



**The role of the state and Political Parties in a Comparative Study
of Gender Quotas.**

Submitted in partial fulfilment of the requirements of the Bachelor of Laws Degree,
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By

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Prepared under the supervision of

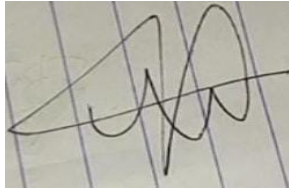
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DECLARATION.

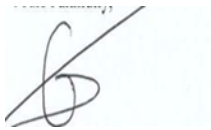
I, MEGAN MUDOGA, do hereby declare that this research is my original work and that to the best of my knowledge and belief, it has not been previously, in its entirety or part, been submitted to any other university for a degree or diploma. Other works cited or referred to are accordingly acknowledged.



Signed:

Date: 25th May 2025.

This dissertation has been submitted for examination with my approval as University Supervisor.



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Date: 25th May 2025.

LIST OF CASES:

- KATIBA INSTITUTE v INDEPENDENT ELECTORAL AND BOUNDARIES COMMISSION, PETITION NO.19 OF 2017.
- ADVISORY OPINION NO. 2 OF 2012 – IN THE MATTER OF THE PRINCIPLE OF GENDER REPRESENTATION IN THE NATIONAL ASSEMBLY AND THE SENATE [2012] ECLR

LIST OF STATUTES:

Constitutions.

Constitution of Kenya, 2010.

Legislations.

1. Elections Act (No. 24 of 2011).
2. Political Parties Act (No. 11 of 2011).
3. County Governments Act (No. 17 of 2012).
4. Public Service (Values and Principles) Act (No. 1A of 2015).
5. National Gender and Equality Commission Act (No. 15 of 2011).

INTERNATIONAL INSTRUMENTS.

1. Universal Declaration of Human Rights (UDHR).
2. Convention on the Elimination of all Forms of Discrimination against Women (CEDAW).
3. African Charter on Human and People's Rights (ACHPR).

4. Protocol to the African Charter on Human Rights on the Rights of Women in Africa-
Maputo Protocol.
5. International Covenant on Civil and Political Rights (ICCPR).
6. International Covenant on Economic, Social and Cultural Rights (ICESCR)

LIST OF ABBREVIATIONS:

1. **WDR** - World Development Report.
2. **CEDAW**- Convention on the Elimination of All Forms of Discrimination against Women.
3. **NGO**- Non-Governmental organisation.
4. **UN Women**- United Nations Entity for Gender Equality and the Empowerment of Women.
5. **IEBC**- Independent Electoral and Boundaries Commission
6. **ICESCR**-International Covenant on Economic, Social and Cultural Rights
7. **UDHR**-Universal Declaration of Human Right
8. **ACHPR**-African Charter on Human and People's Right
9. **Maputo Protocol**.-Protocol to the African Charter on Human Rights on the Rights of Women in Africa
10. **ICCPR**- International Covenant on Civil and Political Rights
11. **PR system**-Proportional Representation system.
12. **MPs**- Members of parliament.
13. **RPF**- Rwandan Patriotic Front.
14. **SDG**- sustainable development goal.

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ABSTRACT.

This study explores the interplay between state intervention and political autonomy in implementing gender quotas within national legislatures, focusing on Kenya, Sweden, and Rwanda. By doing a comparative study of the legal frameworks various methods for implementing gender quotas within these countries, the research investigates the roles of government and political parties in promoting gender equality in political representation.¹ The study addresses critical questions regarding the similarities and differences in the legal regimes governing gender quotas, the extent of state intervention, and the challenges of balancing such intervention with political autonomy.²

Through a comprehensive analysis of existing laws and policies, this research contributes to the broader discourse on affirmative action and gender parity. It aims to guide policymakers, legislators, and political parties in refining gender quota frameworks while upholding democratic principles. Additionally, the study seeks to inform future legislation and foster meaningful gender equality in political representation.

¹ Krook M., Lovenduski J., and Squires J, Gender Quotas and Models of Political Citizenship, 782, [-https://mlkrook.org/pdf/kls_bjps_09.pdf](https://mlkrook.org/pdf/kls_bjps_09.pdf) 7 january 2025..

²Krook M., Lovenduski J., and Squires J, Gender Quotas and Models of Political Citizenship, 782, [-https://mlkrook.org/pdf/kls_bjps_09.pdf](https://mlkrook.org/pdf/kls_bjps_09.pdf) 7 january 2025..

1.0. CHAPTER ONE: INTRODUCTION.

1.1. BACKGROUND OF THE PROBLEM.

Global evidence indicates that numerous challenges hinder women's inclusion in executive and legislative decision-making bodies. While there has been an increase in their presence, progress remains slow and varies across regions. On average, women hold only 26.5% of seats in national parliaments worldwide.³

Argentina pioneered gender representation measures in 1993 by reserving a significant portion of legislative positions for women. This marked the beginning of a rapidly expanding global trend. As a result, such measures have gained widespread acceptance as a tool for promoting gender equality and are now implemented in over 130 countries.⁴

Gender quotas, or gender-specific quotas for elective office, are the subject of this study. The Quota Types mentioned in this study include:⁵

- **Quotas for Candidates Set by Law:** Several spots on election lists are set aside for female candidates by this quota clause.
- **A number of seats are reserved:** a legally mandated assembly were set aside specifically for women.
- Political parties establish **voluntary party quotas** as rules or targets to enhance women's participation in elections. While these quotas primarily focus on candidate selection, they may also influence internal party structures.

³ International IDEA. "About the Gender Quotas Database." *International Institute for Democracy and Electoral Assistance (IDEA)*, <https://www.idea.int/data-tools/data/gender-quotas-database/about>. On 5 Nov. 2024.

⁴ Kim J and Fallon M, "Making Women Visible: How Gender Quotas Shape Global Attitudes toward Women in Politics." *Politics & Gender*, Cambridge University Press, 2022 Page 981.

⁵ Miura M, McElwain KM, Kaneko T, *Explaining Public Support for Gender Quotas: Sexism, Representational Quality, and State Intervention in Japan. Politics & Gender*. 2023 PP 781, 7 Nov. 2024.

These clauses could be required by several quota sources:⁶

- **Constitution:** The Constitution has provisions pertaining to the quota.
- **Election law:** The nation's national statute contains the quota clause.
- **Political Party Statute:** The political party laws contain a quota clause for the election lists.

A minimum requirement for female representation implies a maximum requirement for male representation. Gender-neutral, a 50-50 quota caps the representation of both men and women..⁷

This paper will comparatively look into three countries Kenya (the principal country), Rwanda (regional comparative), and Sweden (the global comparative. Each of these three countries has gender quotas but they have been put in place in different ways as seen below.

- a) **Rwanda-** Legally entrenched quotas that have led to high female representation
- b) **Kenya-** Constitutionally mandated quotas with challenges in implementation.
- c) **Sweden-** Voluntary party quotas without a legal mandate.

1.2. STATEMENT OF THE PROBLEM.

Electoral gender quotas are widely adopted to address gender disparities in political representation.⁸ However, the implementation and effectiveness of these quotas vary significantly across different political and legal contexts. In countries like Kenya, Sweden, and Rwanda, the legal frameworks and the roles of government and political parties in enforcing gender quotas differ, leading to varied outcomes in achieving gender parity. These discrepancies raise questions about the balance between state intervention and political autonomy and the

⁶ Miura M, McElwain KM, Kaneko T, *Explaining Public Support for Gender Quotas: Sexism, Representational Quality, and State Intervention in Japan. Politics & Gender.* 2023 PP 781, 7 Nov. 2024.

⁷ International IDEA. "About the Gender Quotas Database." *International Institute for Democracy and Electoral Assistance (IDEA)*, <https://www.idea.int/data-tools/data/gender-quotas-database/about>. On 5 Nov. 2024.

⁸ JULIE C., GENDER QUOTAS AFTER THE END OF MEN, 1139, 2013, -<https://www.bu.edu/bulawreview/files/2013/08/SUK.pdf> -, 7 December 2023.

challenges associated with implementing gender quotas in a way that respects democratic principles while promoting gender equality.

The issue is further complicated by the tension between the need for state-driven affirmative action and the autonomy of political entities to self-regulate. Understanding how different countries navigate this balance is critical to formulating effective gender quota policies.

1.3. SIGNIFICANCE OF THE STUDY.

This study aims to examine the intersections of law, gender equality, and politics by exploring the critical issue of state intervention in relation to political autonomy, particularly in the context of gender quotas. This research offers a broad understanding of how policy measures and legal frameworks can promote gender parity in political representation well upholding democratic principles. Using Kenya, Sweden and Rwanda for the comparative study this dissertation provides Insight into the successes challenges and limitations of different approaches to gender quotas.

This research has practical importance to policymakers, legislators and political parties as it recognises the legal interludes and the best practices and designs for implementation of the gender quotas, by analyzing how the legal framework operates within a diverse political system. This study offers actionable recommendations for enhancing the effectiveness of gender quarters while respecting political autonomy and promoting genuine gender equality. This is possible through the comparative study of the three countries which throughout the existence of gender quotas have had different approaches to the quotas. This study will relatively compare the three countries and through that, I shall come up with recommendations and limitations of all the methods each country has adopted. Through this, the study shall come up with the best method to be used when it comes to the enforcement of gender quarters

Further, this research aligns with the global efforts to achieve gender parity this is seen in the UN SDG 5 and it contributes to the contemporary debates on affirmative action policies this is

particularly relevant in contests where gender quarters mean a contested issue. This research not only advances theoretical understanding but also offers a practical understanding which in return gives us a timeless answer to one of the most pressing challenges in modern democratic governance.

1.4. RESEARCH OBJECTIVES.

This study aims to accomplish the following goals.;

1. To ensure the concept of gender quotas concerning state intervention and political autonomy is properly understood by a reader so that an individual can think subjectively towards legislation and regulation of gender quotas.
2. To analyze the existing laws and the existing legal regime governing gender quotas in Kenya, Sweden, and Rwanda, compare the three countries comparatively, and come up with a comprehensive conclusion on the role of the state and political parties when it comes to gender quotas.
3. To successfully offer a conclusive report on the legal regime governing gender quotas in Kenya.
4. To suggest recommendations that may assist in formulating and including laws that will inclusively put women on the political map.

1.5. RESEARCH QUESTIONS.

This study aims to explore and address these key issues:

1. What parallels and divergences exist between Rwanda, Sweden, and Kenya's legal systems and approaches to gender quotas?
2. What role do the government and political parties play regarding gender quotas?

3. Is there a middle ground for balancing state intervention and political autonomy and what are some challenges?
4. What recommendations would assist in the formulation of laws that will put women on the political map?

1.6. HYPOTHESIS.

There is importance in creating a balance between state intervention and party autonomy in matters concerning gender quotas to prevent overreaching laws and the compromise of party independence.

1.7. JUSTIFICATION OF THE STUDY.

The study is relevant to both academic and policy. Firstly this paper will contribute towards the scant literature on gender quotas in Kenya. Secondly, this paper will look comparatively into the policies of different countries which are at various levels. Thirdly this paper will look into the role of the state and political autonomy regarding gender quotas. Lastly, this research will come up with recommendations on the best policy implementation approach.

1.8. SCOPE OF THE STUDY.

With a focus on striking a balance between political autonomy and state intervention, this research examines the role of legislative measures in shaping women's political representation. It provides a comparative analysis of three countries—Kenya, Sweden, and Rwanda—selected for their diverse legal frameworks, political systems, and cultural contexts in addressing gender representation.

This research paper will analyze these statutory constitutional and policy frameworks governing gender quarters in each of these countries along with the challenges and successes countered in the implementation. This will also examine the social political and cultural factors that influence the effectiveness of gender borders such as societal attitude towards gender roles political resistance and the institutional capacity period by focusing on these three countries this study examines the varying degrees of state intervention and political autonomy in enforcing gender equality and considers how these differences will have an impact on the Democratic principles.

This dissertation is just limited to analyzing the legal and policy frameworks, political context and gender equality outcome within these selected countries. The goal of this research is to produce useful insights and recommendations rather than to offer a general answer to the gender quota issue. Further, while this study draws from global contexts and global case laws it primarily focuses on the comparative analysis of the three countries.

1.9. LITERATURE REVIEW.

Julie Suk in her article “Gender quotas after the End of Men.”, highlights the conflict between the goals of preventing gender-based subordination and achieving gender parity. While both objectives address the issue of women's underrepresentation, a crucial question arises when women excel in specific areas.⁹ Julie thinks that gender parity is here to address historical wrongs rather than futuristic goals in the place where men experience inequality and what is to take place. This article looks into the future and it is here to address the problems that gender quotas have caused.¹⁰

The article examines the belief that the goals of competency and representation may be in conflict. It also explores the ongoing concern about democracies' challenges in producing competent officials, drawing on evidence from Sweden.

⁹ JULIE C., GENDER QUOTAS AFTER THE END OF MEN, 1139, 2013, -<https://www.bu.edu/bulawreview/files/2013/08/SUK.pdf> -, 7 December 2023.

¹⁰ JULIE C., GENDER QUOTAS AFTER THE END OF MEN, 1139, 2013, -<https://www.bu.edu/bulawreview/files/2013/08/SUK.pdf> -, 5 January 2025

¹¹ The authors refute the widely held belief that gender quotas result in unfavourable effects by substituting mediocre women for capable men. Rather, they put forth a model that implies quotas can improve political competence by decreasing the proportion of subpar male leaders. With an emphasis on the relationship between leader and follower selection, the model investigates the potential effects of an obligatory gender quota on candidate competence. The study looks at the relationship between a new competency metric based on politicians' earnings outside of politics and political success.¹²

The article examines the growing influence of legislative measures on global politics and emphasizes the need for a theoretical framework to understand variations in quota campaigns. It analyzes political contexts, adoption patterns, and outcomes, arguing that debates on equality, representation, and gender norms shape discussions on these measures worldwide.¹³

To sum up, the analysis of how gender quotas will affect men in the future reveals a complex environment that is characterized by both hope and fear. Although improving female representation and addressing gender gaps is a noble goal, it is important to recognize that there may be unfavourable effects on public opinion. The gender quota controversy highlights the continuous discussions about basic political values and the delicate balance needed to guarantee fair representation without feeding the myth that quotas aim to displace males. A careful and inclusive conversation that takes into account the many facets of gender equality will be necessary to navigate this hazardous terrain and pave the way for reforms that genuinely exemplify the spirit of justice and cooperation in our changing democratic society.

¹¹ MONA LENA KROOK, JONI LOVENDUSKI AND JUDITH SQUIRES Gender Quotas and Models of Political Citizenship, 782, -https://mlkrook.org/pdf/kls_bjps_09.pdf 7 january 2025..

¹² MONA LENA KROOK, JONI LOVENDUSKI AND JUDITH SQUIRES Gender Quotas and Models of Political Citizenship, 782, -https://mlkrook.org/pdf/kls_bjps_09.pdf 7 january 2025.

¹³ Clayton A., How Do Electoral Gender Quotas Affect Policy?, 2021 - <https://www.annualreviews.org/doi/10.1146/annurev-polisci-041719-102019>- 7 january 2025

1.10. RESEARCH METHODOLOGY.

This research utilizes a comparative legal analysis alongside a qualitative approach to explore the dynamics of gender-related electoral measures in political representation. It specifically examines the interplay between state intervention and political autonomy. The methodology is designed to offer an in-depth understanding of the legal structures and political environments that influence the adoption and effectiveness of such measures in Kenya, Sweden, and Rwanda.

1.11. LIMITATION OF THE STUDY.

While the research offers valuable insights, its focus on three countries presents a limitation. Although these countries provide diverse legal and political frameworks, they do not represent a comprehensive cross-section of the global landscape. As a result, the findings may not fully capture the nuances of other nations with different political, cultural, and legal contexts, potentially limiting the generalizability of the conclusions.

The other limitation lies in the potential biasedness in interpreting the legal and political contexts of the selected countries. This analysis is dependent on the available legal text, case laws and political discourse which may not fully reflect on the complexities of informal political processes, power dynamics or unspoken societal norms that may influence the implementation and impact of the gender quotas. The presence of these informal processes may often lead to a challenge and thus may not always align with the formal legal frameworks.

Lastly, this dissertation primarily examines the legal and policy aspects of gender quotas and does not explore in depth the broader social, economic, psychological, and historical factors. Despite these limitations, the research offers insights that can be adapted and applied in other countries and regions.

1.12. CHAPTER BREAKDOWN.

1.12.1 CHAPTER ONE: INTRODUCTION.

This chapter gives a brief overview of the study's background, problem statement, importance and justification, purpose, and specific goals, as well as its research questions, hypotheses, methodology, literature review, limitations and delimitations, and chapter summary.

1.12.2 CHAPTER TWO: COMPARATIVE STUDY OF LEGISLATION ON GENDER QUOTAS IN KENYA, RWANDA AND SWEDEN

Chapter two looks into the legislation of three countries namely Kenya, Sweden and Rwanda. The chapter will look deeply into each of the country's constitutions, other legislations and case laws as to how different cases on gender quotas have been decided. This research will help draw similarities, differences and recommendations for the study.

1.12.3 CHAPTER THREE: THE ROLE OF GOVERNMENT AND POLITICAL PARTIES

Chapter three looks into the role of the state and the role the political party plays when it comes to gender quotas. This chapter will also look comparatively into the three countries (Kenya, Sweden and Rwanda) and what each country's role in government of government and political parties are and from there draw a conclusion.

1.12.4 CHAPTER FOUR: BENEFITS AND DRAWBACKS OF STATE INTERVENTION AND POLITICAL AUTONOMY IN RELATION TO GENDER QUOTAS

Chapter four looks into the drawbacks and benefits of state intervention and political autonomy in the individual counties.

1.12.5 CHAPTER FIVE: CONCLUSION AND RECOMMENDATIONS.

Drawing conclusions from the other chapters, this chapter will seek to form recommendations on the study and will also serve as a conclusion of the whole research.

2.0. CHAPTER TWO:

COMPARATIVE LEGISLATION STUDY ON GENDER QUOTAS KENYA, RWANDA AND SWEDEN.

Gender-based electoral measures aim to enhance women's presence in governance while tackling the root causes of their limited participation. These policies establish a required level of female representation within organizations or governing bodies. Professor Nzomo emphasizes their significance in shaping political inclusion.¹⁴

Gender quotas are justified as part of a broader shift in equality policies, moving away from "equal opportunity" toward "equality of results." This change recognizes that providing equal opportunities, such as granting women the right to vote, does not automatically lead to increased female representation in legislative bodies.¹⁵

2.1. KENYA.

HISTORY:

Since gaining independence in 1963, Kenya has held according to the nation's constitution, there are five-year elections for the president, parliament, and local government. A very patriarchal culture governed by an older council with little to no involvement from women gave rise to the republic. Male dominance is ingrained in both the public and private domains of life in a patriarchal culture (the rule of fathers). In such a society, men rule the public and productive

¹⁴ European Institute for Gender Equality (EIGE), 'Gender quotas' - https://eige.europa.eu/publications-resources/thesaurus/terms/1304?language_content_entity=en - On January 12, 2025.

¹⁵ Dudley O., *Unpacking the Gender Rule and the Supreme Court Advisory Opinion*, Heinrich Böll Stiftung, https://ke.boell.org/sites/default/files/uploads/2016/06/gender_briefs_-_ochiel_dudley on January 12, 2025.

domains, including the decision-making organs, while women are relegated to household duties.¹⁶

The 1969 Kenyan Constitution, which was later abolished, lacked the affirmative action provisions required to redress the historical and systemic marginalization of women. The COK 2010, which was adopted by a nationwide referendum and went into effect on August 27, 2010, remedied this. Through the inclusion and participation of all voices, particularly those of historically excluded and special interest groups, the new constitution was intended to promote a sense of national regeneration.¹⁷

Kenya's rules needed to be changed to ensure that women may equally enjoy their rights to political representation and involvement, according to explicit suggestions made during the constitutional review process. In contrast to the gender-neutral approach, which in reality strengthened discrimination against women, the new constitution was to be structured around the inclusionary worldview. In order to remove obstacles to equal treatment under the law, the new constitution would have a gender-sensitive stance while accounting for social policy and affirmative action initiatives.¹⁸

WHAT KENYAN LEGISLATION SAYS:

In a 2012 advisory opinion¹⁹ on gender representation, Kenya's legal framework reaffirmed its commitment to gender equity, emphasizing a phased approach to achieving balanced representation. The court's majority ruling, with Chief Justice Mutunga dissenting, required that

¹⁶ Centre for Rights Education and Awareness (CREAW), *Tracing the Journey: Two-Thirds Gender Principle in Kenya*, 2019, pp 10, -<https://home.creaw.org/wp-content/uploads/2019/11/Tracing-the-Journey-Two-Thirds.pdf> -on January 12, 2025.

¹⁷ Centre for Rights Education and Awareness (CREAW), *Tracing the Journey: Two-Thirds Gender Principle in Kenya*, 2019, pp 10, -<https://home.creaw.org/wp-content/uploads/2019/11/Tracing-the-Journey-Two-Thirds.pdf> -on January 12, 2025.

¹⁸ Centre for Rights Education and Awareness (CREAW), *Tracing the Journey: Two-Thirds Gender Principle in Kenya*, 2019, pp 10, -<https://home.creaw.org/wp-content/uploads/2019/11/Tracing-the-Journey-Two-Thirds.pdf> -on January 12, 2025.

¹⁹ Advisory Opinion No. 2 of 2012 – In the Matter of the Principle of Gender Representation in the National Assembly and the Senate [2012] eKLR.

by August 27, 2015, legislative measures be enacted to ensure compliance with constitutional gender representation requirements in parliament.²⁰

Elections utilize three main types of gender quotas as a form of affirmative action.:

1. RESERVED SEATS QUOTAS:

Certain electoral systems establish designated positions for women through constitutional amendments or electoral laws. These measures may allocate representation based on party vote share, create distinct voter lists, or assign particular constituencies to female candidates. Various models exist today; some ensure direct election, while others involve appointments—to enhance women's presence in elected office.²¹

One example of a reserved seat quota that includes women's election is the clause in Article 97(1)(b) that calls for 47 women to serve as county representatives in the National Assembly. However, a clear example of reserved seat quotas with appointment processes is the clause in Article 98(1)(b) requiring political candidates to suggest twelve women members based on their qualities.²²

2. LEGISLATED GENDER QUOTAS:

Legislated quotas are legally mandated requirements ensuring that all party lists for elections include a set number of female candidates. National parliaments enforce these quotas by amending electoral laws or the constitution. While they require political parties to include women in their candidate lists, they also influence internal party selection processes.²³

²⁰ Dudley O., *Unpacking the Gender Rule and the Supreme Court Advisory Opinion*, Heinrich Böll Stiftung, https://ke.boell.org/sites/default/files/uploads/2016/06/gender_briefs_-_ochiel_dudley, on January 12, 2025.

²¹ Dudley O., *Unpacking the Gender Rule and the Supreme Court Advisory Opinion*, Heinrich Böll Stiftung, https://ke.boell.org/sites/default/files/uploads/2016/06/gender_briefs_-_ochiel_dudley, on January 12, 2025.

²² Dudley O., *Unpacking the Gender Rule and the Supreme Court Advisory Opinion*, Heinrich Böll Stiftung, https://ke.boell.org/sites/default/files/uploads/2016/06/gender_briefs_-_ochiel_dudley, on January 12, 2025.

²³ Dudley O., *Unpacking the Gender Rule and the Supreme Court Advisory Opinion*, Heinrich Böll Stiftung, https://ke.boell.org/sites/default/files/uploads/2016/06/gender_briefs_-_ochiel_dudley, on January 12, 2025.

These legally mandated quotas influence the proportion of female candidates but do not directly determine the number of women ultimately elected to parliament. They may include incentives for compliance or penalties for noncompliance, ensuring that political parties remain committed to identifying and supporting qualified female candidates. Additionally, these provisions require legislative bodies to recognize gender as a key factor in political representation.²⁴

3. VOLUNTARY PARTY QUOTAS:

Political parties implement voluntary quotas internally based on their policies and procedures. Since these quotas are adopted at the party's discretion, there is no legal obligation to enforce them. Generally, such policies serve as broad declarations of intent, reflecting the party's commitment to promoting gender representation.²⁵

CONSTITUTIONAL AND LEGAL FRAMEWORK.

The 2010 Kenyan Constitution includes provisions aimed at ensuring balanced gender representation in governance. To enforce this, the constitution allows for an increase in the number of underrepresented gender members in county legislatures after elections until the required one-third threshold is met. However, no similar provision exists for achieving gender balance in the National Assembly.²⁶

THE CONSTITUTION OF KENYA (2010)

The Constitution is the primary legal framework that mandates gender quotas and promotes gender equality. Relevant provisions include:

²⁴ Dudley O., *Unpacking the Gender Rule and the Supreme Court Advisory Opinion*, Heinrich Böll Stiftung, https://ke.boell.org/sites/default/files/uploads/2016/06/gender_briefs_-_ochiel_dudley on January 12, 2025.

²⁵ Dudley O., *Unpacking the Gender Rule and the Supreme Court Advisory Opinion*, Heinrich Böll Stiftung, https://ke.boell.org/sites/default/files/uploads/2016/06/gender_briefs_-_ochiel_dudley on January 12, 2025.

²⁶The Carter Center, 'Gender Quotas and Women's Political Participation: Legal Brief,' 2019, https://www.cartercenter.org/resources/pdfs/news/peace_publications/democracy/gender-quota_legal-brief-030719.pdf - on January 12, 2025.

- **Article 27(8):**

This article establishes the foundation for gender quotas, requiring the state to guarantee that no more than two thirds of members in positions that are appointed or elected are the same gender.²⁷

- **Article 81(b):**

This provision explicitly applies the gender rule of two-thirds to elective public bodies, ensuring gender balance in political representation.²⁸

- **Article 177(1)(b):**

This mandates nominating special seat members to county assemblies to achieve gender balance.²⁹

- **Article 232(1)(i):**

This promotes gender equality in public service appointments, ensuring equitable opportunities for men and women.³⁰

Other legislations:

Elections Act (No. 24 of 2011)

This Act operationalizes the gender principle in elected posts is two-thirds through party lists and nomination procedures. It requires political parties to submit party lists that comply with the gender rule.

Political Parties Act (No. 11 of 2011).

The two-thirds gender rule must be followed by political parties in their internal structures and nomination procedures, according to this Act.

County Governments Act (No. 17 of 2012)

This Act guarantees that when it comes to county assembly nominations, the two-thirds gender principle is followed.

²⁷ Article 27(8), *Constitution of Kenya* (2010).

²⁸ Article 81(b), *Constitution of Kenya* (2010)

²⁹ Article 177(1)(b), *Constitution of Kenya* (2010)

³⁰ Article 223(1)(i), *Constitution of Kenya* (2010)

Public Service (Values and Principles) Act (No. 1A of 2015)

This Act mandates gender equity in public service appointments and promotions, ensuring equal opportunities for men and women.

National Gender and Equality Commission Act (No. 15 of 2011)

The National Gender and Equality Commission (NGEC) is created by this Act to advance gender equality and oversee adherence to gender norms, such as quotas.

JUDICIAL DECISIONS.

KATIBA INSTITUTE v INDEPENDENT ELECTORAL AND BOUNDARIES COMMISSION, PETITION NO.19 OF 2017.

Katiba Institute filed this petition against IEBC. The main contention was that political parties were not required to follow the two-thirds gender rule when choosing their nominees for the general elections.³¹

The Resolution.

The court concurred with the petitioner that political parties are bound by the two-thirds gender standard, and as a result, the policy must be followed in their selection of candidates for parliamentary seats. Therefore, while nominating candidates for the 47 Senate seats and the 290 National Assembly members that are located in counties, it directed political parties to take action to develop rules and regulations that would guarantee respect to the principle. However, the court ordered that the order be imposed in the general elections of 2022 so as not to interfere with the advanced election preparations.³²

CONCLUSION.

³¹ Centre for Rights Education and Awareness (CREAW), *Tracing the Journey: Two-Thirds Gender Principle in Kenya*, 2019, pp 10, -<https://home.creaw.org/wp-content/uploads/2019/11/Tracing-the-Journey-Two-Thirds.pdf> -on January 12, 2025.

³² Centre for Rights Education and Awareness (CREAW), *Tracing the Journey: Two-Thirds Gender Principle in Kenya*, 2019, pp 10, -<https://home.creaw.org/wp-content/uploads/2019/11/Tracing-the-Journey-Two-Thirds.pdf> -on January 12, 2025.

One conclusion can be drawn from following the development of the two-thirds gender principle: a good constitution by itself does not ensure that fundamental freedoms and rights will be protected. Despite explicit constitutional timetables and court decisions on the subject, Kenya has not yet reached the necessary threshold for women's representation, despite the Constitution having changed the legal landscape and incorporated gender-sensitive regulations..³³

This can only be explained by impunity. The two-thirds gender bill's implementation is seen by Parliament as a political expediency rather than a constitutional necessity. Parliament must fully embrace the inclusive principles of the Constitution, which have made it possible for women to hold elected and appointed positions. Otherwise, women's rights could not be protected.³⁴

2.2 SWEDEN.

In Sweden, gender quotas are not legally required, leaving political parties to implement them voluntarily. The concept was first introduced into political discourse in 1928 when a coalition of 120 women's organizations advocated for their adoption. However, parties largely avoided engaging with the issue until 1991, when a decline in women's parliamentary representation from 38% to 33% prompted activists to take action. In response, women formed the Support Stockings, a feminist group, and threatened to establish their own party unless female political participation improved.³⁵

The Social Democratic Party responded by implementing a zipper system in 1993., which required party list members to alternate between men and women. This was a major victory for the feminists, given the Social Democratic Party has controlled parliament since the 1930s. In

³³ Dudley O., *Unpacking the Gender Rule and the Supreme Court Advisory Opinion*, Heinrich Böll Stiftung, https://ke.boell.org/sites/default/files/uploads/2016/06/gender_briefs_-_ochiel_dudley on January 12, 2025.

³⁴ Centre for Rights Education and Awareness (CREAW), *Tracing the Journey: Two-Thirds Gender Principle in Kenya*, 2019, pp 10, -<https://home.creaw.org/wp-content/uploads/2019/11/Tracing-the-Journey-Two-Thirds.pdf> -on January 12, 2025.

³⁵ Dubravka, Ž. 'Gender Quotas in Europe: A Comparative Study', European University Institute, 2015 https://cadmus.eui.eu/bitstream/handle/1814/36277/LAW_2015_28.pdf?sequence=1&isAllowed on January 12, 2025.

1993, the Left Party, which did not employ the zipper system, mandated that party lists include at least 50% women. In 1997, the Green Party followed suit, mandating that at least half of its candidates be female. In the end, the Moderate Party mandated in 2009 that the top four positions must be held by two men and two women..³⁶

Many of Sweden's achievements can be attributed to these voluntary quotas. Women made up 46% of the parliament in 2019. In addition to increasing representation, quotas also result in more women being nominated to positions of leadership. Quotas also encourage more experienced women to run, which raises the overall quality of the candidate pool. In actuality, female lawmakers typically possess greater education and experience than their male counterparts. Additionally, quotas push incompetent male leaders to step down, improving governance and enhancing men's political savvy. Some also credit the high number of women in government who backed Sweden's progressive regulations on education, childcare, and parental leave.³⁷

Combining these data results in a confusing image. Many people view Sweden as a champion of gender equality due to its liberal policies and high proportion of women in parliament. Women were so influential that, as early as the 1990s, they were able to exert pressure on the main party in power to impose a gender quota, as demonstrated by the history of gender quotas in Sweden. But this was no ordinary quota—it was the strictest kind of party quota, known as a zipper system. Sweden appears to be a gender-neutral utopia as a result. But on the inside, women are not given the same treatment.³⁸

There are two reasons why this is surprising. First, the public benefits from quotas. In general, female lawmakers are more qualified than their male counterparts, according to quantitative data, as previously stated. This should refute the idea that quota women are less deserving or capable of leadership. Second, if political parties did not appreciate women, they would not have quotas

³⁶ Dubravka, Ž. ‘*Gender Quotas in Europe: A Comparative Study*’, European University Institute, 2015 https://cadmus.eui.eu/bitstream/handle/1814/36277/LAW_2015_28.pdf?sequence=1&isAllowed on January 12, 2025.

³⁷ Dubravka, Ž. ‘*Gender Quotas in Europe: A Comparative Study*’, European University Institute, 2015 https://cadmus.eui.eu/bitstream/handle/1814/36277/LAW_2015_28.pdf?sequence=1&isAllowed on January 12, 2025.

³⁸ Nayar J, ‘*Equal Representation: The Debate Over Gender Quotas (Part 2)*.’ Harvard International Review., 2022, <https://hir.harvard.edu/equal-representation-the-debate-over-gender-quotas-part-2/> - on January 12, 2025.

in the first place because their implementation is completely discretionary under Swedish law. The quota thresholds might also be chosen by the parties. In actuality, the Left Party increased its minimum percentage of female candidates from 40 percent in 1990 to 50 percent in 1993. Therefore, it is possible to interpret voluntary quotas as reflecting political party ideologies. But why are quota women consistently devalued if, in theory, both the general public and party members should esteem them?³⁹

Sweden might have a moral hazard issue in this regard. Due in large part to the fact that these quotas offer political cover and imply liberal governance, Sweden has not been held responsible for its subpar treatment of women in parliament. However, quotas, like those in India, have the potential to obfuscate underlying societal issues, thereby sustaining inequality by establishing equality in theory but not in reality.⁴⁰

2.3 RWANDA.

2.3.1. INTRODUCTION.

A UN-sponsored peace deal and procedures put in place by the Rwandan Patriotic Front controlled Rwanda after the 1994 genocide. Article 10 of the new constitution, which was put into effect by President Paul Kagame's administration in 2003, established a gender quota to guarantee women's involvement in decision-making.⁴¹

Women in Rwanda had few educational and professional options prior to the genocide, and they made up just 19% of political representatives. However, since 60–70% of the post-genocide population was female, it became imperative to strengthen women's participation in administration.⁴²

³⁹ Nayar J, 'Equal Representation: The Debate Over Gender Quotas (Part 2).' Harvard International Review., 2022, [-https://hir.harvard.edu/equal-representation-the-debate-over-gender-quotas-part-2/](https://hir.harvard.edu/equal-representation-the-debate-over-gender-quotas-part-2/) - on January 12, 2025.

⁴⁰ Nayar J, 'Equal Representation: The Debate Over Gender Quotas (Part 2).' Harvard International Review., 2022, [-https://hir.harvard.edu/equal-representation-the-debate-over-gender-quotas-part-2/](https://hir.harvard.edu/equal-representation-the-debate-over-gender-quotas-part-2/) - on January 12, 2025.

⁴¹ Dutta R, 'Rwanda's 30 Percent Gender Quota Led to the World's Largest Share of Women in Government.', 2023, [-https://www.sdg16.plus/policies/rwandas-30-percent-gender-quota-led-to-the-worlds-largest-share-of-women-in-government/](https://www.sdg16.plus/policies/rwandas-30-percent-gender-quota-led-to-the-worlds-largest-share-of-women-in-government/) - on January 13, 2025.

⁴² Dutta R, 'Rwanda's 30 Percent Gender Quota Led to the World's Largest Share of Women in Government.', 2023,

2.3.2. BODY.

Rwanda's parliamentary structure includes provisions aimed at increasing women's involvement in governance at both national and local levels. Legal mandates ensure that women occupy at least 30% of leadership positions. In the lower house of parliament, a set number of seats are allocated for women, with representatives selected through an electoral college consisting of members from district and municipal women's councils.⁴³

In Rwanda, local women's councils and district councils are established through a structured electoral process. District executives, appointed by the National Bureau of Sectors—a district subdivision—participate in these elections alongside the National Women's Council. Acting as a grassroots organization, the National Women's Council advocates for women at the community level, with its members elected democratically. Furthermore, every five years, the Bureau of Sectors, which functions as the sector-level executive and administrative body, is selected through a democratic process.⁴⁴

Following the introduction of gender representation measures, women's parliamentary representation in Rwanda steadily increased, reaching 48.8% in the 2003 elections, 56% in 2008, and 67% in 2013. In the 2013 elections, women secured 26 out of 53 open seats, bringing their total to 51 when combined with designated and youth seats. Additionally, despite no legal mandate, women hold significant leadership roles, comprising 42% of cabinet positions, 32% of Senate seats, 50% of judicial appointments, and 43.5% of municipal and district council seats.⁴⁵

[-https://www.sdg16.plus/policies/rwandas-30-percent-gender-quota-led-to-the-worlds-largest-share-of-women-in-government/](https://www.sdg16.plus/policies/rwandas-30-percent-gender-quota-led-to-the-worlds-largest-share-of-women-in-government/) - on January 13, 2025.

⁴³ Bayisenge, F., ' *The Quota System in Rwandan Local Government: Women's Representation and Political Empowerment*' (Research Paper). Master's in Development Studies, Specialisation in Public Policy and Management, 2008, pp 24, on January 13, 2025.

⁴⁴ Bayisenge, F., ' *The Quota System in Rwandan Local Government: Women's Representation and Political Empowerment*' (Research Paper). Master's in Development Studies, Specialisation in Public Policy and Management, 2008, pp 24, on January 13, 2025.

⁴⁵ Bayisenge, F., ' *The Quota System in Rwandan Local Government: Women's Representation and Political Empowerment*' (Research Paper). Master's in Development Studies, Specialisation in Public Policy and Management, 2008, pp 24, on January 13, 2025.

In 2001, Rwanda implemented an electoral system to increase the participation of women and young people in local government. Under this system, each voter cast three ballots: one for a general candidate, one for a woman, and one for a youth representative. This approach ensured diverse representation at the sector level. In a follow-up indirect election, sector-level winners advanced to the District Council, which included all general ballot winners along with one-third of the representatives from both the women's and youth ballots.⁴⁶

Women secured 27% of District Council seats in 2001, highlighting the system's role in advancing women's political participation (Powley 2005). With 30% of seats allocated to women through the 2006 youth ballot, women's representation in local government increased to 40%. Although overall participation grew, the number of female mayors remained low, with only five out of 106 districts led by women in 2001 and three out of 30 in 2006 (National Electoral Commission 2006).⁴⁷

Despite these electoral victories, gender relations in Rwandan local government are still influenced by socially and culturally ingrained gender norms and beliefs. Generally speaking, women continue to hold lower status than men and are rarely expected to take on significant or assertive roles. A large number are considered dependents of their male allies and relatives. Instead of being seen as political leaders or decision-makers, their primary social responsibilities are still defined by their identities as spouses and mothers.⁴⁸

Given this, there are numerous problems with the quota system. We need to specifically ask: what does a quota system mean for the political, economic, and social empowerment of women? Are women who are elected using the quota system genuinely more powerful than men in

⁴⁶ Bayisenge, F., ' *The Quota System in Rwandan Local Government: Women's Representation and Political Empowerment*' (Research Paper). Master's in Development Studies, Specialisation in Public Policy and Management, 2008, pp 24, on January 13, 2025.

⁴⁷ Bayisenge, F., ' *The Quota System in Rwandan Local Government: Women's Representation and Political Empowerment*' (Research Paper). Master's in Development Studies, Specialisation in Public Policy and Management, 2008, pp 24, on January 13, 2025.

⁴⁸ Bayisenge, F., ' *The Quota System in Rwandan Local Government: Women's Representation and Political Empowerment*' (Research Paper). Master's in Development Studies, Specialisation in Public Policy and Management, 2008, pp 24, on January 13, 2025.

politics? The background obscures the subject of what originally drove Rwanda's quota system for women's representation.⁴⁹

2.3.3. CONCLUSION.

Given how often Rwanda is mentioned as a success model for gender quotas, it is critical to appropriately evaluate more significant changes in Rwandan society. Despite being the first and only parliament in the world with a majority of women, the Rwandan parliament's increased female representation had little impact on the legislative process.⁵⁰

This study concludes by arguing that, although gender quotas in Rwanda have a discernible numerical impact on women's political engagement, they are ineffectual for maximizing both gender equality and women's political participation. Rwanda still confronts many obstacles, even if there are more women in senior positions. Women MPs risk supporting men, their personal interests, the interests of the upper class, or the RPF instead of advocating for all Rwandan women. Despite being praised for avoiding gender stereotypes, gender quotas can be a lethal instrument to undermine women's potential and are suspected of forging an unfounded association with a gender that does not exist.⁵¹

⁴⁹ Bayisenge, F., ' *The Quota System in Rwandan Local Government: Women's Representation and Political Empowerment*' (Research Paper). Master's in Development Studies, Specialisation in Public Policy and Management, 2008, pp 24, on January 13, 2025.

⁵⁰ Mankoff J., ' *Gender Quotas and Women's Empowerment: A Study of Rwanda's Parliamentary Quota System.*' Georgia State University. 2016, [-https://scholarworks.gsu.edu/cgi/viewcontent.cgi?article=1003&context=anthro_facpub-](https://scholarworks.gsu.edu/cgi/viewcontent.cgi?article=1003&context=anthro_facpub) on January 13, 2025.

⁵¹ Gozman, D., & Pietrobelli, C. ' *Gender Quotas and Political Representation: A Global Perspective.*' , 2024, [-https://www.shs-conferences.org/articles/shsconf/pdf/2024/13/shsconf_apmm2024_04012.pdf-](https://www.shs-conferences.org/articles/shsconf/pdf/2024/13/shsconf_apmm2024_04012.pdf) on January 13, 2025.

3.0. CHAPTER THREE:

THE ROLE OF THE STATE AND POLITICAL PARTIES IN GENDER QUOTAS.

In the election process, quotas can be applied in three phases. There may be quotas during the aspiration stage, which is the first phase of the election process and when candidates are being evaluated for nominations. Most frequently, this is accomplished by voluntary party quotas, whereby political parties designate the minimum proportion of female nominees. Countries like Sweden, the United Kingdom, and Germany have these quotas.⁵²

When political parties are choosing which candidates to include on their ballots, quotas are also helpful. Legal candidate quotas are established by central government legislative and/or constitutional decisions. These regulations control the ballot's makeup by requiring a specific proportion of candidates to be female.⁵³

In a proportional representation (PR) system, seats are distributed among political parties based on their share of the vote in an election. Parties then select candidates from their pre-submitted lists, starting from the top, and assign as many representatives as their vote percentage permits. This system is used in countries such as Kenya, Mexico, and Indonesia.⁵⁴

Finally, quotas may be used during the election stage, which is the final stage of the electoral process. Usually, a certain percentage of parliamentary seats are reserved for women by legislation and/or constitutional provisions passed by the national government. These quotas apply to nations like Rwanda and China.⁵⁵

⁵² Nayar J, 'Equal Representation: The Debate Over Gender Quotas (Part 2).' Harvard International Review., 2022, -<https://hir.harvard.edu/equal-representation-the-debate-over-gender-quotas-part-2/> - on January 12, 2025.

⁵³ Nayar J, 'Equal Representation: The Debate Over Gender Quotas (Part 2).' Harvard International Review., 2022, -<https://hir.harvard.edu/equal-representation-the-debate-over-gender-quotas-part-2/> - on January 12, 2025.

⁵⁴ Nayar J, 'Equal Representation: The Debate Over Gender Quotas (Part 2).' Harvard International Review., 2022, -<https://hir.harvard.edu/equal-representation-the-debate-over-gender-quotas-part-2/> - on January 12, 2025.

⁵⁵ Nayar J, 'Equal Representation: The Debate Over Gender Quotas (Part 2).' Harvard International Review., 2022, -<https://hir.harvard.edu/equal-representation-the-debate-over-gender-quotas-part-2/> - on January 12, 2025.

3.1.1. KENYA.

In Kenya, gender quotas are enforced through candidate quotas. One kind of electoral quota, sometimes known as a legislative or legal quota, is the candidate quota. Although they might not be applicable to every aspect of the electoral process, candidate quotas mandate that a specific proportion of female candidates be fielded by each political party in a nation. Candidate quotas, in contrast to reserved seats, do not guarantee that a specific proportion of women will hold public office. Despite the law, political parties have the ability and do disregard these rules.⁵⁶

The State Department for Gender, operating under the Ministry responsible for public service and youth affairs, oversees initiatives aimed at promoting gender equity in Kenya. A key function of the department is to support the formulation and evaluation of gender-related legislation and policies. Following a review of the cabinet's 2000 gender policy, the department developed the National Gender and Development Policy.⁵⁷

The policy describes Kenya's efforts to accomplish these goals and the country's national strategy for gender equality. It outlines the broad concepts that all state and non-state actors will embrace and incorporate into sectoral policies, practices, and programs of the National and County Government. In particular, it considers the following:⁵⁸

1. the ideals and standards outlined in the Constitution;
2. laws that are in accordance with the Constitution;
3. The national and local governments, which serve a variety of purposes, ought to support gender equality;⁵⁹

⁵⁶ Dudley O., *Unpacking the Gender Rule and the Supreme Court Advisory Opinion*, Heinrich Böll Stiftung, https://ke.boell.org/sites/default/files/uploads/2016/06/gender_briefs_-_ochiel_dudley, on January 12, 2025..

⁵⁷ Dudley O., *Unpacking the Gender Rule and the Supreme Court Advisory Opinion*, Heinrich Böll Stiftung, https://ke.boell.org/sites/default/files/uploads/2016/06/gender_briefs_-_ochiel_dudley, on January 12, 2025..

⁵⁸ Dudley O., *Unpacking the Gender Rule and the Supreme Court Advisory Opinion*, Heinrich Böll Stiftung, https://ke.boell.org/sites/default/files/uploads/2016/06/gender_briefs_-_ochiel_dudley, on January 12, 2025.

⁵⁹ Dudley O., *Unpacking the Gender Rule and the Supreme Court Advisory Opinion*, Heinrich Böll Stiftung, https://ke.boell.org/sites/default/files/uploads/2016/06/gender_briefs_-_ochiel_dudley, on January 12, 2025.

Several clauses pertaining to the inclusion and involvement of excluded groups in political life may be found in the 2010 Kenyan Constitution. These consist of:⁶⁰

- Article 27(6) mandates the State to adopt affirmative action policies, programs, and legislative measures to address and correct inequalities arising from historical discrimination against individuals or groups.⁶¹
- Article 27(8) requires the State to enforce the rule that no more than two-thirds of the members in elected or appointed bodies belong to the same gender, using legislative and other measures beyond those outlined in Clause 6.
- The election method must comply with the aforementioned requirement that no elective public body's members be more than two-thirds of the same gender, as stated in Article 81(b); and⁶²

The Constitution's Article 88 establishes the IEBC. Chapter 15 of the Constitution created it as one of the independent bodies. Promoting constitutionalism and ensuring that all state organs adhere to democratic values and principles are two of the IEBC's goals as a commission. Since the IEBC is an independent commission that only owes loyalty to the Kenyan Constitution and other related legislation, these are the functions that it does on its own. According to Article 88(4) of the Constitution, the IEBC is in charge of holding or overseeing referenda, elections for any elected office or body created by the Constitution, and other elections.⁶³

The constitution requires the IEBC to make sure political parties follow the two-thirds gender requirement before nominations and general elections. The IEBC has the authority to enact rules that prevent political parties from running for office if their nominees don't match the two-thirds

⁶⁰The Carter Center, 'Gender Quotas and Women's Political Participation: Legal Brief,' 2019, https://www.cartercenter.org/resources/pdfs/news/peace_publications/democracy/gender-quota_legal-brief-030719.pdf - on January 12, 2025.

⁶¹ Article 27(6), *Constitution of Kenya* (2010)

⁶² Article 81(b), *Constitution of Kenya* (2010)

⁶³ Cheruiyot K., 'The Role of IEBC in Advancing the Two-Third Gender Principle Under the Constitution of Kenya 2010', February 15, 2022, - https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4083680 - On February 2nd.

gender criterion. Therefore, any nomination list from political parties that does not meet this condition may be rejected by the IEBC.⁶⁴

More than ever, the IEBC needs to set the example and take action by establishing uniform guidelines and norms to direct political parties' nominations while taking the two-third gender concept into consideration. Every state body and individual is bound by the Bill of Rights, and IEBC has a duty to make sure that the legislation is followed. IEBC has a constitutional authority to establish administrative structures that will force political parties to abide by the law, despite their unwillingness.⁶⁵

3.1.2 SWEDEN.

In Sweden, several political parties introduced voluntary quotas in the 1970s and 1980s, following the principle that neither gender should hold less than 40% of positions. This contributed to an increase in women's representation in Parliament, reaching 39% in the 1988 elections. However, after a decline to 34% in 1991, women across different political parties pushed for stricter measures, such as alternating male and female candidates on party lists, to promote greater gender balance among elected officials.⁶⁶

Sweden's government is divided into three levels: municipal, regional, and national. The ruling body is selected via PR voting at all three levels every four years. There are 349 members of Sweden's national parliament, the Riksdag. To be represented in parliament, a party needs to receive at least 4% of the vote. Sweden then splits its local government into 290 municipalities, each with its own council, and its regional administration into 21 läns, or counties. Since there is

⁶⁴ Cheruiyot K., 'The Role of IEBC in Advancing the Two-Third Gender Principle Under the Constitution of Kenya 2010', February 15, 2022, - https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4083680 - On February 2nd.

⁶⁵ Cheruiyot K., 'The Role of IEBC in Advancing the Two-Third Gender Principle Under the Constitution of Kenya 2010', February 15, 2022, - https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4083680 - On February 2nd.

⁶⁶ Henley, J., 'Sweden rejects quotas for women in boardrooms of listed companies.' The Guardian, 2017, <https://www.theguardian.com/world/2017/jan/12/sweden-rejects-quotas-women-boardroom-listed-companies> on January 12, 2025

no official requirement for gender quotas in Sweden, parties choose to implement them on their own.⁶⁷

In Sweden, the majority of public sector research organizations are independent public entities that answer directly to the government. The Swedish Government Bill of 2005 mandates that all government entities, including research organizations, assist in achieving goals pertaining to equal gender representation in governing bodies. While quotas are not required, it is expected that at least 40% of the underrepresented sex will be represented on decision-making boards, committees, and panels that are involved in peer review, recruitment, etc. Since 1984, gender mainstreaming has been the primary tactic employed by the Swedish government to accomplish the goals of its gender equality policy. It is also a legally binding policy approach. Therefore, all government agencies must incorporate the gender equality perspective into their policy creation and decision-making processes.⁶⁸

Sweden has taken two distinct stances on gender quotas: party quotas for elected officials and corporate governance standards for the corporate sector. There has long been widespread criticism of statutory efforts to remedy the underrepresentation of women in politics and business. As the example of political sector regulation shows, there is a reasonably strong fit between systemic, practical, and normative institutions that has facilitated the implementation of party quotas. On the contrary, the example of business sector regulation demonstrates that there has been a lot of tension in the interactions between institutions. In the realm of politics, the organizations for the women's movement have been a significant force for change, organizing both inside the parties and within the independent women's movement. They have organized around the problem, placed it on the political agenda, and put pressure on the parties to make changes.⁶⁹

⁶⁷ Nayar J, 'Equal Representation: The Debate Over Gender Quotas (Part 2).' Harvard International Review., 2022, [-https://hir.harvard.edu/equal-representation-the-debate-over-gender-quotas-part-2/](https://hir.harvard.edu/equal-representation-the-debate-over-gender-quotas-part-2/) - on January 12, 2025

⁶⁸ European Institute for Gender Equality (EIGE). 'Quotas as a remedy for gender inequality: How they can bring big change in politics and business': [-https://eige.europa.eu/newsroom/news/quotas-remedy-gender-inequality-can-bring-big-change-politics-and-business](https://eige.europa.eu/newsroom/news/quotas-remedy-gender-inequality-can-bring-big-change-politics-and-business) - on February 3, 2025

⁶⁹ Krook M., Lovenduski J., and Squires J, Gender Quotas and Models of Political Citizenship, 782, [-https://mlkrook.org/pdf/kls_bjps_09.pdf](https://mlkrook.org/pdf/kls_bjps_09.pdf) - 7 January 2025.

Important enabling variables included the PR election system, closed electoral lists, big district size, and contagion effects. No movement advocating for change was present in the business sector. The participation of women on corporate boards was actually not a big concern for the women's movement. The most significant actors, or forces of resistance, were the most powerful business sector, particularly the influential Confederation of Employers' Organizations, and members of the liberal and conservative governments, as in Norway. Even while some ministers supported the establishment of quotas, the Social Democratic government's female ministers specifically did not take advantage of the window of opportunity to propose legislation. It is unclear whether Sweden's new feminist administration will be able to permanently resolve the corporate gender quota issue.⁷⁰

3.1.3. RWANDA.

The adoption of Rwanda's 2003 Constitution established a 30% quota for women in both the administration and parliament. In the parliamentary elections that same year, women secured up to 49% of the seats, aided by strong political party support for female candidates. This achievement resulted in Rwanda having the highest percentage of female lawmakers in the world at the time.⁷¹

Burnet, as cited in Franceshet et al. (2012), notes that Rwanda was the first country to introduce a gender quota system at all levels of government. Prior to the 1994 genocide, women held only 10 to 15% of parliamentary seats. However, the aftermath of the genocide brought significant changes in gender roles, societal attitudes, and women's involvement in governance and civil society. With women making up nearly 70% of the population after the conflict, policies to enhance their political participation were strongly reinforced. The Rwandan Patriotic Front

⁷⁰ Krook M., Lovenduski J., and Squires J, Gender Quotas and Models of Political Citizenship, 782, -https://mlkrook.org/pdf/kls_bjps_09.pdf- 7 january 2025.

⁷¹ Hansén, J. (2017), '*Political Gender Quota in Rwanda: Has Increased Female Inclusion in Politics Led to a Decrease in Domestic Gender-Based Violence?*' Lund University. -<https://lup.lub.lu.se/luur/download?func=downloadFile&recordId=8918957&fileId=8918958>- on february 3, 2025

(RPF) played a key role in shaping these reforms, actively advocating for gender-inclusive policies since coming to power.⁷²

Reserved seats determine the required number of individuals from underrepresented genders who must hold positions in legislative bodies, while mandatory and voluntary candidate quotas establish minimum representation thresholds for such groups on electoral lists. Although reserved seats are the least common form of gender quota globally, they are gaining traction in South-East Asia and Africa. Currently, 36 countries and territories have adopted this system for national legislatures and subnational councils using one of three primary approaches.⁷³

- A unique nationwide tier for female candidates only: this approach can take several forms, such as
 - (1) the direct election of female MPs in single-member districts (in Uganda);
 - (2) the election of a predetermined number of women from districts intended exclusively for electing female parliamentarians (in Rwanda, where women are elected in 24 provinces through a specially designated electoral college); and
 - (3) A different level designated for women to be elected from special all-women national lists (e.g., Mauritania, which elects 20 women from a women-only nationwide list, and Morocco, which elects 60 reserved seats for women through a women-only list PR system/closed list).⁷⁴
- Rotational quotas: this technique guarantees that only female candidates will be returned to these districts. In order to prevent male candidates from being excluded from the race in a particular district or ward for an extended length of

⁷² Hansén, J. (2017), '*Political Gender Quota in Rwanda: Has Increased Female Inclusion in Politics Led to a Decrease in Domestic Gender-Based Violence?*' Lund University. - <https://lup.lub.lu.se/luur/download?func=downloadFile&recordId=8918957&fileId=8918958>- on february 3, 2025

⁷³ ACE Electoral Knowledge Network., '*Legislated (Reserved Seats) Quotas in Elections.*' - <https://aceproject.org/ace-en/topics/ge/ge2/ge22/gender-quotas-in-elections/legislated-reserved-seats-> on February 3, 2025

⁷⁴ ACE Electoral Knowledge Network., '*Legislated (Reserved Seats) Quotas in Elections.*' - <https://aceproject.org/ace-en/topics/ge/ge2/ge22/gender-quotas-in-elections/legislated-reserved-seats-> on February 3, 2025

time, it is utilized at the subnational level in India by switching reserved wards from one election cycle to the next.⁷⁵

- Alternate thresholds: systems set two thresholds for election: the highest percentage of votes among a subset of candidates (in this case, women) and the highest absolute number of votes. With this method, all candidates—male and female—compete in the same race, and the winner is the one who receives the most votes. The female candidates who garnered the most votes without obtaining a majority or plurality in their district then go on to fill the remaining number of reserved seats. This system is frequently called the "best loser" system.⁷⁶

4.0. CHAPTER FOUR:

BENEFITS AND DRAWBACKS OF STATE INTERVENTION AND POLITICAL AUTONOMY IN RELATION TO GENDER QUOTAS.

4.1. BENEFITS.

4.1.1. KENYA.

1. Enforcement Power of the IEBC.

Any nomination list from political parties that does not meet this criterion may be rejected by the IEBC. More than ever, the IEBC needs to take the lead and implement measures that consider the two-third gender concept, such as guidelines and established regulations to direct political

⁷⁵ ACE Electoral Knowledge Network., 'Legislated (Reserved Seats) Quotas in Elections.' - <https://aceproject.org/ace-en/topics/ge/ge2/ge22/gender-quotas-in-elections/legislated-reserved-seats-> on February 3, 2025

⁷⁶ ACE Electoral Knowledge Network., 'Legislated (Reserved Seats) Quotas in Elections.' - <https://aceproject.org/ace-en/topics/ge/ge2/ge22/gender-quotas-in-elections/legislated-reserved-seats-> on February 3, 2025

party nominations.⁷⁷ This in return fosters gender equality as it makes political parties adhere to there constitutional mandate.

2. Legal Obligation Under the Bill of Rights.

All state entities and individuals are bound by the Bill of Rights, and IEBC is responsible for ensuring that the law is followed. Notwithstanding political parties' resistance, IEBC is mandated by the constitution to establish administrative structures that will compel political parties to abide by the law..⁷⁸

3. Judicial Reinforcement and Potential Consequences for Non-Compliance.

Recent High Court decisions have made it very evident that if Parliament does not enact implementing legislation to enforce the two-thirds female quota, it may really be dissolved. The next general election, which is set for 2022, is the earliest the gender rule may be implemented, even if Parliament adopts pending legislation and constitutional revisions are implemented. As previously mentioned, the succeeding Parliament would have a further five years to enact the gender rule if Parliament were to dissolve for inaction.⁷⁹

4.1.2. SWEDEN.

Increase in female representation.

Since 1971, the Riksdag, the Swedish Parliament, has operated as a unicameral legislature. Fourteen percent of legislators were female in 1971. Since the 1994 election, when the 40 percent threshold was reached, the percentage of female MPs has risen over 40 percent in each

⁷⁷ Cheruiyot K., ' *The Role of IEBC in Advancing the Two-Third Gender Principle Under the Constitution of Kenya 2010* ', February 15, 2022, - https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4083680 - On February 2nd.

⁷⁸ Cheruiyot K., ' *The Role of IEBC in Advancing the Two-Third Gender Principle Under the Constitution of Kenya 2010* ', February 15, 2022, - https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4083680 - On February 2nd.

⁷⁹ Cheruiyot K., ' *The Role of IEBC in Advancing the Two-Third Gender Principle Under the Constitution of Kenya 2010* ', February 15, 2022, - https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4083680 - On February 2nd.

election, reaching a high of 47.3% in the 2006 election. 43.6 percent of women MPs were elected in the 2014 election.⁸⁰

4.1.3. RWANDA.

1. Has led to women living better lives.

However, the Rwandan example does show that gender quotas can have effects outside of the political arena. Women now have greater economic and professional prospects as well as greater social mobility because to the RPF's top-down policies. Gender quotas have had a wide-ranging and profound effect because they are applicable at all 33 levels of government, from the parliament to the smallest administrative unit, known as the "village" (umudugudu). Gender quotas have reshaped traditional gender roles established during the colonial and post-colonial eras, where men predominantly occupied public-sector jobs while women were confined to domestic responsibilities and financial dependence. Although rural women working in local government have taken on additional unpaid labor, urban women have gained more from this shift, as they have better access to salaried employment and increased economic power.⁸¹

2. Transformation of gender ideas.

To assess the impact of gender quotas on women's representation, it is essential to examine their role in challenging traditional views that link politics to men and domestic roles to women. In Rwanda, legal frameworks promoting gender inclusion have helped reshape these perceptions by increasing women's presence in leadership positions across governance, commerce, and community initiatives. However, these changes were not solely driven by the 2003 gender quotas. The rise of women's advocacy groups in the late 1980s and early 1990s significantly

⁸⁰ Freidenvall, L., 'Executive summary: Sweden. European University Institute.' ,2015, [-https://dev.eui.eu/genderquotas/wp-content/uploads/sites/24/2015/03/Executive-summary-Sweden-Freidenvall.pdf](https://dev.eui.eu/genderquotas/wp-content/uploads/sites/24/2015/03/Executive-summary-Sweden-Freidenvall.pdf)- on february 5th

⁸¹ Schmidt, E., 'Gender quotas in Rwanda: Understanding the impact on women's political representation.' Georgia State University., 2009, [-https://scholarworks.gsu.edu/cgi/viewcontent.cgi?article=1003&context=anthro_facpub](https://scholarworks.gsu.edu/cgi/viewcontent.cgi?article=1003&context=anthro_facpub)- on february 4 2025

contributed to this shift, while political party quotas in the 1990s and later legislative measures further advanced the transformation.⁸²

4.2. DRAWBACKS.

4.2.1. KENYA.

1. Legislative and Institutional Barriers to Implementation.

Ensuring the protection of fundamental rights and freedoms requires more than just a well-drafted constitution. Although Kenya's Constitution has introduced gender-sensitive provisions and reshaped the legal framework, the country has yet to meet the minimum threshold for women's representation. This remains the case despite clear constitutional timelines and court rulings on the matter. The only explanation for this is impunity. The two-thirds gender law's enactment is seen by Parliament as a political convenience rather than a constitutional requirement. It is crucial that parliament fully embrace the inclusive tenets of the Constitution, which have created opportunities for women to hold elected and appointed office. It would be impossible to protect women's rights otherwise.⁸³

2. Lack of enforcement mechanisms.

The Kenyan government needs to take the initiative to make sure the two-thirds gender rule is followed. Human rights violations against Kenyan women would persist if this quota is not properly enforced. The nation currently admits that it has not met the quota, but it has not yet attempted to enact specific laws to remedy this deficiency. To combat the government's ingrained practices of gender inequality, legislation that offers a route toward reaching the gender threshold is necessary. The Kenyan government, for example, can impose the gender quota by enacting laws requiring political parties to provide financial support to female candidates.⁸⁴

⁸² Schmidt, E., 'Gender quotas in Rwanda: Understanding the impact on women's political representation.' Georgia State University., 2009, -https://scholarworks.gsu.edu/cgi/viewcontent.cgi?article=1003&context=anthro_facpub - on february 4 2025

⁸³Centre for Rights Education and Awareness (CREAW), *Tracing the Journey: Two-Thirds Gender Principle in Kenya*, 2019, pp 10, -<https://home.creaw.org/wp-content/uploads/2019/11/Tracing-the-Journey-Two-Thirds.pdf> - on January 12, 2025.

⁸⁴Babkir, A., 'Kenya's continual failure to meet their two-thirds gender quota.', Oxford Human Rights Hub.' 2023, -<https://ohrh.law.ox.ac.uk/kenyas-continual-failure-to-meet-their-two-thirds-gender-quota/> - on february 7 2025.

Kenya's failure to uphold its representation quota is a violation of both its constitutional and international commitments. International accords and treaties that support gender equality, such as the CEDAW, are accepted by Kenya. Kenya should implement its gender quota in order to avoid legal action against its administration and to restore a positive public image both at home and abroad.⁸⁵

The country's high incidence of violence against women and other minority groups prompted the implementation of gender-centric constitutional revisions in 2010. Lawmakers are encouraged to create legislation that takes into account the demands of minority groups when they are represented in the government. The Kenyan government must completely carry out its constitutional duties by enacting laws that specifically assist female candidates. These adjustments are required to stop and prevent discrimination and violence against women.⁸⁶

4.2.2. SWEDEN.

1. Different Party Discourses on Gender Equality

Although they have different perspectives, the Conservative Party and the Social Democratic Party both accept the idea of men and women cooperating. Separate women's organizations are seen negatively by the Conservative Party, which prioritizes individual endeavors over group campaigns for women's rights. The Social Democratic Party draws attention to the systematic discrimination against women, which leads to a discussion about men's part in preserving gender inequality.⁸⁷

2. Challenges in Justifying Gender Quotas

⁸⁵ Babkir, A., 'Kenya's continual failure to meet their two-thirds gender quota.', Oxford Human Rights Hub.' 2023, -<https://ohrh.law.ox.ac.uk/kenyas-continual-failure-to-meet-their-two-thirds-gender-quota/>- on february 7 2025.

⁸⁶ Babkir, A., 'Kenya's continual failure to meet their two-thirds gender quota.', Oxford Human Rights Hub.' 2023, -<https://ohrh.law.ox.ac.uk/kenyas-continual-failure-to-meet-their-two-thirds-gender-quota/>- on february 7 2025.

⁸⁷ Freidenvall, L.,. 'Women's Political Representation and Gender Quotas: The Swedish Case. Stockholm University.', 2013. -<https://www.niyf.org/wp-content/uploads/2016/05/zipping.pdf> - on February 2, 2025

The Conservative Party favors mentorship and educational initiatives over quotas and supports equal opportunity for all people. The Social Democratic Party believes that quotas are an essential instrument for guaranteeing equal participation and sees underrepresentation as a systemic problem. However, unless political rivalry forces parties to adopt them, collective measures like quotas become more difficult to defend when prejudice is presented as antiquated ideals rather than systemic oppression.⁸⁸

3. Shifting Focus from Women to Men in Gender Equality Discourse.

Discussions about gender equality have always deviated from the norm by framing women as the issue. Men are increasingly seen as the issue, but this is done in a way that highlights men's accountability rather than assigning blame. This change casts doubt on the earlier idea that gender equality was just a peaceful endeavor between men and women.⁸⁹

4.2.3. RWANDA.

1. Quota system in Rwanda is a top-down approach.

Rwanda implemented the quota system as a top-down strategy to integrate women into political institutions. This is encouraging in part because it shows that the Rwandan government is committed to fulfilling its international commitments to reduce gender inequality and injustice. However, the issue is that the system's creation and/or implementation have not incorporated Rwandans at the grassroots level, including various groups of Rwandan women. As a result, its fundamental ideas have mirrored what the government deems desirable, and the ordinary public does not always comprehend the system. Rather, the system is set up such that local, highly educated, and well-connected elites may easily take advantage of the advantages. Despite the Rwandan National Constitution's provision of the women's quota, it appears that women in

⁸⁸ Freidenvall, L.,. 'Women's Political Representation and Gender Quotas: The Swedish Case. Stockholm University.', 2013. -<https://www.niyf.org/wp-content/uploads/2016/05/zippinging.pdf> - on February 2, 2025

⁸⁹ Freidenvall, L.,. 'Women's Political Representation and Gender Quotas: The Swedish Case. Stockholm University.', 2013. -<https://www.niyf.org/wp-content/uploads/2016/05/zippinging.pdf> - on February 2, 2025

general and impoverished women in rural areas in particular lack sufficient knowledge about the quota system's operation to attempt to take use of it. This strengthens elite women's inclination to maintain monopolistic control over political representation and the quota system.⁹⁰

2. System is dominated by elites

Moreover, the quota system has fallen short of representing the diverse interests of all women as initially expected. Elected women often prioritize their own interests as individuals, align with the political and economic elite, or base their perspectives on their affiliations with the ruling party. As a result, the quota system fails to ensure comprehensive representation of women's varied concerns.⁹¹

3. Women in parliament often represent elite or party interests, particularly those of the ruling Rwandan Patriotic Front (RPF), rather than advocating for the broader spectrum of women's concerns.

Although the increased presence of women in Rwanda's government has had positive symbolic effects, it has not necessarily led citizens to view the government as more democratic. Additionally, greater female representation has not ushered in a more democratic political era. The government, under President Paul Kagame and the Rwandan Patriotic Front (RPF), maintains a highly centralized system of control. During the 2010 presidential election, opposition parties, civil society groups, and independent media faced significant restrictions. By 2013, parliamentary elections were scheduled, but it remained uncertain whether they would lead to increased democratic space or further political repression. Moreover, the sustainability of the historically high percentage of women in non-reserved parliamentary seats remains unclear. A significant portion of these women belong to the RPF, and since neither the RPF nor any other

⁹⁰Bayisenge, F., ' *The Quota System in Rwandan Local Government: Women's Representation and Political Empowerment*' (Research Paper). Master's in Development Studies, Specialisation in Public Policy and Management, 2008, pp 24, on January 13, 2025.

⁹¹ Bayisenge, F., ' *The Quota System in Rwandan Local Government: Women's Representation and Political Empowerment*' (Research Paper). Master's in Development Studies, Specialisation in Public Policy and Management, 2008, pp 24, on January 13, 2025.

registered party has embedded gender quotas into their internal policies, the number of women on party lists largely depends on the discretion of party leadership.⁹²

4. Despite high female representation in government democracy has not improved.

Despite having a noticeable numerical influence on women's political engagement, Rwandan gender quotas are ineffective at maximizing both gender equality and women's political participation. Even if there are more women in Rwanda's leadership, the country still faces significant challenges. Instead of speaking for all Rwandan women, women MPs run the risk of representing men, their own interests, the interests of the upper class, or the RPF. In descriptive terms, gender quotas are commended for eschewing gender stereotypes, but they may also be a deadly tool to cast doubt on women's abilities and raise suspicions of creating an unfounded gender bond. The two options to maximize Rwanda's gender quotas are then discussed: applying gender quotas to men rather than women and switching the reserved seat quota to a party/legislative quota with rank orders.⁹³

⁹² Bauer, G., & Burnet, J. E., 'Gender quotas, democracy, and women's representation in Africa: Some insights from democratic Botswana and autocratic Rwanda.', Georgia State University, 2013, [-https://scholarworks.gsu.edu/cgi/viewcontent.cgi?article=1004&context=anthro_facpub-](https://scholarworks.gsu.edu/cgi/viewcontent.cgi?article=1004&context=anthro_facpub) on february 7 2025

⁹³ Bayisenge, F., 'The Quota System in Rwandan Local Government: Women's Representation and Political Empowerment' (Research Paper). Master's in Development Studies, Specialisation in Public Policy and Management, 2008, pp 24, on January 13, 2025.

5.0. CHAPTER FIVE:

CONCLUSION.

Research on the nature, acceptance, and implementation of gender-related electoral measures continues to evolve, reshaping political landscapes worldwide. However, limited studies have systematically or comparatively analyzed these variations. By exploring the political contexts that shape debates, as well as patterns in adoption and outcomes, the analysis suggests that multiple underlying disputes influence the trajectory and effectiveness of such reforms. These debates revolve around (1) differing interpretations of equality, (2) varying conceptions of political representation, and (3) contrasting views on gender and its intersection with other political identities. Based on these dynamics, the study outlines four broad frameworks of political participation, which shape policy approaches and impact the likelihood of achieving greater female representation in public office.⁹⁴

Given these complexities, it remains uncertain whether quotas truly benefit women. Scholars, activists, and policymakers must remain vigilant to prevent government complacency, as quotas are unlikely to be phased out soon and are widely regarded as a key tool for addressing gender

⁹⁴Krook. M., Lovenduski J., & Squires, J., ‘*Gender quotas and models of political citizenship.*’, British Journal of Political Science, 2009, 781 -<https://doi.org/10.1017/S0007123409990123>- on february 7, 2025.

inequality. While quotas can help increase women's political representation, they are not necessarily the most effective solution. The Russian feminist proverb, "Democracy without women is not democracy," continues to hold relevance today.⁹⁵

The impact of quotas alone is still unknown despite a great deal of research. In the end, there is a great deal of variance in how quotas may operate from one nation to another. For this reason, it is crucial to examine quotas within the framework of particular administrations rather than generalizing about them.⁹⁶

In actuality, each country has a varying level of success with these various mandates. From 1992 to 2012, researchers examined the efficacy of various quotas in a range of systems in a study involving 167 countries. In affluent nations, voluntary party quotas proved to be more successful. However, in the absence of an all-party mandate, these quotas had little effect.⁹⁷

The study found that candidate quotas might work in every nation, but only in three specific circumstances. Placement requirements had to be included with quotas to guarantee that women were listed on PR lists in jobs that could be won. For instance, if the party believed that women would only receive roughly 10 seats, they could not be at the bottom of a list of 50 persons. Noncompliance has to have consequences, including fines or a party list being revoked. Additionally, women's representation thresholds must be set at a minimum of 30%. For example, in France, the lack of party mandates and weak penalties for non-compliance initially resulted in only a slight increase in the number of women elected to public office. Although a 2007 law that imposed higher financial penalties led to a rise in female representation, the absence of a placement mandate hindered France from achieving gender parity in government.⁹⁸

⁹⁵Nayar J, 'Equal Representation: The Debate Over Gender Quotas (Part 2).' Harvard International Review., 2022, [-https://hir.harvard.edu/equal-representation-the-debate-over-gender-quotas-part-2/](https://hir.harvard.edu/equal-representation-the-debate-over-gender-quotas-part-2/) - on January 12, 2025.

⁹⁶Nayar J, 'Equal Representation: The Debate Over Gender Quotas (Part 2).' Harvard International Review., 2022, [-https://hir.harvard.edu/equal-representation-the-debate-over-gender-quotas-part-2/](https://hir.harvard.edu/equal-representation-the-debate-over-gender-quotas-part-2/) - on January 12, 2025

⁹⁷ Nayar J, 'Equal Representation: The Debate Over Gender Quotas (Part 2).' Harvard International Review., 2022, [-https://hir.harvard.edu/equal-representation-the-debate-over-gender-quotas-part-2/](https://hir.harvard.edu/equal-representation-the-debate-over-gender-quotas-part-2/) - on January 12, 2025.

⁹⁸ Nayar J, 'Equal Representation: The Debate Over Gender Quotas (Part 2).' Harvard International Review., 2022, [-https://hir.harvard.edu/equal-representation-the-debate-over-gender-quotas-part-2/](https://hir.harvard.edu/equal-representation-the-debate-over-gender-quotas-part-2/) - on January 12, 2025.

Lastly, only in the least developed nations—like Rwanda, Uganda, and Tanzania—were reserved seat quotas important. Actually, this kind of quota system was absent from all industrialized nations. The World Bank Index, which groups nations according to their Gross National Income per capita, is used in the study to distinguish between developed and developing nations. This discusses a nation's industrialization and infrastructure in relation to other countries. Compared to nations with more established economies, developed nations tend to have more recent and developing economies. This trend could be explained by pressure from international organizations or a desire to elect more women soon in order to achieve credibility.⁹⁹

For women to continue to participate in politics effectively, quotas by themselves are insufficient. To make quotas a feasible idea, a few additional steps are necessary. Even when quotas are removed, these steps would significantly contribute to preserving the high percentage of women. Prior to imposing quotas, efforts should be made to modify men's attitudes and increase women's capacity. It is simpler to bring about change at the institutional level, but we need to take tangible steps to modify people's attitudes in order to achieve a similar transformation at the personal level. Men's involvement in the private sphere and in professions traditionally dominated by women should complement women's increased participation in the public domain. This shift would help redefine gender roles and challenge the rigid notion that confines women solely to domestic responsibilities. Reducing societal expectations that reinforce this restrictive view is essential. Ensuring lasting female representation requires fostering inclusive political institutions, such as parliaments and party structures that support women's participation, as well as promoting a culture of mentorship among both women and men. Politics should be a space where both genders aspire to contribute. Cultivating a political culture that is responsive to women's gender-specific needs within a patriarchal system is crucial for creating a more equitable and inclusive environment.¹⁰⁰

⁹⁹ Nayar J, 'Equal Representation: The Debate Over Gender Quotas (Part 2).' Harvard International Review., 2022, [-https://hir.harvard.edu/equal-representation-the-debate-over-gender-quotas-part-2/](https://hir.harvard.edu/equal-representation-the-debate-over-gender-quotas-part-2/) - on January 12, 2025.

¹⁰⁰ Krook M., Lovenduski J., and Squires J, Gender Quotas and Models of Political Citizenship, 782, [-https://mlkrook.org/pdf/kls_bjps_09.pdf](https://mlkrook.org/pdf/kls_bjps_09.pdf)- 7 january 2025.

BIBLIOGRAPHY.

A. CONSTITUTIONS.

1. Constitution of Kenya

B. BOOKS.

1. Miura M, McElwain KM, Kaneko T, *Explaining Public Support for Gender Quotas: Sexism, Representational Quality, and State Intervention in Japan. Politics & Gender.* 2023.
2. Kim J and Fallon M, "Making Women Visible: How Gender Quotas Shape Global Attitudes toward Women in Politics." *Politics & Gender*, Cambridge University Press.
3. Clayton A, "Gender Quotas and the 'Slow Progress' of Women in Political Representation." *Annual Review of Political Science*, vol. 22
4. Miura M, McElwain KM, Kaneko T, *Explaining Public Support for Gender Quotas: Sexism, Representational Quality, and State Intervention in Japan. Politics & Gender.* 2023.
5. Krook M., Lovenduski J., and Squires J, *Gender Quotas and Models of Political Citizenshi*

6. Julie C., Gender Quotas after the end of men.
7. MONA LENA KROOK, JONI LOVENDUSKI AND JUDITH SQUIRES Gender Quotas and Models of Political Citizenship.
8. Dudley O., *Unpacking the Gender Rule and the Supreme Court Advisory Opinion of December 2012: Quotas Options for the Representation of Women in Kenya*, Heinrich Böll Stiftung
9. Centre for Rights Education and Awareness (CREAW), *Tracing the Journey: Two-Thirds Gender Principle in Kenya*, 2019.
10. The Carter Center, '*Gender Quotas and Women's Political Participation: Legal Brief.*', 2019.
11. Dubravka, Ž. '*Gender Quotas in Europe: A Comparative Study*', European University Institute, 2015.
12. Dutta R, '*Rwanda's 30 Percent Gender Quota Led to the World's Largest Share of Women in Government.*', 2023.
13. Bayisenge, F., '*The Quota System in Rwandan Local Government: Women's Representation and Political Empowerment*' (Research Paper). Master's in Development Studies, Specialisation in Public Policy and Management, 2008.
14. Mankoff J., '*Gender Quotas and Women's Empowerment: A Study of Rwanda's Parliamentary Quota System.*' Georgia State University. 2016
15. Hansén, J. (2017), '*Political Gender Quota in Rwanda: Has Increased Female Inclusion in Politics Led to a Decrease in Domestic Gender-Based Violence?*' Lund University.

16. Cheruiyot K., ' *The Role of IEBC in Advancing the Two-Third Gender Principle Under the Constitution of Kenya 2010* ', February 15, 2022.
17. Larsson, F., ' *Effect of gender quotas on political representation in Scandinavian countries in Sweden.* ', International Peer-Reviewed Journal of Gender Studies, 2024.
18. Schmidt, E., ' *Gender quotas in Rwanda: Understanding the impact on women's political representation.* ' Georgia State University., 2009.
19. Babkir, A., ' *Kenya's continual failure to meet their two-thirds gender quota.* ', Oxford Human Rights Hub.' 2023.
20. Bauer, G., & Burnet, J. E., ' *Gender quotas, democracy, and women's representation in Africa: Some insights from democratic Botswana and autocratic Rwanda.* ', Georgia State University. 2013.

C. JOURNALS.

1. International IDEA. "About the Gender Quotas Database." International Institute for Democracy and Electoral Assistance (IDEA).
2. European Institute for Gender Equality (EIGE), ' *Gender quotas* '.
3. ACE Electoral Knowledge Network., ' *Legislated (Reserved Seats) Quotas in Elections.* '
4. Freidenvall, L., ' *Executive summary: Sweden.* European University Institute.' , 2015.
5. Nayar J, ' *Equal Representation: The Debate Over Gender Quotas (Part 2).* ' Harvard International Review., 2022.

D. NEWSPAPERS.

1. Henley, J., ' *Sweden rejects quotas for women in boardrooms of listed companies.* ' The Guardian, 2017

E. INTERNATIONAL INSTRUMENTS.

1. Universal Declaration of Human Rights (UDHR).
2. Convention on the Elimination of all Forms of Discrimination against Women (CEDAW).
3. African Charter on Human and People's Rights (ACHPR).
4. Protocol to the African Charter on Human Rights on the Rights of Women in Africa- Maputo Protocol.
5. International Covenant on Civil and Political Rights (ICCPR).
6. International Covenant on Economic, Social and Cultural Rights (ICESCR)

F. WEBSITE LINKS.

1. <https://www.idea.int/data-tools/data/gender-quotas-database/about>.
2. [https://eige.europa.eu/publications-resources/thesaurus/terms/1304?language_content_entity=en -](https://eige.europa.eu/publications-resources/thesaurus/terms/1304?language_content_entity=en)
3. <https://aceproject.org/ace-en/topics/ge/ge2/ge22/gender-quotas-in-elections/legislated-reserved-seats->
4. <https://hir.harvard.edu/equal-representation-the-debate-over-gender-quotas-part-2>.