

# **WOMEN'S RIGHTS WITHIN THE FAMILY IN KENYA**

**The African Centre for Women (ACW)  
United Nations Economic Commission for Africa Addis Ababa, Ethiopia  
1997**

**Contact:**

**Tel: 251-1-517200**

**Fax: 251-1-510365**

**Email: [ecainfo@uneca.org](mailto:ecainfo@uneca.org)**

**Web site <http://www.uneca.org>**

## **TABLE OF CONTENTS**

Executive Summary  
Acknowledgments  
Introduction

### **I. OBJECTIVES OF THE STUDY**

A. Methodology  
B. Characteristics of the respondents  
C. Study findings:

### **II. CONCLUSIONS AND RECOMMENDATIONS**

A. Knowledge base among Kenyan women regarding their rights within the family  
B. Views solicited on services and information available from civil society  
C. Intervention strategies  
D. Recommendations for the study

### **List of Appendices**

- I Focus group discussion guide
- II Questionnaire for Human rights/women rights employees and other professional and key opinion leaders from selected institutions in Nairobi
- III Scope of the study

## Executive Summary

This exploratory study presents findings on community understanding of women rights within the family in various parts of Kenya, namely Mombasa, Kisumu, Tharaka-Nithi and Kangemi. The study was conducted among rural groups and urban slum dwellers comprising both men and women. Key opinion leaders and representatives of human rights organizations based in Nairobi but with a national implementation programme also formed part of the study. These locations were selected to present a national and diverse understanding of what women's rights within the family are or should be. In this study we were able to establish the level of knowledge on the range of rights, how they are enforced/claimed, and the different players who influence the rights and the strategies for dissemination and claiming rights.

This was a qualitative/anthropological study. One of the critical issues that emerged is that there is a low level of understanding rights within the family, though a general awareness on existing rights and their range was evident. The following highlights demonstrate that understanding whereby the participants in the focus group discussions listed the various rights they knew. These included the right to live, right to worship, the right to freely assemble and associate, right to education, right to food, shelter and clothing.

The study sample was also able to identify violations of rights and they described some of them as follows:

- ***"As women, we are not allowed to manage and make decisions over family property even after the death of our husbands"***
- ***"Both girls and boys should be given equal opportunity to education and basic needs."***
- ***"We should be able to claim the right of association and be free to choose what we want."***

There was a clear understanding among all those who formed the sample group for the study that there are existing structural and institutional barriers which inhibit women from realizing their rights. These sentiments were reiterated in the questionnaires administered to key human rights representatives. Religion and tradition were highlighted as most critical. The following statements reflect how these barriers are conceptualized. The need for women to conform without challenging the dictates of these institutions was found to be a great hindrance to the realization that women's rights transcend literature and women conferences and apply to such private institutions as the home.

***"Women should not be discriminated against in churches by playing such subservient roles as cleaning the church and singing whereas men preach and are elected to important positions in the church"***

**“To the African, the word right is a western thing and men do not want to encourage it because the traditional way of doing things suits them.”**

This study found that the linkage of violations of rights and the institutional barriers facing women's empowerment is missing. While both women and men recognize that certain rights are violated, the violations are not perceived as though they can be remedied. The study also showed that women and men are reluctant to articulate rights within the family; they are more comfortable with addressing rights as a general issue.

**“Tradition dictates that women have no rights to claim but to follow the laid down rules..women should be able to express themselves in public and defy the old adage that women are only seen and not heard.”**

The major recommendation was that in order to enforce, protect and claim rights within the family there is need for women to be economically empowered. Lack of economic power was perceived as the root cause of rights abuse and violation as it denied women the resources to implement any decisions they undertook. Intervention programmes need to be designed sensitively, to enhance communication within the family and alleviate the anxiety of men and women discussing rights. An awareness-raising campaign should be undertaken to enable women to appreciate and make use of available options to realize their rights.. Such intervention programmes should focus on value clarification and attitude change.

## Introduction

Women have, over decades, suffered the burden of being poor and female. They comprise a major social sector which has, over a period of time, remained invisible and marginalized. They are often the last to benefit from any developmental efforts due to their low status. The role of power as well as the nature and inequities of social, legal, political and administrative structures constrain the development of women. Recent global conferences to which Kenya has been an active participant have called for concerted action to promote social justice and eradicate disparities between men and women at all levels of society.

The concept of rights has been conditioned into private and public spheres. It is this template that is used to measure society's perception of women's rights. The private sphere is considered the traditional domain of women, namely the home and the family, whereas the public sphere is considered the traditional domain of men, namely work and politics. Rights debate has centered on this public/private dichotomy and, in various legal systems, public-sphere issues have been reformed to accommodate rights affecting this arena. Private-sphere issues have remained unaddressed, despite the fact that they reinforce women's oppression. The study reveals that, in Kenya, people are able to identify rights in the public domain and how they are violated with great ease. However, with regard to rights within the family, that is, those touching on the private sphere, some are unable to identify the existence of such rights while others are uncomfortable discussing them; in particular, uneasiness was evident during discussions on how these rights are violated.

In response to the need for operationalizing these actions, various organizations have embarked on studies to deepen their understanding of the grassroots perception of empowerment and equity. The African Centre for Women (ACW), within the United Nations Economic Commission, promotes the participation of women as human resources in national development. Currently, its focus includes monitoring changes in the socio-economic development trends of, ensuring that African women's concerns are adequately addressed through policy advocacy and establishment of national machineries to deal with the integration of women in development. This study is part of ACW's programme in that it seeks to provide an insight into the status of women's rights within the basic family unit, analyze the interaction of women's rights organizations with the women themselves and propose intervention strategies to empower women with regard to their rights.

## **I. OBJECTIVES**

### **A. Study objectives and rationale**

The aim of this study was to establish what women perceive rights to be and identify the kind of information that women need in order to enjoy their human and legal rights within the family. The study was also intended to analyze whether there is any basic understanding of human rights as women's rights and how they can be claimed, protected and advanced. The strategies proposed through this study for claiming, protecting and advancing these rights will be tested by forming the basis for designing activities for implementation. Our findings propose that institutional mechanisms for transmitting human rights information to women should be established.

### **B. Specific objectives**

**These were:**

- To assess the level of dissemination of existing laws related to human rights within the family among women in both urban and rural areas;
- To identify obstacles and constraints to dissemination of the information;
- To propose practical measures for resolving the constraints identified in No.2;
- To identify organizations that are working to protect, promote and enhance women's human and legal rights in the family;
- To sample the opinion of civil society organizations and associations about the relevance and adequacy of the legal assistance provided to women;
- To define what women's human rights are within the family; and
- To identify how best to disseminate information on these legal rights - type of information, from what sources, through which channels, overcoming which obstacles.

### **C. Methodological procedures**

This survey was carried out in Mombasa, Kisumu, Tharaka Nithi and Kangemi areas. The respondents were drawn from t Kisumu Town, Ahero, Ramogi, Rapogi Market, Ugenya, the Women's Resource Centre in Mombasa, Marimanti, Meru town, Kangemi slums and Uthiru.

The respondents from these areas comprised women and men in rural areas as well as urban slum dwellers. The survey was carried out in small groups of between 6 and 18 respondents for Focus Group Discussions (FGD) and in-depth interviews with managers of women and human rights organizations. The use of small groups helped in free discussion and every individual was able to air his or her views on human rights. To enable maximum participation, the discussions and the settings were informal. In such situations, the discussions were held under a tree, in a church hall or in the market place where the respondents conduct their day-to-day business. This conducive environment facilitated ease among the respondents during the discussions, which carried out either in the local language where it was possible or in the national language, Kiswahili. There were also some participants from the formal sector, and they were interviewed in a conference room. The formal working language, English, was used.

The areas were specifically selected to capture the understanding of rights within the family amongst communities with diverse religious, cultural, economic and educational backgrounds.

### **D. Characteristics of respondents**

A total of 51 respondents from Kisumu, Mombasa, Tharaka-Nithi and Kangemi were interviewed. Those covered included 24 men and 27 women. Some 25 respondents were married, 25 were single and one was a widow.

The respondents were selected at random from rural areas, urban slums and urban modern town dwellers. All the participants were Christians. Some respondents were from very poor backgrounds with a source of income from selling vegetables, fruits and second-hand clothes in the local markets. There was also a group of highly educated respondents who hold high positions in formal employment. Table 1 below gives the education levels of the respondents.

**Table 1**  
**Education levels of respondents**

<b>Education Level</b>	<b>Men</b>	<b>Women</b>	<b>Total</b>
Graduate	6	9	15
Diploma		6	8
A'Level	2	0	2
O'Level	10	9	19
Completed Primary Level	1	3	4
Upper Primary Dropouts	2	0	2
Lower Primary Dropouts	0	0	0
No Education	1	0	1
<b>Total</b>	<b>24</b>	<b>27</b>	<b>51</b>

The respondents were aged between 18 and 55 years as shown in table 2 below.

**Table 2**  
**Ages of respondents**

<b>AGE</b>	<b>NO. OF RESPONDENTS</b>
18 - 20 years	10
21 - 25 years	7
26 - 30 years	13
31 - 35 years	7
36 - 40 years	3
41 - 45 years	5
46 - 50 years	4
51 - 55 years	2
<b>TOTAL</b>	<b>51</b>



## **E. Study findings**

### **1. There is some knowledge on the wide range of rights that exist.**

Though most respondents in this survey could not define what rights were, they were able to articulate the different types of rights. Only the respondents in Kisumu defined a right as an “entitlement to freedom of association, expression and worship” or as “an entitlement to all God-given rights”. In all other sites, the knowledge base of the wide range of rights that exist was excellent. In general, the respondents defined rights as follows:

- The right to live;
- The right to enjoy life;
- The right to the basic human needs of food, shelter, clothing and sex;
- The right to education;
- The right to choose;
- The right to express one’s self freely;
- The right to enjoy the God-given privileges.

While probing more on what women’s rights within the family were, another range of rights were articulated and included:

- The right to have children at one’s will;
- The right to own family property equally;
- The right to inherit family property;
- The right to make decisions in matters that affect the family;
- The right to earn an income and be able to spend it freely;
- The right for a woman to express herself freely;
- The right to be loved
- The right to be the only wife.

### **2. There are many challenges facing women who wish to claim their rights.**

Although the respondents with high levels of education were able to define rights within the family, they did not seem to claim them within their homes. The reason given was that culture clearly defines the role of a woman within the home, a role that must be followed and that is unquestioned. The men said that they appreciated the fact that women were discriminated against culturally, but that they were not ready to accept women’s claims because this discriminating culture benefits the man.

### **3. Women's rights discussion is almost taboo.**

It was noted that although both men and women were aware of women’s rights

within the family, this was something that was not discussed within the family. The respondents said that the topic of *rights* was a foreign ideology and was irrelevant to the African society which had its own social norms and roles, clearly known and practiced within their communities. The respondents said that “discussing women’s rights would only end up in a quarrel or domestic violence.” The women therefore did not talk about it for fear of victimization. Women were brought up to believe that they should be seen but not heard and that decisions were made for them. The men were comfortable with the women’s silence because it was to their advantage.

**4. Economic empowerment is a priority compared to strategies for advancing women’s rights.**

Especially in the very poor communities, the respondents were not able to separate women’s rights within the family from general human rights. They limited their discussion to looking at rights as the basic needs for food shelter and clothing. They were also unable to translate women’s rights within the family in their own language.

This was not an indication that they were not familiar with the concept of rights within the family. The respondents clapped when one of them proposed, “instead of trying to find out about our rights, we would feel that our time is being used in a better way if you were setting us up into groups so that we can assist each other financially. We really do not have the time to concentrate on rights issues when we are not able to cater for our basic needs. “Let the educated, well-to-do women deal with that because they have enough money to cater for their basic needs, thus have all the time to fight for women’s rights within the family.” “If you were talking about giving me money to increase my stock, then we can sit down and discuss. These rights you are talking about are beyond us”. Rights discourse was consequently defined as a class-stratified issue.

**5. Women lack the social right to exercise their rights.**

This study has revealed that women who try to claim and protect their rights get frustrated and give up because this is not acceptable to both the men and society. Those who continue to insist on their rights end up separated or divorced while others do not get married at all. The respondents said that women who claimed their rights were thought to have low moral values. This, they said, was the reason given by men to put women off from claiming their rights. The study revealed that women were unable to make choices as autonomous beings regarding their health, income etc.

*“ After the harvest, I would like to be able to bank and manage my own income. I wish I could have goats and cows as my own property”.*

Women are colluding with cultural imperatives which place very high premiums on the cultural identity at the expense of their rights within the family. They must confirm to a social convention that demands such behaviour. Resistance means

loosing social respect; women are not in a position to cope with such trade-offs, because they lack the social and political capability to exercise their rights.

**6. There is a low level of legal rights literacy.**

It was also evident that legal literacy was very low in both the educated and lowly educated groups which participated in the discussions.

It was also established that generally people did not seek for information on women's rights within the family. From this study, it appeared that the subject was sensitive and at times did not respond to their interests. For those who had heard about rights in the mass media, they ignored the topic as soon as they heard the word *rights* by switching the radio off, attending to other domestic chores or lowering the volume.

Only about 8 per cent of the respondents had sought out information on women's rights within the family. This was because they worked with organizations where it was part of their job to understand women's rights.

**7. Religion has suppressed women's voices in seeking to articulate and advance their rights**

This study revealed that women's code of conduct and social roles in some societies were dictated by religion. It was established that the women strictly and literally followed what they believed were the teachings of the Bible and the Koran. The FGD respondents repeatedly quoted that the Bible says that, "a woman should obey and be submissive to her husband." In the groups, both men and women felt that this could not be changed and, consequently, women should be taken care of by men.

This was how the social order was and should be. The women took religious teachings very seriously. They therefore felt that talking about women's rights would be working against God's teachings. Respondents from the Catholic Church said that women were discriminated against because all leadership positions were occupied by men while women were usually given the subordinate roles. The highest authority in their church was a man and all decisions were made by men.

Respondents in Mombasa observed that the Islamic religion discriminated against women in very harsh terms. For instance, they were provided with their own sitting space in the mosque and could not mix with the men. A woman was regarded as unclean. They also said that the religion allows polygamy, which they felt was unfair but could not question because it was a matter of religion. Although, the participants were all Christians, they shared this information as they felt that the rights of expression and association of Muslim women were inhibited.

Respondents also strongly felt that the practice of a wife's automatically joining the spouse's church after marriage was violation of women's rights. The sad thing about this, they said, was that, in most cases, the man did not go to church at all. Although

they had been taught to be submissive, the women strongly felt that their right to worship in a church of their choice was being violated. In their own words they observed:

***“Faith is very personal and should not be interfered with by another human being”.***

**8. Though women sow, weed, harvest and cook, they have little control over allocation and distribution.**

Women’s nutritional status and food security is compromised through certain traditional practices. This study revealed that fleshy cuts of meat were eaten by the men while the women ate the intestines and ears of the animal. In some societies, women did not eat eggs, liver or kidneys. These are nutritious foods, especially for expectant and lactating mothers. According to this study, such nutritional taboos were a violation of women’s right to good health.

**9. Property ownership has a grave impact on power relations in the family.**

Respondents felt that women had the right to own property of little value, such as household items. Some of those mentioned are pots, pans, spoons, brooms and chickens. The men on the other hand, they said, owned the land, houses, cows and goats. Women who could afford to buy valuable property were seen to be a threat by their husbands. To appease the men, women usually registered the property under both names or in the husband’s name.

The study revealed that, in some cases, although the woman might participate in the purchase of family property she was not assured of owning it if she lost her husband. Interestingly, the women did not wish to assert this right by even seeking clarification. Traditionally, women were not entitled to inherit; therefore, the man’s relatives claimed the property, leaving the woman with nothing. In some societies, the woman could also inherit. The respondents concluded that it was the woman’s right, whether married or single, to inherit property.

## II. CONCLUSIONS AND RECOMMENDATIONS

This study revealed that women's rights within the family in Kenya were being violated religion and tradition were institutional structures that reinforced this discrimination. The organizations working in the area of human rights and, in particular, women's rights confirmed that women victims of rights violation consulted them on a wide range of rights violations, including violence, property ownership and inheritance, and religious issues, *inter alia*.

The participants agreed that although they had some knowledge of women's rights within the family, there was need to create awareness, especially among the rural women. However, they pointed out that the men should not be ignored in awareness creation, as they need to be sensitized on women's rights. The men agreed with this and confessed that they felt threatened with the idea of women being able to claim their rights, the reason being that they did not clearly understand what women's rights were. They felt that they needed to be educated in this area.

A concern raised was that it would be difficult for women to claim their rights when they were dependant on their husbands. It was said that women who were financially stable with strong educational background were in a better position to claim their rights within the family because they were able to provide for themselves. It was therefore suggested that women needed to be economically empowered before they could claim and protect their rights. The women were interested in income-generation programmes.

They recommended that information on women's rights within the family be more readily available. It was strongly suggested that radio programmes in the local languages be produced and aired often. Radio broadcasts were considered to be the most effective tool of communication because the majority of the rural folk had radios and listened to them. The radio was described by the respondents as the only source of recreation. Radio messages would reach the poor rural woman who was the most vulnerable.

The respondents said that communication within the home tended to be very poor. Without proper communication, it was not possible for women to claim and protect their rights. It was recommended that within the awareness creation and sensitization programmes a course on communication in marriage should be included.

The study confirmed the need to work out practical steps of translating human rights theory into operative principles that would legitimize women's rights at a practical level. Such a strategy should focus on the process of recognizing women's rights, to enable women to gain control over their lives. The important aspect of such a strategy has to be the process element of empowering women to claim and protect their rights. Any human rights organization tackling this area should invest in the process for assisting women to progress

from talking and naming rights from afar, with fear of claiming and enjoying them, to their attainment .

This study also demonstrated that challenging the prevailing norms and practices did not automatically translate to a new human rights consensus with an integral gender dimension. Nor did it mean that women had achieved adequate use and understanding of traditional and religious institutional systems. To effect change, women's rights advocates had an important role to play. They must be catalysts in the daytoday work of making human rights mechanisms relevant and real in the lives of women. It was recommended that real life experiences of women should be used when conducting women's rights monitoring programmes or when expanding the range of remedies available to women when they bring cases for prosecution.

### **A. Identification of organizations and NGOs working on women's human rights**

**The following organizations work on women's rights issues:**

- **League of Kenyan Women Voters.** Providing information and education on women's political rights;
- **Federation of Women Lawyers, Kenya.** Providing women with legal services, education about their rights through legal awareness campaigns and popular education methods, and advocacy for the enactment of just laws for women;
- **Kenya Human Rights Commission.** Providing activism for the protection of women's rights against political oppression, and education on issues of land and political participation;
- **Education Centre for Women in Democracy.** Providing women with education on political rights and monitoring the participation of women in political parties and the general political arena;
- **Forum on African Women Educators.** Monitoring the participation of women and girls in the field of education, and lobbying for protection of women and girls in the field of education, as a right;
- **Kituo cha Sheria.** Providing legal aid services to women and men on matters of land, rent, violence and any matter falling within the scope of legal aid;
- **Kenya Empowerment Centre, Kangemi.** A multi-disciplinary centre

providing women with a host of services ranging from legal, reproductive health, credit and support groups;

- **Kenya Women Finance Trust.** Providing women with credit facilities;
- **Legal Resources Foundation.** Providing legal education to the rural population through the use of drama and taking up public interest litigation;
- **Coalition against Violence against Women. (COVAW).** A coalition of over twelve key women's rights organizations focusing on violence against women that coordinates the sixteen days of activism from 25 November-10 December every year and monitors women rights violations in Kenya.

## **B. Adequacy of legal aid and relevance of the service being provided**

Legal services are provided for two purposes. Firstly to provide relief on matters affecting the client and secondly, to challenge unjust laws and practices through the courts. The traditional legal aid service includes addressing matters in family law such as custody of children, separation orders, maintenance orders, secession matters, domestic violence issues and employment matters involving employers and employees. In the recent times, especially after the establishment of human rights conventions in the 1980s, cases challenging access to rights have grown as part of legal aid. For example, courts have been challenged to make judgements on sex discrimination, domestic violence cases, gender bias, and to take judicial notice that certain customs and practices are repugnant to women rights.

The responses contained in the questionnaires indicate there is a general consensus that there is need for emphasizes through legal aid to challenge unjust laws and policies. The current cases being handled by the NGO's providing legal services have little or no long term policy implication. Individuals will receive individual relief, but we need to look at the possibility of using legal aid for the purposes of education and legislative changes.

The human rights organizations that are providing legal aid services to women are providing an important service and should continue. The services are seen as providing a remedy to women problems and educating them about their rights. Litigants for example learn about women rights in matters of succession where a woman is at the risk of being disinherited. The litigants will learn that women have rights which the courts uphold. And at the family level this leads to more empowerment for the women and education for the family members. Similarly with cases on domestic violence the litigation provides the client with protection and the accused will learn that women do have rights in the family that need to be protected and upheld.

Participating NGO's to this study confirmed that it is their intention to continue to provide women with legal services. However the choice of the cases that are taken up will be done more selectively to ensure that women rights are recognized through the litigation process and that the litigants are more aware of their rights. Alternative education will need to be created to strengthen the knowledge of women about their rights. The use of moot courts in School will continue to educate the public about the rights of women.

### **PRACTICAL STRATEGIES FOR INCREASING WOMEN KNOWLEDGE ABOUT THEIR RIGHTS.**

There currently exist host of local programmes on national radio on matters of development and women issues. These programmes are produced by the relevant ministries of development and planning. It is proposed that women rights groups negotiate with the producers of these programmes to include information on women rights. This will become a useful channel for incorporating women rights issues on existing channels which have already established a listening and following. This task will be undertaken in collaboration with the Women Bureau and the Women rights Coalition against violence against women.(COVAW)

One of the challenges facing the dissemination of women rights information is to send the message across to women who are the most disadvantaged as far as literacy. It is a fact that in Africa women account for over 50% of illiterate persons. It is also a fact that the highest number of drop out from school due to economic hardship are girls and this has an impact on them in as far as understanding their rights and claiming them. Alternative strategies need to be explored to make the information available in a style that women who are illiterate and literate can understand. It is recommended that leading institutions of alternative education be consulted. In Kenya we have the Kenya Institute for education which spearheads alternative systems of education. Women rights and Human rights groups will consult with this institute to develop information strategies to reach women at different levels of our society. The institute will also advise on how we can translate human rights information which is largely in English into the local languages for easier understanding. FIDA Kenya will coordinate this effort.

Women rights groups will have to advocate and lobby the Government to adhere to obligations under the women conventions, namely CEDAW which Governments are required to inform the public about the conventions provisions. FIDA Kenya and few other women rights organizations in collaboration with the Women Bureau will work towards highlighting this obligation when the Government makes its report to the Various United Nations conventions. If the Government made it a priority to educate the Public about the various Women rights Conventions under which women realize their rights then it will make it easier and accessible for women to claim what is known to the public and what Government has supported will be accepted by the public.



Another proposal that will accelerate the knowledge of women about their rights in the family would be the creation of women rights clubs in Girls schools and Human/Women rights clubs in Boys schools and Mixed schools. To incorporate this strategy will involve the collaboration of the Ministry of education and National teachers Union. A policy will have to be put in place to ensure that Women rights/ Human rights becomes part of the national curriculum. By including teaching of women rights and Human rights in the every day subjects in schools is one sure way of increasing women knowledge about their rights and assisting them to claim and protect them. Due to the involvement of the Government in this activity the Women bureau will be included as an implementing agency.

Women rights and Human rights groups will need to invest in the use of dram, song and other forms of popular theater to promote women rights. The use of plays and song as been used successfully to promote messages of family planning, agriculture and environmental issues. This is one strategy that will be used to incorporate the rights of women in the various sectors. This will assist the public to understand that women rights are present in all issues and everyday life. It is also a useful strategy to establish collaboration between different agencies working on matters of development, health, agriculture, environmental issues and other matters. UNFPA, UNEP, UNICEFAAD UNIFEM can be approached to incorporate information on women rights in their programmes. Local radio and television programme producers will also be approached to incorporate women rights issues in their programs. This task will be carried out by women rights organizations and women rights.

Repackaging legal information into simple language which can be understood by more people. Alternative methods of communications will be sought such as poster, cartons and inviting the private sector to use their products to send out messages on women rights. For example a popular laundry soap can be used to send an important message about women rights as well as shopping bags. This will be done in collaboration with the Media Women association and the Marketing association of Kenya.

## WOMENS HUMAN RIGHTS WITHIN THE FAMILY

Thank you for taking time to fill in this questionnaire. This questionnaire has been designed to assist gather data for the above survey whose main objective is to assess the level of dissemination of existing laws related to hwnan rights within the family among women (in rural and urban areas). Most specifically the study seeks to gather information from organisations working to protect, promote and enhance womens human rights in the family on their successes and constraints in their activities.

### A. BACKGROUND INFORMATION

- Yes No

3a)What specific services does your Organisation offer

4. Do you think women could be assisted to benefit from these services better ?  
Explain

17

Yes

No

If there is any difference, kindly elaborate

6. What problems would you say hinder women enjoying (realising and claiming their rights) within the family. You may categorise them as follows;

Socio-cultural

Health

Legal

Economic

Religion

Political

Others

THANK YOU FOR FILLING IN THIS QUESTIONNAIRE, WE UNDERTAKE TO SHARE WITH YOU THE REPORT ONCE IT IS COMPLETED.

Research Instrument No. 2

WOMENS HUMAN RIGHTS WITHIN THE FAMILY  
NEEDS ASSESSMENT STUDY -OCTOBER/NOVEMBER 1997 FOCUS  
GROUP DISCUSSION GUIDE

Date of focus group discussion ..... Venue .....

Locations covered ..... Site .....

Moderator ..... Note taker .....

Date ..... Time started .....

For the researchers

Introduce the study - Survey of our understanding of womens human rights within the family with a view to ensure they are protected and respected.

Ensure the bio-data forms are filled accurately.

#### DEFINITION

1. In your own words, what would you say you are entitled to ?
2. What do you understand by womens rights with the family. Probe: What comes to mind when you hear this ?

Is there a term in you local language to capture this concept ?

#### KNO WLED GE AND RANGE OF RIGHTS

3. What types of rights are you able to claim and own ?

Probe: Within what domain; Religion and Culture/Tradition ?

4. How did you come to realise/know about your rights ?

#### IMPLEMENTATION

4. How do you enforce, protect and claim your rights ?

Probe: Are there any obstacles you have come across ? Which ones ? Are there achievements you have made ? Which ones ?

#### SERVICE PROVISION

5. Do you seek out information about your rights ?

Probe: If Yes, where and how is the service offered ? If No, why ?

#### PLAYERS INFLUENCING RIGHTS

6. Who has control over your rights ?

Probe: Why do you think so ?

#### STRATEGIES FOR DISSEMINATION AND CLAIMING YOUR RIGHTS

7. If you are not in control of your rights, how can you be in control ?

8. Have you shared information about rights with other members of your family ?

Probe: If Yes, How ? If No, why ?

9. How can we improve the control of rights to yourself and family ? Probe: Are there any obstacles you foresee in this ? Which ones.

Research Instrument 2(a)

#### WOMENS HUMAN RIGHTS WITHIN THE FAMILY

#### NEEDS ASSESSMENT STUDY - OCTOBER/NOVEMBER 1997 BACKGROUND INFORMATION OF UFGD PARTICIPANTS

Organisation ..... Locations covered .....

Site .....

Moderator ..... Note taker ..... Type of group  
NI/F

Date ..... Time started ..... Time ended .....

Client .....

Sex

Age

Education

Religion

Marital

Level

Status F

#### NEEDS ASSESSMENT FOR STUDY ON WOM[EN'S HUMAN RIGHTS IN THE FAMILY

#### SCOPE OF WORK OCTOBER - NOVEMBER 1997

## INTRODUCTION BACKGROUND INFORMATION

Women's rights have been recognised as Human rights, following the successful Human rights conference in Vienna. Women's rights have been identified as freedom from Violence, the right to bodily integrity, the right to security and various other rights that are distinctly related to gender. Kenyan women are discriminated against through constitutional provisions that are silent on discrimination based on sex. The implication of this discrimination is that in matters of personal law such as inheritance, and division of matrimonial property, women maybe discriminated against. There are other sections of our laws that discriminate against Women, such as the employment laws, that do not allow Women to work after 6.00 p.m. or the penal code that specific fall punishes women for engaging in prostitution but makes no mention of the men who make use of the service provided by Women. The application of the law and the enforcement of the law is discriminatory. It is a fact that the crimes of rape, incest, sexual abuse. Defilement and rarely prosecuted. The criminal procedures and investigation process for these crimes doses not offer justice but further violates the rights of women.

Women in Kenya are subject to other laws and practise other than common law. Customary laws and practises are also applicable and enforceable in the courts. Under the various religious and traditional laws applicable in this country, women enjoy certain rights. Under the Taita traditions and customs they're a harsh and strictly followed penalties for incest and defilement cases. Women were also accorded respect and provided with support systems in the course of their husband's death.

This study will provide an opportunity to explore the rights that Women are entitled to under customary laws and religious practises. The study will focus on the rights within the family. In the African situation this maybe extended to the extended family. This is an important study that will provide information on the status of womens rights within the basic unit of society, the family. Furthermore the study will analyse the views of various organisations already working on womens rights issues. The study will finally propose intervention strategies to empower women on their rights within enforceable institutional structures.

## 2. STUDY JUSTIFICATION

Women in Kenya are entitled to Human Rights. This study seeks to establish from the women's own perception what their rights are. Do they have a basic understanding of human rights and how are they able to claim and protect them? The study confirms the existence of these rights and documents the views and opinions of women, policy makers and members of civil society.

## 3. PURPOSE OF STUDY

The Needs Assessment will be conducted to determine the specific rights that Kenyan women are entitled too within their families, communities and society. The study will determine the best way to promote and protect these rights. The identified rights will be the basis of following up activities.

#### 4. SPECIFIC OBJECTIVES Goal

The goal of the survey is to: -

- identify the kind of information that women need in order to better enjoy their human and legal rights within the family;
- propose institutional arrangements' and/or mechanisms through which this information could be imparted to the women;
- identify one or more NGOs through which these arrangements/mechanisms could be established.

#### Objectives

1. To assess the level of dissemination of existing laws related to human rights within the family among women both in the urban and rural areas.
2. To identify obstacles and constraints to the dissemination of the information.
3. To propose practical measures for resolving the constraints identified in No.2.
4. To identify organizations and associations that are working to protect, promote and enhance women's human and legal rights in the family.
5. Sample the opinion of civil organizations and associations about the relevance and adequacy of the legal assistance provided to women.
6. Define what women's human rights are within the family.
7. How information on these legal rights is disseminated, how they demonstrate knowledge - who informs about the information?
8. What are the obstacles to knowledge and how can we improve the obstacles?

#### Duration

The consultancy must be completed in two (2) months as follows:-

- 22nd September to 13th October: review literature, gather data, conduct interviews.
- 14th October to 31st October: synthesize findings into a national report with practical recommendations for action clearly stipulated.
- Ensure the report is received at the African Centre for Women by 22nd November 1997.

#### 5. METHODOLOGY

##### 5.1 Study Design

The study will utilize qualitative methodology of data collection. Focus Group. Discussions with women and in-depth interviews with opinion leaders and managers of women and human rights groups will be conducted. The women will be selected from the clientele of the collaborating organizations while the opinion leaders will be selected from the catchment areas of the said organizations. The collaborating organizations and opinion leaders will be drawn from human rights organizations.

## 5.2 Study Site

The study will be conducted within the towns of Kisumu, Kakamega and Mombasa. The sites will be urban and peri-urban and will take into consideration diversity in religion, culture, class, education and economic activity.

## 5.3 Study Population

The study population will comprise women (aged 15 years and above) and men (aged 20 years and above), and managers working with the participating organizations. The group of opinion leaders will comprise men and women of leadership standing in the communities including government administrative staff such as chiefs and assistant chiefs, teachers, church and music leaders, women group leaders, etc.

# 6. SAMPLE SIZE AND SAMPLE PROCEDURES 6.1

## Selection of Sites

Fourteen (14) sites will be purposively selected for inclusion in the study. The sites will be picked from urban and peri-urban areas and will represent Government and Non-Governmental Organizations offering various services to women.

The sites will be selected in such a way that all the important strata are represented in the sample. These include age, gender, economic status, rural and urban residents.

## Selected Study Sites Nairobi

1. Kenya Human Rights Commission
2. League of Women Voters
3. Kenya Anti-Rape Organization
4. Legal Resources Foundation
5. Kituo Cha Sheria
6. Coalition on Violence Against Women
7. Rural Paralegal Training Project, Taita Taveta Mombasa
8. Women's Resource Centre, Mombasa
9. Catholic Church, Mombasa Kisumu



10. Women's groups mobilised in Ahero, Ramogi and Rapogi Market Kakamega
11. Women groups in Sirisia, Kapsokwony and Vihiga.

#### 6.2 Focus Group Discussions

Focus group discussions will be selected instead of one to one interviews because it is easier to solicit for information where each group member is giving their own experiences. Discussion within such groups also provides very rich information. Each group will consist of 8 - 10 members. The members of FGDs will be chosen to represent women and men across age cohorts and socioeconomic groups. The minimum age for women will be 15 and 20 years for men.

#### 6.3 Managers of organizations in the study

A manager from each organization picked for the study will be interviewed. Interviewing the managers will be necessary because they will provide information about the operations of their organizations. Their views will also be sought on women's rights within the family. Fourteen (14) managers will be interviewed.

#### 6.4 Service Providers

A service provider from each organization included in the study will be interviewed. Fourteen (14) service providers will therefore be included in the study. Service providers will provide information about the kind of services offered and how these services are offered.

#### Selected Study Sites Nairobi

1. Kenya Human Rights Commission
2. League of Women Voters
3. Kenya Anti-Rape Organization
4. Legal Resources Foundation
5. Kituo Cha Sheria
6. Coalition on Violence Against Women
7. Rural Paralegal Training Project, Taita Taveta Mombasa
8. Women's Resource Centre, Mombasa
9. Catholic Church, Mombasa Kisumu
10. Women's groups mobilised in Ahero, Ramogi and Rapogi Market Kakamega
12. Women groups in Sirisia, Kapsokwony and Vihiga.

#### 6.2 Focus Group Discussions

Focus group discussions will be selected instead of one to one interviews because it is easier to solicit for information where each group member is giving their own experiences. Discussion within such groups also provides very rich information.

Each group will consist of 8 - 10 members. The members of FGDs will be chosen to represent women and men across age cohorts and socioeconomic groups. The minimum age for women will be 15 and 20 years for men.

### 6.3 Managers of organizations in the study

A manager from each organization picked for the study will be interviewed. Interviewing the managers will be necessary because they will provide information about the operations of their organizations. Their views will also be sought on women's rights within the family. Fourteen (14) managers will be interviewed.

### 6.4 Service Providers

A service provider from each organization included in the study will be interviewed. Fourteen (14) service providers will therefore be included in the study. Service providers will provide information about the kind of services offered and how these services are offered.

### Selected Study Sites Nairobi

1. Kenya Human Rights Commission
2. League of Women Voters
3. Kenya Anti-Rape Organization
4. Legal Resources Foundation
5. Kituo Cha Sheria
6. Coalition on Violence Against Women
7. Rural Paralegal Training Project, Taita Taveta Mombasa
8. Women's Resource Centre, Mombasa
9. Catholic Church, Mombasa Kisumu
10. Women's groups mobilised in Ahero, Ramogi and Rapogi Market Kakamega
11. Women groups in Sirisia, Kapsokwony and Vihiga.

### 6.2 Focus Group Discussions

Focus group discussions will be selected instead of one to one interviews because it is easier to solicit for information where each group member is giving their own experiences. Discussion within such groups also provides very rich information. Each group will consist of 8 - 10 members. The members of FGDs will be chosen to represent women and men across age cohorts and socioeconomic groups. The minimum age for women will be 15 and 20 years for men.

### 6.3 Managers of organizations in the study

A manager from each organization picked for the study will be interviewed. Interviewing the managers will be necessary because they will provide information

about the operations of their organizations. Their views will also be sought on women's rights within the family. Fourteen (14) managers will be interviewed.

#### 6.4 Service Providers

A service provider from each organization included in the study will be interviewed. Fourteen (14) service providers will therefore be included in the study. Service providers will provide information about the kind of services offered and how these services are offered.

#### 6.5 Opinion Leaders

Five (5) opinion leaders from some of the study sites will be interviewed. Leaders influence a lot of decisions made by community members and therefore it is important to seek their views. The opinion leaders will be men and women in the community who have some leadership roles.

### 7. DATA COLLECTION PROCEDURES 7.1 Instruments

#### (a) Focus Group Discussion Guides

The interview guides will be prepared to help the Researchers in guiding the discussions.

#### (b) Interview Schedules

Interviews scheduled a little more structured compared to interview guides. These will be used to interview the managers, service providers and opinion leaders.

#### 7.2 Pretesting of the instruments

Once the instruments are prepared, they will be pretested to ensure that they provide the information being sought. Pretesting instruments also ensures that the questions convey the same meaning to the interviewees and the interviewers.

#### 7.3 Data analysis

The data collected will be qualitative data. Once the field notes are collected and transcribed, and entered in the computer, codes will be formulated and necessary generations will be made according to the objectives of the study. If need be, qualitative data analysis computer software "Ethno" will be used to sort out the information.

In the presentation of the results, women "voices" will be recorded verbatim. Such qualitative data is very rich because it portrays the feelings of the interviewees. Any gestures and other body language expressed during the interviews will be noted.

### 8. ASSUMPTION OF THE STUDY

All the interviewees and informants can communicate in Swahili. However, it need be, vernacular languages will be used to enable the respondents express themselves fully and without inhibitions.

## WORK SCHEDULE

### PERSON

Draft scope of work - 22nd September -  
Researcher 4th October, 1997  
Literature Review 4th - 11th October, 1997  
Researcher Pre-testing field instruments -13th - 15th October, 1997  
Researcher & Assistant Field Work in Kisumu, 16th - 24th October, 1997  
Researcher & Assistant  
Kakamega, Eldoret  
Field Work in Mombasa, 27th - 31st October, 1997  
Researcher & Assistant Taita Taveta, Nairobi  
Synthesizing and Writing Ist - 22nd November, 1997  
Researcher Report