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KENYA'S 2010 CONSTITUTION AND THE SOCIO-ECONOMIC EMPOWERMENT OF WOMEN IN KIAMBU COUNTY, KENYA

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1.1.Study Background

The development of the country is impossible without the active role of women, who constitute more than half of the population. Women, have throughout history been underrepresented in decision making processes at all governance levels all over the world (Meyer, 2015). They are further dominated and marginalized politically, socially and economically by their counterparts (Gupta, 2013). Recognizing this, Kenyans overwhelmingly voted for a new Constitution in 2010 that amongst other things, guarantees equal rights and freedom for men and women and upholds the principles of non-discrimination and equality. Despite this progress, Kenya still lags behind in gender representation in political participation and decision making. This is evident that seven (7) years since the promulgation of the Constitution, the current Parliament has been unable to legislate the two-thirds gender rule. The National Assembly, Senate and County Governments did not meet the two-thirds gender rule through the elections as envisaged by the Constitution thresholds had to be achieved through nominations.

1.2 Statement of the Problem

The development of the country is impossible without the active role of women, who constitute more than half of the population. Women, have throughout history been underrepresented in decision making processes at all governance levels all over the world (Meyer, 2015). They are further dominated and marginalized politically, socially and economically by their counterparts (Gupta, 2013). Recognizing this, Kenyans overwhelmingly voted for a new Constitution in 2010 that amongst other things, guarantees equal rights and freedom for men and women and upholds the principles of non-discrimination and equality. The objective of this study was to assess the effectiveness of this Constitution in the socio-economic empowerment of women, with special focus on decision making, public participation (two thirds gender rule) and access to credit facilities in Kiambu County.

1.3 Conceptual Framework

The conceptual framework was informed by how the three independent variables of participation (two thirds gender rule), access to credit (equality) and empowerment (decision making) are impacted by socially, politically and culturally constructed factors and how this impacts on the overall social economic impact of women.

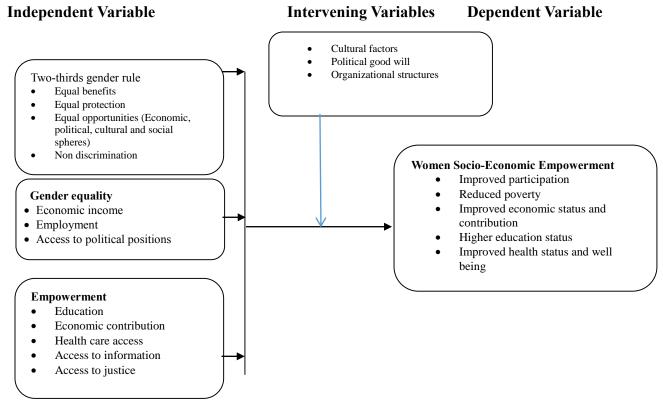


Figure 1: Conceptual Framework Source: Own conceptualization, 2018

1.5. Literature Review

been posited as a 'bottom-up' process of transforming gender power relations, through individuals or groups developing awareness of women's subordination and building their capacity to challenge it (UNRISD, 1994). According to the United Nation, the ultimate goal of women's empowerment is for women themselves to be the active agents of change in transforming gender relations, and that a facilitative rather than directive role is needed, such as funding women's organizations that work locally to address the causes of gender subordination and promoting dialogue between such organizations and those in positions of power (UNRISD, 1994). Women's social, political and economic participation and empowerment are fundamental to strengthening women's rights and enabling women to have control over their lives and exert influence in society. (Sweden, Ministry for Foreign Affairs, 2010). It is about creating just and equitable societies.

Constitutions and impact on women empowerment

Gender equality implies a society in which women and men enjoy the same opportunities, outcomes, rights and obligations in all spheres of life. Equality between men and women exists when both sexes are able to share equally in the distribution of power and influence, have equal opportunities for financial independence through work or through setting up businesses, enjoy equal access to education and the opportunity to develop personal ambitions (Kassa, 2015). A critical aspect of promoting gender equality is the empowerment of women, with a focus on

identifying and redressing power imbalances and giving women more autonomy to manage their own lives.

Women's empowerment is therefore a process of transforming gender power relations through individuals or groups, developing awareness of women's subordination and building the capacity to challenge it. Closely related to empowerment are issues of equality, liberation and justice, with the concept of power being fundamental to its understanding (Cornwall, 2016). Institute of economic affairs (2008) gave a report showing that there is low female representation in post primary education, formal employment, enterprise ownership outside wholesale and retail trade, and political decision making processes.

According to Lambert (2009), there has been a considerable debate on whether Constitutional rights are merely parchment barriers or whether they have the potential to further social change. In her study, Lambert (2009) sought to find out how whether constitutional provisions have been used by gender activists to help them achieve policy goals. Gender provisions look at the constitutional statements about equality and positive gender based social rights. In carrying out the study, a comparative case study of Bangladesh, Chile, South Africa and Ethiopia was used to illustrate how Constitutions have been used by governments to achieve women empowerment. Masses of women around the globe are deprived of right of entry to jobs and training, receive low earnings, or are constrained to some livelihoods merely because of their sex, skin colour, ethnicity or beliefs, without respect to their competences and expertise (Tinker, 2004).

Studies across the aforementioned countries show that although there are no no legislative barriers in the way of promoting gender equity socially, politically and economically, nevertheless, challenges remain. Impediments to women's enjoyment of the full constitutional rights on equality include culture, lack of defined roles and responsibilities for the reserved seats.

Kassa (2015) further argues that although political participation allows women to address their basic problems and needs in their community and ensures openness, real fight against rent seeking, accountability and political responsiveness, they still lack access to political participation and decision making as compared to their counterparts at all levels of government. He posits that women's equal participation in decision making and politics is not only a demand for simple justice or democracy but a necessary pre-condition for women's interests to be taken into account. From his study, he concludes that overall, women are still at the subordinate position and their involvement in policy formulation and decision making processes has been minimal. He further argues that political participation, which is the manifestation of democracy and allows for diversity cannot thrive by excluding the women folk that constitute half the population. Accordingly, the active participation of women on equal terms with men at all levels of decision making is essential to the achievement of equality. A look at the Constitutional provisions and impact for South Africa and Angola show that although the Constitution and the other gender equality frameworks mentioned above have many positive provisions for women empowerment as outlined above, gender equality remains a challenge.

Kassa (2015) in his study on challenges and opportunities for women political participation in Ethiopia posits that the possibility for all citizens to participate in the management of public affairs is at the very heart of democracy. Providing opportunities for the full participation of men and women in political decision making provides a balance that more accurately reflects the composition of society and as such enhances the legitimacy of political processes by making them more democratic and responsive to the concerns and perspectives of all segments of society.

According to Endale (2012), the strengthening of women's participation in all spheres of life has become a major issue in the development discourse and hence socio-economic development cannot be fully achieved without the active involvement of women in all levels of decision making. Political participation therefore refers to the active involvement and engagement of women in the political processes that impact their lives. This participation and representation can either be in terms of the share of seats in political environments such as the legislature it could also be substantive, based on representation of women's interests, gender equality and the rationale behind women's representation (Wangnerud, 2009).

Khan (2006) argues what women's equal participation in political life plays a pivotal role in the general advancement of women. It is not only a demand for simple justice or democracy but can also be seen as a necessary condition for women's interest to be taken into account. She further argues that the systemic integration of women into political systems augments the democratic space, the efficiency and the quality of activities of local governments. Perhaps in the recognition of this importance, the Bangladesh Constitution provides for the basic and fundamental rights of the citizens, irrespective of gender, caste, creed, religion and also makes provisions for promoting causes of the backward sections of the populations (Khan, 2006). In her study, she looks at how the constitutional provisions for the empowerment of women has empowered them especially in the areas of political participation and decision making, which are subjects of this study. Currently women Comprise 20.4% of the members of parliaments around the globe. Lately, Rwanda superseded Sweden as the number one in the world in terms of women's parliamentary representation — 56.3% women against Sweden's 47.3%. Rwanda is an example of the new trend to use electoral gender quotas as a fast track to gender balance in politics. Other parliaments, however, still have very few women elected (Tremblay & Pelletier, 2000).

Since the Constitution was promulgated the discussions on the realization of the two thirds gender rule have remained in the public domain. This is especially so after the Supreme Court Ruling of 2011. The discussion was further given impetus by the poor performance of women in elective positions, following the 2013 general election. Representation of women in Kenya's Parliament has been and remains minimal. Only 9.8% of the tenth Parliament was comprised of women, and only 19.7% of the eleventh (sitting) Parliament is women — the lowest in East Africa. Kenya ranks number 95 at 19.7%, compared to Rwanda (number 1 at 63.8%), Tanzania (no. 25 at 36.6.%, and Uganda, no. 29 at 35%). There were 19 women candidates for senatorial and gubernatorial positions (out of 237 candidates). The low number could be explained by the fact that there was a misconception that women did not need to seek this post since they already had the Women's representative position.

Studies have been carried out on the factors that impede women's political participation and representation in Kenya. Kivoi (2014) found out that despite the 2010 Constitution, women still lag behind in all spheres of life but especially in political participation, decision making and economic autonomy. With the exception of the 47 women's representative elected to those positions by virtue of their gender, only 16 out of 290 constituencies in the country elected women. No woman was elected as governor or senator. The Ibrahim Index (2012) of African governance indicators also ranks Kenya behind other Sub-Saharan countries on the participation pillar. This

gives credence to Nyajom (2011) who in his study, argues that because of lack of political goodwill, the inequality gap has hardly narrowed despite the country's extensive commitment to various gender equality protocols, including the 2010 Constitution. Taken together, this would mean that the Constitution 2010 did not translate into immediate gains for women, despite the fact that the exclusion of women from decision making and political representation is counter-productive for the entrenchment of the principle of democracy and gender.

Kivoi (2014) further says that despite the two thirds gender requirement for appointments, this is yet to be actualized not just in the political arena but also the public and civil service sectors. Where the threshold has been met, this is in the lower ranks, such as deputy secretaries. Regionally, Kenya ranks below her peers including Rwanda, Uganda, Tanzania and Mauritius. He concludes that gender equity, even with the new Constitution and the devolved system of government is still a mirage. He therefore posits that advancing the participation of women especially in the devolved systems of government requires policy measures and interventions to ensure equal gender participation as enshrined in the Constitution.

In terms of credit access, Dobra (2011) argues that while in the developmental process, speaking about development without seeking to reduce inequalities between men and women leads to both partial development and partial poverty reduction. Furthermore, the World Bank (2012) has stressed that long lasting gender inequalities, characteristic of many developing countries, are one in economic growth and development. Poverty is widespread and remains a critical development challenge in Kenya. For this reason access to credit by banks and other micro-finances come in handy in reducing poverty by bringing economic empowerment, which is the first step in tumbling poverty.

Consequently, empowerment is about the development of person's competences to make a difference in their sceneries, which in turn touches their life. Dupas and Robinson (2009) reported that micro-business owners where women are inclusive with access to a savings account, a form of commitment savings product, recorded higher business investment, a reduced sensitivity to shocks, and higher per capita expenditure selection bias. On a wide range of effects on poverty, women's empowerment, vulnerability to health shocks, short and long term welfare effects, interest rates charged by local money lenders, commercialization of microfinance, trade-offs between sustainability and outreach, and credit subsidy. Access to finance has several potential benefits that reduce poverty (Hazarika, 2011). These include (i) long lasting increases in income through higher investments in income generating activities, and a more diversified livelihood; (ii) asset accumulation and consumption smoothing; (iii) reduction of vulnerability to illness, droughts, floods; (iv) empowerment of women through expansion of economic opportunities and enhancement of social status; and, (v) finally, through spillover effects that spread outside the debtors (Hermes and Lensink, 2011).

Imai et al. (2010) by using a multidimensional well being indicators observed whether family access to financial institution decreases poverty. Using national household data from India, the treatment effects model was employed to estimate the poverty-reducing effects of credit for fruitful commitments, such as investment in agribusiness or other businesses. These models took into account the endogenous binary treatment effects and sample selection bias associated with access to financial institutions. There are scarce chances for rural women more especially in access to finance. For this cause, these women are left with no choice but to make a living through the

informal sector. It is in this sector, nevertheless, that women form the majority of customers visiting finance institutions for support. Normally, women, face limitations that are gender-specific. One of this, and most momentous of all, is incapacity to access credit facilities (Chant, 2010).

Kenyan women's access to financial resources is limited by biased lending practices that emerge when financial institutions consider them smaller, less experienced and therefore less attractive clients, or when institutions lack the knowledge to offer products tailored to women's preferences and constraints (Fletschner, 2009). The extent to which institutions reach out to women and the conditions under which they do vary noticeably, but women are at a disadvantage when an institution does not fund the type of activities typically run by women, when it does not accept female guarantors, when its requirements are not clear or widely known. as it is typically the case, loans to women are smaller than those granted to men for similar activities (Fletschner, 2008). In most cases, access to media, having a bank account, doing any paid job have statistically positive impact on women empowerment in any society (Awan, 2015). From the literature review, it was clear that social, cultural and political beliefs and stereotypes have hindered the realization of the social-economic empowerment of women in other jurisdictions. Gaps identified were the legal, institutional and institutional frameworks have been used to breathe life into the Constitutional provisions.

1.6 Methodology

This section presented the research methodology that was used in conducting the study. It covers the description of the research design, target population and sample size and the technique that was used in the selection of the sample. It also confers the data collection methods and tools, data analysis techniques, ethical consideration, validity and reliability.

Research Design

The research adopted a descriptive research design. According to Mugenda and Mugenda (2013), a descriptive design allows the researcher to describe record, analyze and report conditions that exist without manipulation of variables. It involves collecting original data (often in the form of a questionnaire) for the purposes of describing a population which is too large to observe directly. The reason for choosing descriptive research design was to help describe the state of affairs with regard to women empowerment in Kiambu County.

Site Description

The study was undertaken in kiambu county. Kiambu county is located in central kenya and comprises of 12 constituencies namely, lari, juja, ruiru, kikuyu, limuru, kabete, kiambaa, githunguri, thika town, kiambu town, gatundu north and gatundu south.

Study Population and Target Population

According to the results of the 2009 general census, kiambu county has a population of 1,623,282, with a surface area of 2,543 sq km and a density of 638 people per sq km. It has a 60.8% of the urban population.

Validity and Reliability

According to Mugenda and Mugenda (2013), validity is the degree to which results obtained from the analyses actually represent the phenomenon under study. The research instrument was validated in terms of content and face validity. The content related technique measured the degree to which the questions items reflected the specific areas covered.

Reliability is the degree to which a research instrument yields consistent results or data after repeated trials. The researcher measured the reliability of the questionnaire to determine its consistency in testing what they are intended to measure. The test re-test technique was used to estimate the reliability of the instruments. This involved administering the same test twice to the same group of respondents who have been identified for this purpose.

1.7. Findings and Discussions

Demographic information

The respondents were asked to state their age category and the responses are as indicated in table 1.

Age bracket	Frequency	Percent	
21 to 25 years	11	11.0	
26 to 30 years	22	22.0	
31 to 35 years	40	40.0	
36 to 40 years	15	15.0	
41 to 45 years	10	10.0	
46 to 49 years	2	2.0	
Total	100	100.0	

Table 1: Age bracket

Source: Field data, 2018

Highest level of education

The respondents were asked to state their highest level of education and the responses are indicated in table 2.

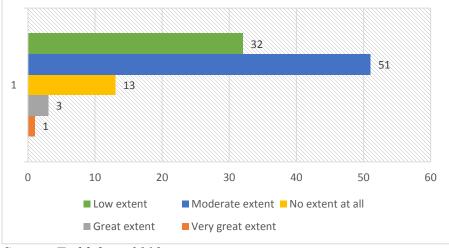
Education level	Frequency	Percent	
Primary	13	13.0	
Secondary	35	35.0	
Certificate	14	14.0	
Diploma	27	27.0	
Degree	10	10.0	
Postgraduate	1	1.0	
Total	100	100.0	

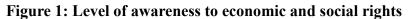
Source: Field data, 20

The study findings from table 2 indicates that majority of the respondents had their level of education being at college level at 46.8%, those who had gone up to secondary were 35.8%, those up to primary level were 10.9 while the rest 6.5 % had gone up to university level. This is in agreement with previous studies by Osei-Akoto & Adamba (2011) which showed that the highly educated were more likely to purchase health insurance than the lowly educated due to a positive relationship between a person's education level and ability to acquire skills, stock of knowledge, higher earnings and a positive attitude of avoiding the risk of catastrophic medical expenditure.

Gender Equality and Access to Socio-Economic Rights

The study sought to assess the respondent's understanding of their social economic rights as enshrined in the constitution and the results are as indicated in figure 1 below.





Source: Field data, 2018

As revealed by figure 1, more than half of the respondents (51%) stated that they are aware of their economic social rights to moderate extent while 32% to low extent. This implies that majority of the respondents are somehow aware of their social economic rights. Therefore, further implies that respondents are not at risk of being deprived their basic rights like housing, adequate food, safe water and education without their knowledge. The findings concur with Duflo (2012) in an article "women empowerment and economic development" who posits that there is a mutual relationship between economic development and women's empowerment, which she defines as the ability of women to access the constituents of development, in particular, health education, earning opportunities, rights and political participation.

The researcher was interested to establish whether promoting equal treatment and opportunities by the constitution has improved the number of women applying for jobs and political positions in Kiambu County. Responses were analyzed and presented in figure 2



Figure 2: Men and women enjoy same opportunities to get work position

Source: Field data, 2018

Study findings from Figure 2 shows that 61(61%) of the respondents agreed that men and women enjoy the same opportunities to get work positions in Kiambu County while the rest 39(39%) disagreed. The implications of this is that both genders are given same set of circumstances to get job position. Therefore, there is no gender-based preferences or barriers for any gender to get work position. This study disagreed with Tinker, (2004) who stated that Masses of women around the globe are deprived of right of entry to jobs and training, receive low earnings, or are constrained to some livelihoods merely because of their sex, skin colour, ethnicity or beliefs, without respect to their competences and expertise.

How the two-thirds gender rule has empowered women's political participation

The study ought to determine whether the new constitution has encouraged more women to run for office. Responses were summarized and presented in figure 3.

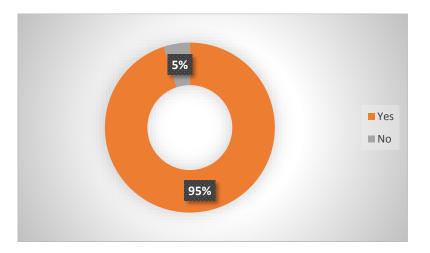


Figure 3: New Constitution has encouraged more women to run for office

The study findings from figure 3 reveals that a majority of the respondents 95(95%) agreed that

Source: Field data, 2018

the new Constitution has encouraged more women to run for office while the rest 5(5%) disagreed. This implied that the two third gender rule has created more legal opportunities for women to run for office. Moser, (2001) supports these findings by arguing that some mechanisms brings hope for a dramatic increase in women's representation. Further, Swers, (2001) stated that previous notions of having reserved seats for only one or for very few women, representing a vague and all-embracing category of "women", are no longer considered sufficient.

The study sought to establish whether there was gender equality in political parties.

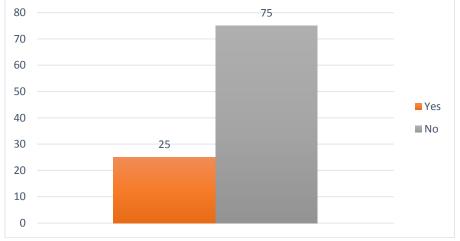


Figure 4: Equal treatment between men and women in most of political parties

Source: Field data, 2018

Study finds from Figure 4 show that majority of respondents 75(75%) disagreed that men and women has been treated equally in many political parties in Kenya while 25% agreed. This implied that women are not treated the as men in majority of Kenyan political parties. Matland and Studlar, (2004) agreed with this study by observing that more party leadership opportunities are given to men. Subsequently women are the understated group in political institutions everywhere, most procedures aim at safeguarding women a slightest of places.

The influence of women's empowerment in the access of different credit facilities and economic resources that has been put in place.

The researcher sought to establish whether respondents were aware of the various funds from county government targeting women. Collected data was analysed and summarized in table 4.19.

			, , , . •
Table 3: Awareness of	t various funds fi	rom the county s	government targeting women

Responses	Frequency	Percent
Yes	67	67.0
No	33	33.0
Total	100	100.0

Source: Field data, 2018

Findings in table 3 show that 67(67%) of the respondents agreed that they were aware of the various funds from county government targeting women while 33(33%) differed. This implies that majority of respondents agreed that they are aware of various funds from county targeting women. Further, this implied that women are social economically empowered by the new constitution.

The researcher sought to investigate the extent to which equal opportunities and treatment between men and women advocated by the constitution has led to equal opportunities for women access to credit. Responses were summarized and presented in table 4.

Level of agreement	Frequency	Percent
Very great extent	70	70.0
Great extent	15	15.0
No extent at all	0	0.0
Moderate extent	14	14.0
Low extent	1	1.0
Total	100	100.0

Table 4: Equal opportunities and treatment between men and women advocated by the
constitution has led to equal opportunities for women access to credit.

Source: Field data, 2018

Findings displayed in table 4. indicate that 70(70%) of the respondents to a very great extent agreed that equal opportunities and treatment between men and women advocated by the constitution has led to equal opportunities for women access to credit. This implies that more recognition of women by the constitution has increased has made women to have equal chances as men in accessing loans. Currently, women have been boosted by emergency of policies and institution which gives priority to women economy, this directly translates to women economic empowerment. Such are Kenya Women Finance Trust and Uwezo Women Funds. Hazarika, 92011) supports these findings by arguing that access to finance has several potential benefits that reduce poverty. These include: long lasting increases in income through higher investments in income generating activities, and a more diversified livelihood, empowerment of women through expansion of economic opportunities and enhancement of social status (Hermes and Lensink, 2011).

Conclusions

On the whole, Kenya's 2010 Constitution has played a positive role on the role of socio-economic empowerment of women in decision making, findings indicated that more than half of the respondents (51%) stated that they were aware of their economic social rights to moderate extent while 32% to low extent. This implies that majority of the respondents are somehow aware of their social economic rights. Other findings under this theme established that majority of the respondents to a very great extent stated that new constitution has political participation for women.

Recommendations

- For the full realization of the socio-economic empowerment of women, the improvements are needed in the following areas: Gender equality (Two thirds gender principle) needs to be integrated into political party constitutions and party electoral rules as well as practice This will transform political parties' political culture to fully embrace the gender equality perspective in leadership and decision-making levels.
- Involvement of women in decision making means that gender friendly policies for women empowerment will be put in place.
- Increasing women's awareness of the social economic rights provided by the Constitution will increase their participation in elective politics. Party manifestoes and constitution should have provisions regarding what parties will incorporate into their internal structures, such as binding quotas for women through internal party rules system.
- Political parties should also to be the main crusaders of gender equality and this can be achieved through eliminating male dominance in top positions of political parties.
- Finally, parties to come up with voluntary measures for gender equality within political parties and have political will for their implementation

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