

Have Your Say

Constitutional provisions and healthy masculinity

The provisions in the Constitution provide an avenue and opportunity for gender power relations to be examined and addressed dialectically, and to interrogate gender through masculine and feminine lenses. Most importantly, they provide an opportunity to develop and nurture healthy masculinity.

Article 45(3) provides that parties to marriage are entitled to equal rights at the time of marriage, during marriage and at

the end of marriage. The article sets pace for whittling the cultural notion that the role of providing is solely men's. It also enables men to be entitled to maintenance and alimony. This situation is envisaged by the Matrimonial Property Bill 2007.

The Bill also seeks to have non-monetary contribution to marriage recognised. The effect of this, apart from recognising women's non-monetary contribution, is that men who would want to spend more time with their children and spouses and as well be house husbands could do that in the

comfort of knowing it will be recognised in law. However, it will take quite some time for this aspect to be accepted by society. Already, there is a movement in Kenya, Boys to Men²⁹ that is calling on men to affirm women by respecting and recognising their personhood and dignity. Additionally, the movement places premium on men exercising parental responsibilities over their children and exalts fatherhood.

Article 45(3) also sets pace for the requirement of payment of dowry as proof that customary marriage has taken place

being dispensed with, which is encapsulated in Marriage Bill 2008. The effect of this is that apart from eroding the cultural perception of women as property, men will not be subjected to the rigours of paying bride price by in laws. The non requirement of dowry puts in motion the process of men and women marrying on an equal premise, without a material value being placed on women. In MEW's workshops, young men intimated the requirement for them to pay dowry was frustrating, as some of them have had take loans to appease their in laws.

Article 53(1)(e) provides that every child has a right to parental care and protection, which includes equal responsibility of the mother and father whether they are married to each other or not. The article ratchets up the involvement of men in child rearing and magnifies the provision of Section 24 on parental responsibilities in The Children, 2001, No 8 of 2001.

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