



Baseline Survey

*on the level of awareness and impact of
CEDAW on Rural women in Kenya*



2006

Report of a
Baseline Survey
*on the level of awareness and impact of
CEDAW on Rural Women in Kenya*

Survey by:
Federation of Women Lawyers – FIDA Kenya
2006

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It is undeniable that whilst women are the main producers of food in their homesteads, they remain alienated from the land they till. Land rights are closely tied to inheritance and Kenyan customary laws. Customary laws due to their patriarchal nature, vest rights of land allocation to men. Women derive their rights of access and use by virtue of their relationship to these men, mainly as their wife or daughter. Rural women receive little or no recognition for their efforts, and they are often denied access to the results of their work or the benefits of the development process.

Abbreviations

AIDS	-	Acquired Immune Deficiency Syndrome
CBO	-	Community Based Organization
CDF	-	Constituency Development Fund.
CEDAW	-	Convention on the Elimination of All Forms of Discrimination Against Women.
CJPC	-	Catholic Justice and Peace Commission
COVAW	-	Coalition on Violence Against Women.
CRS	-	Catholic Relief Services.
CSW	-	Commission on the Status of Women.
ECWD	-	Education Centre for Women in Democracy
FAWE	-	Forum for African Women Educationalists
FBO	-	Faith Based Organization
FGM	-	Female Genital Mutilation
FIDA-K	-	Federation of Women Lawyers in Kenya.
GOK	-	Government of Kenya
GTZ	-	German Technical Co-operation
HELB	-	Higher Educations Loans Board
HIV	-	Human Immunodeficiency Virus
ICCPR	-	International Covenant on Civil and Political Rights
ICESCR	-	International Covenant on Economic, Social and Cultural Rights
IED	-	Institute for Education in Democracy
JICA	-	Japan International Co-operation Agency
JKUAT	-	Jomo Kenyatta University of Agriculture and Technology

KDHS	-	Kenya Demographic Health Survey
KEFEADO	-	Kenya Female Advisory Organization
K-REP	-	Kenya Rural Enterprise Programme
KWFT	-	Kenya Women Finance Trust
LATF	-	Local Authority Transfer Fund
NGO	-	Non-Governmental Organization
SOLWODI	-	Solidarity with Women in Distress
SWAK	-	Society of Women and Aids in Kenya
UDHR	-	Universal Declaration of Human Rights
UNFPA	-	United Nations Population Fund
WAFNET	-	Women Action Forum for Networking
WILDAF	-	Women In Law and Development in Africa
WLEA	-	Women and Law in East Africa

Acknowledgements

Since the ratification of the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) by Kenya in 1984 there are no known baseline surveys that have looked into the level of awareness of this International Convention among the rural Kenyan women. This baseline survey was conducted in order to establish the level of awareness and the impact the convention has had on rural women in Kenya.

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Jane Onyango
Executive Director
FIDA Kenya

Foreward

This report comes at a time when the government is in the final stages of submitting its Fifth and Sixth Progress Report to the United Nations Committee on CEDAW. In the report, the government has tracked its progress in the implementation of CEDAW since its ratification twenty-two years ago.

The Convention provides the basis for realizing equality between men and women through ensuring women's equal access to, and equal opportunities in, political and public life, including the right to vote and to stand for election, as well as education, health and employment. States parties agree to take all appropriate measures, including legislation and temporary special measures, so that women can enjoy all their human rights and fundamental freedoms. States parties also agree to take appropriate measures against all forms of trafficking and exploitation of women. The Convention is the only human rights treaty, which affirms the reproductive rights of women and targets culture and tradition as influential forces shaping gender roles and family relations. It affirms women's rights to acquire, change or retain their nationality and the nationality of their children.

The reporting procedure under CEDAW provides a unique momentum in a country to take stock of *de jure* and *de facto* gender equality. Kenya submitted the first and second report to the CEDAW committee in 1990. The third and fourth reports were submitted together in 2002. The successful submission of these reports, although not timely, is attributable to the vigilance of women's organizations in ensuring the government does its reporting.

FIDA Kenya works towards improving the legislative and policy framework for women's rights. A core activity of the organization is to monitor the government's progress in domesticating international human rights instruments. Throughout the years, FIDA Kenya has been instrumental towards the implementation of CEDAW. The organization's activities include among others: Compiling shadow reports and statements to the CEDAW Committee and to the Committee on the Status of Women (CSW), monitoring government's implementation of CEDAW and other international and regional conventions and treaties relating to women's rights, monitoring and advocating against violations of women's human rights in Kenya, Increasing awareness and understanding of gender issues and women's rights in order to influence positive behaviour change in various local and national institutions, sensitizing of parliamentarians and members of the judiciary on international human rights instruments.

Although Kenya has ratified CEDAW, there are still gender disparities and inequalities existing between men and women in almost every sphere of life,

socio-economic, legal, cultural, political among many others. For example the number of women in high-level political and decision-making positions is still limited.

Our experience shows that the availability of data and information on the impact of CEDAW on women's lives in Kenya, particularly rural women, is next to non-existent.

As the only human rights treaty that deals specifically – in its Article 14¹- with rural women, CEDAW offers a powerful tool to use in advocating for rural women and in formulating rural development programmes that involve them. Generally, rural women are not fully enlightened on their rights. There has been no national machinery specifically charged with ensuring exercise of women's rights.² There is wide consensus that the incidence of poverty among women is high and that they account for great proportion of the poor. Rural women work longer hours than men, accounting for household economic activities, to achieve the same level of living with men. Women in rural areas frequently play a significant role in the economic survival of their families and communities. They constitute more than half of small farmers, and provide three-fourths of the workforce in food production and processing, yet they are faced with serious challenges, particularly, they have no secure land ownership rights.

It is undeniable that whilst women are the main producers of food in their homesteads, they remain alienated from the land they till. Land rights are closely tied to inheritance and Kenyan customary laws. Customary laws due to their patriarchal natures vest rights of land allocation in men. Women derive their rights of access and use by virtue of their relationship to the men, mainly as wife or daughter. Rural women receive little or no recognition for their efforts, and they are often denied access to the results of their work or the benefits of the development process.

CEDAW calls upon states parties to ensure that rural women participate in development planning and implementation. In terms of the Convention, development projects should meet women's expectations as well as their special development needs and requirements. The current Constitution does not include social rights, which include rights to health, housing, food and clean water and social security services, which are critical to the every day life of rural women.

There thus exists a gap where by relevant data or information is not available as to the support given to rural women's groups to enjoy their rights. It is also

¹ Article 14. *"States Parties shall take into account the particular problems faced by rural women and the significant roles which rural women play in the economic survival of their families, including their work in the non-monetary sectors of the economy, and shall take all appropriate measures to ensure the application of the provisions of the present Convention to women in rural areas."*

² The Third and Fourth National Report to CEDAW, Article 14, p 31.

evident that women are not aware of their rights and therefore are not aware of the existence of mechanisms such as CEDAW, through which they can claim their rights. In light of the above, there is pressing need to create awareness on CEDAW and monitor its implementation in the rural zone of Kenya. This requires previous research on the status of CEDAW in the rural zone in Kenya. On the basis of the analysis of the status quo, that further monitoring and awareness raising activities on CEDAW can be developed. Based on these facts, FIDA Kenya conducted a baseline survey to assess the level of awareness and implementation of CEDAW among women in the rural zone of Kenya. Such a research has never been conducted in the country. The findings documented in this report provide firsthand information on the extent to which rural women are included in mainstream development and benchmarks against which the government report to the CEDAW committee can be measured.



Jane Onyango
Executive Director
FIDA Kenya

Introduction and Executive Summary

1.1 Background of the Baseline Survey

Since 1984 when Kenya ratified the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW), there are no known baseline surveys that have looked into the level of awareness of this international Convention among the rural Kenyan women. The Kenya Government Sessional Paper No. 2 of 1992 proposes policy measures designed to incorporate gender concerns in civic education as well as raising gender awareness in all sectors of the economy.

While concerted efforts are being made to improve the status of women in Kenya, the slow pace of domesticating CEDAW holistically can be traced to a number of factors both social, economic, legal and cultural among others. It is worth noting that the Convention was ratified by the government in 1984, and twenty two years down the lane, much still needs to be done in terms of implementing the rights entrenched therein. Hence, it is paramount to establish the reasons behind this phenomenon, the most appropriate one being to carry out a baseline survey in order to find out whether Kenyan women are aware of the existence of this international convention and what impact it has had on their lives. It is also important to find out what has so far been implemented in order to address women's issues and which gaps still need to be filled in. It is on this background that FIDA-Kenya realized the need to carry out a baseline survey to establish the level of awareness and impact of CEDAW among women in the rural areas, this is because 80% of women in Kenya live in the rural areas. Further, Article 14 of CEDAW obligates states parties to take into account the particular problems faced by rural women and the significant roles which rural women play in the economic survival of their families, including their work in the non- monetized sectors of the economy, and to take all appropriate measures to ensure the application of the provisions of the Convention to women in rural areas. Additionally, states parties are required to take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development and, in particular, states parties should ensure to such women the rights:

- a) To participate in the elaboration and implementation of development planning at all levels;

- b) To have access to adequate health care facilities, including information, counseling and services in family planning;
- c) To benefit directly from social security programmes;
- d) To obtain all types of training and education, formal and non-formal, including that relating to functional literacy, as well as, inter alia, the benefit of all community and extension services, in order to increase their technical proficiency;
- e) To organize self help groups and co-operatives in order to obtain equal access to economic opportunities through employment or self employment;
- f) To participate in all community activities;
- g) To have access to agricultural credit and loans, marketing facilities, appropriate technology and equal treatment in land and agrarian reform as well as in land resettlement schemes;
- h) To enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications;

This report documents the process, findings and analysis by the Principal Researchers whom FIDA-Kenya contracted from the Association of African Women for Research and Development (AAWORD)-Kenya. The baseline survey was carried out in four sample regions, Coast, Nairobi, Nyanza and Western Provinces.

1.2 The History of CEDAW

The equality of rights of women, being a basic United Nations principle, is very frequently addressed. The Preamble to the Charter of the United Nations sets as a basic goal “to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women”. It is further stated that one of the purposes of the United Nations is to “achieve international cooperation in promoting and encouraging respect for human rights and fundamental freedoms for all people without distinction as to race, sex, language or religion”. This emphasis on equality is extended within the International Bill of Human Rights – which collectively refers to three instruments: the Universal Declaration of Human Rights (UDHR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), and the International Covenant on Civil and Political Rights (ICCPR) and its two Optional Protocols.

Together, these instruments form the ethical and legal basis for all United Nations human rights work and provide the foundation upon which Covenants such as Convention on Elimination of Discrimination Against Women hereinafter referred to as CEDAW are developed. In fact it is upon the Universal Declaration of Human Rights (adopted by the General Assembly in 1948), that work began

on expanding “upon the rights proclaimed therein and codifying them in binding legal form” (Office of the High Commissioner for Human Rights. Fact sheets No. 22, Discrimination against Women: The Convention and the Committee: Vienna Declaration and Programme of Action (*Part 1, para.18*), *Adopted by the World Conference on Human Rights, Vienna, 25 June 1993 (A/CONF.157/24 - Part 1, Chpt. III.*) This is where the root of CEDAW lay until its adoption in 1979.

CEDAW is a human rights instrument for women coined on the basis of the Universal Declaration of Human Rights. The Convention, often described as an International Bill of Rights for women, was adopted in 1979 by the UN General Assembly and entered into force in 1981. It consists of a Preamble and 30 Articles which define what constitutes discrimination against women and calls upon states parties to end such discrimination. Article 1 of the Convention defines discrimination as, ‘*any distinction, exclusion or restriction made on the basis of sex, which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.*’ The Convention, therefore, calls upon the signatory states to come up with national action plans to address the issue of discrimination in recognition that women’s rights are human rights.

Kenya ratified the Convention in 1984 and committed itself to incorporate the ideas expounded in the treaty into domestic law. However, Kenya is a dualist country and does not have an automatic domestication clause in respect of ratified international covenants. Such a process has to be through legislation Kenya is obligated to take all appropriate legislative and temporary special measures to ensure that women have equal opportunities and access to political and public life. CEDAW promotes respect for women’s civic and legal rights, such as the right to vote and stand for election, the right to education, health and employment. Besides, the Convention guarantees women their reproductive rights and open opportunities for them to acquire, change or even retain their nationality including that of their children.

CEDAW calls on states parties to take appropriate measures to modify their social and cultural patterns of conduct in order to eliminate harmful customary practices. To this end, the Convention targets culture and traditional practices as influential forces that shape gender roles and relations within family set-ups. It also calls upon states parties to take appropriate measures to curb trafficking of women and girls for purposes of exploitation and also ensures equality in marriage. As a follow up to national commitment to domesticate the Convention, states parties are obliged to submit to the Secretary-General a report on the legislative, judicial, administrative or other measures which they have adopted to give effect to the provisions of the Convention. States parties are therefore required to submit a report within a year after its entry into force, and thereafter

every four years to UN Committee on CEDAW. Kenya Government submitted the 1st and 2nd Report to this Committee in 1990, while the combined 3rd and 4th Reports were submitted in 2002. The latest reporting includes the 5th and 6th Combined Draft Report, which was prepared through collaboration between the Government of Kenya and representatives of civil society organizations. It is hoped that the report shall be submitted for consideration to the UN Committee before the end of the year.

The almost up to date reports which Kenya Government submits can also be attributed to the vigilance of women's organizations like FIDA-Kenya that lobbies the government to prepare these reports.

1.3 The role of FIDA-Kenya towards the implementation of CEDAW

FIDA Kenya works towards improving the legislative and policy framework for women's rights. A core activity of the organization is to monitor the government's progress in domesticating international human rights instruments. Throughout the years, FIDA Kenya has been instrumental towards the implementation of the CEDAW. The organization's activities include:

- Compiling shadow reports and statements to the CEDAW Committee and to the Committee on the Status of Women (CSW).
- Monitoring government's implementation of CEDAW and other international and regional conventions and treaties relating to women's rights.
- Monitoring and advocating against violations of women's human rights in Kenya.
- Increasing awareness and understanding of gender issues and women's rights in order to influence positive behaviour change in various local and national institutions.
- Offering quality legal services to a limited number of women
- Undertaking transformative public interest litigation.
- Training women on how to claim their rights through self-representation in court.
- Sensitizing of parliamentarians and members of the judiciary on International Human Rights Instruments

- Preparing and distributing position papers on topical issues to MPs, the general public and other stakeholders.
- Auditing of government performance and providing bench marks on women's issues through annual reports
- Engaging and nurturing linkages with strategic partners to push for implementation of women's rights.

1.4 Kenya Government's Progress reports to the UN Committee on the Implementation of CEDAW

Kenya became a State Party to **CEDAW** on March 9, 1984. The initial State Party report to the Committee was due on 8 April 1985. It was submitted to the Committee on 4 December 1990. The second periodic report was due on 8 April 1989, but was submitted on 4 December 1990. The Committee examined these two reports as the combined initial and second periodic report at its Twelfth Session in 1993. Both the third periodic report, due on 8 April 1993 and the fourth periodic report, due on 8 April 1997 were not Submitted. The Government then sent a report to the Committee in the year 2000. The Committee treated this as the combined third and fourth periodic reports and considered them in January 2003 at the Committee's Twenty Eighth Session.

Although Kenya has ratified CEDAW, there are still gender disparities and inequalities existing between men and women in almost every sphere of life, socio- economic, legal, cultural, political, among others. For example the number of women in high-level political and decision-making positions is still limited.

Gender disparities still exist in legal provisions, especially in relation to laws of Succession and inheritance. On the other hand, the availability of data and information on the impact of CEDAW on the rural women of Kenya is almost non-existent. It is a fact that 80% of women in Kenya live in rural areas where they mostly engage in subsistence farming to eke out a living. Besides, women form 70% of all employees in the agricultural sector but their wages are dismally low and often uncertain³.

a) 1st and 2nd National Reports (1990) on Article 14

CEDAW is the only human rights treaty that deals specifically with rural women. Article 14⁴ of the Convention offers avenues for the liberation of rural women through the formulation of rural policies and programmes that involve them. In

³ The 5th and 6th Combined Draft Report of Government of Kenya on CEDAW, sect. 118- reporting on Article 14 of CEDAW, 2003, P.28.

⁴ **Article 14.** "States Parties shall take into account the particular problems faced by rural women and the significant roles which rural women play in the economic survival of their families, including their work in the non-monetary sectors of the economy, and shall take all appropriate measures to ensure the application of the provisions of the present Convention to women in rural areas."

its combined initial and second periodic reports, the government had indicated that certain measures had been taken to improve farmer's accessibility to agricultural credit and loans and that the Law of Succession Act gave both men and women the equal right to inherit, own and dispose of property. The Committee on CEDAW, reacting to the 1st and 2nd Kenya Government Report (1990) on Article 14 of the Convention, wished to know whether rural women were aware of their rights and whether there were measures taken for them to access credit and loans. This is because the government report did not articulate clearly the necessary measures taken to improve the lives of rural women. Other issues raised by the Committee were based on the following:

Law of Succession Act

The Act which governs matters of inheritance in Kenya is discriminatory in that it provides that a widow loses her life interest upon her re-marriage to any person⁵.

The Committee expressed the need of amending cultural attitudes in order to realize the spirit of the Law of Succession Act. As it was, women were being disinherited of their land and property once their spouses passed away.

Land ownership

The Committee raised concerns that there was scarce information on land ownership. Land ownership in Kenya is governed by the Registered Land Act Cap 300 of the Laws of Kenya. While most land in the rural areas is not registered, the husband has the right to ownership whether this resource is registered or not. Even if the family decides to register, such registration is usually in the name of the husband alone, however, as more women became aware of the benefits of owning land, more of them were insisting on the joint registration of family property. Customary law bestows on men the right to ownership while women only derive their rights of access and use by virtue of their relationship to the men. This means that rural women who are the majority in rural Kenya have no secure land ownership rights yet they are the main producers of food, and play a significant role in the economic survival of their families. In addition, the Ministry of Lands and Housing was not concerned about whether women owned land or not, yet it has been a practise in most Land Control Boards country wide that, in all transactions, the consent of the wife or wives is necessary before issuing a consent to transfer land.

b) 3rd and 4th Kenya National Reports on Article 14

In its Combined 3rd and 4th Reports, the government admitted that most rural women were not fully enlightened on their rights. There had been no national machinery specifically charged with implementing this. However, NGOs and

⁵ Section 35



religious organizations had undertaken such programmes under civic education. The government also stated that it had continued supporting women's groups and their income generating activities. It also stated that each district development committee had a women leader and that the farming community in the rural areas was mainly composed of women who attended wide ranging courses at the farmers training centers in the districts. The Cooperative Bank of Kenya had improved accessibility to agricultural credit and loans to farmers. However, the Cooperative Societies Act stipulates that only plot holders qualify for the loan scheme. Therefore most women are disqualified despite the fact that they are the ones who manage the farms in the absence of the husbands. The report however stated that in the tabled National Policy on Gender and Development, one of the proposed implementation strategies was the review of the existing land and inheritance laws with a view to guaranteeing women's rights as far as access to and control of agricultural resources were concerned.

FIDA Kenya submitted a shadow report of the 3rd and 4th Kenya National Reports to the CEDAW Committee. The shadow report highlighted areas that needed the government's intervention in order to realize the state obligations enshrined in CEDAW, specifically as outlined in Article 14 that focuses on issues that touch rural women:

- Rural women are not fully enlightened to know their rights
- There were no strategies put in place to train women representatives who will represent rural women in District Development Committees on leadership
- Illiteracy levels among rural women stands at 14.3% as compared to the urban illiteracy, which stands at 7.8% (KDHS, 2003). Hence the government was required to re-launch the Adult Literacy Programme.

- The government needed to take steps to improve micro-finance and micro-credit schemes to assist rural women
- There was no sufficient data to monitor the effectiveness of support given to rural women's groups to access loans and credit, including the acquisition of land.
- The government report did not indicate the social security schemes put in place for rural women.

The CEDAW Committee in its concluding remarks to the 3rd and 4th Country Reports, expressed concerns that legislative provisions as well as customary laws and practices that discriminate against women in areas of marriage, divorce, burial and devolution of property on death continue to exist. The committee noted that despite Kenya's National Policy on Gender and Development to implement existing land and inheritance laws concerning women's rights in rural areas, discriminatory customs and traditional practices remain prevalent in rural areas, thus preventing women from inheriting or acquiring ownership of land. The Committee urged the government to pay special attention to the needs of rural women, ensuring that they participate in decision making and have full access to education, health services and credit and marketing facilities. Further, the government was urged to take appropriate measures to eliminate all forms of discrimination with respect to ownership, co-sharing and inheritance of land. The Committee indicated that the implementation of CEDAW in the rural areas required further action by the government. Besides, significant legal changes were needed to bring legislation in Kenya in line with the Convention, especially as far as rural women were concerned. The FIDA Kenya shadow report also observed that there was an increase in the number of registered Community Based Organizations (CBOs) in rural areas but this does not seem to reflect how much these organizations have improved the living conditions of rural women. It was therefore difficult to gauge, for example, how much awareness the rural women have obtained with regards to development issues especially through education programmes put in place by government or the various NGOs.

5th and 6th Combined Draft National Report

The process of drafting the combined 5th and 6th Country Reports on CEDAW began in 2005. It was a joint process which involved both the government and the civil society. The final and official report was validated and is currently awaiting submission to the CEDAW Committee in New York. The report underlines several implementation measures that have now been taken to improve the lives of rural women in relation to Article 14 of CEDAW⁷. The measures are an attempt to address the loopholes observed in the previous reports on issues affecting the rural woman. However, issues have been raised concerning some of the measures outlined in the report..

⁷ Ibid. pgs.27-29

Whereas the government has established credit facilities like the Agricultural Finance Corporation (AFC), the Kenya Women Finance Trust (KWFT), the Kenya Farmers Association (KFA) and the Kenya Rural Enterprise Programme (K-Rep), where rural women can access credit at low interest rates, these facilities are not enough to cater for women's credit demands in the rural areas. Besides, most women have no land title deeds to secure credit facilities.

Article 14 2(e) of CEDAW grants rural women equal access to economic opportunities through employment or self-employment. The 5th & 6th Report however indicates that women form about 70% of all employees in the agricultural sector, yet their wages are low and often uncertain.

The Report further talks about the formation of a Ministerial Grant Committee under the Ministry of Gender, Sports, Culture and Social Services to give grants to rural men and women groups. However, most rural women may not benefit fully from this programme because they are required to form self-help groups first in order to benefit. The Report explains that the government has established market facilities like the Coffee Board of Kenya, the Kenya Sugar Board and the National Cereals and Produce Board, to mention but a few, so that rural farmers can export their produce to international markets. Yet these are not within reach to rural women who are small-scale farmers with little surplus to sell.

Under the Economic Recovery Strategy for Wealth and Employment creation, the government reports to have amended the Co-operative Societies Act so that women can form cooperative societies and access credit. With these and other amendments to this Act, the government aimed at promoting the cooperative movement as a vehicle to poverty reduction. However, large-scale farming is dominated by men while women engage in small-scale subsistence farming mostly for survival. They do not therefore stand to benefit most.

According to the Report, the Kenya government initiatives aimed at improving the health of women have realized modest but significant improvement. These initiatives included the National Hospital Insurance Fund (NHIF), Constituency AIDS Committees, Medical Board, and the Millennium Development Goals (MDGs) initiatives targeting malaria, HIV/AIDS and TB.

With regards to education, the Report states that the government has put in place measures to grant the girl-child education rights. These measures include:

- Free and compulsory primary education (2003).
- The Higher Education Loans Board (HELB) established to give loans, bursaries and scholarships to needy students in higher education.
- Establishment of Bursary scheme to pay fees for disadvantaged but bright secondary school students.

- Department of guidance and counseling established in Ministry of Education to counsel and guide girls on performance, stereotypes and negative cultural practices.
- Programme of Continuing Education where women who are disadvantaged can pursue university education.

The Kenya government has also initiated special programmes to meet the needs of rural women. These initiatives include: the establishment of the National Commission on Gender and Development, the Constituency Development Fund (CDF), the Constituency Bursary Fund (CBF) and the Local Authority Transfer Fund (LATF). Yet in the Report, the government has not given sufficient data to assess the impact of such programmes in the rural areas.

Other programmes also put in place as part of the government's Economic Recovery Strategy for Wealth and Employment Creation (2003-2007) are yet to be assessed so that their impact on the rural women can be seen.

1.5 Relevance of the Baseline Survey

The absence of relevant information and sufficient data showing the support given to the rural women to enjoy their rights demands that a survey be done to bridge the information gap. Such a survey can also shed light on the level of awareness of CEDAW among the rural women of Kenya, as well as the level of implementation of this Convention on the same and hence provide bench marks upon which the government can be measured. It is through this baseline survey and analysis of the real situation on the ground that further monitoring and awareness raising activities on CEDAW can be developed.

Since 1984 when Kenya ratified CEDAW, there are no known baseline surveys that have looked into the level of awareness of this Convention among the Kenyan rural women. This is therefore a pilot survey aimed at providing up to date information on the extent to which rural women are included in the mainstream development. The findings and policy implications are meant to inform the drafting of relevant laws and policies which will lead accelerated efforts that shall improve the quality of life of the rural women. It is also worth noting that the Kenya Government Sessional Paper No.5 of 2005 on Gender Equality and Development proposes policy measures designed to accelerate equality between men and women. While concerted efforts are being made to improve the status of women, not much has been documented on the rural women, hence the need for this survey.

Survey Methodology

Objectives of the Survey

The objectives of the survey were as follows:

- Establish the level of awareness of CEDAW among rural women and other members of the community in the sample regions (Western, Nyanza, Nairobi and Coast).
- Establish the level of implementation of CEDAW among women in the target rural zones of Kenya.

Terms of reference

The consultants were charged with:

- Undertaking a literature review to establish the existing framework within which CEDAW has so far been implemented in the rural zone of Kenya and to assess the level of government commitment to its implementation
- Designing appropriate research instruments for data collection.
- Developing appropriate sampling methods, sample districts and groups for the survey
- Collecting relevant data for analysis
- Compiling and analyzing data to come up with findings
- Writing a draft report, reviewing and finalizing the report

Time frame for the survey

Literature review of the work done on the implementation of CEDAW – 5 days
Development of the Research Tools such as Questionnaires or interview guidelines & Contact phase with target groups – 5 days.

Data collection in the field – 10 days in each province

Compilation of data & Analysis – 15 days

Report presentation, review and finalization – 5 days.

The development of research tools was done in collaboration with FIDA Staff before the commencement of the actual survey.

Sample Region

The survey was carried out in four diverse provinces in Kenya namely; Western, Nyanza, Nairobi and Coast. The survey covered four districts in each of the identified sample regions. The districts were agreed on between FIDA and the consultants. The following districts in the selected regions were sampled:

- Nyanza Province – Districts include Kuria, Kisii, Kisumu, Bondo and Siaya. Kisii and Kuria districts were sampled in an attempt to ensure that the linguistic diversity in Nyanza was addressed.
- Western Province – Districts include Kakamega, Vihiga, Mumias, Mt. Elgon and Trans-Nzoia
- Nairobi Province – Concentration was in the major slum areas to ensure that data collected was as representative as possible of the diversities and realities of women to be found in this region. Nine areas were therefore purposively sampled for the individual interviews; Nairobi Provincial Administration, Kibera, Kayole/Dandora, Kangemi, Nairobi Central, Embakasi, Umoja, Kayole and Embakasi/Kayole areas. Other three slum areas of Kibera, Kayole and Kawangware were sampled for FGDs.
- Coast Province – The four districts include Lamu, Malindi, Mombasa and Taveta sub-District of Taita/Taveta.

The sample strategy used to choose the sample regions is a combination of Stratified and Convenience Sampling⁸. This means that the regions were selected via the criterion of the broadest diversity in order to achieve a balance of data.

The Study Population

The following categories of respondents were targeted to get a balanced representation of data:

- Women (including women leaders)
- Senior government representatives
- Professional men and women in various fields
- Youth (young men and women)
- Non-Governmental Organizations
- Community Based Organizations
- Teachers
- Religious leaders.

⁸ In: Blaxter, L. et al (1996): How to research, Open University Press, Buckingham, p.79.

The occupations of the various respondents and names of NGOs and CBOs involved in the survey are listed in **Annex 4** of the report.

Data collection techniques

Both qualitative and quantitative research methods were employed to collect data in the four regions.

Survey Instruments

Two survey instruments were used concurrently:

- Questionnaires: A questionnaire with nine items was developed, pre-tested and used to interview the respondents (**See Annexes 1& 3**). A total number of 128 questionnaires were filled in the four regions.
- Interviews and Focus Group Discussions: There were 51 FGDs held in the four regions. Each FGD consisted of an average of 10 people. Individual interviews were also held to get diverse views of respondents (**See Annexes 2, 5 & 6**)

Facilitating Factors

The major factor that contributed to the success of the survey was the team work between the consultants and FIDA Kenya Staff. The constant consultations and prompt advice from FIDA Kenya Staff led to positive action especially during data collection and compilation of the report. Another factor was the



good network which FIDA Kenya has established in the sample regions. The consultants were able to use FIDA Kenya monitors and chiefs as entry points to the survey regions which made their work easier. Finally, some of the respondents were very cooperative while discussing issues relating to the survey and gave honest views and suggestions.

Constraints Faced

The major constraint in the survey was getting people to fill and hand over questionnaires especially in Western and Nairobi regions. A lot of patience was required and the whole exercise was time consuming. The net effect was a delay in the analysis and compilation of the report. Many of the institutions identified to provide information were also too bureaucratic and it took a long time to convince them to fill in the questionnaires. It is also noted that data collection in Lamu, Malindi and Mombasa districts in the Coast region was a bit tedious. This is because the majority of rural and urban residents are Muslims who were fasting in the month of Ramadhan when data for the survey was being collected. It was sometimes difficult to obtain data within the stipulated time and a lot of patience was therefore required.



Survey Findings

This chapter presents the findings from the data collected in the four survey regions. It is divided into three main sections. The first section presents the level of awareness of CEDAW and the government progress reports among the rural women and other members of the community in the sample regions. The second section analyses the measures that the government and other relevant authorities have taken to implement CEDAW in the target rural zones of Kenya. The third section looks at primary information generated from the respondents in relation to addressing gender.

Section 1: Level of Awareness of CEDAW and Government Progress Reports on the Convention.

Awareness of CEDAW

The respondents in the four regions were asked whether they had heard about CEDAW. It is noted that 57.85%, of those who filled questionnaires indicated they had heard about the Convention while 39.75% of them indicated that they had not heard about it. This is contrary to the FGD respondents where most of them indicated that they had not heard about CEDAW. The FGD group that comprised of men, women and the youth in the rural and slum areas, indicated that such documents do not reach them and no efforts had been made to disseminate the provisions of CEDAW to them. It is worth noting that 22 years down the line, much is still needed to be done to educate the rural folk on the existence and content of rights enshrined in CEDAW.

Table 1: Awareness of CEDAW

Region	FGD Findings
Nyarza	Only 6.7% of respondents had heard about CEDAW
Western	No one had heard about CEDAW
Coast	Only two respondents in all the 12 FGDs had heard about CEDAW
Nairobi	No one had heard about CEDAW

Sources of information

Those that had heard about CEDAW indicated that they did so through the following:

- Media - 37.9%
- Work - 12.1%
- Training - 16.9%
- Other - 33.1%

Others represents the FGD respondents who had heard about CEDAW during trainings where it was just mentioned, and through participation in world conferences.

What CEDAW advocates for

In response to five choices given regarding what CEDAW advocates for, the following were the findings.

Table 2: What CEDAW advocates for

Area of advocacy	Coast	Nyanza	Western	Nairobi	Mean
Human rights for women	79.4%	86.2%	81.8%	67.6%	78.75%
Foreign instrument	None	3.4%	None	None	0.85%
Advantage to women over men	2.9%	3.4%	9.1%	None	3.85%
None of the above	14.7%	6.9%	9.1%	29.4%	15.03%
All of the above	2.9%	None	None	2.9%	1.49%

The table above shows that the majority, 78.75 % believes the Convention is an instrument that advocates for the rights of women.

National Reports

The following reports have been prepared by the government and submitted to the UN Committee on CEDAW:

- The 1st and 2nd Periodic reports
- The 3rd and 4th National Report
- The 5th and 6th Combined Report. (Validation process already done, but the Official Report is yet to be submitted to the CEDAW Committee.)

As reflected in the table below, a high percentage of those interviewed knew nothing about the National Reports which the Kenyan Government sends to the Committee on CEDAW.

Table 3: Knowledge on National Reports

National report	Coast	Nyanza	Western	Nairobi	Mean
Initial Report	2.9%	None	8.3%	8.6%	4.95%
2 nd Report	5.0%	None	None	None	1.48%
3 rd & 4 th Reports	2.9%	3.4%	None	5.7%	3.0%
None of the reports	None	17.26%	8.3%	8.6%	8.53%
All of the reports	88.2%	79.3%	83.3%	77.1%	81.99%

The above percentages reflect lack of knowledge among the respondents on what the Kenya Government submits to the UN Committee in relation to the implementation strategies that are being put in place to address CEDAW obligations. The above table indicates that 81.99% of all the respondents in the sampled regions were not aware of these Reports. This therefore implies that the rural woman is virtually unaware of what the government sends to the UN Committee on CEDAW or even how her rights are being addressed.

FGD respondents had no idea of the report contents. Some of the respondents said:

- That they had heard of the reports but had not read them.
- Many women are not aware of the reports because they only exist in the files of leaders and do not reach them.
- That they are only found in the headquarters but are not availed to the rural areas.



- That the reports are not available for them to read at the grassroots level and so they had no information to be able to respond.
- That the reports are written in English and some of them can't understand the English language
- Some of the respondents even contradicted themselves because after affirming that the reports reflected the situation on the ground, they ended up stating they had not read them.

The fact that the majority of respondents do not know the contents of these reports means that they are not aware of what the government has implemented and reported to the UN committee. They are also not aware of the National Policies and Programmes that have been formulated to address the rights of rural women. Kenya has ratified and acceded to several International and Regional Conventions, Declarations and Treaties including:

- CEDAW
- Beijing Platform of Action (BPFA)
- Universal Declaration of Human Rights (UDHR)
- International Covenant on Economic, Social and Cultural rights (ICESCR)
- International Covenant on Civil and Political Rights (ICCPR)
- African Charter on Human Rights and People's Rights (ACHPR)
- Convention on the Rights of the Child (CRC)
- African Charter on the Rights of the Child
- UN International Conference on Population and Development (ICPD)

All the above instruments and declarations are important sources of information to the Kenyan masses as far as their rights and freedoms are concerned. Yet there is an

indication through this survey that the majority of citizens, especially rural and urban slum women, are not aware what is contained in them and what it means in terms of improvement of their livelihood.

Section 2: Implementation of CEDAW by Government

The survey looked at various areas aimed at analyzing discriminative barriers that the rural women experience and their impact in the achievement of the objectives of CEDAW. The following are some of the areas identified to see whether barriers have been placed to prevent them from enjoying their rights and freedoms.

- Legal rights, for example, laws that can protect them against sexual abuse including domestic violence.
- Social rights, for example, discriminative customary practices like FGM and early marriages.
- Education opportunities.
- Provision of healthcare.
- Representation in decision-making organs and other national development processes.
- Access to opportunities for economic development.
- Sexual exploitation, prostitution and trafficking of women and girls.
- Participation of women with disabilities in social, cultural, economic and political life.
- Information and care for women affected and infected with HIV/AIDS.
- Availability of National statistical data on the status of rural women in political, economic and social sectors.
- Citizenship laws.
- Women's rights and law-enforcement agents.

Respondents selected healthcare as the most severe area of discrimination against women from a list of 7 options provided to them. The areas of discrimination are listed below in order of severity;

1. Healthcare (12.53%)
2. Educational rights (12.45%),
3. Legal rights (12.43%),
4. Financial rights (12.33%),
5. Employment rights (12.15%),
6. Political rights (11.97%), and
7. Social rights (10.88%)

The questionnaire survey revealed that the most rampant problems faced by women are lack of adequate laws to protect them against domestic violence and sexual abuse, and prejudices through customary practices like FGM and early marriages. The table below provides a prioritized list of five main problems women face.

Table 4: Five prioritized problems women face

Problems women face	% of respondents				Mean
	Western	Nyanza	Nairobi	Coast	
1. The lack of adequate laws to protect women against domestic violence and sexual abuse	83.3%	37.9%	4.5%	11.0%	34.1%
2. Prejudices through customary practices, e.g. FGM and early marriages	66.7%	37.9%	10.4%	14.3%	32.3%
3. Sexual exploitation, women and girl-child prostitution, pornography and negative portrayal of women in the media	50.0%	27.6%	11.8%	9.9%	24.8%
4. Inadequate participation of women with disabilities in social, cultural, economic and political life	58.3%	13.8%	8.6%	6.6%	21.8%
5. No equal representation in decision-making organs e.g. ministerial, high-level commissioners, civil service etc	33.3%	13.8%	7.2%	11.0%	16.3%

When asked whether the citizenship laws that render Kenyan women stateless by being married to foreigners was a problem to them, the majority of the respondents said that they were okay with the status quo. Only 3.8% of the respondents indicated that this was a major hindrance to the enjoyment of equal rights between men and women. This is because majority of women in these areas have not been sensitized on the implications of citizenship rights and how it affects other rights e.g voting, participation in political life, e.t.c.

When the FGD respondents in the four regions were asked to give five most rampant problems that women face from the list of 15 probable areas as has been given earlier on, they gave the following as the most rampant:

1. Lack of adequate laws to protect women against domestic violence and sexual abuse.
2. Prejudices through customary practices e.g. FGM and early marriages.
3. Sexual exploitation, women and girl-child prostitution, pornography and negative portrayal of women in the media.
4. Inadequate participation of women with disabilities in social, cultural, economic and political life.
5. Unequal representation in decision-making organs e.g ministerial, high level commissioner, civil service etc.

From the data, it is clear that responses from questionnaires and FGDs were similar in terms of problems that women face

1. Lack of adequate laws to protect women against domestic violence and sexual abuse

As is shown by the given percentages and data above in all the four regions, the most rampant problem cited was the lack of adequate laws to protect women against domestic violence and sexual abuse. Communities seemed to have accepted that domestic violence is part of a woman's life. For instance, in Kisii, a respondent argued that *violence and suffering is believed to be part of a woman's life therefore there is no need to have laws against it.*

Another respondent argued that *domestic and sexual abuse should not be dealt with under the law as this is private and cultural and should be dealt with at family or clan levels.*

In Lamu, cases of domestic violence are reported to be rampant but some women respondents stated that when such cases are reported to the authorities, the men influence court decisions. Such violence also results in divorce cases in the area.

Respondents commented that rising cases of violence and sexual abuse among women and girls throughout the country continue with impunity indicating lack of adequate laws against the crime. Until July 2006, there was no specific legislation on sexual violence. However, "The Sexual Offences" Act which was enacted in July 2006 is a legislation that has singled out sexual offences unlike the Penal Code, Cap 63, Laws of Kenya. Which places offences such as rape under the chapter on "Offences Against Morality". The recently enacted Sexual offences Act which is yet to be operationalized has broadly covered and addressed sexual violence to include crimes such as rape, indecent assaults, child pornography, defilement of girls under fourteen years of age, unnatural offences, indecent practices between males, child trafficking, sexual harassment, incest and even extremes such as murder and manslaughter. The maximum sentence for the offences of rape and defilement is life imprisonment. The Sexual Offences Act has provided for minimum sentences. Previously some Judges and magistrates had in the past abused the lack of legislation addressing minimum sentences and sentenced defilers and rapists to probation! The offenders had thus been released back to the community to inflict the same abuse on other innocent victims. The problem still remains rampant in most of the sampled areas as the Sexual Offences Act is yet to be operationalised.

2. Prejudices through Customary Practices e.g. FGM and early marriages.

This was also cited as one of the most rampant problem facing rural women. The respondents from Kisii and Kuria, where the practice is mostly rampant, indicated that while the government is putting in place measures to end FGM, the practice is still rampant. The Children's Act specifically prohibits female genital mutilation among children under 18 years of age. The respondents were aware that the practice had been outlawed and was not allowed in government hospitals and clinics. However they reported having evidence that it is still being practiced. One of the major reasons cited was that the Members of Parliament for these particular areas had not come out strongly to prohibit this practice. This is because they knew that the practice was held dear by most of their constituents and if they were to ban it, then they would lose votes during the general elections. The leaders therefore seemed to be supporting the practice. In Taveta area, the practice has gone underground since it was banned, with young girls being subjected to FGM in secrecy. Some of the views from the respondents in FGDs include the following:

- Customary and statutory laws are both recognized in the laws of Kenya, and this makes it difficult for practices like FGM to be eradicated.
- The leaders of the areas support FGM so the rural folk believe it has not been outlawed.
- The practice has gone underground due to government's opposition to it, hence it is difficult to eradicate.
- Traditions die hard. FGM is part of tradition in some communities and to eradicate it will take time.
- Government has not introduced tough measures to curb it.
- False beliefs and myths have been disseminated in certain communities for generations and have perpetuated the practice.

3. Early marriages

The respondents also cited early marriage as a major problem facing women and girls in the rural areas. In Coast and Kisii, it was associated with the FGM practice. Once girl has undergone FGM, the next step is naturally marriage. In Siaya and Bondo the phenomenon was associated with young girls who are married off as replacements to deceased married sisters. In Lamu, the problem is persistent where girls are married off after class eight in primary school or while in secondary school. Some of the communities were ignorant of the legal implications of early marriages and so they did not see anything wrong with it. In most of these communities, girls are viewed as "property" which will later bring wealth to the family in terms of dowry and then move on to the homes of their husbands. This has always been given as

an excuse of not investing in their education hence marrying them off at an early age.

4. Sexual exploitation of women and girl-child prostitution

Respondents believe that sexual exploitation is still persistent in the rural areas. An average of 20% of the respondents on the four sample regions affirmed the existence of this practice. In Lamu district, for example, respondents indicated that girl-child defilement is increasing rapidly in Mpeketoni area. Child trafficking was also reported to be rampant in Malindi. Various comments were made by the respondents concerning the magnitude of the problem as follows:

- Cases of trafficking are reported to chiefs and police, but no measures seem to be taken to deal with the problem.
- High rates of unemployment and low incomes in the slums force women and girls into prostitution
- Trafficking exists but activities are shrouded in secrecy.
- Some Europeans take girls and women under the pretext that they are going to marry them, only to engage them in prostitution abroad.
- Some parents also arrange to have their daughters engage in prostitution due to high rate of poverty in the rural and slum areas.
- Some respondents also indicated that no measures have been taken and nothing has been done to stop trafficking of women and young girls.
- Some indicated that they do not know if there are any measures.
- Some respondents referred to Children's Act where measures have been put in place but they see no implementation.
- Others indicated that the government should enact tough laws to stop trafficking of women.
- Government should liaise with the private sector to find solution.

5. Inadequate Participation of Women with Disabilities in Social, Cultural, Economic and Political life

This problem was ranked fourth among the five rampant problems that women face. Few of the respondents had heard of the existence of the Persons with Disability Act which seeks to protect the disabled. The majority of the respondents in FGDs gave the following comments concerning this problem:

- Some retrogressive socio-cultural practices discriminate against women with disabilities.
- Lack of educational opportunities contributes to this problem because some of the affected women in the rural areas are not able to participate in the stated activities.

- The women are doubly oppressed; first because they are women, and secondly because of their physical disadvantages. Women who are disabled are less likely to get husbands and are often used as sex objects.
- The government has not established structures to involve them.
- Some families in the rural areas hide children with disabilities and do not take them to school.

However, in some of the sampled regions, respondents indicated that these women are not discriminated but are encouraged to participate in various activities. Article 14 2(f)¹¹ of CEDAW directly calls upon State Parties to ensure that the rights of all women to participate including those with disabilities are upheld.

6. Representation in Decision-making Organs

Over 50% of respondents in FGDs, for example, indicated that women are not represented in high level appointments and in decision-making levels. Their responses emanated from the fact that there are very few women in public offices from the grassroots to the national level. However, respondents observed a trend of change. For instance all the FGD respondents in Kisii noted that women were now being appointed to administrative positions, for example, as chiefs, which was quite motivating to other women. *Our chief is a woman and she is performing very well*, said a male respondent.

The table below gives a breakdown of women in decision making positions:

Rank	2005			
	Women	Men	Total	Percentage of women representation
National Assembly	18	204	222	8.1%
Cabinet Ministers	2	29	31	6.5%
Ambassadors/High Commissioners	11	29	40	27.5%
Provincial Commissioners	0	8	8	-
District Commissioners	2	69	71	2.8%
Councillors	377	2460	2837	13.3%
Judges of Appeal	-	14	14	-
High Court Judges	12	47	59	20.3%
Chief Magistrates	6	9	15	40%
Chief Kadhis	-	17	17	-

¹¹ Article 14 2(f) "To participate in all community activities"

Respondents indicated that they had heard and/or read that the government has made attempts to engage women's organizations in policy making processes. However, the rural women are not involved in national issues because:

- Meetings are held in cities and their representatives do not always disseminate feedback information to them.
- Information from national level sometimes does not trickle down to them so they feel left out of national and local issues.

These comments imply that the government has not put the necessary mechanisms to ensure that the rural women participate in the implementation of development planning and processes contrary to Article 14 2(a)¹² of CEDAW.

7. Local and National responses to priority issues

When the respondents were asked what is being done to address these five rampant problems nationally and locally, they cited the following as supportive evidence:

- The government, through the provincial administration officers such as chiefs are intervening in some of the problems.
- Non-Governmental Organizations and Community Based Organizations were helping by seeking solution in some of the issues.
- The Ministry of Gender, Sports, Culture and Social services is trying to address some of these problems.
- Some Church leaders and Imams are involved in empowerment programmes to improve the lives of their communities.
- Some organizations like KWFT, K-Rep, Amkeni and WAFNET are assisting the rural women financially to uplift their standards of life.
- FIDA Kenya is addressing some problems affecting rural women.
- The Proposed New Constitution had addressed some of these issues.
- Village elders are dealing with some of these problems affecting rural women at the community level.
- Some NGOs like SOLWODI and SWAK organize sensitization meetings to address some of issues affecting women.

However, over 30% of the respondents indicated that there are no measures that are being taken by the government to address these problems.

Some of the other problems identified by the respondents as affecting women are as follows;

¹² Article 14 2(a) "To participate in the elaboration and implementation of development planning at all levels"

a) Denial of educational opportunities

Table 5: Views on denial of education as a problem

	COAST	WESTERN	NYANZA	NAIROBI	MEAN
Percentage	9.3%	16.75%	31.3%	5.4%	15.7%

Those that felt that there was denial of educational opportunities especially in Nyanza which had a higher percentage (31.3%) according to the above table, cited the following views:

- Girls are removed from school (mostly primary level) to be married off due to rising poverty levels.
- Girls are removed from school to help in family chores in their homes.
- Some girls are enticed to run away from school and end up being sexually exploited.

In the year 2003 the Government of Kenya implemented the free and compulsory primary education throughout the country. Tangible results were immediate with gross enrolment in primary schools peaking to 48.7% for girls and 51.3 for boys. There has been a marked improvement in Girls' Gross enrolment rate in primary and secondary schools. However, the responses from those interviewed indicate that there are still barriers affecting girls' education in the rural areas.

b) Inequality in employment and unpaid women domestic setup

There were significant regional disparities in response to this question. Whereas respondents in Western (37.5%), and in Nyanza (18.75%) cited this as a rampant problem, respondents in Nairobi, (5.65%), and Coast region, (3.8%), indicated otherwise.

The findings suggest that inequality in employment and unpaid women workers in domestic setups exists in some regions, especially in the rural areas where most rural women who are poor are found. Issues emerging from the respondents indicate that:

- In the rural setting young girls are preferred as baby care takers because they are poorly paid or are never paid at all.
- Some of these domestic workers are often battered for flimsy reasons, at times they are subjected to sexual abuse by their employers.
- Housewives play multiple roles but their labours are non-monetized.

c) Citizenship Laws

The respondents were asked to indicate whether citizenship laws that do not protect women from being rendered stateless by being married to foreigners is a rampant problem. Only an average of 6.0% of the respondents indicated that this was viewed as a discriminatory practice. This implies that either many of them were not conversant with citizenship laws or these laws, in fact, are not perceived to discriminate women. Western region had 8.3%, Nyanza 12.5%, Nairobi 1.8% and Coast 1.6% of those that felt this was a problem. Article 9 of CEDAW¹³ grant women equal rights with men to acquire, change or retain their nationality. Currently, the Constitution of Kenya discriminates against women by providing that a woman who gets married to a foreigner does not confer citizenship to her children or husband while the same measure is not applied to a Kenyan man who marries a foreign woman. Article 14 2(c) of CEDAW also states that rural women have the right to benefit directly from social security programmes. The respondents who felt that this was not a problem gave views as follows:

- Citizenship laws do not pose a big problem to women married to foreigners especially in rural areas.
- No such cases have been reported in the area.

Among those who felt this was a problem include one respondent who indicated that there was a woman who married a foreigner but was denied citizenship. Another one indicated that getting a passport is proving difficult especially when one has Arabic blood. According to the respondent, the government requires too many documents for such individual to get a passport. Such sentiments were expressed in Malindi and Mombasa.

The 5th and 6th Combined Report seem to affirm some of these fears about citizens laws being discriminative when it states that the current laws relating to citizenship and nationality in Kenya are not yet in conformity with the Convention. The father's citizenship for example, determines acquisition of citizenship by birth in marriage. Besides, a Kenyan woman married to a non-citizen or changing a husband without confessing change of her citizenship will affect her nationality as far as Kenyan citizenship laws are concerned.

d) Inadequate access to Healthcare

73.75% of the respondents in the sample regions indicated that women have inadequate access to healthcare. In Western region, 83.3% of the respondents cited the existence of this problem while 75.0% of the respondents in Nyanza region indicated this as a problem. In Coast region 71.4% indicated the problem

¹³ Article 9 "States Parties shall grant women equal rights with men to acquire, change or retain their nationality. They shall ensure in particular that neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband."

exists while in Nairobi 65.3% of the respondents stated that this was a problem. The following views were expressed in relation to this problem:

- There is limited provision of medicines and medical services in the clinics.
- Many women die while being attended to by birth attendants who don't have modern expertise to deal with birth complications as they arise.
- Most hospitals and dispensaries are not well equipped with up to date maternity facilities.
- There are no ambulances available in some rural areas and sick people have to be carried by donkeys or wheel barrows to hospitals.
- There are no enough health clinics in the rural areas.
- The government needs to regulate the supply of medicines. Patients are sometimes told to buy their own medicines when they visit health clinics, including syringes.

Some customs and traditions of certain communities do not allow male doctors to treat or examine women especially in maternity cases. Female doctors are therefore recommended in such areas especially in the Coast.

- The information on the side – effects of contraceptives supplied to rural women is lacking. The female condom is rare and very expensive for the rural women whereas the male condom is cheap and available.
- Most rural women lack contraceptives and therefore bear more children than they can economically support. Additionally, in some cultures, a man's worth is determined by the number of children he can sire, this in effect means that the women has to bear as many children as possible in order to please the husband.

According to KDHS (2003:131), for example, two out of five births (40%) in Kenya are delivered in a health facility while 59% are delivered at home. The survey also indicate that the portion of children born at home decreases with increasing education and wealth quintile of the mother. Hence, with a higher number of illiterate women living in the rural areas, health problems associated with child-births affect the rural women more.

1. Article 14 2(b) of CEDAW requires States Parties to ensure that rural women have access to adequate healthcare facilities, including information, counseling and services in family planning. There are various Government initiatives aimed at improving the health of women which have realised modest but significant improvements namely: the National Hospital Insurance Fund (NHIF), Constituency Aids Committees, Medical Board, and Millennium Development Goals (MDG) initiatives targeting Malaria, HIV/ AIDS and TB.

However, the second Report on Poverty in Kenya revealed that about 43.8% of the rural poor did not seek medical care when they are sick due to inability to cover the cost of medical care compared to only 2.5% who were constrained by distance to a health facility.

The concerns noted by the respondents indicate that the government has not adequately addressed those problems especially in the rural areas. Article 12 of CEDAW¹⁴ also underlines measures that States Parties need to put in place to eliminate discrimination of women in health provision. In its 5th and 6th Combined Report, the government states that special programmes aimed at meeting the special needs of women in rural areas, however, have been put in place. They include:

- The establishment of Ministry of Gender, Sports , Culture and Social Services
- The National Commission on Gender and Development.
- The Kenya National Commission on Human Rights
- The Constituency Development Fund – aimed at funding projects in the rural areas.
- The Constituency AIDs Committee.

Even though the Constituency Development Fund Act, 2003 states that one-third of members of Constituency Development Fund Committees should be women, in most of these committees, women have been grossly under represented. It was envisaged that this representation would ensure that women's voices are heard in terms of the projects that are earmarked for implementation. With regards to the respondents' comments and views, more proper and in-depth implementation and awareness of some of these programmes is required to address the needs noted.

e) Inadequate access to opportunities for economic development.

In the four regions, an average of 20.45% of the respondents cited the above as a rampant problem. In Western region 41.7% of these cases reported that this was a rampant problem. In Nyanza, 28.1% of them indicated that this was a problem while in Nairobi only 5.4% cited it as a major problem. Coast region had 6.6% of the respondents indicating that this was a problem. The above percentages shows that in the Western rural zone, a high percentage of those interviewed were of the opinion that this was a rampant problem.

¹⁴ Article 12 "States Parties shall take all appropriate measures to eliminate discrimination against women in the field of healthcare in order to ensure, on a basis of equality of men and women, access to healthcare services, including those related to family planning."

Article 14 2(e) and (g) of CEDAW calls upon State Parties to improve the economic situation of rural women¹⁵. However, from the survey findings, not much effort has been made to address this problem especially in Western region of Kenya. Although the 5th and 6th Combined Reports of the government has outlined a number of economic reforms the government has undertaken to improve the financial status of the rural women, it concedes that these attempts are not enough to cater for the credit demands of the rural women. The report also observes that women have limited access to credit since they have nothing to offer as collateral.

The respondents who indicated that this was a rampant problem, raised the following issues:

- The self-help groups which women have formed so as to acquire credit from financial organizations like KWF'T require financial commitments which some rural women do not have.
- In some communities, traditionally women cannot own cash crops which organizations like AFC demand for them to access credit.
- Traditionally, women do not own property that can be used as collateral, for example land, therefore majority cannot access micro-finance credit.
- In some rural, husbands are said to take control over loans advanced to their wives and even deviate them to other uses.
- In some lower Coastal areas, women sometimes have to pay three different taxes to be able to deal in charcoal; County Council tax, Kenya Ports Authority tax and Forestry Department tax. This to them is a financial burden and a barrier to their businesses.

From the above responses, it seems there is need for the government to come up with interventions in order to protect the rural women in order to improve their economic status.

f) Treatment by law enforcement officers

Some respondents interviewed believe that the law enforcement officers like the police have contributed to the discrimination of women. However, the total percentage was low. For example, in Western region respondents who felt that this was a problem comprised of 25.0%, in Nyanza it was the same percentage while in Coast and Nairobi it was 1.6% and 2.3% respectively.

¹⁵ Article 14 2(e) "To organize self help groups and co-operatives in order to obtain equal access to economic opportunities through employment on self-employment. 2(g) "To have access to agricultural credit and loans, marketing facilities, appropriate technology and equal treatment in land and agrarian reform as well as land resettlement schemes."

The mean percentage was therefore 13.47%, indicating that most of the respondents think that this was not a rampant problem for the rural women. However, it could also mean that those who did not think this is a problem may not have known any cases where such ill-treatment occurs.

However, some respondents argued that the police do not harass women but are known to harass men. They said that the attitude of some police officers has changed and they hence treat women in a good way. Article 14 2(c) of CEDAW states that women should have the right to “benefit from social security programmes”. Respondents who felt that rural women are harassed by law enforcement agents (police) gave the following indications:

- In the slum areas, women cannot walk un-accompanied especially at night for fear of police harassment.
- In some rural areas, women who brew traditional liquor are mishandled by police using undue force.
- Security officers tend to harass women who go to some beaches to swim but women tourists are not harassed.

From the responses, it emerged that there is some level of gender insensitivity among the law enforcement agents.

g) Information and care for HIV/AIDS affected and infected women.

14.9% of the respondents in the four regions indicated that there is scarcity of information relating to HIV/AIDS. Looking at the statistics from the regions, Western and Nyanza had 25% each, whereas Nairobi had 6.3% and Coast had 3.3% of the respondents who identified this as a problem. They expressed the following concerns:

- Women in rural areas have negligible information especially on how to protect themselves from infection yet they are the major care givers to the infected.
- When a woman is infected, she is highly stigmatized and neglected.
- When husbands are infected, usually the wives are ready to nurse them irrespective of the dangers they could be exposing themselves to.

From the responses, there is an indication that women in some rural areas lack information related to HIV/AIDS, yet the pandemic continues to pose a great challenge to them as caregivers. However, respondents who felt that this was not a major problem argued that there are so many CBOs, NGOs and FBOs targeting affected and infected women in the rural areas. Therefore some of their problems are addressed by these organizations. The HIV/AIDS epidemic continues to pose the biggest health challenge of our time. HIV/AIDS prevalence rate is higher in women than men (ratio of 1.9:1 as per KDHS, 2003). HIV/AIDS has resulted in an increased number of widows

and orphans which has further increased women's financial responsibilities, since they are the care takers. Further, these women have no experience of taking care of HIV/AIDS related cases and most of the respondents claimed to have ended up infected in the course of taking care of a sick patient. Yet when the women themselves get sick, the husbands do not take care of them and they have to depend on relatives to take care of them. Thus the pandemic has negatively impacted more on the rural woman who is already overburdened by multiple roles.

Governments' Obligations to CEDAW

States Parties to CEDAW are under obligation to take effective steps to prevent discrimination against women in all fields of their life. States are to "respect, protect and fulfill human rights." To this end, the respondents were asked whether the Kenya government has ensured the respect, protection and fulfillment of human rights of the Kenyan rural women. The following are the responses from the four regions:

Table 6: Governments' Obligations under CEDAW

Region	Respect		Protection		Fulfillment	
	No	Yes	No	Yes	No	Yes
Western	66.7%	33.3%	78.8%	22.2%	88.9%	4.1%
Nyanza	62.5%	37.5%	70%	20%	63.3%	36.7%
Nairobi	50.0%	50.0%	64.1%	35.9%	54.3%	45.7%
Coast	73.05%	27.0%	81.6%	18.4%	75.7%	24.3%

From the statistics above, it is observed that in all the four regions 88.06% of the respondents felt that the Kenya government is yet to ensure that the rights of the Kenyan rural woman is adequately addressed. 36.9% of them, however, felt that this has been done by the government. Asked whether the government has ensured the protection of the rights of the Kenyan rural woman, 73.35% responded negatively whereas 26.6% of them were positive. 29.9% of the respondents were of the opinion that Kenyan government has established appropriate infrastructure to ensure the fulfillment of the rural women. However, 70% of them did not think this has been done.

When the respondents were asked to suggest what needs to be done to ensure the accomplishment of obligations under CEDAW, they suggested the following:

- There is need to enact laws to enforce the protection of women's rights.

- FIDA Kenya to continue educating women on their rights.
- There is need to pass pending bills that protect women against rights abuses.
- These include the Family Protection Bill and the Sexual Offences Bill among others.
- There is need for lobbying and advocating for reform of laws that discriminate against women to ensure that the rights of rural women are protected.
- There is need to ensure that all laws are gender sensitive.
- There is need to have sensitization on women's rights at the grassroots levels and especially to the youths in schools.
- Establish facilities for rehabilitation of abused women in the rural areas and support institutions that aid women victims of abuse in these areas.
- Establish women courts at district level to protect rights of rural women.

Although the 5th and 6th Combined Report has outlined elaborate measures the government has taken in order to fulfill Article 14 of CEDAW, the responses from the survey indicate that this is yet to be achieved on the ground.

- The respondents were asked to state some of the obligations under CEDAW which had been implemented by the government. The Free Primary Education Policy has to some extent, encouraged the enrollment of girls in primary schools in the rural areas.
- The Affirmative Action for entry into university education for girls has enhanced their participation in higher education.
- There is slight improvement in the participation of women in wage employment where women have risen to high levels of decision-making in corporate bodies and multinational companies.
- Community maternity clinics have increased in some areas, some with the support from NGOs.
- There is improvement in the participation of rural women in the political arena, for example, there is an increase in the election of women councillors to manage wards in the rural areas.
- There is an increase in the appointment of women in the provincial administration for example, chiefs and assistant chiefs.

However, some respondents felt that generally, rural women's legal and economic rights were yet to be addressed by the government.

Section 3: Addressing Gender Disparities in Kenya

The respondents were given the following measures, which the government has done to implement CEDAW,

- a) Established the Ministry of Gender, Sports, Culture and Social Services.
- b) Set up a Task force to review all issues relating to women and children.
- c) Established a National Commission on Gender and Development.
- d) Established a National Machinery/Gender Department.
- e) Incorporated CEDAW in the Constitutional Review Process.
- f) Drafted a National Policy on Gender and Development.

Majority of respondents felt that (b) above was the best measure through which the government is addressing gender disparity. The following are the percentages which reflect the choice of (b) above:

Western region	-	58.3%
Nyanza region	-	42.3%
Nairobi region	-	17.0%
Coast region	-	21.2%

These were the highest percentages in the categories given.

The purpose of the Task Force was to establish the situation on the ground regarding women and children so as to enable the government establish more workable mechanisms through which CEDAW could be achieved.

A number of the respondents in FGDs (at least 4 in every FGD) stated that they had heard about the establishment of the Ministry of Gender, Sports, Culture and Social Services. However, they felt that the Ministry is overcrowded and is not satisfactorily taking measures to address existing gender disparities in the country. According to them, the ministry only dealt with sports and nothing touched on women's rights.

The national machinery for advancing gender equality has been greatly enhanced through the establishment of the National Commission on Gender and Development in November 2004. The Gender Commission was established so as to promote women's participation in all spheres of their lives. Their mandate also includes to:

- Determine strategic priorities in all the socio-economic, political and development policies of the government and advise on their implementation.

- Initiate, lobby for and advocate for legal reforms on issues affecting women, and formulate laws, practices and policies that eliminate all forms of discrimination against women and in all institutions, practices and customs that are detrimental to their dignity.

The government has supported operations of the Gender Commission through funds, office space, deployment of staff and by holding regular consultative meetings on areas that concern women's advancement such as strategizing on the pending Gender Bills: Equality Bill 2001, HIV/Control Bill, Domestic Violence (Family Protection Bill) and Affirmative Action Bill. The effect and relevance of this Commission is however yet to be felt on the ground.

The Proposed New Constitution had provisions that were very progressive towards women. Unfortunately, on November 21, 2005, after a five-year constitutional review process, Kenya held a Referendum to approve or reject the Proposed New Constitution. Sixty-seven percent of the New Constitution was rejected, women were the greatest losers.

There were four main areas that the Constitution addressed concerning women's rights: inheritance rights, citizenship, women's leadership and representation and reproductive rights.

Traditionally, women's inheritance rights are very restricted. Married women cannot inherit property from their parents, and they cannot have absolute ownership rights in their matrimonial homes, much less inherit from their parents-in-law. Women produce most of the labour that goes into acquisition and development of property, particularly land, and it is only fair that they should have rights in the property that they labour for. The draft constitution proposed to entrench women's property inheritance rights.

Kenyan women have a second-class citizenship in that they are not able to bestow citizenship on their foreign spouses and children born outside the country, as is the case for Kenyan men. The new constitution sought to equalize their position.

Regarding reproductive rights, the draft constitution expressly confirmed the illegality of abortion, but left room for Parliament to make laws regarding abortion.

There were tremendous opportunities for women to participate in leadership in the draft, which proposed a system of devolution of power to district governments in contrast to the current system where power is concentrated in the central government. One-third of the representation in district governments would have been reserved for women. However, how these provisions were to be implemented remained unclear in the proposed new constitution.

The Government has instituted a National Policy on Gender and Development. This policy enables the government to address gender issues strategically through an established institutional framework. The government is in the process of developing a Plan of Action for implementation of the Gender Policy. The government should make concerted efforts to disseminate this information to the ground.

Capacity Building on Gender

From the survey findings, it is observed that very few respondents in the sampled regions have received training on gender (see Table 7 below). Respondents expressed the need for more training on gender issues and women's rights in the rural zones of Kenya. This is because gender discrimination is still prevalent in these areas. It is also observed that the NGOs, CBOs and FBOs have done a lot in capacity building on human rights awareness compared to the government. The government needs to support the efforts of these NGOs and seek ways of working together.

The respondents were asked to state whether they had received any training on fighting gender discrimination. Out of all the respondents interviewed, only 38 of them had received such training as shown in the table below:



Table 7: Gender training

Region	No of Respondents	Years	Who Trained	Course Content
Coast	1	2002	Ecumenical	• Human Rights, Gender
	1	2004	CJPC	• Women Rights, Child Rights
	1	1997	JICA	• Education
	1	2002	ECWD	• Gender
	1	2003	Not sure	• Women Rights, Child Rights
	2	2004	FIDA	• Monitoring, Advocacy
	7	2004	JKUAT	• Politics, Gender
	1	---	GOK	• Women Rights
	2	---	Not sure	• Women Rights, - Gender Issues
	Nyanza	2	2004	Actionaid-K
3		2003	GTZ	• Family Issues
6		2004	FIDA (Monitor)	• Gender
Western	2	2004	Amkeni	• Women's empowerment
	3	2001	World Vision	• Women's empowerment
	1	2000	KEFEADO	• Gender
	2	2005	COVAW	• Gender Violence
Nairobi	11	---	Single Mothers	• Parenting
		2005	COVAW	• Gender Violence

From the table above, it can be observed that:

- Most of the organizers were Non-Governmental Organizations, Community Based Organizations, and Faith Based Organizations.
- Out of all the organizers of the training, the government had organized only one.
- The majority of the respondents were trained on women and human rights.
- The number of those trained in all the four survey regions was too small to cause a positive impact especially in rural areas.

When the respondents were asked to state how the training had equipped them in addressing gender discrimination issues, the following were their responses:

- Acquisition of gender sensitization skills.
- Acquisition of skills to solve family problems.
- Learning to be vigilant against FGM.
- Empowered on how to campaign for children and women's rights and how to disseminate the same.
- Learning about the concept of affirmative action.

However, three respondents indicated that they did not benefit much from the training. One stated that due to cultural constraints, it was not possible to actualize what was learnt during training. The two others indicated that they did not gain much because time period allocated for the training was too short. While the government of Kenya has an obligation to take all appropriate measures to ensure the full development and advancement of women in order to guarantee them the enjoyment of human rights, the rural women cannot advance if measures are not established to inform them about their rights. Concerted efforts have not been made to open up avenues in which women in the rural areas can be trained on human rights and to acquire knowledge about their civic rights.

Policy Implications and Conclusions

This Chapter gives a summative reflection and interpretation of the survey findings and conclusions based on the responses from the field. It is also a reflection of the lessons learnt and what the key findings mean in terms of amendment, enactment and revision of the existing policies that relate to implementation of CEDAW among rural women in Kenya.

1. Modes of Dissemination of CEDAW

It was established that majority of the respondents interviewed have inadequate knowledge of CEDAW. This means that the rural woman is still not enlightened to know her rights due to lack of information. Without strengthened efforts in advocacy & civic education, women in rural areas will not know their rights.

It is quite sad that over two decades since the government ratified this Convention, most women are yet to know of its existence and feel any positive effects from it. In the government's progress reports to the CEDAW Committee, it has acknowledged the fact that a lot of advocacy efforts need to be put in place to enlighten women on their rights.

The very few respondents who had heard about CEDAW had done so through training, at work or through the media. It was apparent that the media, especially the radio, is the main medium of information acquisition in the rural areas. It is important that the government works with the media to enlighten rural women on their rights. People tend to acquire up to date information faster through this medium than any other in the rural zones of Kenya. The radio, therefore, can be used as an important tool in the creation of awareness especially in the existence of CEDAW. More rural women will become aware of their rights only if the government involves relevant ministries such as the Ministry of Gender, Sports Culture and Social Services through its Adult Education and Literacy Programmes; Ministry Information and Communication and the Ministry of Education. Additionally, maximize exploitation of the potential of the radio as a medium of communicating information on CEDAW.

2. Local and National Dissemination of the government progress reports on CEDAW

It was observed that information and documents relating to the Convention and others on women's rights do not trickle down to the grassroots level. Very few women are aware of the existence of the progress reports which are submitted by the government to the various reporting bodies. For instance, hardly any respondents in the rural and slum areas had any knowledge of the content of the National Reports to the UN Committee on CEDAW. Some of the parliamentary Bills and Acts that have already been enacted to implement piece meal articles on CEDAW are unknown to the respondents interviewed. If the government does not establish sufficient networks in the rural zones to ensure information flow to rural women, few women will be aware of their rights. .

If rural women could be able to access reports that the Kenya government submits to the CEDAW Committee at the UN, this would raise their awareness level. It is important that the National Commission on Gender and Development takes advantage of its mandate in order to improve access to opportunities for rural women to debate and contribute to State reports to the UN. This will especially be made possible if sufficient networks through which such information can flow are established. On the same wave, the commission should ensure that international agreements are honoured since Kenya is party to several international treaties, namely *The UN Beijing Platform for Action*, *The UN Convention on the Rights of the Child*, *The UN CEDAW* and *The UN Millennium Development Goals*.

3. Capacity building on CEDAW

It was also apparent that little capacity building on CEDAW and women's rights trickled down to the rural areas. Even government representatives on the ground who are expected to disseminate the same to the women and significant others, have little information on the Convention. Most officials who are in the various branches of the Ministry of gender, sports, culture and social services, hadn't received any training on CEDAW. It is important that the government establishes structures through which the government officials on the ground, administration officials and opinion leaders, rural women groups and community based organizations, faith based organization, and other women leaders can be trained on CEDAW. These officials would then be empowered to educate and disseminate the information to other women on the ground.

4. Barriers to implementation of CEDAW

It is important that the pending bills in parliament are enacted into law in order to domesticate CEDAW. These includes bills like the Domestic Violence (Family Protection) Bill among others that address discrimination against women. Sexual Violence and domestic violence were among some of the rampant forms of abuse that women in the rural areas face yet there are no comprehensive laws to protect them against domestic violence. Police officers and chiefs should be trained on how to handle victims who undergo various forms of gender-based violence and stop treating such cases as a 'family affair'. Further, judges and magistrates should also receive training on how to enforce the law and establish sound precedents/ case law on matters relating to gender based violence.

- Prevalence of FGM and early or forced marriages are issues that came up during the interviews. These practices are mostly common in Kisii, Kuria and Malindi. In view of these and the escalating incidences of domestic violence and sexual abuse against women and the girl child, the Kenya government needs to act urgently before these offences are declared to be national disasters.

5. Economic and Employment Opportunities

The findings established that most rural women are subsistence farmers while those in the slums engage in small-scale business or hawking. Most women live on less than a dollar per day. They have no right to own the land nor are they large-scale farmers. Yet in the rural areas for example, credit is advanced to holders of title deeds and owners of cash crops. It is apparent therefore that rural women have barely any access to opportunities for economic advancement and their economic situation remains the same despite measures so far taken by the government. Article 13 of CEDAW requires that state parties take all appropriate measures to eliminate discrimination against women in areas of economic and social life. Rural women need targeted economic schemes to improve the quality of their lives.

Out of the findings, it was noted that there is rampant discrimination of rural girls who are domestic house-helpers especially in the peri-urban areas. These girls were said to be under age and can barely handle the chores. Furthermore, they are lowly paid. Most of them drop out of schools to generate little income for their poor families. It was realized that this phenomenon has been brought about by the high poverty levels in the rural and slum areas.

In view of this, the government of Kenya through relevant ministries, such as the Ministries of Land, Finance, Trade and Industry, Agriculture, Livestock, should ensure:

- **Equal access** to loans and financial credit for women and men.
- **Access to, and control over** family property as security for financial borrowing by women.
- **Control over** local and external **markets** by women.
- **Appropriate remuneration of women** who work in non-monetized sectors of the economy.
- **Making financial commitments** by designing budgets that are gender sensitive and friendly to rural women.
- **Organization and support of rural women** through self-help groups and cooperatives in order to obtain economic opportunities.

6. Education opportunities

Article 10 of CEDAW seeks to eliminate discrimination against girls and women in education. The measures taken by the government, for example, to enhance enrolment into primary schools under the Free Primary Education and the Children's Act have consequently improved the enrolment of girls. However, the findings of this survey indicate that push-out factors such as Female Genital Mutilation, early marriages, and domestic chores among others, interfere with the enrolment, retention and completion of teenage girls in primary schools. Yet there is no comprehensive and workable policy to address the problem of retention. This explains the fact that the majority of rural women have low educational achievements and poor exposure to issues affecting them. In order to curb the high illiteracy levels and poverty levels among rural women, the government, through the Ministry of Education, needs to put in place measures which are targeted to not only sending girls in both primary and secondary school, but also retaining them. This needs to be addressed otherwise high illiteracy levels will persist in the rural and slum areas leading to high rates of poverty. Women should also be encouraged to undertake adult learning. Additionally, the government should **enforce the implementation** of the *National Plan of Action for the Elimination of Female Genital Mutilation in Kenya (1999 –2019)*¹⁶. Although the Ministry of Health in collaboration with other stakeholders were the developers of this plan, the practice is still prevalent in certain communities across the

¹⁶ UNICEF/PATH (1998), Female Genital Cutting A Research in Five Districts of Kenya. UNICEF/PATH, Nairobi

country. This calls for a deliberate move to enforce this plan and other international agreements that the Kenya government has signed to protect the human rights of women.

7. Health Care Opportunities

Although the government has outlined several measures to improve the health of women, such as expanding maternity facilities, and health clinics, such facilities are still limited in certain rural areas.

As regards HIV/AIDS, despite the government establishing Constituency AIDS Committees to assist those affected and infected, rural women lack proper training and support on Home Based Care. Without access to adequate information, prevention measures and treatment, women and girls will continue to be at risk of HIV/AIDS infection. It can therefore be concluded that the government and civil society organizations have to:

- **Target all rural areas:** The government has to plan and target all rural areas to eliminate discrimination in health care provision and services.
- **Step up measures to combat the HIV/AIDS pandemic** in order to assist the affected and infected rural and slum women in terms of provision of training and support mechanisms to alleviate their suffering.
- **Enact the HIV/AIDS control and Prevention Bill.**

8. Trafficking and Prostitution

The findings of the survey revealed that exploitation of women and girls for sexual purposes is still rampant in the rural and slum areas. For instance, rural young girls were said to be trafficked to urban areas to provide domestic and farm labour. Some of these end up into prostitution due to mistreatment and lack of pay. Others were said to be trafficked across borders mostly through trickery into other countries. These end up being sexually exploited. From these findings it can be established that women and children are trafficked for purposes of sexual exploitation, domestic slavery and often as unpaid farm hands.

Living off the earnings of prostitution is illegal in Kenya but the findings reveal that the practice continues unabated in rural areas and urban slums. According to the Penal Code No. 156, it is an offence for one to operate a brothel. It has been noted that middlemen and more often women, use young girls as prostitutes for monetary gain. In order to curb this practice, the government needs to put in place stringent measures to arrest the situation. A trafficking law should be enacted.

Furthermore, trafficking and sexual exploitation of women are shrouded in secrecy and hence the existing state machinery has not been able to arrest the situation. Trafficking of women and girls in Kenya is still rampant. In its 2004 Trafficking Report, the United States Department of State described Kenya as a country of origin, destination, and transit for trafficking and placed Kenya on a “watch list. Kenya has not signed or ratified all of the major anti-trafficking documents. “Protocol to Prevent, Suppress and Punish Trafficking in Persons (Palermo Protocol).” However, it has acceded to the UN Convention against Trans national Organized Crime, which is the parent instrument for the Palermo Protocol. This recent accession suggests an initial commitment to addressing the criminal elements, which make trafficking possible, and provides leverage for lobbying the government to ratify the Palermo Protocol. CEDAW states that states parties “shall take all appropriate measures, including legislation, to suppress all forms of trafficking in women and exploitation of prostitution of women.” . It is important that the government does the following;

- **Intensified lobbying and advocacy.** The local media and civil society should devote significant time and resources to promote awareness on the trafficking of girls and women.
- **Enactment of laws on local trafficking of women and girls.** The Government of Kenya, in line with Article 6 of CEDAW should take all necessary legal measures to suppress all forms of trafficking of women and to oppose the exploitation of prostitution. A trafficking law should be enacted.
- **Creation of a National Task Force.** The government ministry (ies) responsible for women and children and migration of persons should create a National Task Force to guide the government’s efforts in combating the trafficking of women, sexual exploitation of children, domestic slavery and often unpaid farm labour.
- **Advocate for enforcement of laws.** Civil society organizations and the media must lobby and advocate for enforcement of existing laws against prostitution and sex slavery practices.

9. Women with Disabilities

- Despite the fact that the Persons with Disabilities Act was enacted by the government in 2003 to improve the civic rights of people with disabilities, findings from the respondents indicate that some retrogressive socio-cultural practices continue to discriminate them, especially the women. Apart from enacting the Act, the government

should put in place practical and targeted measures and establish relevant structures to protect the rights of people with disabilities especially women who are double-oppressed as has been established through this survey. Additionally, the Kenya government through its relevant ministries and committees should ensure the implementation of this Act.

10. Participation of Rural Women In National and Other Development Processes

- Respondents argued that women from the rural areas are hardly ever considered or consulted during national and other development processes. Participation of rural women in national developmental processes is also highlighted by the FIDA and WILDAF Shadow Report where it is argued that there are no strategies put in place to train women representatives who represent the rural women in district development committees as leaders¹⁷. For there to be any meaningful development that is directly targeted to women, the government must involve rural women in development processes. The government through its various ministries should ensure that rural women make inroads in decision-making bodies such as Parents-Teachers Associations (PTAs), Boards of Governors, Community Development Committees and other development advisory bodies. The Constituency Development Fund Committees should all have a minimum of one third representation of women, to enable them advocate for projects that would lead to the improvement of the rural women's life.

11. Addressing Gender Disparities by Government

Respondents felt that the setting up of a task force to review all issues relating to women and children was the most appropriate measure the government had undertaken to address gender disparities. In their opinion, other measures such as the establishment of the Ministry of Gender, Sports, Culture and Social Services were not workable because the ministry mostly deals with sports only. For the ministry of Gender to properly address matters concerning women's rights, the government should consider establishing an independent ministry that solely deals with gender issues. This is because the ministry is overloaded and does not target rural women nor does it adequately address gender issues. The Constitutional Review Process was

¹⁷ FIDA and WILDAF Report to the 3rd and 4th Kenya National Report to CEDAW, commenting on implementation of Article 14 of CEDAW, pg. 23.

ongoing at the time of the survey and the respondents felt that they could not account for its impact on gender issues. The respondents gave their assessment of the measures the government had taken from their own experiences. They had heard about the task force and felt that it had a holistic approach to gender issues.

Recommendations

This chapter presents the recommendations by respondents on what the government should do to implement CEDAW. The suggestions floated from the primary sources are presented here below, and thereafter followed by recommendations from the consultants.

Recommendations by Respondents

Eliminating Obstacles and Effectively implementing CEDAW

Decentralize the Gender Department in the Ministry of Gender, Sports, Culture and Social Services.

- Enact comprehensive national laws to holistically domesticate CEDAW. FIDA Kenya should open more offices in the various districts and organize for more legal open days to educate women on their rights. Additionally, FIDA Kenya should be holding mobile legal aid clinics in order to reach those women who can't afford bus fare to reach their offices.

Capacity Building on Gender Issues and CEDAW

- Government representatives should be trained on gender issues and CEDAW so as to relay the information to the rural communities.
- Training of women leaders in the rural and slum areas on gender issues and CEDAW.
- Chiefs, Opinion and Religious Leaders should enhance their capacity on gender issues and CEDAW.

Outreach and Sensitization

- Government to establish communication networks on how to disseminate CEDAW up to the grassroots level.
- Rural women should be educated on CEDAW.
- Rural women should be educated on their rights.
- Content of CEDAW should be disseminated in public meetings and Chiefs' *barazas*.
- School children and in-school youth should be made aware of the contents of the Convention and gender equality.

- Develop an advocacy strategy to sensitize rural women on the UN Convention, including the rights enshrined in the national laws.
- Translate the various conventions and treaties, including national law into Kiswahili and vernacular in order to reach out to those who cannot read.

The Role of Media

- Use appropriate media as venue for dissemination of CEDAW.
- Government should improve the use of existing media channels and open up more air-waves to disseminate CEDAW.

Trafficking of Women and Girls

- Government to take legal actions against foreigners who are involved in the trafficking of women and girls.
- Government to ensure that the Child Code of Conduct (to be enforced in tourist hotels)¹⁸, is adopted to curb child abuse and prostitution in tourist hotels.
- Strict Embassy regulations to be put in place and coordination with foreign countries to prevent trafficking and exploitation of women and girls.
- Job agencies to be looked into by government to ensure jobs actually exist.
- Enactment of the Trafficking in Persons Bill.

Role of the Education System

- Gender issues and CEDAW in particular to be incorporated in the school curriculum.
- Education system to incorporate HIV/AIDS courses.

¹⁸ One respondent in Malindi indicated that efforts by NGOs have come up with the idea of Child Code of Conduct to be adopted by all hotels to curb child abuse.

Role of Leaders

- Community, Civic and Parliamentary leaders to be pace-setters in fighting gender discrimination and disseminating the obligations of CEDAW.
- Women and other leaders to encourage rural women to participate in decision-making and development processes.

Violence Against Women

- Government to establish rehabilitation centers for abused women and girls in the rural and slum areas.
- Abused women and Girls to be assisted to access credit and skills to start legal in-come generating activities.
- Chiefs and police officers to be trained on how to handle and properly deal with cases of gender based violence.
- Judicial officers to enforce the law and set precedents /case law that will be used as a referral point for the advancement of women's rights.

Ministry of Gender, Sports, Culture and Social Services

- The ministry should be relieved of some of its departments so that it can be more effective in addressing gender issues and women's rights.
- Establish an independent Ministry of Gender that solely deals with gender issues.
- The Ministry should be headed by a woman who is well conversant with gender issues or by a gender sensitive man.

Consultants' Recommendations

Dissemination of CEDAW

The media plays an important role in highlighting the plight of women, especially in the rural zones of Kenya. It is a dissemination and awareness creation tool, which opens avenues for violated women to be heard, and therefore seek justice. The advocacy element that the media plays cannot therefore be overlooked. To this end, advocates of women's rights should:

- Establish the best media channel for the different rural zones of Kenya to successfully disseminate the contents of the Convention.



- Use the different existing media channels especially those that use local languages.
- Ensure that CEDAW is translated and disseminated in local Kenyan languages so as to reach more rural women.
- Visualize the contents of CEDAW to come up with Information Educational and Communication Materials (IEC) to the general public consumption.

Linkages and Collaboration

The Government should:

- create linkages with NGOs and FBOs in order to reach out to the rural zones more effectively.
- Ensure that National Reports, Policies and Programmes to reach the rural population, especially women, through well established structures, linkages and collaboration.
- Identify relevant institutions through which it could disseminate the national reports it submits to the UN CEDAW Committee including other reporting bodies.

Economic Initiatives for Rural Women

Rural women need targeted economic schemes to improve the quality of their lives.

Existing government's initiatives at women's economic empowerment have not yielded much fruit because poverty continues to bear a woman's face. It is of paramount importance, therefore, to ensure that strategies are put in place to address the needs and tap the capacity of rural women. This can be done through the following:

- Establishment of rural women enterprises
- Advancing loans and credit facilities to rural women with lower interest rates.
- Building initiatives aimed at influencing reallocation of resources in favour of basic social services.

Access to healthcare facilities

- Build more hospitals and dispensaries to bring the facilities closer to the rural women.
- Equip the maternity facilities with modern equipment to help reduce the high maternal mortality rate among women in the rural areas
- Train traditional birth attendants on the up to date information to enable them offer better delivery services to women.
- Provide free family planning facilities to women to enable them space their children better.

Increasing of level of Awareness of CEDAW

The awareness creation about CEDAW can only become a reality if proper mechanisms are established in the rural zones so that women can easily access information. The following intervention programmes could be put in place:

- Gender empowerment centres in the rural areas can be set up where women can access information on CEDAW. Civic education through seminars and chiefs' *barazas* could be held for purposes of changing women's attitudes and perceptions about themselves
- Develop an advocacy strategy to sensitize rural women on their rights which are enshrined in CEDAW including the national laws.

Discriminatory Laws

Although the government has made concerted efforts to enact and review some laws that are gender insensitive in order to implement CEDAW, there still exists discriminatory laws that are barriers to women's advancements especially rural women. Those laws include:

- The Constitution
- Employment/labour laws
- Marriage laws
- Citizenship laws
- Immigration laws
- Inheritance laws
- Criminal laws e.t.c

The government should network and collaborate with organizations engaged in women's rights FIDA Kenya, COVAW, CREAM, ECWD, WLEA, and other relevant stakeholders to amend these laws.

Pending Bills

Through the efforts of Civil Society Organizations, in the recent past, the parliament has formulated Gender sensitive Bills, some of which have been debated in parliament up to certain stages but are still yet to be passed into law. These Bills include:

- The Domestic Violence (Family Protection) Bill.
- The HIV/AIDS Prevention and Control Bill.
- Refugee Bill.
- Equality Bill
- Affirmative Action Bill
- Trafficking Bill

The government needs to speed up the enactment of these Bills. This will go a long way to improve the lives of women and the girl-child, and in particular those from the rural and urban slum areas.

It is noteworthy that the government enacted the Children's Act 2001 and the *National Commission on Gender and Development Act 2003* which have aimed at the rights of girls and women in general. The Gender Commission's mandate is to initiate, lobby for and advocate for legal reforms on issues affecting women, and to formulate laws, practices and policies that eliminate all forms of discrimination against women and all institutions, practices and customs that are detrimental to their dignity.

Adult Literacy Programme

The programme can be used to empower the rural masses to be aware of their human rights. The programme can also be used to reach out to the rural women, the majority of who are illiterate, as a tool for self liberation and as a source of information on their rights.



Retrogressive Cultural Practices

- Government should increase efforts through the already established machinery, for example, the Children's Act, to deal with FGM and early/forced marriages, and other cultural practices that are evident in this survey, that hamper the implementation of CEDAW.
- Training of the provincial administration including the opinion leaders and council of elders to help in curbing negative cultural practices.
- The government should collaborate with NGOs and CBOs who are putting their resources towards eliminating such harmful practices.

Conclusion

The survey was done to establish the level of awareness of CEDAW as well as the level of implementation of the same by the Kenyan government. The survey empirically indicates that the majority of rural women are not aware of CEDAW as a tool that guarantees their socio-economic, political and cultural rights. Furthermore, rural women are active in economic production, yet society has taken this role for granted. These women have continually been denied the opportunity to participate at decision making levels where they can influence positive policies that address women's issues. Consequently, issues touching on their lives are not addressed, and this perpetuates the status quo. The findings establish that there is lack of comprehensive policy, legal and administrative frameworks for the domestication and implementation of CEDAW. Hence, there is need to establish and strengthen mechanisms through which the Convention can be addressed in order to cater for the needs of the rural woman.

The media plays an important role in highlighting the plight of women, especially in the rural zones of Kenya. It is a dissemination and awareness creation tool, which opens avenues for violated women to be heard, and therefore seek justice. The advocacy element that the media plays cannot therefore be overlooked

The government should network and collaborate with organizations engaged in women's rights FIDA Kenya, COVAW, CREAM, ECWD, WLEA, and other relevant stakeholders to amend these laws.

Administration of Questionnaires in Nyanza and Western Regions

Province	District	Interviewees	Remarks
Nyanza	Kuria	<ul style="list-style-type: none"> • Head Teacher- Taranganya Boys' • Social worker- Kuria disabled group • Secretary- Bugumbe Elders • Deputy OCPD • DSDO • Administrative Officer, Local Government • District Children's Officer • D.O- Kehancha 	Very good response which could be attributed to the total dedication to the exercise by the FIDA Kenya paralegal
Western	Kisii	<ul style="list-style-type: none"> • Chief- Bogiakimu Location • CBO Leader • Childrens' Officer-Kisii • Head Teacher-Bishop Mugendi • District Education Officer-Kisii 	These four responses were out of the ten distributed in the district. Getting responses was not easy since respondents were not willing to talk. They found the exercise tedious and were demanding for payment.
	Kisumu	<ul style="list-style-type: none"> • Head Teacher- Lions High School • Head Teacher- Kasagam Secondary • Project officer- SANA International • Manager SANA International • D.E.O- District Children's Officer • Police Officer • Religious Leader • Economist 	Good response because the research assistant was very keen on follow up. Further, officers approached by the researcher were all willing to assist in the exercise by responding to the tool.
	Bondo	<ul style="list-style-type: none"> • Social Worker- Mama na dada • DSDO • Head teacher- Ramogi Ochieng Oneko Academy. • Project Administrator- Mama na Dada 	This was the only area in which respondents said they could hardly understand CEDAW and were not willing to fill in the questionnaires.
	Siaya	<ul style="list-style-type: none"> • Social Worker SWIND • Programme Officer SWIND • District Social Development Officer • Head teacher- Siaya Township • Head teacher 	The FIDA monitor was quite helpful and did follow up though it was not easy.

Administration of Questionnaires in Nyanza and Western Regions

Province	District	Interviewees	Remarks
Western	Mt. Elgon	<ul style="list-style-type: none"> Secretary- Farmer's CBO Senior Chief- Nomorio 	Not an easy area to carry out research. Administration was quite suspicious and very few were flexible enough to fill in the questionnaire.
	Trans-Nzoia	<ul style="list-style-type: none"> Chairperson KHAPPS Counselor-incharge, CHANUKA youth. District Inspectorate, Secondary School section Director NEKEKI 	Though tense at first, the respondent tried their best to respond to our questionnaire.
	Kakamega	<ul style="list-style-type: none"> Programme Co-ordinator- LIFA Director ACCESS DSDO- Head Teacher-Bishop Sulumeti Girls Head Teacher-St Ignatius Boys Mukumu 	The LIFA coordinator was very helpful as he deals with education/literacy issues in the village level.
	Vihiga	<ul style="list-style-type: none"> DC DSDO Women's Leader Head Teacher- Mukumu Girls Head Teacher-St.Monica Girls Vihiga 	Quite an interesting encounter with the DSDO who had undergone training on CEDAW but didn't know how and where to disseminate to the ordinary woman.
	Mumias	<ul style="list-style-type: none"> District Magistrate DSDO Head teacher- Head teacher- 	FIDA monitor was of great help in the follow-up.

Administration of FGDs in Nyanza and Western Regions

Date	District	Venue	Interviews Held	Contact Persons
6-7.10.05	KURIA	Municipality Hal-Kehancha	<ul style="list-style-type: none"> Mixed Youth Women Group Mixed Adult Group 	FIDA Kenya paralegal-Kehancha
8-9.10.05	KISII	Bogiakimu SDA Church	<ul style="list-style-type: none"> Youth Group Women Group Mixed Adult Group 	Chief-Bogiakimu Location
11.10.05	KISUMU	<ul style="list-style-type: none"> Mama Ngina Children's home Kanyamony Primary school 	<ul style="list-style-type: none"> Mixed Youth Group Women's Group Mixed Adult group 	FIDA Kenya Paralegal Kisumu
12-13.10.05	BONDO	MADIANY <ul style="list-style-type: none"> Mama na Dada Ramogi Ochieng Oneko Academy 	<ul style="list-style-type: none"> Mixed Adult group Adult male group Mixed youth group 	FIDA Kenya monitor, Bondo
14.10.05	SIAYA	SWIND-CBO	<ul style="list-style-type: none"> Women only group Mixed Youth group Adult male only group 	FIDA Kenya monitor Siaya
17-18.10.05	Mt. ELGON	KAPSOKWONY <ul style="list-style-type: none"> Nomorio Market 	<ul style="list-style-type: none"> Mixed Youth Group Women's Group Adult Male Group 	Chief Koshok Location- FIDA Kenya monitor Kapsokwony
21-22.10.05	TRAN-NZOIA	KITALE <ul style="list-style-type: none"> Chanuka VCT centre LIFA-NGO SHEYWE GUEST HOUSE 	<ul style="list-style-type: none"> Mixed Adult Group (PLWHA) Mixed Youth Group Adult Male only Group 	CHANUKA youth Group-Kitale
24.10.05	KAKAMEGA	<ul style="list-style-type: none"> DSDO's office 	<ul style="list-style-type: none"> Women Only Group Female Youth Group Adult Male Group 	LIFA

Date	District	Venue	Interviews Held	Contact Persons
25.10.05	VIHIGA	<ul style="list-style-type: none"> PAG church Chavakali 	<ul style="list-style-type: none"> Men only Group Mixed Youth Group Women only Group 	<ul style="list-style-type: none"> FIDA Kenya monitor Maragoli
26-27.10.05	MUMIAS	RWACAC	<ul style="list-style-type: none"> Men only Group Mixed Youth Group Women only Group 	<ul style="list-style-type: none"> FIDA monitor Mumias

Administration of Questionnaire in Nairobi and Coast Regions

Province	District/Geog. Location
Nairobi	Nairobi(Provincial Administration) KiberaKayole/Dandora Kangemi Nairobi(central) Embakasi Umoja Kayde Kayole/Embakasi
Coast	Lamu Malindi Mombasa Taveta



Occupations of the respondents to the questionnaires

1. Civil servant/Administrative officer
2. Head teacher /Principal /Manager
3. Provincial Director of Education -Coast
4. Doctor
5. Farmer
6. Teacher
7. Civil servant
8. Zonal officer –Kimorigo Zone
9. Deputy head teacher
10. Municipal Education officer
11. Agricultural officer
12. Valuer
13. Educational officer
14. District labour officer
15. NGO world –(SWAK), (NACC), CRADLE, FAWE-Kenya, IED, Kenya
Paraplegic Organization
16. Assistance for promoting girls child education/children officer
17. District officer (DO)
18. Journalist
19. Quality Assurance and Standards Officer
20. Immigration officer
21. District head- Administration
22. Nursing officer
23. Provincial Medical Officer
24. Court Clerk
25. Health Worker

26. Extension Officer
27. Priest/Pastor
28. Social workers
29. Registration officer
30. Assistance/vet. officer
31. Lecturers
32. Chief
33. Cooperative officer
34. Social Development officer
35. Statistician

List of individual interviews in Nairobi

Area	Interviewee	Gender
Umoja	2 environmental officers	males
Kayole	1 youth group leader	male
Kayole	1 pastor	male
Kayole	1 teacher, St. Bernard school	female
Kangemi	1 parish priest	male
Kibera	1 leader-Kianda women Water project	female
Kibera	1 Ass. Parish priest	male
Kibera	1 youth group leader-	male
Dandora	1 Ass. Treasurer-Huruma Mosque	male



Administration of FGDs in Nairobi and Coast Regions:

Nairobi				
Date	District	Venue	Interviews	Contact
9.12.2005	Kayole	Chief's Camp	<ul style="list-style-type: none"> • Adult Men group • Adult Women • Mixed Youth group 	Chief Kayole
13.12.2005	Kibera	Chief's Office	<ul style="list-style-type: none"> • Adult Men group • Adult Women group • Mixed Youth group. 	Chief - KIBERA
13.12.2005	Kawangware	Kawangware Community Nursery sch.	<ul style="list-style-type: none"> • Adult Men group. • Adult Women group • Mixed Youth group. 	Chief - Kawangware
Coast				
18.10.2005	Lamu	Municipality Hall	<ul style="list-style-type: none"> • Adult men group. • Adult women group. • Mixed youth group. 	District Development officer
20.10.2005	Malindi	Sowodi Office	<ul style="list-style-type: none"> • Mixed youth group 	Malindi FIDA monitor
		Abou's residence	<ul style="list-style-type: none"> • Adult men group 	FIDA monitor
21.10.2005		Saidia Mama na Mtoto	<ul style="list-style-type: none"> • Adult men group 	FIDA monitor
24.10.2005	Mombasa	Tononoka Hall	<ul style="list-style-type: none"> • United women group 	Chief - Majengo Location
25.10.2005		Tononoka Hall	<ul style="list-style-type: none"> • Mixed youth group 	Chief - Majengo Location
30.10.2005				<ul style="list-style-type: none"> • Adult men group

Coast

Date	District	Venue	Interviews	Contact
27.10.2005	Taveta	Makui Restaurant	<ul style="list-style-type: none">Mixed youth group	Lutimi cultural group chairman
		Makui Restaurant	<ul style="list-style-type: none">Adult men group	
		Makui	<ul style="list-style-type: none">Adult women group	

Questionnaire

**(Respondents: Provincial Heads, District Heads, Head Teachers,
NGO Heads, Ministry Representatives, Education Officers)**

PROVINCE: _____

DISTRICT: _____

Respondent: Male Female

Occupation: _____

1a. Have you heard of the Convention on the Elimination of All forms of
Discrimination against Women (CEDAW)? Yes No

b. If so, how did you **first** hear of it?

- i. Media
- ii. Through your work
- iii. Through training
- iv. Other (specify)

2. In your opinion, what does CEDAW advocate for?

- a. A foreign instrument that attempts to control sections
of Kenyan law?
- b. Venues that enforce the human rights of women.
- c. Instruments that are trying to give an unfair advantage to women over
men in aspects of life.
- d. All of the above.
- e. I don't know.

3. CEDAW calls for nations to overcome barriers of discrimination against women in areas of legal rights, social rights, education, employment, healthcare, politics and finance.

a) Please list the above in order of severity in your geographical area (Please use the given Roman numbers).

b) In your opinion, what are the five (5) most rampant types of problems that Kenyan women face? (Tick appropriately).

- i. The lack of adequate laws to protect women against domestic violence and sexual abuse
- ii. Prejudices through customary practices, e.g. FGM and early marriages.
- iii. The denial of educational opportunities in various levels.
- iv. Sexual exploitation, women and girl-child prostitution, pornography and negative portrayal of women in the media.
- v. Inadequate participation of women with disabilities in social, cultural, economic and political life.
- vi. Inadequate information and care for women affected and infected with HIV/AIDS
- vii. Lack of adequate national statistical data on the status of women in the various sectors e.g. political, economic, and social sectors.
- viii. No equal representation in decision-making organs e.g. ministerial, high-level commissioners, civil service etc.
- ix. Inequality in the field of employment, e.g. promotions, equal remuneration and equal treatment in respect to work of equal value.
- x. Citizenship laws that do not protect Kenyan women from being rendered stateless by being married to foreigners.
- xi. Inadequate access to healthcare facilities and services (including those related to family planning and maternity services)
- xii. Inadequate access to opportunities for economic development e.g. access to bank loans and credit.
- xiii. Inadequate representation of rural women in national and other development processes as all those mentioned above.
- xiv. Mishandling and assault by law-enforcement officers, e.g. the police.
- xv. Unpaid women workers in domestic setups e.g. housewives, domestic house-helpers, etc.

c) Which of the above listed problems most affect women in your **immediate working environment** and how?

4. State parties (countries) to CEDAW are under obligation to take effective steps to end violence against women. According to the CEDAW obligations set up, States are required under international human rights laws to “**respect, protect, and fulfil human rights.**”

a) Government officials and/or those with authorization of the state must not commit acts of violence against women. “They must **respect** their human rights by ensuring that no state actors commit acts of violence against women.” Examples of violations of women’s rights are: when a prison guard hits or fondles a woman prisoner, when a male officer strip searches a female suspect, or when a state doctor conducts a “virginity test” on a young woman (Amnesty International, 2004)

- i. In your opinion, as the Kenyan government ensured that there is adequate respect of rights of Kenyan women? Yes No
- ii. In your opinion, what percentage can represent the level of accomplishment of CEDAW obligations regarding respect of human rights?

- Over 80%
- 50%
- 20%
- less than 5%
- Not at all
- Don't know

iii In your opinion, what needs to be done?

b) It is a CEDAW obligation that “States must **protect** women’s rights.....the state and its agents must take effective measures to prevent other individuals/groups (including private enterprises and corporations) from violating the integrity, freedom of action, or other human rights of the individual. This duty is upheld when the State institutes laws, policies and practices that protect victims of violence, provide them with appropriate remedies, and bring the perpetrators to justice.” (Amnesty International, 2004).

i. In your opinion, has the Kenyan government adequately ensured the protection of Kenyan women’s rights in this regard?

Yes No

ii. What percentage may be applied to represent the measures that have been set up to ensure this?

- Over 80%
- 50%
- 20%
- less than 5%
- Not at all
- Don't know

iii. In your opinion, what needs to be done to ensure this?

c) The **fulfillment** of human rights also has to be ensured by establishing appropriate infrastructure to support and enforce laws, policies and practices so as to render them more effective. “Moreover, States are expected to report on the progress of laws and policies designed to eliminate discrimination and violence against women and to modify features that are ineffective” (Amnesty International, 2004).

i. In your opinion, has the Kenyan Government adequately ensured that the human rights of Kenyan women have been fulfilled?

Yes No

ii. What percentage may represent the fulfillment of this requirement?

- Over 80%
- 50%
- 20%
- less than 5%
- Not at all
- Don't know

iii. What would you suggest needs to be done?

5. Objectives of CEDAW include the following among others:

- a. Development of an appropriate human rights language for women
- b. Incorporation of women's rights into national constitutions
- c. Update, eliminate or overcome barriers of discrimination against women in the areas of legal rights, education, employment, healthcare, politics and finance.
- d. Influence court decisions.

In your opinion, which of the above has the Kenyan Government addressed with your department/institution/organization? How?

6. Which of the following documents on National Reports the Kenyan Government submits to the United Nations Commissions to CEDAW are you aware of? (tick one)

- a. First National Report to CEDAW
- b. Second National Report to CEDAW
- c. Third and Fourth National Reports to CEDAW

d. All of them

e. None

7. In your assessment, do these reports reflect the true situation on the ground?

Yes No

a. If so, how?

b. If not, what are the shortfalls?

8. The Government has done the following towards the implementation of CEDAW:

- a. Establishment of the Ministry of Gender, Sports, Culture and Social Services.
- b. Set up a Task Force to review all issues relating to women and children.
- c. Set up a Gender Commission.
- d. Established a National Women's Machinery/Gender Department.

- e. Incorporated CEDAW in the Constitution Review process
- f. Drafted the National Gender Policy
- g. Other (specify)

In your opinion, which of the above best address existing gender disparity in Kenya? Give your comments:

9. What measures has the Government put in place to address the trafficking of women and children for sexual and labour exploitation?

Interview guide

Target group: (CBOs, FBOs, Opinion Leaders, Women Leaders, Chiefs, Religious Leaders etc)

(N.B Highlights are for interviewer.)

1. What is CEDAW?

- (a) The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) is an international “Bill of rights” for women, which defines what constitutes discrimination against women and sets up an agenda for national action to end such discrimination.
- (b) CEDAW is an international document comprehensively addressing women’s rights within political, cultural, economic, social and family life.
- (c) CEDAW is a convention that sets out, in legally binding form, internationally acceptable principles on the rights of women, which are applicable to all women in all fields. The basic legal norm of the convention is the prohibition of all forms of discrimination against women.
- (d) CEDAW is the World’s most comprehensive legal instrument for the protection of women, requiring its Parties to adopt measures, including sanctions, prohibiting all discrimination against women.

2. How did you first hear of it?

- a. Media
- b. Through Your work
- c. Through training
- d. Other (specify)

3. In your opinion, what does CEDAW advocate for?
 - a. Development of an appropriate human rights language for women.
 - b. Incorporation of women's rights into national constitutions
 - c. Update, eliminate or overcome barriers of discrimination against women in the areas of legal rights, education, employment, healthcare, politics and finance.
 - d. Influence court decisions.

4. Experience on discrimination – which are the most rampant in your area?
 - i. The lack of adequate laws to protect women against domestic violence and sexual abuse
 - ii. Prejudices through customary practices, e.g. FGM and early marriages.
 - iii. The denial of educational opportunities in various levels
 - iv. Sexual exploitation, women and girl-child prostitution, pornography and negative portrayal of women in the media.
 - v. Inadequate participation of women with disabilities in social, cultural, economic and political life.
 - vi. Inadequate information and care for women affected and infected with HIV/AIDS.
 - vii. Lack of adequate national statistical data on the status of women in the various sectors e.g. political, economic, and social sectors.
 - viii. No equal representation in decision-making organs e.g. ministerial, high-level commissioners, civil service etc.
 - ix. Inequality in the field of employment, e.g. promotions, equal remuneration and equal treatment in respect to work of equal value
 - x. Citizenship laws that do not protect Kenyan women from being rendered stateless by being married to foreigners.
 - xi. Inadequate access to healthcare facilities and services (including those related to family planning and maternity services)
 - xii. Inadequate access to opportunities for economic development e.g. access to bank loans and credit.
 - xiii. Inadequate representation of rural women in national and other development processes as all those mentioned above.
 - xiv. Mishandling and assault by law-enforcement officers, e.g. the police.

xv. Unpaid women workers in domestic setups e.g. housewives, domestic house-helps, etc.

5. In your opinion which are the most severe in your area?

6. What is being done to address this? (Either nationally or locally)

7. Objectives of CEDAW include the following among others:

- a. Development of an appropriate human rights language for women.
- b. Incorporation of women's rights into national constitutions
- c. Update, eliminate or overcome barriers of discrimination against women in the areas of legal rights, education, employment, healthcare, politics and finance.
- d. Influence court decisions.
 - i. Which of these have been addressed?

 - ii. Which haven't and what can done to ensure they are addressed?

8. Have you ever received any training on fighting gender discrimination? If so, when? By who?

9. How did this training equip you in addressing gender discrimination issues?

10. The Government, towards the implementation of CEDAW, has done the following:

- a. Establishment of the Ministry of Gender, Sports, Culture and Social Services.
- b. Set up a Task Force to review all issues relating to women and children.
- c. Set up a Gender Commission.
- d. Established a National Women's Machinery/Gender Department
- e. Incorporated CEDAW provisions in the Constitution Review process
- f. Drafted the National Gender Policy
- g. Other (specify)
 - i. In your opinion, which are the ones that best address existing gender disparity in Kenya? Give your comments.

ii. Which of these have had an impact on issues relating to women in your area? (Expound)

11. Does the problem of trafficking of women and children for sexual and labour exploitation exist in your area?

If so, what measures have been put in place to address this?

12. What suggestions would you offer to the Government to address CEDAW objectives?

13. In your opinion, is it important to enhance capacity on how to address CEDAW?



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Notes

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