's representative for Kamuli District and won. She also held office as Speaker for only five weeks, making her, technically, the first woman to preside over the House.

In 2001 she returned to Parliament, becoming the second woman Deputy Speaker in the history of Uganda after Hon. Betty Okwir Kadaga, now deceased. Thus, Rebecca Kadaga served as Deputy Speaker in the Seventh Parliament (2001-2006) and was re-elected in the Eighth Parliament in 2006 where she will serve until 2011.



Rebecca schooled in Kampala town, attended Namasagali College for secondary school, and then matriculated from Makerere University with a law degree. Later, Kadaga joined the Law Development Centre (LDC) for a diploma in legal practice. Meanwhile, Kadaga did some courses in French, and later went to the University of Zimbabwe for a Master's degree in women's law. She has served in the cabinet since 1989 when she joined the National Resistance Council (NRC).

In 1996 she served as Minister of State for Foreign Affairs (Regional Corporation) and in 1998 was transferred to the Ministry of Works and Communications. A year later Kadaga became Minister for Parliamentary Affairs in the Prime Minister's office.

Kadaga says she was inspired to join politics because of her interest in human rights. At Makerere University in the 1970s, Kadaga was one of the students who were beaten up by soldiers when they demonstrated and demanded for removal of the then dictator (and now deceased) President Idi Amin Dada.

When Kadaga left the university, she was involved in various human rights associations including the Women Lawyers' Association for which she also served as president. The Legal Aid Service, which is now famous and known as the Legal Aid Project (LAP), was also started during her time. She came in with an activist's background.

Kadaga's role and interests rotate around doing things that touch the community, improving on their welfare and helping them live better lives. Basically, the programmes she is involved in touch people directly. Kadaga, for instance, introduced the first paralegal programme in her home district of Kamuli in Eastern Uganda where she is also Member of Parliament.

Kadaga believes in the importance of having gender balance at all levels of society.

Kadaga believes that women hold certain special values, which men do not have, which they bring in to society:

"One gender may not be able to explain or articulate the reality on the impact of the community. So it is important that both sexes really participate in issues of governance."

"I think we bring commitment. If you were to check, you will find that the women MPs are more frequently in the

constituencies than their male counterparts. They spend more time with the population, more time in meetings; they spend more time really planning for the community. The women really bring commitment and put a human face to the politics."

Kadaga, who is a member of the parliamentary women's caucus UWOPA, says UWOPA, as an association, has been able to lobby for several issues that would improve the rights women and girls, especially those living in rural areas. Sometimes they have been successful, and sometimes they have hit a dead end, but they have never given up. For instance, UWOPA proposed that the government begin supplying sanitary towels to girls as part of the UPE materials just like chalk and other essentials. It was an uphill task as Kadaga explains:

"We had a four year battle which we lost because policy makers in most ministries do not appreciate the problem."

Kadaga underscores the problem of girls not having access to sanitary towels and the problem of men not appreciating the situation. Recently, she recalls, she had gone to arrange for a water supply for one of the primary schools in her constituency.

"The message I found there was that when the girls get into menstruation, they are officially sent home from school because there is no water or any special facilities for them. So for every term, three weeks in a term, maybe four, the children are actually not in school, whether it's exam time or not.

The situation is quite bad, but men do not appreciate," she says.

UWOPA battled with the Ministry of Education and Social Services for about four years to try and get free access to sanitary pads for the girls, but failed. They, however, devised other means of getting the taxes removed on sanitary pads, as a start, to reduce the cost so that sanitary pads are more accessible to at least some of the children.

Kadaga recalls how UWOPA also tried to lobby hard for parity in the government for the 30 per cent representation of women in decision-making positions, but failed. Kadaga attributes this failure to the following:

“We were miserably let down... We lost out and actually went to lower levels than what we had before. We really lobbied hard, held workshops and so on. But that is how things worked out. So, apparently, we have not lobbied enough.”

UWOPA in the Seventh Parliament also tried hard to get the Makerere University women students another hall of residence built, as they were living in risky hostels with no security outside the campus. However, as Kadaga states:

“Again, nobody has really picked it up. We have been talking to ourselves and talking and informing the

leaders, but nobody has really taken it on. So, we continue to suffer shortages in accommodation and security.”

Kadaga says women's numbers in Parliament are still low. Even numerically, it cannot be balanced enough for them to take leadership posts like in Sessional Committees. In the Seventh Parliament, however, out of the 12 committees there were three female chairpersons.

“The numbers cannot balance anyway, but a few committees have been handled by women,” Kadaga says.

Gender in Mainstream Legislation and Policies

The National Resistance Councils

When the National Resistance Movement (NRM) took over power of the government in 1986, it established one of its existing organs, the National Resistance Council (NRC) as the Legislative Assembly (Parliament) for the country. This assembly consisted largely of people who had participated in the bush war, and a few others were appointed from the general public as ministers.

In her book, *Gender and Politics and Constitutional Making in Uganda*, Miria Matembe (2002) notes that in 1989 the NRC was expanded and elections were held. The elections brought into the NRC women in numbers that no previous government had seen before, as well as members from other formerly unrepresented groups. Tamale (1999) refers, “The defining moment in the political history of Uganda was 1989. This is when Parliament was opened up to be more representative of Uganda's population.”

Matembe (2002) specifies:

“Thirty-six women were elected to the NRC in 1989, 34 as district women representatives and two others (Rhoda Kalema and Victoria Sekitoleko) in open seats. In addition, three women were appointed by the President and two others were part of the original NRC who participated in the bush war.”

“Although the total number of 41 women was quite small in an assembly of 270 members, their presence in Parliament was a big step for the women of Uganda. Since the affirmative action seats for women were based on one per district, every time a new district was created, another woman joined Parliament.”

“When elections were being held in 1996, the number of district women representatives had risen from 36 to 39. During the elections that year, 26 women candidates ran for mainstream seats with eight of these, almost one-third, being successful. Four women were chosen to represent special interest groups. One woman was appointed as a minister and became an ex-officio MP, making the total number of women in Parliament 52 (19 per cent). Uganda was experiencing a new phenomenon. There was a large number of women legislators in position to influence the political process at the national level.”

The Constituent Assembly

On February 1993, the Minister of State for Constitutional Affairs presented a bill to the NRC on establishing a Constituent Assembly.

The Assembly would be given the mandate of debating the draft constitution and presenting a final version to the government and the people.

It was originally proposed that the Constituent Assembly would be composed of the members of the NRC. However, the proposal was rejected on the grounds that if the Constitution was to be truly the people's Constitution, based on the people's views, the people had to be the ones to decide who would discuss the draft and promulgate the new constitution.

The members of the Constituent Assembly were, therefore, elected through universal adult suffrage. Section 4 of the statute stipulated the categories of people to be elected as delegates, including those representing interest groups such as the youth, PWDs, and women.

Matembe (2002) explains:

"The provision was in furtherance of the constitutional commission's observation that Uganda needed a constitution to which people would be sufficiently committed so that constitutional law would effectively control political action, the government and the governed. The participation of all classes of people in the debate, adoption and promulgation of the constitution was seen as a way of realizing this commitment."

The commission designated 214 electoral areas, each of which was to elect one delegate. Seventy delegates were also to be elected to represent the special interest groups, making the total number in the Assembly 284. More than half of these special interest delegates, 39 in number would be women.

It was then that the Ministry of Gender quickly took a leadership role and started voter education projects for women. The aim of the education was to help people understand the importance of participating in the constituent assembly elections both as candidates and voters.

Matembe's (2002) discusses the women serving in the constituent assembly:

"The provisions for the promotion and protection of women's rights in the draft constitution were highlighted

as the call went out for women to play an active role in defending those important provisions. Appeals were made to women to offer themselves as candidates and also for voters to vote gender-sensitive men and women in the Constituent Assembly. This was the first time in the country's history that gender concerns were a major campaign issue."

"When the results came out, 51 women would be serving in the constituent assembly, 39 of them were district representatives elected through affirmative action. Nine out of the 36 women, a quarter who ran in the mainstream seats against male candidates, were victorious. One woman was chosen to represent the National Organisation of Trade Unions (NOTU), and two women were nominated by the President."

"The new phenomenon, starting with the NRC in 1989, of a good number of women serving in Parliament has since had a major impact on Parliamentary politics. It is obvious that never again will women be excluded from politics at the top, unless women let down their guard. Historical barriers to women in talking in high level public fora were broken in the NRC, and it is no longer acceptable for someone to suggest that women were not fit to take part in such bodies."

Indeed, the constituent assembly had several women activists including Winnie Byanyima, Miriam Matembe, Rhoda Kalema and Margaret Zziwa among others. It is the presence of such women in the assembly that led to the drafting of Uganda's 1995 Constitution, which today is regarded as one of the most gender friendly documents in the region. Women's organisations were also active in the entire process leading to the adoption of this constitution.

As Tripp (2002) expresses it, "As a result of these efforts, key provisions affecting women were adopted. Although there is a long road ahead to actualising these provisions, it is significant that the constitution lays the basis for such struggles."

The Affirmative Action Policy

Ministry of Gender

In addition to greater political representation and participation, pressure from women's organisations forced the Museveni government to consider women's issues at the national level in ways not addressed by previous governments.

Tripp (2000) reports that "The Action for Development (ACFODE), which was formed in November 1985 by 30 women, held a major conference of women's organisations and NRM representatives in Mukono in December 1986. The meeting called for national attention to the developments of the UN Women's Decade Conference in Nairobi and what they felt were the implications for women in Uganda."

It was then that ACFODE publicly pressed for a Ministry for Women, for every ministry to have a women's desk and for women's representation in local government at all levels.

Tripp (2002) reports that "It [ACFODE] also called for the repeal of the 1978 Decree which had created the National Council for Women (NCW) under Amin and for an umbrella organisation independent of government funding that was not housed in the Ministry of Local Government as had been the case with the NCW.

Most of these demands were met. In 1988, a Ministry of Development was established in the Office of the President as a Ministry of State. Later, it became a full ministry when it merged with youth and culture in 1991. Three years later, after a protracted struggle with the Civil Service Reform Commission, it was reconstituted as the Ministry of Gender and Community Development.

According to Tripp (2000):

"The Ministry saw itself as responsible for the overall formulation and coordination of policies on women and as a catalyst for sensitising government organs to gender issues."

"Specifically, the Ministry aimed at seeking equal rights for women through changes in the law and in institutional arrangements; integrating women's

concerns in the national and district development programmes; fostering women's income-generating activities and enterprises; and engendering full participation in decision-making within the political and development processes."

"Other ministries also began to address concerns of the women's movement. For instance, the Ministry of Health developed programmes targeting women's participation, including immunisation, maternal and child health, family planning, nutrition, AIDS and clean water programmes."

The establishment and retention of the MoGLSD is in itself a demonstration of political commitment at the government level. The gender ministry was, and is, a women in development (WID) specific outcome. The initial stages focused on identifying women's immediate and, therefore, practical needs which included credit, water, and agriculture inputs, among other factors. Initial consultations on the way forward were all done with only women. With time, however, and the increasing debates on gender, the focus became more inclusive, involving women and men in strategically addressing the disadvantaged position of women.

Christine Guwatudde (1998), Commissioner of Gender of MoGLSD, in her book *Gender Mainstreaming: A Uganda Case Study* suggests that "Concern also shifted from addressing women in isolation to mainstreaming gender concerns in development planning and programming."

While the WID approach has a limited effect in that it benefits those few women directly involved, the mainstreaming strategy attempts to draw more women into mainstream development...Gender mainstreaming in Uganda refers to placing gender concerns into the dominant government ideas and direction.

The dominant areas in Uganda currently include the Poverty Action Eradication Fund (PEAP), Plan for the Modernisation of Agriculture (PMA), Democratisation and Decentralisation, as well as Vision 2025 among

others areas. It is, however, important to note that national contexts in terms of political context, legal framework and policy climate are major determinants in providing an enabling environment for mainstreaming gender.

The National Women’s Council Statute 1993

The National Women’s Council Statute 1993 established the women’s councils, a six-tier structure beginning at the village level up to the national level. Through the councils, women are empowered to coordinate their activities and communicate their specific needs to the various levels in community planning.

Currently, by law, one-third women’s representation at every local council level is recommended under the affirmative action ticket.

The National Gender Policy (NGP)

The National Gender Policy was approved by the government in 1997. It was part of the government’s targets of mainstreaming gender concerns in the national development process and ensuring the improvement of women’s status at all levels.

The National Action Plan for Women (NAPW)

Formed in 1999, the National Action Plan for Women (NAPW) aims to achieve equal opportunities for women in accordance with CEDAW, Beijing Platform and African Regional Platform for Action. It aims to empower women to participate in and benefit from social, economic, and political development.

Institutional Transformation

Aili Mari Tripp, in her book *Women and Politics in Uganda*, has the following to say about institutional transformation:

“The case of Uganda is a very important one because it brings to the light a dilemma in institutional change: new players — namely women — are brought into the game.”

“But,” she says, “the rules, structures and practices continue to promote existing political and social interests, making it difficult for them (women) to realise their interests.”

Tripp argues: “Instead of being able to rewrite the rules to meet their own or more gender-balanced aspirations, women are told to play along under the pre-existing rules which have entrenched particular male interests, usually of relatively wealthier elders and patrons.”

“Moreover, women may learn how to make the pre-existing rules work for them and even to win at times. But rarely can they make the rules or make the rules work on their own terms. Usually, it is at the expense of disguising their own particular and distinct needs.”

The inability to tailor the rules to meet women’s needs, according to Tripp, helps explain why even when the local council system has given reserved seats to women in Uganda, women have a difficult time asserting their interests in these structures.

In her four case studies, Tripp found that women were unable to use the local council system to advance their interests and had to resort to their own gender-specific forms of mobilisation.

Sylvia Tamale (1999) suggests, “The relations of power, resources and personalities between Ugandan men and women, no doubt, reflect their respective performance in the political arena.” Tamale argues that the dialects of tokenism, power, socialisation, the institution of gender, and underdevelopment operate together in shaping the political activities of Ugandan men and women. Tamale believes that there are complex ways that gender inhibits and influences legislation in the Ugandan Parliament and that sexuality is used to perpetuate women’s oppression and subordination in the House.

“Patriarchy as a force is so powerful that it permeates and dictates much of what goes on in Uganda’s Legislature. However, the institution of patriarchy is not without cracks. The work of female Constituent Assembly delegates (in 1994) demonstrates how these cracks can be penetrated to the advantage of Ugandan women,” Tamale says.

Infrastructure and Facilities

The Ugandan Parliament is an old structure, built of stone and brick, the old English way. The wide and long set of stairs, huge door hinges and dark corridors portray a masculine feel to it. Made of granite, towering piers and heavy grilled entryways, Parliament just smells 'hard'.

"It reveals patterns of behaviour and action that reinforced the gender asymmetry. The entire institution exudes what might normatively be called masculinity, beginning with the physical setting of the main chamber," is the description Tamale gives.

In Uganda the Parliament retains vestiges of colonial rule which stemmed from models synonymous with hegemony. The language used in the House not only follows a strict formal code, but is largely androcentric. Male parliamentarians, consciously or subconsciously, address the House with remarks such as 'look at the Bill, Gentlemen' and may add facetiously, 'oh, and gentlewomen' (Tamale, 1999).

Besides, the parliamentary buildings have become too small for the increasing members such that many do not have offices, and even in the chambers, there are not enough sitting spaces.

The sitting arrangement in the chambers does not favour women, especially pregnant women, as one has to squeeze through other members to get out. This leads to body contact that is sometimes uncomfortable.

Even when it is a legislation making body, the MPs seem to make more laws and policies for others than for themselves. Currently, there are no formal regulations that cater for women MPs who wish to take maternity leave. Like one MP said: "The women just take 'French leave' and return at their leisure." Also, there is no maternity room (although the Deputy Speaker says the facility was provided in the Seventh Parliament).

Mode of Operation

The dress code in Parliament is very formal. Men are required to wear suits and ties, while the women are expected to wear formal 'decent' clothes that include suits, bitengi and cotton dresses. There was a conflict over whether women should wear skirts above the knee

or even if they should wear trousers to Parliament. It was agreed that trousers were allowed, but only 'decent' ones that did not reveal much.

There have been incidences where both male and female legislators have been asked to leave the House because they were dressed 'inappropriately'. Bitengi shirts (African shirts), for instance, are not allowed in the House.

The rules also require the MPs to bow before the Speaker each time they leave or enter the chamber, something Tamale believes is 'served to alienate women who have largely relegated into the informal, private sphere of Ugandan society.'


While watching parliamentary sessions live on WBS TV every afternoon, it is evident that men dominate House debates. And they are picked to speak more often than women. It is not clear whether it has something to do with numbers or merely who participates more.

Attitude and Behavior

In her observation in the House, Tamale writes:

"When a woman is on her feet, she is more likely to be met with noise and inattention in the House than when a man is. Scoffs, jeers and other boorish behaviour, although directed at both female and male members, almost always emanate from the men. I noted that men tended to interrupt female members with points of information, order and clarification, more often than they did fellow men. Although women legislators also interjected when men were contributing, they did so less frequently than their male counterparts. Most of their interjections were either defensive points of information directed at sexist provocation from their male colleagues or pleas to the chair to rule an offensive member out of order. Interrupting is one of the ways people in power maintain the status quo; it is a gesture of dominance."

The leadership of an organisation has a significant influence on the general culture of that organization. The sixth, seventh and eighth Parliaments in Uganda have been lucky to have a female Deputy Speaker. Although there are instances where these female Deputy Speakers have been humiliated and 'corrected,' at least the role they have played is visible.



The media has reported stories of male versus female MPs in Parliament over debates. There have also been reports of sexual harassment in the House, due to institutional culture, as reported by the media.

The attitude of male parliamentarians who regard their female colleagues as sex objects place the public and private lives of the latter in extremely awkward positions. Indeed, such complications have resulted in (or at least contributed to) several separations and divorces for women in the House (Tamale, 1999).

The issue of women's sexuality as a means of keeping women in their subordinate positions is visible. Feminists have argued, for instance, that sexual practices are one of the most important modes of effecting and perpetuating women's oppression. Tamale (1999) suggests that what makes sex an extremely insidious tool for oppressing women is that in its commonest form, it is often interpreted as normal, complimentary and even flattering to the victims.



Pemba
Zanzibar

Tanzania

Beyond Numbers Study

Introduction

The United Republic of Tanzania includes the mainland (the former Tanganyika) and Zanzibar (made up of the islands of Pemba and Unguja). The country covers 945,085 square kilometres and is the largest state in East Africa, estimated to be twice the size of France. It borders Burundi, the Democratic Republic of the Congo (DRC), Kenya, Malawi, Mozambique, Rwanda, Uganda and Zambia.

Although the majority of Tanzanians speak Kiswahili, Tanzania is a multilingual country with approximately 120 ethnic groups with different languages and dialects, customary practices and value systems which largely determine the position and status of women.

However, Tanzania is one of the world's poorest countries with more than 50 per cent of its population receiving an average income that is 16 per cent below the national poverty line. Approximately half of Tanzanians live in poverty and 36 per cent live in absolute poverty. Some 59 per cent of the rural population is poor (10.9 million people). About 85 per cent of all poor Tanzanians are to be found in rural areas, accounting for about 90 per cent of absolute poverty in the country.

Around 39 per cent of the urban population, including those residing in the capital, Dar es Salaam, is poor. The urban population is growing rapidly, at a rate of 6.8 per cent per year, the fourth highest in Eastern and Southern Africa. The poor spend at least 75 per cent of their minimal income on food, which is of low nutritional value and consists of less than 2,100 calories per person). The poor spend only two per cent of their income on healthcare and 0.6 per cent on education.

It is estimated that 32 per cent of the poor and 57 per cent of the absolute poor have never received any kind of formal education. Women head more than 25 per cent of Tanzanian households. It is the women who shoulder the disproportionate burden in regard to poverty due to existing customary laws and practices, which are barriers to accessing property and credit facilities.

The Political System

On July 1, 1992, Tanzania transitioned from a monolithic political system to a pluralistic political system introduced following Nyalali Commission's recommendations after almost 30 years of one party state politics. The evolution and re-introduction of multiparty politics "was neither automatic nor inevitable." Both internal and external factors contributed to this reality.

In May 1992, the Eighth Constitutional Amendment (Act 4 of 1992) removed the one-party system of government and provided for multi-party elections for the Union Government. Further amendments provided for multiparty elections for local government and redefined new rules of states of emergency. The composition of the multiparty parliament was also redefined (stipulating that all candidates be elected except the Attorney General) with qualified women nominated to fill 15 per cent of the number of constituencies (to represent parties in proportion to the numbers of seats won) and five Zanzibaris nominated by the Zanzibar House of Representatives. Additionally, new rules for the national Electoral Commission (where commissioners are appointed by the President and with powers to create new constituencies, subject to the permission of the President) were established.

Elections globally, regardless of nature or regime, are based on Darwin's law of "survival for the fittest." Politics is also portrayed as an ugly game — and girls and women are not socialised to play ugly games the way boys and men are.

Can we start interrogating the ugliness of the game as women struggle to be part of the game?

Upon interrogating the ugliness of the game as women struggle to be a part of it, three types of electoral regimes are identified: simple majority; proportional representation; and semi-proportional, regimes which are inherited from the British colonial system. In a simple majority system, the contest is held in one single system, and the winner takes all. Proportional representation attempts to translate votes won in the national share of the parliamentary seats. A semi-proportional system falls in between the simple majority and the proportional, representing a mixture of quotas and simple majority votes. It is argued that the proportional system allows for a greater number of women to participate in the electoral

process. This is because it allows small minorities to be represented.

However, in most countries women are not a minority: they are the majority. The problem of women's under-representation is not their numerical numbers as voters because they are the majority of voters. However, electoral processes are essentially guided by patriarchal values, norms, and principles that by nature exclude women from leadership positions.

Most electoral laws are silent on sexism in campaigns. They also remain silent on gender criteria for appointing election managers. Sufficient funds for aspirants as criterion for parliamentary and presidential candidates are a masculinity strategy for eliminating women and poor men.

Most of the political parties use women for campaigns, but discriminate against them for electoral positions by lack of support. Yet, countries which have done well in increasing the number of women have had support from political parties. In 1983, for instance, the Norwegian Labour Party decided that at all elections and nominations both sexes must be represented by at least 40 per cent.

Male dominated parties are in charge of the screening process, and through the 'old boys' network' women get screened out if they do not have strong networks within the party. The campaign process is full of obstacles, and very few women make it to the final stage of winning. Political parties have also not been committed to supporting women in the winning stages, even when they are elected to power.

Electoral Systems and Quotas — Lessons Learnt

Tanzania has a constitutional quota for the number of seat occupied by women. The constitution reserves 30 per cent of the seats for women. These seats are distributed on the proportional representation basis. The tables below summarise the results of the 2005 election (the year set for the target of 30 per cent representation of women in the Southern African Development Community (SADC) legislatures) and links the results to the type of electoral systems and the existence of quotas in SADC countries.

Table 1: Summary of Present Situation

Electoral System	Election	Next Elections	Women Mps	% Women Mps	Women Cabinet	%women Minister	Women Dep. Min	% Women Dep. Min
Constitution	2005	2010	97	30.4	6	20.7	10	32.3

Table 2: Summary of Presidential Results, Dec. 14, 2005

Name	Party	Votes	%
Jakaya Mrisho Kikwete	CCM (Chama cha Mapinduzi)	9,123,952	80.28
Ibrahim Lipumba	CUF (Civic United Front)	1,327,125	11.68
Freeman Mbowe	CHADEMA (Party for Democracy and Progress)	668,756	5.88
Augustine Mrema	TLP (Tanzania Labour Party)	84,901	0.75
Sengondo Mvungi	NCCR-Mageuzi (National Convention for Reconstruction and Reform)	55,819	0.49
Christopher Mtikila	Democratic Party (DP)	31,083	0.27
Emmanuel Makaidi	National League for Democracy	21,574	0.19
Anna Senkoro	Progressive Party of Tanzania-Maendeleo	18,783	0.17
Leonard Shayo	Demokrasia Makini	17,070	0.15
Paul Henry Kyara	Sauti ya Umma	16,414	0.14
TOTAL VOTES		11,365,477	100.00
VOTER TURNOUT		72.4%	
POPULATION EST. 2004		36,588,225	
POPULATION 2000 CENSUS		35,922,454	
POPULATION DENSITY		20/KM2(163)	

The Quota System (Special Seats)

Special parliamentary seats for women were first introduced in Tanzania during the one-party era to increase female representation in the legislature. Women, though, were not the only group to be allocated special seats. Other groups included the youth, military and labourers. The idea of special seats was to ensure that special categories of citizens were represented in Parliament. The thrust was not to bring about balance but to incorporate voices which would otherwise be at a disadvantage in the 'normal' electoral process. These parliamentary representatives were known as national members of parliament (NMPs) who represented the national interest.

The national interest, however, was not clearly defined. At that time few women were proud to be addressed as 'national MPs' rather than MPs for women. For them to

enter parliament on a women's ticket was perceived as better because, as they argued, "women were practical; they deal with small details, which matter." This argument was based on the fact that women raise very practical questions in Parliament because they do not forget small details like "the shortage of cotton wool in hospitals" or "the shortage of sanitary towels in shops." Men are more interested in global issues. Hence, there is a need to merge the ideas of the two sexes.

A clear definition of what constituted the national interest as opposed to 'constituency' interests was not easily provided. The screening of women MPs was conducted by the women's wing of the ruling party, Umoja wa Wanawake wa Tanzania (UWT). However, Parliament determined the final vote.

to the category of women MPs is “whose interest are women MPs representing?” Other questions include: “What is their constituency?” “To whom are they accountable?”

The initial objective of these special seats for women and other groups was not to redress a historical imbalance which had excluded them from Parliament. Rather, the objective of the special seats was to enable an addition of voices to enhance the representation of varied interests under a one-party regime. Ironically though, these voices were not supposed to represent a particularistic interest but the national interest. Hence, there were no plans or strategies to level the playing field to reflect the diverse interests. The women MPs were not expected to associate with the groups whose ticket they were using to gain entrance to Parliament. They became national MPs without defined terms of reference as to what was expected of them.

‘Special Seat’ for Women and Representation of Women’s Interests

The introduction of special seats for women did not lead to an increased number of women in Parliament. As a matter of fact, it could have impacted negatively on their chances of getting to Parliament through the normal electoral process. The percentage of women MPs was already on a decline. In the first Parliament (1961-1965), 7.5 per cent of women MPs were elected in their respective constituencies. The number dropped to 3.5 per cent during the 1970-1975 parliamentary elections.

The first time to test the quota system for special seats was in 1985 when women suffered another setback in terms of constituency seats. This time only two per cent of women MPs won, a decline of 5.5 per cent compared to the 1961 general elections. In the 1990, 1995 and 2000 elections, the percentages were 2, 2.9 and 4, respectively. From 1985 to 2000, the greater percentage of women MPs went to Parliament through the special seats arrangement.

In 1997 a constitution reform resulted in the quota for women being increased to 15 per cent and 25 per cent on local councils. This was an addition to normal constituency representation elections. A constitutional amendment in 2000 resulted in the per cent of special seats being further increased to 20 per cent in Parliament and 33.3 per cent on local councils. In 2005 the quota increased to reach 30

per cent set by the Beijing Platform for Action (BPFA) and the SADC for the national Parliament.

Who Decides Who Represents the Women’s Quota?

The reserved seats for women are allocated in direct proportion to the number of seats a political party wins in the parliamentary elections. Each of the victorious political parties sets out its own mechanisms for appointing or electing candidates, some of which are not included in the party’s constitution. In the 2000 general election, only the ruling party made its mechanism a little more competitive by allowing female party members to elect their representatives and also by broadening the base of representation to include representatives for NGOs and female intellectuals. Other political parties have not defined a mechanism for electing or appointing members to these positions. This ambiguity introduced in the political system the possibility of corruption. There have also been cases of sexual favours before nominations, thereby undermining the integrity of female candidates, including that of those were elected normally.

The special seat arrangement, however, seems to be more beneficial to the ruling party than to any other party in terms of increasing numbers. The special seat system seems to increase the voice of the ruling party in a multi-party parliament. Similarly, at the local level it has helped the ruling party to continue to enjoy overwhelming support in the council meetings.

The special seat system is a good arrangement to engage women without necessarily threatening the chances of their male competitors in accessing Parliament. Also, it is a safe way of involving women without transforming the male dominated culture of parliamentary politics.

Effectiveness of Special Seats and Accountability

Women joining politics through the special seats arrangement are not necessarily accountable to the majority of women, particularly those who do not belong to political parties. Screening methods give political parties a great deal of control over who joins politics by this route.

The quota system has served as a subtle mechanism to prevent certain women from participating in competitive politics. Political parties do not seem to be supportive of the quota system in principle, since none of the existing political parties has introduced a quota in relation to

party leadership positions. Political parties that screen candidates are male dominated, and through the 'old boys' network' a lot of the work is done to discredit competitors.

Reserved seats have taken the pressure off political parties to nominate women to stand in constituency seats. This implies that special seats have eroded competitive powers for women in regard to what is construed as the normal way of getting into Parliament and other representative organs of the State. This diminished competitiveness has had an impact on gender powers in this institution. For instance, 'powerful women' such as Ms Anna Abdallah, a one time Cabinet minister, have been forced to resort to special seats since their chances of winning constituency seats are dim.

There has been a lot of debate over the importance, effectiveness, and accountability of special seats. While there are women who defend the existence of special seats, men and other women are of the view that the system should be stopped.

In this research 95 per cent of those interviewed believed in the quota system as a way of increasing women's participation in politics. However, some of them argued that the system does not work well because it discourages women from seeking competitive seats and instead opting to be nominated for the special seats.

Dr Charles Mlingwa, Deputy Minister for Livestock Development (MP for Shinyanga Urban Constituency) says that special seats should only be used for strategic reasons but it should reach a point whereby women should compete on merit. As much as Dr Mlingwa does not rule out the use of the quota system, he sees it as a contributing factor that makes women shy away from competitive politics. "Women are capable and some are even better than men because they have the highest sense of humanity. They have a different vision as they use both brain and the heart," he said. While special seats continue to be the most direct measures to tackle the increasing imbalance in regards to women's participation in politics, its effectiveness in addressing equity and equality in terms of political representation would be visible if it was complemented with other efforts to transform political norms and values which discriminate against women and other disadvantaged groups.

According to Magreth Mkanga (special seat representative for the disabled), the quota system should be used as a learning ground for women in politics. One term was enough for one to learn, thereafter, one should be ready for standing for a seat in the constituency.

Before the 1997 constitutional amendment, the names of women candidates proposed by the women's wing of the party had to be endorsed by Parliament, which is dominated by men. The majority of women and, indeed, the rest of the population had little say as to who went to Parliament through the defined special seats arrangement. This method was slightly changed as a result of the constitution amendment of 1997 which allowed political parties to have the final say on the women who joined Parliament via the special seat system.

Women are getting into politics through special measures that are organised and managed by political parties. However, political parties are assigned a percentage of seats in proportion to the overall number that they hold in Parliament. This method complicates the issue of accountability in regards to women who have joined politics through the special seat arrangement. Whose interest do these women represent? When gender related issues are in conflict with the party interest, what position will these women take?

Positive action to promote women's participation in formal politics in Tanzania has neither had a significant impact on women's numerical representation, nor has it transformed the male dominated political culture in Parliament and district councils. This lack of promotion of women's participation in formal politics is because political parties' primary interest for participants is to toe the party line.

Political parties have not shown a serious interest in transforming party politics to accommodate women in the governance structures of the party. There is no single political party that has introduced positive action in relation to female representation in its highest organs, including the central committee and the national executive council, as well as in relation to party leadership at the regional, district, or ward levels.

The lack of serious party support for a transformation process that will lead to women's political empowerment is a major constraint to promoting women's participation in a formal political structure.

This can clearly be seen in the political election manifestos where, with the exception to the ruling Chama Cha Mapinduzi (CCM) party, political parties do not mention party plans on promoting more women in decision-making.

The CCM election manifesto points out that the party would increase women's participation in politics and leadership positions. This was in a way implemented by the fourth phase Government led by President Jakaya Mrisho Kikwete.

Kikwete appointed women to important portfolios that have never been held by women before in the country's history, including Ms Zakia Meghji, head the finance ministry; Dr Asha-Rose Migiro of Foreign Affairs and International Cooperation; and Mary Nagu of Justice and Constitution Affairs.

"The party decided to take women on board – not that men in such areas do not qualify or are not needed by the party, but we recognise the importance of having women in leadership."

President Jakaya Mrisho Kikwete

To show the progress of trends increasing for women in political decision-making positions, Table 3 shows the election results for 2004 and 2006:

Table 3 Summary of women in politics and decision-making positions (2004 & 2006)

Portfolio	2004			2006		
	Male	Female	Total	Male	Female	Total
Ministers	23	4	27	22	6	28
Deputy ministers	12	5	17	21	10	31
Permanent Secretaries	18	7	25	21	8	29
Regional Commissioners	19	2	21	18	3	21
Regional Admin. Secretaries	-	-	-	15	6	21

In 2004 out of 27 cabinet ministers, 23 were male and 4 were female, and out of 17 deputy ministers 12 were male

and 5 were female. However, in 2006 out of 28 cabinet members 22 were male and 6 were female, and out of 31 deputy ministers 21 were male and 10 were female, resulting in women as deputies at 32%.

The general trend shows that the number of women in all spheres of politics and decision-making positions has been increasing progressively. Appointments of women to decision-making positions continue to be made. But still effort needs to be made towards that end. Women who are already in the opposition status quo are struggling to educate their leaders on the importance of women in leadership positions with no tangible results.

"The struggle has been to educate both leaders and women on the importance of women's participation in politics. There is no proper strategy to increase women's participation, but women in the party have been in the frontline to educate men that women have the right to stand and contest in different political posts," says Fatuma Maghimbi (CUF).



The link between civil society activists and women parliamentarians is not strong enough for strategies to emerge for collective action to advance women's participation in politics. And yet, women matter in terms of their role as voters who finally decide who gets into power. The need for strategies to counter manipulative tactics by political parties has to be underscored.

Women's participation politics not only affects MPs but it also affects members of the local government. Just as in parliamentary politics, in civic societies women still struggle to become leaders in the local government through contesting for the ward and special seats.

Leadership in the Local Government is the base for women in decision-making. It is only when people at the grassroots level understand the importance of women's participation in decision-making that they realise there cannot be much on the development level without women.

A councillor from a ward in Hannang who had been in the frontline of advocating against female genital mutilation (FGM) among the Maasai says that despite all efforts to bring about development to her society, many people were not happy with her actions because they were going against tradition and culture. She suffered the consequences by being voted out.

Factors that Constrain Women's Effective Participation

While special seats continue to be the most direct measure to tackle the increasing imbalance regarding women's participation in politics, they do not seem to address any significant issues in terms of equity and equality in political representation. The special seats arrangement should complement other efforts to transform political norms and values which discriminate against women and other disadvantaged groups.

Male dominated political parties can manipulate quotas in order to increase their numerical representation. The lack of transparency in the election of candidates and the central role that political parties play in the screening exercise has defeated the whole purpose of redressing the issue of gender imbalance.

Political parties have been paying lip service to special seats. There has been no genuine attempt to transform party politics in a way that will enhance women's ability to hold strategic positions within the party organs.

While all political parties consider women to be central in mobilising the support of members and in mobilizing voters to support party candidates during election campaigns, cultures, and customs do not value women as equal partners in development processes due to socially constructed beliefs about men and women.

"I witness these when working as general manager while balancing as a mother of three children and a wife. Men on the other hand are expected to be engaged in remunerated work such as the production of cash crops, formal employment, etc. As a consequence, women have been relegated into positions which command very little respect in our societies; hence, women suffer various forms of gender discrimination due to culture and customs. For example, in many societies women are not expected to own resources such as clan land, negotiate over household assets,

or make decisions on issues pertaining to household welfare or community. In the ideal world everyone has the right to make decisions whether at the personal level, family level, community level, or national level or international level. However, in the real world the situation is different for women. Women are inhibited by culture and customs to make decisions. Through culture and customs women have lost confidence in making decisions. Women have developed a phobia to speak or make decisions in public life for fear of being blamed." Mary Nagu, Minister for Justice and Constitutional Affairs, created a grassroots movement, led and informed by women of Hanang District in Arusha region to bring about a change in order for her to win the 2005 election. And she won by 90 per cent.

This research reveals that 30 per cent of those interviewed said culture and customs have impacted negatively on women's participation in politics. It is commonly believed that "a woman can be judged twice harshly to be half as good as a man." Other disparaging remarks even by women voters include: "You better go for special seats, not here in the constituency: it is a place for men."

Nevertheless, those norms must be changed if women have to make progress. Women should feel free to marry and have careers as women just the same way as men.

In 2000 women's representation was neither aggressive nor assertive. It was only 17 per cent. Male parliamentarians looked down upon these women parliamentarians. The attitude was a clear indication that women were less valued. The women suffered more from a lack of articulation because they were not educated. They needed to be able to read and write as well as articulate issues. Professional women did not want to join politics. However, with education more assertive women came to parliament bringing with them more value.

Despite the fact that there are more women in Parliament, there is still resistance among men parliamentarians.

A Case Study of Sophia Simba

Sophia Simba (who holds a degree in Law from the University of Dar es Salaam, specialising in constitutional law), an MP (presidential appointee), joined politics in the early stages of TANU (former national party for independence), UWT (then TANU now CCM women's wing). She held different positions of decision-making from a local councillor and representative of women in Local Government.

In 1995 Simba applied for a women's seat under CCM. "It was tough as a newcomer but it was good experience because I won, and I am a Member of Parliament through the special seat under CCM to date," Simba says.

The purpose of the first years in the position was for learning and attaining experience. In the 2000 election she made a comeback. This time she was well versed with parliamentary issues and started becoming popular. She became chairperson of the Parliamentary Standing Committee (Community Development). Simba who is Minister for Community Development, Gender and Children was in 2003 elected representative of SADC Parliamentary Forum for two consecutive years.

People interviewed in this study said that after two terms of special seats were enough for one to learn and thereafter contest in a constituency. Sophia picked up the challenge, as she had already known a lot of issues concerning the constituency she wanted to stand for. In 2005 she contested for Ilala Constituency in Dar es Salaam where she stood with a male contestant from the same party. Unfortunately, Simba was thrown out of the ring at the nomination stage and could not proceed any further.

"I was conversant with a lot of developmental issues in Ilala Constituency and was, therefore, confident that I was going to win," she says. She lost the seat and the electorate actually told her to go for a special seat.

Simba who had also already applied to be considered for a special seat had her application accepted. In the

preliminaries she was in second place; as a special seat candidate she was third position. CCM nominates five women from each region to contest in the finals. "So I lost out on everything."

Simba thinks that it was the women voters who discriminated against her in favour of a male contestant: "I did not know! For how long are we going to be under men's spell? I think it is high time that women changed their attitude towards women taking up decision-making positions," says Simba.

Tanzania, which has had a socialist leaning government for most of its post-independence years, is the only country in the region with a constituency system that has adopted a constitutional quota to ensure women's representation in the political arena. Simba became an appointee of the President as Member of Parliament and was appointed a Minister for Community Development, Gender and Children.

Her ability has been attested through becoming Member of Parliament since 2000 and chairperson of Parliamentary Standing Committee on Community Development, as well as a representative of SADC parliamentary forum, the regional body that represents 1,800 Members of Parliament in the region.

Furthermore, her commitment has been underscored by the fact that as SADC representative she advocated for 30 per cent women's representation in Parliament which was later adopted. She can, therefore, in collaboration with partner NGOs, such as TAMWA, TAWLA, and TGNP, do more important things to support the women's movement in the country.

As one civil society activist put it: "The Minister is brave and confident to push gender issues for changes. She was instrumental in chairing the standing committee on community development and there she is now".

Simba recalls the struggle of women parliamentarians to access seating allowance as it was only for MPs with constituencies. Their struggle bore fruit allowances for all MPs, regardless of whether they represented a specific constituency or not, was adopted. More disparaging remarks, such as “Men, even those who are not educated, think parliament is their place and they view women as intruders,” prevailed.

“Politics is business,” says Simba. “Men don’t want women to contest in their constituencies because they feel challenged.” Simba is not intimidated by her male counterparts and will face the challenge because she believes by giving women leadership positions they can contribute a lot in economical as well as political development.

Sophia attributes her success to strong faith and a belief that women are equal to men. She believes women work harder than men; they know what they want; they are gifted; and they make a lot of difference in influencing change from the bottom up and can articulate better than men the issues affecting women with a gender eye.

In Africa Tanzania is one of the countries with political will to promote gender and democracy. The constitution talks about gender, the ministry was created and there is gender mainstreaming in programmes and activities. Now that there is a women’s caucus in Parliament, there is a need for participation from both men and women.

Carving this niche for herself in a ‘man’s world’ has not been easy, especially with new vigour, new zeal and new speed.

Simba says: “All the time you have to rely on the media to sell yourself out, tell the people what is happening at an appropriate time. And the President reminds us all about this; he is very much pro media.”

In focus group discussions with civil society organisations many spoke of women leaders who take up posts and

forget about the women they represent. But they cited Simba as one women’s leader who was assertive, hard working, and supportive. She worked with the women during the movements of legal changes like SOSPA 1998, Land Law Act 1999, Village Act 1999, and the Marriage and Inheritance Act.

The Executive Director of Legal Human Rights Centre Hellen Kijo-Bisimba gives an example of Anna Makinda, First Deputy Speaker in history, former minister, regional commissioner and parliamentarian for a number of years. “She is a role model for all women and young girls. She has been close to civil society organisations during struggles for legal reforms. She now heads the Women’s Caucus in Parliament to advocate for 50/50 representation. In fact, this new Parliament is different from any in history. Anna Makinda is a strong, with vision, and [able] to pull the pillars down.”

Kijo-Bisimba strongly believes that women ministers will make a great difference in the political arena. Giving another example in Margreth Sitta, Kijo-Bisimba says the Minister for Education and Vocational Training pushed the issue of commerce subjects which had been withdrawn from school syllabi to the cabinet forcing them the commerce subjects to be reintroduced.

Women’s issues pertinent to development will be put in the budget, and gender mainstreaming will be taken very seriously in areas where there are women cabinet ministers. Those pieces of legislation which are still pending for amendment like the redrafted Marriage Act, Violence Against Women Act, and others will be pushed forward since the Ministry of Justice and Constitutional Affairs is headed by Ms Mary Nagu.

Sophia is an example of many women who never dreamed of being politicians in their lifetimes. It is through her profession that pulled her to make women’s voices heard.

Since Tanzania attained independence in 1962, no woman had headed the Ministry of Finance or Foreign Affairs. The first women to head these ministries were Zakhia Meghji and Asha-Rose Migiro, respectively. However, the two have since moved on. Meghji is no longer a minister. Migiro is the UN Deputy Secretary General.

For a woman to head the Foreign Ministry, previously headed by President Kikwete himself gives Tanzania a different image. This post is notable, as the holder represents the President in most notable international functions when the President is not available. Kikwete, in his appointments, has given women more visibility. The Government's support for gender equal participation is clear, as the President is out to empower more women.

Kikwete's Cabinet is the largest in Tanzania's history and has the biggest number of women ever seen before. A total of 16 women have been appointed as ministers and deputy ministers with six full ministers and 10 deputy ministers.

Other ministerial posts that have been taken over by women included the Ministry of Education and Vocational Training (Margreth Sitta); the Ministry of Justice and Constitution Affairs (Mary Nagu); the Ministry of Community Development, Gender and Children (Sofia Simba); and the Ministry of State in the President's Office responsible with Civil Service (Hawa Ghasia).

Deputy Ministers are in the ministries of Planning, Economy and Empowerment (Salome Mbatia); Infrastructure (Dr Maua Daftari); Water (Shamsa Mwangunga); Health and Social Welfare (Dr Asha Kigoda); Higher Education, Science and Technology (Gaudencia Kabaka); Lands and Human Settlement Development (Ritha Mlaki); Tourism and Natural Resources (Zebein Mhita); Gender, Children and Community Development (Dr Batilda Burian); and Regional Administration and Local Government (Celina Kombani).

Today, there is a greater positive change in the promotion of women's political participation and political decision-making compared to that of the past 10 years when there were only four full ministers and five deputy ministers.

Gender Specific Reforms

Despite constraints faced, the presence of women in Parliament has had a modest impact on debates in Tanzania. This has been particularly clear in areas where issues specific to women's interests have been raised. To achieve greater change, though, a critical mass in Parliament and other representative government organs needs to support the processes that address the issue of patriarchal political culture.

Numbers do matter, but women MPs and councillors must undergo capacity building programmes that will enhance their political consciousness as well as their confidence to take part in parliamentary debates.

Women's participation in Government makes a difference, leading to more gender sensitive policies and programmes. Improvements in the legal, economic and social status of women will impact more heavily on women and children if they are addressed.

Women leaders have been active in parliamentary debates and discussions on various bills and budgets and oppressive laws, including the Sexual Offences Provisional Act (SOSPA), the Land Law Act of 1999, and the Village Land Act of 1999.

Despite the relatively low number of women in Parliament, women MPs have been able to push for laws that address women's concerns in several areas. The first concern was the issue of maternity leave for both married and unmarried mothers. A Bill was tabled and fended by women MPs; A Sexual Offences Bill with a call to severe punishment of sexual offenders was pushed in Parliament by female MPs who had networked with women's NGOs.

In the same way, the land law reform incorporated a clause that declared unconstitutional customary practices that discriminate against women.

Verdiana Mng'ong'o (special seat –CCM Iringa) recalls the struggle ahead of the amendment of special provisions in the Sexual Offence Bill in 1998. "Women MPs had a strong network with the non-governmental organisations that was led by the Tanzania Media Women Association (TAMWA), TAWLA and TGNP, among other organisations. They travelled from Dar es Salaam with their own lobbying strategy. They slept in tents that were built on the Parliament grounds in Dodoma until Parliament passed the bill.

Women MPs led by Anna Makinda are now pushing to outlaw the Marriage Act and Inheritance Laws 1971, redrafted by the Government, and to follow up on the convention on the rights of the child that will outlaw marrying girls under 18 years of age.

The Special Committee on Women has 62 members — all female Members of Parliament. The women are united on such matters regardless of their party affiliation. The committee is expected to pile pressure on Parliament to have the Marriage Act amended. The Act as it stands allows girls to get married at the age of 15. Changing the Marriage Act will allow more girls to stay in school. Education gives girls the opportunity to know their rights. However, things may not work well because of the deteriorating standards of education, and enrolment in primary schools has hit an all-time low of 57 per cent in 2007. According to a survey carried out by the Tanzania Gender Network Programme, a quarter of all girls who join primary school eventually drop out.

The country's first woman Deputy Speaker Anna Makinda is a long serving legislator, former minister and regional commissioner. She heads the Tanzanian Women's Group Committee, and she proposed setting up a department for legal amendments in Parliament as a mechanism that will speed up drafting of legislations.

The first law, SOSPA, protects women, girls and children from sexual harassment and abuse. The last two laws, the Land Law Act of 1999 and the Village Land Act of 1999, replace previous legislations on land matters, thus enabling women to enjoy equal rights in access, ownership, and control of land.

"The increase in the number of women in Parliament will help in speeding up the passing of laws that would improve the lives of women, children, and those who are marginalised.

Having more women in Parliament is an act of engendering Parliament and not endangering the public. Not only have female politicians been important role models, but they have also changed the reality in which we live. Women are no longer contented with simple political areas; they are also engaged in traditionally male-dominated areas such as economic and defence policies. Experience has shown that when women sit in Parliament, in a committee or on a board of directors, they bring equal opportunity issues with them," says Anna Makinda

Gender in Mainstream Legislation and Policies

In gender mainstreaming and gender balancing there are positive and negative forces in the national, social, political and cultural environment. In the case of Tanzania four positive forces are worth mentioning. First, Tanzania has formed a Legal Reform Commission to investigate and recommend to the Government the oppressive and discriminative laws that should either be abolished or changed. Second, Tanzania has in place a government structure which has a national, regional, local government, ward, and village levels that can facilitate mass gender awareness sensitisation. Third, Tanzania currently enjoys a conducive political environment which recognises and practices gender equality. Finally, Tanzania is a signatory to BPPA and CEDAW and has ratified and implemented the two conventions.

The Government of the United Republic of Tanzania has in place policies, strategies, and legal frameworks, as well as institutional set-ups and mechanisms which provide for an enabling environment to advance the gender equality agenda. These systems include the Women and Gender Development Policy (2000); Vision 2025; and the National Strategy for Growth and Reduction of Poverty (NSGRP), popularly known in Kiswahili as MKUKUTA.

With special reflections on the legal framework in 1997, the Government within the SADC framework committed itself to the Affirmative Action Policy of increasing the number of women in decision-making positions to 30 per cent by 2005. It is gratifying to note that representation in Parliament has reached the 30 per cent threshold following the 14th Constitutional Amendment in 2005.

Article 66(1) (b) buttresses this requirement, and Article 78 of the Constitution provides for the number of seats for women based on a proportional representation of votes acquired by political parties. Already the law provides for 33.3 per cent in local government representation. The current National Assembly has made arrangements for women Members of Parliament to be part of teams going for foreign travel. Every delegation of MPs in foreign trips will have to constitute about 30 per cent women parliamentarians. This is to promote gender representation.

Among the policies that have been mainstreamed is the Gender Budget Initiative spearheaded by Tanzania Gender Network Programme (TGNP) in collaboration with women parliamentarians.

LEGAL OBLIGATION

1. Tanzania is obliged to promote gender equality, as it is a signatory to various international treaties on women's rights.
2. It is a member of United Nations.
3. It is a member of African Union.
4. It is a member of SADC.
5. It has ratified charters, declarations, and protocols of the UN, AU, EAC, and SADC about women's rights.
6. It is a constitutional obligation to promote human rights to all its citizens.
7. It is a legal obligation — Land Law, Marriage Act, Inheritance Act, SOSPA, and Election Act, among other acts of the constitution.

The President's power to appoint ministers and 10 MPs should also consider the quota system. At present, it depends on the President's goodwill.

Institutional Transformation

Changing laws in favour of women is not sufficient to transform patriarchal political norms and values that continue to prevent women from accessing political resources.

The issue of women impacting transformation of parliamentary patriarchal culture into a non-sexist institution has also been a subject of discussion. The method used to elect or appoint women MPs through the quota system affects their capacity to challenge the patriarchal norms and values that continue to influence parliamentary debates. For instance, when the Speaker of the House made a sexist joke in order to defend his position on the board of a telephone company, no female MP dared to protest; only civil society actors challenged him and demanded that he apologise to the women of Tanzania, which he did.

There are also MPs who have been trivialising the debate on HIV/AIDS and blaming everything on the way women dress. Yet, even when sexist jokes that are in bad taste to women are made by men, women MPs do not raise a voice to challenge them.

IMPORTANT HIGHLIGHTS

- The number of women in the Cabinet has increased from seven in the previous Government to 16 today - an increment of 129 per cent.
- Women ministers are now six up from three in the previous Parliament - an increase of 100 per cent.
- Women deputy ministers have increased from four in the previous Government to 10 - an increase of 120 per cent.
- Women are now seen as capable and able to lead critical ministries like Finance, Foreign Affairs, Education and Legal Affairs. This is important when one is contemplating beyond numbers development.
- There are women deputy ministers in ministries such as Higher Education, Health, Mineral and Energy and Infrastructure.
- It has been a tradition to have a woman as head of the gender ministry. Both minister and deputy are women, and this has been a tradition even with previous governments. However, this is an indication that the concept of gender is not clear to many, including the President who appoints ministers.
- However, the fact that there are more women in decision-making positions has been because of the President's pledge to increase the number of women in decision-making positions.
- The President's goodwill was also obvious during his appointment of 10 MPs as empowered by the constitution. He started by appointing three men and three women.
- For the first time in history, Tanzania also has a female Deputy Speaker.

Transformation of Attitudes and Relationships

It is quite obvious that women are different from men when it comes to politics, and they have specific values that they look for.

Idd Azan, MP Kinondoni Constituency, says women are natural leaders. This, she says, comes from the fact that they are the managers of the family.

"Since they have never failed to manage their families, it is obvious that they can become community leaders. Women have all the qualities and values of becoming good leaders; it is only that they hesitate in coming out to declare their

interests. The unique values are justified by the few women who have had the privilege of holding different positions of political decision-making and have done very well.

According to Hemed (Chambeni-CUF), women have the ability to think, plan, and decide, sometimes better than men. Women have an extra sense of accountability and responsibility which have enabled them to carry out their assignments diligently and with trustworthiness.

- There is a need to have more women appointed to key decision-making positions such as permanent secretaries, regional commissioners, district commissioners and party leaders, among other positions. Only three regional commissioners were appointed out of 27 regions and about six permanent secretaries, one of whom was promoted from the Prime Minister's office to the President's.
- There is a need to create public awareness for the public to understand the importance of having equality in politics and in the Executive.
- The number of women in the Cabinet is still low compared to that of men, and this scenario needs to be looked at further.

CHALLENGES

1. **A patriarchal system** which is a combination of various traditional values and beliefs is difficult to fight. It has its roots from traditions carried over centuries. Patriarchy determines division of labour, power, and resources and the division according to social classes. This was evident during last year's elections when all presidential candidates were men. Only one opposition party had a female aspirant while two others had women as running mates. In the formal Cabinet, if the ministry is run by woman minister, then deputy or deputies are men and vice versa.
2. **Gender mainstreaming** has already been injected into policies and development programmes in education, health and water. The challenge is now for other ministries to mainstream gender.
3. **In the general election of 2005** Tanzania had already attained 30 per cent female representation as indicated by SADC. The challenge is now to reach 50 per cent representation as set by the African Union (AU).
4. **Women MPs from constituencies** have encouraged all women to contest various positions from constituencies instead of relying on the special quota system.

Conclusion

In as much as there is the wish to increase the number of women in politics, there is need to put in place strategies that will ensure quality representation in politics and one that will also address actions by political parties.

This calls for affirmative action. However, affirmative action within political parties has to go hand in hand with campaigns to transform the way political parties are organised and the ideology that guides the parties. This can only be done if there are more women holding strategic positions in political parties.

It is equally important to emphasise that more efforts should be made to ensure that women receive quality education that will enable them gain knowledge and confidence. There is a need to forge a solid partnership to combat stereotypical attitudes and practices which impede on women's participation in political decision-making processes.

The small pool of MPs influences who gets to what positions after elections. This includes positions like ministers, regional commissioners, and district commissioners, among other political positions. This is hindered by appointments based on patronage which normally ends up excluding many who are qualified.

Women have sought accommodation in male dominated structures without corresponding energy directed at transforming the norms, laws, and values that exclude them. There is an official lip service to principles of equality which is not being translated into practices and processes that bring about equality.

The challenge ahead is enormous in that gender equality is a topic not understood by many. There are also those who do not believe in gender equality.

It clearly emerged that women need more time to prepare themselves adequately before taking up leadership positions. As women struggle to increase numbers, they should equally struggle to challenge the ideology of patriarchy and culture which governs the ruling ideology.

Activities targeting political parties have to be identified and must be able to interrogate party agendas and priorities from a gender perspective.

The participation of women in government makes a difference, leading to more gender sensitive policies and programmes as well as an improvement in the legal, economic, and social status of women. Women's participation in political decision-making makes matters which impact more heavily on women and children easy to be addressed.



Rwanda

Beyond Numbers Study

Introduction

For a country which was synonymous with genocide, Rwanda is now standing tall among countries in Africa and also all over the world as the only country where women have achieved 56.2 percent out of 80 parliamentary seats.

It has gone to fulfil the MDG Goal 3, which calls for gender equality and empowerment as well as the African Union solemn declaration of 50-50 representation which the heads of states committed themselves to.

The conduct of the elections demonstrate the functionality of the principle of democracy and good governance, but the political analysts also gives credit to the electoral system.

Currently, Rwanda has got both presidential and parliamentary system. Under the Presidential system, the president is elected by direct popular vote to serve a 7-year term and under the new constitution, members of the Chamber of Deputies are elected direct universal suffrage using a system of proportional representation and this is the system that was used during the September 2007 General Elections. The current members of parliament will serve a five-year term. The members of the Senate are also elected through indirect elections and will serve up to 8 years.

Since Rwanda emerged from the 1994 genocide, the country is steadily recovering from the devastating loss of human capacity and destruction to much of its basic social and economic infrastructure.

The Rwandan government has since 1994 struggled to develop a new country through a framework that can allow it to achieve the Millennium Development Goals (MDGs) as expressed in the Government's long-term vision 2020.

Although the Government has made tremendous strides in turning the country around, it still faces several challenges. For instance, the 1994 genocide swelled the ranks of vulnerable groups like the women and children living in rural areas. Presently 60 per cent of the population live below the poverty line. As an after effect of the genocide, 35 per cent of the households are headed by women. This means, women have extra responsibilities given that they are already burdened by poverty and other forms of social injustices. Although there is relative calm and the country is on a steady path to recovery, there are still intermittent threats to security.

With the assistance of international community, the Rwandan government has been able to turn around the country especially in promoting equal rights and equal participation of men and women in rural development and local governance.

The Rwanda government has made progressive attempts to rebuild the economy left in tatters after the genocide. For instance, the economy has registered an average growth of eight per cent a year since 1994. This is one of the highest registered growths in Africa.

Rwandans are now beginning to experience the benefits of the economic growth especially with new investments — both local and foreign — trickling into the country.

Generally, the country has made significant progress in many areas particularly with regard to policy changes. One area that has witnessed significant progress in terms of policy is gender equality. This is one country that is credited with enacting a gender-sensitive Constitution and national laws. For instance, inheritance rights and property have opened new opportunities for Rwandans.¹

The gains for women in Rwanda have particularly been manifested in the women representation in the current parliament, a remarkable 48.8 per cent of seats.

There are certain measures and steps that the Rwandan Government has taken to ensure the gender parity in a continent where many countries are only beginning to realise the importance of gender equality.

Women are more than half the population of Rwanda and over 57 per cent of the rural adult population. Like many other regions in Africa, rationally women in Rwanda have

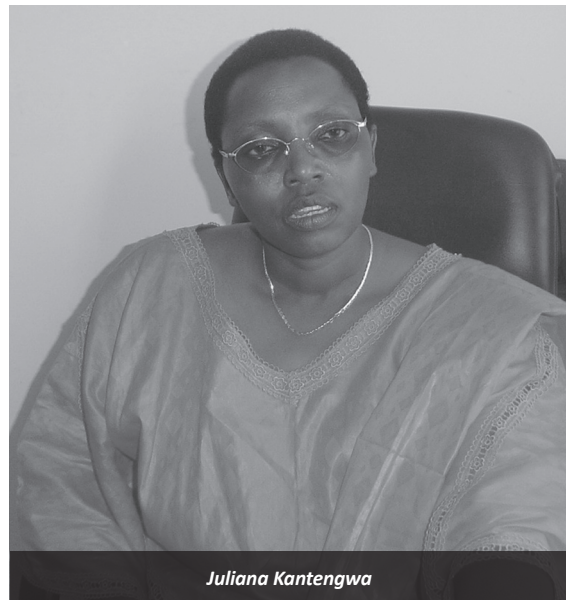
1 Lessons from Rwanda on the Women, Peace and Security Agenda (2004) available in (http://www.humansecurity.info/CCHS_web/Conferences/en/Lessons_from_Rwanda.php)

not had access to decision-making positions and other leadership roles. However, this situation is changing very fast in a country that is just recovering from a bloody civil war that actually tore the country apart. This is as a result of the bold steps the Rwanda Government has taken to address the issue of gender parity particularly in the areas of governance.

Affirmative Action for women in Parliament

Great strides have been made in the Rwanda Parliament where nearly half of the parliamentary representatives are women. According to Inter-Parliamentary Union (IPU)², Rwanda is a case study of post-conflict countries that have taken measures to ensure women's participation in decision-making.

Global survey by UNFPA shows that while a number of countries have introduced laws and policies on gender equality and the empowerment of women, and even gone ahead to ratify instruments and protocols on gender equity, most of these countries are yet to translate these into their national laws and policies. Rwanda is currently among the few countries in Africa that have attempted to domesticate these protocols into their laws.³



Juliana Kantengwa

2 Press Release by Inter-Parliamentary Union No.202 Geneva/New York, 3 March 2005

3 Thoraya Ahmed Obaid, Executive Director, UNFPA in a Lecture during Conference of Speakers of African National Assemblies on Issues of Population and Development

Rwanda's Constitution has set a minimum of 30 per cent for women in Parliament and in the Executive. For instance, Rwanda is now among the 17 countries in the world with the highest female representation in the world with a 48.8 per cent female representation surpassing the Government set Affirmative Action of 30 per cent representation.

Most government policies concerning gender equalities are supposed to be based on the various instruments and protocols agreed by countries in the quest for gender equality.

For instance, the Beijing Declaration and Platform for Action (IV World Conference on Women, 1995), the Universal Declaration for Human Rights and the Vienna Declaration and Programme of Action requires governments to take action towards the realisation of women's human rights (World Conference on Human Rights, 1993).

The Rwandan Government has taken certain policy and legislative measures that have been very useful in the quest for gender equality.

Addressing Gender Violence

The genocide experience in Rwanda is still very fresh in most women's minds in Rwanda with gender violence being a tool that was commonly used during the genocide. This makes violence against women one of the most difficult forms of harm Rwandans have had to grapple with (Diop-Tine, 2002).

Rwanda is among the countries that have ratified CEDAW and among the very few African countries that have ratified the African Union (AU) Protocol on the Rights of Women. In line with the International Criminal Tribunal for Rwanda, the government has made efforts to ensure that cases of violence against women and in particular crimes of sexual violence against women. Other institutional responses include; protection of displaced persons, international jurisprudence and the understanding of the relationship between sexual violence and gender issues.

An area in which Rwanda has made tremendous improvements is on the issue of child rights with particular reference to child marriages. Forced child marriages are now illegal with penalties for the abuse and rape of children and babies increased substantially. This has reduced the number of child rape cases in a

country where some believe that having sex with an infant or young virgin can cure AIDS.

Not only are the existing laws being enforced but there are also attempts to provide more emergency services for battered women and children, more female police officers and judges and programmes to educate the general public on the values of equal rights for women.⁴

Engendering the budget

The Rwandan Government of National Unity and Reconciliation has made a commitment to tackle gender imbalances through its National Gender Policy and Gender Plan of Action. The Rwandan Gender Budget Initiative (RGBI) is under the Gender Ministry of the government and focuses on examining existing policy frameworks such as the Poverty Reduction Strategy Papers (PRSPs), the Medium Term Economic Framework (MTEF) and Rwanda's national plan "Vision 2020". Initial planning for the GBI was undertaken in preliminary workshops held by the Gender ministry with key figures from the Finance ministry, line ministries and women's organisations.

The Rwandan government's initiative has been applauded as it has a strong political will with a good awareness programme for staff in the ministries and a strong collaboration between the Ministry of Gender and Ministry of Finance.

Improving the girl child education

In accordance with the Universal Declaration of Human Rights by United Nations (1948), the declaration of the right to education was a landmark in the promotion of social, economic and cultural rights together with civil and political rights. The quest for the rights of women in education was the reason behind the World Summit on Children in New York (1990) to set up objectives for the development of women's education with the realisation that two-thirds of children deprived of education were girls.⁵

In line with the Beijing Conference (1995) to eliminate discrimination against girls in education, the Rwandan

⁴ Cited from an Article by Canadian International Development Agency, 2004 "Widows of the Genocide Lobby for Women's Rights in Rwanda" available in < <http://www.acdi-cida.gc.ca/CIDAWEB/acdicida.nsf/En/EMA-218121448-P6G>>

⁵ KATUSIIME SHARON (2006) "Girl child education, a key for gender equity" the article appeared in The NewTimes Monday, 08 May 2006

government in response to the global call for Education For All (EFA) by 2015, has taken steps to eliminate gender disparities in education by launching an extensive national dialogue and action plan for EFA.

Rwanda joined the African Girls' Education Initiative (AGEI) in 2001 and has since been supporting girls' education activities through the Ministry of Education.⁶ This initiative is to ensure all children have equal access to education up to end of primary schooling, thereby, filling in the existing disparities between boys and girls.

Women and Property Rights

Rwanda is yet to develop a national land policy although important national initiatives to support women's property rights are already in place. The first step the government took to address the issue of property rights for women was through the 'imidugudu' policy. This was a plan that aimed at resettling refugees and those displaced by the civil war from their original areas. This policy played a role in awarding many women access to land that was at one time held by their families.⁷

The Inheritance Law passed in 1999 was a landmark in terms of granting women property rights. This piece of legislation explicitly grants women equal inheritance rights to male and female children and also goes ahead and establishes a choice of property regimes upon marriage to enhance property rights for married women.

⁶ UNICEF (2002) "Baseline Study of Basic Education for Girls and Other Vulnerable Groups in Rwanda"

⁷ Cited from an article by Human Rights Watch available in <<http://www.planetwire.org/details/3964>>

Although, the Inheritance Law is considered a landmark, it has been argued that it has several weaknesses. For instance, the property protections only extend to those married according to civil law, which means that a large proportion of the population that marries according to custom with the bulk living in the rural areas are excluded.

According to the Human Rights Watch, this law also fails to protect children that are considered "illegitimate" or those born outside a civil union.

Many may argue that the 1999 Inheritance Law is inadequate but it must be noted that it is a step in the right direction considering that many African countries are yet to offer women this opportunity to empower themselves. This law, for example, grants widows the right to inherit their deceased husband's property, an issue that has been very contentious in many African cultures and which many a government in Africa tread with a lot of caution.

Engendering the Judicial System

With the help of the international community, Rwanda has made progress in engendering the judicial system especially with the establishment of the traditional 'Gacaca' courts. These have been set up to complement International Criminal Tribunal for Rwanda (ICTR).

Judges to Gacaca are selected on the basis of integrity and honesty and out of the number of judges selected to work in these courts, 35 per cent of them are women. This has ensured gender perspectives are reflected in the administration of justice in these courts.

Facilitators and Constraints

The lessons from the civil turmoil that engulfed Rwanda in the mid nineties leading to destruction and death of over a million people have in many ways according to Mrs. Fatuma Ndagiza, the Executive Secretary of the National Unity and Reconciliation Commission of Rwanda, served as a wake up call for the Rwandan society. This she says has increasingly led to the collective recognition that equality is important for the peaceful coexistence of diverse groups of people in a country. She adds that discrimination on the basis of ethnicity, gender or other grounds is the greatest evil that the new Rwandan government formed after the genocide is trying to fight, and so far with a good level of success.



Fatuma Ndagiza

Annie Gahongayire, Secretary General, Rwanda Supreme Court says: “You cannot exclude one section of a society and hope to realise social progress and harmony. This is one basic lesson that we have all learnt after the genocide.”

Given this reality the effort to uplift and have women involved in national reconstruction has become a common rallying point for all in Rwanda.

Indeed, the critical role women played in rebuilding the country after the genocide has gradually forced a political commitment which recognises the value that women bring to public leadership and the development agenda. One male Member of Parliament, interviewed, said that women have a way of holding society together. He said: “One fundamental lesson for us in Rwanda has been to harness their power to reconcile and promote peace among our people in rebuilding and giving hope to Rwanda.”

It is largely due to this realisation that deliberate measures have been taken by Kagame’s regime to elevate women to senior government positions. Gahongayire says that the political goodwill in the years after the genocide has seen a large number of women ascend to key positions as a way of affirming the important role that women play in the development of any society.

She explains; “The issue of numbers is easy to deal with if you have a positive leadership which treasures and values the participation of women.” After the genocide, the power of women in enduring extremely hard conditions and their determination to sustain hope for the family and the nation has manifested in ways that are clear for all to see.

Betty Gahima, the deputy Vice President of Pro-Femmes/Twese Hamwe, which is a national collection of organisations for the promotion of women, explains in detail how women in Rwanda have continued to take a leading role in reconstruction. “Women are taking an active role. They not only head about a third of all households, but have also taken up many jobs that were formerly the preserve of men. For instance, women now work as mechanics and electrical technicians. They milk cows and sit on important village committees which have been useful in aiding the healing process.”

One of the government’s key commitments has been to build an environment that is enabling in every aspect for women to participate in the various processes of the nation’s life. This recognition has to a large measure been motivated by what women are already doing to build peace especially from the grassroots. Rwandan President Paul Kagame is quoted in a NEPAD report reiterating his government’s commitment to gender equality. He says;

“The abrupt shift to monetary economy, formal education and modern technology played a key role in restructuring gender relations to the disadvantage of women. These imbalances are not only an obstacle to the country’s development but constitute a form of social injustice. It is imperative that our lawmakers, policy makers and implementers have an objective and correct analysis of the gender question, in order to design appropriate corrective policies and programmes, The question of gender equality in our society needs a clear and critical evaluation in order to come up with concrete strategies to map the future development, in which men and women are true partners and beneficiaries. My understanding of gender is that it is an issue of good governance; economic management; and respect of human right” President Kagame, while opening a gender workshop for parliamentarians in 1999.

The Principle of Inclusion

Most of the members of parliament interviewed for this study admitted that inclusion is a key national priority for the government of Rwanda. This has certainly been a major consideration in ensuring that women are well represented within the various decision-making structures. One woman MP said: “Inclusion is important for us — our country has been affected heavily by exclusion. The genocide was as a result of this. You cannot live out one segment of society and expect development. Women have proved themselves very capable, and they deserve to be part of the national reconciliatory and reconstruction effort.”



Anne Gaho

This commitment to inclusion has seen many women ascending to extremely challenging responsibilities in technical arms of government. For instance the current minister for justice is a woman. Gahongayire says this is very illustrative of the commitment by the government to involve women in a more significant manner. Other key ministries led by women include economic planning, and the ministry of lands. Betty Gahima the Deputy National of president of Proferme — a national umbrella women’s organisation in Rwanda — observes that it is of critical significance that the Lands ministry is headed by a woman. “This means so much for our country, she says, since most of the conflicts here are about land.”

Gahongayire says: “The elevation of women to key positions in government has not happened by accident, trial and error or as a result of political patronage. What makes Rwanda different is the overall political culture that has evolved after the genocide. There is a new political culture here which fundamentally recognises one truth; if you cannot involve women, you simply have nowhere to start, for they are the basic building blocks for a peaceful and progressive society.”

Emerging from the trauma of the conflict and violence, women in Rwanda have built their confidence in recent years. The Hon Juliana Kantengwa says that the experiences of the genocide gave the momentum that makes them want to be direct stakeholders in the building and reconstruction of their country.

However, just like most African countries, the strong patriarchal orientations of the Rwandan society is still making it difficult for women to access positions of leadership as well as participate effectively within these structures. Kantengwa says there are many within the Rwandan society who hold the extreme view that a woman’s place is at home. They see no point, therefore, in supporting women’s involvement in politics and public affairs.

The New Constitution

Rwanda’s most notable achievement for women has been in politics. Thanks to a new constitution, 24 out of 80 seats in the lower house of parliament are reserved for women. During the country’s September 2003 general election, the first after the genocide, an additional 15 women were voted into non-reserved seats, bringing 39 into the lower house. Hon. Juliana Kantengwa is one of those women who first got into parliament on a special seat.

In the upper house, six out of 20 seats are reserved for women. To attain this, Rwandan women lobbied heavily, helped to draft the new constitution and developed voting guidelines that guaranteed seats for women candidates. They were also able to push for the creation of a government Ministry of Women's Affairs to promote policies in favour of women's interests.

Commenting on this very notable development, UN Development Fund for Women (UNIFEM) Executive Director Noeleen Heyzer, once observed that, "Especially in post-conflict situations, where new constitutions and legislative structures are being created, it is critical that women are present at the peace table and in post-war policy-making."

Many especially from the nascent women's movement attribute the gains that women in Rwanda are currently enjoying to the new constitution which came into effect in May 2005. The current Rwandan constitution mandates that women hold at least 30 per cent of all positions in government and other decision-making positions.

Rwanda's case indeed confirms one crucial point: that the only way to improve representation for women in any parliament and decision-making in Africa is through Affirmative Action — Hon Juliana Kantengwa, Member of Parliament



In its preamble the new constitution of June 2004, provides that the state of Rwanda commits itself to conform to and respect the principle of building a state governed by the rule of law, a pluralistic democratic government, equality of all Rwandans and between men

and women. It also spells out in article 190 the role of international treaties and agreements in internal judicial ruling; Upon their publication in the official gazette, international treaties and agreements which have been conclusively adopted in accordance with the provisions of law shall be more binding than organic laws and ordinary laws except in the case of non compliance by one of the parties. Therefore, customary conceptions and practices contrary to laws or prejudicial to fundamental human rights are judicially prohibited.

A number of fundamental human rights are enshrined in the constitution;

- The right to nationality(art. 7)
- The right to life(art. 10)
- Rwandan's freedom and their equality rights and duties(art 11)
- Prohibition of discrimination of whatever kind; including discrimination based on sex
- Every person's physical and mental integrity is respected, hence the prohibition of torture, physical abuse or cruel, inhuman or degrading treatment
- Equality of all humans before the law and equal protection by the law
- The right to move, circulate and settle freely on the national territory
- Free consent to marriage and equality of parties in rights and duties during the subsistence of a marriage and at the time of divorce
- Free choice of employment and the right to equal pay work in the case of same competence and ability
- The right to education
- The right to good health

Gender Specific Reforms/gender in mainstream legislation and policies

Annie Gahongayire says: “It is not just that Rwanda has the numbers; we have had a lot of value added by the women being there. This is reflected in the progressive social policies that they have continued to push for, and on behalf of women, in our country. Some of the notable gains include a Bill which was introduced in parliament which aims at bringing into law measures for curbing domestic violence. This bill was motivated by the realisation that domestic violence is a major setback for women in Rwanda.

Rwanda is one of the countries that has done well in domesticating international recommendations on gender mainstreaming. The country’s current Constitution which came into operation in 2005 became the channel through which most of these recommendations have been realised.

According to Hon Juliana Kantengwa, one of the most controversial and difficult laws in Rwanda was the Land Law, which aims at protecting women’s right to inheritance and the citizenship law. The difficulties around this law arose mainly due to the strong patriarchal stereotypes attached to issues of land ownership in Rwanda. However, despite the stiff opposition from many quarters, women leaders in Parliament and other public spheres in the country lobbied hard to ensure that these vital pieces of legislation were included in the new constitution.

The challenge of creating reconciliation among and within the emerging competing political interests is also one challenge that women have to help manage in parliament and within the political party ranks. Hon. Kantengwa says, before you even talk about the economy- the basic role played by women in negotiating peaceful resolution of disputes is very important. Political parties are thus slowly adjusting their modus operandi to create more spaces for women within their ranks.

According to the country Nepal review report, Rwanda has pursued equitable development policies aimed at empowering women and men. Gender mainstreaming has emerged as an integral feature of the decentralisation process, the national poverty reduction strategy, the vision

2020 and other key policy documents. The process has been operationalised in most of the key sectors including education and decision-making.

In the area of legal set up, the report notes that important laws such as those related to inheritance and succession as well as land laws have been established. A Ministry of Gender and Family Promotion has also been established. Its main function is policy formulation and co-ordination. The National Women’s Council was established as an organ that mobilises women and follows progress on the implementation of the Beijing Platform for Action.

Generally, however, the process of mainstreaming gender is faced with challenges. These include traditional gender stereotypes, limited capacity, inadequate monitoring and evaluation systems and scarcity of resources.

The Nepal country report, however, notes that the environment for gender mainstreaming has been favourable, as evidenced by the strong commitment and political goodwill from the political ruling class. Some key strategy actions taken by the government in advancing gender equality and women empowerment have included;

- a) The 1999 creation of the Ministry of Gender and Women Promotion, whose mission is to promote equality and equity between men and women in the development process. The ministry has since adopted two strategic approaches; mainstreaming gender in development policies and planning, women empowerment in all domains
- b) Setting up of a coordination and follow-up mechanism for the Beijing Platform for Action (BPFA) implementation in September 1997.
- c) The creation of the National Women’s Council (NWC) in 1996. The council now has formal structures from the grassroots to the national level. It is represented in all administrative levels.
- d) In conformity with the principles of the Comprehensive Action Plan for Elimination of all Forms of Discrimination Against Women, (CEDAW),

as ratified by Rwanda in 1980, the new constitution of June 4, 2003, provides for the setting up of a gender observatory — which is an independent organ for the monitoring and assessing, on a permanent basis, compliance with gender indicators in the context of sustainable development, and for serving as a reference point on matters relating to gender equality and non discrimination for equal opportunity and fairness

- e) The putting in place of other initiatives, including: legal mechanisms, policies and programmes to enhance gender equality and women's empowerment.

National Gender Policy

In addition to these efforts, a national gender policy is now in place. The National Gender Policy was drafted in 2001, and updated and approved by parliament in 2004. The policy offers a framework for gender mainstreaming in the development process. The strategy puts primacy on two key approaches; integrating gender into policies, programmes, activities, and budgets in all sectors and at all levels; and the Affirmative Action approach that aims at correcting the gender imbalances.

The current decentralisation process led by the Ministry of Local Government has to a large measure incorporated gender mainstreaming as an operational framework. A key official in the Ministry of Local government says this has included a gender analysis (including gender budgeting) training of provincial officials in charge of coordinating decentralised government programmes among others.

The decentralisation process is now in its second phase. The emphasis especially at the district levels has mainly been on the involvement of women. A department in charge of gender has been set up at the district and provincial levels. In the same vein, women's representatives are automatically co-opted into the consultative committees.

The National Poverty Reduction Strategy Paper (PRSP) cites gender equality as one of the key crosscutting issues that all priority policy areas must address. It places emphasis on the need for public services such as health, education and agricultural services to ensure equal access, utilisation and impact between men and women, boys and girls. Examples of sectoral targets contained in the PRS include promotion of

gender sensitivity in agricultural extension services, introduction of a multi-sectoral HIV/AIDS programme, emphasis on girl education and introduction of bursaries for girls especially those orphaned through the genocide.



Betty Gahima

With regard to legislation, one of the most significant legal changes is the law of matrimonial regimes, succession and liberalities. Betty Gahima of Pro-Ferme says this law has been hailed by the women's movement in Rwanda as being extremely progressive. "It has the potential to generate change in the lives of women and communities."

This law puts primacy on the principle that women may own and inherit property on an equal basis to their brothers. It also requires couples to register marriages as a way of making a commitment to joint ownership of property and disposition of marital property.

Another major institutional change has been the setting up of gender focal points in every government Ministry. An official from the Rwandan Ministry of Gender says the focal points are chosen from among people involved in decision-making, which enables them to act as real gender promotion agents. The objective is to promote systematic gender mainstreaming in all the governmental and non-governmental institutions and organisations. The

various gender focal points play a key role in advocating for gender mainstreaming within the different sectors as well as influencing the planning process so that gender concerns are taken into account at different levels.

Governance and Women in Decision-making

After the September-October 2003 elections, there are 39 women in the chamber of deputies compared to 41 men. This means 49 per cent women and 51 per cent men. Out of 20 senators in the Senate, six are women, or 30 per cent women. The Cabinet is composed of 18 ministers including four women, and 11 ministers of state including five women.

The increasing numbers of women within government decision-making ranks has ensured that women's voices are loud enough. Kantengwa says that previously men used to dominate because they occupied a high percentage of Rwanda's political positions. This situation has changed due to government initiatives and the new constitution. Under the decentralisation arrangement, women were already occupying 26 per cent of the seats at district and provincial levels.

Under the new local government leadership structures, Kigali city had 15 women and 16 men. In early 2006, the city had a woman at the helm serving as mayor. These figures for Kigali city give women an almost 50 per cent representation — the highest in the region.

By the end of 2005, women's representation in key leadership and decision-making positions went up. For instance the president of the Rwanda Supreme Court is a woman; and out of the 12 judges of the Supreme Court, five are women (41.7 per cent) Among the National Commissions, four are headed by women: these are the National AIDS Commission, the National Unity and Reconciliation Commission, the Gacaca Commission and the National Commission on Human Rights Commission.

However, despite the tangible achievements so far made, Kantengwa says there are still some areas where women are not well represented. For instance, diplomatic and prefect positions are mainly occupied by men. Despite these weakness, it is important to note the short period within which most of the changes have occurred. "The breakthrough in the Judiciary, Executive and Legislative arms of government has been remarkable for women in Rwanda."

The greatest challenge we face as a nation is going beyond the numbers to harness the potential and opportunities resulting from the increased numbers of women in leadership in our country, so that they work for the betterment of both men and women in our society: — Ms. Annie Gahongayire, Secretary to the Supreme Court of Rwanda



Institutional Framework for Gender Mainstreaming

Within the space of a few years, the Rwandan government has established several institutional mechanisms for promoting women. Such include the Ministry of Gender and Women Promotion, the Women's National Council, the National Coordination Committee, The Permanent Executive Secretariat to Monitor Beijing, the Rwanda Parliamentary Women's Forum, the Gender Focal points within the central and provincial structures, as well as the League of for Rwanda Civil Society Women's Organisations, PRO-FEMMES/TWESE HAMWE.

The National Women's Council for instance, holds elected seats in Parliament. The council offers a framework to mobilise and sensitise all women and a positive way to integrate them into the country's development process as they are being represented in all administration structures from the cell to the province.

Pro-Femmes/Twese Hamwe

Pro-Femmes/Twese Hamwe is the umbrella platform of organisations composed of 43 women associations, working for women's promotion in Rwanda. The organisation was, for instance, very vocal in ensuring that gender is mainstreamed in the new constitution. Pro-Femmes/Twese Hamwe has also continued to support legal reforms aimed at promoting gender equality. It has created awareness about women's rights and issues at different levels of society.

Pro-Femmes/Twese Hamwe, however, faces several challenges, among them lack of effectiveness due to various institutional weaknesses which include a weak resource base, illiteracy among women especially in the rural areas and poverty among others. Despite these challenges Deputy National President; Ms Betty Gahima is proud of the fact that the present crop of women occupying key positions in the government in Rwanda at the moment, have at one time or another belonged to partner organisations which comprise Pro-Femmes/Twese Hamwe. "It is like a seed bed for women leaders," she says.

The organisation's strength has been in building partnerships with government, civil society organisations, donors and appropriate sister organisations in other countries.

Changing Attitudes and Transformation

The general perception of women in parliament by male parliamentarians as well as the general Rwandan public has considerably changed given the numbers that women command in parliament. Hon Juliana Kantengwa says the numbers have certainly worked wonders for Rwandan female legislators. This is now increasingly difficult for male colleagues to take them for granted. "We debate and take on issues of national concern without fear of intimidation. Our male colleagues have had to learn to regard us as equals."

The numbers have done one more thing according; they have emboldened Rwandan female legislators who are now seen as extremely assertive in their parliamentary roles and duties. "We draw a lot of strength from numbers. At the level of contribution and participation in parliamentary debate, we are not intimidated to handle any issue on the floor of the house," says Kantengwa

Mrs Betty Gahima of Profermme attributes the changed environment to a general shift in policies affecting almost all the sectors towards a more pro-poor direction. Women, especially in rural Rwanda, are most affected by poverty since they have to put in slightly more effort to fend for families where the men were either killed or are languishing in prison. This means that policies have to be put in place to address these daily struggles. Gahima says nobody understands these struggles better than women themselves hence the shift in policies towards ensuring inclusion for women in governance and policy making structures.

The Gacaca process and the push for reconciliation

During the 1994 genocide, more than a million people were killed. To date, approximately 100,000 genocide suspects are still awaiting trial. Gacaca courts were set up in order to tackle the mammoth task of adjudicating genocide cases. The Gacaca court process is a collective effort whose success largely draws from the fact that it involves all Rwandese.

According to the National Unity and Reconciliation Commission, women have been pivotal on the Gacaca

process since its inception. The National Executive person to the commission, Mrs Fatuma Ntangiza says that Gacaca has been most successful in areas where women are leading the process.

The key requirement for one to qualify as a Gacaca court judge is one's personal integrity. In most areas, women have been chosen for their honesty and integrity. About 40 per cent of the Gacaca judges are women. Many voices interviewed from civil society indicated that it would be difficult for Gacaca to succeed without women. One civil society representative pointed that women have been instrumental on the Gacaca process because they tend to volunteer.

The Gacaca court process has in many ways opened up numerous opportunities for Rwandan women to show case their leadership abilities and the value in the whole endeavour to change society. This in turn has worked positively towards a transformation in attitudes. Many in society are now seeing what women can do for the country right from the local levels.

Gahima believes that Rwanda can be able to achieve even more rapid growth if more women are included in policy making and governance structures. They have demonstrated what they are capable of achieving, and we can only hope that more will be given positions to support the good work already being done.

According to the National Unity and Reconciliation Commission, in the years after the genocide there were thousands of homeless children whose parents had been killed. A national campaign was put in place to have the children adopted. A study by the Commission shows that most up to 40 per cent of the families which adopted such children were female headed.

Ntangiza points that these women adopted the orphaned children without considering tribe or kinship. Their actions were driven by genuine love and desire for the children to have a family. Such are not just actions of charity, but a strong demonstration of the desire for a peaceful and

progressive society in which every Rwandan irrespective of tribe or creed has a place. It is called taking the lead in the search for peace and a stable society.

The Unity and Reconciliation Commission has continued to monitor reconciliation work through several studies conducted in the last couple of years. One such study established that most local associations of reconciliation are women headed. This according to Ndangiza demonstrates the women's desire for a better and transformed society right from the poor rural homes where they live to the villages, districts and eventually national level.

Ndangiza gives the story of a woman from the East of Rwanda who lost her entire family during the genocide. After the genocide she became a crusader for peace. On one such drive at a local prison where those who participated in the genocide are held awaiting trial, she incidentally came face to face with the man who participated in killing her family. Moved by her message for peace and reconciliation, the man came forward to confess after listening to her. He begged for her forgiveness. It was really difficult for her to face a man who confessed to have murdered her family. Nevertheless in the months that followed, the man was luckily enough set free through a general amnesty. He would later write several letters to her asking for her forgiveness. She did not only forgive him, but also took him in as a foster son since he did not have a family or anything else to go back to. Recently the man married and she is the one who raised the dowry fee for him.

Ndangiza says such is the enduring spirit of peace and leadership. Increasingly then one can see why the Rwandan society should transform to fit the aspirations of women who are already walking the path of forgiveness and national harmony.

The Cows for Peace Initiative

In the spirit of rebuilding lost livelihoods and moving forward, the women of Ruhengeri recently started an innovative agricultural project as a mechanism for fighting poverty and fending for their families. The project involves keeping dairy cattle for milk. Dubbed the Cows for Peace Initiative, the project is run cooperatively by these women who jointly take care of the cows and sell the milk for cash.

In recent times, however, the women have also decided to be generous by giving some of the milk to the men incarcerated jail on genocide charges at a nearby. The women decided to do this with the belief that the milk will help cleanse the men and transform them into normal peace loving citizens again.

The Ruhengeri Cows for Peace Initiative is one clear case of the grassroots peace and leadership initiative spearheaded by women in various parts of Rwanda.

Narrated by Ms Fatuma Ndangiza — National Unity and Reconciliation Commission of Rwanda

Reconciling a fragmented Society

Given the critical role that women have played in the reconstruction process over the last 12 years, it did not come as a surprise to most people in Rwanda when President Paul Kagame appointed Ms Fatuma Ndangiza head of the National Unity and Reconciliation Commission.

“The demands of the job are, however, more than what one would bargain for on a normal job,” says Ndangiza.

“The work of reconciling Rwandans after the genocide is very complicated. Sometimes you end up carrying people’s emotions on your shoulders. It takes all your time — no weekend and lunches. Social life is not easy, you tend to sacrifice a lot for others,” she adds.

Since her appointment to the position almost two years ago, Ndangiza says it has not been easy balancing the demands of her job with those of the family. “I’m still trying to create a balance between my social life and the professional demands at work.”

She says that the task of talking to a society which has come out of the horrors of a genocide that saw a million people killed in just over 100 days is not easy. It requires confidence and courage. She observes that negative stereotypes regarding the ability of women to deliver in such responsibilities also abound and one has to be aware of them.

Ndangiza points that sometimes people care about small things in the case of a woman. They are keen to see how a woman is dressed, how they walk, how she has made her hair and general physical appearance. There is need to, however, for the focus to move towards substantive issues and the work that women are currently doing. Many are yet to come to terms with

the fact that women in decision making positions carry the same tasks as a man. On the other hand, it is important for women to know that they can make it in positions that have traditionally been seen as the preserve of men.

Before her appointment to the commission, Ndangiza, who has a lot of respect for women in Rwanda, had spent several years working with the women’s movement.

“They portray a great sense of resilience and patience under extremely difficult conditions.”

There are clear instances when this great spirit of magnanimity and patience from among the women has clearly manifested. After the genocide, there was a time when the country had about 60 per cent women- headed households. Women found that they were in charge of everything — households, village administrative committees and school committees among other departments.

The experiences of the genocide and the emerging picture of social organising especially at the grassroots levels has been a bitter way of showing society that women can also make it. In the years after the genocide, women gradually realised that life had to go on — they could not mourn forever.

Table 12: Women in decision-making position, 1985 – 2004

Year	Sex	Ministers/ Ministers of State	Secretary General	Members of Parliament	Senators	Prefects	District Mayors
1985	Male	18	16	61	-	11	143
	Female	0	0	9	-	0	0
	% F	0.0	0.0	12.9	-	0.0	0.0
1990	M	19	28	58	-	11	154
	F	0	1	12	-	0	0
	% F	0.0	3.4	17.1	-	0.0	0.0
1992	M	17	-	-	-	11	142
	F	3	-	-	-	0	0
	% F	15.0	-	-	-	0.0	0.0
1995	M	19	17	59	-	10	142
	F	2	5	11	-	1	0
	% F	9.5	22.7	15.7	-	9.1	0.0
1997	M	23	23	59	-	11	142
	F	2	4	11	-	1	3
	% F	8.6	14.8	15.7	-	8.3	2.1%
1999	M	19	14	59	-	12	152
	F	2	7	15	-	0	2
	% F	9.5	33.3	20.3	-	0	1.3%
2000	M	18	16	54	-	12	12
	F	3	5	14	-	0	2
	% F	3	5	14	-	0	2
2001	M	21	16	58	-	12	100
	F	4	5	16	-	0	7
	% F	16	23.8	27.6	-	0	6.5%
2002	M	21	16	57	-	11	100
	F	4	5	17	-	1	7
	% F	16	23.8	29.8	-	9.1	6.5%
2003	M	19	16	41	14	11	100
	F	9	2	38	6	1	7
	% F	32.1	11.1	48	30	9.1	6.5%
2004	M	19	15	41	17	11	99
	F	10	1	38	9	1	8
	% F	52.6	6	48	35	9	7.5%

Table 13: Women in the top management of selected government, private and non-governmental institutions in Rwanda, 2005

INSTITUTION/ ORGANIZATION	Type of Organization	Board of Directors			Senior Management			Employees		
		Men	Women	% W	Men	Women	%W	Men	Women	%W
Lutheran World Federation	International NGO	-	-	-	4	5	55.6	49	14	22.2
U.b.p.r (Headquarters)	Cooperative Bank, Joint Public & private	11	1	8	13	2	13.3	95	49	34
Banque De Kigali	Private	8	0	0	8	4	33.3	192	110	36.4
Human Rights Commission	Public	5	2	28.6	23	5	17.9	51	25	32.9
Sonarwa	Parastatal	6	1	14.3	37	19	33.9	85	51	37.5
Kigali Health Institute	Public	11	2	15.4	2	1	33.3	55	24	30
National Service Of Gacaca Jurisdictions	Public	4	3	42.8	27	11	28.9	125	5	3.8
Kigali Institute Of Science And Technology	Public	11	2	15	30	6	20	389	147	27
Soras	Private	6	0	0	34	6	15	67	35	34
Rwanda Investment & Export Promotion Agency	Parastatal	7	1	23	9		8	4		



Lake Rudolf

KENYA

Nairobi

Kenya

Beyond Numbers Study

Introduction

At present Kenya's population is estimated at thirty million people. Women form slightly over 50 per cent of the total population. They are the majority voters both in Parliamentary and civic elections.

Since the pre-independence period, Kenyan women have taken an active role in the country's political, economic and social life. In politics, they have exerted their influence as voters during elections, filled political party membership ranks and played cheer leader roles for men during political contests at various times in the political history of the country.

Apart from the fact that women constitute the majority in Kenya's population, they also play a pivotal role in the economy. Most live in rural areas, where they form the backbone of the agricultural sector. Many households depend on women's incomes. Women, therefore, contribute significantly to Kenya's gross domestic product, its employment generation and its supply of foreign revenue. Women also produce and maintain the country's labour force.

However, their direct role in decision-making structures has remained minimal especially in the years after independence. This situation persists today: women's representation in politics and decision-making is still low. Women have failed to translate their numeric strength into political power, and this is attributable to structural imbalances inherent in the Kenyan society that discriminates against women and makes their search for leadership difficult. Cultural stereotyping of women in general, and of female leaders in particular, is negative. It also buttresses and perpetuates inequality, even in areas where laws have been passed to prevent it.

At independence, expectations for a just and more equitable society were high in every single citizen of Kenya. A pioneer female Member of Parliament in Kenya, Mrs. Phoebe Asiyo says: “In 1964, Kenyan women leaders saw visions of where Kenya and her people would be in the first decade of self-rule. The establishment of a just Government in which both — women and men — would participate equally in decision-making, as they did during the struggle for self-determination. There was also the hope that at the end of the same period, poverty, disease and lack of education would have been reduced drastically and a better life realised and guaranteed.”

She adds: “We were sure to be in Parliament and the Cabinet in greater numbers. Some of us put it at 50-50 then because our country needed both men and women to make decisions, design policies and pass legislation that would shape the destiny of the young nation. We knew then, as we still know now, that politics is about numbers. And since women formed 51 per cent of the total population, we strategised and were satisfied that this was a formidable force that nobody could ignore.”

Asiyo, now retired from active politics explains of the status: “As is usual with women, we trusted and waited for the men to hand over those positions to us. So many years into our independence, we discuss issues about which the pioneering daughters of Kenya had clear visions but which none of them has seen come true.”

Indeed, despite the fact that the country has ratified various international protocols on the rights of women, access to decision-making roles for women has remained an up hill task over the years. The various transitional points in Kenya’s political development have, however, opened up a few critical spaces, and created some useful momentum for women’s access and participation in the political decision-making processes.

A Historical Perspective

The pre-independence history of Kenya and the struggle for self-determination against British domination has numerous cases of women who supported the cause in many ways. Their laboured efforts were instrumental in inspiring men during the independence struggle. Various stories of courageous women who led brigades of the underground Mau-Mau freedom fighters in the 1950s have been told.



Phoebe Asiyo

However, in the early 1960s, the conferences that deliberated the country’s post independence constitution, neglected the concern for gender in politics and public leadership. The early nationalists were mainly concerned with bringing independence. Concerns like gender were relegated and it was assumed that they would follow later, or that they were not critical at the time.

Consequently, in the 1963 general election that ushered Kenya into independence, not a single woman was elected to Parliament, and perhaps just a handful stood as candidates for elective positions. It was not until 1969 when the first woman, Mrs Grace Onyango, was elected into Parliament. In the general election that followed in 1974, the number increased slightly to four with the election of Dr Julia Ojiambo, Nyiva Mwendwa and Chelagat Mutai with Grace Onyango getting her second term.

The subsequent elections that followed did not see any remarkable improvement in the representation of women in Parliament. The voices of women getting into Parliament either as elected or nominated members remained muted once they got there.

Speaking about her first experience in Parliament after the 1974 general election, Dr Julia Ojiambo, who in 2007 was a running mate to a presidential candidate says that those early years were rife with gender-based stereotypes. She

attributes this to the prevailing low levels of civic education among ordinary citizens, who increasingly did not perceive women as having the capacity to serve public goals in a similar or perhaps better ways compared to men.

The Politics of the Single Party State

In the two decades following independence spanning into the late 1980s, Kenya remained a single party state. Tokenism and political brinkmanship became the order of the day. The politics of the single party state were difficult for women as they constrained opportunities for access. Political competition was tough and rough.

Throughout the Kenyatta and Moi regimes, KANU, the party that had brought independence remained characteristically a male dominated outfit. The lack of a democratic constitution and electoral laws to facilitate free and fair elections posed the biggest hurdle for women during these years.

Male politicians mainly used money to buy their way into Parliament. KANU, being the only party, enjoyed unlimited political power. KANU's operational formula was heavily informed and influenced by patriarchal leanings and thus privileged men in nomination exercises, party leadership positions and the ultimate allocation of political resources. Although the political playing field may have improved slightly for women in recent years, the single party days represent the darkest period in the struggle for women's increased representation and participation in public decision-making positions.

In general, however, there are several factors from within the social political and economic environment that over the years have militated against women's access and participation in politics and public leadership. Writing on the experiences of Kenyan women and access to political positions Kenyan scholar Prof. Maria Nzomo (2003) notes;

"In Kenya for the last 40 years since 1963, the gender specific unevenness of electoral politics has manifested itself in the form of:

1. The persisting social resistance and or lukewarm acceptance of women's participation in political leadership;
2. Culture of electoral violence that tends to be harsher towards female candidates;

3. Feminisation of poverty that renders women more financially constrained to manage a campaign than men;
4. Lack of adequate political socialisation for leadership that manifests itself in women's exclusion from access to strategic political information and general inability in the art of public oratory and populist campaigning and;
5. Women's marginality in mainstream political party hierarchy and hence inability to shape rules of engagement which are defined and organised around male norms and values..

The Kenyatta and Moi years saw very little civil society activity in regard to pushing for the engendering of the political process. Women were increasingly constrained from setting the political rules of representation and inclusion, in a way that was capable of reflecting their specific experiences and visions. Indeed as Nzomo observes, the male ideology clearly dominated and defined the standards of evaluation of women's political performance and participation, which were mainly measured through male political lenses.

According to Nzomo (1994), the few women who ascended to public leadership positions before 1991 did not do much to influence or push the women's agenda. They were mainly figureheads placed in certain positions for political reasons.

Nzomo says: "My own assessment up to 1991 is that, the few women in key decision-making had not used their decision-making platforms to influence national policies in a manner that benefited other women who had not such a platform. None of these women, for example, had ever made an appeal to the government to remove the many legislations that discriminate against women in property ownership, employment, inheritance, marriage and divorce."

Nzomo says: "The increasing violence against women, including numerous cases of child rape, is an issue one would have expected women in positions of authority to raise and to insist that the law be changed to make rape a capital crime and not a minor offence, as is currently the case." She adds: "Perhaps, because most of these women leaders had been presidential appointees in a single party political system, they feared victimisation that could result from being critical of government legislations and practices

that discriminate against women, especially when they as individuals were beneficiaries of the system.”

Nzomo says: “ Furthermore, they must have been aware of the various instances where the government had issued stern warnings to women who had tried to make very modest demands to the government in favour of women. As for the token women in a male-dominated Parliament, their numbers clearly worked against any efforts they may have made in pushing for gender related policy changes.”

The Multiparty Political Transition

The restoration of multi-party politics in December 1991 significantly changed the political situation in the country. An expanded space to accommodate some freedom of expression, association and assembly of not only political parties, but also of various interest groups with a vested interest in the new democratisation agenda was created. Women soon became one of the most vocal pressure groups, and started lobbying very hard for gender equity and social justice, especially in political representation and participation.

The increased number of political parties entering the fray during the first multiparty elections in 1992 opened more possibilities for participation by women. However, although women registered alongside men as members in the emerging parties, they were conspicuously missing from the top party leadership.

The 1992 election saw only 19 women nominated by political parties to participate in the election. The political transition from one party to a multiparty scenario changed the situation for women a little. Six were elected to Parliament and one nominated.

Although the seventh Parliament formed after the 1992 elections only had one woman assistant minister in a House of 23 Cabinet ministers, and 66 assistant ministers, its biggest achievement, however, was the adoption of the Beijing Platform for Action. The motion moved by Hon Charity Ngilu, committed the government to the translation and interpretation of the resolutions of the platform of action to grassroots women in the country. However, a motion by Hon Phoebe Asiyo calling for Affirmative Action was shot down by the same House.

After the reintroduction of a multiparty system in Kenya, civic education emerged as an issue of interest, particularly

among the women. Women in Kenya, more than any other group, emerged strong and organised. They demanded a voice; they demanded a mainstream position for their interests on the new political agenda; and they demanded equal participation with men in the democratisation process.

A flurry of activities ensued to sensitise leaders on gender-based issues. Workshops were organised to discuss strategies for mainstreaming issues affecting women. The objective was to have more women in decision-making positions. The ultimate goals were to improve the citizens’ knowledge of their democratic rights and responsibilities, enhance their understanding of the impacts of the social and political situation in the country on their lives, and enable them to manage their own governance process.

In the run up to the 1997 election, the constitution was amended under the inter-parties Parliamentary group (IPPG) reforms to make it mandatory for political parties to give at least a half of their nomination slots to women. As a result of these, four were elected, while four more were nominated by the various parties. Women legislators like the Hon Martha Karua, who is currently serving as Minister for Justice and Constitutional Affairs, were very strong in agitating for changes that would favour women’s access to positions of power and decision-making.

In the 1997 election, a total of 150 women declared their interest in constituencies across the country. However, only 47 were nominated by political parties to contest the election. Two more women, Charity Ngilu and Wangari Maathai joined the fray for the presidential post.

Ngilu’s bid was considered the more serious one, given the campaign she was able to put as well as the interest it generated nationally. Her candidacy effectively challenged age-old and deep-rooted myths and stereotypes against the female gender. Her candidacy also proved that there was overwhelming goodwill for women politicians among the citizenry.

An overall gender assessment of the 1997 election found out that women’s performance was dismal. Women candidates were handicapped mainly by various cultural factors as well as a general lack of basic political skills and money to manage the campaign exercise.

That same year, women came together to formulate a political manifesto which they wanted political parties to

address. Critical areas addressed in the manifesto included agriculture, environment, health, poverty and economic empowerment, violence against politics and decision-making law reforms and education. This manifesto served to show that women were united in staking their claim to politics.

KANU's Exit From Power

The historic political transition in the country following the December 2002 elections saw the exit of the Kenya African National Union (KANU) after 40 years in power. It was also the debut of the NARC administration. This transition also brought with it good tidings for women. Nine women were elected to Parliament while eight were nominated by the ruling National Rainbow Coalition (NARC), and KANU bringing the total to 17. This was the highest number of women legislators since Kenya's independence in 1963.

The changing fortunes for women in Kenya were also reflected in the number of women appointed to ministerial positions. Seven were appointed to ministerial posts — three as cabinet ministers and four as assistant ministers. In the civic elections, 96 women captured seats across the country. In March, 2003, another woman captured a seat left vacant after her husband passed a way, bringing the number of women in Parliament to 18.

The markedly improved performance of women in the 2002 elections was a complete break in history. Under KANU, women's performance in politics had always been consistently poor. However, the new wind of democracy at the turn of the century opened several possibilities for women to gain access into political leadership. The parties that joined forces to form the National Rainbow Coalition were more progressive given the fact that they were mainly marshalled by personalities who had been involved in the civil movement's rights struggle over a long time. This in itself made them more receptive to the idea of women sharing political power with men.

Most women candidates allied themselves to NARC, the party of the moment, which in the eyes of many was seen as being more progressive compared to KANU. NARC's campaign was premised on the platform of social service improvement that would include education, health care and infrastructure.

Under the KANU regime, only one woman, Nyiva Mwendwa had been appointed to the Cabinet. Three other women, Dr Julia Ojiambo, Agnes Ndeti and Grace Ogot served

at various times as assistant ministers. The effect of this minimal representation of women at the Cabinet level led to the near absence of women's voices in both the legislature and the Cabinet.

The gains made during the 2002 elections can directly be attributed to a strong and focused women's movement that had gradually grown through the years since 1992. However, according to Nzomo, 2002 presented a perfect opportunity for women to actively influence political party agenda from within as well as from without, to ensure more gains in terms of access and participation.

Nzomo (2003) says: "Although the gender sector and the women's movement in particular has been an active, and sometimes effective, lobby group in engendering democratic change in Kenya since the beginning of the political transition in 1992, women clearly squandered a strategic moment in the 2002 political transition. They failed to register a significant presence to become major political players, with adequate capacity to negotiate effectively at the pre-and post- election negotiating table. This is where key political positions were being shared among the key players and strategic policy decisions regarding Kenya's future were being charted out. It is no wonder then that during the party nominations and in the post-election power sharing arrangements, women were heard crying foul for having been betrayed and politically marginalised by men once again."

International Protocols

In its report to the 28th session of the Committee on the Elimination of Discrimination against Women (CEDAW), Kenya outlined various efforts that have been undertaken to provide for gender equality as one way of boosting national development. For instance, the report outlined the fact that in Kenya, the law provided for and protected women's access to the political process.

However, despite this provision in law, the participation of women in the public sphere has been jeopardised by universal myths that a woman's place is in the private sphere. However, culturally and historically, there are many women leaders who ruled or contributed to public affairs of their communities. For instance among the Agikuyu of Central Kenya, Wangu wa Makeri was a strong leader. Mekatilili of the Mijikenda along the Coast was another influential woman.

The National Gender Commission

One other remarkable development in last few years is the formation of the National Gender Commission through an act of Parliament. The commission was formed to;

- a) Initiate, lobby for and advocate for legal reforms on issues relating to women and to formulate laws, practices and policies that eliminate all forms of discrimination against women and all institutions, practices and customs that are detrimental to their dignity;
- b) Institute proposals and advise on the establishment and strengthening of institutional mechanisms which promote gender equity and equality in all spheres of life and in particular, access to and benefits in education, healthcare, nutrition, shelter, employment and control of economic and national resources;
- c) Determine the strategic priorities in all the socio economic, political and development policies of the government and advise on their implementation;
- d) Evaluate policies to determine their impact on women in Kenya;
- e) Carry out investigations on gender-based rights and violations and forward recommendations to the relevant authorities; and
- f) Receive and evaluate annual reports on progress made by Government Ministries and other sectors on gender mainstreaming and women's empowerment.

Electoral System

Legally, Kenya has an electoral system that is based on universal suffrage; whereby, both men and women have the legal capacity to vote so long as they fulfil the minimum requirement as to age and citizenship. Elections in the country are guided by the Electoral Act and conducted by the Electoral Commission of Kenya. In Kenya, as in many other countries, voter registration is an important component of the electoral process. It is a complex and laborious task that requires a lot of skill and resources.

Although the electoral commission of Kenya has published rules and regulations to guide election campaigns in the country, violence as witnessed in

the 2002 elections is still a major problem. For women aspirants' election and other forms of intimidation limit the chances of competing on the same footing with men. Indeed a gender monitoring study during the last elections that was carried out by the African Woman and Child Feature Service notes that violence against women candidates was quite rampant. The study quotes Ms Yvonne Khamati, who was standing on a Social Democratic Party ticket in Makadara Constituency, Nairobi, narrated how she was beaten by her rival's supporters on November 24, 2002. The report further notes that in early December 2002, women were assaulted by a gang of youths from the opposition while waiting for Mr Raila Odinga.

The Struggle for a New Constitutional Dispensation

The clamour for constitutional review which gained momentum in the 1990s included championing for the rights of marginalised groups including women. Indeed in demonstrating its commitment to the gender question in the review process, the Constitutional Review Commission of Kenya held a seminar in 2001 to deliberate on the gender question.

Nzomo and Kameri-Mbote (2003) summarised the key gender proposals then as follows;

- Ensuring and enhancing the participation of women in the electoral process;
- Enshrine equal access to resources for men and women;
- Equality before the law to men and women, boys and girls without discrimination on the basis of gender;
- Guarantee security and equal protection by the law to both men and women;
- Need to effectuate gender equality in all sectors ;
- Deal with contradictions and inadequacies of legal framework in the area of gender rights;
- Principle of gender balance to be observed in the composition of all offices and governance structures to ensure women's participation;
- Guarantee women's rights under the bill of rights;
- Citizenship laws to be amended to accommodate concerns of women

The Constitutional Review Process

At the start of the process in 2001, it was felt by many that women's engagement in the process was vital since it would lead to a better, more caring and humane constitution. The first draft of the constitution developed before the 2002 elections included the following key points;

1. The Republic of Kenya shall ensure the fullest participation of women, the disabled, marginalised communities and sectors of the society in the political, social and economic life of the country;
2. The state shall implement the principle that one third of the members of all elective and appointive bodies shall be women;
3. Citizenship is not lost through marriage or dissolution of marriage;
4. Women have the right to equal treatment with men, including the right to equal opportunities in political economic and social activities;
5. Women have the right to be accorded the same dignity of the person as men;
6. Women have an equal right to inherit, have access to and control over property;
7. Any law, culture, custom or tradition that undermines the dignity, welfare, interests or status of women is prohibited.

These proposals were by far more progressive in comparison to the contents of the independence constitution. However, after the 2002 elections, the constitution review process was marred by sectarian interests, especially in regard to devolution and the Executive powers. The dominant voices in this debate were those of men from across the political divide. The divisions that emerged among the political class polarised the entire process. The draft though progressive in many ways especially on the rights of women, would later be rejected at the referendum vote in November 2005.

The Affirmative Action Debate in Kenya

The demand for the introduction of Affirmative Action in Kenya is based on the demand for greater women representation in decision-making and public leadership. The additional argument is motivated by the fact that women constitute more than half the population of Kenya and should, therefore, play a more active and

visible role in the country's public affairs, and politics in particular.

According to Peter Wanyande (2003) women have also argued that their marginalisation from mainstream politics is due to male chauvinism, an attitude that is no longer sustainable in the modern day world. The women attribute their inability to compete with men in electoral politics to the violent manner in which Kenyan politics is played. These include the violent language used in campaigns as well as the physical violence meted on opponents.

The post election report by the Kenya Women's Political Caucus noted that during the 2002 elections, none of the 38 contesting political parties made provisions regarding proportional representation between men and women. The report notes; Despite frequent rhetoric from NARC that it would entrench Affirmative Action in the nomination processes and ensure that at least 30 per cent representation, no such policy was pursued in the nominations. The mainly male dominated decision-making structures within political parties were not concerned with the need for Affirmative Action.

The draft constitution which was rejected at the referendum vote in 2005 contained the following provisions on Affirmative Action;

Part 11 of chapter seven had the following; Article 106 clause (1) (b) 30 seats for women candidates on multi-member constituencies representing provinces and Nairobi (3.) of the same Articles states that "for purposes of elections under Clause 10 (b), the same seats shall be distributed as follows- (a) Four women representing each province; and (b) two women representing Nairobi. Clause (5) (b) of article 107 says; "each party list shall alternate between women and men in the priority of nominees. And (C) take into account the need for representation of the disabled, youth and minorities.

The draft constitution further provided for Affirmative Action at the lower levels of government. This was captured in chapter 10 on devolution of powers. Article 214 (1) (e) states "at least one third of councils shall be women. Clause (1) of article 217 says; the location council consists of two representatives one of whom shall be a woman elected by each village council from among its members. In article 219, it is stated in clause (2) the provincial council consists of two representatives, one of who shall be a woman, chosen by each district council from among its members.

A Summary of Election Statistics

To give a context to the various issues discussed in this report, the following tables give a summary of women in competitive politics in Kenya since independence in 1963.

Table 1.0: Number of women who declared candidature 2002 elections

Political Party	No of women who declared candidature
NARC	110
KANU	47
Ford People	27
SDP	13
Safina	6
Total	203

Table 1.1: Nomination Results (Parliamentary and civic) for 2002

Political Party	No. of Women Nominees	Total No. of Parliamentary nominees
NARC (Coalition of 13 political parties)	12	206
Ford People	7	186
SDP	5	96
Ford Asili	4	41
SAFINA	3	59
United Agri Party	2	4
Economic Independence Party	2	4
KANU	2	209
Shirikisho	1	23
Kenya National Congress	1	11
Sisi Kwa Sisi	1	10
Labour Party of Kenya	1	6
KENDA	1	4
Ford Kenya	1	33
Total	44	1037

Number of women who declared candidature in the three major political parties in 2007. However, there are women who were elected in minor parties such as Kenda and UDM

Party	Women with interest to vie	Women nominated to contest	Total candidates	% of women
Orange Democratic Movement-Kenya (ODM-K)	20	15	300	6.7
Orange Democratic Movement (ODM)	59	7	836	7
Party of National Unity	73	11	727	10

Table 1.4: Proportion of women of voting age (18 and above) in Kenya

Name	Constituency	Party
1. Martha Karua	Gichugu	NARC
2. Charity Ngilu	Kitui Central	NARC
3. Prof Wangari Maathai	Tetu	NARC
4. Dr Naomi Shabaan	Taveta	KANU
5. Dr Christine Mango	Butula	NARC
6. Mrs Lina Kilimo	Marakwet East	NARC
7. Alicen Chelaite	Rongai	NARC
8. Beth Mugo	Dagoretti	NARC

Census Year	Number of Women	Percentage of Total Men and women
1969	2,745,989	50.7
1979	3,500,023	51.0
1989	4,977,639	51.3
1999	7,205,091	51.4

Table 1.5: Proportion of elected and nominated women in the Kenya National Assembly, 1963-1997

Year of election	Elected women	Nominated women	Sum of men and women in the house	% Of women in the men and women totals
1963	0	0	124	0.0
1966*	0	0	28*	0.0
1969	1	1	170	1.2
1974	4	2	170	3.5
1979	4	1	170	2.9
1983	2	2	170	2.4
1988	2	1	200	1.0
1992	6	1	200	3.5
1997	4	4	222	3.6
2002	9	8	222	8.3
2007	15	6	222	3.6

Compiled by AWC Features from the election results published in the newspapers for the respective election dates

Table 1.6: Women in Parliament since Independence

Year	Names	Constituency
1969	Grace Onyango	Kisumu Town
1974	Grace Onyango	Kisumu Town
1974	Nyiva Mwendwa	Kitui West
1974	Chelagat Mutai	Eldoret North
1974	Julia Ojiambo	Busia Central
1975	Anarita Karimi Njeru	Meru Central
1979	Grace Onyango	Kisumu Town
1979	Chelegat Mutai	Eldoret North
1979	Phoebe Asiyu	Karachuonyo
1983	Phoebe Asiyu	Karachuonyo
1988	Agnes Ndeti	Kibwezi
1985	Grace Ogot	Gem
1992	Nyiva Mwendwa	Kitui West
1992	Phoebe Asiyu	Karachuonyo

1992	Agnes Ndeti	Kibwezi
1992	Martha Karua	Gichugu
1992	Mary Wanjiru	Kinangop
1992	Charity Ngilu	Kitui Central
1997	Beth Mugo	Dagoretti
1997	Charity Ngilu	Kitui Central
1997	Marere wa Mwachai	Msambweni
1997	Martha Karua	Gichugu
2002	Beth Mugo	Dagoretti
2002	Charity Ngilu	Kitui Central
2002	Wangari Maathai	Tetu
2002	Naomi Shaaban	Taveta
2002	Nyiva Mwendwa	Kitui West
2002	Alicen Chelaite	Rongai
2002	Christine Mango	Butula

Year	Names	Constituency
2002	Lina Jebii Kilimo	Marakwet East
2002	Jane Kihara	Naivasha
2002	Martha Karua	Gichugu
2007	Margaret Wanjiru	Starehe
2007	Beth Mugo	Dagoretti
2007	Elizabeth Ongoro	Kasarani
2007	Naomi Shaaban	Taveta
2007	Cecily Mbarire	Runyenjes
2007	Charity Ngilu	Kitui Central
2007	Wavinya Ndeti	Kathiani
2007	Esther Murugi	Nyeri Town
2007	Martha Karua	Gichugu
2007	Margaret Kamar	Eldoret East
2007	Peris Chepchumba	Eldoret South
2007	Linah Kilimo	Marakwet East
2007	Sally Kosgey	Aldai
2007	Hellen Sambili	Mogotio
2007	Lorna Laboso	Sotik (Died in a plane crash)

Table 1.7: Nominated Members of Parliament

Name	Year
<i>Jemimah Gechaga</i>	1969,1974
<i>Eddah Gachukia</i>	1969,1974
<i>Grace Ogot</i>	1979
<i>Rose Waruhiu</i>	1983
<i>Nyiva Mwendwa</i>	1988
<i>Catherine Nyamato</i>	1992
<i>Tabitha Seii</i>	1997
<i>Josephine Sinyo</i>	997
<i>Zipporah Kittony</i>	1997
<i>Grace Mwewa</i>	1997
<i>Miriam Matanu</i>	1997
<i>Julia Ojiambo</i>	2002
<i>Betty Tett</i>	2002
<i>Cecily Mbarire</i>	2002

Name	Year
<i>Njoki Ndung'u</i>	2002
<i>Adelina Mwau</i>	2002
<i>Ruth Oniang'o</i>	2002
<i>Esther Keino</i>	2002
<i>Amina Abdalla</i>	2002
<i>Sophia Abdi Noor</i>	2007
<i>Millie Odhiambo</i>	2007
<i>Rachel Shebesh</i>	2007
<i>Maison Leshomo</i>	2007
<i>Shakila Abdalla</i>	2007
<i>Amina Abdalla</i>	2007
Dr. Joyce Laboso	2008 - (through by-election)
Beatrice Kones	2008 - (through by-election)

Constraints and facilitators

The social economic and political environment that women operate in has a strong bearing on their participation and degree of access to positions of decision-making at any level of society. Several factors, however, stand in the way of women. In Kenya, the processes leading to the 2002 elections offer a practical example of the manner in which these constraining factors manifest.

Post election studies carried out by several gender-based civil society organisations in the wake of the 2002 election reveal shocking scenarios of electoral violence and other forms of malpractices which on the whole served to keep women out of the political contest. Rampant cases of corruption, political violence and lack of financial resources are just but some of the factors which served to keep women out.

This according to Nzomo (2001) can be interpreted to mean that they have equal chances of attaining political office or determining who gets elected to political office.

However despite this, it is clear that Kenyan women continue to play on the fringes of politics. According to Nzomo (2001) studies conducted on the factors impinging on women's

participation in elective politics show that there are various underlying factors that can make the success of women in politics an uphill task.

A study by the Kenya Women Political Caucus in 2003 indicated that during the electioneering period, women aspirants faced several challenges. The report notes that across the political spectrum, political party nomination rules were largely similar. Party nomination boards were male dominated. In some parties they were male only structures with predictable casual commitment to the plight of women candidates.

In the larger political parties notably KANU, NARC, SDP and FORD People, these organs played a critical role in determining the fortunes of aspirants seeking the nominations. They controlled both the information and resources necessary to implement the nominations. It is these very boards that would determine nomination dates and venues mainly without reference to the rank and file. They would also decide whose name to forward to the Electoral Commission of Kenya sometimes in total disregard of the documented election results.

The few who made it through the nominations and the ultimate vote had several challenges awaiting them either on the floor of the House or at Cabinet level. According to former legislator Ms Njoki Ndung'u, the biggest challenge that female legislators face whether in Cabinet or on the floor of the House is the ability to lobby and win the support of male legislators especially on issues that entirely affect women.

Most female members of Parliament especially the first timers are often unable to get support from their male colleagues on most occasions. The high level intrigues and political manoeuvring which characterises business in Parliament and other political forums serve to discourage many women who otherwise have a lot to offer. Ndung'u says most of the women legislators in Parliament are solid professionals in various fields, and they bring a wealth of knowledge and leadership skills to the House. However, they simply never find the space for this to show.

The emergence of coalition politics has also complicated issues for women since most of the coalitions especially in Parliament are extremely fluid and keep changing form and shape. According to views from civil society respondents, this has a way of constraining the very spaces through which women can exert themselves.

According to some female members of Parliament, the sudden changes in the shape and focus of the various political alliances are motivated mainly by the pursuit for narrow political gains by male politicians. One female legislator said that politics especially in the post-Moi era

has turned into an extremely lucrative game. In most cases the agenda leading to the formation of most of the coalitions are short term and not motivated by any meaningful need for social based considerations that are of benefit to the larger society. According to one female legislator, it is difficult for women leaders to identify with such agendas hence their seemingly low profile.

Beginning with the ruling National Rainbow Coalition which now exists only but in name, the other political partnerships that have emerged at different times since 2002 have entirely been short term with politicians attempting to use them as vehicles for negotiating for political positions and other favours in the short term, and not as mechanisms for entrenching democracy in the country.

Although the number of parties contesting the 2002 general elections increased tremendously compared to previous elections, most of them, however, had not done much to incorporate a feminist agenda into their structures. A quick examination of party manifestos shows only but scant mention of the place of women or the whole question of gender balance. The position of women as equal partners in the political process has not been tenable.

The consequences would later become apparent during the power negotiations which followed among the political parties forming the NARC coalition. The men ended up taking most of the senior positions in government while only three women were lucky to get cabinet postings.

Fighting without Ceasing:

The Inspirational Story of Prof Julia Ojiambo



"Thirty two years ago as a young girl, elders from my community chose me to get into politics and represent them. At first I did not take them seriously, however later I learnt that the women and youth of Funyula Constituency also wanted me to get into politics. At a tender age, I had without knowing built a name among my people due to my work as a community health worker which took me to the vast expanse of the constituency in the closing years of the 1960s." – The Hon Julia Ojiambo

Ojiambo's name is as old as Kenyan politics. Hers is a household name in the women's movement in Kenya. She is among the very first women to contest for and win a Parliamentary seat in independent Kenya. She won the Funyula seat in the 1974 general elections when she was in her mid 20s.

This was unprecedented, happening at a time when very few women had an interest in competitive politics in Kenya. Her biggest achievement was, however, when on her debut, she was appointed assistant minister in the Ministry of Housing and Social Services towards the close of 1974, making her the first woman ever to hold such a position in independent Kenya.

Looking back at the momentous years of the 1970s, Ojiambo says unlike most other people who got into high political positions and forgot their constituents, the daily struggles of poor rural women in Funyula and other regions of Kenya became a strong inspiration for her work. More than ever, she wanted to use the privilege of her position to advocate for measures that would bring recognition to the challenges that women face in society.

“Back in rural Busia, I had witnessed women struggle with poor health, lack of proper maternal care, poor nutrition, lack of opportunities for education, and stereotypes that degraded them in society. Their struggles brought tears to my eyes.”

“The government needed to start focusing on their plight if their condition was to improve, she adds. However someone needed to take a lead role in getting this message across. I was better placed to initiate this dialogue given my position in government.”

A concrete chance for raising this consciousness in those in government came in 1975 during the first International Women’s Conference in Mexico.

Ojiambo was given the responsibility of leading the Kenyan delegation to Mexico. Prior to the conference, she had been involved in the preparation of the country report, which the Kenyan delegation carried to the conference.

“Unlike today, our biggest challenge then was lack of ready data to make reference to. There were no clear indicators on the various issues that affected women and for which we needed to start building a useful agenda around.”

The 1975 women’s conference became a strong turning point for women organising in Kenya. It offered tremendous opportunities for learning not only for us who were crusading for the cause of women, but also for those in government.

The responsibility on Ojiambo was enormous as she was still the only woman in government. She says; “the late President Mzee Jomo Kenyatta liked talking to me about how women’s issues in the country were progressing especially after the 1975 conference.”

In 1980, Ojiambo was at it again, when she served as deputy head of the government delegation to the Second Women’s Conference in Copenhagen. Of this conference, she says, the world was completely polarised by the politics of the cold war. However women’s issues globally, and particularly in Africa, remained the same.

Women needed equality. Governments had to find ways and mechanisms for making this agenda come true for women. More fundamentally, however, was Ojiambo’s role in pushing for Nairobi to host the Third women’s conference in 1985.

Kenya was given the mandate by the United Nations to host the 1985 Third Women’s conference. Ojiambo led the government delegation to this conference. Reminiscing about the great moments of the 1985 conference, Ojiambo says, the Nairobi Conference clearly demonstrated the fact that the women’s movement globally, and particularly in Africa, had come of age.

“We had a clear understanding of what the issues were and what needed to be done to manage them,” she adds.

The Nairobi conference lifted women to the high platform. As a result of what was discussed, we started agitating for Affirmative Action. The Nairobi conference recognised the need for women to be part and parcel of the decision-making table to ensure that issues affecting women were included in national development.

Looking back, Ojiambo says: “A lot of the developments we are witnessing today in education, health and governance came out of the deliberations of the 1985 conference. The voice of women can now be clearly heard in all sectors of national development.”

She says, the NARC government did a lot more to expand opportunities for women especially in leadership and policy making positions.

Twenty-one years after the Nairobi Conference, Ojiambo says people generally have a better understanding of the issues now. Nevertheless, there are still things that need to be done. Women still face discrimination in society. Violence against women is one way in which this discrimination does manifest.

As Head of the Settlements Portfolio in Parliament in the 1970s, Ojiambo was tasked to lead the country’s bid for hosting the global headquarters of the United Nations Human Settlements organization, HABITAT. Kenya’s bid was endorsed and HABITAT headquarters moved to Nairobi in 1976.

Apart from sheer professionalism, her contributions in Cabinet were, to a great extent, driven by the unique values that women possess and which have a strong bearing on leadership. For instance, her concern for the

youths of Kenya led her into initiating discussions on the need for a youth policy.

Indeed, the initiative bore fruit when in 1976 an official government policy for the setting up of youth village polytechnics was adopted for implementation. The idea was meant to provide a means of employment for the many young people in rural areas as well as stem rampant rural-urban migration.

Her concern for the disabled also led her into initiating discussions that would later result into the creation of the Kenya Institute of Special Education. Since its inception in the late 1970s, KISE has been responsible for the coordination of educational programmes for the disabled in Kenya.

In early 1979, Ojiambo opened Pandora's Box when she brought to the House a subject that had hitherto never been publicly discussed in independent Kenya. No one had ever publicly talked about the need for family planning in national development. Her motion argued that population growth needed to be guided. This became the most heated discussion at the time, as leaders took advantage of the moment to excite public emotions through various populist utterances. She was vilified both in and out of the House.

All along, her motives for introducing this motion and its relevance to national development were, however, never explained to the people. The rate of maternal deaths and the wanting health of lactating mothers across the country created the need for urgently addressing the question of family planning and maternal health support services across at national level.

The mainly male dominated Parliament was quick to use the unpopularity of the subject to discredit her efforts. Her opponents back in her constituency also took to using the same issue to campaign against her in the general elections of that year. However, Ojiambo was not to be beaten. She bit a parade of six other contestants — all men to take the 1979 general elections. A while later in the early 1980s the concern for family planning, maternal and child health would become serious national priority courtesy of her efforts.

Although she lost the 1983 elections, Ojiambo never lost her footing in Kenyan politics. She continued to serve in various public positions. The advent of multi-party politics in the early 1990s opened opportunities for competitive politics in the country. Without any sense of giving up, she

once more contested the Funyula sit in the first multiparty elections of 1992, but lost.

Julia Ojiambo was born in a staunch Christian family. Her father, who was a church leader, stressed the need for Christian values and emphasised on community service as a way of serving God's people. She says: "I know that this shaped my political career as it got me closer to the people at a very early stage."

"My father taught me a lot and he instilled in us very early the need to be independent. He was gender sensitive and took us all to school. At that time, families valued educating their boys while girls were married off at an early age."

Ojiambo attended primary school in Sigalame and later moved to Butere Girls' School in Kakamega where she sat for and passed the Kenya African Preliminary Examination (KAPE) and was among the first girls to join the Royal Technical College (now University of Nairobi).

She later went to Makerere University in Uganda before joining Harvard University in the United States of America where she attained a Masters degree in Human Nutrition. She would later study in London for her pre-doctoral research. She ultimately got her PhD from the University of Nairobi in the early 1970s.

Currently, Ojiambo is the chair of the Labour Party of Kenya (LPK) — a party that was formed in 1998. The party participated in the 2002 general election in a coalition arrangement within the National Rainbow Coalition (NARC).

Her party is one of the smaller parties in the country, but Ojiambo says "Contrary to popular opinion, smaller parties offer better visibility for women aspirants in comparison to the bigger parties."

Although her challenge was to help the Labour Party of Kenya grow into a formidable national political with membership spanning the entire country, she managed to get it join forces with Orange Democratic Movement of Kenya (ODM-K).

This saw her picked a running mate for presidential candidate Kalonzo Musyoka in the 2007 presidential elections.

Although Ojiambo, never won her Parliamentary seat, she remains a formidable force in Kenyan politics.

Representation on Parliamentary Committees

A former nominated MP, Ms Njoki Ndung'u says that most female legislators are unable to lobby to get onto the best committees in Parliament. This has led to lack of women representatives on influential committees such as those on defence and finance as well as legal and foreign affairs.

While women are now more keenly conscious that they can get to positions of decision-making, it is getting increasingly difficult for women to get nominations to contest Parliamentary positions. According to one youthful female legislator, the events leading to the 2002-2007 elections clearly point to a scenario where politics has increasingly become competitive. In this regard, political parties do not want to take chances with women.

In the words of several female members of Parliament, political parties nominate candidates on the basis of certain strategic interests. Most of these interests are, of course, about money and party financing.

Ojiambo says gender and the need to ensure female representation, rarely become critical considerations in this regard. As a result men end up gaining the upper hand since they bring in more money to run the parties, even if they lack the relevant leadership skills to manage public positions.

The greatest challenge lies in women leaders identifying what their value is, says Ojiambo. They need to be assertive enough to push the case for women especially within the hierarchies of political parties. To increase the opportunities for women, there is also a need to focus on women who have the resources to spend on political campaigns. In Kenya, however, women with resources show very little interest in politics.

In the earlier years after independence, low levels of formal education among women were seen as a key factor in gauging their ability to participate effectively in positions of leadership. Presently, however, education cannot be regarded as a factor anymore. The existing laws which define who enters politics pose the greatest challenge for women at the moment, says Deborah Okumu of the Kenya Women Political Caucus.

"Political parties do not want to take a chance with women leadership," explains Okumu. "At election time, many women come forward but just a few are called to participate. Indeed

in some cases they go for the youth and the untested; however they never do the same for women."

The patriarchal notion that politics is a battle and that traditionally women have no business being on the frontline has in many cases influenced decisions over who should represent the party during elections. Moreover, appointments to Cabinet have traditionally been influenced by factors like ethnic balancing as well as deciding whom to please within the political system at any one given time.

Although women leaders have been vocal in promoting gender and development concerns that directly relate to the welfare of women in society, many especially within civil society believe that there is need to transform the environment further to promote possibilities for accessing leadership for women as well as their degree of participation in policy making.

Okumu is supported by the Executive Director of the League of Kenya Women Voters, Ms Irene Oloo, who believe that women's organisations should relocate their interest to local government and take over that structure.

"This can create unlimited opportunities for building a meaningful agenda on issues that touch women right from the grassroots," says Oloo.

The over concentration on Parliamentary elections has tended to downplay and diminish the other possibilities which exist for women within local level administrative structures.

Another constraining factor is that women's groups are not politicised enough. Okumu says there is need to politicise women's groups from the grassroots up to the national level. This is important in creating a conscious mass of women in the country who are willing to take up leadership positions in politics.

"The truth is that most women, especially at the grassroots, do not have a keen interest in politics," says Okumu. "Women's organisation at the grassroots is a political force that has not been harnessed."

Other initiatives aimed at creating a conducive environment for women's participation is through what gender based civil society groups are currently toying with; a women's political party. It is not clear, however, how such a structure would operate, although it offers a revolutionary formula for creating access and a platform for addressing issues regarding women's added value to public policy making.

Case study: Grace Ogot

(Former Member of Parliament and assistant minister)

Grace Ogot who has been in and out of Parliament says: “Though my husband is an academician and has no political interests, he has remained my most important political ally and pillar of strength. He accompanies me to political rallies and advises on logistics. More importantly he accepted to put up with the inconvenience of my sometimes unreasonable supporters who will violate our privacy at any time of the day or night.

Ogot, however, has a word of caution for those who think they can make it without family backing in the male dominated political arena.

“The patriarchal structure of the African society will take a long time to change. If you cannot clinch the support of your immediate spouse and extended family, the ordinary voter is likely to view you with suspicion. You also expose yourself to malicious propaganda from your male opponents who will portray you as a radical and an outcast.

“Most importantly you need the financial and other largesse that your husband and other male members of your family control. On a more objective analysis though, a strong family background and harmony demonstrates one's ability to contribute to positive societal values. Therefore some of these arguments may not be so far fetched” — adapted from the Election Monitoring Report published by the Kenya Women Political Caucus - 2003

Gender Specific Reforms

In examining the role played by women in decision-making processes, with specific reference to their efforts in initiating gender specific reforms in Kenya, we start by making reference to three cases of recent times; the Affirmative Action Bill, the Equality Bill and the Sexual Offences Bill.

On April 23, 1997 Hon Phoebe Asiyo brought to Parliament a motion that sought to allow Affirmative Action in assigning Parliamentary seats to women. The motion was rejected because many of the male members did not understand what Affirmative Action meant.

Indeed, in commenting on the bill, one of the male members of Parliament blatantly said: “We know the roles of women. They are doing a wonderful job in this country... we are moving forward to that situation which is referred to as international inculturation ... you cannot push us to an area that we have not reached. We have to move slowly and practically ... why do we want to force them (women) to come to Parliament? These things will come naturally.”

The then head of state, Daniel arap Moi, refused to yield to pressure from female Parliamentarians and the public to sign the Affirmative Action Bill into law. Instead he was quoted in the Media as saying, “Those women who have made it do so because of merit: they are not favoured. You know I do not believe in Affirmative Action for women. This I have said openly.” The Bill, which sought to increase

the level of participation in government by women and marginalised communities, was later shelved.

In 1999, the Ministry of Home Affairs together with other civil society organisations drafted the Equality Bill to make provisions for equal treatment of all citizens, irrespective of their gender and to end all forms of discrimination as a response to the Beijing and New York gender conferences. The then president, Daniel Moi withdrew his support for it in June, 2000.

He claimed that the Kenyan Constitution already provided for equal rights for everybody, and all that civil society needed was extra legislation to secure their rights. Although he strongly opposed female genital mutilation (FGM), no law prohibited it and the Equality Bill would have provided the first legal framework on this issue. A member of the Federation of Kenya Women Lawyers (FIDA-Kenya), Ms Martha Koome was quoted by the Daily Nation at the time: “The government has failed to demonstrate real support and commitment to implement legislation that will enhance gender equity.”

In more recent times, when she was in Parliament for the period 2002-2007, nominated MP Njoki Ndung'u introduced the Sexual Offences Bill for discussion in 2005. Male members of Parliament opposed the Bill but when female Parliamentarians contextualised the possibility

of rape victims being wives, sisters, mothers or even daughters, those who had initially been against the motion gradually started changing their attitudes.

Indeed, according to Ndung'u, some of the most useful amendments to the Bill in the subsequent debates in the House were suggested by male MPs. She gives the example of sex tourism which was suggested by the current deputy Prime Minister Hon Uhuru Kenyatta,

According to most civil society respondents, most of the policy changes championed by women for women, are in essence meant to change the status quo and the way power and resources are allocated in society. The Sexual Offences Bill, for instance, has been seen by many as a most progressive bill on the continent. Ndung'u says it seeks to change the status quo, by challenging the notion that sex for women should only be seen in the light of the reproductive function.

In 1979, Ojiambo brought to Parliament the family planning bill. This was at a time when it was taboo among most Kenyan communities to talk about sexuality issues including childbirth in public. The backlash that came out of this almost cost her political career. Male politicians used it to for cheap populist politics at every public meeting that they addressed.

However as Ojiambo points out, the Bill had been inspired by a genuine and sincere concern to the challenges that Kenyan women were going through at childbirth and generally the social and economic consequences of unplanned families.

The Family Planning Bill sought to put recognition to the challenges that women go through as mothers which had never really been addressed with any degree of seriousness at policy level.

According to Okumu, the issue of whether women play a role in initiating gender specific reforms, can better be addressed by first considering whom they are accountable to after they get to Parliament. This is pertinent because it is not clear in our system whether women represent the wider national women constituency and, therefore, issues that touch women or those who have elected them at the constituency level.

Although women leaders in Parliament have done a lot in representing and voicing concerns that affect women, it

is important to note that most of the changes that have happened since the 1990s have mainly been the culmination of various efforts that involved the women's movement as well as other authorities. The introduction of plural politics in the country also opened spaces for expression which then allowed the women's movement to form in a more meaningful way. This enabled them push to the limelight the age old issues that women had always grappled with at the grassroots and other levels of social life. Nevertheless, the few women who made it to Parliament over the last 10 years have been instrumental in pushing these issues at the legislative level. Okumu singles out the Sexual Offences Bill, which was recently passed by Parliament as one such example.

Parliamentary committees are central to the functioning of a Parliamentary system like the one that obtains in Kenya. It is at this level that members assert themselves by making useful and critical amendments to various bills before the House. In Kenya, however, we cannot look at Parliament and mourn about women's participation. According to various civil society voices, we do not have enough of them to go around all the committees. We could, however, look at the other structures such as women's groups. The question, however, is how well we have politicised the women's groups for them to actively involve in political issues at the various levels of society.

As things stand, entry into politics at the national level is still an uphill task. Women in most cases do not have the financial muscle to put together complex campaigns in the same manner that men do. Ndung'u says "Politics has become too lucrative... and men stake too much money than women can ever do".

Despite this, there are those who believe that all is not lost. Although local authorities are seen by many as offering a useful alternative for pushing the women's agenda, the only problem, however, as Okumu points out is that most women do not want to contest for local authority positions. Indeed, like the men folk they are more excited with the bigger and alluring constituency seats.

According to the Kenya Women Political Caucus, sectoral reforms in Kenya have done a lot at the level of devolution — offering a point of entry for women. For instance at least two women must sit on the Constituency Development Fund (CDF) board. At this level they can and should be able to push for gender specific reforms that take into account the needs of women at this level. The challenge, however,

is whether they are aware that they represent a bigger constituency called women.

Although political leadership and the attendant roles of decision-making have predominantly been in the hands of men, however in the opinion of several civil society representatives, women bring different values into leadership. It is not just mere perception. They are wonderful budgeters. Their ability to use resources efficiently is reflected in the little things that they do at the Household level.



“Culturally women are brought up to be moderators and to be nurturing of the good things of life....Who is bothered about fetching water. Men will not be bothered. The burden always falls on women.” —

Rosemary Okello, Executive Director
African Woman and Child Feature Service

Given their natural endowment to heal, sooth and comfort, women have the ability to push for policies that directly talk to the needs of the people especially at the

grassroots. One such illustrative example is India where in one particular locality, three quarters of the elected representatives were women. Studies have shown that during their tenure, they were able to push for policies that are social based in education, community health, water and food security.

Dr Julia Ojiambo:

“Women are able to do this because they are closer to some of these factors, and they are directly affected. They are, therefore, capable of pointing out the visible gaps in implementation. Women can make a big impact to social development and social justice.



According to Ndung’u and Ojiambo, the greatest challenge for women leaders who are keen on pushing policy changes that are gender sensitive is their inability to lobby the men to support proposed changes. When Asiyo brought to Parliament the Affirmative Action Bill in the late 1990s, it was extremely difficult for women Parliamentarians to marshal the forces to get it through. As a result the bill did not go through. This has placed Kenya in awkward position within the east African region is the only country in the region which has not passed the Affirmative Action Bill.

Pushing the Sexual Offences Bill;

Njoki Ndungu's Laboured Efforts

The push for the Sexual Offences Bill through a private members motion was done by Hon Njoki Ndung'u then a nominated Member of Parliament.

It was not an easy task for a woman who had only but got into Parliament for the first time. However, in the most determined way, Ndung'u fought a gallant battle to push through what is now regarded as a most progressive law on sexual offences in Africa.

The new Bill is progressive in many ways. For instance, it takes care of the gender biases in the current constitution whose provisions on sexual offences, according to Ndung'u, are quite Victorian.

The Bill addresses emerging issues like sex tourism, child prostitution, exploitation of prostitution, gang rape, HIV/AIDS and cultural or religious offences such as when one is forced to have sex under the auspices of culture or religion. Female circumcision, however, proved to be a most sensitive issue with most Members of Parliament clearly opposed to any mention of it.

Ndung'u believes the seeds for this legislation were sown almost 10 years ago. Furthermore, the interest was also motivated by the fact that regionally, Tanzania had just put in place such legislation.

Ndung'u notes that her getting into Parliament presented a God sent opportunity to push the issue of sexual violence which she and other women had been campaigning for over the years. She says: "When the



chance to get into Parliament came, there was nothing as exciting as moving from a lobbyist to an MP. I realised that I could be the vehicle that the lobbyists needed to put the issue of sexual violence and its manifestations on the agenda."

"The nomination to Parliament was a pleasant surprise. I did not think that I was a political person. However, I fitted in very well as Member of Parliament," she explains.

Ndung'u's struggle for this important piece of legislation did not happen without her raising so much political dust. When she first talked about the proposed Bill at a public forum, she mentioned chemical castration as suitable deterrent punishment for serial rapists. This was, however, taken out of its initial dimensions and used by populist politicians to push other agenda.

Indeed, the public was misled into believing that she was pushing for physical castration. Thereafter, the sentiments coming from the public were strong and the debate in the media incessant. However as Ndung'u points out, she was not discouraged. The challenge was how to educate her colleagues in Parliament and the general public on what the proposal really entailed.

Ndung'u had been working on the Bill since the first half of 2005 when it was first introduced in Parliament. She faced several challenges she faced in pushing for the bill in a male dominated Parliament. The fact that he was pushing for the Bill through a private member's motion was expensive in terms of time and financial resources that it takes one to do it. Mastering of Parliamentary procedures was also a challenge especially for new members of Parliament.

Gender in Mainstream Legislation and Policies

The fifth and sixth combined report of the Kenya Government on the International Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) notes that the government of Kenya has taken significant steps including legislation to ensure the full development and advancement of women for the purposes of guaranteeing them to the exercise and enjoyment of human rights and fundamental freedoms on the basis of equality with men.

The report further notes that these measures focus on the political, social, economic and cultural fields. Retrogressive social cultural practices that do not recognise women's work, poverty and low levels of education are some of the factors which hinder women's access to political participation, employment, access to health care and ownership of property.

On the whole, Kenya has ratified several international human rights instruments that affect women's human rights, namely CEDAW, to which Kenya acceded to on March 9, 1984; the Declaration on the Elimination of Violence Against Women of 1993 (DEVAW) and the Beijing Declaration and Platform for Action of 1995.

In recent times the government has established a National Commission on Gender and Development (NCGD), as a way of providing a clear national mechanism for advancing gender equality. This was done through an act of Parliament in November 2004. The NCGD's mandate includes coordinating, implementing and facilitating gender mainstreaming in national development and to advise the government on all aspects thereof.

The Kenyan government has also in recent times instituted mechanisms for working with civil society organisations working in the area of gender. For instance, such areas of collaboration include training of police officers on gender equality, handling victims of rape and sexual violence, integrity and ethics among others.

Session paper No. 5 of 2005 prepared by the government was mainly on gender equality and development. The paper encouraged Non-Governmental Organisations; Community

based organisations, professional bodies, the private sector and Trade Unions to ensure higher participation of women in various projects and decision-making.


An Inter-Ministerial Committee on Female Genital Mutilation was recently established as a way of addressing the practice in the country. The Ministry of Gender, Sports and Culture was identified as the National Focal Point for the coordination of all FGM initiatives. The ministry's role is to coordinate advocacy activities, policy direction and development of new initiatives towards putting together a long-term action plan.

The basic tenets of the constitutional reform debate were that the original Constitution was drafted outside of Kenya by a minority of Kenyans and that the people of Kenya were not collectively involved in the writing of the Constitution. There is, therefore, the need to listen to, and incorporate, the diverse voices of Kenyan groups including those of women.

Looking at the legal history of Kenya, one notices the tendency for laws that have basically discriminated along gender lines. During the last 38 years many undemocratic amendments have been made to the independence constitution without consulting citizens. The struggles of Kenyan women to empower themselves especially in the last decade have yielded some positive legal reforms, including the amendment of section 82 (3) of the current Kenyan constitution to explicitly outlaw discrimination on the basis of sex.

The inclusion of the term 'sex' in this section has meant that women can now push and have public policies and laws repealed purely on the grounds of gender discrimination. This now means that gender insensitive policies and laws that are inconsistent with Section 82 (3) of the current Kenyan constitution can now be successfully challenged.

However, many gender discriminatory laws that need to be reviewed repealed and/or amended as necessary can still be found in the current constitution. Section 82 is limited in that it does not apply to laws relating to adoption,



marriage, divorce, burial, devolution of property on death or matters of personal law, because it still protects the use of customary laws in Kenya, particularly in relation to family and property matters.

There is Section 70 which enforces fundamental rights and freedoms and also empowers courts to be guided by the norms of African customary law so far as this is not inconsistent with any written law.

As African customary law generally places women in a less favourable position compared to men, it would appear to conflict with the written law of the constitution.

A constitutional standard; a single legal framework is, therefore, needed to avoid a conflict of laws, particularly with regard to customary laws which infringe on citizen's fundamental human rights.

Another positive development has been the acceptance by most policy-makers of the principle of Affirmative Action as one of the strategies for attaining gender equity in governance, as exemplified by the passing by Parliament of the Bills on the Beijing Platform of Action and political Affirmative Action respectively.

However, there is now an opportunity to enact a more comprehensive Affirmative Action Law that not only

addresses the question of gender equity and justice but also provides for all disadvantaged social categories in our society, including the disabled.

Kenya's experience with Affirmative Action demonstrates that the more vague the rule, the higher the risk that it will not be properly implemented. An example is section 33 of the Kenyan Constitution, inserted vide the constitution of Kenya (Amendment) Act No. 9 of 1997 — as part of what has been loosely referred to as IPPG Reform Package. This section provided that there shall be 12 nominated members of Parliament appointed by the President to represent special interests. Subsection (3) stated: "The persons to be appointed shall be nominated by Parliamentary parties according to the proportion of every Parliamentary party in the National Assembly, taking into account the principle of gender equality."

However, at the end of the nominations, less than six women were nominated. Where a party had only one chance, it nominated a man except in the belated case of the SAFINA party. Out of the six opportunities, KANU nominated two women. Eventually therefore, the final tally of the nominated women MPs did not meet the anticipated gender equity criteria precisely because the affirmative measure was targeted at the wrong level — the pre-selection level.

Smile with one eye, cry with another

By Rosemary Okello

Although the Kenyan Parliament has finally passed the Sexual Offences Bill, very few are aware that this is the first time since independence 43 years ago that a law specifically addressing gender issues has been passed by Parliament.

Despite the fact that this is seen as a gain, in its present form, the Bill has been watered down leaving Kenyan women and girls smiling with one eye and crying with another because they had expected more.

Nevertheless, Hon Njoki Ndung'u, the nominated Member of Parliament who pushed for the Bill should be given credit for staying with the Bill to its conclusion. And she will go into Kenya's history books as the first woman to have ever asked leave of the House to introduce a Private Members Motion and ensuring that the Bill affecting a very intimate yet very public issue about women's lives was passed into a law.

This sterling performance comes on the backdrop of lacklustre treatment of women's issues by gender insensitive male Parliamentarians. Since independence, Bills targeting women have either, been repealed, not passed or just passed as motions without them becoming laws.

In the last four decades, Parliament has consistently pushed women's issues to the periphery, sometimes making spurious arguments to deny women their rights.

Take the case of a Member of Parliament in 1969 who said in support of the repeal of the Affiliation Act:

"What exactly is Wedlock in Kikuyu language? What is wedlock in Gusii language? We do not have such a word in Baluhya language; it does not exist. The question of introducing some foreign vocabulary into our vocabulary will mislead us forever."

He went on to say: "This Bill must show an African outlook, African custom and African tradition and it must also have some element which will restrict the women in their present free movement. They must also be curbed. We do

not want women to go blaming the men for their own faults."

Another member of the House contributing on the same subject said: "Money which is paid goes into buying wigs or Ambi (cosmetic cream) and all this funny stuff and the children are not receiving anything."

While yet another Parliamentarian stated: "The Affiliation Act has discouraged our girls in this country from getting married."

During the discussion that saw the repeal of the Bill, words like 'prostitution' and 'make men slaves of women' were used consistently.

However, in the same House there were men with sober minds who thought women were human beings needing better treatment. One of this was Hon Kamwithi Munyi.

In response to the debate put forward by other MPs on June 17, 1969, Munyi, told the House: "Mr Speaker Sir, what I am going to say this afternoon is to appeal to the womenfolk in Kenya that it is high time women be represented in this House; they will be in a position to defend their own affairs. We have been trying to defend the affairs of women in this House but it is a foregone conclusion that if we had a good number of women in this House they would be defended."

He continued: "Mr Speaker Sir, if we had at least two women members in this House, neither of them would have agreed to repeal this Bill ... I am sure Mr. Speaker and I asked the Hon Attorney General if he knew that more than half of the people who had the vote in this country were women? The answer the Attorney General gave me was that it is true; they are more than half. What would happen, Mr. Speaker, if they organised themselves in order to return at least one quarter of the Members of this House or half to be women?"

The fate that befell the affiliation Bill reared its ugly head again when the Marriage Bill was introduced by the Attorney General in 1979. The MPs took the opportunity to shred it into pieces, arguing on its merits and demerits.

Again, there were few men who stood with the women on this one. One of them was Hon Mwai Kibaki, who was among the few Members who supported the Bill. He said: "I personally welcome the limitation on the age at which boys and girls may marry. The main point on which I want to lay emphasis is the way this law has included both flexibility which we need in a young nation, but also granted the kind of right that should be given to the women in any nation."

"For this reason we cannot on the one hand pretend that we are a developing nation, which wants to arrive at a position where 50 per cent of the population is women, but who have the not the rights that this Bill gives them. If we do not give them those rights then they will not develop the kind of initiative necessary to build resources and to contribute to the development of the nation. I welcome the rights given under part four — properties, rights, liabilities and status..."

Suffice it to say, this sound arguments never carried the day, and the Bill never became law.

In October 1996, Hon Charity Ngilu, introduced a Bill on the Beijing Platform for Action (BPFA) to make government adopt the recommendations contained in the document in recognition of the great need to enhance the political and economic empowerment of women; in view of the key importance of the Platform for Action of the Fourth UN Women Conference.

She told the House: "... By the look of things, maybe this Platform for Action will be swept under the carpet as was done with the Nairobi Looking Forward Strategies."

She added: "This country has been independent for the last 30 years but the fact that we have not achieved stability and progress is a clear demonstration that we cannot develop without the proper participation of women. We must now make women equal partners in development so that our country can progress. We must put more women in positions of power and break away from the norm of sitting and waiting for token appointments."

Supporting the Bill, Hon Phoebe Asiyo said: "... there is no single path to political activities for women that will guarantee their political empowerment. Look at political parties, do they have any women as their chair persons or even secretary general?"

Yet another Member of Parliament told the House: "... Women are not asking for strange things. Women went to Beijing to demand an end to oppression and exploitation by men."

However even though the Bill was adopted in November 1996, it has never become law. The same week Parliament adopted the BPFA motion members resoundingly rejected a motion which would have made female genital mutilation (FGM) illegal.

This was in direct contravention of the Beijing Platform for Action which observed the dangerous health repercussions of FGM. When governments ratify the document, they commit themselves to prioritising programmes that support and enable women to make decisions on and take responsibility for their health and to achieve mutual respect in matters concerning sexuality and fertility.

Therefore, when Asiyo begged to move the motion on women's participation in politics on the floor of the House on April 23rd, 1997, it was a stepping stone for women's issues to be discussed in Parliament.

The Affirmative Action Motion, whose aim was to compensate for the absence of women in elective office, sought to make political parties and government agree to a policy for the nomination of at least one third women candidates to participate in the National Assembly as well as local authorities.

Supporting the Bill, Hon Mukhisa Kituyi said: "I have listened to Honourable members of Parliament totally distorting the meaning of words, 'Affirmative Action'. If Affirmative Action is about helping minorities for example in the USA, Affirmative Action would be focused on Jews. There are less Jews than African Americans in the USA. Affirmative Action is not about helping minorities, but about strengthening the hand of the disadvantaged, where the disadvantaged are the majority."

He argued that Affirmative Action policies sought to remove hurdles in the path of the majority. Such arguments fell on deaf ears, and the Affirmative Action Motion was defeated; this was evidence enough that after 34 years of independence, Parliament and the Government did not take seriously the issue of the gender equity and equality

And on May 12th, 1999, Hon Raila Odinga's brought a Motion to establish a Gender Commission. The aim was to protect, develop and promote attainment for gender equality since the Government was a signatory to Beijing Platform for Action.

Raila said: "The issue of gender parity is not that of war between men and women. So both men and women should unite together as partners in fighting against this issue of gender discrimination. We will also need to address the issues of historical discrimination."

While supporting the Bill, Hon Martha Karua told the House: "Why are we asking for a Gender Commission? The answer is simple: The Gender Commission is expected to oversee the promotion of equal rights between genders."

The motion was passed and the government committed itself to establishing a Gender Commission, but this is not protected by law and can vary at the whims of those in office. The other difficulty is that resources have not been availed for the operation commission.

On December 1st, 1999, the Equality Motion introduced by Karua, to make provision for equal treatment of citizens of Kenya irrespective of gender and to end all forms of discrimination.

She told the House: "When you talk of equality, you do not need to only think of gender equality, but also equality in ethnicity, the minorities, the disabled and religion. Equality covers a wide scope. So when we talk of equality, we have in mind the appreciation of similarities and differences among the gender groups.

This Motion was also passed. Karua said: "By supporting this Motion, this House has supported development in this country. It is supporting a new era in the next millennium where all citizens of this country will enjoy their human rights and contribute equally to the development of this nation. The Act will prevent both direct and indirect discrimination, whether based on gender, ethnicity and minority or in any other area."

So when Hon Beth Mugo introduced the Affirmative Action Bill on the floor of the House on April 12th, 2000, one would have thought that the honourable members of Parliament would have supported the Bill.

A member of Parliament told the House: "... The Motion before the House is unfair to the male folk; it equates women of this country with marginalised groups. I have done a survey on political representation in this country and from the time of independence up to now we have seen that almost every ethnic group in this country had at one time or the other, elected a woman in this House once, twice, thrice or more."

The then Leader of Opposition, Hon Mwai Kibaki told the House: "I am sure the majority of honourable Members will not divert us and pretend that this is something that is very radical or one that should wait for. It is something which is overdue and needs to be done as soon as possible. This is one issue where all of us, whatever our political parties, can in a united manner show the solidarity we have.

In this House, as we have written over there, we want to promote the welfare of society and the just Government of men and women."

Hon Njoki Ndung'u introduced the Sexual Offences Bill as a Private Members Bill, on April 27th, 2005 and judging by history on the treatment of gender-related Bills, it made record time in Parliament and even in getting presidential assent.

This is also the budget month and Kenyans will be waiting to see if the up-budget will include the resources needed to make this Bill a meaningful reality for countless women, men and children who carry the scars of sexual violence.

That is why even though women are happy with this landmark Bill, they are crying with another eye, simply because this Bill might take a long while to be implemented.

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Institutional Transformation

Many especially from the civil society do agree that there have been some critical institutional transformations in Kenya in recent years. These are directly attributable to women in public leadership positions. Most times, the need for such change and the subsequent pressure and lobbying to have them institutionalised has always started within the women’s movement, and the challenge later picked by the few women in political and public policy making decision-making positions at the national level.

Although it is generally agreed that women did not get a fair deal out of the 2002 elections, the period leading to that election saw most political parties develop and publicise manifestos. More than any other time in Kenya’s history, the manifestos had a strong gender element which seemed to commit the parties to certain actions mostly during party nominations and allocation of seats within political party structures.

Here are some critical examples of what the various manifestos from KANU, NARC and FORD PEOPLE said in the lead up 2002 General Elections:

Party	Gender Commitments
KANU	<ul style="list-style-type: none"> • Will enhance gender equality by ensuring increased education and training opportunities • It will continue to promote women to senior positions of government • The party will consolidate and harmonise laws and customary practices to secure the rights of women to land ownership and inheritance • It will continue to take Affirmative Action aimed at increasing the number of women in active employment
NARC	<ul style="list-style-type: none"> • Will ensure adherence to all institutional conventions on gender • Establish institutional framework for mainstreaming gender in all sectors of society • Facilitate the adoption of the new constitution and make the provisions on women empowerment a reality • Enforce a policy of equal opportunities for women and men — develop Affirmative Action to address any situation where women have been marginalised

Party	Gender Commitments
FORD PEOPLE	<ul style="list-style-type: none"> • In our resolve to promote social equity, we shall institute Affirmative Action in favour of women to address imbalances that have resulted from their historical marginalisation. We will push Affirmative Action legislation to give women an equal opportunity to fully participate in decision-making and governance.

Another effort that is worthy noting, and which many respondents especially from civil society say may have influenced some of the major changes after the 2002 elections is the development of women’s political manifesto just before the 2002 elections. In this document women’s organisations described their political agenda in areas they wanted the government to set standards on policy, practice and action.

Through the manifesto, the Kenya women were in a nutshell saying the following issues:

Politics and Decision-making

While women in Kenya form the majority of the voting population, their role in politics is hardly recognised or appreciated. Affirmative Action should be adopted to achieve equality for women and men in politics. There should be concrete action to ensure equal representation of women in the next government.

Electoral and legal reforms

A fair electoral system and process would be one that clearly assures women of at least one third representations in Parliament and local government.

Provides for greater and proportional representation for all political groups in our society who deserve representation in Parliament and local government proportion to their strength in an electorate

Encourages voter participation in the elections so as to increase women’s participation with commensurate rewards of fair representation.

Discourages all forms of violence, fraud, intimidation and corruption that continue to undermine women’s participation in any elections.

Supports the setting of ceiling on campaign financing for political candidates to discourage commercialisation of politics.

Law Reforms

As a result of inadequate and ambiguous legal frameworks, women in Kenya suffer oppressive injustices, discrimination and abuse in various social, economic and political contexts. New laws based on the recognition of human dignity regardless of sex should be formulated.

Poverty and Economic Empowerment

Increase women's access to credit, technology and to information on trade, technology and to information on trade, agriculture and other business opportunities.

Encourage the collection and use of more extensive and better quality information and data on women's economic roles in our country and their contribution to it.

Increasing women's level of participation in decision-making at levels of participation in decision making at all levels of the economy among others.

Education

Education is critical to all aspects of development because it is the key to effective participation in both public and private spheres of society. Yet statistics show inequalities between men and women in education. Programmes should be developed to arrest the school drop-out rates for girls and universal education should be made accessible to all.

Other transformations have been visible in the manner in which the government of Kenya has committed to the whole question of gender. The Kenya Women's manifesto 2006 notes that at the National Level, the government has tried to address women's concerns by creating the National Commission on Gender and Development and a gender department within the Ministry of Gender, Sports and Culture. The manifesto further notes that the government recognises the need to put in place a suitable legal and policy foundation to address gender-based violation of human rights.

However, despite these efforts, Ojiambo says, Kenyan women politicians are yet to acquire much clout and have a say on how political parties are run. They are yet to find the muscle to influence the political party agenda towards a gender sensitive agenda. Ojiambo says: "We have to find a way of assisting women so that they are in a position to negotiate within political parties."

Rationale of Gender and Governance Programme in Kenya

The importance of entrenching gender in political lives of people as a primary ingredient of democratic building has been a subject of intense consideration in the policy and human rights circles over the past six decades.

A fundamental premise of this standpoint is that men and women are exposed to parallel social, economic and cultural circumstances that, in turn, place them under disproportionate opportunities in the decision-making matrix of their societies. To the extent the political landscape of many countries is a masculine and feminine dichotomy in which the former enjoys a dominant niche, this presupposition requires that women be particularly empowered to play a significant role in shaping the destiny of governance in their countries.

While this ambition has literally voyaged through progressive international forums with an amicable degree of approval, the current practical account of the matter strongly suggests the adoption of a more rigorous approach if the society is to acquire the cachet of propelling this political credo to the horizons of reality.

Much of the literature that exists in this field point to a profound magnitude of hitches before elevating women to higher echelons of policy design. Largely stemming from a long-standing record of reluctance in the academia and of the research community to embrace gender within the scope of intellectual and professional respectability, inadequate and context-specific information necessary to minimise this disparity is a crucial part of the theories that have been advanced to explain this quandary.

Several studies in this field have been rather slow to create a meaningful impact because they are centred around collating quantitative oriented gender disaggregated information, thereby relegating the exploratory aspect of the subject to the periphery.

In order to avail a model of assessment that is commensurate with the current wave of recognition of women as an integral entity in both policy formulation and consumption, as indicated by the exponential increase in the number of women in governance, there is need to

redirect the focus of investigation from mere figures to a holistic significance.

How then are we to go about this change in paradigm? In the absence of universal norms of governance from which a plausible framework for agenda setting could be obtained, our great task about evaluating the impact of women parliamentarians is to delve into the nitty-gritty governance practices in our individual country contexts.

Underscoring the philosophy that the extent to which women parliamentarians influence the direction of national policy is determined by a contingent agglutination of factors both within and outside the Parliament is, however, an important tenet for the success of those involved in this useful homework.

The History of Gender and Governance Programme (GGP) in Kenya

The Gender and Governance Programme (GGP) was established as a successor to the Engendering Political Processes Programme, Phase 1 (EPPP1). EPPP1 was an initiative to support women to effectively participate in the Kenyan political processes. The five thematic areas covered under EPPP 1 included:

- Gender sensitive voter education
- Capacity building for women candidates
- Advocacy and lobbying
- Campaign monitoring
- Gender sensitive media monitoring

EPPP 1 was implemented 18 months to the 2002 Kenyan general elections. The programme was funded through a joint basket funding structure comprising of CIDA-GESP, DANIDA, SIDA and DFID referred to as the Donor Support Group (DSG). A professional services firm was engaged as the financial management agent while the programme management was implemented by a Programme Liaison Officer.

The broad objective of the programme was to create an enabling environment for women's effective participation

in Kenya's political processes. After the conclusion of the EPPP1, a learning platform workshop was held during which lessons learnt, gaps and achievements of EPPP 1 were deliberated and agreed upon. The outcome of the learning forum as well as the evaluation of EPPP1 resolved that the second phase of the programme EPPP2, now known as the Gender and Governance Programme (GGP), be funded to further the results achieved in EPPP1.

GGP was started under the same funding arrangement as EPPP1 where a collaborative joint basket funding was initiated by the same donors and attracted other donors namely Royal Danish and Royal Netherlands Embassies, DFID, SIDA/UNIFEM, CIDA-GESP and DCI.

The programme aims at ensuring that women enjoy their civil and political rights as well as participate actively in democratic governance. The Gender and Governance Programme is designed to meet the following key objectives:

- Strengthen the legislative, policy and institutional framework
- Gender equality and women's participation in local governance
- Gender equality and women's empowerment in political party processes
- Parliamentary initiative for gender equality

Lessons Learnt from EPPP

The core lessons from EPPP included among others the need to have a focused outcome strategic approach between donors and partners, which would bring synergies among partners and build on strengths within the various organisations.

Such joint programming would create sustainable processes with coherent and cross linkage among issues, and open opportunities for multi-fronts and entry points to addressing the same issues.

Further, especially after the 2002 elections it was realised that even though broadened participation was important, increasing women's political participation needed to go beyond mere numbers to encompass the complex relationship between power, poverty and participation.

anced political participation and representation are essential conditions to achieve this, institutional and cultural transformation will also be required to create an enabling environment for women's economic and political empowerment.

And the fact that unlike the previous General Elections where donors support activities around women and politics in an ad hoc manner, the EPPP1 provided an opportunity for donors to harmonise their donations in a strategic manner. It also provided a platform for all the stakeholders to work together.

In the end the collaborative effort of all the players saw 44 women being nominated by the various parties and nine being elected while the other nine were nominated. In total all the 18 women Parliamentarians benefited from EPPP.

This illustrated the importance of having a programme that specifically looks into how to empower women as aspirants and the women organisations in any electoral process.

Gender and Governance Programme (Phase 1)

After EPPP 1 success, there were huge expectations from women candidates in terms of support in preparation for 2007 elections. It was also likely that more women will come out to vie and the programme should be ready to source for more funding to support and encourage them.

The media has influence in the political platform. With the introduction of so many FM stations, the programme took the opportunity to promote women candidates. Although there has been slight improvement on highlighting women's issues on both print and electronic media, there is still need for more sensitisation among media houses to ensure gender mainstreamed reporting. The programme has an advantage of having four media organisations as implementing partners and this opportunity must be exploited.

While changes may come with new opportunities, they do as well as come with challenges. Some of the changes that are likely to have a profound influence on our program and this context have been taken into consideration when developing this plan.

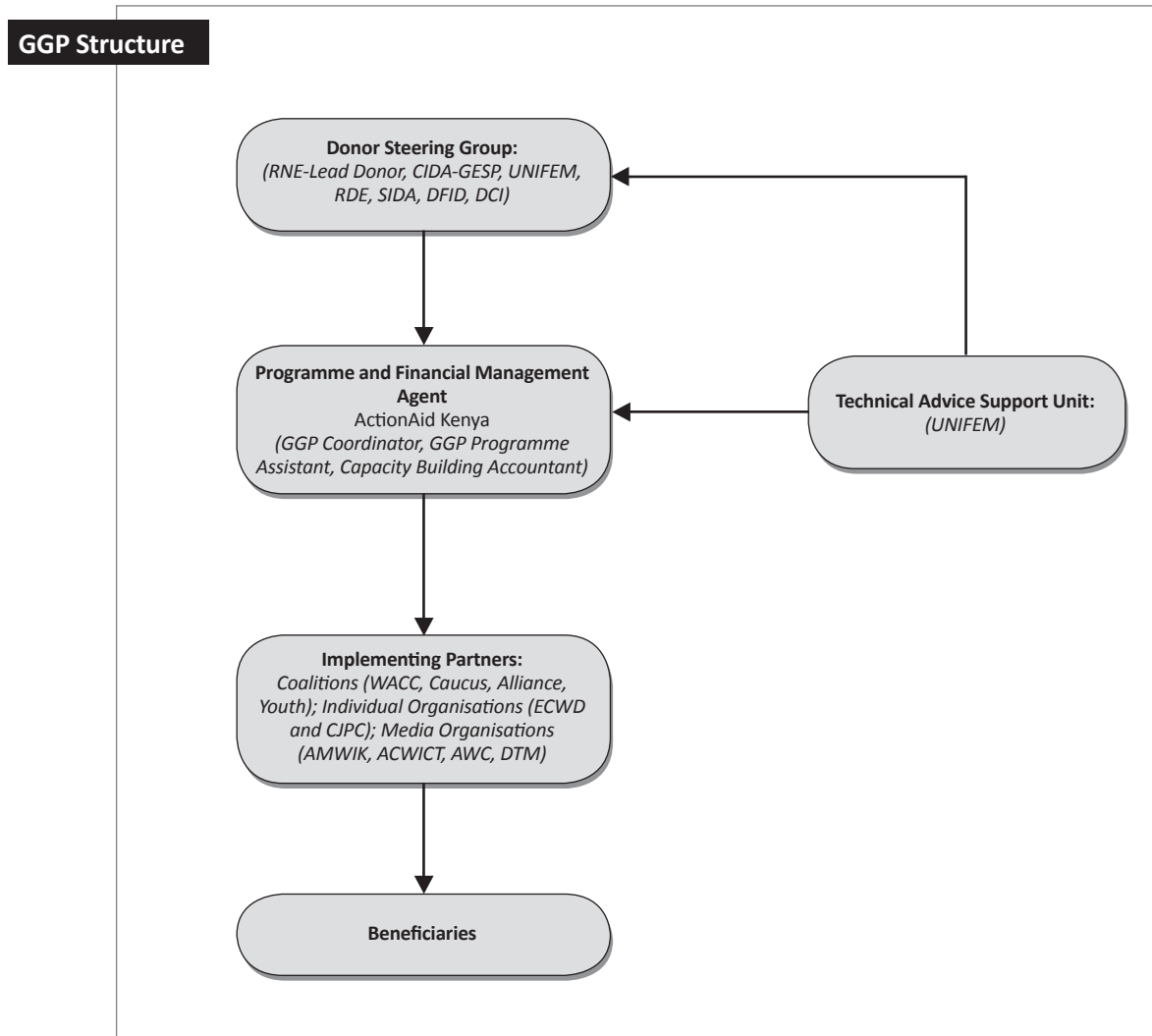
ActionAid International Kenya (AAIK) was appointed as the Programme and Financial Management Agency

(PFMA). A contract between PFMA and the Donor Steering Group (DSG) was signed in September 2004. AAIK was selected due to its long experience in undertaking development initiatives and managing grant funds in the developing world. The PFMA consists of three employees, the GGP Coordinator, a Programme Assistant and the Capacity Building Assistant who manage the day to day running of GGP. The PFMA reports to the AAK Gender and Funding Coordinator.

The Technical Advice Support Unit (TASU) on this programme is UNIFEM.

UNIFEM provides technical advise to both the DSG and the PFMA, and this is primarily done through constant communication on key activities of the PFMA.

The Gender and Governance programme officially began in September, 2004 when the contract between AAK and DSG was signed. The diagram below illustrates the current structure of the GGP.



The Launch of Gender and Governance Programme

A new door opens for women in Kenya

The long-awaited launch of the Gender and Governance Programme (GGP) at the historic Bomas of Kenya on March 22, 2005 took the quest for equality, inclusion and participation to a new level for Kenyan women.

The GGP, whose term coincided with the General Elections in 2007, sought to have 50:50 representations of both men and women in parliament in line with goals set by the African Union.

Addressing hundreds of women delegates from all over Kenya at the historic Bomas of Kenya in Nairobi, ActionAid International Kenya country director, Ms Joyce Umbima, noted the programme marked not just the beginning of women's struggle for their liberation but an end to their journey through the dark channel.

"Violence, intimidation, poverty and gender blind policies form the major hindrance in women's representation in elective politics hence they have little say in public policy formulation," said Umbima

The programme is a sequel to the Engendering the Political Process Program (EPPP) that was launched in 2001 ahead of the 2002 general elections to prepare female aspirants for parliamentary and civic seats.

According to Umbima, the GGP will build on lessons learnt from the EPPP in ensuring a focused and long-term support to women's enjoyment of human rights and participation in democratic governance.

The significance of the launch venue was not lost on the delegates and guests, who recalled passionately how a year ago almost to the date, they had participated in the drafting of Kenya's new constitution which is yet to be enacted.

The then regional programme director East and Horn of Africa of the United Nations Fund for Women (UNIFEM), Ms Nyaradzai Gumbonzvanda captured this spirit when she said: "It is clear that women want equal rights from the draft constitution in Kenya and achieving the 50:50 representation in parliament is possible."

She added: "Women's rights need to be domesticated here by enacting the draft constitution because it is strong on women's issues as are the Ugandan, South African and Eritrean constitutions."

"I am sure the GGP Programme would ensure support towards women's enjoyment of human rights and participation in democratic governance: "I must compliment the women of Kenya who have worked so hard to be in positions of leadership at all levels, but their leaders have let them down." Hon. Miriam Matembe, former MP in Uganda

Implementation of Gender and Governance Programme

In the first phase a total of 37 Gender and Governance Programme Partners were in the process of implementing different activities in different parts of the country. Activities are implemented in either coalition made up of several partners (CSOs) or by individual CSOs. There are four different coalitions, of which, thirty-one partners are members as follows:

Kenya Women Political Caucus Partners — 13 organisations

Women Political Alliance Partners — 10 organisations

WACC Partners — four organisations

Youth Empowerment Partners — four organisations

In the Coalitions, the lead organisations were responsible of receiving and disbursing programme funds as well as reporting all programme related matters to the PFMA.

Gender and Governance Programme Review of Phase 1

Twelve months into implementation of GGP, a review was conducted by Deloitte Consulting Limited. The purpose of the review was to assess the programme and determine achievements, challenges, gaps and lessons learnt so far, identify opportunities for improvement and develop positive recommendations towards the achievement of the programme's goals for the next two years.

Some key recommendations from the review were as follows:

Develop a strategy with an overall common vision, mission and objectives with a logical framework for the program. The strategy should be developed in conjunction all stakeholders and develop consensus.

Put in place a monitoring and evaluation tool to allow for systematic monitoring and evaluation of partners.

Encourage coalitions to be formed around themes because it then provides a common understanding and cohesion.

Conduct capacity assessment of all coalition partners to ensure that capacity levels and needs are identified and where lacking, development plans initiated.

Consider individual funding of partners currently in coalitions who have proven availability of capacity, as a strategy towards strategic partnering.

Develop a communication strategy.

Areas the GGP Programme was addressing:

Gender equality and women's participation in Local Governance.

Gender equality and women's empowerment in party political processes.

Parliamentary Initiative for Gender Equality.

Strengthening the Legislative, Policy Institutional Frameworks.

Knowledge Sharing and Technical Advisory Support.

GGP's Vision: "Towards 50:50 Women and Men Governing Together"

GGP's Mission therefore, is "to increase and enhance women participation and democratic governance processes at all levels.

Objectives:

To strengthen the legislative, policy and institutional framework for gender equality and equity.

To enhance gender equality, equity and women's empowerment in political party and all other political processes.

To enhance and support institutional capacities of implementers to effectively manage the Gender and Governance initiatives.

To mobilise support for women at all levels of governance.

To promote participation of youth at all levels of governance and democratic processes.

Some Lesson and experience learnt during the Phase 1 of GGP were:

Although there are a significant number of women leaders at civic level, (for instance, in 1997, there were about 800 women civic leaders¹ out of a national total of 2000 seats) but for some unknown reason, they never seem to successfully graduate to the parliamentary level.

GGP partners have realised that sensitising is not enough; structural and institutional barriers² have to be removed.

The gap in women's representation will only be permanently arrested through legislation (Affirmative Action).

Women still are participating as voters, but again, there needs to be a follow up on whether their vote was effective. There is need for women to participate as leaders and as voters.

The constitutional review still holds the biggest prospect for women.

Sensitivity and awareness does not mean that people will act accordingly. Attitudes and values take long to die.

Political should precede attitude change. With the new NARC government, prospects should be brighter and the positive attitude towards women will trickle down to local leaders.

1 Full details could not be found as the Electoral commission of Kenya has never compiled a full list.

2 The structural and institutional weakness of the ECK has played a significant part in deterring good political governance, especially in its failure to adhere to the Clause 5 (5) of the Constitution of Kenya (Amendment) Bill 1997 which led to the nomination of fewer women in parliament and local authorities than is required by the Constitution.

The law should address cultural issues that undermine women participation. Presently it has gaps on many matters relating to women and that reinforces the practices.

Women need to be prepared for political office, and should be supported afterwards for sometime to be able to perform like seasoned politicians in a field that is entirely new to them.

Support for potential women candidates is crucial, as many have proved ignorant about electoral regulations and procedures.

It is important that women candidates identify themselves with a party of their choice to enhance their chances of being nominated by the party to run for the positions of their interest as there often is bias in party nominations.

Women candidates need financial support for logistics, training of agents and travel. Without this support, their chances of winning are minimal.

Parliament needs to be more educated on rights for them to be sympathetic to the plight of women- resulting in the passing of favourable laws.

Judges need continuous gender sensitisation, as they still exhibit low morale, a negative attitude and lack of sensitivity to the plight of women,

Governance programmes are complex, given that you raise people's awareness and then they realize they are faced problems and cannot afford a lawyer. These realities must be brought to the open to avoid frustration.

Collaboration with other gender and governance organisation will leverage GGP's programme, as these organisations have more experience and infrastructure and material already designed.

The domestication of signed conventions will push the women's right agenda forward and should be lobbied for with the NARC government.

Vigilance by GGP partners will be continuous even when the constitution will be right, s that is the only way to ensure that practice matches policy.

There is need to have more women parliamentarians sensitised to be able to effectively carry the women's agenda in all their activities. The assumption that they are enlightened on women's issues and are willing to carry the agenda is questionable.

The active participation of women in Parliament has proved that they are politically empowered are able to participate on an equal basis with their male counterparts in the political process. They are also able to use their empowered status to solve problems they face as a community.

However, like we earlier mentioned, the aspect of attribution in democracy and human rights programs is a great challenge, so GGP can only claim to have contributed to the realization of this result. This notwithstanding, it can be said that it is meeting this objective and it has increasingly gained national recognition and respect regarding lobbying for women's legal and political space.

There is need for GGP and its partners to continue lobbying for domestication of the international conventions and other agreements that Kenya has ratified. A gender policy is particularly important, as organisations can legitimately lobby for women's issues and existing inequities using disaggregated data that would inevitably come with such a policy. The biggest prospect for amending laws that discriminate against women lies in the Constitutional review.

Experience shows that in a poor policy and institutional environment, development has much less impact. Without strong leadership and political will, political gains made by women are rapidly lost and lasting change or sustainable change is impossible. Institutional gaps (lack of openness, Rule of Law, and corruption) and policy gaps leave little room for faster and more visible change.

Society takes a considerable length of time to evolve; CSO cannot be expected to guarantee results for political and civil rights immediately. Achievements of rights in mature democracies were secured over centuries and civil education is part of an ongoing process of improvement. We must be modest in our expectations and donors must be realistic in their demands. Although along term view for results (Five years and above) in this area are desirable and more appropriate, the reality is that such a planning period is not feasible given that funding is not always certain.

Getting involved in Rights programmes involves risks. Innovative rights and democratisation programming will not always be successful, and that may expose the organisation to donor criticism.

Experience also shows that it is not easy to reach the poorest of the women poor. Privileged women will often have the time and better appreciation of civic education

programs and hence reap any benefits. Poorer women are more preoccupied with meeting basic needs and are often absent in the training forums. Special measures must be taken to encourage the participation of the poor (e.g. economic empowerment programs).

Implementation of Phase II of GGP

When Phase II of the GGP was launched in 2005 under the management of UNIFEM as the PFMA there were 29 organisations drawn from 131 constituencies out of a total of 210 constituencies in Kenya.

The strategy like in the previous process was to engender the governance structure as well as making the programme relevant to the ordinary woman in the village

The main objective of GGP 2 was to serve ordinary women in Kenya otherwise known as “Wanjiku”. Wanjiku in Kenya is characterised by:

- Political exclusion
- Invisibility
- Voicelessness
- Inability to get heard in decision-making forum
- Under representation
- Politically naïve and ignorant

GGP also hoped to alleviate the situation of “Wanjiku” because it:

- Builds local capacity (skills, knowledge, and attitude change)
- Visibility
- Provides forums.
- Provides options

GGP main aim was to accelerate gender and governance results by:

- Working with partners to improve their institutional capacity to support gender equality, including ensuring an equitable representation of women at the decision-making level and the development of policies and procedures that promote gender equality where these do not exist;
- Ensuring that programming frameworks, assessments and evaluations of partner organisations systematically consider gender and governance as a cross-cutting goal;
- Working with partners to ensure the use of gender analysis, the development of gender and governance

results in projects and programme, and the reporting of progress; and

- Supporting dialogue and co-ordination on gender and governance with partners, especially in fields such as MDGs, macro-economic policy reforms, and areas where GGP programs and projects could mutually reinforce each other’s efforts.

Conclusion

The gains for women in Kenya have been gradual since the country’s independence in 1963. The opening up of the democratic space in the 1990s presented numerous opportunities for women to actively engage in politics. Indeed, it is within this period that the country witnessed the emergence of strong vocal voices agitating for increased representation.

The contribution of women in the legislative process has in recent times taken on a more focused and vocal approach. The recent passing of the Sexual Offences Bill initiated by Hon Njoki Ndung’u is one clear demonstration of the influence and impact that women leaders in Kenya are beginning to have on the country’s policy making processes.

However, as Prof Maria Nzomo (1993) points out, there is need for increased action, otherwise the new democratisation process under way in Kenya could again be lost, unless women themselves seize this opportunity to challenge and seek fundamental changes in their subordinate status, by penetrating the decision-making centres of power and control.

The last general elections in 2007 saw more women vie for Parliamentary and civic seats. This was as a result of programmes such as the GGP which increased women’s political participation and encouraged many that they could make it in political and decision-making positions. Out of 2,548 total aspirants, there were 269 women running for parliamentary seats. This was a great leap compared to 44 women nominated in 2002. In the civic elections there were 1,475 women out of 15,332 aspirants vying for seats compared to 2002 when there were only 300 women out of which only 80 were nominated.

The increment seen in women aspirants in the 2007 elections was not on the basis of Affirmative Action but merely out of their own sheer struggles.

These successful women have had to endure many challenges to get this far. The same stories that dogged the 2002 elections like electoral violence, bribery, hooliganism, verbal abuses and threats against women aspirants, repeated themselves in 2007.

Despite all these challenges women were not deterred, with the country witnessing one of the biggest interests shown by women in politics.

Most of those who lost did not win because they were not capable of holding leadership positions. They lost due to violence meted on them and their supporters or lack of resources to marshal campaigns as highly intensive their male counterparts. That is why it is imperative for political parties to appreciate this, and enforce the Affirmative Action policy to bring on board as many women as possible.

It is good to note that no party had met the 50 percent Affirmative Action which they had promised, let alone 30 per cent minimum requirement agreed upon by countries all over the world under the Beijing Platform for Action.

A cursory look at the major parties reveals that; ODM-Kenya party had 20 women out of a total of 300 parliamentary aspirants, which translates to 6.7 percent before the nomination. While on the civic front, it had 210 women out of 2,034, translating to a paltry 10 per cent and only 15 women were nominated by ODM-Kenya to run for a parliamentary seat.

ODM on the other hand had 59 women out of a total of 836, translating to seven per cent and they only nominated seven women.

In the Party of National Unity (PNU) women parliamentary aspirants were 73 out of 727, translating to only 10 per cent and only 11 women were nominated.

The rest of the women aspirants are standing with smaller parties, an indication which political analysts are describing as, "inconsequential parties".

Yet if nomination could have been conducted in a more gender friendly manner, many women could have made it to the final ballot but still the number could have been far below the 30 per cent requirement.

A recast at how women turned up for the nomination indicates that for the first time that formidable women candidates have emerged in the political ground in

large numbers. This scenario is a replica of the 2002 General Elections were women turn up in large number to vote during the nomination and violence became an impediment for them to exercise their rights.

Even though their numbers spoke volumes on how women would like the various political parties to engage with them, lack of Affirmative Action locked out many women as either voter or aspirant.

Unlike the 2002 when women aspirants and women organisations rallied round the women's manifesto which they developed and was adopted by all the political parties; this time round, women were at the mercy of political parties' manifestos.

Nevertheless, women are happy that the visibility they were given by the Gender and Governance Programme has played critical role in ensuring the increased numbers of women being nominated.

Mr Peter Kubebea, ODM-Kenya's vice-chair and Director of Elections believes the problem is with fewer women coming out to vie for political positions.


"It's a question of persons coming up; the numbers of women still need to be stepped up." He says the party believes in Affirmative Action. But this was only after the party gave direct nominations to Imenti North's Flora Terah who had been beaten up by goons sent by her political rivals.

Kubebea says getting the 50-50 parity will take long no matter which party gets into Parliament.

"It's a long term process, it will not happen today or tomorrow. Women have to keep on agitating from all levels — at parties and the grassroots levels."

Nancy Abisai, an ODM National Executive Council member and party women's leader says the problem is not with the parties but rather in the constituencies, where negative beliefs about women's place in the society are still a limitation. "Right now the problem is on the ground and not about the party. It's about cultural issues. And it is beyond the parties reach."

A political analyst Kwamchetsi Makokha says women are still not in the centre of influence in parties. "A lot of women are not in the mainstream of parties and it is very easy for them to get rigged out."



He forecast gloomy news for women towards the 2007 elections. “The number will only be slightly higher than the last eight per cent. I don’t think it will go past 20 per cent unless overt measures are taken to ensure this. Women are still doing very badly.”

The masculine model of political life, lack of party support, limited finances, limited access to political networks, the absence of well developed education and training systems for women’s leadership and orienting young women toward political life and the nature of the electoral system were other obstacles cited that face women candidates running for political posts.

The numbers of women could have been higher but women are believed to have lost out in the coalition. What then should be done?

“Party leaders should be made to promise that where the women pass through nominations, they should give them heavy support. Also, the big majority of nominated seats should be set aside for women,” says Yvonne Khamati, deputy permanent representative to the African Union.

“What I can see is a shift in the political dispensation. Women on party lists who lose nominations can choose to remain in their parties and negotiate for positions

in government from there. They can then use this as a springboard to go it again in the next election. Also, they should use the political party’s act to try and ensure that gender parity is actualised after the elections,” Khamati says.

Currently the government of Kenya is constituted under a Grand Coalition. It has promised to give the country a new constitution. This is hoped that will give new laws that look at the number of women holding positions of decision-making improved through a gender parity of 50-50 as was envisioned in the manifestos of Mwai Kibaki and Raila Odinga in their presidential manifestos.

The Political Parties Act that is already in place will see more women nominated by parties in matters apolitical.

However, women must ensure that they attain high level and adequate political and public decision-making representation by committed women and gender sensitive men of their choice in the envisaged democratic arrangement. This is the only way women can be assured of influence in the designing of future national development policies and programmes. It is also the most effective way of ensuring that laws that discriminate against women are repealed or removed from the statute books altogether.

Gender discourse in Kenyan Parliament

There are three platforms on which gender related issues may be discussed in the country under the jurisdiction of the legislature: the constitution, the standing orders and other debating regulations and practice and the parliamentary committees. While “the constitution is supposed to embody all the fundamental principles and values of the Kenyan people and ensures that these values are given the fullest legal protection and grounding” (Thongori, 2002:24), an account of events touching on various aspects of the life of women in the country in the past few decades point to the opposite direction.

This assertion is reminiscent in the manner in which the bills and motions on sexual violence, women and property rights, marriage and family protection have been unfavourably treated in the parliament.³²The standing orders of the National Assembly, as revised in 1997, although framed in a generic language, may fail to take cognisance of particular needs of women parliamentarians. Throughout the Standing Orders, for instance, “he” (he is defined in section 113 of the Constitution. Standing Orders are subsidiary legislation to the Constitution’) and is used generically to refer to both men and women, yet it is under this approach that issues of particular concern to women have been known to miss the desired keen notice of planning and policy faculties⁴³. As for the parliamentary committees, most of which are usually constituted at the onset of each parliament, that women are usually under-represented in them is incontestable given the low proportion of female relative to male members of parliament that has been typical of Kenyan political scene.

A review of the views expressed in the country’s Parliament Hansard over the independence period may cast into glare how a combination of these constitutional, structural and theoretical factors have interacted to shape the way discussion on gender related subjects have taken place through time. During the period under consideration, there has been a combination in the legislative chambers in terms of transformations and in the social, economic and cultural lives of men and women over the past century as they impinge on the struggle for dominance between these human polarities. This interplay of a contingent

group of factors may be resolved, though not absolutely, into the following distinct categories.

Balancing rhetoric and planning concerns

Beginning with the proposal to repeal the Affiliation Act, whose discussion ensued shortly after independence from the British colonial administration, there was a strong tendency among parliamentarians at the initial stages to treat gender related matters before them with sheer rhetoric pronouncements rather than stick to the intrinsic values demanded of subjects in the heart of national planning. The debate over whether to amend the Affiliation Act saw parliament, then comprised of male only, degenerate into sheer discussion of women than work out a formula for dealing with children in dire need of care.

A particular legislator masquerading under the illusion that the money taken out of the fathers in question after all never went way to benefit the intended children, for example, eloquently stated that the “money which is paid goes into buying wigs, or Ambi and all these funny stuff and the children are not receiving anything.”⁵ Another parliamentarian stated that “The Affiliation Act has discouraged our girls in this country from getting married,” further alleging in an intimidating manner that “some honourable Members here have daughters who earn money from the courts as a result of this Affiliation Act, and that is why they are making such a noise.”⁶⁸ In the same line, a member of parliament failed to see the complexity of the factors that may propel a girl who becomes pregnant out-of-wedlock (such as quest to continue with education or fear of communal intimidation) to terminate the pregnancy other than that “they destroy them so that they look good so that they are followed by men.”⁷⁹

This approach of drifting from the matter at hand prompted the honourable Tom Mboya, then minister for Economic Planning and Development, to put the discussion in perspective thus; “I would like to say that,

3 A detailed treatment of the manner in which these Bills and motions have been handled in parliament can be read from Kibwana and Mute (2000) and Thongori (2002)

4 Kaber and Subramanian (1996)

5 Report of Parliamentary debates (Hansard) June 12, 1969:1115

6 Report of Parliamentary Debates, June 11, 1969: 1044. This statement sounded so disrespectful that the Speaker immediately ordered him to withdraw from it

7 *Ibid.*, col. 1113.

in my view, some of the debates that have been taking place, have been misplaced and irrelevant. The question is not whether we are for or against women, nor is it a question of whether we defend men. The real issue here is and essential point of concern is the children.”⁸

Use of derogatory language

Lack of respect for matters regarding gender were further indicated in highly negative, subversive and stereotyped expressions such as “loose women”, “prostitutes” and “make men slaves of women” that were dominant during the period of discussion on the repeal of the Affiliation Act. Even though the Affiliation Act had been there, male members of Parliament thought that this Act was being abused by women who wanted to take advantage of men.

The then Attorney when Introducing the Affiliation Act (Repeal) Bill on 10th June 1969 said, “Mr. Speaker sir, the purpose of this bill was not to provide money for unmarried mothers. The legislation was aimed at...I know, Mr. Speaker, as I am speaking that a lot of people have got a lot personal interest in this legislation. I have a letter here from the National Christian Council of Kenya telling me that this legislation should not be passed and the matter should be deferred.”⁹

A member of parliament once succinctly elaborated his position regarding the issue before the House: “Many people are being brought before the courts because these women-many of them are after money, not because they were divorced unwillingly, but some of them try to run away or to divorce themselves in order to get more money, and after they have got this money, all the judgment is made in the courts. I think if such a law is to suit our country, the money being paid to these women or to these prostitutes should be paid directly to Government,” he continued, further stating that “In African laws or customs we find that the children belong to the fathers, unlike in today’s Acts where you find a woman claiming that the children belong to her. [Yet] Instead of feeding them, or taking care of them, you find that she is running here and there trying to get the more money. At the same time, [Mr. Speaker] Sir, it is high time that we found that unmarried women should also report to the Government as to why they are not married”¹⁰

⁸ *Ibid.*,

⁹ *Ibid.* col. 1049-1050.

¹⁰ Hansard of June 11, 1969: 1053

This should, however, not sound as a scheme to discredit the good work then being done by a few members who painted the discussion with a sense of gender balance through addition of men’s angle to it. In lieu of this, it suffices to note the following remarks made by the discussants:

“We are interested in the children who have been brought into life not on their own mistake, and not, in many cases, on the mistakes of their mothers, but, in many cases, the mistakes of their fathers”¹¹;

“Mr. Speaker, Sir, it is only we men who interfere with women. When you interfere with someone, you are responsible for the outcome”¹²;

“As the government promised to bring a Bill in this House to protect children born from parents who are not married, I hope they will do that very soon, because the men who are interested, will take advantage of the repeal of this Act, in that they will seduce the women or the girls, make them pregnant and get children knowing that there is no law which will force them to look after those children. Women, being poor characters, cannot avoid this and nature, of course, will force them to do such things. Thus the women are the ones who will suffer”¹³;

“Mr. Deputy Speaker, we in this Parliament are in opposition to legislate in favour of ourselves and in favour of other people and against ourselves as well, as against other people. This is one of the most discriminatory pieces of legislations that we ever made against other people while we favour ourselves as men that are why, I think, that every now and again women claim that there is no woman in this parliament and that is why some of these things go unchallenged like this. I agree with them.”¹⁴; and

“May I also comment, as we discuss this Bill that we make will so that one may make provision for his family. One can mysteriously disappear or die in a motor accident as soon as he goes out of this building. You could be run over by a car this afternoon, and if you will not have made any provisions for your family, your wife will be harassed by your brothers who are not on speaking terms with you. They will certainly spring from all sides claiming property and other belongings from the widow. This is a very sad thing that is witnessed every time. One will even go to the extent of claiming the widow of the dead man by telling

¹¹ Report of parliamentary Debates, June 11, 1969:1053

¹² *Ibid.*, col.1060.

¹³ Report of parliamentary debates, June 17, 1969:1250

¹⁴ Report of parliamentary debates, June 12, 1969:1020-1021

her, you belong to me and therefore you must get married to me and so on and so forth”¹⁵

Hon. Kamwithi Munyi told the House on 17th June 1969 that, “Mr Speaker sir, what I am going to do this afternoon is to appeal to the womenfolk in the Republic of Kenya that a general election is coming and that it is high time women should come forward in order to be represented in this House, they will be in a position to defend their own affairs. We have been trying to defend the affairs of women in this House but it is a foregone conclusion that if we had a good number of women in this house they would be fully defended.”

He continued, “Mr Speaker sir, if we had at least two women members in this House, neither of them would have agreed to repeal this Bill... I am sure Mr. Speaker and I asked the Hon. Attorney General the other day, if he knew that more than half of the people who had the vote in this country were women? The answer the Attorney-General gave me was that it is true; they are more than half. What would happen, Mr. Speaker, if they organized themselves in order to return at least one quarter of the Members to this House or half?”

Since Munyi asked that question, Kenyan women have been struggling to enter into Parliament but the struggle continues. Research carried out in Kenya on this issue indicates that there have many hurdles that hamper women equal participation in decision-making processes. These are; Literacy and voting, the media, traditional patriarchy, violence, subordination of women in political parties and resources constraints.

Women entry catalyses parliamentary debates on gender issues

In the 1970s when women made a debut in parliament, though in meagre numbers, an analysis of the language used therein point to the conclusion that the tendency to use overtly stereotyped terms with regard to gender topics started to change for the better. This picture is reminiscent in the debates of the Marriage Bill, thanks to the presence of the gracious honourable Grace Onyango whose moderating role partly meant that the male legislators had to adhere to the principled dignity for women in the house.¹⁶ This observation

¹⁵ The attorney General, Charles Njonjo, Impressing upon the legislator to discuss the married Bill to the sober mind (in proceedings of the national Assembly debates, July 12, 1979:379)

¹⁶ As happened during the proceedings of the July 12, 1979 (see col.382 of the Hansard)

became more pronounced with progress in time that saw the number of women in parliament record a dismal increment, and is thus an endorsement of the adage that women are likely to moderate discussions in the National Assembly and keep members stick to intrinsic aspects of the issues under consideration, as the experience from countries at the avant-garde of mainstreaming gender in political participation has shown.

Introducing the Marriage Bill to the House on 12th July 1979, the then Attorney General said, “as a House, we have no less than five acts which deal with the question of marriage. We have a problem in the past because marriage as defined by our laws means a marriage between a man and a woman, both of them married between a man and a woman, both of them married for life to the exclusion of all other men and women. Therefore marriage is a union of two individuals, namely a man and a woman.

Mr. Speaker, Sir, the President appointed a commission because men have been prone to poaching and going out at night, leaving their wives and having other illicit unions. As a result, a commission was appointed by the President to examine the whole question of marriage and to see whether what we call customary law, namely where you have had one man married to about 10 wives, or 10 women, could be brought together into the marriage as we know it today in law so that those wives are recognised by law as married. This is what this legislation is now going to do when it has been passed by this House.”¹⁷

Realising that Hon Grace Onyango was in the House, a Member of Parliament said, “Mrs. Onyango is listening very attentively.”

Because of her sheer presence the language of the debate changed. For example in reply the Attorney General said, “this idea may not be popular with some women. Unfortunately, they will have to face the fact that in this country and also in this House there are quite a number of polygamous gentlemen. Therefore I am afraid that hon. Ladies in this House are minority.” (Ibid)

Arap Soi told the House, “then we are lucky because some of our marriages are not registered. The other part of the Bill, which I think is too fast, is section 73, which talks about the right of spouse to inflict corporal punishment. In this section no husband will be allowed to inflict corporal

¹⁷ *Ibid*, June 1969

punishment to his wife, even a slap. I would like to say that is a necessity. How can you discipline your wife if you cannot inflict corporal punishment?¹⁸

Standing on a point of order, Hon Grace Onyango said, “The Hon. Member said that the husband is the only person who can do the slapping. It is known that some women are stronger than men. If it is the question of housing, many women pay for the houses while men take their money to the bars. The hon. Member says that when a man slaps his wife he is doing a good job, but when a woman slaps a man who is always naughty, that is said to be bad manners. Why is this so?”¹⁹

By questioning the gender stereotype in the honourable members thinking while discussing the Marriage Bill. Hon Onyango was able to bring gender issue into the debate. She was also able to challenge Hon. Members in the House and was able to bring balance on the debate from a gender perspective.

And Hon. Mwai Kibaki told Hon. Members, “I personally welcome the limitation on the age at which boys and girls may marry. The main point on which I want to lay emphasis is the way this law has included both the flexibility which we need in a young nation, but also granted the kind of right that should be given to the women in any nation. For this reason we cannot on the one hand pretend that we are a developing nation, which wants to arrive at a position where 50 per cent of the population is women, but who have not the rights that this Bill gives them. If we do not give them those rights then they will not develop the kind of initiative necessary to build resources and to contribute to the development of the nation. I welcome the rights given under part four—properties, rights, liabilities and status. Starting from clause 63 to 82 I think this is the best thing this Parliament can do to this nation in recognition that when a woman has worked hard, the property she has acquired is hers.

She also has equal rights like any other man regardless of whether she later becomes married. The property should be hers unless she changes her mind and transfers it to another person. This is one of the major challenges in the African society.”²⁰

18 *Ibid*

19 *Ibid*, June 1969

20 *Ibid*

Placing gender issues at the heart the parliamentary debate.

While the verbatim reports on the proceedings of the parliamentary debates generally lend little support for the contention that men are basically do not address gender related matters, especially with an aim to improve the lives of the women lot, men themselves, however, tend to treat but only peripherally the discussion about the associated topics. In some cases where reaching a consensus has proved rather elusive, women have been left to fend for themselves. In 1969, Charles Njonjo openly told the House on the occasion of the discussion of the Affiliation (Repeal) Act that “there are certain people who are paying lip service at this late hour, about this legislation. However, the truth is, if one were to gauge the feeling of this House, it would be apparent that this legislation is unpopular.”²¹ At one point he got so discouraged on realising that this Bill would, after all, not be passed on the floor of the House, he said “my only appeal is to our womenfolk, and I ask them to beware of men when they meet them, and I also say this. Our girls should be very careful and not be friendly with men and should not have any association with men, unless the man takes her first of all to the altar and she becomes a wife to him.”

But there have been some men who have been gender sensitive. Charles Njonjo, the then Attorney General stands out. While introducing any bills that affected women and men, he went into great details on how when passed it will affect both genders. The then Minister for Economic Planning and Development Tom Mboya also most of the time used to caution his colleagues in the House not to trivalise issues when it comes to women.

On 17th June 1969, while giving his views to the Affiliation Bill (Repeal Bill) Hon. Omar said, “It is women and the children who are going to be victims of this Act if it is repealed, and it is going to give freedom to those men who have been convicted under the Affiliation Bill because they will not be paying any more money for the children.

But the majority of men then were not gender sensitive when it came to issues touching on women and children. So often they were accused of personalising issues. This observation seemed to hold throughout the period prior to significant inclusion of women in parliamentary debates. Only until women had a chance to increasingly participate in parliamentary debates did the country have a chance to

21 *Ibid*

get gender matters near comprehensively given attention to in the National Assembly, as indicated by the numerous motions moved by women (and seconded by men) with regard to Affirmative Action (Beth Mugo), participation of women in politics (Phoebe Asiyo), the implementation of the Beijing Platform For Action (Charity Ngilu) and the Equality Act (Martha Karua).

The most remarkable statements in the way of expanding the gender space in the country were those made by Honourables and Raila Odinga in 1996 and 2000 respectively. When moving the motion on the implementation of the Beijing Platform for Action, Ngilu expressed the view that “when more than half of the nation’s population is left out of decision making, and turned into a cheering crowd, there can be no prosperity, stability, progress and justice; and definitely, there will be no love, peace and unity.” “We must put more women in positions of power and break away from this norm of sitting and waiting for tokenistic appointments,”²² She added. Raila later endorsed this clamour for gender equality on the occasion of seconding a motion moved by the honourable Beth Mugo about the Affirmative Action when he stressed that “gender equality is a human right. All men and women are born equal and they should be given equal opportunities by the society in order to realize their potential.”²³

Adding value to Parliamentary accountability and transparency to gender issues

The 1995 study on women in the South African parliament argued that, *“Parliament should be in the forefront of creating a climate of intolerance to prejudices and of customary and other practices that perpetrate the belief in male superiority and female inferiority. Parliament needs to send a clear message to the nation that values that carry prejudices against women need to be assessed and changed.”*

In Kenya, even though women have been few in Parliament, but they do not shy away from taking every opportunity to try and remind men that women also have got the right to decision making like any other human being.

On October 30th 1996, Hon. Charity Ngilu in trying to refocus the Kenyan Parliament on the need to be sensitive based on



the Beijing Platform for Action, told the House that, “The most important aspect of the implementation, will depend on the availability of sound mechanisms and resources. Obviously—“when funds will be available”. If the KANU Government was committed to women’s empowerment as its own manifesto professes, it should undertake the following programme of action.”

Adding value to parliamentary debate on gender issues, Hon. Ngilu clarified to them that, “When we talk about women’s empowerment, some people take it to mean that it is a war by women against men... but women’s empowerment should be taken as the only key to development. You are aware that more than half of the nation’s population is left out of decision making and turned into a cheering crowd, there can be no prosperity, stability, progress and justice and definitely, there will be no love, peace and unity. This country has been Independent for the last 30 years and the fact that we have not achieved stability and progress is a clear demonstration that we cannot develop without the proper participation of women. We must make women equal partners in development so that our country can progress. We must put more women in positions of power and break away from this norm of sitting and waiting for tokenism appointments.”

She further told the House, “If there were more women in this Parliament, perhaps the multi-party Parliament would be less acrimonious because women focus on issues. Women are sensitive to the issues that affect the nation. Women do not focus on personalities, power and money. If this country had a woman President, the constitutional reforms, which were promised to this country two years ago, would have already been affected because women do not know how to go back to their promises.

²²

²³ ¹⁹ *Ibid*

On the same day, Hon Phoebe Asiyu the longest serving woman parliamentarian said, "Around 52 per cent of the population of Kenya are women. IN this House we are less than 2 per cent, a House where all the decisions that directly affect the lives of more than 52 per cent of our people are made."

Hon Asiyu added, "Enough has been said about women in decision making positions. Historically, we in East Africa are the same. How come that when the late Mzee Jomo Kenyatta established two commissions to look into law of marriage and divorce, the Tanzania Government adopted those recommendations and enacted the Bill that was done by Kenya, but which until this minute has been rejected by this parliament. I am saying again that the women of Kenya must reject any man or woman who is not woman friendly and not gender sensitive because too much energy is being wasted and a lot of energy is going unnoticed."

There is no single path to political activities for women that will guarantee their political empowerment. Look at political parties what women do they have as their chairladies or even general secretary? We have to be sensitive to women's issues. Both the opposition and the ruling party should be more sensible and accommodate women of Kenya.

Kenya must adopt affirmation action so that the House will have, at least 30 per cent of seats for women. There is no reason why we should not have one woman Member of Parliament from each district in Kenya, so that all the districts are represented here. We have capable women who can do this very effectively. (Hansard; October 1996)

Supporting Ngilu's motion on the Beijing Platform for Action, an Assistant Minister for Education, Hon. Komora said, "Our cultural set-up has been against women to the extent that when we have problems of fee and I know these problems; where somebody has to decide whether it is the girl or the boy who should continue with education, unfortunately, the mothers themselves give priority to the boys to continue with education and leave the girls behind.

"These traditions which give emphasis to man leadership in every area against women are against national development. This is because of the hard workers of this nation can be educated and given opportunity to contribute effectively as

they do now in the rural areas, I am sure that we would have been far more advanced than we are today. This is because we have failed to do that."

The honourable Simeon Nyachae divulged another salutary aspect of governance likely to accrue to the country in the matter of transparency and accountability noticeable in the past parliamentary proceedings in 2000. In providing support for the Affirmative Action Motion, he observed that "there is no doubt that if we increase the number of ladies in the leadership of this country, we will have more reliable people managing this country. If you go through the reports of the Public Investment Committee and Public Accounts Committee, you would not trace the name of even one woman who has embezzled public money. Therefore we need more reliable people, and women are more reliable than men"²⁴

How motions targeted on women's empowerment have been treated in parliament

Reports available on how women MP fair in parliament indicate that few women who have been in parliament have had a positive impact. The adoption of the Beijing Platform for Action in November 1996 which was moved by Charity Ngilu making her the first Kenyan woman to successfully move a woman friendly Motion.

The resolution committed the Government to the translation, interpretation, simplification and clarification of the resolutions in the Platform of Action to grassroots women. In addition, the Government committed itself to convening seminars, workshops and other fora in all sub-locations to explain the Beijing Platform of Action and to the allocation of adequate funds for the enhancement of women's welfare.

But the same week that parliament adopted the BPFA motion; they made a resounding rejection of a Motion which would have made female circumcision illegal. This was a direct contravention of the Beijing Platform which observed the dangerous health repercussion of female circumcision. Governments ratifying the document committed themselves to prioritising programmes that support and enable women to make decisions on and

²⁴ Report of Parliamentary Debates, April 19, 2000:371

take responsibility for their health and to achieve mutual respect in matters concerning sexuality and fertility.

When Hon Phoebe Asiyo begged to move the motion on women's participation in politics on the floor of the House on 23rd April 1997, it was a stepping stone for women's issues to be discussed in Parliament.

The Affirmative Action Motion's aim to compensate for the absence of women representatives in elective offices from the grassroots to the national level and up to policy making organs in Kenya.

According to Asiyo, the Affirmative Action provision as much as it commits not only the Government, but also political parties to nominate one third women candidates to participate in the National Assembly as well as local authorities elections. She further reiterated that the Constitutional amendments she was proposing was going to enable women candidates from all political parties to contest two Parliamentary seats in each Province, without any physical boundary.

Saying that there can never be democracy without the political and decision making involvement of 50 per cent of the population, representation of women in political parties, Parliament and local authorities will bring a different perspective in politics.

Contributing to the motion, Hon Kiraitu Murungi said. "There is no woman who is a chairman of any political party, even opposition parties; there is no woman who is a secretary-general, treasurer, national organising secretary. We are not trying to have a "holier than thou-attitude," but all we are saying is that we have a collective responsibility to include women in the mainstream of Kenya politics by bringing in measures which will ensure that they are elected to top political decision-making positions in this country.

"So we should be ashamed of ourselves that out of a Parliament comprising of 200 Members, only six are women. So, this is clearly unjust and it is upon us to make sure that at least 30 per cent of the Members of Parliament in this House are women. This is an election year and this is not a motion between Hon Asiyo and others, it is a motion for those who support women and those who do not." (Hansard; April 1997)

But while the motion was supported by a number of male MPs, there were those who opposed it and they argued that the motion was further going to marginalise the minorities. It is further worth noting that when it comes to women's issues, then all over sudden men are championing the rights of the minority.

The then Assistant Minister in the Office of the President, Moody Awori told the House, "The motion negates the whole spirit of Beijing because in Beijing, the purpose was empowerment of women; bringing about the full rights of women and the equality of women in order for women to be treated equally with men. If you now give separate seats, you are making them more equal than men. Women, by nature are complex. One minute they are tender and kind, the next minute they are hard and cruel."

Mukhisa Kituyi when contributing to the motion said, "I have listened to Hon. Member of Parliament totally distorting the meaning of words "affirmative action." If affirmative action is about helping minority for example in the USA, affirmative action would be focused on Jews. There are less Jews than African Americans in the USA. Affirmative action is not about helping minorities, but about strengthening the hand of the disadvantaged, where the disadvantaged are the majority. Like in the commercial sphere at independence, affirmative action is to remove hurdles in the path of the majority.

No country can boast of its being in transition towards democracy if it retains institutional, primordial, sentimental and attitudinal hurdles in the path of more than 50 per cent of its population.

The Affirmative Action motion debate was defeated; this was evidence enough that after 34 years of independence, the parliament and the Government has no real interest for gender equality.

Asiyo has consistently argued that Affirmative Action is the only way to advance the cause of women. Arguments that Affirmative Action is un-African and goes against African tradition ring hollow. The counter argument has been made that tradition is conveniently used to continue the oppression of women and retention of power by African men who are in many ways far removed from the traditions they pretend to uphold.

In being asked to support Affirmative Action, Members of Parliament were not being asked to elect women. They were simply being asked to ensure that each political party includes more women candidates among the nominees presented to the electorate.

Motion to establish gender equality commission

The aim of the motion introduced to the House on 12th May 1999 by Raila Odinga, was to protect, develop and promote attainment for gender equality since the government is a signatory to the Beijing Platform for Action.

Contributing to the motion, Hon Julius Sunkuli said, “The law in this country is not necessarily discriminative of the gender, but I admit that there is need to look at certain laws. I am addressing this without overlooking the restraints we have in Islamic laws or other laws relating to religion, but indeed we need to look at the law of succession in this country.”

Prof. Anyang Nyong'o told the House while supporting the motion, “Quite frequently when women raise issues regarding women rights and women oppression in this country, they are accused of only being elitist women in Nairobi doing this thing. This is very wrong. Even men who participate in public life are part of the elites. There is really no contradiction whatsoever, for an educated woman living in Nairobi being an advocate for women rights nationally and internationally. So, this idea of stigmatising women advocates on gender issues as being elitist should in actual fact, be stopped and discouraged.

Hon Raila Odinga told the House, “The issue of gender parity is not that of war between men and women. So both men and women should unite together as partners in fighting against this issue of gender discrimination. We will also need to address the issues of historical discrimination.” The Motion was passed and the government committed themselves to establish a Gender Commission.

Motion seeking leave to introduce Equality Act

The Equality Act Motion introduced by Hon Martha Karua on December 1st 1999 was to make provision for equal treatment of citizens of Kenya irrespective of gender and end all forms of discrimination.

She said, “When you talk of equality, you do not need to only think of gender equality, but also equality in ethnicity, the minority, the disabled and religion. Equality Act covers a wide scope. So when we talk of equality, we have in mind the appreciation of similarities and differences among the gender groups.

Hon Josephine Sinyo said, “I would like to convey my gratitude to those who have identified that this Motion embraces all kinds of discrimination and seeks all forms of equality. On the issue of equality for the last 35 years, we people with disabilities have not exercised our right to elect our members in presidential, parliamentary or civic seats. The voting places are not accessible. Equality and discrimination of people with disability is also gender-biased. When you are a woman with disability, it is even more grave.

Contributing to the motion, Hon Raila Odinga said, “We have policies in place and the Government is usually very fast in signing documents, particularly international conventions. The problem is the big gap between pledges and actions. It is that gap that needs to be bridged as we enter the new millennium; that the Government ought to show real commitment to those policy statements.

That is why we are talking about gender mainstreaming. To bring the point home; that there is discrimination that needs to be addressed. One is the right of citizenship. We know any Kenyan man who marries a foreign woman and then the woman bears children here, those children are automatic Kenya citizens and the wife also has a right to become a Kenyan citizen. The same does not apply with respect to Kenyan women who marry foreign men. Those men who marry Kenyan women are denied the right to become Kenyan citizens.

Motion to introduce Equality Bill also further passed. Hon Karua who moved the motion said, “By supporting this Motion, this House has supported development in this country. It is supporting a new era in the next millennium where all citizens of this country will enjoy their human rights contribute equally to the development of this nation. The Act will prevent both direct and indirect discriminations, whether based on gender, ethnicity, and minority or in any other area.”

She further explained that, “We know that women cannot take their gender forward without the active participation of our male counterparts. I therefore, appeal for a string

partnership between the genders to enable this country to progress and to enable us to domesticate international covenants.”

Motion seeking leave to introduce Sexual Offences Bill

When the nominated Member of Parliament introduced the Sexual Offences Motion on the floor of the House on 27th April 2005, what came out and was observed by many analysts was that she had done her homework well. The language she used while introducing the Motion was gender sensitive, and was not pitting men against women. And when Hon. Sasura supported the Motion, he captured the spirit and essence of what the Motion was trying to achieve. One of the notables out of this debate is the kind of language and tone used by members while debating on the issue. They took it seriously and deliberated on the issue with the seriousness it deserves.

While introducing the Motion, Hon Njoki Ndungu said, “in view of the unprecedented and shocking rise in the crimes of rape, incest and other sexual offences; concerned that most rapes occur during the course of other serious offences; concerned that most rapes occur during the course of other serious crimes; concerned that everyday women and girls are the primary victims of this terrible violence; further aware the current law does not protect all persons including men and boys from this heinous act; aware of the increase of paedophiles targeting victims who are small children and increase of sexual deviants who target mentally challenged persons; concerned that the punishment of sexual crimes is often lenient and does not serve to rehabilitate offenders; convinced that the punishments and deterrents to these crimes must be enhanced; this House grants leave to introduce a Bill for an Act of Parliament entitled “ The Sexual Offences Bill.” To clearly define offences of sexual and violent nature including rape and sexual violation of all persons including women, men, children and mentally challenged persons, and to further enhance punishment and deterrent effect of such offences to include minimum sentencing for first offenders and appropriate medical treatment for repeat sexual offenders, paedophiles and sexual deviants.

I wish Parliament to understand that rape is actually a crime of power and violence and sex has nothing to do with it. The extent of this problem is so serious that sexual predators are having a field day on men, women, children, mentally challenged persons and old people.” (Hansard; April 2005)

Concurring with Hon Ndungu’s sentiments, Hon Sasura termed the bill as historic piece of legislation if it is enacted by the House.

He said, “this piece of legislation is aimed at protecting the vulnerable members of our society; women, girls and now even boys and weak men. In the earlier days, incidents of rape used to be breaking news. When we heard about rape, it was such important news that it was talk of the village, the towns and the country. In our African customary laws, we used to have ways of dealing with rape cases. In Boran customary law, if a man rapes a baby girl, he is killed, subject to the laws of the land. In Southern Ethiopia, where customary law is very strong, men who rape young children are killed. These are not written laws. They are African customary practices.

“[T]his boils down to the fact, which is that people who rape are not better than the animals who do not rape. It is the responsibility of this House to enact laws to deter rape. If we can enact laws to fight corruption and establish a police unit called Anti-Stock Theft Unit, it is also important that we enact legislation to protect the vulnerable and the weak in this country. This law will address the crime itself, the punishment, the correctional measures and how e shall penetrate society at all levels in terms of education and other mitigative factors.”

Supporting the motion, Hon Mukhisa Kituyi, told the House, “We have been given the privilege to serve as leaders and to have a vision for our society; to try to create a kinder Kenya and redeem the image of our country, which internationally, still walks under the cloud of the St. Kizito debacle. When the international media covered for the whole world, a headmistress said that the boys did not mean any evil; they simply wanted to rape. We have a responsibility to clean that image of the world thinking that Kenyans behave that way. I support not only the introduction of the Bill for the law, but also support castration as a remedial exercise in that law.”

The Member of Parliament for Langata, Hon Raila Odinga told the House that, “When you see that 16,000 rape cases were committed last year alone and these are the only ones which were reported, you will see that we are dealing with a very serious issue, indeed. We want to build a secular, non-sexist, non-ethnic and a non-racists society. So, the crime of rape is not a gender issue. It is a crime against humanity. Therefore it must be treated as such.

"I agree totally that we have inadequate legal provisions to deal with this matter. That is why people have been encouraged to get involved in this activity. This is an issue whereby there should be first offender. You must, therefore, be treated just like a serial rapist. Rapists commit a worse offence than a robber who does not kill because he may infect his victim with the HIV/AIDS virus. Therefore rapists must be treated more seriously than a highway robber."

Contributing to the motion, Hon Adelina Mwau, Nominated Member of Parliament said, "I would like to demystify some of the myths that surround rape. Women are said to be raped by strangers and in lonely places. The fact is that most rape incidents take place at home. Many of our girls and boys are actually sodomised at home by their fathers, brothers, cousins and uncles.

"The other myth I would like to demystify is that, it is said that women say "no" when they mean "yes". The other myth is that, they say men rape women because they are overcome by sexual urges. The fact is that rape is planned over a period of time. Again the manner of dressing among women is also believed to be the cause of rape. However, the fact is that rape has nothing to do with the manner in which women dress. We have seen babies of two years, grandmothers and women in buibui being raped. Finally rape is about power. It is therefore important to start changing our perceptions about men and women's sexuality."

Hon. Amina Abdalla, a Nominated Member of Parliament informed the House, "Although last year we amended the Penal Code to have the maximum penalty for rape as life imprisonment, we have not amended it to deal with the minimum sentence. Therefore, I hope that the details in the Motion will cover these very important components."

The Leader of the opposition, Hon Uhuru Kenyatta while supporting the Motion said, " We should not only deal with the crimes, but we should also ask ourselves, as a House, what has gone wrong with our society that these crimes are on the increase. We need to address the social problem as well. Punishment without the House addressing the social problems which have led to an increase in these crimes is not adequate.

The Attorney General Amos Wako also added his voice to the motion and said, "The Government supports this Motion because it is very important. A clear message

should go out to the people of Kenya that this House collectively views these offences as being very abhorrent, primitive and cannot be tolerated in our society. There must be zero tolerance to sexual offences. That is why we are supporting this Motion.

"The Government has had all the time to have this Bill. In fact sometimes last year when I was moving the Criminal Law (Amendment) Bill, we dealt with a few issues. For example it removed inconsistencies in penalties on sexual offences. It gave protection of identity of minors in criminal proceedings which were to be heard in camera. It also removed the need for corroboration which made it easier for persons to be convicted of these offences. At that time this House will recall that I mentioned that the Government will be bringing a Sexual Offences Bill which is comprehensive. I also informed the House that the Government will work together with the civil society on these issues in developing that Bill. In fact, I want to assure this House that the Government has worked very closely with the civil society in developing such a Bill. In particular, we have worked with FIDA-Kenya, Cradle and Clarion in developing the Bill. We have given the technical expertise in drafting this Bill because we know that this Bill requires the entire collective response of Parliament united, not the Government or the Opposition, to deal with this scourge.

"As you may be aware, the offence of rape has, through a decision of the International Criminal Tribunal (ICT) on Rwanda been declared a crime against humanity. Also, through jurisprudence of the European courts, the African Commission on Human Rights, the Inter American Commission on Human Rights and courts, the offence has also been classified as torture. What this means is that this is an offence that can be tried by the International Criminal Court which Kenya ratified last month. I was privileged to deposit instruments of ratification on 15th March 2005 in New York. So we are already party to it. So at the international level, this is an offence which is now being given a lot of attention and gravity."

The Minister of Health, Hon Charity Ngilu said, "Rape is a serious crime. It does not only affect the person who is raped, but also members of the victim's family. It affects fathers, mothers, brothers, sisters and other members of the family. It is for this reason that I would like to make the proposal that we at the Ministry of Health, when we get such cases we only deal with the problem as it is. We clean the victim; administer antiretroviral drugs and those who come when pregnant as a result of rape

should not be allowed to continue with the pregnancy until they give birth. And for school girls who are raped, I would like to propose that special offices should be set up and teachers assigned to such girls. And there is need to educate our people using barazas and rallies so that our people know what harm rape is causing to our society.”

Ms. Cecil Mbarire, nominated Member of Parliament argued that one of the biggest problems that affect our society is that women are seen as second class citizens. “When a Kenyan woman is raped and she is taken before a magistrate, the law requires that there must be corroboration of her evidence. It is outrageous! This is what we need to address as we look into these issues and to make sure that our women are given the right to offer their evidence without requirement that someone else should come and support them.”

Hurdles that face women as members of parliament

The few women in Parliament are a result of myriad stereotype around women emerging from the “private” domestic domain and going into the “public” domain. In other countries, this hurdle is being overcome through targets and quotas. In Kenya, the debate around affirmative action and gender equality bills which could have made this possible was never rejected on the floor of the House. And the draft Constitution which also gave recognition to affirmative action as a principle is also being threatened.

And when it comes to women’s participation in parliament, they are being assigned to portfolio committees regarded as “soft areas” and currently none of the women chairs any committee in the House and yet it is in the committees where bills are being influenced.

Women are also forced to work long hours, irregular hours; the demands of constituency versus parliamentary work; the absence of child care facilities, non-existent policies on maternity—just to name a few, leave women parliamentarians tired and disempowered.

There is a saying that success is not about who you are but who you know. In Parliament, men have a long established old boy’s network that is alien and disempowering to women. Therefore gender-mainstreaming will never happen by itself. Institutional mechanisms are critical and the responsibility of gender mainstreaming must be shared by all.

Towards comprehensive gender mainstreaming in Parliament

In this paper we have attempted to explore the concept of governance as it relates to gender with special reference debates taking place in the Kenyan Parliament. Although the issues raised are neither exhaustive nor mutually independent, a fundamental picture of sustainable governance that emerges is that the quest for a holistic gender perspective in matters of decision making as practiced within the parliamentary institution of Kenya, just like in other parts of the world, is intertwined through interaction of not only political, but social, economic and cultural factors as well. Only by invoking a debate about the intertwining strands in these factors can the country hope to acquire the cachet of spearheading a meaningful effort in the way a gender favourable decision-making space.

In pursuance of this dream, it behoves the populace, including development partners, to centre their thoughts around the following fundamental issues:

- a) Is there need for the country to develop a definition of the concept of governance that befits her context, and to scale out how this may be integrated with gender and the whole range of her unmet needs for development?
- b) Is there need to deliberate upon and formulate programmes whose aims are to sensitise the general public and legislators in particular, on the linkage between gender and decision making processes including how these correlate with the entire spectrum of human development?
- c) Can we to rethink a parliamentary system that not only appreciates but is also responsive to the current effort to entrench gender in all the decision making processes, ranging from the constitution of political parties, system of parliamentary entitlements (the laws, standing orders, rules and regulations in control of parliamentary proceedings), to working a framework of cooperation between parliamentarians agencies involved in the advocacy for gender in a multiple respect of the country’s life?
- d) Can we work out a schedule for engaging the members of parliament to continuously work coherently with the media in stimulating discussion around governance in relation to gender in a more rigorous and vigorous manner than before?

- e) Is there need to form a mechanism to follow-up resolutions that have been passed in relation to gender and women's empowerment and lobby for them to become law and also for them to become operational?
- f) Is there need to form a mechanism which can make sure that women are represented in parliament in large numbers?
- g) Is there need for women to bring their voices at the decision making table because they are the only who can articulate on issues of ones governance as it affect them, for examples laws that targets to benefit women as in the case of this review; and
- i) And is there need to have a gender sensitive media with regard to the debates in the parliament?

Conclusion

Politics and governance are closely associated with institutions such as parliament and the bureaucracy. And such institutions are not about structures but about systems and processes.

This analogy is demonstrated well in the Kenyan parliament system especially when they are discussing any gender related bill, even though majority of MPs acknowledge that there is need to empower women through structures and proper policies, the bills have never been translated into laws neither have they been implemented.

Politics and governance involve all aspects of power: who has power, what power relations exist, how power is exercised, the institutions of power, how they operate, what policies and laws are churned out from these institutions and what impact those have on people.

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Notes

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