
THE NATIONAL ASSEMBLY

**OFFICE OF THE LEADER OF THE MAJORITY
PARTY**

TALKING NOTES FOR KARA BI-MONTHLY TALK

**GENDER EQUALITY AND INCLUSION: IS KENYA ON THE RIGHT
TRACK****Salutations**

Chairman KARA Mr. Richard Nyaga
Chairperson National Gender & Equality Commission Mrs.
WinneLichuma
Gender Expert Prof Jacqueline Oduol

Ladies and Gentlemen

First of all let me express my sincere appreciation to the Kenya Alliance of Resident Associations for inviting me to this bi-monthly talk. This is my first time to attend these talks. I am happy to have this opportunity to share with you my thoughts on Gender Equality and Inclusion and whether Kenya is on a right track.

Ladies and Gentlemen

Gender in the development discourse ought to transform power relations between men and women and shift them to social relations that reflect their equal access to productive resources, opportunities, and social and material benefits. The result of such actions should be an achievement of comparable status of women and men. Gender equality must be underscored by actions that seek to even out imbalances based on the principle of fairness (equity).

Gender equality is enshrined in many African constitutions and countries such as South Africa, Uganda, Rwanda, Ghana, Sierra Leone, Ethiopia, Tanzania, Nigeria and Kenya but the extent to which the constitutional provisions are adhered to varies'.

The issue of Gender Equality and Inclusion is pertinent and I can affirm that Kenya is on a right track. This is largely owing to among other factors the Kenyan Constitution of 2010. The 2010 Constitution has brought on board persons who would otherwise have never been able to occupy key decision making institutions on account of systematic marginalization and cultural discrimination. For the first time, the Constitution has guaranteed women, youth, persons with disabilities and those from minority groups a chance to steer key institutions in this country.

Chapter Four of Kenyan Constitution deals with **Bill of Rights**, it contains gender rights and fundamental Freedoms that are comprehensive and progressive and provide an adequate basis for formulating responsive legislations, for the advancement of rights generally, and promotion of gender equity and inclusion in Kenya.

Article 27 (1) of the Constitution provides for Equality of rights and fundamental freedoms between men and women including equal opportunities in political, economic, cultural and social spheres and

outlaws discrimination on any grounds. It also entrenched that the National Gender Equality Commission which is a constitutional Commission be established by an Act of Parliament in August 2011, as a successor commission to the Kenya National Human Rights and Equality Commission pursuant to Article 59 of the Constitution. National Gender Equality Commission derives its mandate from Articles 27, 43, and Chapter Fifteen of the Constitution; and section 8 of NGEAC Act (Cap. 15) of 2011, with the objectives of promoting gender equality and freedom from discrimination.

Ladies and Gentlemen

Gender rights provisions in the Bill of rights are further reinforced by Article 2 (6) which requires that any international treaty or Convention that Kenya has ratified, become part of Kenyan law, including those protecting and upholding women's rights such as the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). The Bill of Rights also provides for legislative and other enactments to give full effect to the principle of Affirmative Action.

On representation generally, the constitution is clear on the *principle of 'no more than two thirds of one gender'* presence in elective and appointive public positions, including the members of Parliamentary Service Commission, and the 10 Constitutional Commissions.

Parliamentary representation

For there to be a sustainable development in the country, inclusion principles must be adhered to. In the Senate, 18 women were nominated out of the 68 seats thus marginally meeting the 30% minimum threshold. In the National Assembly there is 47 women representatives elected from the 47 counties.

There is need for changes in the key decision makers in political parties which is currently pre-dominantly male; women should take up those very key positions to make their voices heard. For example there is not even one woman who is Secretary General in any of the Political Parties in Kenya. The 47 women nominated to the National Assembly are very crucial but the National Assembly is still lagging behind on the 30 percent threshold advocated for by the constitution. I urge the chairperson of the National Gender & Equality Commission begin the conversation in all counties to avoid a constitutional crisis.

Women should also discuss their own issues i.e. the two third gender rule rather than emphasizing on other topical issues. The women representatives should go into their constituencies and rally for support from their fellow counterparts concerning legislations that relate to women. They should not be too quite on this issue.

I supported the deletion of an amendment in the Statute Law and Miscellaneous Bill which was advocating for the being of only men as heads of the National Police Service Commission instead of having a man and a woman. I will not append my signature on any legislation that is not in line with the constitution. The Women Representatives will be funded to assist them in performing their roles.

In conclusion ***ladies and gentlemen,***

I wish to reiterate that every one of us has a role to play, at the individual, community, institutional, national, regional and global levels. Each and every one of us is responsible for ensuring that key issues on equality and inclusion do not go unchecked anymore and measures to reduce discrimination and inequality are implemented. Gender inequality affects more than women and girls themselves. It impacts entire countries, creating greater poverty and weaker

governance. I would like to insist that there can be **no gender equality without gender equity.**

With these remarks, I thank you for listening to me.