

Legal Mechanisms for Eliminating Discrimination Against Women in Executive Boards of Sports Federations

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Abstract

The question of gender parity in sports governance gained traction following provisions in international treaties on non-discrimination of persons. Sports governing bodies have been whipped into following suit. The Constitution of Kenya, 2010, also forbids discrimination. Despite global commitments by international sports bodies to gender equality, women remain underrepresented in leadership roles. Numerous studies have reported this phenomenon. This study investigated the persistent underrepresentation of women in leadership roles within international, regional/African, and national sports governance structures, with a focus on identifying the legal and institutional mechanisms that enable or obstruct gender equality. This study relied on feminist jurisprudence as the underlying theory. This research employed a doctrinal methodology to evaluate and analyze various laws and journal articles. Content analysis and descriptive statistics were applied to the data. Purposive sampling was used to select a total of 63 sports federations out of 360 (17.5%). Out of these, only 15 (23.8%) sports federations have a gender representation of at least one-third, with some, such as the International Cricket Council, recording 0%. Only four (19%) of the national sports bodies studied are compliant with constitutional provisions. Most of the sports bodies do not have specific quotas for achieving gender parity. The hierarchical structure of sports bodies often promotes 'oligarchy'. It is recommended that enforceable gender parity clauses providing for a minimum quota of 40% be built into the constitutions/statutes of all sports bodies at all levels.

Keywords: governance, quotas, sports bodies, women

1. Introduction

The issue of non-discrimination against women is a continuing theme in international and national fora. Women continue to hold disproportionately small positions. For example, it is reported that only about 12% of sports federations have female presidents, and only 27% roughly hold executive roles in international sports bodies.¹

The study by Smith et al investigated the current state of women's representation in governance roles within national sports organizations (NSOs) across various countries, including the United States, Canada, the United Kingdom, Australia, New Zealand, and European countries. The sports federations analyzed included those of soccer, basketball, hockey, rugby, and athletics. The study found that despite legislative efforts and formal policies aimed at promoting gender equality, many NSOs still lack female representation in key leadership

¹ Women, Sports and Governance at <<https://www.iwginsighthub.org/insight/women-sport-and-governance?utm>> accessed 28 March 2025.

roles.¹

Shaw and Hoeber state that the absence of women in leadership creates a cycle of underrepresentation, as women are discouraged from pursuing such roles when they do not see others like themselves in power.² Coakley notes that many sports organizations implement practices that inadvertently exclude women, such as biased hiring practices and a lack of gender diversity policies. Additionally, the demands of sports management often clash with family responsibilities, disproportionately impacting women due to societal caregiving expectations.³ Nana highlights the significant underrepresentation of women in senior leadership roles within South African sports organizations,⁴ where men predominantly hold leadership positions on executive committees and boards. According to her data, women occupy only about 10% to 20% of these roles, despite ongoing efforts to promote gender equality. Nana identified several barriers to women's advancement, including that the demanding nature of leadership roles conflicts with family responsibilities. Nana notes that the lack of proactive policies promoting gender equality in sports organizations, coupled with slow changes in internal structures, hinders women's advancement. She notes that while the South African government and sports bodies have acknowledged the need for change and have initiated policies aimed at promoting gender equality, implementation remains inconsistent.

Hoye et al. examined the impact of female role models on women's involvement in sports governance in federations like the International Federation of Basketball Associations (FIBA), International Federation of Football Associations (FIFA), International Olympic Committee (IOC), and National Olympic Committees (NOCs). They recommended that sports organizations implement policies that actively promote gender equity in leadership positions, including setting targets or quotas for female representation.⁵

In their study, Taylor and Taylor provide a critical review of existing literature regarding the influence of gender on leadership styles in football. They recommended the implementation of gender equity policies, amongst other measures.⁶ Callahan assessed the state of female representation in sports within the United States. Data collected indicated that while there have been improvements in women's roles within sports management, significant gaps still remain compared to their male counterparts. Her recommendations included advocacy for policies that support work-life balance.⁷ Fink analyzed articles and reports on women's leadership in sports.⁸ The study covered regions including North America, Europe, and Australia. He found that there are inadequate policies promoting gender equity within sports organizations.

The Olympic Charter includes an explicit reference to women's role in the Olympic movement. Article 2, paragraph 5 stipulates that:

[...] the IOC strongly encourages, by appropriate means, the promotion of women in sport at all levels and in all structures, particularly in the executive bodies of national and international sports organizations with a view to the strict application of the principle of equality between women and men.

Parimala et al carried out a study using mixed methods. They reported that about 78% of their respondents

¹ DB Smith, N O'Reilly, & K O'Sullivan, (2015). 'The Role of Women in the Governance of National Sports Organizations'. *Sport Governance and Policy Journal*, 1(1), 24-40.

² S Shaw & L Hoeber, (2015). Women in sports governance: A review of the literature. *International Journal of Sport Policy and Politics*, 7(1), 1-24.

³ J Coakley, (2016). The Gendered Nature of Sports Governance. *Sociology of Sport Journal*, 33(4), 329-344; J Sundgot-Borgen & NL Meyer, (2017). Women's Participation in Sports Leadership: A Review of the Literature. *Women in Sport and Physical Activity Journal*, 25(1), 1-10; J Hovden & I Rasmussen, (2018). Barriers to Gender Equality in Sports Governance. *International Review for the Sociology of Sport*, 53(3), 293-310.

⁴ A Nana, (2019). The Underrepresentation of Women in Sports Leadership in South Africa. *South African Journal for Research in Sport, Physical Education and Recreation*, 41(2), 1-13; Women in the World of Sport Parliamentary Assembly Report (Doc. 15611 22 September 2022) at <pace.coe.int/pdf/ed6feed803308a6dde6d56edd74a81560bfd420605a012fac2a0c0dc8fbfbc73?title=Doc.15611.pdf> accessed 25 March 2025.

⁵ R Hoye & G Cuskelly, (2007). Women in Leadership: The Power of Role Models in Governance. *International Journal of Sports Management and Marketing*, 2(1), 1-14.

⁶ T Taylor & M Taylor, (2014). The Influence of Gender on Leadership in Sports: A Critical Review of Literature. *Sports Management Review*, 17(2), 261-273.

⁷ TL Callahan, (2016). Women in Sport Management: Progress and Pitfalls. *Journal of Sport Management*, 30(1), 1-7.

⁸ JS Fink, (2016). Women's Leadership in Sports: Current Trends and Future Directions. *Sport Management Review*, 19(2), 120-132.

indicated a desire for more policies to ensure increased women's participation in decision-making positions in sports federations.¹

Adriaanse makes a distinction between 'quotas' and 'targets'.² She states that both quotas and targets refer to some numbers or percentages reserved for a certain gender. On the one hand, she considers quotas to be embedded in the law or constitutive instruments of sports bodies, thereby making them mandatory. Non-compliance is greeted with sanctions. On the other hand, she looks at targets as merely being 'aspirational' with no force of law. Targets are merely voluntary.

Some researchers contend that there are certain positive aspects of the use of quotas which include a quicker way of attaining gender parity, and that quotas encourage organizations to be innovative in identifying talented women, to fulfil regulation, and that the use of quotas increases costs and inefficiencies in organizations.³

In Kenya, the issue of gender representation in sports management and executive committees is governed by various legal frameworks and policies, primarily aimed at promoting gender equality and empowering women in all sectors, including sports. The Constitution of Kenya, 2010, Article 27 mandates equal rights for all persons and prohibits discrimination based on gender or any other grounds. It emphasizes that both men and women have the right to equal opportunities in political, economic, cultural, and social spheres. It Prescribes gender equality in all aspects of society, including sports management.

In her study, Mbaha found that women's representation in leadership within Kenyan sports remains significantly lower compared to men. She highlights how institutional practices within sports organizations perpetuate gender inequality, influencing hiring practices, promotions, and the overall support for female leaders.⁴

None of the studies surveyed followed a doctrinal/normative methodology. This study sought to firstly, establish the current status of women's representation in top echelons of sports federations, and secondly, to analyze their constitutive instruments with a view to identifying provisions that block women from ascending to top leadership.

1.1 Theoretical Framework

The theory that underpins this study is the feminist jurisprudence. This theory recognizes that laws impact genders differently. The theory advocates for legal reforms aimed at dismantling oppressive structures. In the context of sports governance in Kenya, using this approach will uncover the specific legal and policy barriers that women face in their quest to access leadership roles. Feminist jurisprudence advocates for legal reforms aimed at achieving gender equality.

1.2 Methodology

Doctrinal research design was used. Doctrinal methodology provides a systematic method of identifying existing laws and interpreting their implications on a specific issue, in this case, women's participation in sports governance. This methodology allows for a thorough understanding of how legal norms interact with societal practices. This study involved a thorough examination of existing international human rights instruments, national laws, international and national case law, constitutions of sports governing bodies, and journal articles. These documents were analyzed with a view to assessing how they promote or hinder women's involvement in sports governance.

1.3 Sampling Design and Sampling Techniques

Currently, there are 206 international sports federations (IFs). These organizations are affiliated with the International Olympic Committee (IOC). They govern a wide variety of sports worldwide. Examples include the International Federation of Football Associations (FIFA), International Basketball Federation (FIBA), World Athletics, and International Hockey Federation (FIH), just to mention a few. The study sampled about 10% of these, which worked out to 21 international federations. A similar number of corresponding regional and national sports organizations were also included in the study. The sampling technique was purposive sampling. The criteria for inclusion were those sports that enjoy popularity in Kenya and have a wide reach, including being

¹ S Parimala, J Nitisha, BP Kokil, S William, D Walson, B Hetsvhi, (2025). A Study on the Comprehensive Development of Women in Various Sports. *International Journal of Research Publication and Reviews*, 6(3), 7818-7824

² JA Adriaanse, (2017). Quotas to Accelerate Gender Equity in Sport Leadership: Do They Work? In *LJ Burton and S Lebermann (eds) Women in Sport Leadership — Research and Practice for Change* (Routledge, London), 83-97.

³ J Whelan & R Wood, (2012). Targets and Quotas for Women in Leadership: A Global Review of Policy, Practice and Psychological Research. Centre for Ethical Leadership, Melbourne Business School, Melbourne.

⁴ JM M' mbaha, (2016). Women in sport in Kenya: Leadership Styles and Practice. *African Journal for Physical Activity and Health Sciences*, 22(1), 29-44.

taught in Kenyan schools. Purposive sampling allowed for the selection of federations that fit the prescribed criteria for inclusion.

1.4 Data Collection and Analysis

Data collection was done through the analysis of primary and secondary data. Primary data comprised international Conventions, Constitutions, Statutes, constitutions of sports bodies, and court decisions from international and national courts. Secondary data was gleaned from journal articles, books, website information, and commentaries on the policies in each of the selected sports.

In terms of data analysis, firstly, content analysis was done to identify patterns, themes, and consistencies within international conventions, constitutions, statutes, case law, and other relevant materials. Secondly, a comparative analysis was employed to compare how different sports bodies interpret similar legal texts or doctrines. From this analysis, it was possible to identify the differences and similarities between the selected sports. Thirdly, descriptive statistics were used for quantitative elements, such as the frequencies of men and women in higher echelons of sports management. Fourthly, it is the analysis of secondary materials that revealed the challenges the various sports bodies experience. Also, the progress made by the various sports bodies was inferred from an analysis of secondary materials. Lastly, all the findings were synthesized to draw conclusions from the analyses.

2. International Perspectives on Non-Discrimination of Women in Sports

The 1948 United Nations Universal Declaration on Human Rights (UDHR) outlines the rights and freedoms everyone is entitled to.¹ Article 7 of the UDHR states that, ‘All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.’ The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) was enacted to incorporate the principle of equality of men and women in their legal system, abolish all discriminatory laws, and adopt appropriate ones prohibiting discrimination against women.²

Article 2 (e) (f) of CEDAW obligates States parties to

[...] take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise and to take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women.

In the case of *Opuz*³, the European Court of Human Rights (ECtHR) addressed the principle of non-discrimination concerning women. The Court recognized that systemic failures by Turkish authorities to protect women from domestic violence violated their right to equal protection under the law, even if the discrimination was not intentional. Similarly, in *Morais*,⁴ the ECtHR found a violation of Article 14 (non-discrimination) in which a domestic court reduced damages awarded to a female victim of medical negligence based on sex stereotypes.

The African Court on Human and Peoples’ Rights (AfCtHR) has emphasized that CEDAW obligates States to eliminate laws and practices that discriminate against women.⁵ Also, AfCtHR interpreted the issue of non-discrimination of women in the governance realm by invoking Article 2 of the African Charter that underscores non-discrimination of individuals based on analogous grounds. This was in the landmark decision of *Mwambipile*,⁶ the applicants sought to challenge Tanzania’s Regulation No. 4 of 2002, which allowed schoolgirls to be expelled from school and equally subjected to a mandatory pregnancy test. The AfCtHR stated that excluding pregnant girls from school perpetuates gender stereotypes and entrenches systemic discrimination in the education system.

In the matter of *Harding-Marlin*,⁷ the applicant was a Swimmer of St. Kitts & Nevis. She attained the qualifications required to be entered for the XXXII Olympic Games in Tokyo. She applied to her swimming

¹ The 1948 United Nations Universal Declaration on Human Rights.

² The 1979 Convention on the Elimination of All Forms of Discrimination Against Women.

³ *Opuz v Turkey*, No33401/02, ECHR 2009.

⁴ *Carvalho Pinto de Sousa Morais v Portugal*, App No 17484/15(ECtHR 25 July 2017).

⁵ *Actions pour la Protection des Droits de l’Homme (APDH) v Mali* (2017).

⁶ *Tike Mwambipile & Equality Now v Tanzania*, Application No.42/2020.

⁷ CAS ad hoc Division (OG Tokyo) 20/003 *Jennifer Harding-Marlin v. St. Kitts & Nevis Olympic Committee (SKNOC) & International Swimming Federation (FINA)*, award of 19 July 2021.

federation and her National Olympic Committee for inclusion in the team. She was the only swimmer in St. Kitts and Nevis who qualified for a Universality Place in swimming. The international swimming federation approved her selection, but it was up to the National Olympic Committee to forward her nomination. She was not selected. The National Olympic Committee did not give her any reasons. She brought an appeal to CAS in which she complained of discrimination on the grounds of the type of sport and race, amongst other grounds. The applicant argued that allowing a member of the athletics federation to compete on a Universality place and not from swimming, constituted discrimination based on the type of sport. The applicant urged her point on discrimination based on race by stating that the population of St. Kitts and Nevis was predominantly black and that whites constitute only 2.2% of the population. All the officials of the National Olympic Committee were black. She therefore advanced the view that being white, she was discriminated against based on race contrary to the provisions of Art. 44 of the Olympic Charter. The respondent argued that it does not receive applications from individuals and that the National Swimming Federation was not a member of the National Olympic Committee. The panel did not find sufficient evidence in support of discrimination.

3. Attempts at Gender Equality in Kenya

The Constitution of Kenya, 2010 provides for equality before the law, non-discrimination on account of gender, amongst other variables and for at least one-third of either gender to be represented in elective and appointive positions. This provision has elicited a lot of litigation, and courts have expressed their interpretation.¹

In the matter of Kamuru, the court held that no legislation is required to effect the 2/3 gender rule in appointive positions.² In the case of *National Gender & Equality Commission*,³ positions for Chief Justice, Deputy Chief Justice and one Judge of the Supreme Court fell vacant and were to be filled. The first and second were filled with a man and a woman respectively. First petitioner argued that the position of Judge of the Supreme Court should go to a woman in order for the Supreme Court to comply with the two-thirds gender rule. First petitioner wanted a situation where there are four men and three women, but there were five men and two women. So stated the court:

38.[...] Article 27(6) provides that other measures including affirmative action programmes and policies may be designed and taken to redress any disadvantage suffered by individuals and groups because of past discrimination; while Article 27(8) puts it even more clearly, that in addition to the measures, contemplated in clause (6), the state shall take legislative and other measures to implement the principle that not more than two-third the members of elective or appointive bodies shall be of the same gender.

With respect to the county governments, the Constitution of Kenya provides that ‘not more than two-thirds of the members of any county assembly or county executive committee shall be of the same gender’.⁴ Whereas the county assembly comprises elected members, the county executive is made up of appointments made by the Governor. This provision obligates the political class to nominate as many members of a county assembly and county executive as are necessary to achieve the prescribed gender balance. Likewise, a county Governor must adhere to the gender rule while nominating officers of their ‘cabinet’. This works in Kenya.

The Sports Act of 2013 outlines the governance of sports in Kenya, emphasizing the need for equitable representation. While it does not specifically detail gender ratios within executive committees, it aligns with the Constitution’s provisions for non-discrimination and the promotion of gender equity in all sports-related activities. The Sports Act creates a body known as Sports Kenya.⁵ In constituting the Board, the appointing authority is under an obligation to consider gender equity and affirmative action.⁶ The same Act creates the Kenya Academy of Sports.⁷ There is no obligation in the composition of the Council of this Academy for the appointing authority to consider gender balance.⁸ The Act establishes the Sports Disputes Tribunal at section 55. The Tribunal is composed of five members with no mention of gender parity. Nevertheless, the Constitution

¹ *Federation of Women Lawyers Kenya (FIDA-(K)) v Attorney General* [2011] eKLR.

² *Kamuru v Attorney General* [2016] eKLR.

³ *National Gender & Equality Commission v Judicial Service Commission* [2017] KEHC 8343 (KLR).

⁴ Constitution of Kenya, 2010, Art 197.

⁵ Sports Act 2013, s3.

⁶ *Ibid*, s6.

⁷ *Ibid*, s33.

⁸ *Ibid*, s35.

provides that it is the supreme law of the land¹ and that all government agencies must respect and obey it.² Thus, a wholesome reading of the Constitution would imply that all such bodies must consider the gender factor in appointing members to these bodies. Of course, the better view is to expressly indicate the matter of gender in all provisions. The Anti-Doping Act creates the Anti-Doping Agency³ with a membership of ten persons.⁴ In making these appointments, the cabinet secretary is required to comply with the constitution, meaning the gender rule and the inclusion of minorities.

The Sports Registrar Regulations, 2016 deal with registration and licensing of National Sports organizations (NSOs) and their constituent members at lower levels. These regulations allow National Sports Organizations and their affiliates to conduct elections according to their constitutive instrument.⁵ This way, the government does not interfere with electoral rules as may be provided by a corresponding international body. At the same time, the regulations require NSOs to adhere to the constitutional prescription of non-discrimination.⁶ In the case *Mambo*⁷ the respondents amended the electoral code of the club to exclude women from contesting for any position. They argued that they were a private club and not bound by the strictures of the Constitution regarding discrimination. It was urged for the petitioners that the action by the respondents infringed their right to equality and non-discrimination as provided for under Article 27 of the Constitution. The court found in their favour.

Clearly, Kenya has laws in place aimed at promoting gender balance. How this plays out in sports governance is the subject of study here.

4. Hierarchy of Sports Bodies

Klausen & Selle state that the modernization of society from the days of the industrial revolution led to the growth of numerous associations and voluntary organizations. These organizations became structured into national movements and umbrella organizations.⁸ From the outset, these organizations were membership-based and organized into a hierarchical and nationwide organizational structure with a democratic governance structure linking the local, regional, and national levels of organization.⁹ This hierarchical and democratic organizational structure characterizes all sports organizations, with the added limb of an international organization. The hierarchical nature of sports bodies was restated in the case of *Peternell* as follows-¹⁰

3. The [...] South African Equestrian Federation (“SAEF”) [...] is the domestic federation recognised by the *Fédération Equestre Internationale* (“FEI”), in South Africa. The SAEF has a number of local associations which are affiliated to it and which represent the various different equestrian disciplines, [...].

In such a hierarchical set-up, the umbrella organization relies on democratic practices to survive. Nevertheless, it turns out that most sports organizations are characterized by oligarchy, that is, the top few control the masses at the bottom. According to Michels, almost all voluntary organizations are characterized by the ‘iron law of oligarchy’ i.e. the control of the organization by those at the top and the lessening of influence by members.¹¹ This aspect of oligarchy is best illustrated by the Confederation of African Cycling as follows-¹²

Twenty years ago, in 2005, Dr Mohamed Wagih Azzam from Egypt was voted as CAC President. He has won every election for this post since then. Apart from a few changes due to Federation presidents

¹ (n38) Art 2.

² Ibid, Art 3.

³ Anti-Doping Act, 2016, s5.

⁴ Ibid, s10.

⁵ Sports Registrar Regulations, 2016, Reg 20(1).

⁶ Ibid, Reg 20(2)(c).

⁷ *Mambo v Limuru Country Club* [2014] eKLR.

⁸ Klausen KK & Selle P, (1996). The third sector in Scandinavia. *Voluntas*, 7(2), 99-122.

⁹ Østerud, Ø, Engelstad, F, & P Selle, (2003). *Makten og Demokratiet* (Gyldendal Oslo).

¹⁰ CAS arbitration N° CAS OG 12/01 *Alexander Peternell (South Africa) v South African Sports Confederation and Olympic Committee (SASCOC), South African Equestrian Federation (SAEF)*.

¹¹ B Enjolras and RH Waldahl, (2010, April). Democratic Governance and Oligarchy in Voluntary Sport Organizations: The Case of the Norwegian Olympic Committee and Confederation of Sports. *European Sport Management Quarterly*. DOI: 10.1080/16184740903559909

¹² Team Africa Rising, (2025, February 16). Confédération Africaine de Cyclisme (CAC) Elections – at <https://teamafricarising.org/cac_elections_feb2025/> accessed 4 April 2025.

in Rwanda and South Africa having to resign due to corruption issues, the CAC Management Committee has also remained pretty much the same for many years.

Lipset et al. consider three factors as being responsible for oligarchic governance of voluntary organizations. First, large-scale organizations give voluntary organizations officials a near monopoly of power. Second, the leaders want to stay in office since they may get prestige and material benefits from their positions. Third, the member may be passive.¹ Modern sports are organized in a hierarchical structure from the international level through regional/continental levels and finally to the national and club levels. At each level, there is an executive committee largely consisting of elected officials who make policies, leaving implementation to appointed officials. The annual general meeting (AGM) is used to elect officials to these organizations at various levels according to their own internal law.² These non-governmental sports organizations have an organised hierarchical governance system that allows autonomy to establish rules for each sport, governance structure, and dispute resolution mechanisms.

This position has been stated thus-³

5. The International Olympic Committee (“IOC”) is an international not-for-profit organisation, in the form of an association with the status of a legal entity, recognized by the Swiss Federal Council. The seat of the IOC is in Lausanne, Switzerland. The object of the IOC is to fulfil the mission, role, and responsibilities as assigned to it by the Olympic Charter. In between these missions, one of the paramount roles of the IOC is “to ensure the regular celebration of the Olympic Games” (Art. 2(3) Olympic Charter).

The National Olympic Committee (NOC) is a membership organization that represents sports federations and clubs from various levels. It is NOC’s internal law that determines the procedure at the AGM. This includes verifying membership to ensure that those in attendance are actually eligible to be there. An elections board is formed to conduct the elections, to ensure voting is fair and made public. The rules provide for the election of representatives to the Board and to specialized committees, thereby expressing the sovereign power of an AGM.⁴

Enjolras and Waldahl carried out an empirical qualitative study of the Norwegian Olympic Committee and Confederation of Sports. They surveyed the umbrella organization, four sport federations (football, handball, athletics, and orientation); four regional federations, and eight local clubs. They collected data based on their observations of democratic processes (general assembly, board meetings), analysis of internal documents, and about 50 interviews of leaders and board members at all levels.⁵ They sought to know how an AGM is conducted in a Norwegian umbrella sports body. They observed a lack of participation.⁶ Lack of the involvement at AGMs is attributed to several reasons. Firstly, there is a general feeling that what they say at such meetings does not matter. Secondly, some officials are so busy running sports at a given level that they do not want to be more involved in higher sports politics. Thirdly, some members are more engaged than others. Another reason is an economic one. Participating in sports leadership on a voluntary basis costs money and time. Only those with money can take up leadership roles. Lastly, participation in AGMs requires skill and knowledge — speaking skills and knowledge of the sport. Participation at AGMs is also low because most leaders at the lower levels are also active sportspeople. That leaves them with little time to engage in the politics of the sport. Also, at the NOC level, the issues canvassed become more abstract and divorced from the needs at the grassroots level.⁷

This picture of an AGM is indeed characteristic of almost all AGMs in sports federations, except the international ones. This kind of scenario is likely to be used by those sports federations not keen on gender equity to maintain the status quo to the exclusion of women officials in top executive positions of these federations. Given that officials at ‘club level’ form the electoral college for a NSO and that officials of NSO in turn form the electoral college for the international federation, it is important that women be represented at lower levels so that they can then ascend to the international levels through the hierarchy of a given sports body.

¹ SM Lipset, MA Trowand, JS Coleman, (1962). *Union Democracy* (New York Anchor, Books).

² n53.

³ CAS arbitration N° CAS OG 12/01 *Alexander Peternell (South Africa) v South African Sports Confederation and Olympic Committee (SASCOC), South African Equestrian Federation (SAEF)*.

⁴ n53.

⁵ n53.

⁶ Ibid

⁷ Ibid.

Something notable from Limuru Country Club (an affiliate of Kenya Golf Union) is the proviso to Article 58 of the Club's Constitution, which deals with the power to make By-laws. This states that;¹

The Directors shall adopt such means as they deem sufficient to bring to the notice of Members of the Company all such By-Laws, amendments and repeals and all such By-Laws, so long as they shall be in force, shall be binding upon all Members of the Company [...].

Herein lies the key to denying or providing equal chances for women in the top leadership of this club.

Art 52.2 The Directors of the Company shall, subject to the approval by the Company in an Annual General Meeting have power from time to time to make, alter and repeal any or all such Bylaws as they may deem necessary or expedient or convenient for the proper conduct and management of the Company and the Club and Club Facilities and in particular (but without prejudice to the generality of the foregoing) they may by such Bylaws regulate-

52.2.1 The admission of temporary, honorary and other Members of the Company and the rights and privileges of such Members, [...]²

Clauses like the above can be used to either include or exclude women from top leadership positions.

5. An Analysis of the Current Rules/Constitutions of and Status of Women in Top Leadership Positions in International, Regional, and National Sports Federations

International sports bodies operate within an environment that promotes human rights. The International Olympic Committee (IOC) sits at the apex of the sports organization, guided by the Olympic Charter. While the Olympic Charter lacks specific gender quota requirements for executive board composition, the IOC committed to a target of 30% female representation in the leadership of the Olympic Movement by 2020.³ It was to achieve this through actions such as changing the composition of the IOC executive board and turning the composition of the vice-president positions into an equal representation of women and men, requiring National Olympic Committees and International Federations to 'submit one female candidate for every male candidate nominated to fill one of the member positions up for election'; and reviewing the electoral processes.⁴ Currently, female representation in the IOC's executive board has grown to 33%, and further that 48% of all athletes participating in the Tokyo Olympics were female.⁵ At the time of writing, the IOC had just elected a woman as its President. These meaningful strides signal the IOC's growing commitment towards fostering gender balanced governance within its leadership structures. However, the IOC needs to show more commitment by setting aside a specific minimum quota to be filled by either gender, to which it can be held accountable. Even with a female President at the helm, there is a need for clear legal provisions in the Olympic Charter catering to gender balance in the executive committee. An analysis of representation of women in international sports bodies is presented in Table 1.

Table 1. The Proportion of Women in Executive Boards of International Sports Associations as of November 2024

Serial No.	Organization	Total Members	Women Members	Percentage of Women Members
1	IOC	15	5	33%
2	Basketball - FIBA	12	3	25%
3	World Athletics	9	2	22
4	Hockey -FIH	12	5	41.67%
5	Aquatics FINA	21	1	5%
6	World Rugby	13	3	23%

¹ Articles of Association of Limuru Country Club at <https://test.limurucountryclub.co.ke/wp-content/uploads/2024/10/Limuru-Country-Club-Articles-of-Association-2022.pdf> accessed 3 April 2025.

² n62.

³ Olympic Charter, rule 19; International Olympic Committee, *IOC Gender Equality Review Project*, Lausanne, 2018.

⁴ International Olympic Committee, *IOC Gender Equality Review Project*, Lausanne, 2018 Recommendations 19 & 20, p. 23.

⁵ International Olympic Committee, *Gender Equality and Inclusion Report, 2021t* (Lausanne, 2021).

7	Soccer - FIFA	36	6	17%
8	Volleyball -FIVB	13	3	23%
9	Gymnastics – FIG	24	5	20.8%
10	Boxing-	14	4	28.6%
11	Equestrian - FEI	21	10	47.6%
12	Cricket – ICC	22	0	0%
13	World Netball	9	7	78%
14	Tennis – ITD	11	2	2%
15	Cycling – UCI	20	6	30%
16	Handball – IHF	5	2	40%
17	Golf – IGF	8	2	25%
18	International Fencing Federation – FIE	23	4	17%
19	Rowing – FISA	7	4	57%
20	Judo – IJF	26	6	23%
21	World Badminton Federation - WBF	30	10	33%

World Rugby (WR) governs the sport of rugby union and rugby sevens globally, organizing the Rugby World Cup and setting international rules. The WR Byelaws establish a thirteen-member executive board that comprises three independent members, two of whom must be female, and two international rugby player nominees, with a minimum of one female. Thus, women have a minimum representation of approximately 23% of the executive board. Interestingly, WR has 23% of women at the helm, which goes to show the increasing commitment of WR towards gender balance governance. WR can achieve a 30% representation of women by having all three independent members as women. However, WR needs to set an explicit quota of say, at least four female members in its 13-member executive to guarantee a reasonable quota for women's inclusion.

World Athletics (WA) oversees track and field athletics, managing major events such as the World Athletics Championships and setting competition regulations. The World Athletics Constitution establishes a twenty-six-member Council, with a minimum number of representatives from each sex required to be elected. World Athletics has set clear gender quota targets for its 26-member Council — 40% by 2023 and 50% by 2027.¹ Currently, the council membership of women stands at 48%. This is quite commendable for a sport that has a very broad following globally.² The WA Constitution sets a minimum of 37.5% for each gender on the executive board by 2027.³ Women constitute 22% of the executive board at the moment. Whereas this shows a progressive shift towards reaching gender parity, WA can follow the path it did for its Council to guarantee gender parity without being aspirational.

The Fédération Internationale de Football Association (FIFA) governs football internationally and organizes major tournaments such as the FIFA World Cup. The FIFA Statutes provide for the thirty-six-member council, including twenty-eight elected representatives from member associations. Each of the six confederations is required to elect at least one female representative, ensuring that a minimum of six out of the thirty-six association representatives are women.⁴ This works out to a minimum of 17% female representation on the council. This is below the required international standard of 40%. In addition to the six 'reserved' seats, FIFA needs to amend its statutes to provide for appointment to raise the total number of women to at least 15.

The International Cricket Council (ICC) is the global governing body for cricket. The ICC sets the rules and regulations of the game, organizes international competitions, including the ICC Cricket World Cup. The ICC Memorandum does not provide for any quota provisions for the board of directors.⁵ In addition, the ICC has

¹ World Athletics Constitution, Art 41.

² World Athletics at <<https://worldathletics.org/about-iaaf/structure/council>> accessed 14 April 2025.

³ The World Athletics Constitution, Art 57.

⁴ Fédération Internationale de Football Association (FIFA), *FIFA Statutes*, regulation 33.

⁵ International Cricket Council (ICC), *Memorandum of Association and Articles of Association of the International Cricket Council Limited*, clause 4.6.

zero percent (0%) women on its board of directors. To that extent, the ICC must be called out for ignoring all international treaties that prohibit discrimination against women. More particularly, the ICC needs to amend its constitution to provide for at least 40% women on its council.

The Fédération Internationale de Hockey (FIH) is the international governing body for field and indoor hockey. It oversees the rules of the game and organizes major competitions such as the Hockey World Cup. The FIH Statutes & General Regulations establish an executive board that consists of fifteen elected members, the Chief Executive Officer, and co-opted members. Of the elected members, eight are ordinary members elected by Congress, with a minimum requirement that at least four must be women.¹ This represents 26.7% female representation of the elected members on the executive board. However, FIH currently has 33.3% female representation in the executive board. FIH needs to set a quota provision of a minimum of six female members.

The International Tennis Federation (ITF) governs tennis worldwide, organizing important competitions like the Davis Cup and the Olympics. The ITF Constitution does not prescribe any quota provision for the board of directors, who total around 12 to 15 members.² At the moment, ITF has 16% women in its top governance organ, which is far below the recommended 40%. The ITF needs to set aside a quota of at least six women on its executive board.

The International Basketball Federation (FIBA) is the governing body for basketball and oversees international competitions like the FIBA Basketball World Cup and the Olympics. The FIBA General Statutes provide for an executive committee with eleven members. The executive committee is required to include members of both genders, but no specific quota for female representation is outlined.³ Currently, women's representation at the top level is at 25%, despite general gender equality targets for the executive committee. FIBA needs to reserve at least five seats for women on its executive board to increase the percentage of women to 45%.

The International Volleyball Federation (FIVB) governs indoor and beach volleyball internationally and organizes competitions such as the Volleyball World Championships and Olympic tournaments. The FIVB Constitution stipulates that the board of administration, comprising between 32 and 36 members, must include two members from the minority gender.⁴ In practice, the FIVB has 23% women in its top organ, which leaves room for improvement to attain gender balance. In particular, FIVB needs to double the current female representation from three to at least six. The International Golf Federation (IGF) is the international federation for golf in the Olympic Games and Paralympic Games. The IGF Constitution establishes a board of 10 members, with 20% representation from women, including two female representatives: one from the Ladies Professional Golf Association and one from the Women's Chairman of the Administrative Committee.⁵ The female representation at the board level is at 25%, which is far below the requirement of at least 40%. Here, IGF needs to provide for an explicit gender quota of at least four members on its executive committee.

The International Boxing Association (IBA) is the governing body that promotes and supports the sport of boxing worldwide. The IBA Constitution establishes a board of directors with 18 members, including at least 33% female representation.⁶ This figure can vary to even below it since it is not anchored in the statutes of the IBA. In addition to other provisions for gender inclusion, IBA needs to reduce the number of elective positions from the current 10 to six and then provide for the appointment of the remaining in such a manner as to attain a minimum of 40% representation. In more absolute terms, IBA needs to provide for at least eight women on its board of directors.

The International Equestrian Federation (FEI) governs and promotes horse riding sports worldwide. The FEI Statutes establish a seven-member executive board, with no specific gender quota.⁷ Women constitute 47.6% of the top governance body, showcasing strong representation despite the absence of a formal quota. To guarantee the sustainability of such a representation, there is a need to build a specific quota in the statutes of FEI.

The influence of international sports bodies on regional organizations is profound, extending from governance and policy implementation down to the operational level of sports competitions. As a result, regional bodies must navigate and adapt to these international requirements to secure legitimacy, funding, and success on the

¹ Fédération Internationale de Hockey (FIH), *Statutes and General Regulations*, Art 7.1(a)(ii).

² International Tennis Federation (ITF), *Constitution*, Art 11.1.

³ International Basketball Federation (FIBA), *General Statutes*, Art 15.2.4.

⁴ Fédération Internationale de Volleyball (FIVB), *Constitution*, Art 2.4.1.

⁵ International Golf Federation, *Constitution* (adopted 1 October 2018), Art 8.1.

⁶ International Boxing Association, *Constitution* (adopted 2021), Art 15.2.

⁷ Fédération Équestre Internationale, *Statutes* (2021), Art 26.

global stage, all while promoting the growth and development of sports within their jurisdictions. These bodies play crucial roles in the governance, development, and promotion of sports across Africa. They collaborate with national federations and promote continental and international competitions to advance sports on the continent. Therefore, in the hierarchy of sports, these regional bodies are a crucial medium through which gender equity can infiltrate from national to international levels. Their constitutive instruments set a firm foundation for cascading implementation right to the local level. In Africa, several bodies govern sports organizations and oversee various sports at both national and continental levels.

Table 2 shows the proportion representation of women in executive boards of regional/African sports bodies.

Table 2. Women's Representation in Executive Boards of Regional Sports Bodies as of November 2024

Serial No.	Organization	Total Members	Women Members	Percentage
1	Association of National Olympic Committees of Africa (ANOCA)	15	2	7%
2	FIBA Africa	12	2	16.7%
3	Confederation of African Athletics	9	3	33%
4	African Hockey Federation (AfHF)	8	1	12.5%
5	Africa Aquatics	13	2	15.4%
6	Confederation of African Football (CAF)	34	2	5.9%
7	African Volleyball Confederation (CAVB)	12	1	8%
8	Rugby Africa	13	2	15.4%
9	African Gymnastics Union	4	0	0
10	Africa Boxing Federation	10	1	19%
11	African Confederation of Equestrian Sports (ACES)	-	-	-
12	Africa Cricket Association (ACA)	13	1	7.7%
13	Africa Netball Confederation (ANC)	6	6	100%
14	Confederation of African Tennis	10	2	20%
15	African Cycling Union	10	3	30%
16	Africa Handball Confederation	18	0	0%
17	Africa Golf Confederation	8	0	0%
18	African Fencing Confederation	-	-	-
19	African Rowing Federation (FASA)	-	-	-
20	African Judo Union	9	0	0%
21	Badminton Confederation of Africa	15	3	20%

Rugby Africa is the governing body for rugby union and rugby sevens in Africa. It organizes tournaments and competitions, including the Africa Rugby Championship. The Rugby Afrique Constitution does not specify a minimum gender quota provision for the executive committee composition.¹ The executive committee has 15.4% women represented at this level. This could be linked to the fact that there is a lack of mandatory gender equality rules. The Confederation of African Athletics (CAA) oversees the regulation, development, and promotion of the sport across Africa. As per the CAA Constitution, the council comprises eighteen elected officials, including a designated female vice president and at least five female representatives from the regional associations.² This provision shows an effort towards gender inclusion, but it does not outrightly provide for mandatory gender quotas. Currently, women make up thirty-three percent (33%) of the council, which is slightly below the forty percent (40%) minimum threshold.

¹ The Rugby Afrique Constitution, bye-law 8.1.

² The Confederation of African Athletics, *Constitution*, Art 9.1.

The Confederation of African Football (CAF) is the governing body for football in Africa. It manages national competitions, oversees the Africa Cup of Nations, and represents African football interests in FIFA. The CAF Statutes provide for only one female in a twenty-one-member executive committee, which is too low to meet the minimum gender equality threshold.¹ CAF has 5.9% women in its executive committee, which reflects a very low level of commitment to gender equality embodied in its constitutive instrument. The Confederation of African Tennis (CAT) is the governing body for tennis in Africa that is responsible for developing and promoting the sport across the continent.

The Confederation of African Tennis (CAT) Constitution establishes an executive committee that has a membership of ten officials, with two (20%) being women.² Just like the Confederation of African Football, this gender quota is too low to meet the forty percent (40%) minimum threshold. Thus, the low numbers in the committee are a reflection of the weak provisions on gender balance governance in the constitutive instrument.

Africa Aquatics governs swimming and related aquatic sports across Africa. It organizes African competitions and works to develop the sport throughout the continent. There is no gender quota framework in the Bureau composition provided for in the CANA Constitution.³ However, women constitute 15.5% of its executive board. This figure is unsustainable in the absence of legal guarantees.

The African Boxing Confederation (AFBC) is the governing body for amateur boxing in Africa, and it is responsible for organizing continental competitions and supporting national federations. The AFBC Constitution provides for a ten-member board of directors, including one (19%) female representative, a figure that falls short of what its international mother body has (33%). This low representation could be explained by the fact that boxing is not a very popular sport amongst women in Africa. Nevertheless, AFBC needs to provide for the nomination of women to its top governance organ.

The African Cricket Association (ACA) is the governing body for cricket in Africa, promoting the sport across the continent and representing its interests internationally. The Constitution of the African Cricket Association does not include any quota provisions regarding women's leadership in the council, resulting in only 7.7% female representation in its executive council.⁴ This is a reflection of its mother organization, the ICC (0%). This is a case where the election laws of the cricket bodies ought to be changed to provide for quotas for women.

The African Hockey Federation (AfHF) is responsible for the governance and development of field hockey across the African continent. It organizes tournaments such as the Africa Cup of Nations for both men and women and works to promote the sport at all levels. AfHF Statutes establish an executive board that includes five elected officials, with at least two women and two men.⁵ This guarantees at least forty percent (40%) of female representation at the top level and is consistent with international best practice.

The level of women's representation across the sampled regional sports organizations ranges from 0% to 100%. All except Netball and Hockey fall below the forty percent (40%) minimum gender balance threshold. Five of the regional sports organizations have some form of quota requirements embedded in their constitutive instruments, making them firm legal commitments capable of enforcement. However, these quota provisions are weak and may not result in a significant change in the promotion of gender parity. Only the African Hockey Federation has strong, explicit quota provisions that ensure at least forty percent (40%) female representation in their governance structures. Given the limited number of regional sports organizations with explicit gender quota provisions, the existing frameworks demonstrate minimal progress and bring out the urgent need to align gender equality measures with international standards.

Of the 21 African sports federations sampled, only 4(19%) have women's representation of at least 30%. This is, although their mother international bodies even have larger quotas for women on their executive boards. This could be an illustration that talking about 'targets' is not good enough. There is a need to have 'quotas' built into the constitutive instruments to which the bodies can be held accountable.

Kenya has a vibrant sports culture and is home to several national sports organizations (NSOs) that govern various sports disciplines. Table 3 shows women's representation in Kenyan sports federations.

¹ Confederation of African Football, *CAF Statutes*, Art 22.

² Confederation of African Tennis, *Constitution*, Art 12.3.

³ CANA Constitution, Art 10.

⁴ Constitution of the Africa Cricket Association, Art 22.1

⁵ The African Hockey Federation (AfHF) Statutes, Art 6.2.

Table 3. Women's Representation in Executive Boards of National Sports Governing Bodies as of November 2024

Serial No.	Organization	Total Executive Members	Women	Percentage
1	National Olympic Committee – Kenya (NOC-K)	25	5	10%
2	Kenya Basketball Federation (KBF)	10	2	20%
3	Athletics Kenya	18	5	27.8%
4	Kenya Hockey Union (KHU)	12	2	16.67%
5	Football Kenya Federation (FKF)	15	3	20%
6	Kenya Swimming Federation (KSF)	10	4	40%
7	Rugby Football Union of Kenya (RFUK)	20	3	15%
8	Kenya Volleyball Federation (KVF)	10	3	30%
9	Gymnastic Federation of Kenya	-	-	-
10	Boxing Federation of Kenya	10	3	30%
11	The Horse Association of Kenya (HAK)	7	4	57%
12	Cricket Kenya	5	1	20%
13	Kenya Netball Federation	6	5	83%
14	Kenya Lawn Tennis Federation	11	1	9%
15	Kenya Cycling Federation	-	-	-
16	Kenya Handball Federation	-	-	-
17	Kenya Golf Union	10	0	0%
18	Kenya Fencing Federation (KFF)	2	2	100%
19	Kenya Rowing & Canoe Federation (KEN)	-	-	-
20	Kenya Judo Federation	6	2	33%
21	Kenya Badminton Federation	-	-	-

The Kenya National Olympic Committee (NOC-K) governs the Olympic movement in Kenya. The national organization oversees preparation for the Olympic Games and other international competitions. The constitutional threshold on gender balance provides that the executive committee composition should not have more than two-thirds of the same gender (33%).¹ Currently, NOC-K has ten percent (10%) women on its executive committee, exhibiting very low levels of female inclusion.

The Kenya Rugby Union (KRU) governs rugby in the country and promotes both men's and women's rugby development. The Kenya Rugby Union Constitution is silent on the quota provisions for the union board composition.² However, female representation on this board is at fifteen percent (15%), which is less than half of what is required in the gender balance principle. Athletics Kenya (AK) is the athletics governing body, organizing local and international competitions, and supporting athlete development at the local level. The Athletics Kenya (AK) Constitution establishes a twenty-member executive committee, including three individual members with no more than two of the same gender, and five co-opted members, of whom no more than four may be of the same gender.³ Though these provisions are not explicit gender parity provisions, they do provide a minimum gender balance standard. In practice, the committee comprises twenty-seven percent (27.8%) women, which falls short of the thirty-three percent (33%) gender balance principle. Noteworthy is that AK has provisions for appointing five members, a provision it can easily use to achieve at least 40% representation of women.

Football Kenya Federation (FKF) governs football and oversees domestic leagues and national teams. The FKF

¹ Sports Registrars Regulations, Regulation 20 (2) (2).

² Kenya Rugby Union Constitution, Art 10.

³ Athletics Kenya (AK) Constitution and Rules, Art 19.

Constitution prescribes the national executive committee with a membership of 14, of which two (14%) are female.¹ Given the immense popularity that football enjoys in Kenya across both genders together with constitutional imperatives, FKF needs to provide for more women representation. The Kenya Aquatics governs swimming and organizes events at various levels. The Constitution of Kenya Aquatics does not provide any quota provisions for the executive board composition.² Even with no gender equality provision, Kenya Aquatics has achieved gender parity in its executive board composition with forty percent (40%) women's representation. Nevertheless, to ensure certainty, this quota must be legalized.

The Kenya Golf Union (KGU) is the governing body for amateur golf in Kenya, which is responsible for the development and promotion of the sport. The Kenya Golf Union Constitution does not specify any quota provisions for the composition of the executive committee.³ As a result, female representation stands at an alarming zero percent (0%). This is notwithstanding that there are many female golfers in Kenya. This scenario makes it difficult for KGU to nominate a woman to a leadership position at higher (international) levels.

The Horse Association of Kenya is the key equestrian body in Kenya that promotes and organizes horse sports. The provisions in the Horse Association of Kenya Constitution do not prescribe minimum quota requirements for executive committee composition.⁴ This organization has met gender parity and even surpassed the desired forty percent (40%) threshold by having fifty-seven percent (57%) of women represented at the executive committee. This demonstrates strong gender inclusivity.

Seven (33.3%) of the sampled sports bodies in Kenya have fulfilled the constitutional requirement of at least one-third gender involvement. The figures for netball (83%) and fencing (100%) need comment. Netball is a game mainly for women, and therefore the assessment should take a reversed form of how many men have been included. Fencing in Kenya has two officials, both of whom are women, hence the figure of 100%. This can be explained by the fact that the sport of fencing is not very popular in Kenya. Commendable is the Boxing Federation of Kenya, which has 30% representation. Worrying is Athletics Kenya and the Kenya Volleyball Federation. Athletics is the most popular sport in Kenya, only second to football. As opposed to football, there is a higher percentage of female participation in athletics. Athletics Kenya has in its rules a provision to co-opt five members to its executive board. All Athletics Kenya needs to do to achieve the constitutional requirement is to increase the number of co-opted members and make it explicit that such co-optation is for gender balance. Female volleyball players have performed much better than their male counterparts in regional and international competitions. The female team has participated in the Volleyball World Championships and the Olympics. The female volleyball clubs have excelled on the African continent. This sterling performance has gone on for about three decades. The 30% representation of women on the executive board of KVF does not represent the actual state of volleyball in Kenya. The girls have outperformed the boys. This recognition needs to feature on the executive board as well.

A comparison of female representation in the executive boards of international, regional, and national sports bodies is summarized in Table 4. This figure illustrates a representation of women that ranges from 0%-78% at the international level. The sports that have at least 30% representation of women are Netball (78%), Rowing (57%), Equestrian (47.6%), Handball (40%), Boxing (33%), Badminton (33%), Hockey (33%), IOC (33%), and Cycling (30%). These numbers represent less than half of the sports sampled. Given the influence these international sports federations have on the regional, national, and club levels, they must set the correct tone of gender parity and compel their affiliates to follow suit.

Table 4. A comparison of the Percentage representation of women in top executive boards of sports federations at international, African, and Kenyan levels

SERIAL NO.	TYPE OF SPORT	INTERNATIONAL	AFRICAN	KENYAN
1	Olympic	33	7	10
2	Basketball	25	16.7	20
3	Athletics	22	33	27.8

¹ Football Kenya Federation (FKF) Constitution, Art 37.

² The Constitution of Kenya Aquatics, Art 8.1.

³ The Kenya Golf Union Constitution, Art 12.2.

⁴ The Horse Association of Kenya Constitution, Art 25.

4	Hockey	33	40	16.7
5	Aquatics	5	15.4	40
6	Rugby	23	15.4	15
7	Football	17	5.9	14
8	Volleyball	23	8	30
9	Gymnastics	20.8	0	-
10	Boxing	33	19	30
11	Equestrian	47.6	-	57
12	Cricket	0	7.7	20
13	Netball	78	100	83
14	Tennis	16	20	9
15	Cycling	30	30	-
16	Handball	40	0	-
17	Golf	25	0	0
18	Fencing	17	-	100
19	Rowing	57	-	-
20	Judo	23	0	33
21	Badminton	33	20	-

Most of the international sports bodies provided for strong quota provisions by having explicit numerical quotas. This sets out a non-negotiable floor of women's representation at top-level governance structures. The ripple effect is that these organizations often demonstrate improved gender representation. Only two organizations set targets above the international threshold of forty percent (40%) minimum female representation requirement. World Athletics provides for fifty percent (50%) female representation in the council from 2027, and the International Hockey Federation also provides fifty percent (50%) female representation in the executive board. Even where there exist strong quotas, the actual representation of women leaders still falls short. Some organizations included general gender equality provisions in their constitutive instruments, with others lacking any quota provisions altogether, effectively leaving it to the discretion of each sports organization to determine whether or not to pursue gender parity within their governance structures. The absence of explicit quotas, therefore, may result in minimal or no female representation in the governance structures.

Gauging the level of female representation in various NSOs against the thirty-three percent (33%) constitutional gender balance principle reveals significant disparities. These findings underscore ongoing disparities in gender representation within sports governance at the national level. Out of the sampled sports, only four NSOs have at least forty percent (40%) women in leadership, although none of their constitutive instruments have strict quota requirements in place. Only one of the NSOs (FKF) has set a minimum threshold; most had general equality provisions or no quota provisions. The absence of formal rules in the constitutive instruments of NSOs for minimum women's representation in leadership positions would mean that there is no mandatory gender inclusion at the decision-making and executive position levels. This also implies that the lack of formal provisions at the national level prevent quotas at the international level from being realized, given the hierarchical nature of sport. This pathetic Kenyan situation also means Kenyan women have no chance of featuring on executive boards of international sports bodies, save for netball, which is predominantly a women's sport. Of equal concern is that out of the 21 sports sampled, only Aquatics (40%) and Equestrian (57%) fulfill the constitutional requirement of at least one-third of either gender. These sports bodies operating in Kenya are duty-bound to obey the constitution. It begs repeating that international sports federations have committed themselves to gender parity. Such commitment aligns well with the Kenyan constitution, which provides for elective and other measures to achieve gender parity. The lack of gender parity in top executive committees of national sports organizations is illegal to the extent that it violates the provisions of Art 27 of the Constitution. Clear minimum quotas for women's representation in top executive boards of NSOs should be embedded at every level, starting from local clubs and county associations. The domino effect would be a substantial increase in the percentage of women leaders at the executive level.

6. Conclusion

For many decades, women have persistently remained underrepresented in leadership roles within national and international sports federations. This is despite the existence of legal and institutional frameworks designed to promote gender equality. Sports depict a hierarchical structure that promotes oligarchy by men. These men are reluctant to relinquish their positions due to the privileges they enjoy. This situation is made worse by the non-existence of special measures designed to include a fair representation of women in these organizations. The AGM is used to elect officials from the lowest level to the highest level. For women to feature at regional and international levels, they must have been elected or nominated at the national level. In an attempt to include women, some sports federations have an inbuilt mechanism within the electoral rules that either reserves certain seats for women or provides for nomination of women. The situation is bad, as over 90% of the bodies have not achieved the minimum one-third (33.3%).

While international and regional legal instruments such as CEDAW, the Maputo Protocol, the UDHR, ICCPR, Olympic Charter, African Charter and relevant case law from the ECtHR, the ACtHPR, the Kenyan Courts, and the Court of Arbitration for Sport provide clear commitment for gender equality in sport governance, challenges of enforcement abound. This research sought to investigate whether gender equality is a criterion within the constitutive instruments of sports governance bodies. This would be symbolized through minimum representation quotas for women in decision-making bodies. The research looked into women in top-level leadership positions, that is, women in decision-making positions such as executive boards and councils. Twenty-one sports at each of the international, regional, and national levels were identified, and their constitutive instruments were analyzed for gender balance.

A review of these instruments alongside domestic laws, including the Kenyan 2010 Constitution, the Sports Act, the Anti-Doping Act, and decisions from the Sports Disputes Tribunal and the Courts, highlights the critical challenges facing the realization of gender equality in the sports governance structures. The International Olympic Committee, World Athletics, and FIFA have set themselves targets for gender parity, and they are working towards achieving them. Besides setting targets, they are reviewing their constitutions to provide for gender equity. This is what similar sports bodies and their affiliates at regional and national levels ought to emulate.

We therefore conclude that addressing these barriers of inequality requires a comprehensive, multi-pronged approach. First, there is a need to write specific quotas (minimum 40%) for women in the constitutions of these sports bodies at all levels. Secondly, sports bodies should take all measures, both elective and affirmative action, to ensure gender parity in their executive boards. Thirdly, and with respect to Kenya, sports bodies must be compelled at the pain of deregistration to comply with the constitutional edicts. It is therefore possible to increase the participation of women in executive boards of sports federations at all levels. The office of the Sports Registrar needs to be extra vigilant in enforcing the constitutional requirements of gender balance.

References

- A Nana, (2019). The Underrepresentation of Women in Sports Leadership in South Africa. *South African Journal for Research in Sport, Physical Education and Recreation*, 41(2), 1-13.
- B Enjolras and RH Waldahl, (2010, April). Democratic Governance and Oligarchy in Voluntary Sport Organizations: The Case of the Norwegian Olympic Committee and Confederation of Sports. *European Sport Management Quarterly*. DOI: 10.1080/16184740903559909
- DB Smith, N O'Reilly, & K O'Sullivan, (2015). 'The Role of Women in the Governance of National Sports Organizations'. *Sport Governance and Policy Journal*, 1(1), 24-40.
- J Coakley, (2016). The Gendered Nature of Sports Governance. *Sociology of Sport Journal*, 33(4), 329-344.
- J Hovden & I Rasmussen, (2018). Barriers to Gender Equality in Sports Governance. *International Review for the Sociology of Sport*, 53(3), 293-310.
- J Sundgot-Borgen & NL Meyer, (2017). Women's Participation in Sports Leadership: A Review of the Literature. *Women in Sport and Physical Activity Journal*, 25(1), 1-10.
- J Whelan & R Wood, (2012). Targets and Quotas for Women in Leadership: A Global Review of Policy, Practice and Psychological Research. Centre for Ethical Leadership, Melbourne Business School, Melbourne.
- JA Adriaanse, (2017). Quotas to Accelerate Gender Equity in Sport Leadership: Do They Work? In *LJ Burton and S Lebermann (eds) Women in Sport Leadership — Research and Practice for Change* (Routledge, London), 83-97.
- JM M'mbaha, (2016). Women in sport in Kenya: Leadership Styles and Practice. *African Journal for Physical Activity and Health Sciences*, 22(1), 29-44.
- JS Fink, (2016). Women's Leadership in Sports: Current Trends and Future Directions. *Sport Management*

- Review*, 19(2), 120-132.
- Østerud, Ø, Engelstad, F, & P Selle, (2003). *Makten og Demokratiet* (Gyldendal Oslo).
- R Hoye & G Cuskelly, (2007). Women in Leadership: The Power of Role Models in Governance. *International Journal of Sports Management and Marketing*, 2(1), 1-14.
- S Parimala, J Nitisha, BP Kokil, S William, D Walson, B Hetshvi, (2025). A Study on the Comprehensive Development of Women in Various Sports. *International Journal of Research Publication and Reviews*, 6(3), 7818-7824
- S Shaw & L Hoerber, (2015). Women in sports governance: A review of the literature. *International Journal of Sport Policy and Politics*, 7(1), 1-24.
- T Taylor & M Taylor, (2014). The Influence of Gender on Leadership in Sports: A Critical Review of Literature. *Sports Management Review*, 17(2), 261-273.
- Team Africa Rising, (2025, February 16). Confédération Africaine de Cyclisme (CAC) Elections – at <https://teamafricarising.org/cac_elections_feb2025/> accessed 4 April 2025.
- TL Callahan, (2016). Women in Sport Management: Progress and Pitfalls. *Journal of Sport Management*, 30(1), 1-7.

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