

# 56<sup>th</sup> Commonwealth Parliamentary



## OFFICIAL KEY NOTE ADDRESS BY THE HON. AMINA ABDALLA, M.P. DURING THE 56<sup>TH</sup> CPA CONFERENCE IN NAIROBI ON THE 13<sup>TH</sup> SEPTEMBER, 2010 AT THE KICC, NAIROBI, KENYA.

**The Chairperson, CPA Secretary, Dr. Shija,  
Hon. Women Parliamentarians,  
Distinguished Participants,  
Ladies and Gentlemen:-**

I am indeed humbled first by your presence at this conference and I feel honored for the privilege to address this gathering of distinguished women Parliamentarians. Your presence here today affirms the commitment of Parliaments to the representation of women all over the commonwealth.

Let me thank each one of you individually for finding time outside the terribly busy schedule of a Honorable Member to come and attend this conference and in particular the Commonwealth Women Parliamentarian Conference. As you all know the role of MP's goes beyond lawmaking. Indeed many of us, particularly from the South, are considered by our constituents as **Automated Teller machines (ATM)'s, marriage counselors, educational scholarship providers and even shrinks!**

This in addition to juggling our roles as mothers, wives and dutiful daughters to our parents. For you therefore to take time to be here, shows the great value that CPA attaches to women and vice versa.

Having expressed my gratitude, it is now befitting to welcome you all to our beloved country Kenya and to the Commonwealth Women Parliamentarian Conference of the 56<sup>th</sup> CPA Conference. This gathering bestows upon us the opportunity as women parliamentarians to share

and learn from each other on issues affecting women in our respective countries and regions.

### **Distinguished Delegates**

Gender equality and the development of the "good governance" agenda continue to draw the interest of the International Development community. It is now widely recognized that women's exclusion from decision making results in state institutions and policies that do not address gender inequalities and are not accountable or responsive to women citizens, thereby perpetuating women's political, social and economic marginalization.

Representation is about interests and women and men are equal but different in such a way, that only members of one gender can effectively understand their own needs and priorities; as the saying goes it is the wearer of the shoe that knows where it pinches. When men singly make decisions about women's issues, they naturally cannot comprehend some of the issues. Such an example was the campaign led by Women MP's in Kenya to zero rate the high taxation on sanitary towels making such a necessary item more affordable to indigent women and girls. No man could have led this initiative as they are not directly affected as are women on this one issue.

Indeed, the assimilation of womenfolk in leadership and decision making around the world and the Commonwealth has come a long way. The gains and milestones we celebrate today have been a cumulative result of forum like the one we have today.

In the present day, one cannot exhaustively expound on women matters without alluding to the importance women have been accorded under the Millennium Development Goals (MDGs). With a decade almost gone since world leaders came up with these set of eight time-bound goals, and the countdown to 2015 fast approaching, I am persuaded to believe that our respective countries have put measures and most importantly resources towards achievement of the MDGs. As women parliamentarians, it is our duty to hold governments accountable

towards their commitment to the MDGs process, and specifically goals **3 and 5** which have a direct bearing to women. These has been a welcome boost to the Beijing Declaration and Platform for Action, of 1995.

As you may know MGD 3 seeks increased representation of women in decision making particularly political office, while MGD 5 addressed the maternal health and the reduction of maternal mortality which remains very high particularly in the third world. It is to be celebrated that many of our countries have taken these goals seriously and have made efforts to meet the required standards. Kenya is a good example of this; since independence in 1963, women have been grossly under represented with only 1 out of 188 MP's in the 1960's, only 2 in the 1970's and 1980's, 4 out of 222 in early 1990's, and 8 out of 222 in the late 1990's. This slightly improved in 2003 with 18 women out of 222 MPs and currently we are now 22. So despite the signing and ratification of CEDAW in 1985, failure to domesticate the same means that Kenya has remained one of the few countries in the world where representation of women in parliament is at 10% or below. **Fortunately this is about to change in a dramatic way. After years of struggle for political and social reforms, including the need to include women at all levels of decision making, the women of Kenya are finally on the home stretch, and we are so glad you are here to celebrate with us a new gender sensitive Kenya.**

This conference comes at a time Kenya is celebrating a rebirth of the Republic after a successful referendum and promulgation on 27<sup>th</sup> of August 2010 of a new constitution which replaced the independent constitution negotiated by Kenya's founding fathers at Lancaster House in 1963. In 1963 women were excluded from the negotiations resulting in decades **of marginalization and oppression**. As a result women remained invisible until they emerged through civil society organizations and joined the movement for the reform of the constitution. The journey to a new constitution for Kenya was extremely difficult, and many women faced teargas canisters and beatings by rogue police as they fought together with other reformists. Blood has been shed, lives have

been lost during years fighting for democracy. The struggle for a new constitution has taken us more than twenty years. **Yet when you look at the progressive document that it is - the painful wait was worth it.**

The provision of the new constitution has opened a new chapter not just for all Kenyans **but women in particular have been belatedly but handsomely rewarded. One of the most treasured article in the new constitution is the automatic conversion of ratified international conventions and treaties into the laws of Kenya. This means that CEDAW is now domesticated and can be applied in its fullest meaning under our Bill of Rights.**

A quick preview on the political front **also sees** the introduction of a bicameral chamber, comprising of the National Assembly with 349 MPs, of whom at least 47 will be women elected by the counties, and the Senate comprising of 67 Senators and providing for at least 18 women senators voted on a party list. The ensuing replication of this at all levels of representation effectively offers women of Kenya an opportunity to galvanize their efforts with an aim of transforming into active participants in the country's decision making process.

**Further** reserved seats for women have been created in the counties where devolved Government will be run, enabling gender issues at the grassroots to come to the fore. These reserved seats as those not just in the Senate and but also those for youth and persons with disabilities that will be determined by the use of a closed party list based on gender considerations using 'Zebra' style. **This provision will bring Kenya's constitution in line with its East African Community partners,**

**particularly Rwanda which boasts of the highest percentage of women in its Parliament .**

The new constitution also provides for *Equality of Citizenship* for both men and women. This has for a long time in Kenya, **been a major area of discrimination against women. This greatly disadvantaged single mothers and greatly inconvenienced married women who could previously only get passports for themselves and their children only with the permission of their husbands. This is a great affront to the human rights of women in any democracy.**

**Further, the new dispensation** provides women with the right to pass their on citizenship to their children regardless of whether or not they are married to Kenyans. **In the past this was not allowed and greatly discriminated against women whose spouses or whose children had fathers who were not Kenyans**

The new constitution also guarantees **all Kenyans across gender lines** equitable access to land and the security of land rights. **This is a boon for women's empowerment as some cultures in Kenya do not recognize the inheritance of land by women and consequently has impoverished women who are widows or single.**

This right seeks to rectify historical injustices that have continually entrapped the women of Kenya. The law as it existed promoted discrimination of women in land and property rights by allowing for the application of customary laws which are discriminative in nature. Another gain for women is that finally the constitution and the bill of rights is supreme and **some of the repugnant traditional practices** that are harmful to women are now outlawed. The Bill of Rights also recognizes all marriages under an Act of Parliament. This means that customary law marriages will be certified, thereby protecting women's interests in disputes between a widow and her in-laws over property.

**As we all know from individual experience, political parties are the vehicles that bring women to parliament and to other**

**political institutions. However many women have been unable to access the leadership of parties or penetrate the old boys club that makes many parties the domain of men to the exclusion of women.** As a result many women candidates are often dropped from the party nomination list and replaced with male candidates who are more networked with male leadership. In 2007 the Kenyan Women Parliamentarians realized that there was need for adequate representation of women in the NEC's of parties, and introduced legal provisions in the Political Parties Act, 2007 to ensure that no political party could received public funding for their parties unless one third of their National Executive Committee was women. The new constitution additionally require the enactment of a law to regulate campaign financing an a subject that negatively affect under resourced female candidate.

The overall organ mandated to oversee the affairs of the legislature, the Parliamentary Service Commission (PSC) has not been left out in these reforms. The new laws have attempted to address the current gender imbalance that has been the norm rather than the exception since its inception in 2000. In line with the new laws, PSC will be expected have 44% of its members as women. This will assist in supporting **more gender sensitive recruitment of staff and also ensuring the implementation of gender friendly policies such as on maternity leave and sexual harassment.** Often we forget that as MPs we also need to have a gender friendly environment ourselves, in order to allow us to fight for the women and girls that we represent.

The reforms have also positively changed commissions managing the judiciary and the public service. For example the Judicial Service commission (JSC) must recruit all Judges and magistrates on the basis of gender equality. Further, all commissions must have its chair and vice chairperson from the opposite gender.

**Distinguished participants,**

You will agree with me that economic empowerment for women is crucial for their active participation in decision making processes. Women in Kenya can therefore not be left out on this. The new constitution comes at time when previous efforts instituted by government are taking shape albeit slowly. Article 227(2) (b) which provides for the protection and advancement of persons previously disadvantaged by unfair discrimination will be considered in public procurement of goods and services. Such a provision will therefore offer a level playing field for both men and women to engage in business with government. Women have in the past not benefitted from such business opportunities owing to their financial incapacity.

### **Honorable Delegates,**

It is not time yet to sit back and savor our laurels. Women parliamentarians should acknowledge that time is ripe to ensure governments are in compliance with several global and regional instruments, conventions, and protocols. I need not to belabor the fact that we are the ambassadors of women in our respective countries sent here to take back the resolutions of this conference and set the stage for their adoption and domestication.

The enormity of the challenge ahead may not be overemphasized. In a global context, women face an uphill task in their pursuit and struggle to be accorded recognition especially when it comes to issues of empowerment be it social, political or economic. These attitudinal, social, structural and stereotypic impediments that tend to ostracize women should not deter us. The Commonwealth is far too entrenched to offer the necessary direction in the quest women emancipation. The commonwealth women parliamentarians can derive comfort in the deliberations, interactions and resolutions of the conference and endeavor to leverage the outcomes to the women situations in our countries.

## **Fellow Parliamentarians,**

The foregoing notwithstanding, affirmative action or positive action is perceived the most effective route to ensure greater participation of women in decision making positions, including Parliament. For indeed, women representation in all decision making organs is a fundamental issue in advancing gender equality and is the cornerstone to good governance. As women parliamentarians, we will need to mobilize women and create awareness first and foremost on the laws that affect them and opportunities offered under the constitution. We additionally need to address misinterpretations of the same that may occur.

Where constitution is at its infancy, as is the stage Kenya is experiencing at the moment, you will agree with me that we as legislatures have an uphill task to ensure the operationalisation of the new laws.

## **Distinguished participants,**

As I finish, I wish to reiterate that the gains so far made with regards to women issue in this country are efforts of numerous individuals, groups of people and organizations who have been at the forefront in championing and supporting all women with the intention of increasing their numbers in elected legislative posts.

I therefore wish to acknowledge the individual women parliamentarians, women organizations particularly the Common Wealth Women Parliamentarians, Kenya Women Political Caucus, Kenya Women Parliamentarians (KEWOPA), Women in media, local and international women organizations just to mention but a few. We as a country definitely would not have been where we are if it were not for the hard work, sacrifice and resilience of the well deserving individuals.

Finally I wish to once more sincerely thank the organizers of this conference for this great opportunity.

To all my fellow women parliamentarians attending the conference, we are obligated and have been mandated by those we are representing back home to make where they are a better place.

I finish with a quote by a former US Secretary of State and Nobel Peace Prize winner who said, "**The task of the leader is to get his people**



**from where they are to where they have not been."— Henry Kissinger.**

Let us therefore, as we return to our respective countries endeavor to be leaders who strive to get people from where they are to where they have not been.

**Thank you all**

# *Society of Clerks-at-the-Table in Commonwealth Parliaments*

To the Clerk/Secretary General

## QUESTIONNAIRE FOR “THE TABLE” IN RESPECT OF 2010

Please reply to Nicolas Besly, House of Lords, London SW1A 0PW (email [beslyn@parliament.uk](mailto:beslyn@parliament.uk), fax +44 20 7219 3887), by 25 May 2011. For bicameral parliaments, it will be helpful if the two Houses' answers to question 3 and the comparative study are co-ordinated. If possible, please email as well as sending hard copy—Microsoft Word is the preferred format for documents. The Editor reserves the right to edit all contributions.

1. **Members of the Society** Has any member of the Society died, retired, been promoted, or received any decoration or award during 2010?

The full List of Members is not included in *The Table*, but is circulated separately twice a year. If there are any changes or corrections to the list, please notify Karen Georgiou, House of Commons, London, SW1A 0AA (email [georgioukj@parliament.uk](mailto:georgioukj@parliament.uk)).

2. **Notes and articles** Has anything happened in your House in 2010 which would be of interest to other members of the Society? Any changes in law or practice concerning parliament (electoral system, procedure, members, staff, premises, management practices)? Any unusual parliamentary proceedings or events? If so, brief notes or full articles would be welcome. Articles should normally be no longer than 4,000 words. Please include the name and position of the author of articles.
3. **Books** Please list and where appropriate provide short reviews of good books on parliament published in your region in 2010. Lists should be in the following format: *Title*, by author, publisher, price, ISBN number.
4. **Sitting days** On how many days in each calendar month during 2010 did your House sit? If sittings were interrupted by an election, please indicate. Please include only full sittings of your House.
5. **Privilege** Please give details of significant cases of breach of privilege or contempt of the House during 2010.
6. **Standing orders** Have your standing orders been significantly amended in 2010? If so, how and why? If a major review of procedure is pending, in progress or being implemented, please give details.
7. **Unparliamentary expressions** Please list, in date order, any expressions disallowed in 2010, in the following format: “Expression” (date). Expressions which amount to straightforward abuse or accusations of lying may be omitted. Each expression and variations thereof need only be listed once. If expressions were in a language other than English, please also provide an English translation.
8. **Annual comparative study: timetabling bills and closure motions**  
Does your chamber or parliament timetable the passage of bills? If so, how is the timetable decided, and when? Is it routine for all bills? If not, in what circumstances are bills timetabled and with what degree of frequency? How does timetabling affect different stages of bills? How are amendments to timetabling motions made (e.g. to provide more time than originally envisaged or to rearrange the proceedings to be taken on particular days)? Is it possible to “guillotine” debate on a bill? If so, in what circumstances?