

# Katiba@15: Increasing Political Participation of Women in Advancing Better Health Outcomes for Kenyans

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## Introduction

**H**on. Onyango was the first woman in Kenya to be elected to the National Assembly. For close to five decades, barely 50 women were elected to such positions. Kenya's 2010 Constitution changed this trajectory.

Prior to Grace Onyango's trailblazing election in 1969, women's representation in Kenya's Parliament remained strikingly low and marginalized.

Now marking its 15<sup>th</sup> year, the Constitution has guaranteed a minimum of 47 women elected to the National Assembly in every election cycle- so far standing at three cycles, with additional women joining through other constitutional provisions including inter-alia equality and non-discrimination clauses, reserved seats for women and the requirement on the two thirds gender rule. This shift has not only expanded women's political voice but also reshaped national debates, placing health, equity, and the lived realities of women and families at the centre of parliamentary discourse.

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## Women's representation in championing legislative and policy reforms

Women's participation in Kenya's 2010 constitutional making process was pivotal in shaping progressive legislative and policy reforms. By organizing both formally and informally, women leaders secured support for groundbreaking provisions such as the "two-thirds gender rule," which sought to dismantle entrenched barriers to women's political participation. Though controversial, it prompted the Attorney General to seek an advisory opinion from the Supreme Court; marking a historic shift in constitutional thinking.

Visionary leaders like Martha Karua and Phoebe Asiyo advanced proposals for affirmative action measures by eliminating systemic barriers to guarantee women's representation in Parliament. They recommended an approach that ensured a minimum prescribed number of women elected or nominated into Parliament meets a set threshold. This insistence of women's inclusion in the political and economic life of the nation, was not merely a matter of symbolic presence, but a strategic means to influence lawmaking, challenge systemic exclusions, and embed gender equality within Kenya's governance framework.

In the past three Parliaments, we have seen elected and nominated women members of Parliament come and go. Their tenures have given testimony to both arguments for women representation - as an end goal and as a means to an end. Some representatives who have left their mark and greatly influenced progressive realization of health for all Kenyans include Zipporah Kittony who sponsored the Cancer Prevention and Control Act, 2012; Beth Mugo who sponsored the Breast Milk Substitutes (Regulation and Control) Act 2012; Millie Odhiambo who sponsored both the Victim Protection Act, 2014 and the Treaty making and Ratification Act, 2012; the late Dr. Joyce Laboso who sponsored the Social Assistance Act, 2013; and the Women Representative for Nyeri County Priscilla Nyokabi who sponsored the Access to Information Act 2016, a private members bill that has revolutionized how

Kenyans access health. All these have been successful efforts which have significantly improved the health of Kenyans of all genders. There have also been attempts by other women representatives who have sponsored draft legislation which did not make it into law. They include Judith Sijenny who sponsored the Reproductive Healthcare Bill 2014, Beatrice Elachi who sponsored the Food Security Bill 2014 and most recently, Gloria Orwoba who was the sponsor for the Provision of Sanitary Towels Bill. Senator Orwoba was unfortunately ejected from her party and subsequently from Parliament therefore killing a legislation that would have otherwise improved the health of millions of girls and women in Kenya.

Women Representatives have also initiated crucial motions as a precursor to legislation. Motions develop into draft legislation and are often later debated as Bills in Parliament. The Women Representative for Kirinyaga County Jane Maina was the mover of the motion on health, wellness and sexuality education in the curriculum in Kenya. Elected Member of Parliament Gathoni Wamuchomba has more recently tabled a motion on respectful maternity care. Given time, these motions could be developed into bills to be debated in Parliament and later laws which significantly impact the lives of women in childbirth and substantially reduce the prevalence of teenage pregnancies, HIV infections and gender-based violence in Kenya.

Evidently, there has been introduction, debate and passing of health-related laws resulting from the active participation of women Members of Parliament. These laws have gone on to alter the lives of Kenyans through creation of bodies with varying mandates, budgeting of resources and establishment of remedial mechanisms, all contributing towards the achievement of the highest attainable standard of health.

## At 'Heart of Good Governance': Public Participation

During the Constitution making process, Ruth Mumbi from Women Collective Kenya, a grassroot organization in Kenya- was the

unapologetic voice behind the “Waremboni Yes!” Campaign – an initiative of young Kenyan women that pushed for a draft version of a national Constitution that would recognize and deliver on the health rights of women. She has continued to actively participate in other political processes such as the Nairobi Finance Bill 2023 where she pushed back on a proposal to introduce fees for family planning that would have made services inaccessible for women and girls. Her advocacy has amplified women’s voices and demanded for the safeguarding of their constitutional rights. Many other women, like Ruth, who do not sit in elective office continue to champion for the realization of the rights and freedom enshrined in the Bill of Rights.

These forms of engagement in political and legislative processes are anchored in the Constitution of Kenya, 2010, through Articles 10, 118, and 119, which enshrine public participation as a national principle and core value of governance. These provisions create a legal basis for women and other marginalized groups to actively engage in shaping public policy and governance processes. At the national level, the Attorney General has tabled the Public Participation Bill, 2025 in Parliament, signaling a step toward institutionalizing inclusive governance. The Bill holds promise for advancing women’s political participation by establishing clear mechanisms for their meaningful involvement in decision-making processes as citizens, leaders, and advocates. By embedding participation into law, it provides an avenue for women’s voices to shape critical policy areas, including the health agenda and gender-responsive budgeting, thereby strengthening both representation and accountability in governance.

### **Resilience is the only option**

While women’s increased representation in Parliament has created important opportunities for strengthening the right-to-health legislative mandate, persistent challenges continue to undermine their full impact. At the county level, for example, the presence of women in

leadership, such as in Nakuru County, has not always translated into tangible health gains, revealing structural and institutional barriers that limit women leaders’ influence. Entry into political office remains fraught with obstacles: patriarchal cultural biases, party gatekeeping, and gendered double standards continue to deter many aspiring women leaders. Recent punitive actions against women Members of Parliament, such as the expulsion of Gloria Orwoba from the United Democratic Alliance political party and suspension of Gathoni Wamuchomba, reinforce a climate of intimidation that discourages others from stepping forward. As a result, women’s ability to meaningfully shape health policy and governance is curtailed, slowing progress towards equitable health outcomes. Addressing these challenges requires not only opening doors for women’s entry into politics but also dismantling the systemic, political, economic, social and cultural constraints that stifle their agency once in office.

### **Conclusion**

As we mark the 15<sup>th</sup> Anniversary of the Constitution of Kenya, 2010 the imperative for Kenyans is to harvest all the development possible and protect the gains from this Supreme Law of the Land. A big win has ultimately been the progress towards gender equality and women’s inclusion in Kenya’s political, social and economic agenda. It is our conviction that when women take their rightful place in politics, Kenya gains more than representation, it gains champions for maternal health, stronger laws on reproductive rights, and policies that prioritize the wellbeing of families and communities. Women’s political participation is not just about numbers in Parliament; it is about healthier outcomes, greater accountability, and a democracy that delivers for all.

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