DEDICATION

This book is dedicated to the memory of the late Dr. Jennifer Okumu-Wengi, who unfortunately passed away in January 1997. She was the first National Coordinator of Women and Law in East Africa (Uganda), and founder member of the Women and Law in East Africa regional research project. She worked tirelessly and contributed immensely towards the development of the project and this book, particularly the WLEA(U) component.
AN ANNOTATED BIBLIOGRAPHY

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PREFACE

This bibliography is a culmination of four years literature review project carried out by the Women and Law in East Africa researchers. Literature on socio-legal issues affecting women in East Africa has remained relatively inaccessible and therefore unknown to many researchers. A major reason for this is that the sources of written but unpublished materials are not known. In addition, many unpublished reports and conference papers are either with the authors or with the organizations that sponsored their preparation. It is rare as the Women and Law in East Africa researchers found out, that such materials are sent to public or university libraries, or other resource centers where they can be easily accessed. The researchers therefore undertook to unearth unpublished materials as much as possible and most of which served as a reference point for the regional project on inheritance, customs and practices which was completed in 1995.

The materials compiled in this bibliography comprise articles written in academic journals and newspapers, books, undergraduate dissertations and post graduate theses, reports and conference papers. These were analysed and produced under six themes namely: Women and Environment; Divorce, Maintenance and Marriage; Property Ownership and Inheritance; Women in Development; Women and Health and Women’s Rights and Law. The selection of these themes was based on the available information and are therefore not exhaustive. Under each theme is a sub-theme on a specific area which makes it easier for the reader to easily locate specific information.

The bibliography will be updated every two years to integrate new information and writings from the region, and, it is anticipated that in this process new themes will be developed. It is hoped that this bibliography will serve as a reference point for women’s rights activists, research and teaching institutions, students and other interested organizations on the various works on women in East Africa.

Janet Kabeberi-Macharia (Dr.)
Regional Coordinator
Women and Law in East Africa research project
ACKNOWLEDGEMENTS

This bibliography would not have been possible without the selfless contribution of many people. We wish to thank the WLEA researchers from Kenya, Uganda and Tanzania for collecting the materials and putting them in a format ready for editing; the national coordinators for coordinating the entire exercise; the editors, Ms Njeri Karuru of WLEA (Kenya) and Ms Agatha Kabugu (University of Nairobi Library) for their tireless efforts in editing the raw manuscripts and preparing them for publication; Ms Angela Kiragu for typing and retyping the manuscripts; David Kabibi (Dual Art) for the artwork; Oracle Media communications for the typesetting and publishing work. Lastly, we wish to thank Sida-Sarec, Carnegie Corporation of New York and Ford Foundation for the financial assistance towards the preparation and publishing of this book.
BROWN, B. B.
Women and Law in East Africa (Kenya, Tanzania, Uganda, Rwanda, Burundi)

This publication reviews published materials on women's legal status in the five East African countries of Kenya, Uganda, Tanzania, Rwanda and Burundi. It concentrates on materials that appeared before 1980. Each entry offers brief annotations. It can prove a good source of information for researchers on Women's legal issues in East Africa before 1980.

FIDA (Kenya), "A Kenyan Woman's Guide to the Law".

This report focuses on the areas of law which women are most likely to come into contact: Marriage, divorce, death and inheritance; violence against women. It also addresses education, employment and credit availability as well as the Kenyan legal structure and women's legal status.

MAZINGIRA INSTITUTE.
Mazingira Institute, 1985. 311p.

This is an update and expanded successor to the "Directory of Women's Organizations in Kenya". The bulk of the guide consists of organization profiles giving general background and women-specific information. Profiles appear in alphabetical order by title under headings and subheadings meant to represent the type of organisation.
THAIRU, R.W.
Women in Kenya; an Annotated Analytical Bibliography.
Nairobi: Ministry of Culture and Social Services, Women's Bureau, 1984.

This bibliography was commissioned by the Women's Bureau of the Ministry of Culture and Social Services. It consists of both unpublished and published materials relating to the women of Kenya. It contains materials produced between 1964-1983 although it includes selected documents produced in the fifties or earlier that provide essential background information. The materials are covered under the following broad subjects; social and cultural studies, education and training, economic studies, legal studies, nutrition, health and fertility, politics, women’s organisations and general women’s studies.

All major works on the above subjects have been annotated and analysed for easier consultation by the reader. The bibliography is of benefit in providing references to those interested in women studies.
KASENTE, D. H.  
The Impact of Uganda Women Tree Planting Movement at the Grassroots:  
A Final Report; Makerere University, Kampala, Department of Women Studies. June, 1992.

The paper examines whether the Women Tree Planting Movement objectives have been realized at the grassroots level. In its findings, the paper states that the Uganda Women Tree Planting Movement has a large potential influence on rural resource management through women's groups. It notes the women's preference to work in small groups, and the suspicions and fears of men that women are breaking through the chains by coming together in groups. In its recommendations, the paper states the need to take gender perspective into consideration by the Uganda Women Tree Planting Movement and any other parties. Those who are in charge of land policy must take into consideration women's needs to have access and control over land and other natural resources. Women must also be assisted by ways of credit so that they can be able to enhance their social, economic and political development.

KHASIANI, S.  

Women, according to this study, play an important role as environmental managers. However, their involvement as managers of natural resources has not been adequately reflected in legislation, policies and programmes dealing with environment and development. This work therefore aims to bring to the fore, the role of women as environmental managers and to identify policy options for enhancing and recognizing this role.

Several themes which can be discerned in this book range from women's role in natural resource management; their view and utilization of natural resources as well as the communication aspect of environmental
management. It is noted that women's inaccessibility to fuelwood is threatening their welfare and major policies promoting reforestation. To achieve environmental conservation, it is recommended that laws and policies be used to bring women back into mainstream development.

It is observed that instead of promoting environmental conservation, environmental laws enhance degradation of the environment and accentuate women's poverty. Such laws are said to be intended for the colonial era, scattered and gender neutral despite their addressing areas dominated by women. Several recommendations related to environmental laws and policies, programmes and research are provided.

LEE-SMITH, D.
Gender, Urbanization and Environment.
A Research and Policy Agenda.

The paper states that there has been a shift in the global political economy whereby the workplace struggles of an earlier phase of capitalism development are overshadowed by residential struggles in the 20th century. What is not yet widely acknowledged is the role of women in these residential struggles. Women's roles as home and community managers are forcing them into a new political role. This emerging role is not widely understood or supported. At times, it is not even acknowledged by the women who are involved. The survival strategies of communities depend on support being given to the traditional tasks of women. For communities to survive and extend their well being, women's concerns must be expressed in the political arena.
3 ISSUES IN MARRIAGE, DIVORCE & MAINTENANCE

Affiliation

ARUNGA, R.

In this work, the present law on pregnancy compensation in Kenya is examined. It discusses the definition, origin and basis of pregnancy compensation, its practice among various Kenyan communities, and also in contradiction with the doctrine of "volenti non fit injuria" and in the light of a permissive society. Affiliation as a remedy is discussed and recommendations made.

KITHEKA, J. M.

The author examines the predicament of unwed mothers and their children in Kenya. He starts from the view point that single mothers and their children are objects of collective discrimination against which no specific legal instrument exists to protect them. This he argues is a violation of basic human rights since every human being irrespective of their origin "is by the very fact of being 'human' clothed with certain intrinsic values inherent, worth and dignity which dictates how he/she should be treated by fellow men."

He further argues that Kenya should develop a law towards dealing with this discrimination. The author's treatment of the reasons for unwed Motherhood and the status of the said mothers and their children under various jurisdictions that is customary law, statute and international law is thorough and very analytical. It is good reading material for anyone
wishing to establish the status of Unwed mothers and to lobby for their legal protection and that of their children.

More than pots and pans: What a wife must claim when divorce comes.  
*Daily Nation, June 13, 1993.*

This article deals with the question of women's rights to matrimonial property in Kenya. The writer states that in this patriarchal society, women usually contribute in an indirect or "invisible" way which is not easily measurable in monetary terms. Thus, it is unfair that they come out with nothing after the breakdown of the marriage. It avers that judicial decisions have recognized the crucial role played by women in the home and have taken this role into consideration when sharing out matrimonial property. The article asserts that every woman is entitled to get her rightful share of matrimonial property at the collapse of her marriage and this should be more than her pots and pans.

**MUKURU, J. C.**  
**The case for the reenactment of the Affiliation Act in Kenya.**  

The author's thesis is that those who have suffered due to the repeal of the Affiliation Act have been women and children. All the evils that were supposed to be stopped by its repeal have not been eradicated and the author argues that there is need for the reenactment of an affiliation Act to help women and especially the children.

**The case for the return of Affiliation Act**  
*Sunday Nation, September 12, 1993.*

This article proposes the re-introduction of the Affiliation Act in Kenya. It scrutinizes the argument of those opposed to the act and is critical that arguments do not recognize that children are the main beneficiaries of affiliation. It defines "affiliate" and also looks at the meaning and implication of an affiliation order. It discusses the provisions of the now repealed Affiliation Act and asserts that its repeal was wrong and gives a critique of arguments that counter its reintroduction.

**You have a right to own, so insist on it**  
*Daily Nation, June 23, 1993.*

This article explores the area of property ownership by women in Kenya, pointing out, at the outset, that the law in Kenya is gender neutral and
that women are less exposed to it than men. It also points out that most women do not own land in this country, and thus, they have little say in the national affairs of the country. The article avers that the constitution guarantees the right to own land and thus women need not register their land in the names of their husbands or sons because this denies them title to land. They should, instead register it in joint names, or better in their own names. It gives guidelines as to what women should look out for when buying land such as examining the register at the lands office, visiting the particular piece of land, locating its boundaries, ensuring soil quality, ascertaining that there are no squatters, establishing the consent of the Land Control Board and always entering an agreement for the sale of land in writing.

WARUHIU, S.N.
Affiliation Law in Kenya.

This book attempts to simplify and explain the general principles of the law contained in the now repealed 1959 Affiliation Ordinance. It looks into the questions of the affiliation law, for example who is an illegitimate child, who may institute affiliation proceedings, where affiliation proceedings should be commenced, the type of evidence required, affiliation orders and their enforcement and finally, the variation of orders and appeal against the orders.

Marriage

BROWN, W.
Marriage, Divorce and Inheritance.

The paper gives an account of a grassroots movement for the status of women and the reform of the laws relating to marriage, divorce and inheritance. The paper analyzes the tension between African customary ideals of marriage, which are potentially polygamous and the Christian view adopted from the West, which is basically monogamous. The paper further examines the effects of civil strife on sexually transmitted diseases. It urges those who are working for the relief of women’s problems to be in direct contact with those experiencing the problems. It recommends the drafting of laws in simple and understandable language.
COTTRAN, E.
"Integration of the Laws of Marriage and Divorce in Kenya",
In Integration on Customary and Modern Legal Systems in Africa, Ed. by University of Ife Law Faculty: University of Ife, 1971.
pp 412-435.

Cottran describes major elements of statutory and customary marriage and divorce laws, some of the problems created by this dual system, and offers proposal for integration.

COTTRAN, E.

This work is part of a large research project initiated in 1959 by London’s School of Oriental and African Studies to encourage and assist the collection and recording of traditional marriage and divorce laws in commonwealth countries. It briefly describes Kenya’s four systems of marriage and divorce law: Statutory, Customary, Hindu and Islamic. Traditional laws of fifteen ethnic groups in Kenya are reviewed, including topics such as capacity, formation of marriage, rights and duties of spouses, grounds and procedures for divorce, effects of death on marriage.

COTTRAN E.
"The Laws of Marriage, Divorce and Succession: Developments since independence",

In this paper developments that have taken place since Kenya’s independence in the administration and content of laws of marriage, divorce and succession are reviewed. The author reviews the position as at independence, the two important developments that took place in the administration of customary law after independence and the Commissions on the Laws of Marriage, Divorce and Succession, 1967, and the Implementation of their recommendations.

CREATNEY, S.
"Some Problems in the Marriage Laws of Kenya”.

The article describes the Marriage Amendment Act (1966) regarding performance and registration of marriages of Kenyan citizens abroad and possible legal difficulties that might follow its application. Some of the
confusion created by various laws on polygamous and monogamous marriages are discussed.

DICKSON, W. S.
Christian Marriage and Divorce Law in Kenya in Relation to Africa.
This is a report on the commissions on the laws of marriage and divorce and succession, presented in September, 1968. It includes recommendations and proposed legislation centering on the theme of uniformity without discrimination in terms of race, ethnicity and religion.

GATU, J.W.
The Dowry Institution in Kenya. Its Social and Legal Significance.
The author’s thesis is that dowry is a reflection of and a perpetuation of women’s inferior status in society given the rights that payment of dowry gives to the husband over the wife. She proposes among other things the enactment of a Dowry Prohibition Act similar to that of India.

GEKONG’A M.
Cohabitation and Its Legal Consequence With Specific Reference to Kenya.
This work studies the legal ramifications of cohabitation. Cohabitation is defined and its prevalence in present Kenya is looked into. A comparison between cohabitation and other forms of marriage found in Kenya is given; and the various rights acquired by or denied people who are cohabiting are also explored. Recommendations on how to protect and improve these rights are given.

GITHU, G.
Divorce Law and Practice: the Place and Role of Women.
Discussed in this paper are various forms of marriage recognised under Kenyan law, all of which give rise to different legal considerations in the event of divorce. They include marriage under the Marriage Act, African Christian Marriage and Divorce Act, Islamic Marriage and African
Customary Marriage. The need for a national law to unify all the above forms of marriage is advocated for. On divorce, the author enumerated the matrimonial offences that can lead to judicial separation or divorce under the Matrimonial Causes Act. Also discussed were the issues of custody of children, property rights and grounds for relief.

HOLWAY, J. D.
"Marriage As a Factor Affecting the Transfer of Religious Allegiance in Kenya".

The field of study embraces Kenyan traditional religion, Islam and Christianity. A study of the doctrine and practice of marriage and sex in the three religions, theoretical considerations and the pastrol problems raised in Christianity by transfer of religious allegiance occasioned by marriage is made. A discussion is given of secularism and its effects upon the status of women. It is concluded that marriage and pastoral theology might make a fruitful field for African theologians desiring to bring a distinctive African contribution to Christian theology.

KABEBERI-MACHARIA, J.
*Family Law and Gender in Kenya.*

This paper considers the fact that the plurality of family laws and diverse cultures in which they operate give rise to different gender issues and looks individually at specific issues regarding family law; namely, payment of a marriage gift, when a wife is a wife, matrimonial rights and duties, and matrimonial property.

The issue of marriage gifts is treated from the point of its traditional symbolism and effect and its abuse today. There is also a brief look at it under Islamic law.

The issue of when a wife is a wife is examined from two situations; one where one man marries two women under different family laws and the other where a man marries a woman in church after having cohabited with another for some time. The paper also touches on the conversion from Hindu to Islamic law to English law.

KAHN-FREUND, O.H.O.
"Law Reform in Kenya".

This was part of a special EALJ issue devoted to a review of the reports of
the commission on the law of marriage and divorce and the law of succession. It focuses on the status of valid marriages, polygamy and equality of women; some legal problems linked to issues of ‘consent’ in marriage, bride wealth, form of vital registration; legal rights and respect in husband-wife relationship; grounds for divorce; custody and maintenance of children; the commission’s recommendations on intestacy, will and dependents are provided.

UGANDA, Government of
KALEMA REPORT. 1964.
Kampala, 1964

This report was a result of a government commission headed by Mr. W W Kalema. It researched the domains of the domestic relations law in Uganda. It analyzed statutory laws and customs regulating marriage, divorce and the status of women. It also made recommendations which were never given a serious and intensive study. Implementations were aimed at giving women equal status with men regarding domestic relations law.

KASSAM, F M.
“Report of the Kenya Commission on Marriage and Divorce: a Critique”.

This is a thorough review of the Kenya Commission’s 1968 report by a lecturer of the Faculty of Law at the University College, Dar es Salaam. It covers several aspects of marriage and divorce.

KURIA, G. K.

The paper attempts to explain why different succession and marriage laws were allowed to operate in colonial Kenya. It also looks at the main trends in thought in each of the four marriage and succession systems during this period. The writer tries to examine why the four systems were allowed to continue in post-independent Kenya as well as why the move to have one marriage law as well as one succession law has made a false start. It suggests the method Kenya should adopt while creating a single law for the whole nation whether on marriage or succession. There is also a discussion of the nature and function of law in human society and marriage and succession laws as they apply in post independent Kenya.
KURIA, G. K.
"Customary Law and Inter-racial Marriage in Kenya".

The author stresses the need for legal reform and describes some features of Kenyan marriage laws using a case history involving an Embu woman as a defendant to show legal disadvantages of African women married under customary law of Europeans. He suggests certain reforms regarding polygamy, divorce and bride wealth.

KURIA, G.K.
Cohabitation Outside Marriage in Some English Speaking African Countries.
Faculty of Law, University of Nairobi, Paper for presentation to the Third World Conference on Family Living in a Changing Society, Uppsala, June 5-9, 1979.

This paper is an attempt to explore the area of cohabitation as a legal relationship separate from marriage. The countries studied for this purpose include Botswana, Zambia, Tanzania, Kenya and Ghana. The paper defines and discusses cohabitation. It aims to show how courts in these countries have dealt with children born during cohabitation especially as pertains to their status and right to inheritance in the event of death of one of the parties in the relationship. Of importance also is the status of the parties involved in the relationship particularly whether they are treated as spouses for purposes of evidence where one of them is charged in a court with an offence.

The writer reviews the treatment of disputes regarding the woman's right to maintenance in general and in particular the right to use the home. It looks at the rights of the children born from the union to maintenance, the parties right to the property acquired during cohabitation as well as the custody of the children in the event of a break-up of the relationship. Reviewed also is the legal consequences of the end of cohabitation between two people, and the question whether the survivor of a cohabitation relationship is a widower or widow.

The study examines the law governing cohabitation, both criminal and civil. Under criminal law, it examines bigamy, the defence of provocation in murder cases, competence and compellability of cohabitation spouses in the law of evidence, adultery and enticement. Under civil law, it discusses the institutions of customary family law. It addresses actions under customary law like fornication, pregnancy compensation, affiliation proceedings, breach of promise to marry and enticement of an unmarried woman. It also reviews cohabitation under the European type family as well as Islamic family law.
MAILLU, D. G.
“Our Kind of Polygamy”.

The writer addresses himself to questions such as: Is polygamy moral? Should the church marry and bless polygamists? Should Europe and America legalise polygamy? This is said to be the first full-length honest, serious and provocative discussion of polygamy. It is an examination of the subject from every angle: historical, ethical traditional, economic, biblical and psychological. It is a discussion that addresses society’s emotions and may be termed an expression of male chauvinism by most modern women.

MAINA, W. M.
Marriage and Succession: A Conflict Precipitated by the Inclusion of Section 3 (5) into the Law of Succession Act, Chapter 160, Laws of Kenya.

This dissertation critically examines the implication of the addition of Section 3 (5) into the Law of Succession Act in Kenya including the inability and insecurity because it allows what had previously been a bigamous or illegal union to now be a legal marriage. It also looks at the history of the various marriage laws found in Kenya, the definition of marriage under each system of law, the essential characteristics and property rights of married women during marriage and at dissolution and the importance of marriage in society. The law of Succession Act and specifically the rights of the widow at the death of her husband and the pre- and post section 3(5) position are also highlighted. Recommendations for reform in this area are made.

MAYER, P.
Gusii Bride Wealth Law and Custom.

Mayer describes negotiations, ceremonies of bride wealth, gifts and sacrifices at marriage ceremony, and subsequent distribution of cattle within the bride’s family. He stresses the significance of the principle of perpetual equilibrium in the obligations to replace bride wealth animals that die or are lost and to recompense husbands if the wife dies, leaves or is barren. He discusses the relationship of bride wealth to status of men and women. The primary purpose is to determine legitimate filiation of children in Gusii-Kenya.
MUSOKE-ODUR, E.
Socio-Cultural Values and Family Welfare.

The paper examines some of the socio-cultural values and practices in different societies in Uganda and their effects on, and role in family welfare, as well as national development. These values and practices regard marriage and pre-marital pregnancies. The paper concludes by stating that women are a major force in sustaining and developing the country so decision makers should ensure the breaking of negative cultural beliefs and practices. Lastly, gender sensitization needs to be carried out throughout the country and the empowerment of women must be emphasized.

NJENGA, N. J.
"The Marriage Institution and the Rights of Spouses to Property with Special Reference to “Married Women’s Property Act, 1882”.

The paper discusses marriage and the rights of spouses to property. The legal basis of the “Married Women’s Property Act, 1882”, is especially discussed - the discriminative nature of the Act in regard to women is indicated, and so is its application. It is shown that the Act is irrelevant to the Kenyan situation. Also discussed are the property rights of spouses under customary law and the defects relating to the rights of spouses to property. The legislative and judicial attempts to reform the law are discussed.

NKOROI, J. N.

This is an endeavour to review the Marriage Bill of 1985 and analyze various arguments that have been forwarded by parliamentarians to defeat the Bill. It looks at various aspects of the bill that need to be reconsidered and advances reasons for passing the Bill.
OJWANG, J. B.
Polygamy as a Legal and Social institution in Kenya: “Polygamy is a dying institution in Kenya”

The author examines the legal and social foundations of polygamy with the aim of finding out whether the institution is dying out or not.

ONAMWA, M.O.
Customary Law Marriages With Special Reference to the Women - to - Women Marriages.

This work examines the place of customary law marriages in today’s legal regime by looking at the treatment of women-to-women marriages. It discusses pre-colonial, colonial and post-colonial Kenya vis-a-vis the various laws and practices that have a bearing towards marriage(s). It calls for a greater recognition of customary law in Kenya.

READ, J. S.
*Paris, G P Maisonneure and Larose, 1968. pp 243-290*

Surveys the main features of family laws, outlining their development during the colonial period and urging reform, stressing persistence of traditional law regarding marriage and conflict among the different legal systems in force. Describes traditional prohibited marriages, consent, marriage formalities and payments, right and duties of spouses, divorce, parent-child rights, inheritance, variety of colonial statutes regarding marriage and divorce and recognition of Islamic laws.

READ, J. S.
“Marriage and Divorce: A New Look for the Law in Kenya”.

This is part of a special issue devoted to a review of the reports of the Commissions on the Law of Marriage and Divorce and on the Law of Succession. It discusses the background of legal reform efforts, the commission’s preliminary activities and then reports basic recommendations, viz. contraction of monogamous or polygamous marriages, prohibitions of age and kinship, right of free consent, bride wealth, registration and their effect on the operation of customary law. Also reviews the legal aspects of husband - wife rights and duties and divorce procedures.
Report on the Domestic Relations Bill

The paper states the domestic relations laws in Uganda as being based on the British system. It also states that the family is the backbone of stability and therefore one must ensure its stability through well designed and appropriate laws. The Ministry hoped to achieve its objectives through legal reforms. The report further discusses views and opinions of the Domestic Bill which were gathered from women. It contains ideas and suggestions expressed in the Kalema report and other related papers and puts together findings, suggestions and recommendations. The main emphasis is laid on marriage, divorce and separation but issues relating to maintenance, property rights and custody of children are also discussed.

SIMBIRI, F. A.
An Examination of the Status of Polygamous and Potentially Polygamous Marriages and Whether the Law of Succession Act 1981 Reviews Status in Matters of Succession.

The dissertation examines polygamous and potentially polygamous marriages and reviews the 1981 Law of Succession Act.

It looks at the historical importation of personal law in Kenya and various statutes governing this branch of the law. A study of the colonial treatment of polygamous and potentially polygamous marriages is undertaken and there is also an examination of the effect of entering into a monogamous union while polygamously married and vice-versa.

THAIRU, R. W.
Report of the Nairobi Meeting to find out about the Marriage Bill held at the KICC on 18 September 1976.

The Bill under scrutiny is the Marriage and Divorce Bill (1968). The Bill was seen to be a move to preserve the family unit. Report is made up of discussions in the meeting and the recommendations presented. Resolutions made by the National Council of Women of Kenya are outlined.
TOROREY, C.M.

This dissertation examines the issue of single parenthood with special reference to the families of unwed mothers. It studies the family in Kenya — in both modern and traditional terms and discusses whether single parent families are proper families. It gives a historical account of single parent families and the different types of single parenthood are discussed. The work also attempts to explain the emergence of single parenthood. The institution of marriage under both English and African Customary Law is laid out so as to underscore its role in the family under both systems of law and there is also a historical background of the marriage law in Kenya. Legitimacy and illegitimacy of children under both customary and statutory law are discussed as is the historical background of legitimacy law in Kenya. The law on custody, maintenance and adoption of children is also reviewed as is society's view of illegitimate children. There is a discussion on the redress available to unmarried mothers under African customary and also statutory law and this is compared with other legal systems in both developed and developing countries. Recommendations on how to make the protection, regulation, control and prevention of single parenthood more effective are given.

What it takes for a marriage to be recognised by law

This article raises the issue of the conditions that a union is required to meet for it to be legally recognized as a marriage in Kenya. It gives instances where a lady turns up on the wedding day of another couple claiming that she is the legal wife of the man now attempting to enter holy matrimony. It explains that under Kenyan law, there are four systems of marriage and discusses the various conditions each requires of a marriage. The article warns against the presentation of an affidavit, sworn by the man and presented by the woman, stating that they are married under customary law because this is not proof of the state of things and it can be challenged as can the presumption of marriage. It avers that it is in her own interest that a woman understands her position in law in relation to her partner's.
WILSON, G.
Luo Customary Law and Marriage Law Customs.

This is a statement on Luo customary law pertaining to land and marriage. It discusses the rights of women in polygamous marriages as daughters, mother or wives. The Luo community is patrilineal, an aspect that is reflected in their customary law.

The second part discusses marriage laws and customs, describing ceremonies and rituals, the role and status of the bride and the wife with particular emphasis on widowhood and divorce. It describes levirate unions on the death of a husband by one of the close agnatic kins or by a member of the clan.

Divorce

CHESONI, Z. R.
“Divorce and Succession in Luyia Customary Law”

The paper discusses traditional attitudes towards divorce, grounds and procedure for divorce, its effects regarding wealth, child custody and property. Concludes with discussion of inheritance and intestacy among the Luyia of Kenya.

CRETNEY, S.
“Jurisdiction in Matrimonial Causes in Kenya”

The article considers Jurisdiction of the High Court of Kenya in suits for divorce and notification of marriage.

GUTTO, S.B.O and A.H KHAMATI.
*Presented at Seminar on Children and the Law in Kenya, organised by the Law Society of Kenya with co-operation of the Institute for Development Studies, University of Nairobi. Held on July 13-14, 1979, in Education Theatre, Main Campus, University of Nairobi.*

It is the view of the authors that matters pertaining to custody and maintenance of children are consequential upon a variety of incidents which include *inter alia*, divorce, nullification of marriage, separation, death of
one or both spouses in a marriage, or the consummation of leviratic union. This paper discusses the various theories, concepts and laws governing marriage and marriage breakdowns. It further makes a textual analysis of the legislative provisions of the various statutes with direct relevance to custody and maintenance. A detailed critical and analytical review of judicial decisions is made after which is a brief conclusion and recommendations on the basis of the findings of the study.

KNOWLES, O.S.
"Some Modern Adaptations of Customary Law on the Settle-
ment of Matrimonial Disputes in the Luo, Kisii, and Kuria Tribes of South Nyanza".

This is a discussion of courts in Nyanza (Kenya) Province which exercise divorce jurisdiction without traditional precedent, recognizing the capacity of the wife in a customary African marriage to take divorce proceedings independently of her relatives. It calls for evolution of adequate modern divorce codes to preserve social security and contractual remedies of old system, while providing for changing status of women and the growing impact of Christian ethics and English civil law. It is based on survey of a hundred divorce petitions.

MWANIKI, J.L.
"Divorce Among the Wa-Embu".

This is an enlightenment of how the Wa-Embu traditionally handled divorce. The contemporary Christian manner of handling divorce is discussed and biblical insights given. The Church of the Province of Kenya Canon on divorce is given.

One act of adultery and the marriage is gone.
Daily Nation, August 8, 1993.

This article looks at the issue of adultery as a ground for divorce in Kenya. It defines adultery and traces the importance of fidelity in marriage to the deep Christian traditions. It also takes note of society’s warped attitude where it accepts a man’s commission of adultery as normal but does not do the same to the woman. It broadly discusses the requirements for a divorce to be allowed by a court on the grounds of adultery.
The many shades of cruelty that could mean the end of a marriage

This article discusses cruelty as a ground for divorces (in law) in Kenya. It discusses the various forms of cruelty and cites decided court cases to illustrate. It also considers this issue against the right in customary law for an African man to "chastise" his wife. It suggests that the traditional philosophical foundation of granting divorce which was that there was the need to preserve the marriage institution may now be outweighed by the individual's right to pursue happiness and it is time that there was a serious reconsideration of the review of our laws on the dissolution of marriage so that we do not end up with a society replete with too many unhappy marriages.

When a spouse deserts the other

This article discusses the issue of desertion in the context of divorce cases in Kenya. It defines the term "desert" in both ordinary parlance and legal terminology. It looks at various situations that constitute desertion in trying to illustrate the legal requirements of the phenomenon. It also offers decided court cases to illuminate the explanations it has offered.

Would you divorce if your spouse went mad?

This article examines the legal position in Kenya regarding the status of a marriage where one spouse goes mad. It specifically looks at the provisions of the Matrimonial Causes Act and discusses the conditions required to be met if insanity in this context is to be considered a ground for divorce. The author wonders if marital rape, which is not recognized in Kenyan law, can be seen as a sign of madness and asks for legislative review in this area.

Maintenance

KAMAU, MUNENE.
Group Pleads for Women.

This is a news article which reports the call by 250 Mothers Union members of Saint Thomas Church of the Province of Kenya in Kirinyaga District for
the Amendment of the Laws on Maintenance of women separated from their husbands. The amendment should be such as to enable the women to meet expenses in cost sharing at institutions of higher learning.

This paper critically examines the laws of maintenance in Kenya with a view to finding out whether such laws are adequate in context and enforcement of court orders.

It gives a brief historical look, from pre- to post- colonial society, of the institution of maintenance in Kenya. It looks at the maintenance of children and reviews laws affecting this, the maintenance of spouses and also reviews the laws that impinge on this. It identifies the gaps in the law vis-a-vis maintenance. It also discusses the enforcement of various court orders on maintenance and makes recommendations on how to improve this area of the law.

MPAKA, C.  
Child Support: Who Should Pay?  
_Sunday Nation, December 19, 1993_

This paper discusses maintenance as it relates to children alluding to the fact that research on women and law in southern Africa discovered that there is no “female” perspective on the issue of maintenance. It looks at how traditional Africa dealt with this issue and distinguishes it from the western view which now has currency in Africa. It also asserts that research unearthed the fact that the current wife of the father plays a major role in determining whether maintenance of a child legitimate or not is forth coming or not. The research, the paper continues, revealed that sometimes, female court officials were more hostile than their male counterparts to women seeking maintenance and adds that this contrasts with the strong male allegiance that crossed even blood lines.

NGUGI, M. N.  
_University of Nairobi, LL.B Thesis, 1982._

This work studies the various factors that have relegated women to their position as financial dependents in both Kenya and England. There is also an examination of how the duty of maintenance was discharged under customary law, colonial rule, independent Kenya and the English Common Law.
Property Rights

BABRA S. K.
Sikh Marriage and the Proprietary Rights of Sikh Women. 

The author’s aim is to investigate the socio-economic status of Sikh women in Kenya vis-a-vis their proprietary rights. The author explains the various Sikh practices relating to property by giving a historical account of their development. She also points out that basically Sikh women are subjugated and then tries to find out how in the face of changing economic times the society is coping with the issue.

CHELUGET, N.C.
“Women and the Law: with Special Regard to the Distribution of Property after the Dissolution of Marriage”. 
University of Nairobi, LL.B Dissertation, April

The issue of equitable distribution of matrimonial property upon dissolution of a marriage is raised. The impact of colonialism on the Kenyan society especially on property relations, and that of Section 17 of the “Married Women’s Property Act 1882” is discussed. In tackling the problem the author establishes the status of women in the society vis-a-vis the status of the law.

GUTTO, S. B.
“Legal Constraints on Female Participation in the Economy”. 
University of Nairobi, LL.B Thesis, University of Nairobi, June, 1975. 97p

The author is of the opinion that the nation’s economic power lies with the men. In this paper he investigates the origin and development of this anomalous arrangement and argues that it is largely as a result of the
functions of socio-legal structures evolved in the precolonial and colonial periods and continued into the post-independence era. The paper concerns itself chiefly with property law because property relations within the family determine the control of economic activities within that family. The paper identifies the adverse use of some legal regimes to thwart the emancipation. It throws a challenge at the powers that be to reassess the position in order to bring change. Recent attempts at law reform are looked into and a few proposals for reform are given.

KIAGAYU, N. N.
Property Ownership Structure among the Kikuyu and its Impact on the Status of Women.

The study seeks to establish whether the property ownership structure of the Kikuyu community has had any impact on the status of women in the precolonial era and in the present day.

The author's thesis is that he who has control over property has the power to do all the functions thereto. Control gives right of access to resources and therefore determines the distribution of benefits in society. Production relationships therefore give rise to the power of control over certain properties either to one sex and deny the same to the other or deny the benefits of such control. This is effected in the degrees of political, economic or social positions attainable by virtue of ownership of property. The author's research establishes that land was the most valuable asset among the Kikuyu followed by livestock. Whereas no one had absolute rights over the land, rights of access did exist and these were more privileged for men than women, for only the men inherited while the woman gained access through either her father or the husband. Cattle were also inherited by the males in the family.

The colonialists appropriation of land and the subsequent registration of land in the males name stripped her of her rights of access and any control over the distribution of the supplies as it belonged to the owner of the land. Independence did not change this situation and the woman has responded to this by seeking independence from this dependence on men through various commercial groups.

KIRAGU, E. W.
Women and Property Rights in Kenya.

The author examines the status of women with regard to property rights
and finds it wanting. Even though on the face of it statute law may not discriminate against women, in practical life they are denied the means of production. The author notes that for certain women such as cohabitees, their rights are not clear on paper. A major recommendation is that women should be sensitised about their rights to own property and encouraged to work for their own betterment.

**LULE, V. N.**

**Study of Women’s Property Rights in Uganda.**


The paper discusses the concept of property, under both law and tradition. The modes of acquisition, ownership and disposal of property rights during marriage and divorce are discussed. The paper highlights the legal and cultural disabilities suffered by women, regarding property ownership and accessibility. The dual laws on property existing in Uganda compound the problem further, by either being ambiguous and contradictory, or creating a lacuna. The paper points out that the much needed reform is, in many cases, hampered by obstacles deeply rooted in the socio-cultural complexities of the Ugandan society. The paper makes proposals for change which include the need to enact uniform laws which confer equal rights to men and women, the abolishing of negative cultural practices, and massive education about the laws concerning women’s rights.

**MAINA, W. H.**

**Women and Ownership of Property in Kenya: Legal and Social Aspects.**

*University of Nairobi, LL.B. Dissertation, 1986.*

This work examines the extent to which women can be said to be in control of domestic property relations. It looks at women’s rights under African Customary Law, women’s property rights under Hindu Law and Islamic Law and also under statutory law. It concludes that men are better placed in property relations due to social and legal factors in society.

**MACKENZIE, F.**

**Gender and Land Rights in Murang’a District, Kenya.**


Conceptualising rights to land in a framework of legal pluralism, this article explores the historical nature of struggles over land by women and men in a situation of increasing land scarcity. The writer argues that the manipulation of customary law and state law is instrumental in increasing gender and more generally, social differentiation.
MATOVU I.D. V.
The effects of polygamy on women: A case of Butenga Sub-county, Masaka District
M.A. Thesis, Department of Women Studies, Makerere University (Uganda), 1995 (Unpublished)

In this thesis the author highlights the role of patriarchy in the subordination, oppression and exploitation of women in polygynous unions. She demonstrates how patriarchy empowers men to suppress women, force them to stay in unpleasant and potentially dangerous environments with rural co-wives, and to appropriate their labour and fruits of their labour which are a manifestation of the violation of women’s rights.

She also reveals how women’s generally elementary levels of education, economic dependence and limited decision making powers in the home keep them in psychologically torturing polygynous unions. She however discovers that women have coping strategies which enable them to persevere in polygynous unions.

MBEVE, L. K.
Women and the Property Law with Special Reference to Their Capacity to Own Property.

The author examines the position of married women and their capacity to own and manage property. Her argument is that whereas we have laws that offer women equal status with men, these laws do not necessarily enhance the social position of women. There has been very little attempt on the part of the government to understand proprietary relations in the various communities and this is the cause of the anomalous situation thus created. She examines property rights in relation to women in various categories i.e married women, widows and women in polygamous marriages.

She notes in particular the continuous existence of the colonial super structure which disrupted property relations in pre-colonial societies and which tends towards protection of the interests of a few who happen to be men who due to their economic status dominate women. She emphasizes the need to make the benefits offered by statutes a reality especially by educating and sensitizing women on their rights.
Memorandum to the Uganda Constitutional Commission
Kampala: Centre of Basic Research
October-December, 1990.

Among other things, the issue of Women and Property is discussed. It is observed that there should be broad protection of women in the ownership of land and property. The main arguments for this protection was because women are an especially exploited group of people. Chauvinism and oppression were pointed out as having led to the subordination of women and therefore, the need to accord the special protection.

NTABO, M. M.
Rights and Gender Issues. A Philosophical Investigation of Inequality of Opportunity to Ownership of Wealth, with Special Reference to Women in Kisii.
University of Nairobi, M.A. Thesis, 1992

This thesis addresses itself to the problem of gender inequality. It analyses critically some of the reasons advanced by eminent scholars in support of inequality. Some of these reasons are explained in terms of biology, psychology, physiology and nature. The study concentrates on the Abagusii community of Kenya which the writer reveals practices gender inequality against women in regard to ownership of wealth. The writer explores critically some of the beliefs about land and livestock among the Abagusii and maintains that culture is one of the tools that has propagated inequality between the sexes in this community. The writer further argues that the emergence of feminism has helped to propagate gender inequality instead of fighting it.

MUKIRI, P.
Matrimonial property Rights with reference to the Family law systems in Kenya.

The author examines the property rights of spouses under the four family law systems existing in Kenya: customary law, statutory law, Islamic law and Hindu law. Without really carrying out a crusade for women's rights, the author does however indicate what the lot of women who fall in any of these categories is.
NJENGA, NJAU J.
The Marriage Institution and the Rights of Spouses to Property with Special Reference to the Married Women’s Property Act 1982.

The author’s theory on property rights of spouses leans towards community of property which he points out as the ideal form. He therefore posits that the Married Women’s Property Act 1982 is a destabilizing factor in marriages as it makes women feel like “female males” which he claims most women do not want to. He is of the view that all matrimonial property should be held jointly and divided equally on divorce.

NYANGOTO, I. J.
Matrimonial Property Law, and the Effects of the Rapid Social Economic and Political Development.

The paper examines the various rules and customs governing matrimonial property in Kenya, their historical background and the socio-economic and political conditions under which they have endured and thrived. It looks into the issue of one spouse’s rights over the other spouse’s property both during their joint lives and after death. The study recommends a matrimonial property system of law for the security and welfare of the members of a family both during their joint lives and after the passing away of any of its family members.

**Stopping him from selling family land**
*Daily Nation, July 4, 1993.*

This article addresses the issue of women vis-a-vis transactions in land where they have an interest. It asserts that women need to learn how to prevent men from selling or using land in which they have an interest as security. It points out that the Land Control Act, which was intended to ensure that agricultural land is put to the best possible uses does not give the interests of the wife and children any place in its provisions and calls for its amendment in this regard. It also emphasizes the fact that until such an amendment is made, women can only resort to lodging a caveat or caution against the title to the property at the office of the registrar of lands in their respective districts to stop the sale or registration (of any design) with the land.
WACHIRA, P. K.

Family Property in Relation to the Right to Stay in the Matrimonial Home.


The author’s enquiry starts with a query as to why men and women marry and what is expected of them when they live together. There is special interest in what happens to the matrimonial home when the couple are not in harmony and must go separate ways. To whom does the home belong, what rights does each of the spouses have in relation to occupation, possession and use of the home? He examines these rights from three main standpoints namely, rights arising out of the marital status, those arising out of ownership and rights in relation to third parties, chiefly purchasers, mortgagees and trustees in bankruptcy.

WENGI, J. O.

Women’s Property Rights in Dissolution of Marriage and Widowhood Issues in the Uganda Laws.


The paper critically discusses and highlights the various issues which govern property rights upon dissolution of marriage and widowhood. It begins by discussing the socio-economic position of Ugandan women in general. It analyzes the position of women in customary law regarding distribution, management and ownership of property. It outlines a woman’s legal right to property during marriage. It also discusses property rights of divorced women and widows. It challenges the implementation of the law and the interference of custom with the administration of justice. The paper recommends uplifting the economic status of women, educating women about their legal rights, reforming the laws and changing the existing socio-economic conditions in favor of women.

**What are women’s rights of property inheritance?**

*Sunday Nation, July 18, 1993.*

This article discusses the position of women vis-a-vis property inheritance in Kenya. It gives a general overview of the customary position on the ownership of property by women which discriminated against them and still persists. It looks at the adverse implications of this position in view of the Law of Succession Act and suggests that while hoping that the Law of Succession Act will help women, there needs to be a change of attitude in society for this Act to be really effective. It also suggests that women make more use of this Act to enforce their right to property inheritance. The essay also discusses succession under the Law of Succession Act.
Inheritance

ABRAHAMS, R.G.
The peoples of greater Unyamwezi, Tanzania.

This text is about the Greater Nyamwezi people who occupy much of western and north-western Tanzania. It covers the territorial groups, demographic trends, history, language and literature, economy, social organisation and political structure of the Nyámwezi, Sukuma, Kimbu, Sumbwa and the Konongo who together comprise the Greater Nyamwezi people.

The social organization and political structure of the greater Nyamwezi is characterised by strong centralized chiefdoms. The author traces the consolidation of these chiefdoms during the 19th Century and singles out Mtemi Mirambo of Unyanyembe as by far the most influential and strongest of the 19th Century Nyamwezi chiefs. The author discusses the impact of colonialism and later of independence on these chiefdoms.

The work has devoted considerable attention to marriage customs among the greater Nyamwezi people. It also gives an excellent account of customary laws and practices of the Greater Nyamwezi people. It provides insights into the cultural traditions which rationalize and reinforce the exclusion of women from the mainstream social life. It exposes the need not only to challenge but also to combat vigorously such customary laws which infringe on gender equality.

CORY, H.
The unification of the customary law of the Bantu tribes of Tanganyika (Questionnaire pertaining to Bantu Customary Law.)
*Document No. 206A. 1950, Dar-es-Salaam*

This is a document containing 355 questions pertaining to Bantu customary law. It has a wide subject coverage including bridewealth, customary union, divorce, children, administrator, executor, guardianship and inheritance.

CORY, H.
Unification of the customary law: response to questionnaires.

These are fifteen responses of questions related to bridewealth, marriage
or customary union, inheritance, guardianship, widows, wills etc. These responses are collected from different ethnic groups including Bondei, Chunya, Ubena, Zigwa and Waruguru, Hehe, Kanguru/Sagana and Pogoro, Uzaramo, Luguru, Iraqw and Barbaig, Baha, Pangani and Upangwa.

CORY, H.
Arusha law and customs.

This is a collection of rules and regulations of inheritance, heirs of women, distribution of property and widows in Arusha. It looks into the customs used in Arusha as well as traditions and practices. It arranges the usage and lists the practice or rules under customary law. It also briefly looks at illegitimate children and trusteeship of cattle.

DONKERLO, J & A. ABOUND.

This study was conducted on women in Zanzibar. It looked at their access to land in response to alleged biased information collected on this issue by the land registration project. The overall aim was to assess women’s present situation and the factors that restrict women’s land ownership owing to the fact that the land registration project did not seriously communicate with female landholders during the preparation phase. As such, little would have been understood about the position and specific needs of women with regard to land. The work provides a number of reasons on why women in Zanzibar are denied their rights as equal members of their society.

GATHII, J. T.
Where the Law Errs in Inheritance.
Daily Nation, October 30, 1993

The article examines some of the age old beliefs relating to inheritance that must be discarded such as the belief that women do not and cannot own property. He also notes the need for an amendment to the Constitution so as to ensure non-discrimination on the basis of sex and the need for a comprehensive Bill on women’s property rights. All these would invalidate inheritance laws that discriminate against women.
GLUCKMAN, M. (Ed)
Ideas and procedures in African customary law.
*D.U.P. for International African Institute, 1960.*

The objective of this work is to isolate and characterize fundamental ideas and procedures to be found in African traditional systems of law and an assessment of their adaptation to new conditions. The writer observes that ideas and procedures of African customary law can only be discovered through a series of investigations of that law at work in particular societies since social and cultural facts and their development influence the law.

The writers attempt a classification of inheritance modes obtainable in African communities, namely horizontal inheritance (from brother to brother), vertical inheritance (from father to son), oblique inheritance (upon death property returns to the clan head who divides it among the deceased’s collateral and not his descendants).

GONDWE, Z. S.
Female intestate succession to land in rural Tanzania: Whither equality?

This paper questions the propriety of the rules governing female intestate succession to land among the patrilineal communities of rural Tanzania against the backdrop of Tanzania’s declared egalitarian principles. While the state policy prohibits all forms of discrimination, the rules governing female intestate succession to land condone sexual discrimination. They are still operative because the male dominated state sees no urgency in removing them from the statute book. The paper argues that the successful repeal of the rules can only be attained by an aggressive campaign which must be championed by women themselves. However, such a campaign should enlist the support of the males for the sake of preserving Tanzania’s cherished national unity. No effort should be spared in educating both men and women about the impropriety of the rules.

JAMES, R.W. & G.M. FIMBO

This book deals with some of the important rules and principles of the land tenure system in the traditional sector. The author’s view is that rules of inheritance specify that property may be inherited in the male or female line depending on whether community is patrilineal or matrilineal. However eighty per cent of the Tanzanian community is patrilineal, hence the marginalisation of women as far as inheritance is concerned. This is
because the universal patrilineal principle of inheritance is that descent is reckoned almost exclusively through males. A general conclusion by the author is that both customary laws and statutory laws discriminate against women to a great extent in matters relating to inheritance.

KABEBERI-MACHARIA, J.
Women and Customary Family Law in Kenya.
Nairobi: Mimes, 1992. 10p

The writer reviews the issue of family customary law as it affects women. She concedes that customary law affects personal law matters mostly and these laws in turn affect women most. Customs and customary practices play a big role in facilitating the definition of rights that a woman has and these may infringe on her enjoyment of the same rights. From the writer’s viewpoint, we must understand the values of customs that we are seeking to uphold and the ones that are of any significance to our lives. To understand such customs, it is essential that we consider the environment under which they were supposed to operate. Where such an environment does not exist, the respective custom should be done away with.

She points out numerous areas where conflicts have risen concerning women, family rights and customary law, for example in division of matrimonial property, custody of children, intestacy, affiliation, cohabitation rights, matrimonial rights and duties, dowry and polygamy.

KAMAU, M.

This thesis examines the women’s movement in Kenya. It looks at the status of the African woman generally in pre and post colonial Kenya, and also the birth of the women’s movement for liberation and its development. The institution of discrimination against women as well as the laws that are discriminatory in this regard are considered. The approach of African women towards their liberation in Kenya is dealt with.

KOSKEI J. K.
Women’s Rights and Inheritance: A Reference to Kalenjin Customary Law.

This work is an attempt to unearth the position of the woman in the
Kalenjin society. We are given a historical look at this from the pre- to post colonial eras in Kenya. The rights of women under English Common Law are also looked at for comparative purposes. The writer considers the four personal laws that are practised in Kenya and specifically highlights the legal provisions which cater for the proprietary rights of women as found in various laws, for example the Constitution of Kenya, the laws of contract and the Registered Land Act. Recommendations are made on how to improve the status of women among the Kalenjin.

LARSON, B.
Conversion to greater freedom. Women, church and social change in North-Western Tanzania under colonial rule.
Uppsala; Stockholm (Studies Historica Uppesaliensia 162), 1961.

This report is based on the author’s work in Bukoba district on women’s response to the new opportunities brought about by Christianity and colonial institutions. She contends that many of the early Christian women may have embraced the new faith to escape the customary way of life under which arranged marriages, polygamy, unequal marriage relationships and lack of land rights through discriminatory customary laws of inheritance existed. A theme that runs through all the chapters of this book is marriage protest.

LAW, WOMEN AND POPULATION STUDIES.
University of Dar-es-Salaam, Faculty of Law, Sept. 1991.

This work is intended to help review present laws affecting the rights and status of women including access to information and means to control their fertility. Hence the work reviews migration and settlements; education and employment of women in Tanzania; statutory, customary and case law on the status of women with reference to age of marriage, divorce, custody of children and division of matrimonial property. The work gives an insight into the political, religious and legal framework in regard to the provision and access to family planning and contraception as well as the status and rights of women under various religions.

In conclusion, it is pointed out that even though men and women are constitutionally recognized as being equal, laws discriminate against women vis-a-vis men. It is also observed that there is a global consensus on the correlation between women’s education, social status, direct participation in main economic activities, access to family planning and fertility decline. Legal reforms can contribute greatly to improvements in all these areas provided that they are based on reliable evidence and information. The work therefore recommends reformation in both the
legal and social spheres.

MAGHIMBI, F.
The rights of women in Islamic Law as compared to customary law in Tanzania: Are the human rights observed?

The work is a comparison between Islamic law and customary law's observance of the rights of women as part and parcel of human rights. The author starts by discussing the Islamic view of marriage and how it relates to the status of the woman. The notion of a voluntary union between two people is tested against the practice of forced marriage, polygamy and divorce.

The paper also reviews the relationship between a Muslim woman and property. The position of a widow is also looked at in respect of her own property and that which she stands to inherit from her husband. Customary law is then discussed in relation to patrilineal and matrilineal communities and the position of the woman therein mainly in regard to land ownership.

In conclusion, the author observes that as far as women's rights to property are concerned, customary law has been repressive towards females in favour of males, a fact which will continue since it is more in compliance with statutory provisions.

MBABU, A. N.
"The Unmarried Mothers' Families".

The study reveals the nature of the emerging phenomenon of unmarried mothers' families, and explores some of the factors that lead to the phenomenon. Viewed as largely undesirable, recommendations are made to control the phenomenon of the unmarried mothers' families.

MIGIRO, R. M.
Legal developments on women's rights to inherit land under customary law in Tanzania. "Law and Politics in Africa, Asia and Latin-America".

In the writer's view, legal issues relating to women's rights have become controversial since independence. The writer points out that the position of women is determined by the political and social fabric of a society. As such, certain policy moves and constitutional developments at national
and international levels may determine moves towards equality. Such policies or constitutional developments may not be sufficient guarantees of women's rights in real life. In order to understand the nature of women's rights to inheritance in contemporary Tanzania, one needs to appreciate the context in which the rules which govern the institution have evolved and hence this study.

MIRIU, W.
Traditions and New Inheritance Bill.
_Daily Nation, October 16, 1993_

The article examines the President's announcement to the effect that a bill would soon be introduced in Parliament to the effect that girls would also have a right to inherit their fathers' property against the realities of the cultural beliefs and practices militating against this Bill. The author notes that despite the existence of the Succession Act Cap 160 of the Laws of Kenya since 1981 which abolished the distinction between girls and boys in matters of inheritance, boys still inherit to the exclusion of girls in most cases. The author's conclusion is that unless the society accepts the woman's rightful place in the society, inheritance rights will continue to be unenforceable even if guaranteed by legislation.

MOORE, F. F.
_London: Cambridge University Press, 1986._

This work resulted from the research efforts of the author in the ex-chiefdoms of the Kilimanjaro region: Kilema, Marangu, Mamba and Mwika. The author's interest is in the history of the Chagga customary law especially on permanent land holding since the 19th Century. The author does this by exploring the nature of the existing system of local law and the way these might reflect change. The author concludes that women are disadvantaged as far as inheritance rules are concerned. She recommends that property for inheritance should be divided equally among the heirs of a deceased irrespective of gender. Widows and daughters must be given status in the community to inherit the property of their husbands and fathers respectively.
MUKOYOGO, M.C.

Writing a valid will (Kanuni za Wasia: English and Swahili Adviser).

This piece of work was conceived out of a need for a strategy of combating the customary practices that are disadvantageous to widows and children. The work identified such a need in the context of the outbreak of HIV/AIDS in the 1980s which has given rise to the deaths of people who under normal circumstances are not expected to die at that time. The dependents of such HIV/AIDS victims suffer when the latter die without regulating matters relating to their estates. The author gives examples of wills that have either been written improperly or successfully challenged after the death of their testators. The purpose of the paper is to highlight the modalities of writing a valid will.

MUKOYOGO, M.C.

The law of inheritance and the position of women in Tanzania (mainland).

This is an examination of women’s rights and status vis-a-vis the law of inheritance in Tanzania. In the first part, the writer reflects on literature on the subject of inheritance and succession.

The second part of this work looks at the concept of inheritance/succession and how various changes in the Tanzanian society call for the adoption of a new approach to these concepts. It is noted that the law of succession and inheritance is under review with an aim of proposing reforms to the government. It is hoped the law will be amended to incorporate the interests of women. Since there is a general move towards recognition of women’s rights to landed property, what remains is the actual inclusion and implementation of the laws in the books.

MUKOYOGO, M.C.

Gender inequality, land ownership administration and inheritance.
University of Dar-es-Salaam, Faculty of Law, 1991.

In this work, the author is trying to look at the land holding systems in African communities and how the traditional distribution of land has been carried out. Since the reconstruction of customary law before and after independence, the workings of land distribution has been in favour of the
male against the female. Hence, the main concern of this paper is to observe the question of inheritance and succession as it is practised in African societies bearing in mind the gender issue. The author recommends harmonizing of laws of inheritance and succession which are discriminatory on the part of females.

MWALUSANYA, J.L.
A review on “Sheria ya Mirathi;- Maswali na majibu kuhusu haki za wajane.”

This booklet is one in a series “Sheria na Haki Zake”. (The Law and your rights). It poses questions which affect a widow’s right within the law of succession. The answers provided are based on the existing laws of the country.

NANZUSHI, L.
The Protection of Women Rights under the New Law of Succession Act.

The purpose of the study was to ascertain and evaluate the rights accorded to women by the Law of Succession Act. The issue is whether the rights accorded in the statute are co-existent with those if any, accorded under customary law. She also inquires into the issue of whether certain rights which women had under customary law may have been removed by the statute and if so which ones. This study is confined to specific sub-ethnic communities within the Luhyia community of western Kenya. The author’s conclusion is that whereas the new Act provides women with rights they did not have traditionally, these rights are not adequate in view of the tendency of the Act to take away with one hand what it gives with the other. It only benefits a few educated women and is therefore largely impractical.

NDERITU, N. W.
Inequality between sexes: To what extent is the statutory corpus to blame.

The author examines the position of women under customary law well as their position under existing labour and property legislation. He also examines other miscellaneous matters of sex discrimination such as the matrimonial rights of the spouses, the inequality of sexes under the Penal Code, violence against women, credit facilities and the cooperative
statutory law. He makes various recommendations for the advancement towards a fairer society which include advising women to put together their own act.

NJENGA, F. X.  
**Law of Succession in East Africa.**  
*University College, Dar-es-salaam, Faculty of Law, 1966.*

This is a collection of works done in the Digo area in Tanga region. It includes materials about the Kikuyu and Kamba laws of succession. The author explains the authority which controls land in the area and the way in which land can be disposed of. This collection of papers establishes a detailed account of the Digo history assembled from an anthropological perspective.

The author concludes by observing that as far as inheritance and succession rules among the Digo are concerned, women are the most disadvantaged class as property goes to their brothers and sons and only a very small share goes to the widow.

NSHALA, R. A. K.  
**Women and Inheritance in Respect of Bill of Rights in Kagera Region.**  
*University of Dar-es-Salaam, Faculty of Law. Project paper, 1992.*

The aim of this research paper is to find out whether customary law can remain as it is so as to regulate inheritance matters and whether women's rights can be safeguarded under it. It also aims at finding out whether sudden change of the law without regard to the existing socio-economic condition can have an impact on the society.

ODHIAMBO, R.A.  
**Status of the unmarried mother and her child. A comparative study of Luo Customary and International Human Rights Law.**  
*University of Nairobi, LL.B Dissertation, 1989.*

This is a study of the attitude of the Luo towards unmarried mothers and their children and a comparison of this and the international human rights law. It investigates whether there is any hope for the unmarried Luo woman, whether her circumstances are likely to change and whether the provisions of the international human rights law can benefit the Luo woman today. The author's finding is that chastity before marriage was highly valued among the Luo and therefore unmarried mothers were a source of
shame and embarrassment to the family. The unmarried mother therefore had no status in the home since marriage was the only way of giving status to the Luo woman. Since it was taboo for a girl to give birth in her home, she would either be forced to marry an old man or the father of the child if she could identify him. If none was willing to accept her she was sent to her maternal home and severed links with her paternal home where she was treated as an outcast. The child was however not subjected to disabilities by virtue of its birth as children were considered gifts. Mistreatment and discrimination was therefore discouraged. International law has improved upon this and even locally this status has improved but there is still further work to be done towards uplifting the status of these women.

Research on Women and Inheritance
Ministry of Gender and Community Affairs (MG&CA).
Project Paper No. 3.
December, 1993, Kampala.

The paper analyzes women and their inheritance rights and states the disadvantages for women in the economic sphere. Both culture and Western education tend to favor men and so, women still lag behind in terms of education and employment. There has been a gap left in society in so far as women's rights and inheritance are concerned. Lastly, it recommends a harmonization of both customary and statutory laws regarding women's rights in Uganda.

RIGBY, P.
Cattle and Kinship among the Gogo: a semi-pastoral society of central Tanzania.

This is an anthropological study of the Gogo people of central Tanzania. It covers issues like cattle value and agricultural subsistence, clanship and the ritual areas; kinship and neighbourhood; homesteads and domestic groups property ownership.

Gogo homesteads and domestic groups are seen as fundamental units in Gogo social structure. Each home is autonomous in the production and consumption of the basic subsistence commodity.

Polygamy is highly valued among the Gogo. Although inheritance among them is patrilineal, the home property system differentiates potential rights in property within each generation before inheritance, and at the same time incorporates the interests of close matrilineal kin.
time incorporates the interests of close matrilineal kin.

Cases of illegitimacy among the Gogo are non-existent. Where a child born out of wedlock and paternity cannot be established it is attached to one of its maternal uncle’s wives where it will have full rights of inheritance. However, the practice of payment of bridewealth is a lingering reminder of the unequal status of women in Gogo society.

RWEBANGIRA, M.K.
Some aspects of women and the courts in Tanzania: the case of inheritance.

This paper is based on a study of the relationship between women’s experience in courtrooms and their reluctance to undertake litigation to enforce their rights. The study was conducted 1989-1990. The author makes reference to the three main sets of law that govern inheritance; Customary, Islamic and Statutory. The view of this paper is that customary law would apply to people of its origin unless it is shown that they cannot fit within it. The author observes that even though law does not seem to favor women a lot, they have, however, featured significantly in probate and administration cases. Also discussed is the question of inheritance of land held under customary law, where it is revealed that women are excluded from inheriting such land.

In conclusion it is observed that lack of one comprehensive piece of legislation is the most conspicuous snag in inheritance.

Summary of major findings: Women and Inheritance Research Project

The paper states that the overall conclusion regarding women’s rights and inheritance as being that customary practices largely discriminate against women and this discrimination is deeply rooted in the prevailing patrilineal family structure and clan system. In summary, the paper states the need to keep property within the male’s lineage and clan and how this has led to discrimination against women’s labour, sexuality and reproductive power. Lastly, the paper recommends the amendment of laws regarding women’s property rights in Uganda.

UGANDA, GOVERNMENT OF
A study of women inheritance in APAC
inheritance of property by women. Only widows who are customarily married may have property rights in this part of the country. Since they are bought and equated to the property of the man, there is no law in APAC which grants property rights to women. The customs allow a widow to stay with the property after her husband's death but, the widow can not use the property as her own without the consent of the clan. The paper recommends abolition of widow inheritance and cultural perceptions which deny the widow rights to property. It also recommends empowerment of women to have equal rights with men in society.

UGANDA, GOVERNMENT OF
A study of women and inheritance in Soroti District

The paper analyzes women's property rights in Uganda, Soroti District in particular, and makes recommendations to eliminate the impediments in existence. The paper points out that women's rights over property are very minimal. In general, there is a dependence of women on husbands which makes their position more precarious. The paper recommends legal education of both men and women in the area as this would lead to the empowerment of women.

UGANDA, GOVERNMENT OF
A study of women and inheritance in Bushenyi District

The paper analyzes the Kinyankole customary norms and practices of inheritance and the traditional customary law. It also examines the attitudes of women toward their inheritance rights, and identifies impediments to women's inheritance rights in Bushenyi district. It assesses the level of knowledge about statutory inheritance laws and institutional framework, identifies the formal conflict resolution structures and the strategies used by women to solve some of the inheritance problems. In its findings, the paper states that traditionally, the decision making process, regarding inheritance is dominated by men. However, the Kinyankole culture has undergone some changes over the years and women may now have a say in some matters. There are generally low levels of application of statutory laws regarding women and inheritance. It also notes the majority of women as having negative attitudes towards police, courts and the Administrator General's Office. The paper recommends general awareness of women's rights.
UGANDA, GOVERNMENT OF
Research project on women and inheritance

The paper analyzes characteristics of reported cases on estates in general but it also singles out women’s estates. The paper analyzes the issues of the acquisition of land by Ugandan women and the administration of that land upon their death. It is reported as unusual for a woman who is married at the time of her death, to have her property administrated. Very seldom do women own property outright as often, they are given user rights. The paper analyzes and criticizes the customary distribution of property which denies women a share in property. It also points out that most women in Uganda die intestate.

WILSON, M.
Good company: a study of Nyakyusa age-villages.

This is an anthropological study of the Nyakyusa tribe of south western Tanzania. It is an account of the socio-economic and political organisation of the tribe and the cultural practices and customs arising therefrom. It is the Nyakyusa society of the 1930s and hence much of its assumptions and conclusions might be questionable today.

According to the author, women can be inherited and most are inherited at least once in their lives while some might be inherited several times. Nyakyusa customs permit the inheritance of a father’s widows by his sons. However, a man cannot inherit his own mother or her kinswomen. The author also shows that plural marriages are not uncommon among the Nyakyusa but they are a prerogative of age. In this way, only old men can afford polygamy because they control cattle which is used as bridewealth.

Succession

KAMERI-MBOTE, P. (ed).
The Law of Succession in Kenya: Gender Perspectives in Property Management and Control

The book focuses on succession or inheritance vis-a-vis Kenyan women. It gives a historical account of the laws of succession in the country that is, customary, Muslim, Hindu and common law and also examines the link
between marriage and succession and land and succession.

It specifically examines the issues of the definition of succession/inheritance, the history of the laws of inheritance in Kenya from pre-colonial times and during the colonial epoch up to 1981. It further studies succession under the Law of Succession Act, Cap.160 which came into effect in 1981.

It recommends more studies in the areas of the Law of Succession Act and also the exemption of Muslims from its operation as well as the study of extant customary practices so as to improve women’s status in the area of property management and control.

KURIA, G.K.
“*The Law of Succession in Kenya*”.

The paper shows that we are not really developing a truly Kenyan law of inheritance. The author discusses the expression “law of Inheritance” in Kenya and shows that the expression has a different meaning from its counterparts in the older common law systems of England and the United States of America. The laws of succession governing the various communities and their application are stated and explained. The trends in thought as revealed by the legislation, court decisions and the acts of the executive during the colonial era and independent era are indicated. Solutions to the problems identified are suggested.

MUKOYOGO, M.C.
*University of Dar-es-Salaam, 1992.*

This work is based on a study undertaken by the Law Reform Commission to determine the weakness in the present system of laws of succession and accordingly make recommendations with a view of instituting a uniform system of succession as in the regime of the Law of Marriage.

The aim of the work is thus to highlight the salient features of the Law of Succession/inheritance as currently applied and suggest possible solutions to some of the problems bearing in mind the principle of equality, freedom of worship and conscience.

The paper identifies the problem areas of the law as being both substantive and procedural. The first part of the work looks at the ‘choice of law
problem' particularly in instances of intestate succession. This is due to the fact that there is multiplicity of laws governing succession in Tanzania, that is state law, customary and Islamic law.

The second part looks at intestate succession which magnifies the choice of law problem. In the third part, the law on wills is reviewed and the multiplicity of laws are also manifested here. In the fourth part, probate and administrative issues are discussed.

In conclusion, the commission invites comments/suggestions from the public on aspects that are covered or those that could have been covered but were left out. This is done with an aim of inspiring discussions, efficiency and effectiveness of the law.

RAMAITA, N. J.
The Law of Succession Act: The Place of Today’s, Maasai Women.

The study focuses on the Maasai of Kajiado and aims at ascertaining and evaluating the rights accorded to women in that community under the Law of Succession Act. The writer provides a comparative study of the rights accorded to the Maasai woman under the Law of Succession Act and those that were inherent in the Maasai customary law. It is observed that the Law of Succession Act does not cater for women exhaustively especially on the issue of inheritance of livestock among the Maasai. The author provides recommendations to make all the purposes of the act be realised indiscriminately.

RWEBANGIRA, M. K.
Women and the law relating to property ownership in polygamous marriages and families in Tanzania.

This is a result of a pilot study undertaken by the author in Mbeya in July 1989, on women seeking redress in courts of law in Tanzania. She explores marriage from colonial to post-colonial Tanzania. The author argues that there is no general law of succession in Tanzania to date. Customary laws and Islamic laws continue to apply unabated.

The author recommends legal education among women and especially young girls in polygamous areas who need to know the legal implications. She suggests that there is a need to investigate the institution of polygamy in law and practice if the position of women is to be understood. Lastly
she points out the several interest groups working to change polygamy in favor of women and also those working for a more equitable distribution of family resources in marriage.

SHAH, F. B.

The author’s aim is to show why the Muslim community objected to the application of the Law of Succession Act to their inheritance matters. The basic thesis is that Islam is viewed by its adherents as being a way of life. It has specific instructions on various issues including inheritance and fail to follow the Quran dictates would be a violation of God’s laws. In the face of that it would be impossible for the Muslims to follow the Succession law without sinning. Besides it would interfere with their freedom of worship which is enshrined in the Constitution. To cap it all, Muslims were inadequately represented on the commission that recommended the enactment of the law and did not therefore feel that their wishes had been adequately addressed.

TAIB, A. T.

The author attempts to outline the principles of Islam and western oriented systems with the aim of shedding light on why the Law of Succession Act raised such a furore in Islamic circles. The basic problem as he sees it is the belief by our policy makers that what is Western is modern. In their attempts to modernize the law they produced a law very much like the English statutes in force in England. The attempt to force this law on the people of Kenya whom they falsely claimed were “homogenous” was the basis of the problem with the Muslims who saw it as an attempt to undermine their faith and an infringement of their constitutional rights especially the freedom of worship. The author’s contention is that the precepts of Islam and those of the Western life are so different as to be incapable of compromise. The Muslims should therefore be left to choose whether they want to be governed by statute or their Quran.
UGANDA, GOVERNMENT OF
Laws and decided cases on succession

The paper analyzes laws and decided cases relating to women’s succession rights in Uganda. Despite the good paper laws on the subject, there are some customary practices featured in some laws which do not favor women. It states that the procedure for administering estates is still cumbersome and most women are not aware of their legal inheritance rights. The paper then recommends the decentralization of the Administrator General’s Office and education of women on the subject.

WENGI, O. J. (et al.)

The publication seeks to give an insight into the laws of inheritance and how they affect the status of women in Uganda. It analyzes the customary laws and practices of some nationalities in Uganda. It examines some important concepts of law often misconceived by people regarding succession and marriage. The publication discusses testate and intestate succession and highlights the inherent contradictions, biased assumptions and stereotypes bedeviling some of the laws and court decisions. The paper concludes by describing the discrimination and oppressiveness found in the inheritance and succession laws. It also notes the lack of research on the subject. It makes various recommendations geared towards legal and social changes and proposes awareness programs for various categories of people.

WENGI, O. J., et al.
A Pilot Study Report.

The report reveals important findings on the legal and social positions of women in regard to succession and inheritance. It also reveals a general lack of awareness of inheritance laws and procedures, and the little influence of the laws on the traditions and practices of the people studied. It states that inheritance laws, customs and practices are oppressive or at least discriminatory against women in all stages of her life. The report discusses the significance of the study and the methodologies adopted as
well as reviewing the literature and written law on succession and inheritance. The report recommends legal and non-legal measures to uplift the status of women in inheritance and succession matters and emphasizes the need for further research on the problem.

WILLIAM, C.E.R AND L. S. MANSOOR
Women and the law of succession in mainland Tanzania: a case study of Dar-es-Salaam.

The paper attempts to examine the Law of Succession and its application to women. It explores succession in traditional societies through the colonial to the post-independence period. The writers seek to establish that inheritance laws are discriminatory, a fact which underscores the need to have a completely new law which is uniform and non-discriminatory. They point out that the Law of Succession is a product of and is shaped by religious, social and political factors. Some of the concepts treated in this paper are inheritance, succession, moveable and immovable property, rules of ultimogeniture and progeniture, self acquired property, usufunctory rights, etc. They emphasise that the position of women has all along been inferior to that of men. They recommend a new law which will be in tune with the concepts of human rights and which will apply to all Tanzanians irrespective of tribe or religion.
Agriculture

ABBOT, S.
"Full-time Farmers and Weekend Wives: Change and Stress Among Rural Kikuyu Women".

This is a study of married women in a rural Kenyan community and how they are affected by social, cultural and economic changes. Relative psycho-physiological symptomatology, as measured by health opinion survey or used to identify features of the women’s current situation which are most conducive to stress. The study is based in a Kikuyu community, Kagongo, in Nyeri District. Three major aspects of women’s lives are discussed with respect to stress, the homestead, household, presence or absence of the male household head, patterns of economic differentiation in the male community, conjugal roles particularly patterns of decision-making and control of valuable resources.

NASIMIYU, R.
"Women in the Colonial Economy of Bungoma: Role of Women in Agriculture, 1902-1960".

The author examines the changes effected by the implementation of the colonial economy and agriculture on women. She discusses the change in the land tenure system as it affects women and its significant impact on women’s positions viz-a-viz men’s in agricultural production; agricultural innovations during the period under study and a detailed description of the work done by women in agricultural production.
STAUDT, K. A.
"Inequalities in the Delivery of Services to a Female Farm Clientele: Some Implications for Policy".

This study is based on data collected in 1975 from a geographically stratified sample of 212 small scale farm households in one administrative location of Kakamega District, Western Kenya. The findings were that women farm managers experience a persistent and pervasive bias in the delivery of government services to which they are entitled. The bias increases in intensity as the value of the service increases. Despite these inequalities in access to services, women farm managers in the area appear to be as productive and as willing to adopt innovations as other types of farmers. A number of suggestions are made to deal with the problem of inequality in the delivery of agricultural services.

STAUDT, K. A.
"Agricultural Policy, Political Power And Women Farmers in Western Kenya".

The study looks at the effects of economic change on the relative economic and political position of both sexes and how this changes over time. It looks at the government as the dispenser of power and resources and how the dispensation of the same is differentially distributed on the basis of gender, why this differentiation occurs, and the consequences of this apportionment. The women farmers are focused upon - for in much of Africa, women are the primary cultivators, managers or co-managers of farm operations, especially so with the advent of commercialised agriculture and male migration. This vital role of women is juxtaposed to their access to government power and resources.

STICHTER, S.
"Women and the Labour Force in Kenya, 1895-1964"

The author examines the economic role of women in the labour system in Kenya from 1895-1964, showing how this role changed as the economy moved into a new phase after 1945, how it was affected by the Mau Mau Emergency and the transition to independence. The pattern of women's labour in this period is examined.
STICHTER, S.B.
“Women and the Labour Force in Colonial Kenya”

The presentation focuses on female participation in labour ie, wage earnings activities vis-a-viz that of the male. It is submitted that the peripheral economy in Kenya began to assume a different character after 1945, when not all Africans could be accommodated in the agricultural sector. Thus the female participation in wage earning could increase and assume more permanency. The author also concludes that African women remain concentrated in lower levels and less skilled jobs.

“Women and Agriculture”

The main topics for discussion were livestock development, water resources management, nutrition and food habits, dryland farming and extension services. Co-operative farming and marketing are also discussed.

Development

ACHOLA, P. O.
“The Changing Economic Position of Women in Rural Areas: Case Studies from Kisumu District, Kenya”.

This paper reviews two broad conceptual frameworks employed in social science research in analysis of the part played by African women in production with a view to assessing the extent of women’s contribution in skills and work in their societies. An attempt is made to illustrate how specific conceptual biases manifest themselves in research findings. It is argued that colonial policies and assumptions contribute to the confinement of women in the less developed sectors of the economy and to reducing their bargaining power relative to that of men in their societies.

ANDAMA, H. J.
Women in the Struggle for Peace, The False Dilemma.
Kampala, November, 1993.

The paper states that, where conflict cannot be resolved peacefully, the
results will be war or another form of aggression. It further states that though women may be the worst hit victims of war, they are also beneficiaries. This then creates a dilemma. Through conflict, women are able to improve their status by redefining themselves and assuming men’s responsibilities. However, the only way for a woman to ensure her freedom is to challenge the men. The paper suggests ways of cooperative work by women and men without violence and also suggests ways of confronting men who do not cooperate. Women are stated as being the worst enemies of themselves because they do not seek solidarity. Lastly, the paper recommends civic education and education campaign programmes on Women’s Human Rights.

ASHE, J. & D.WONG.
“An Evaluation of the Women’s Income Generation Project.”

This report is an evaluation of the “Women’s Income Generating Component of the Kenya Rural Integrated Development Programme”. The evaluation focuses on the problems experienced in project implementation and suggests how the project can be modified.

BERGER, J.
“Women’s Groups in Rural Development”

This report is based on the results of an evaluation study of the Women’s Groups Programmes in six special Rural Development Areas, in Kenya, and gives records, data and methods arising out of two years’ field work. It defines and provides information on issues that emerged in the field. Views of women’s leaders and their groups have been combined with comments from extension personnel responsible for implementation. At the end of each section a commentary highlights how major unsolved problems could be tackled in future.

BIFANI, P.

The research project constitutes a follow-up of the Expert Meeting on Research and Data Collection on “Women and Development” held in Nairobi, in 1978, for the East African Region. In this meeting, convened by UNICEF, some research priorities and guidelines were set up. Among
them, a major emphasis was given to openness and flexibility in research methodology, with the hope of finding deeper insights and comprehensive views about women's perceptions, problems and envisaged solutions, as viewed from their own perspective. Within these broad guidelines elements such as comparability of data; need to link research with action; interdisciplinary approaches; search of innovative research methods; participatory orientation; and inclusion of local expertise were recommended.

BIGOMBE, B.

The paper states that the empowerment of women for peace is a crucial theme today. It is seen as a *Conditio-sinequoia* for social economic recovery and transformation because the overall empowerment of people is crucial both as means and an end in human centered development. Empowerment of women means their involvement in decision making and implementation and monitoring process in all spheres; political, socio-economic and cultural. It requires the oppressed and disadvantaged groups to overcome their isolation and join the mainstream. Women should have a say in shaping their lives and society in general. The paper also declarese war by all women against ignorance, poverty and conflict for peace. It recommends development in all spheres of a woman's life.

BOOKMAN, A. E.
Harvard University, Department of Anthropology, June 1973. 94p.

An analysis is made of the changing economic role of Luo women in Kenya by utilizing a historical and ethnographic approach. Apart from discussing the changes in the traditional Luo economy, society and the role of women prior to and after European colonialism and penetration of capitalism into East Africa, a description of the present economic role of Luo women and an analysis of their relationship to the national economy of Kenya and the international market economy is given.
BROWNE, D L.
"Women’s Programme in Tetu: A Case Study".
*University of Nairobi, Institute for Development Studies, Occasional Paper No.13, 1975.*

This is a study of the activities of Women’s Programme in Tetu Division of Nyeri District, Kenya. Recommendations on how to revitalise these groups are given in conclusion.

DAVISON, J.
"Achievements and Constraints Among Rural Kenyan Women: A Case Study".

In this study, the author assessed the educational backgrounds and socio-economic needs and achievements of a sample of women in one rural location in Western Kenya and compared the results with a similar sample of women in another area in Central Kenya. The paper describes the setting in which the study was undertaken, the educational backgrounds of the women surveyed, and explicated the strategies Bukusu women use through women’s groups to achieve their development goals. It compares the backgrounds, need and achievements of the women from Western Kenya with a similar sample of Gikuyu women and draws some conclusions with particular reference to education among rural women of Kenya.

DIARRA, A.
"Kenya Study Tours to Visit Activities for the Integration of Women in Development and the Programme for Better Family Living in Kenya and Uganda 13-25 February 1977".

This is a report of two study tours designed for senior officials from six African countries to see and discuss activities related to the integration of women in development and the programme for better family living, assisted integrated rural development and population programmes. The objectives of the study tour were to enable the visiting professionals and their Kenyan colleagues to exchange information and experiences on the integration of women in development and improvement of the rural life. The 11 participants from Kenya and Uganda and the ten participants in the French-speaking study tour described to each other activities and programmes existing within their own countries which have an impact on the role of women in national development and the rural family. Participants drew up suggestions for programmes suitable for their own countries aimed at raising family living standards and improving the
situations of rural women.

DUMILA, F.
"Women in the Country of Harambee".
Nairobi: Elexa Services, 1974. 60p

The book discusses the efforts the women of Kenya are making in the spirit of "Harambee" to foster national development. It is a record of some prominent women's activities, put in a permanent form for posterity. It brings out their individual efforts as professionals and politicians and also gives sketches of the various subjects involved. Some of the dignitaries discussed are Miss Margaret Kenyatta, Grace Onyango, Dorcas Luzena, Dorothy Hughes, Effie Majisu, Julie Ramtu, Ruth Habwe and Jane Kiano among others.

"Forum 85 Report" Kenya NGO Organising Committee" September 1987

This is a very brief summary of the historical events that led to Forum 85, the creation of the Kenya NGO Committee, its programme, the outcomes of the preparatory activities and proposed follow up action. It complements other reports and documents that have been produced as part of the Kenya NGO organizing committee's programme, Forum 85, and the Nairobi Forward Looking Strategies for up to and Beyond the Year 2000.

GREENFIELD, K.
"The Women of Kenya".

Written by a student at Mills College in California, during a semester spent in East Africa, the article describes the Kenyan rural women, her tedious activities from sunrise to sunset and the importance of UNICEF's attempt to introduce simple technologies that could cut the women's workload by half to give them more time to pursue other interests and informal education to better health care and nutrition for the family.

"Group extension through women's groups" - Information, field experience and recommendations
Nairobi: FEMNET Regional Office
Compiled by members of the Inter-agency Working Group on the Pilot Women's Group Programme, January 1977. 88p

This report evaluates the results of the "teamwork approach" among women's groups as reported by district teams and observed through field
visits. The problems identified and solutions suggested at field and national level are included. Recommendations agreed on during the one day evaluation workshop are summarized. (Brief reports made on visits to individual districts by teams from the national level and data and information collected through the case studies of groups and through a common record keeping system tried in all districts are presented.)

GURWITZ, H.  
“The Status of Sikh Women in Nairobi”.  

This study is based on the Sikh women of Nairobi and on the plight of the Third World Women. It specifically maps out the changes that have occurred in the Sikh community (an immigrant community in Kenya) with respect to the status of their women. The study identifies significant change in the status of Sikh women with regard to their change of environment (from India to Kenya) from agriculture to business and artisan occupation.

HLUPEKILE, L. 
Report of the “Women and Peace Conference”.  

The deliberations of the conference focused on the nature of conflict and under-development, women in the struggle for peace, the empowerment of women in the peace process, and peace and education. The increasing number of intra-state wars and violent conflicts on the continent are discussed. The paper states that women have been the major victims of these conflicts. It identifies various ideological and economic obstacles which serve as underlying causes for the use of force and ultimately war in conflict situations and recommends the provision of legal and special assistance to women and the use of affirmative action to ensure participation and representation in decision-making.

“Income generation for women” 

Apart from discussing income generation for Kenyan women and the problems and constraints experienced, provisional recommendations and solutions are given.
KABIRA, W. M.
“Gender and Development: The Femnet Model”

This model is the result of various experiences that a team of trainers has gone through in their gender sensitization, planning and programming workshops. The model falls into five sections: the concepts; data presentation; social construction of gender; identification of gender concerns; application of acquired knowledge to projects.

KARIUKI, W.
“Women’s Aspirations and Perceptions of their own Situation in Society”.

Aspirations of women are discussed, most prominently being their aspirations for child-bearing and family responsibilities.

KARIUKI, P.W.
“Women in Community Participation”.

The report focuses on the post-colonial period in the Kenyan history i.e. 1963-1970 and the period after 1970. The major activities that women’s groups engage in are reviewed as well as the distribution of these activities. Also reviewed is the role of women in churches especially the “Women’s Guild” and “Mothers Union” movements. Five case studies from Kenya are given and finally conclusions and recommendations are made.

KAYONGO-MALE, D.
“Problems and Prospects of integrating Women into Development Planning and Process in Kenya”.

The author discusses development planning in Kenya as it relates to women: both planning for them and their increasing role in planning. It is based on interviews conducted in 1981 with Senior Staff in the Ministry of Economic Planning and Development, Ministry of Social Services, as well as personnel from the Central Bureau of Statistics. Recommendations are given for future planning.
“Kenya Rural Access Road Programme”.
A case study prepared by the Staff of the World Bank Office of the Adviser on Women in Development.
Nairobi: Femnet Publication, Regional Office

This study addresses itself to the activities women and men engage in the production of goods and services and in household production; how women's access to and control over productive resources differ from those of men; areas of women's work and of women's use of resources that were most affected by new roads building; recommendations for the re-design of the RARP are made.

KENYA, GOVERNMENT OF
National Report prepared for the Fourth World Conference on women to be held in Beijing, China, 4-15 September, 1995

This national report was prepared in conformity with guidelines from the United Nations Conference Secretariat. It highlights progress made by Kenyan women in various socio-economic sectors including key areas like health, education, environment, energy, shelter, industry, water and sanitation. Problems faced in each of these sectors are analysed and future strategic goals and objectives to address them are identified.

KENYA, GOVERNMENT OF
“Situation analysis of children and women in Kenya’, Development Policies and Issues”

The situation analysis has been published in four separate sections/reports. It is a result of a co-operative effort between UNICEF and Central Bureau of Statistics. It is an attempt to describe and analyse various aspects of the situation of women and children in Kenya, based on available data and information. Section 4 of the analysis in particular deals with the roles and situation of women. Examples of roles dealt with are Women as wives and bearers of children; as child caretakers, food providers and carriers of burdens; as heads of households and farms, as primary school pupils, secondary school girls, and tertiary level students; as participants in the labour force and as participants in community and mutual self-help activities.
KHASIANI, S. A.
“The Women’s Movement in Kenya”.

A comprehensive introduction to the social, economic and political controversies that have plagued the country since it acquired its identity as a geo-political entity. It gives a picture of the women’s contribution to Kenya’s national history, economy, and various other aspects of development. It brings to the fore the cruelty with which the Kenyan society, because of its male domination, turns round to give the same women a mean slap in the face, a slap which is sanctified by laws and language habits that are evidently anti-women.

KIAGAYU, N. N.
“Property Ownership Structure Among the Kikuyus and its Impact on the Status of Women”.

This is an attempt to find out whether the property ownership structure of the Kikuyus has had any impact on the status of women from the pre-colonial era to the present. A historical exposition of the production relationships giving rise to power of control over certain properties, either to one sex and denying the same to the other is given. It is established that the status of women, vis-a-vis that of men leaves a lot to be desired.

KIMULU, E. M.
“Integration into Development and Status of Women”: The Case of Kenya.

This thesis examines the integration of women into development in the context of policy in Kenya. The study questions whether integration takes into account past and existing gender inequalities and social relations that are biased against women.

It focuses on various attempts to integrate women whereby the author notes that women are integrated into various sectors of the economy at significantly lower rates and inferior positions compared to men. Data on women’s participation in education, politics and employment shows that women continue to be systematically marginalised to a lower status in the society. It is also noted that there are socio-economic and regional differences that affect women’s status.

The report suggests that women are constrained by their exclusion from
power in the decision-making process and by their lack of productive resources.

KIBWANA, K.
Law and the Status of Women in Kenya. The example of Laikipia District.

This paper explores the question of how law affects women’s participation in development in Kenya generally and Laikipia District in particular within the framework of economic, social, cultural and related factors. It seeks to determine the nature, extent and impact of gender discrimination from a legal viewpoint. It identifies the types of legal constraints from the field data obtained in Laikipia.

LIKIMANI, M.
“Women of Kenya: Twenty Years of Independence”.
Nairobi, Giant Printers, 1983. 89p.

The author unearths the many talented and responsible positions held by women of Kenya by giving their profiles. Written in the form of who is who among Kenyan women, the publication answers many questions that people ask - who are the women of Kenya and where are they? Are the women of Kenya still as backward and ignorant as many people think? Can a woman’s brain match that of a man?

MAAS, M.
“Women’s Social and Economic Projects “: Experience from Coast Province.

This paper presents the results of research on women’s groups in Coast Province in Kenya. It focuses on the importance of women’s groups from a viewpoint of community development, but also on whether women gain an income from their joint activities. It argues that the groups concerned offer only a few members a small and irregular income and also discusses the conditions connected with the differences in success as well as the motivations of members, who, in spite of the slow progress of their groups, continue to participate.
MISRAK, E.
Nairobi, FEMNET REGIONAL OFFICE

The objectives of field visit was to observe the situation of women in Kitui, their involvement in social development in general, and women’s economic activities in particular; to assess their needs, future plans and aspirations especially in the area of economic activities; to have a general framework of UNICEF assistance and involvement in assisting women in economic activities.

MONSTED, M.
Women’s Groups in Rural Kenya and Their Role in Development.

Apart from describing women’s groups, their role in development, their projects and giving perspectives for their mobilization, the author discusses the historical background for women mobilization and Harambee as a self-help mobilization of the rural population.

MTENGETI, A. R.

The paper outlines the position of women under cooperative laws and sheds light on the weaknesses which ought to be reformed. It sheds light on the development of cooperatives from 1930’s up to the present. With the enactment of the Cooperatives Societies Act of 1982, women were forced to join already existing cooperatives instead of forming their own due to the restrictive nature of the formation of cooperative societies.

It is imperative that the Cooperative Societies Act be amended to allow women to form their own cooperative societies in the rural areas.

MUKABI-KABIRA, W., J.A ODUOL AND M. NZOMO.
Democratic Change in Africa: Women’s Perspective.
Nairobi, Association of African Women for Research and Development (AAWORD) and African Centre for Technology Studies (ACTS), 1993.

This is a collection of papers prepared by researchers in Kenya and presented at a seminar held by the AAWORD on “Women and Democratization in Kenya”, January 31 - February 1, 1992. The topics
featured in this book include: the integration of women in mainstream development; the gender dimension of democratization in Kenya; gender and ideology; women and productive resources; women and violence; women, law and the democratization process in Kenya; information and communication; the health of women; women and education; gender issues in education; reproductive rights among women in Kenya.

MUKAMA, R.
To What Extent has Uganda Surmounted the Social-Cultural Constraints in the Implementation of the Forward Looking Strategies for the Advancement of Women.

This paper highlights three interrelated objectives for the advancement of women, and their integration into development at all levels. These objectives are equality, development and peace, and also include three sub-themes; employment, wealth and education. Neither peace nor development are possible under conditions of economic and sexual inequality. Therefore, the causes of peace and development are interlinked. The paper enumerates social and cultural obstacles yet to be overcome for a meaningful implementation of women and highlights action strategies earlier recommended by ACFODE.

MUSOKE-ODUOR, E. N.
The Role of Women in Family Welfare.

This paper contends that owing to rapid change in family relations, loss of status of formalised marriages and increasing divorce, there is an increase of female headed, single person households. The welfare of such families therefore, lies entirely on the shoulders of the women. The paper further notes the multiple roles of women in the family and focuses on four of these roles. The first role is information and size of the family. The women must be co-decision makers in the use of family planning. The second role is in food production and security. Women are often in charge of the farms and the heavy chores which go along with it. Despite their pivotal role, women receive minimal income or real estate. Informal education of the children is the third role. Traditionally this was the role of the entire community but, it is increasingly being left for the women alone. Lastly, the paper notes that women are the chief source of primary health care in the home.
MWANGI, C.
"A Survey to Determine the Living Conditions and Sources of Income of Unmarried Mothers in Mathare Valley of Nairobi".
*University of Nairobi, Institute of Adult Studies, 1974/75. 38p. Unpublished.*

This is a survey on how unmarried mothers earn their income in Mathare Valley. Three categories of sources of income are discussed: hawking, prostitution and breeding. The way the administration works in this valley and the mothers’ educational background and religious affiliation is described. Conclusions are made i.e mothers are able to educate their children from the three sources of income; they have from these sources managed to buy property in the valley and in their rural homes; they would not like to move from Mathare Valley to other estates in or outside of Nairobi.

NAALI, S.
*Legal provisions for women’s participation in cooperatives.*

The author explains the importance of cooperatives as a means of eliminating oppression. But under some societies, the status of a woman is not recognised due to the requirement that each member should possess land. Other socio-economic factors are noted as affecting the participation of women in cooperative societies.

‘Needs Assessment Survey Report’

This report contains an overview of the situation of women in various sectors, the contribution of NGOs to economic development and their relationship with the government, key donors and their areas of interest, activities and profiles of contacted NGOs with national or regional outlook and a summary of priority areas for action.

NIUI, N.
“Dependence and Independence: Female Household Heads in Mathare Valley” - A Squatter Community in Nairobi, Kenya.

This thesis describes the lives of Kikuyu women heads of households living in the squatter community. Their income earning activities are outlined
as are the factors which have led to the migration of single females to the city. The unmarried women's adaptation of life in Mathare Valley is described in detail.

NDUMBU, A.
"Out of my Rib: A View of Women in Development".
*Nairobi: Development Horizons, 1985. 263p*

The book pulls together critical women's issues raised during the Women's Decade and which should form a strong basis for developing future strategies. It puts forward women's tremendous but neglected potential for development. It addresses the inequality of opportunities between men and women and advocates for a reversal of the trend. It shows a deep understanding of the togetherness of men and women, indeed of the whole field of gender in creation and development.

NSAJJA, E.
**Internal Evaluation of Danida/Women in Development Programme NGO Pilot Legal/ Credit Project; Mbale and Kapchorwa District, A Final Report.**
*Kampala, September, 1994.*

The paper states that an NGO integrated legal and credit project was initiated in the Luo districts in January, 1992 on a pilot scheme basis to last for three years. Its main purpose was to establish legal/credit centers to serve women. Research was later done to determine the extent to which the project had responded to women's economic and legal problems and their needs in the social context in which they arise. It assessed the extent to which the project was providing integrated services to target groups in addressing women's problems and needs. It also evaluated the attitudes and opinions of the people and opinion leaders in the region towards the project, including the extent to which they acquired new knowledge on women's problems and needs. In its findings, it states that, in general, people at the district level had picked up some new ideas about women's economic legal problems and needs. Through the services provided by the project, women's economic and legal needs have been addressed. Collectively, women in Uganda have similar problems which need to be addressed together. The paper recommends that women, as much as possible, should receive counseling services from both legal and credit departments whenever they visit the project. It is also recommended that project should be analyzed annually so that in the end ministry policies are implemented.
OBARA, A. D.
The Participation of Women in the Kenyan Development Process: a Legal Analysis.

This study attempts to show that in the Kenyan traditional set-up, political, judicial, executive, legislative and economic powers were vested in men. It argues that women did not form part of the decision making process although these decisions affected them both directly and indirectly. It is also observed that women contribute much more than men in vital sectors of the economy such as agriculture. Such subordination has persisted through the colonial and post-colonial Kenya. The study proceeds to discuss the legal constraints facing women in participation in the Kenyan economy's two most important areas, namely formal employment and ownership of property. The writer recommends the enactment of specific anti-discriminatory laws if the full potential of women has to be utilized.

OGUTU, M.A.
“The Changing Role of Women in the Commercial History of Busia District in Kenya, 1900-1983”.

The study of the Luhya women has shown that the wealth of women as individuals apart from their husbands did not exist. The author seeks to discover how material wealth was acquired by any individual woman. The women's commercial enterprise is explored.

OKWATCH, D.
*Nyanza Gender Power: Church Helps Rural Women.*

The writer contends that the issue of gender bias has continued to militate against women's efforts thus preventing them from participating in development issues. He observes that the Community Development of the Church of the Province of Kenya (CPK) Maseno Diocese is focusing on the unempowered rural woman to uplift her social status. This programme is active with over 100 women's groups. The programme is active in business and management; income generation; gender sensitisation, leadership and HIV/AIDS awareness campaign activities. The study indicates that women from parts of Nyanza are heavily dependent on their men and thus deprived of their right to property ownership. The programme attempts to make the women more aware of their rights to access to resources and property as individuals and members of the community. The article outlines problems that the programme has had to
content with revolving around attitudes and marketing. However, the
programme has played a great role in addressing gender issues that hamper
women's participation in development programmes.

OLOO, C.
"Kenya Women Look Ahead".

This is a story of how women are facing up to their new tasks. It gives
their views on their past traditional life, their problems with the present
and their hopes for the future. The book is recommended to all readers
who are interested in knowing about the changing outlook of the Kenyan
woman.

OOKO, O.
An Assessment of National Machinery for Women.
Assignment Children Vol. 1(49), Spring, 1980.

One means of improving the status of women is to establish a national
machinery to formulate policies and implement programmes to accelerate
their achievement of equal opportunities. In many countries, such
machinery for women has been created within the formal governmental
structure. But in some countries the only forces working for the
advancement of women are extra-governmental institutions such as
women's organizations, trade unions and self-help groups, which
supplement or complement the governments' efforts, mobilizing the women
themselves at the grassroots level in an attempt to influence national policy.
In this paper, Ooko-Ombaka discusses the effectiveness of existing
machinery for women, on the basis of information from 79 countries, Kenya
included.

OMONDI, L N.
"The Role of Language in Rural Development". In S.A.
Khasiani (ed) Groundwork: African Women as Environment-
tal Managers.

The importance of communication is elucidated noting that no progress
can be attained without communication. However, overcoming the
communication barrier is expensive but more rewarding in the long run.
One cannot afford to take the issue of language and communication for
granted in dealing with the issue of women as environmental managers.
OMONDI, L & E, STANDA.  

The report of various speakers at this symposium is given. Some of the issues tackled with regard to women in development are income generating activities, the women's bureau, women's participation in the development planning process; women's contribution and participation in the church and women in development from the United Nations point of view. Also discussed is law as a factor in improving women in development.

OMONDI, L & E, STANDA.  
"The Rural Woman".  
Report of the Kenya NGO Sub-Committee Workshop held in Nairobi, May 27-29, 1995. (Report No.5)

This workshop was aimed at preparing the Kenya rural women to participate effectively and efficiently in the UN Decade for Women and Forum 85. The workshop had the objectives of reviewing and assessing the achievements of rural women since 1975; identifying positive and negative factors that have affected women's progress in rural Kenya; planning strategies for the obstacles so far identified; and noting and making plans for the future.

PALA, A & T, AWORI.  

This volume is the product of a conference on assembling and collecting data on women held under the auspices of the Institute for Development Studies, University of Nairobi and the Ford Foundation. The purpose of the conference was to examine available data and to assess research needs regarding women's participation in society.

PALA, A. O.  
"Women's Group Programme in Migori/Kuria".  
University of Nairobi, Institute for Development Studies,. Working paper No.234, August, 1975

The writer contends that women's groups in this area have quite diverse and interesting origins with some being quite old tracing their beginnings in the 1950s and 1960s while others are quite new. She outlines various
ways in which the groups have been initiated.

This area had 20 women's groups incorporating 416 members at the time of the study. The groups engage in various activities all of which are income generating. Problems experienced by the groups are enumerated.


This was a seminar meant to motivate the women's interest in co-operatives and explain to them the important role that they should play in co-operatives. Some of the topics covered included "Role of Women in Co-operative Development; Co-operative Development in Kenya; Role of KNFC; Co-operative Education and Training Policy, among others.

**Report of the First Meeting of the Women, Law and Development in Africa Programme.**


The document focuses on the legal rights of women in Third World countries. It discusses ways of strengthening and promoting local programmes, which make the law more accessible and beneficial to all women, and to enhance their impact by fostering links at the national and regional levels and also give a time frame within which the objectives should be achieved. It also sets out the background which led to the formation of the Women, Law and Development programme. The paper further analyzes the most critical legal issues facing women and addresses the need to make law more accessible to women through the Legal Aid Clinics and legal education. Lastly, it recommends a restructuring of existing laws which discriminate against women, changing legal curricula and training future lawyers in the area of women's rights.

**REYNOLDS, J. E.**

**Women's Groups Programme in Vihiga/Hamisi.**


This study is based on interviews with 26 women participants in the Leaders Training Course (Phase II) that was being held at Vihiga Secondary School. All the participants had been elected to their positions by their respective groups.
Most of the women are involved in farming and small-scale produce selling. There are 63 women’s groups of which 20 are active. The groups engage in selling of crafts and produce. Numerous problems that are encountered by the groups are identified.

RIRIA-OUKO, J.
“Women Organizations in Kenya”.

The author seeks to understand how women overcome obstacles that inhibit the achievements of their aims, their leadership and their future plans. Discussion of the history of women’s organizations in Kenya; their activities; leadership and problems hindering the advancement of their activities. Suggestions and conclusions are made.

SCANDELLI, G. (UNESCO).
*Nairobi; Donor Agencies, Women in Development (WID) Project/Kenya, 6 April, 1988.*

In line with the present information sharing focus of the donor round table on women in Development, this report is meant to provide a general overview of WID projects in Kenya. The information is by no means exhaustive.

SWANTZ, M.L.
*Women in Development: A Creative Role Denied?*

The subject matter of this book is the paradox of the creative role that Tanzanian women play in the process of today’s development and the non-recognition of their excessive share in it. The author’s emphasis is on rural women. The women’s road from myth and ritual through the historical development to the present day is presented in the context of coastal societies which have retained many cultural forms from the past.

This is followed by a description of the historical development and the present situation in two regions which are considered to be the most advanced of Tanzanian societies. Life stories from few individual women illustrate the women’s path from a creative yet constraining tradition through great perseverance and hardship to a position of new creativity. Materials from a few selected regions like Kagera, Kilimanjaro, Dar-es-Salaam and coast region have been presented as suggestive of the existing status and strengths in the lives of women.
WACHTEL, E.
"Women's Co-operative Enterprise in Nakuru".

Discusses a wide range of women's groups which were active in Nakuru Town. Five formally registered associations whose explicit purpose was attitudes and patterns of behavior which seems to underline many of the activities of these groups are described, as well as the economic and political environment in which they operate and some of the formidable difficulties which they encounter and in some cases overcome. An example is given of how government officers and agencies can foster and protect women's groups at all stages of their development.

WACHTEL, E.
"Minding Her Own Business: Economic Enterprises of Women in Nakuru, Part I".

After a brief discussion of the still somewhat marginal place of women in the economic life of Nakuru, the results of some research on town women who run shops and related businesses are set out. Information on the background, work experience, and reasons for their choice of endeavor is presented. Several key problems are explored: capital, credit, general education and business, training, relations with wholesalers and suppliers, etc. The paper attempts to assess the extent to which these women merely share problems common to the general run of Kenya small businesses or whether their problems differ in kind or degree as business women.

WACHTEL, E.
"Group and Co-operatives: Economic Enterprises of Women in Nakuru, Part 2".

Complementary to the study of individual business ventures run by Nakuru Women in Part I (IDS WP 189) this paper focuses on groups and co-operatives formed by women in an attempt to collectively advance themselves economically. A range of informal and formal groups are described and one detailed case history of a successful co-operative society is presented. Questions of why women form groups, what objectives they choose and the problems and dilemmas faced by these groups are discussed.
WALLIS, M.A.H.
“Women’s Group Programme is SRDP”.

The paper discusses women’s activities, membership, training problems and the organisations involved in these women’s groups. It further discusses the donor bodies involved and makes recommendations in regard to the groups. Recommendations are also made in regard to specific areas covered by the programme.

WANJALA, G.
“Liberation Theology: Its Relevance to Women in the Catholic Church in Kenya, With Particular Reference to the Diocese of Kisumu”.

This study has sought to analyse the role of lay women in the Catholic Church in Kenya. It is an attempt to show that the perceived role of women has affected their entire participation and contribution to the Catholic Church in Kenya. Suggestions as to how women can be helped to participate more meaningfully in the life of the Church and hence of the society are given.

WANJOHI, M. W.
*Women and Credit: a Case for Better Lending Policies.*

The concern of this dissertation is the area of extension of credit which has in turn led to unequal socio-economic opportunities for women. Since women account for about 50% of the country’s population, the country’s rapid development must depend on full participation of women through access to appropriate technology, skills education, resources and opportunities. Socio-cultural and economic factors seem to erode the status of women in society and consequently, their ability to access and control resources. Hence the study concentrates in exploring the plight of women in the area of obtaining credit from financial institutions. An analysis has been made of the constraints that hinder women’s effective participation in credit extension as well as an assessment of discriminatory practices and laws that erode women’s rights and privileges. The writer discusses corrective strategies which can be adopted to remedy this situation.

This report is the result of an international conference which was held in Nairobi, Kenya from 24-28 September 1984. It gives lucid analysis of constraints that hinder women’s effective participation in development processes; analyses the discriminatory practices, conventions and laws that inhibit or negate women’s rights and privileges; and contains appropriate recommendations for policy makers. The study identifies and assesses achievements and contributions by women in history in different African countries. It reviews women in agriculture, rural development, trade, crafts, industry, education, work professions, family and home, law and conventions, decision making, media, co-operatives, politics, public life, leadership and nationalist struggles.


The evaluation examines the present mechanisms and procedures employed in advancing loans, the workings of the women’s groups, the economic activities carried out by the groups and the benefits derived by the individual members of the group. It determines their efficiency and effectiveness and recommends ways of improving them including recommending a viable mechanism for future funding.

Women and the Church. Report of the Kenya NGO Sub-Committee Workshop held in Nairobi 16-18 May, 1985

Report No.10. 31p

Polygamy and the role of the church in curbing it is addressed. Also addressed is the woman, health and the family, women and the law, the role of the woman in the church and society, the woman and education and the making of future plans for advancing the position of the woman in society.

Women and Kenya’s economic prospects: A country study of women in development


This is a World Bank’s first country study focusing on women in development. This report concerns women in Kenya generally, but focuses
especially on rural women in four sectors: agriculture, education, health and water. It assesses women's contributions, analyses promising approaches, and suggests ways to extend Kenyan efforts to include women in development. In so doing, it is meant to contribute to the international analytic base for policy and programme planning and to provide food for thought on practical approaches.

**Women in Development (WID) - Programme through the local government system**

*The Joint Co-operation of the Ministry of Local Government and the Friedrich Ebert Foundation. A programme designed to involve local authorities in facilitating promotion of gender issues.*

To design this programme, a situation analysis survey was conducted in eight local authority areas where 50 women's groups were interviewed during March and April 1991. A 3-day workshop was held from the 19th to the 21st of June to review the survey reports and findings - it also looked at how best the women's groups could be supported by their local authorities to contribute better to growth of rural/urban economies.

This report contains an analysis of the survey findings and workshop deliberations. It proposes a programme for implementation that could lead to the improvement of living conditions of rural/urban households in the eight local authorities areas. Problems/constraints observed during the survey and their possible causes are identified.

**Women of Kenya: Review and evaluation of progress. End of decade Nairobi, July**

*Nairobi: Kenya Literature Bureau; 1984.*

This is one of the official documents produced for the United Nations Decade for Women Conference, July 15-26, 1985; it is a first attempt to give a statistical bird's eye view of women in Kenya, especially during the women's decade, 1976-1985. The book aims at bringing the situation of Kenyan women to light, both at national and international levels. The authors also aim at echoing the issue of women in development within the framework of equality, love, peace and unity.
Women, Population and Development


This paper reviews the evolution of women in development, explaining the significance of women in population and development. It stresses the contribution of women's work to the realization of various development goals. It also analyses the factors which promote women's participation in political and development programs. The role of law in effecting change in society is also discussed. It stresses the positive and negative effects of development on the status of women and how women's status determines their participation in development. The evolution of gender inequality is also explained as coming from cultural and traditional values, colonial heritage, legislation and women's negative perception of themselves. Legal and social strategies for increasing women's role in development are also discussed.

Education

DUBEL, I.
"Women and Colonization: Ideology and Education. The Case of the Kikuyu".
The Hague, Institute of Social Studies, 1981.

The author looks at the ideological elements of colonialism in Kenya, with emphasis on the colonial education system, for its impact on women. The Kikuyu, the largest community in Kenya is targeted. Their colonial history and its impact on the education of their women is dealt with. Comments on the new emerging ideology during the colonial period with regard to women conclude the study.

ESHIWANI, G.S.
"Women Access to Higher Education in Kenya: A Study of Opportunities and Attainment in Science and Mathematics Education".

The author investigates women's access to higher education in Kenya, especially in the area of science and mathematics education. Intervention strategies are suggested where they are warranted. Other issues discussed
are: Women representation and wastage in the formal education system; achievements in science and mathematics at secondary school level; factors influencing the learning and the study of science and mathematics among Kenyan female students.

HYDE, K. A. L.

Improving Women’s Education in Sub-Saharan Africa: A Review of the Literature;

The paper reviews studies published since 1980 regarding factors affecting the participation of females in formal education. It identifies and summarizes strategies and suggests policies which could improve female education in Sub-Saharan Africa. It further states the marked differences in patterns of enrolment evidenced among various countries. It notes the various characteristics which affect education for the girl child in comparison with boys. The paper recommends avoidance of administrative and fiscal policies which negatively affect the opportunities for female schooling and/or employment. Further research and detailed examination are still needed to analyze the process through which girls in all countries are put at an educational disadvantage.

KENYA, GOVERNMENT OF

The National Committee on Education for all
'Republic of Kenya. Education for all (EFA) Issues and Strategies 1991-2000 and Beyond',

This is a report of a conference held at Imperial Hotel, Kisumu, 27-30 July, 1992 by Kenyan educationists, scholars and administrators.

Among other issues addressed is “Education for Girls and Women” at all levels of education, and women in adult education. Factors that hinder girls participation, retention and achievement programmes are outlined and short-term and long-term strategies to overcome these factors are enumerated.

MWACHOFI, M. M.


This study sets out to discover the reasons underlying the regional and
gender disparities in participation in formal education programmes (PFEP) in Kenyan rural areas. The study focuses on two sub-locations, Paziani and Werugha, using their households as the basic unit of study. It is argued that to correct the regional gender imbalances in PFEP, attitudes and aspirations must be changed and that it can only fully occur through changes in the economic sphere.

Employment

AMUNGA, P.R.
Sex Discrimination in Employment: A Need for Better Legal Intervention

This work lends insight into the discrimination against women in employment. This discrimination is examined as at the beginning of the woman’s employment and how it continues during employment. The international and municipal law and practices in this respect are discussed as is the contribution of wage labour to sex discrimination in employment - which is done by looking at the sex roles before and after the introduction of wage labour. Recommendations on how to improve the situation are made.

ANKER, R.
“Female Labour Force Participation Rates in Kenya”.  
University of Nairobi, 1977. 40p

The study is on female labour force participation in Kenya and also analyses female labour force participation rates of married women in Kenya based on a national household survey of approximately 2,500 households conducted in December 1974. Attention is directed towards the difficulties in measuring labour force participation as well as the analysis of female labour participation rates. The discussion and empirical analysis is largely based on married women.

BUTTERFIELD, C.
“Women and the Modern Wage Sector: A Study of Female Participation in Commercial Banks and Finance Companies in Nairobi”.  
University of Nairobi, IDS, Discussion Paper No. 256, May, 1977. 28p

The study attempts to assess empirically the participation of women in
Kenya’s modern wage sector by focusing on female participation in two industries in Nairobi, the commercial banks and finance companies. It was found that women employees were heavily concentrated in the secretarial, telephone operator and typist positions which offer little opportunity for advancement. Four barriers are identified which restrict the number of women employed in high-level and in other low-level positions. Suggestions are made to help increase employment opportunities for women.

**Can women get this allowance?**

*Daily Nation, September 16, 1988.*

This is an editorial in the Daily Nation which analyses the arguments for and against the giving of House Allowance to Married Women in the Civil Service and concludes that there is a need for an urgent solution to the problem.

**GACHUKIA, E. W.**

“**Networking Among NGOs for Advocacy and Policy Support for the Girl Child**”.

*Paper prepared for the Inter-regional Consultation on the Girl Child, Ahmedabad, India 10-16 February, 1994*

As part of the preparation of UN Decade for Women Conference held in Nairobi from 10-19 July 1985, the Kenya NGO Sub-Committee on employment organised a workshop to highlight and discuss conditions and employment opportunities available to women in Kenya.

This report defines employment as gainful occupation in the informal and formal sectors, in agriculture. It surveys women’s participation in gainful employment, factors affecting their employment as well as the constraints that they face.

**KIMATHI, C.**

**Women Want More Leave Days.**

*Sunday Nation, August 13, 1989*

This is a news article reporting the call by delegates attending a Pan-Africa Christian Women’s Assembly (PACWA) Conference to the effect that African Countries including Kenya ought to promote the physical, emotional, social, mental and spiritual well-being of women by among other things providing longer maternity leave for them.
MAKOFFU, M.  

The workshop to review Kenyan labour laws in relation to women was conceived by the Women Affairs Department of COTU (Central Organisation of Trade Unions) Kenya. This was consequent to the Attorney General’s announcement in October 1994 of the appointment of a task force to review laws relating to women.

In essence, the purpose of the workshop was to examine Kenyan Labour Laws and recommend relevant changes. It was also expected to recommend relevant policy and legislation to ensure full participation of women in employment. The participants were also expected to suggest ways and means of ensuring equality of opportunity in recruitment, access to employment, training and promotion of women. These recommendations were to be forwarded to the task force reviewing laws relating to women.

The workshop identified problems facing women as workers. It emerged with the observation that Kenyan labour laws need to be overhauled if they have to protect the rights and interests of women workers. Proposals for reform of various aspects of labour laws were formulated.

MBAI, B.M.  
Welfare of women as mothers and workers with a close look at the Cooperative societies.  
University of Nairobi, LL.B. Dissertation, 1981

This is a research into the sociological problems facing women who do not only serve as mothers but also as workers.

The study covers not just mothers who are specifically engaged in paid labour but also those who could engage in paid labour but have not been able to do so due to their family commitments and those who had been engaged in paid labour but due again to their family commitments are forced to step out and would want to re-enter employment.

Mbai’s conclusion is that not only are these women overburdened by the lack of consideration of their dual role, they also have limited access to the fruits of their labour due to lack of access to the means of production. This is particularly evident in the cooperative movement which the author focuses on. While they provide labour on the land to grow coffee, payments for this coffee are made to the owners of the land.

The author notes that the critical factor determining the amount of influence each partner in the marriage relationship has depends on the
resources in the form of income among other things that the partner has. The lack of resources by the woman therefore compromises her position.

MENENY, E.  
Faculty of Law, University of Nairobi, 1994. pp 269-277.

This article discusses how gender-neutral laws - as found in Kenya can result in the actual discrimination of women. It looks at areas of women's work, assessment of damages, loss of earnings and reports some court cases that concerned these areas. It identifies the need for changes and calls for the incorporation of women's concerns and perspectives so as to eliminate the discrimination of women.

MONTREAL GROUP.  
Memorandum to the Uganda Constitutional Commission views of Uganda's New Constitution.  

Among the many ideas advanced by the Ugandans in Montreal, the issue of the status of women was discussed. They advocated for equal job opportunities, equal pay for equal work, equal employment, and the right to shared property which has been acquired during marriage.

MORAA, S. O.  
"Determinate of Earnings by Sex in Kenya's Modern Sector".  

The study identifies the factors which determine earnings by sex in wage employment. It formulates, estimates and analyses a model of earnings of modern sector wage workers by sex and thereby makes appropriate recommendations. The difference in wage earnings between females and males is discussed extensively and reasons suggested.

MUTISO, R.M.  
"Factors Affecting Job Tenure and Performance Among Women Agricultural Extension Officers".  

An attempt to help the Ministry of Agriculture and the funding agency
identify priorities for the training of women in the area of agricultural extension. Background information on the Home Economics and the organization of training and extension services in the Ministry of Agriculture are given. The report/research in an attempt to find out the role and pattern of movement in the agricultural extension service and whether are there any differences according to sex, marital status or level of training attained?

MUTISO, R.M.
"Career Role/Family Role Conflict Among Women Agricultural Extension Officers in Kenya".
*University of Nairobi, Department of Sociology, 1978. Unpublished.*

The situation confronting many women extension officers in the agricultural services of Kenya presents the classic picture of role-status conflict. It is argued that these two statuses can be combined only with difficulty, and the ability of the individual to perform optimally in either two spheres is necessarily limited, not only because the tasks and activities associated with each status can be heavy and demanding but also because each is thought to require a very different set of personality traits.

NGUGI, W. W.
**Sex Discrimination, Employment and the Law.**

The author's thesis is that our labour regime is basically sexist and that it is the structure and policies of the colonial system that laid the foundation for the discrimination of women in employment. The value of this system has been entrenched since independence such that discrimination has been perpetuated. The author in particular examines the education policy of both the colonial system and the present one to show how they discriminate against women.

NYEGENYE, J. M.
**A Case for Affirmative Action in the Employment of Women in Kenya.**
*University of Nairobi, Nairobi, LL.B Dissertation, 1995.*

This is an exploration of the discrimination against women in Kenya which the writer argues is facilitated through a catalogue of legal provisions and societal attitudes and prejudices. The work discusses what constitutes discrimination against women in employment and its various manifestations in the Kenyan context. According to the author, gender-based discrimination seriously undermines the opportunities for women
securing employment and advancement in their vocations once such employment has been secured.

Since women are seriously under-represented in most of the prestigious professions in Kenya, the mere eradication of laws that discriminate against women in employment would not remedy the imbalances that are already deep rooted. The author makes a case for a new policy of social justice namely affirmative action for the speedy realisation of gender equality in Kenya. He seeks to dispel the notion that such preferential treatment of women is as reprehensible as the discrimination which it seeks to oust.

ONGILE, G.  
"Determinants of Female Labour Force Participation in Kenyan Urban Areas"  

Factors that affect the participation of females in the Kenyan urban areas are addressed. The paper focuses on identification and analysis of factors which determine female labour force participation in urban Kenya. An examination of the background of the Kenyan labour market from colonial times to the present time is made and suggestions for policy regarding female participation in the Kenyan urban sector are given.

OUМА, J. O.  
Rights of Women Under Employment Law in Kenya.  

The dissertation examines the rights of women under the Employment Law in Kenya. The author's thesis is that legal principles in any society are only an expression of economic reflexes within that society. Hence the laws relating to the employment of women are only a reflection of their status within the economic system in the country. She establishes that the labour regime in its emphasis on production is largely hostile to women due to the generally lower productivity of female labour in comparison to male labour. Providing to the female workers needs such as maternity leave and so forth is seen as reducing efficiency and production hence the generally unfavorable conditions under which they must work.

The labour rules in the pre-capitalist subsistence economy on the other hand were designed to enhance social relationships and therefore provided the woman a distinct role suited to her needs which gave her a measure of control on her economic destiny.
RUIGU, G. M.
Women Employment in Kenya.


This paper was commissioned by the Kenya Government Secretariat, UN Decade for Women Conference, 1985 through the Women's Bureau of the Ministry of Culture and Social Services. The information presented was to constitute part of the background data for preparing the country paper to be tabled at the conference.

The paper reviews the employment of women in Kenya during the 1975-1985 decade. This is done through secondary data from published/unpublished sources while primary data was acquired from interviews with employers and a cross-section of women.

As a prelude, a definition of women's work is given. The writer analyses the historical background of employment in Kenya indicating the relative position of women. He discusses the colonial period and the effect that colonial policies had on the status of women.

Unequal access to education and myths about the woman's place are seen to have greatly contributed to under-representation of women in modern sector employment as evidenced by statistics on women employment opportunities. They make up for less than 20% of the total employees in both private and public sectors. Factors that influence women employment in the modern sector are discussed at length. It is observed that in the legal realm, there are few obstacles hindering the employment of women.

According to the author, the advancement of women in employment calls for greater commitment to socio-economic transformation and equality of sexes. Several recommendations are provided to this effect.

SHAIDI, J. & M. J. MWAFFISI.


This is an examination of the issue of education and training and its impact on women employment in Tanzania. It observes that the education structure inherited from the colonial period was biased against women. Although various measures have been adopted since independence to improve women's educational level, they still occupy lowly positions in employment. The paper reviews the advancement of women in education and how they are absorbed into wage employment in comparison to their
male counterparts.

In conclusion, it is pointed out that the training, education and advancement of women employees should not ignore the reproductive role of a woman. From the study, it has been observed that government regulations, labour laws and other employment regulations do not accommodate a woman employee in relation to her productive roles.

‘WOMEN AND EMPLOYMENT IN KENYA’.

Report of the Kenya NGO Sub-Committee held at Jacaranda Hotel, Nairobi, 29-30 April, 1985. Report No.1

The focus here is on women in employment during 1975-1985 and also on the actual and perceived constraints on the access to employment opportunities for women. The effects of education, social factors, legal and institutional factors and trade unions on the employment of women in Kenya are discussed.

WACHTTEL, E.

“Minding Her Own Business: Women Shopkeepers in Nakuru, Kenya”.


A case study of how Kenyan urban women are beginning to penetrate the small-scale business sector and the formal sector above the level of hawker or market seller. The range of economic opportunities available to women in the city and the place of women in wage employment is outlined. As the problems of Nakuru women are not unique, the findings should throw light on the situation in other Kenyan cities, and generally in other African towns.

WAINAINA, A.

Mothers Are Unfairly Penalised in the Working Places.


This is a feature article which explores the various problems faced by the working mother. It is clear that the law is of no help to the working mother.

ZAMBERIA, A. M.

“Working Mothers and the Implications for the Family: The Case of Thika”.


Examines the implications for the family when mothers are engaged in income-generating activities outside the home. Substantiates the mother’s
double role in the family, and documents the nature and magnitude of the different trade-offs mothers in urban areas face as a result of their participation in the job market. Analytic techniques are used to examine the mother's household and non-household activities, and the way these activities interphase with and are affected by the presence and activities of other household members. Determinants of mother's participation in work outside the home are discussed in detail and so are the problems of role conflict and strain.

ZELEZA, T.
"Labour, Unionization and Women's Participation in Kenya, 1963-1967".

The study offers a comprehensive analysis of women's participation in the Kenyan labour process and the trade union movement since independence. It is wide-ranging in scope, and marshalls a lot of empirical data and it is compelling in its interpretation. It shows the centrality of women's labour in the Kenyan economy despite women's marginalisation in the labour market. The factors that have hindered women's full integration into the trade union movement, especially in leadership positions, in spite of increasing women's proletarianization are explored.
Health

GACHUHI, M. J.
"Anatomy of Prostitutes and Prostitution in Kenya".

The author attempts to define both prostitutes and prostitution and looks at the causes of prostitution in Kenya. He identifies five categories of male prostitutes and eleven categories of female prostitutes. The relationship between health and prostitution, diet and prostitution are also looked at. In the final part of the paper, there is a detailed discussion on the relationships between money, alcohol, men and prostitutes both in the rural areas and urban centers and how the interaction between these are affecting the families and individuals. The section also looks at the Vagrancy Act of 1908 under which prostitutes can be prosecuted and concludes that this Act is bad law and calls for its reformulation. In conclusion the author attempts to analyse the problems underlying drinking and increased population.

KIHARA, C. N.
The Case for Abortion in Kenya
*University of Nairobi, LL.B Dissertation, 1984. 51p*

Abortion being a very controversial issue in the Kenyan society, this study looks at the law in Kenya with a view to suggesting its reform. The author observes that the shortcomings enhanced by the laws prohibiting abortion are too glaring to justify a neutral position of what is going on in Kenya. Arguments that are pro-and anti abortion are discussed with recommendations on the drafting, debating and enacting of an abortion legalization statute in Kenya.
KURIA, G.K.

The writer contends that there is a similarity in family planning laws in these countries because the laws were all inherited from Britain. The view is that indigenous people find abortion unethical because it interferes with God’s work of creation. The author observes that the ethical rule should not be absolute in a situation where a mother has been raped; the woman is very young or has health problems or where the foetus has abnormalities. In some of these situations, the woman and her husband should discuss whether to terminate the pregnancy. The author notes that in Kenya, the law supports abortion in cases where the mother’s life is in danger. In conclusion, the author recommends that abortion ought to be looked at against the background of whether the foetus has a right to life or whether the mother has the right to decide to have an abortion or not.

MADRAA, E.
A Situation Analysis of Key Areas Impacting on the Health and Reproductive Status of Women.

The paper examines a range of issues regarding women’s health and reproductive status. The critical issues which are stated are health care and financing, maternal mortality; nutrition; women’s vulnerability to HIV/AIDS and laws and customs affecting women’s reproductive health. The paper critically examines the current situation, the achievements in the implementation of different strategies, and the gaps which have been identified to ensure the improvement of women’s health and reproductive status. The paper takes into consideration the political, social, economic, and legal context of the country. Finally, it makes recommendations to iron out the identified defects.

MONSTED, M.
“The Population Implications of Rural Development in Kenya”.

Stresses factors of health and family size, organization of production patterns and the impact of migration on rural development planning and
the effects on families. Highlights need to secure more land rights for women and gives statistical tables.

MUNYAKHO, D.
Women Demand Correct Information on Drugs.
*Daily Nation, 20 March, 1990*

This article reports on deliberations at the Women and Health Awareness Workshop of the Kenya Medical Women's Association where a woman's right to adequate information on the use of drugs and especially contraceptives was emphasized. It was recognised that whereas it was the right of every woman to choose if and when she wants to have a child this has to be accompanied by the right to be able to choose the best contraceptive suited to her needs. The right only operates when she has access to sufficient information to enable her to make the decision.

MWANGI, J. I.
Abortion: The Kenyan Experience.

In this review, abortion is defined and categorized into spontaneous and induced. The author observes that though Kenya's abortion laws are based on the British system, Kenya has not bothered to liberalize these laws in view of social and technological changes. There is a need to re-examine these laws in Kenya taking into account the increasing cases of abortion. The author points out that women's value in society should be taken into account and the issue of whether women should be masters of their own destiny taken into account. Legislation should recognize a woman's right to pregnancy termination under lawful means.

MWANGI, P. J. C.

The author's thesis is that socio-economic factors give rise to female child prostitution as well as adult prostitution. He identifies child prostitution as being part of the juvenile delinquency problem in Kenya and finds that until a system takes into account the socio-economic problems that give rise to the problem in the first instance it will be impossible to deal with it.
NABAKA, M. K.
The Law, Health and Gender Issues in Uganda.

The paper, among other things, concerns itself with laws affecting the status of women and how they can be changed to enable women to take full advantage of fertility regulations, civil and family rights, employment, education and the political process.

National Task Force for Women and AIDS Workshop Report

The paper reports the salient terms of reference for the task force. These terms were to prepare guidelines for implementation of Women and AIDS Project, to identify and assist relevant organizations to develop and carry out public education with AIDS and women as the specific focus and to assist National and District forums to strengthen their capacities to implement the Women and AIDS program. In addition, the terms were set to assist relevant women's groups and other appropriate bodies in planning and strengthening their capacities. This will enable them to implement the Women and AIDS Program, in both rural and urban areas. The paper recommends the Task Force's works in collaboration with women's organizations and other institutions to intensify awareness among the population about cultural practices which predispose women to HIV/AIDS.

OKOTH, O. H. W. O.
The Law in Family Planning.

The author observes that the goals of family planning are to develop norms about optimal family size and to improve the health and status of families especially mothers.

In regard to abortion, the author points out that it is illegal in Kenya under the Penal Code, Section 158 - 160. The Pharmacy and Poisons Act (Cap 244) also prohibits the publication of an advertisement referring to a drug, appliance or article which may lead to the use of the same for an abortion. The law recognises abortion as legal only when it is performed to save a mother's life. The surgeon is liable to criminal prosecution if she/he does not observe care when performing the operation.
OSODO, M.O.A.
A Case for the Liberalization of the Abortion Law in Kenya. 

The author notes that abortion is a delicate and controversial issue in Kenya. He looks at the medical and legal definitions of abortion and abortion as related to women’s rights. He discusses the psychological effects of abortion and contends that abortion not only dehumanizes the woman but it also leaves her anguished, remorseful and psychologically strained.

On Kenyan laws on abortion, the author notes that they are inherited from Britain and have had very few amendments. There is no statutory classification of abortion into therapeutic, induced or otherwise in the Kenyan law. Also, there is no provision for consent or minimum age. Where abortion is carried out to save a mother’s life, there are no statutory procedures to be followed, although practically, opinions of two doctors are sought. The author recommends liberalization of abortion laws in Kenya because the restrictive nature of such laws has had a traumatic effect on the lives of women.

"Effects of Development on Fertility and Mortality Trends in East Africa. Evidence from Kenya and Tanzania".
University of Nairobi, Population Studies and Research Institute, July, 1979.

The thesis advanced in this paper is that, other things remaining equal, fertility tends to rise and mortality tends to decline during the early stages of economic development. The purpose of this paper is to investigate this relationship, using data from the 1977 National Demographic Survey of Kenya and the 1973 National Demographic Survey of Tanzania.

RUTASITALA, M. B.
"Mombasa Bar Girls": A Study of Prostitution and Venereal Disease in a Kenya Seaport.
University of Nairobi, Nairobi, Public Health Department, March, 1970.

This study attempts to have an insight into the socio-economic background, the sexual behavior and the occurrence of venereal diseases among a group of girls that haunt the bars and night clubs in the East African Seaport of Mombasa. The study is limited to the search for evidence for gonorrhea, syphilis and chanovoid, leaving out the less important venereal diseases. Suggestions as to the methods of control of both prostitution and venereal disease in general among the 60 girls under study are discussed.
UCHE, U.U.
Law and Population Growth in Kenya: Law and Population Monograph Series No. 22,
Medford, Massachusetts: Tufts University, Fletcher School of Law and Diplomacy, 1974. 40p.

After a brief introduction on population problems in Kenya, the author discusses laws directly affecting fertility which include contraception, abortion, sterilization, marriage and divorce, as well as attendance at family planning clinics and attitudes toward abortion.

UCHE, U.U.

This paper was presented at a workshop on teaching population dynamics in African law schools at Nairobi in 1974. It reviews traditional attitudes affecting fertility; summarizes the history of governmental action and private family planning agencies; examines relationships of population programs and laws; contraception; abortion; marriage and divorce; taxation; succession; child labour; social security; maternity benefits and migration.

WAMBARI, J. W.
Female Genital Mutilation: Drawing the Line Between Customs and Cruelty.

This is a survey of the practice that is still performed by different groups of people, namely female genital mutilation. The author provides a historical background of the practice and observes that it was being practiced as far back as 500 B.C by the Egyptians. Various types of female genital mutilation like clitoridectomy, excision and infibulation and their geographical distribution are discussed. Reasons behind this practice and consequent problems are also outlined. Women continue to submit to this practice out of ignorance and tradition while the African traditional concept of sexuality has continued to suppress the sexuality of women. The author sees the issue of female genital mutilation as a form of violence against women. She proposes that the government should address itself to such traditional practices which are harmful to women. Further research in this field is recommended as one step furthering the exposure of this custom. Also legal reform is necessary if this custom has to be eradicated. Since the practice stems from cultural, societal and religious attitudes,
these factors must be taken into account when addressing the problem.

Reproductive Rights

ADOPTION: AN OPTION BARELY TAKEN.
Daily Nation, October 17, 1993.

This article discusses the issue of adoption in Kenya. It offers a brief glimpse of the sad situation in Brazil regarding illegitimate children and says that Nairobi may soon follow the pattern in Brazil of exterminating illegitimate children. It records the existence of the “Nairobi Cares for its Children” project where residents are trying to provide some of the needs of the street children. Also it briefly looks at children’s homes and the problems that afflict them. It examines the possibility of private citizens adopting street children. Also addressed are the hurdles beleaguering adoption: poor societal attitudes and misplaced values. It outlines the issues raised by the case of the “Gringo’s baby” where a court declined to allow a couple that had found an abandoned baby girl to adopt her.

AKINYI, R.
Motherhood for Hire and its Legal Implications.

This study addresses the legal implications of surrogate motherhood. This phenomenon is described as ‘a practice in which a woman bears a child for a couple unable to do so in the normal way’. The writer discusses the essence of a family from the African and English law and looks at infertility as a problem that has struck a blow to this institution. Biotechnology has intervened to curb the problem of infertility. The study offers insights into surrogate motherhood and its legal implications. The author maintains that it is necessary that a legislative scheme be devised on which to map surrogate motherhood.

GATARAA, H.T.

A work about the effects of education and religion on the current family size and the fertility preferences of the Kenyan women. The study concludes that relationships between fertility levels and the variables used can be country specific, but also bear a close resemblance to findings in
the same area in Western nations. Age at first birth, education and religion are seen as potentially practical variables for policy use, to influence both the current and expected future fertility levels in Kenya.

GWAKO, M. L.
"Women's Status and Fertility Behavior in Kenya: A Case Study of Nyamache Division, Kisii District.

This study examines the relationship between women's status and fertility behavior in the Gusii community of Kenya. Reflection is made on the extent to which women's status as reflected in their education levels, occupational roles, economic rank and wife's position viz-a-vis her husband's, influence fertility behavior of currently married women.

KABEBERI-MACHARIA, J.
Women, reproduction and the law in Kenya.

Reproductive rights issues for women revolve around their access to health, contraception and financial resources. Societal attitudes, employer terms of service and government policies are other factors that control a woman's choice on whether or not to reproduce.

The writer gives background information on Kenya and discusses the family in the Kenyan context. She moves on to a discussion of family planning as a human right for the woman and the constraints that hamper her enjoyment of this right in Kenya. A concise discussion of the laws affecting fertility regulation in Kenya is provided as well as the laws applicable after the birth of the child.

KABEBERI-MACHARIA, J.

This study analyses socio-legal issues pertaining to sexuality and reproduction within the context of the realities and lives of Kenyan women and in particular, Kenyan adolescent girls. This study explores the regulatory mechanisms relating to adolescent sexuality and fertility, and examines how these have been historically constructed both to limit and to open up the knowledge and choices of adolescent girls regarding their sexuality and reproduction. It examines the historical nature of the actors and regulatory mechanisms, and develops a framework of analysis for
this task.

KARIUKI, F.N.
Surrogate Motherhood and the Law.
University of Nairobi, LL.B Dissertation; 1990.

The dissertation examines the institution of surrogate motherhood with a view to making a case for Kenyan legislative scheme to regulate it. It examines the technical aspects of surrogate motherhood and then examines the history, essence and form of the family as an institution and how the family law tries to fulfil the objectives of the family especially reproduction.

Kenya has no legislation on surrogate motherhood and no way of dealing with various problems relating to surrogate motherhood. The author states that the historical development of our applied, statutory and customary law did not contemplate surrogate motherhood and therefore did not provide for it. However in view of the technological advance in the field being made and the attendant problems arising therefrom there is a need for this issue to be addressed.

KHASIANI, S.A.
Reproductive Rights among Women in Kenya. In W. M. Kabira, J.Oduol, and M.Nzomo (Eds) Democratic Change in Africa; Women’s Perspective

This chapter uses various United Nations instruments to which Kenya is a signatory to identify reproductive rights and the extent to which they have been realized by Kenyan women in the following areas: regulation of fertility: achievement of equality within marriage: education and employment.

From the findings, the writer concludes that restrictive, contradictory and discriminatory legislation coupled with patriarchal socio-cultural contexts exists in Kenya. These constrain women from realising their reproductive rights in the areas outlined above. Reforms are recommended in these areas. It is also observed that within Kenya, the framework exists for putting the general principles in the United Nations instruments into effect.

LEMA, M. V. & J.W. KABEBERI-MACHARIA
A Review of Abortion in Kenya.

The authors examine the issue of abortion in Kenya. They discuss the definition, magnitude and types of abortion, the women who seek abortion,
the subsequent treatment and cost of abortion, the legal provisions with regard to abortion and some court cases regarding the same, adolescents and abortion, research material on abortion and makes conclusions and recommendations on abortion in Kenya. They study this issue with a view to identifying all the research that has been done in Kenya related to abortion and legal pronouncements on abortion in Kenya.

The authors highlight the lessons learnt from the research findings and other information regarding abortion in Kenya. They also suggest possible future activities and research in the field of abortion based on the lessons learnt.

MARITIM, C. J.
Abortion and the Law in Kenya.

This dissertation examines the issue of abortion and the law appertaining to the same in Kenya. It evaluates effectiveness of the application of this law in Kenya. Recommendations on how the problem could be controlled in Kenya are given.

MBAKA, H. M.
The Legal Implications of Surrogate Motherhood.

The work studies surrogate motherhood within the framework of the law. It gives the general philosophical overview of the law, ethics and its evolution, the African family and marriage and English marriage and family. It also considers reproductive technology vis-a-vis surrogate motherhood as well as carrying out a comparative study of surrogate motherhood under statutory and customary law. The law of surrogate motherhood in Australia, the USA and England is also reported on and recommendations are made for legislation on surrogate motherhood in Kenya.

MUIBAU, C.N.
Juvenile Delinquency with special Reference to Child Prostitution in Kenya.

The author raises two basic questions, namely:
• what are the causes of Juvenile Delinquency and Child Prostitution
• what successes if any has our juvenile system had in arresting a situation which threatens to become a permanent feature of our society.
Her basic conclusion is that the system is nowhere near arresting the situation and is unlikely to do so unless it begins to appreciate what it is dealing with.

**MWANGI, J.I.**

**Abortion: The Kenyan Experience.**

*University of Nairobi, LL.B Dissertation, 1989.*

This work addresses the issue of abortion in Kenya. It gives a review of the medical perspective of abortion and also lends a comparative insight into abortion legislation in countries like England, Canada, India, New Zealand and the USA. Kenyan legislation on this subject is also given as is a background and case law on abortion in Kenya. Recommendations on what the law on abortion should take into account are given.

**OOKO-OMBABA O.**

**“The Laws Governing Fertility in Kenya: Their Origins and Relevance Today”**.


In this paper, the author examines the laws which affect fertility through direct interference with the procreation process such as contraception, abortion and sterilization. In so doing, it outlines the various legal regimes impinging on fertility in Kenya, examines how the general law relates to adolescents, critically evaluates those legal regimes relating their relevance to the Kenyan situation and makes a brief conclusion which proposes legal reform in the area of fertility in Kenya. Comments are made on laws which affect fertility by regulating social relationships related to procreation and on economic laws which indirectly affect fertility.

**RAIRES, A.**

**“Pregnancy, Birthing and Family Planning in Kenya: Changing Patterns of Behavior”.**

*Copenhagen, Centre for Development Research, 1990.*

This is a study of Health Service Utilization in Kisii District. The study was designed to look at the antenatal, delivery and family programmes which are seen to be determinants of both high birth rates and high maternal mortality rates in developing countries. Kenya has been singled out as having both the highest birth rates and the highest maternal mortality rates in the world. Kisii District where the study was carried out, has the highest birth rate in the country. The study analyses some of the different factors involved in pregnancy and birth and the use of services in Kisii District.
Criminal Law

INTERNATIONAL FEDERATION OF WOMEN LAWYERS (FIDA) KENYA
CHAPTER.
Women and the Criminal Justice System in Kenya.
Research report, Nairobi; March, 1993. 33p

The paper attempts to review the status and treatment of women in prison. It discusses the nature of crimes committed by women through a case study at Langata Women's Prison, one of the eight women's prisons in Kenya. The treatment of female offenders in the criminal justice process is analysed as well as existing policies and legal provisions relating to female criminality. It is observed that lack of knowledge of legal rights and procedures as well as inadequacy of legal aid are critical factors in the treatment of women criminal offenders. The paper concludes with recommendations on the empowerment of women in the criminal justice system.

KATIWA, E. U.
Treatment of female offenders with specific reference to women prisoners in Kenya

The writer observes that due to the social and economic changes in the past few years, there has been an increase in the number of convicted and imprisoned women, an observation backed by statistics. Questions have also been raised especially through the media regarding the pathetic conditions of prisons in Kenya. Within this background, the dissertation sets out to examine the various problems faced by women prisoners. Such problems relate to accommodation, personal hygiene, health, nutrition as well as care of children born and brought up in prison.

Possible remedies available for these problems are reviewed as well as
alternatives to imprisonment.

Human Rights

ADWERA, ANNE C. A.

The author highlights problems women experience with the laws of Kenya and suggests ways in which they could be solved. The problem areas addressed are: violence against women i.e wife beating and rape, divorce, prostitution, abortion, employment and nationality of women.

The author examines the position of women under our statutory law and Luo law and concludes that even though under Luo customary law, women basically took second place, their position was better safeguarded because of the concern of the society with the welfare of its members. For instance whereas wife beating was considered a man’s right, a notorious wife beater was ostracised. This is not an in-depth or comprehensive study but it does point out that the existence of the capitalist mode of production and the increasingly individualistic life style are a major cause of some of the peculiar problems that women encounter today.

Addendum to the initial and second report by the government of Uganda on the implementation of the Convention on the Elimination of All Forms of Discrimination Against Women

This is an addendum to the report by the Republic of Uganda as a state party to the convention and it was submitted in accordance with Article 18 of the convention. It shows progress made in implementing the convention. It also provides information on changes which took place in the National Legislation regarding policy and practice in the period from December 1991-August 1994. The paper notes that at the time of the compilation of the report, the country was undergoing a process of drafting a new Constitution and some of the information given refers to parts of the Draft Constitution. It was also noted that when the Constitution was finally promulgated it would affect civil and political setting in the country.
ARMSTRONG, A (et. al) ed.
Uncovering reality: Excavating women’s rights in African family law.

This book deals with the rights of women under customary law in the countries of Eastern and Southern Africa. It examines the nature and content of customary law in the light of international legal norms and standards. It intends to show the extent to which African family law, both statutory and customary and especially the latter conform to various international conventions on human rights and the rights of women.

CHERUTO, T.

This is a study of single parent family, a growing phenomenon in Kenya which however is still not socially acceptable. The author tries to establish whether the socio-legal view of the single parent families is positive and the adequacy or effectiveness of legal provisions to protect both mother and child. The author concludes that the society treats its unmarried mothers with hostility.

COOK, R. J.
Human Rights of Women: National and International Perspectives.

This text originated from a series of papers contributed in preparation for a consultation on Women’s International Human Rights Law. It was hosted by the International Human Rights Programme of the Faculty of Law, University of Toronto, Canada, between August 31 - September 2 1992.

The book explores how CEDAW (Convention on the Elimination of All forms of Discrimination Against Women) and the supporting provisions and institutions on International Human Rights law could become an effective instrument in the search for women’s equality, protection and dignity between women and their families including their domestic victimization through discrimination and violence. It also addresses the issue of how laws derived from regional human rights conventions and
the human rights provisions of national constitutions contribute to women’s equality with men and the accommodation of international laws in domestic legal systems. Included is a chapter on the possibilities and difficulties of using the African charter on Human and Peoples Rights in securing women’s access to land in Africa.

The book deals with diverse issues related to international human rights law, feminism, family law and political science. It has useful materials for gender activists, legal practitioners as well as people who seek practical means by which to make the world fairer for women.

FIDA (Uganda Chapter).
Memorandum to the Ugandan Constitutional Commission.

Among other recommendations, the paper discusses the fundamental rights and freedoms of women. It notes that women in Uganda are disadvantaged in many ways and a number of proposals were put forward to alleviate their plight. It was proposed that in the new Constitution, a section on the discrimination on the grounds of sex should be included and positive discrimination in favour of women should be encouraged. It was suggested that the laws regarding marriage, divorce, succession, affiliation, passport regulations, and employment be amended. The proposal was put forth to outlaw all customs and aspects of culture which are injurious to health and discriminate against women and children. It also encouraged the protection of women’s rights by law enforcement agencies.

GOLDFARB, A.
University of Minnesota Law School, Class of 1990.

This article takes a critical look at the Kenya Court of Appeal decision, on May 15, 1987, granting the right to bury S. M. Otieno, a prominent Nairobi lawyer, to his brother and clan, and not to his wife. It addresses the concern that Wambui Otieno (the deceased’s widow) herself raised unsuccessfully - whether in the absence of a constitutional provision rejecting laws that discriminate on the basis of sex, other legal provisions can be invoked to prevent the application of a discriminatory customary law.
GUTTO, S.B.O.
The Legal Status of Women in Kenya: a Study of Paternalism, Inequality and Underprivileged.

A descriptive analysis of the present legal status of women in Kenya. It seeks to establish the extent to which the legal system permits, condones and reinforces discrimination against women and to examine the manifestations of this in social practice. The central hypothesis that emerges in this paper is that law and social practice are dialectically related and hence a discriminatory legal status based on sex plays a significant role in shaping the socio-economic behavior in role allocation by sex in society. A secondary hypothesis is that women are in law and practice, less privileged in the vital areas of decision-making than men and this explains their subservient role in society.

GUTTO, S.B.O.
*“Some Legal Rights and Obligations of Women in Kenya: A Lay Person language Approach”.*

This is an attempt to communicate in non-technical language some basic rights and obligations under Kenya law that affect women, both as general members of the society and in their peculiar position as women. The scope of areas of law covered is limited to some basic statutes, including the Constitution and very little coverage of case law has been included. The main focus of the discussion is marriage, dissolution and divorces, illegitimacy and parental duty of maintenance, inheritance, maternity leave and abortion, the law of rape, wife beating, adoption and the law of domicile.

HIUHU, E.
For the Girl Child, the Gender Bias Starts at Birth.

The writer looks at different definitions of ‘gender’ as seen by different women’s groups in Kenya. She points out that all these groups concur that gender is culturally and socially defined and constructed and it is subject to change because culture is dynamic. In the wake of the Fourth World Women’s Conference in Beijing, China, there has been concerted efforts to encourage women to venture into fields traditionally perceived as ‘men only’ areas in an effort to counter what is referred to as ‘pedagogy of difference’. The writer narrates instances that entrench gender bias from birth to adulthood. Questions are posed as to whether gender bias is
being bred into women by women. She concludes that before the gospel of equality can be preached, a lot needs to be done to change general social attitudes starting in the homes.

KIKOPA, J.
Human rights: The position of women and children in Tanzania.

The article highlights the rights that ought to be enjoyed by every person regardless of sex. It is pointed out that women and children need special legal protection due to their underprivileged position in the society. Reviewed are the factors affecting the lives of women and children in Tanzania. It is observed that although women and children are instrumental in food production, they get very little under the distribution process since distribution is under the control of the husband. The writer also points out the discriminative nature of the laws regulating women’s employment. Another issue of concern in this article is property ownership where it is observed that women rarely get an equal share of the family property.

LUHANGA, E.
Law and the status of women in Tanzania.

It is observed that the status of Tanzanian women in law was affected by the adopted legal system in the pre-independence period. This system which included customary and religious laws promoted inequality and restricted women’s ability to participate fully in the society. Although the government has tried to improve the situation by enacting various laws since independence, patriarchal customs and religious laws have made the implementation of the enacted laws difficult.

The author discusses marriage rights, custody of children, property rights, education, employment, inheritance, nationality as well as family welfare and how women in Tanzania perform in all these areas. She concludes that legal reform alone is not enough since the status of Tanzanian women is not solely determined by law. All the resources of the country must be channelled into making equality a reality.
MASCARENHAS, O. AND M. MBILINYI.

This is a resource book on women in Tanzania and their status. It brings together materials on the situation of women through brief analytical abstracts. The concern of the writers touches on issues of marriage, divorce, employment, land, maternity leave and legal aid. The writers also raise issues about the relationship between the law and the socio-economic status of women, concluding that the law is deliberately putting men first and foremost while ignoring the rights of women. They observe that he law has not kept pace with the changing social, political and economic circumstances despite the policy changes since 1967 which proclaimed the fundamental rights of the individual man and woman.

MATEMBE, M.
How Far Have the Women of Uganda Gone in Realizing their Rights?

This paper discusses the negative history of women's rights and the subsequent concern the nations of the world have had over the imbalance between men and women. In this new world, women are demanding their rights be recognized, their voices be heard, and their will be taken into account when priority state decisions are adopted. The paper also discusses the various efforts by government to promote women's rights by embracing an open policy of promoting and protecting the interests of women through various establishments. Lack of concrete laws to give women real rights and protection, and the attitude of the courts plus their political and economic rights were identified as constraints.

MNENEY, E. & M.K.B. RWEBANGIRA.
The Legal Status of Women in Tanzania.

This is a discussion of various laws which relate to women. The first part of this paper investigates the factors leading to the inferior position of women in society from the pre-colonial to post-colonial period. The second part discusses various legal constraints on women in custody of children and maintenance.
MWESIGYE, H.
**Human Rights and Legal Aid Service.** 

The paper cites the main cause of Human Rights abuses and violations in Uganda as being their past political instability. The intermittent wars and continuous turbulence, insecurity and gross violation of human rights resulted in a large number of widows. Thus, a need for co-ordinated, co-operative action was recognized and implemented by government institutions. These institutions believe the practice of human rights is the practice of democracy. The use of these rights must begin at the grassroots level. They highlight the basic principles of human rights as well as the constraints which were met. The strategies which were presented were to research and identify areas of discrimination and lobby for reform, a legal literacy program, and the standardization of national educational movements to minimize conflicting information.

NGAIZA, M.K. & B. KODA.
**The unsung heroines. W.R.D.P.** 
*University of Dar-es-Salaam, 1991.*

This work emanated from the research efforts of seven women academicians who wanted to promote the study, research and documentation of women’s lives and gender issues. This is done through a life history study. They deal with the issues of oppression of women under capitalism, the differences between men and women at work as well as the fundamental question of democracy with regard to gender relations. They reveal a glaring discrimination against women because of the attitude that the laws were made in the interests of men. Within the constitutional framework and the Bill of Rights, the authors see a greater chance of pursuing women’s rights.

NJUBA, S.K.
**Women’s Rights and the Constitution Making Process.** 

The paper briefly points out the oppression women have faced in the past and the National Resistance Movement’s efforts to assist in the development of the women flock. It does so by creating a portfolio of the Minister for Women’s Affairs and by having a woman representative for each district in the National Resistance Council.
NJUBA, S.K.
*Position Paper on Uganda Constitutional Issues. April 22, 1990*

The paper states the need for women in Uganda to participate in the making of the Constitution of the country. It points out the role of women in the economy, and states the need to recognize and protect this role. It further states ways and means which should be devised, whereby women of Uganda can be mobilized to take and find solutions to the many ills imposed upon them by the law. There can be no doubt that for the Ugandan woman today, the most demanding issues include the right to an education for her children to an appreciable level, the right to medical attention at an affordable cost, the right to reasonable shelter, and the right to a standard of living which is not at subsistence level or below.

NJUGUNA, M.
Laws “Biased Against Women”.
*Daily Nation, November, 19, 1991*

This is a news article whose basic theme is that the implementation of Laws in Kenya discriminates against women despite the fact that Kenya is a signatory to the United Nations Declaration of Human Rights. There is therefore a need to explore ways of coming up with and implementing laws that do not discriminate against anyone by virtue of their sex. These statements were expressed by Professor Ciarunji Chesaina of the University of Nairobi while addressing members of Staff from the Kenya Technical Teachers College attending a seminar on the role of women in technology.

OGULI, C. O. (et al)
Women’s Human Rights in Conflict Situations in Uganda.
*A Report Prepared For the NGO Forum at the Africa Regional Preparation Meeting of the 4th World Conference on Women in Dakar. November 1994.*

The paper identifies areas in Uganda where women’s human rights have been violated, mostly by conflicts. It notes that women are the most hit victims of intra-state conflicts. During conflicts, women and children are most vulnerable. In Uganda, women have taken an active role in battles. Women have died, been maimed and suffered psychological trauma. Although women play leading roles in society they are often not involved in decision making or the implementation of those decisions. Women’s human rights have been violated in a number of ways. Women have been forced to marry young, or forced into marriages they would not have
engaged in normally. They have been raped, “heaped” into camps, and become refugees in their own country. Appropriate recommendations are made to the government.

OGULI, O. M.
The Situation of Women's Human Rights in Marriage and Family Relations in Uganda.

The paper analyses the existing legislation in Uganda regarding family relations. It examines the constitutional guarantees of equality and some of the international instruments which address marriage and family situations. It also attempts to find out whether women in Uganda have benefited from their existence. Lastly, it makes recommendations for the improvement of women’s situation in marriage relations in Uganda.

OKUMU WENGi, J. AND S. TAMALE
The Legal Status of Women in Uganda.

The paper analyses the legal status of women in all spheres of life. It further examines aspects of women’s life at work, in educational institutions, contracts, economic and social rights as well as personal laws. It enlarges the definition of law to include both formal and informal laws such as administrative regulations, executive decrees, and social and religious practices which may impact upon the status of women in Uganda. The paper examines the laws governing marriage, divorce, property rights, inheritance, education of women, their health, use of contraceptives, female circumcision, AIDS, employment of women, political participation, travel documents/passport and right to use it while travelling alone. Lastly, it makes recommendations to bridge the gap.

OLUGE, R.
Emancipation of Women: Research paper.

The research paper is on the application of discrimination in Uganda as it applies to her laws, customs, attitudes and practices, especially against women. It analyses the rights of women in several areas; education, family laws, employment and socio-economic areas, health, basic human rights and the fundamental freedoms of the individual. In conclusion there is an appraisal and appreciation for efforts made towards uplifting the status of women in Uganda. There are also a few con-comitant proposals for
legal and policy changes.

OLUGE, L. D.
Elimination of Discrimination Against Women.
Kampala, 1992.

The paper discusses in detail the laws which govern family relations and basic human rights in Uganda. It emphasizes a number of problems which exist in customary law. It also discusses the concept of women, their employment, and their economic and social benefits. It states the need to eliminate discrimination against women in employment fields, and the need to equalize the pay received by men and women. It also outlines a number of projects which help employ women. The paper further states some of the constraints encountered by women’s groups in the rural areas which have become income generating. In conclusion, the paper states policies which can and have been undertaken to improve the situation of women in Uganda.

OPALA K.
Should Wife Inheritance Stop?
Sunday Nation, January 16 1994

This is basically a recording of two interviews featuring a proponent and an opponent of the practice of wife inheritance with the latter represented by Dr Maria Nzomo who sees it as a violation of one's human rights.

ONG'ERA, J.
The status of women in Family Life and upon a state of armed conflict: A comparative study of the Abagusii Traditional Customary Law and the contemporary International Human Rights Law.

This is a study of the Mogusii woman in family life and her rights in situations of armed conflict. These are compared with the rights of a woman in similar circumstances under international law. The idea is to seek similarities and correlations of fundamental principles of the Universal Declaration of Human Rights and Abagusii human rights norms before the arrival of the influence of foreigners.

The author’s thesis is that it is necessary before trying to implement contemporary international human rights law in Africa to understand the cultural background against which the lives of the African women has been—that of homemaker, wife and mother and that the role has been
subservient to men; a position that is challenged by the international instruments. Examined in situations of armed conflict, international law calls for the protection of women and children whereas Abagusii customs allowed for “sacrifice” of women past child-bearing age who actually carried the wounded to battle fields and brought food to the fighting warriors.

RWEZAURA, B.A.
Tanzania: family law and the new bill of rights.

This article was motivated by the introduction of the Bill of Rights in the United Republic Constitution. The author is interested in examining the effects of the Bill of Rights on family law, especially in matters relating to the rights and status of women in society.

The author starts with an examination of the problem of marriage and finally the right of women to live in the matrimonial home. The measuring rod of all these is the Bill of Rights.

TO BE BORN FEMALE IS NOT A CRIME BUT...

Although to be born female is not a crime, one would never know it by looking at the deplorable conditions in which girls in many parts of the world live. The article points out that cultures and customs can cast a pall over girl’s talents, aspirations and survival via mutilation, early marriages; pregnancy, child labour; sexual exploitation; AIDS and other sexually transmitted diseases.

Ugandans in greater Kans City area
Memorandum to the Uganda Constitutional Commission.

Among other issues, the issue of women was discussed and it was decided that there should be no discrimination based on sex or gender. The decision to give women equal opportunity in government and other jobs and services was made. It was also stated that women should have property rights, the right to bear arms, receive equal pay for comparable work performed, should have all fundamental rights and be recognized as human beings.

UGANDA MUSLIM WOMEN’S ASSOCIATION.
Memorandum to the Uganda Constitutional Commission.
August 9, 1991

The paper states that the laws of inheritance, divorce, marriage, children
and widows which are provided for in the Quran are not provided for in the Constitution. It was therefore proposed to include them for the benefit of Muslim women.

UNICEF.

The analysis provides a sense of the actual conditions in which Ugandan women and children live in all spheres of life. Despite government attempts to improve the economy, not all of the limited funds budgeted for services which would most directly benefit women and children are actually released. It points out that if health facilities were improved then the rate of premature deaths would be reduced. The analysis reveals the critical problem of under enrollment of girls. Vital health information is also not introduced early enough in education. The analysis also acknowledges the difficulty in a Ugandan female’s life as opposed to her male counterpart. This is attributed to the long working hours, the amount of economic responsibilities, her health risks, and educational opportunities. It acknowledges the governments moves to improve women’s lives but it also points out the weaknesses in some of the policies. In order to improve the lives of women, it suggests a recognition of the role women play in society and an improvement in the services provided for them.

WAKABI, Y.

The purpose of the paper is to collectively develop an overall strategy for a long term Law Reform program. It narrates of the experiences at FIDA Legal Aid Clinic as it attempts to assist women with their legal problems. This will enable an analysis of possible strategies for reforming the laws. In the process of transformation, there are factors and experiences, some visible and others less so, which determine the transformation and it is fatal to ignore these factors. Women must be the object and subject of development. They must be heard. Thus, it is necessary to systematically analyze and examine the following: how much and to what extent women are being considered, do the laws correspond to the women’s needs and realities; and what needs to be reduced from the women’s perspective in order to make the laws more relevant to their daily life.
WAWERU, S. N.
The Latent Discrimination Against the Girl Child as a Prelude to the Broader Oppression of Women with Special Reference to Kenya.

This study gives an analysis of the status of women in traditional African societies and observes that women were normally regarded as inferior to men. The study proposes to look at the status of women in Kenya and the effect that this has had on the present Kenyan girl child. The writer argues that the eradication of gender discrimination necessitates both a recognition of the discriminatory heritage and action to remedy its effects and to establish safeguards against perpetuation. Unless oppression of women is checked during the growth and development of the girl child, feminists will achieve very little.

**Religion**

NASSORO, H. & L.P. SHAID.
Religion and the status of women. In *LAW, WOMEN AND POPULATION STUDIES IN TANZANIA.*
*University of Dar-es-Salaam, Faculty of Law. September, 1991.*

The research for this study was conducted in Dar-es-Salaam and Bagamoyo and the findings in various aspects of law and how they affect women are presented in a concise format.

It examines the impact of law on the rights and status of women and lays emphasis on public perception and general awareness of the existing laws. It aims to look at religious beliefs and customs and their impact on the status of women confining itself to marriage, divorce, property rights and family planning.

ORENGO, J. A. B.
Of the four systems of law in Kenya, the Islamic Law of the family is the most difficult to reconcile with change and reforms.
*University of Nairobi, LL.B. Dissertation.; 1974. Unpublished*

Although this paper does not specifically address women's issues, it states a point that is very significant for the benefit of the Muslim woman. The author's finding is that because of the classical theory of law in Islam, that law is the command of God revealed in the Quran through the Prophet
Mohammed, religious beliefs and practices are not seen as being controlled by social and economic forces. The law precedes and moulds society not the other way round and because of that the process of change of Islamic law is a very difficult one.

RAYMOND, E. B.
"Women in Fourth Gospel".

The author seeks to study the biblical evidence pertinent to the contemporary debate about the role of women in the church and about the possibility of ordaining women in the fourth gospel and in the Johannie community.

STROBEL, M.
"Muslim Women in Mombasa, 1870-1975".

The study examines how class differences provided wealthy women with options unavailable to poorer ones; how the dominant values articulated in Islam restricted the behavior of upper class women more than lower class women; how the sexual segregation prescribed by Islam contributed to female interaction across class lines and thus favoured the formation of female subculture through these shared experiences. It also examines how the economic, social and ideological facets of colonialism affected women and men differently.

Violence against women

AOI, NDIGA ANDREW.
A General Survey of Rape Cases Reported in Kenyan Urban Centers. Case Study of Nairobi City.

The study aims at establishing the prevalence of the reporting of rape in Nairobi. It is not an exhaustive study but it does unveil the fact that during the period between 1981 and 1986 there was a gradual but definite decline in the number of rape cases reported. The decline was caused basically by the loss of esteem by the victims who reported. There were also problems of intimidation and the increase of police patrols in certain areas which are fertile grounds for rape. The author is of the opinion that our law requires amendment especially with regard to its technical and sentencing aspects among other things. The amendments should be based on the thesis that rape is a deliberate, hostile and violent act of degradation
and possession. The author sees no need for the introduction of marital rape since for him consent to sexual intercourse at all times is part of the marriage contract.

CHEBOIWO, M. K.
A General Study of Rape in Kenya.
University of Nairobi, LLB Dissertation. 1981. 36p

This work examines the offence of rape in Kenya. A review is made of the statutory elements of rape like consent, character and corroboration. There is an attempt to trace the treatment of rape in the precolonial era among the Tugen where it is observed that punishment was very severe. The frequency of rape cases in Nakuru district is reviewed and recommendations given on how to treat rape cases.

GATHAGU, T. W.
Sexism in the Law of Rape. Emphasis on Date and Marital Rapes.

The author discusses the law of rape with special emphasis on date and marital rapes. The authors contention is that rape is as old as society itself and signifies man’s dominance over women. Despite that, all sexual offences were a serious offence in African traditional society unless it was rape of women of the enemy in which case it was considered as being quite in order.

Date and marital rapes are distinguished by the fact that usually offender and victim know each other and they are not even aware an offence is being committed even though the woman actually feels violated. There is no definition of this kind of rape. Traditional norms which require submissiveness of the wife obscure the issue further. Because rape law was designed to protect male privileges, sexism runs through it and the complications of relationship and marriage in such a setting make the whole issue very complicated.

GATHIRWA, N. J. B.

This work discusses the present law on rape in Kenya from the point of view that rape has been misunderstood or ignored by the society. There is an examination of the traditional perception of rape as well as the common
WOMEN'S RIGHTS AND THE LAW

law and biblical views on this issue. The imposition of rape law in Kenya is also studied and there is a critique of the present law of rape in Kenya. Recommendations are made on how to improve this.

GATHOGA, N. W.
Violence Against Wives: A Socio-legal Analysis.
LL.B. Dissertation; University of Nairobi, 1990. Unpublished

The author examines the dynamics of the family setting with a view to uncovering the reasons behind wife beating and the reasons why it is such a closely guarded and even condoned secret. She explores the myths surrounding the practice and the practical problems that beset battered wives who may seek redress. The author's contention is that the usual criminal procedure is inadequate in dealing with this problem and among the recommendations by the author is the enactment of law and procedure to specifically deal with the evil.

GATOBU, M. N.

This dissertation explores violence against women in the Kenyan society. It pinpoints reasons for increased violence from the traditional setting to the present. It discusses the contemporary views and attitudes regarding the problem. It reviews government's participation, mass media services as well as women's organisations role in arresting the problem. The author gives reasons for failure to legislate upon some violent offences as well as remedies that could be undertaken to curtail the problem.

GLEARKIN, P. A.
“A Medico-Legal Case: A Fatal Beating”.

The author discusses the case of a Nyangori (Kenya) woman whipped to death by a man who accused her of bewitching his dead son and relates circumstances of the flogging and notes the post mortem examination.

FIDA (Uganda Chapter)
Petition to Government Through the Minister of Women in Development, Culture and Youth Against Sexual Abuse of Children.

The paper states that women are outraged by the escalating number of cases of defilement and sexual abuse of children and are demoralized by
the indifference from law enforcement agencies in the country. They are particularly concerned with sexual abuse and harassment of the girl child. There is concern displayed with the approach and reaction of the court system and general public. The paper discusses the demonstration mounted by women and their petitioning of the government to take action regarding sexual abuse of children.

IMATHIU, I.
Attempted Rape Defined.
Daily Nation, November 26, 1993

This is a news article about a judgement by the Meru Resident Judge which defined attempted rape.

KAMANGU, D.
Statutory Rape: Who Does the Law Protect.

This thesis examines the offence of rape in Kenya. It discusses the various requirements that are needed to constitute the offence of rape, it looks at the courtroom treatment of rape cases and the sentencing of rape convicts. There are recommendations offered towards the reform of rape law so as to make it more effective at eradicating the crime.

KAMERI-MBOTE, P. AND N. KARURU
Women as Victims of Crime.
Paper prepared for a workshop on Women, Law and Crime in Africa, held in Kampala, Uganda

This paper looks at the criminal victimization of women. Many states have failed to develop adequate preventative measures to protect women from violence. This failure is seen to prevent women from enjoyment of civil, political, economic, social and cultural rights. Attention is paid to instances of violence against women which have not yet been criminalized such as dowry deaths, female genital mutilation, sexual harassment, witch burning alongside traditional offences like rape and defilement. Recommendations on how women can best be protected from victimization are given.

KAMWERU, E.
Hurting Women and Children Deliberately.

The writer examines some of the harmful traditional practices that affect
women and children as discussed at a workshop on the role of journalists in the campaign against these practices. It is noted that their abolition is not easy and must be accompanied by carefully designed information and education campaigns.

**KING'ORI, M.**

**Punish Men Who Ruin Girls.**

*Daily Nation, October 23, 1993.*

This is a news article reporting on the speech of Mrs Ogot, Assistant Minister for Culture and Social Services, at a conference on “Women Entrepreneurship in Africa, Towards an Agenda for Action in the Nineties”. The Minister called for stiffer penalties for men who interrupted girls education by making them pregnant.

**MATHANGANI, M.**

**Physical Violence on Women in Kenya: a Rapid Appraisal Report”**.

*International Federation of Women Lawyers - FIDA (Kenya Chapter), May, 1993.*

A rapid appraisal on issues concerning physical violence to women in Kenya. The study was made in preparation for the GON/UNIFEM Conference on Women and Violence held on 6-9 June, 1993 in the Hague.

The report highlights and investigates issues concerning physical violence on women in Kenya, identifies and investigates ideas, rules, regulations and government policy when addressing the issue of violence against women. It also identifies the women’s movement policy on the issue and actions they have so far taken, highlights public opinion and the treatment by the mass media of the issue and solicits suggestions and recommendations from people as well as policy makers.

**MAKUMI, F. NJERI.**

**Protection of Victims of Sexual Offences. A Case Study of Nyeri.**


The author’s thesis is that the incidence of rape is high enough to merit concern. Her concern even though limited to Nyeri district does look at the general causes of rape with a view to providing appropriate remedies or at least changing social attitudes towards them. It is the author’s thesis that in most instances the law adequately protects the victim of sexual offences whenever they prove a case. She reaches this conclusion after examining the punishment given for each offence and decided cases. She
highlights the importance of the prosecution to the complainant, the police, the medical doctor and the magistrate in the outcome of the case. The author notes that the offence of incest is very prevalent in Nyeri even though it is not reported most of the time because of reluctance by relatives to discuss the issue and intimidation by the offender. It is notable however that in most of the offences tried in Nyeri there was very little indication of the real cause since the offenders denied it throughout. However most of the perpetrators came from poor backgrounds, were uneducated and lived in overcrowded conditions with little or no privacy which allowed children to witness acts of sexual activity very early in life. Urbanization especially created opportunities for incest.

MBULU, E. K.
Sexual Harassment and Other Sexually Related Offences. The Kenyan Situation.

The author concentrates on the issue of sexual harassment even though she deals with other related sexual offences. The author's finding is that sexual harassment is a rampant problem in the country and it happens more often than is reported because of the absence of any real mechanism legal or otherwise through which the problem can be dealt with. Not only is the term not basically understood, most men are not willing to acknowledge it given the traditionally inferior status of women. The law is of no help in this area.

MIGAI, J.M.
The Kenyan Penal Code and Spousal Rape: Is There Need for Legislative Intervention?
*University of Nairobi, Law Journal, No 2, 1995. pp 63 - 72*

The article examines the Kenyan Penal code's provisions relating to rape in the light of the contemporary views on 'spousal rape'. It aims to determine in particular whether the Penal Code envisages 'spousal rape'. The paper examines the nature of rape as a crime in so far as it relates to marriage and traces its origins historically. The argument is that since the Penal Code envisages spousal rape, courts should interpret the provisions of the Penal Code and make proper findings of rape where the situation occurs. They should provide the appropriate remedies to an aggrieved party.
MPAKA, C.

**Sex Crimes: Scars That Never Heal.**

*Sunday Nation, January 16, 1994*

This paper discusses the inadequacies of the law relating to sexual offences in Kenya and offers the painful example of a woman who was almost sexually assaulted by her own father. It criticises the laws on sexual offences in Kenya as totally ignorant of what the essence of the crime is and as such are inadequate using the example of the Penal Code which recognises a sexual offence not as an assault against the person, but as an offence against morality which then gives the offence a very nebulous scope. It also raps male chauvinism and warns that a look at recent trends indicates that men are also prone to sexual abuse. It describes the nightmare of the aftermath of sexual assault where the victim goes through other traumatic experiences for example in the hands of the police and defence lawyers who will cross-examine her on her painful experience in a room full of people. It calls for a rethinking of our attitude towards sexual offences.

MPAKA, C.

**Stiffer Penalties Needed for Sexual Offenders**

*The Standard, November 29, 1993*

This paper criticises the law relating to sexual offences and questions the reason why rape, defilement, indecent assault and sodomy are not classified as physical assaults but as offences against morality in the same class as such crimes as living off the earnings of prostitution. This, the paper argues is a refusal to admit the existence of a victim who is replaced by some "amorphous entity called morality" thus losing sight of the rights of those whose right is really infringed. The paper suggests that we should instead focus our attention on the parties involved, victim and offender, and the effect of the crime on both of them. It briefly describes the trauma the victim goes through as well as stating why the offender may have done his misdeed; and says that our present law system, unlike the traditional one, does not recognize the need to help both of these people. Thus, the psychological reasons of sexual aberrations of the offender are uncatered for as are the psychological needs of the victim. The paper warns that it is time we refocused on perspectives saying that sexual offences against both men and women are on the rise. She suggests the sentence of life imprisonment for sexual offences.
MUKASA, S.

A Paper Dedicated to the 16 Days of the Activities Against Gender Violence.

The paper states that gender violence is a parasite and a prevalent problem worldwide in homes, workplaces, and in the streets. It touches on all aspects of women's lives. The paper further acknowledges domestic violence as contradicting the expectations of one's family as the safest and most pleasant environment for the individual. The paper notes three categories of violence; family violence, community violence and state violence. On each point, key social institutions fulfill critical and interactive functions in defining, legitimizing and maintaining it. The paper examines the existing legislation and customs in Uganda which promote domestic violence. The paper identifies the main cause of domestic violence as drunkenness, traditions, and gender power relations.

MUNAABA, F. N.

Dissertation prepared for the Diploma in Women's Law, University of Zimbabwe, Harare, Zimbabwe, 1995

The paper discusses the impact of the new defilement law on the Uganda population. The paper critically discusses the offence of defilement through analysis of and reference to the decision in the recent case of Uganda V. Byamukama Nelson, High Court Criminal Case No. 63 of 1993. The paper points out the increase in offences and the increased concealment of the offence by the population. The paper highlights the inadequacy of the Law of Defilement in dealing with the problem. It goes on to explain the root causes of the failure. The shortcomings are highlighted as having the effect of enabling offenders to escape punishment. The paper recommends the existence of a strong police force and a familiar judicial process. It suggests reconsidering the law in regard to the age and punishment of offenders. It also stresses the need to hold defilement cases in a less frightening atmosphere and to protect young boys from sexual abuse as well.

MUNDUNI, R. A.

Research on Defilement- A Case Study of Kampala Area.
Kampala, Uganda, 1995

The paper acknowledges that even though laws and institutions dealing with defilement have been in place for a long time, defilement is on the increase. He attributes the problem to various factors. The findings in
the paper reveal that victims of defilement normally experience negative impacts which include trauma, physical and mental injuries, unwanted pregnancies, infections of sexually transmitted diseases including AIDS and general stigmatization in society. The paper proposes various recommendations which include the need to make society aware of defilement laws and the dangers posed by the problem, the strengthening of the investigation and implementation machinery, the need to review the laws with the aim of making them conform with practices and needs of society, and general improvement of the socio-economic conditions.

MUTISYA L. N.
The Plight of Beaten Wives in Kenya.
*University of Nairobi, LL.B Dissertation, 1992*

This dissertation examines wife beating: why women are beaten by their husbands, how society views wife-beating, its implications on society and also if wife -beating can be eradicated. The legal remedies available to a beaten wife are outlined. Whether the law enforcers are willing to enforce those remedies for beaten wives is an issue that is discussed as is the question of the adequacy and effectiveness of these remedies. The law relating to wife-beating under customary law is looked at and recommendations based on the findings of this work are made.

MUTURI, N. L.
*Rape: The Law and its Social Impact.*

This is an inquiry into the law of rape and its social impact on society and the rape victim. The findings of the author are that the law is full of loopholes which include the technicalities involved in proving a case of rape and the attitude of law enforcers which do not help. The author emphasizes the thinly veiled sexual violence targeted at women’s actions in society all the time and the traumatic effects of the assault on her. He also tackles the tricky question as to whether a pregnancy from a rape should be terminated. The author’s thesis is that the law here is basically discriminatory against women.

MUWANGA, S. et al.
The Factors that Hinder Prosecutions of Defilement Incidents in (Uganda) Kampala District.
*Kampala: August 1994.*

The paper suggests several changes in the laws regarding defilement
including the lowering of the age limit from 18 to 14 years, and the scrapping of the death penalty. It also suggests implementing a legal requirement to medically examine and establish the psychiatric status of defilers. The public must also be more sensitized about defilement. In regard to the legal proceedings of such cases, it suggests the speeding up of the prosecution of the cases, a lengthening of the time allotted to complete investigations, educating local authorities and handling the cases in confidence. It recommends the establishment of SOS centers and the availability of self-defence courses. It also requests that defilement be considered more broadly in terms of psychological and physical damage to the victims.

MWESIGWA, H. AND Y. WAKABI
Violence against Women in Uganda.

The report aimed at finding out the causes and magnitude of the different types of violence. It also aimed at exposing the social and legal protection available to the victims and the adequacy of the forms of protection.

NAMUDE, J.
Child Mothers Sign of the Society Moral Decay.
Sunday Standard, July 19, 1992

The author examines the issue of child pregnancies and the apparent inability of court fines and jail terms to stop this problem. He in particular discusses the case of a 12-year old who had been impregnated by a 50-year old who openly admitted to the act despite the fact that it is a criminal offence under our Penal Code and against whom no criminal proceedings were instituted.

NDUGIRE, F.

The purpose of the dissertation is to pinpoint the weakness in the law relating to rape which has the effect of leaving women inadequately protected against the crime. The author deals with the causes of rape and the reasons for the enactment of laws against it. She examines how African societies, more specifically the Kikuyu dealt with the issue and compares this with the statutory treatment of the same. The author also discusses marital rape and the case for its introduction in our law. Her conclusion is that there is need for a major overhaul of the law relating to rape so as to
provide women with the necessary protection.

NGUGI, M
The Many Shades of Cruelty That Could Mean the End of Marriage.
Sunday Nation, August 15, 1993

This article discusses the meaning of cruelty as a ground for divorce under Kenyan Law.

NGUGI, M.
Murder in the Family

This article examines the issue of spouses killing their partners in Kenya. It offers court cases that deal with examples of this nature. It also differentiates between murder and manslaughter vis-a-vis their legal meaning. It looks at the social standpoint on spousal killings and offers the opinions of two leading psychiatrists in Kenya as to the reasons why one spouse will kill the other. It also offers solutions to this problem - for example, divorce and pre- and post-marital counselling by religious and psychiatric experts.

NJOROGE, B. N.
Towards a Violence Against Women Statue: its Need and Parameters.

Violence against women is said to be widespread in Kenya. The writer tries to link the problem to the historically unequal power relations between men and women. She attempts to find answers not only in the law but also in other extra legal measures which would aid in the advancement of women and help them escape violence. The writer recommends radical changes in the social, economic and political spheres that precipitate violence against women. In this way, it will be possible to implement a statute touching on violence against women.

NJOROGE, S & G. KAHURIA
“Fight Against Violence” Meru, St Kizito Girls in Kaaga High School.

This is a survey of the St. Kizito tragedy where 19 girls were killed and 79 sexually assaulted. It explains how the tragedy led to the formation of
"Mothers In Action" and their role in helping the victims of the tragedy. It explains the events at the seminar held by Mothers In Action for the victims on 3.12.91 at Kaaga High School.

NJUGUNA, L. W.
A Study of Rape and Defilement; Special Reference to Standard of Proof.

This study throws light on the crimes of rape and defilement by providing definitions of the two terms and differentiating them. In cases involving these crimes, the standard of proof is beyond reasonable doubt and this work sets out to examine the same and determine its purpose. The major instruments of the legal system which affect rape and defilement proceedings like the police officers and prosecutors are discussed as well as set legal procedures like consent and corroboration. Well considered recommendations are advanced for reform in the legal procedures relating to rape and defilement so as to create a secure environment for women.

OGULI-OWUMO M., C et al.
Different Aspects on Rape and Defilement.

The paper points out that, despite heavy punishment, rape and defilement cases are on the increase. Unfortunately, the law has not been implemented or used in many of these cases. Even where cases have been reported, few have been prosecuted. It states the problem of these offences as being various aspects of the penal system. The medical effects of rape are also discussed. Lastly, it makes recommendations for rape and defilement cases regarding court procedures, medical availability and an increase in human rights awareness.

OKUMU, V.
No Easy Way out for the Battered Wife.
Daily Nation, March 11, 1988

The feature article examines the legal problems encountered by the battered wife (women) in trying to protect herself as discussed by an Advocate, Raychelle Omamo in an address to guests at a dinner for the Association of Kenyan Media Women.
ONDICHO, T. G.
Battered Women, a Socio-legal Perspective of Their Experiences in Nairobi.

The study was undertaken among urban women of Nairobi. It explores wife battering which is a serious and widespread problem in urban areas in Kenya. The writer tries to investigate the victims perception of violence, attempts to avoid or prevent violence and the responses to their efforts to obtain legal intervention. The victims seek legal aid and when they do, legal agents are reluctant to become involved in cases of wife battering. It is also indicated that women’s low economic power and the financial dependency of married women on their husbands are factors that make women powerless and susceptible to male violence. The writer recommends several strategies to combat violence against women.

Government is anti-women
Sunday Nation Correspondent
Sunday Nation, February 14, 1993

This is a news article covering a training seminar organized by the Anti-Rape organization in Nairobi. The seminar noted that not only is the government largely responsible for the rising level of violence against women it has also refused to scrap laws which discriminate against women.

RUTO, E. T.
Wife Beating. A Right or a Criminal Offence? A Case Study of the Nandi in the Uasin Gishu District.

The author distinguishes between minor fights in the family that are considered normal and real brutal behavior which is the subject matter of the dissertation. It is the author’s contention that violence both physical and emotional against women by men has been there since society began and that it only becomes an issue when there is an active feminist movement. She focuses on the practices among the Nandi. The project was however exploratory and the sampling limited so the results must be viewed as at best tentative. The author’s findings are that it is a practice which both victim and offender are reluctant to discuss and the law covertly tolerates it all in the name of protecting the family.
SINTALA, C.U.K.
Wife beating in Tanzania: An investigation into the scope and limitations of legal responses.

This is an exposition of the subject of wife battery and the existing legal and extra legal remedies that are available. Most cases of wife battery go unreported and those that get publicity involve injury if not death. This is seen as an obstacle for women's advancement. In spite of Tanzania being a signatory to international convenants on human rights, wife battery goes on unabated. The patriarchal communities endorse the subjugation of wives and daughters where they are handled as property. The legal system further worsens the situation through long procedures, legal illiteracy of victims, lack of temporary remedies during proceedings, weak sentences and humiliation, all of which discourage women from seeking remedies. The law on wife battery is inadequate and the author calls for action to change the situation.

STEEVES, H. L.
Gender violence and the press; Print coverage of the St. Kizito Tragedy

The paper examines print media coverage of the incident with an emphasis on the first six weeks after the incidence. It is a case study of the mass media's role in both reflecting and creating a short term shift in national consciousness of gender oppression. It is also a case study of media bias, distortions, inaccuracy and prejudice in covering rape as well as a failure to protect victims from further harm.

TAMALE, S.

The paper analyzes the offense of rape and its wider implications in Uganda. It observes that sexual abuse, especially rape, has assumed epidemic proportions in Uganda due to various socio-economic and political factors. The second part of the paper examines the legal aspects of the offence of rape, as well as analyzing some non-legal aspects. The third part of the paper critically analyzes real rape cases. It points out prejudices, false assumptions and biases which negatively affect and further traumatize the female victim. The paper suggests various strategies for
combating the problem. It suggests going beyond legal reforms and addressing socio-economic and political structures. It recommends a redefinition of rape, as well as legal processes and requirements.

**Teachers and rapists: The grim scenario**

*Daily Nation, October 17, 1993.*

This essay examines the issue of teachers and rape in Kenya. It decries society's apathy towards rape saying that we need more concern in this area especially from men. It adds that rape has nothing to do with the conduct of the victim contrary to popular belief. The article reports that the statistics of the Discipline Section of the Teachers Service Commission in Kenya showed that in one year, the section receives about hundred cases from each province in Kenya, of teachers alleged to have had carnal knowledge of their pupils but notes that there may be many more unreported cases and adds that only about 1% of the reported cases are charged and convicted. The article also alludes to the fact that some parents do not pursue the matter of the defilement of their children if they are paid by the teachers responsible for this atrocity and some do not pursue the matter because they erroneously think they will incur heavy costs in court fees. The article visits the area of the disparity in the penalties prescribed in the Penal Code of Kenya between rape and defilement and calls for the prescription of a maximum life imprisonment in both cases.

Using examples, the article shows that convicted defilers are treated too leniently and calls for more concern on the issue. The essay asserts that the rule of corroboration of the evidence of minors and complainants in sexual offences often works to the advantage of teachers and states that the rule has greatly hindered the Teachers Service Commission’s application of its code of conduct. It also notes that the Commission Act, which has a right to quash decisions of the Teachers Service Commission has in the recent past acquitted and reinstated an increasing number of suspected teachers.

The article says that reform in this area should start in the courtroom with the imposition of stiffer sentences for rape or defilement convicts. There is also a need, it adds to find a way that the rule of corroboration does not defeat the ends of justice. It also calls for the Teachers Service Commission's independent handling of disciplinary matters free from the influence of courts which are bound by legal strictures that work to the disadvantage of the child. The article concludes by saying that there is a need for men to re-evaluate their attitudes towards rape and defilement.
The brute of yours: If he strikes, take him to court
Sunday Nation, June 20, 1993.

This article discusses the issue of violence in the home in Kenya. It laments that society has left it to the law alone to redress this situation and says that assault is a criminal offence but most women do not pursue it, quite unreasonably, because of their ties with the man responsible. The article avers that the negative attitude of the police contributes to the cases where women will not report the matter at all and also notes the fact that most men in society believe that the battery of a wife is wife "chastisement" and thus justified. The article suggests that the wife leaves the violent husband and notes that if married, maintenance orders can be got from court.

Women call for family courts
Nation Correspondent
Daily Nation, August 1, 1991.

This is a news article on a meeting of representatives of Women’s organisations countrywide which called upon the Government to set up family courts to deal with domestic violence against women and girls and to take a firm stand against this violence.

Women’s destiny: Fight now intensifies

This is an editorial which comments on two cases decided in Britain and USA on rape of a wife by a husband and sexual harassment respectively and their probable impact on the situation of women worldwide and Kenya in particular.

WAKABI, Y.
Domestic Violence in Uganda.

Domestic violence is defined as violence perpetrated by a man upon a woman in a home. The only recourse available for the woman, is the treatment of domestic violence as a criminal offence. However, wife battery and abuse has, in general, not been perceived as a criminal issue. The family also suffers if the abuser was the breadwinner and charges are pressed. The strategy to be implemented, as stated in the paper by FIDA, is to measure the magnitude and extent of the problem, main causes and possible victims with an ethical orientation. Then, strategies will be drawn with an intention to concentrate on economic empowerment. Strategies implemented must be appropriate. The context to be introduced must be
flexible and accommodating in conclusion. The rigors of the debt crisis and structural adjustment policies have exacerbated the problem. High rate of inflation is a crisis which has brought more misery to Ugandan women and exposed them to a more violent environment.

Women’s rights

ABISAI, R. O.
Rights of Women with Specific Regard to Politics, Education and Ownership of Property.

Three rights which are considered to be the core of women’s rights are the topic of discussion of this dissertation. Under politics, the writer observes that in traditional African societies, women were never allowed to participate in politics. The position has not changed a lot in the twentieth century since in some societies women cannot vote or be voted for. On education, the view is that a percentage of Kenyan women are ignorant due to illiteracy. The writer argues that the system still focuses its energies on men who are considered as the workers and leaders.

Where ownership of property is concerned, women are customarily a frustrated lot. The writer provides an analysis of women’s right to own property under customary law, Islamic law, Hindu property law, statutory law and concludes that the question of gender in ownership of property in Kenya is quite vital.

FIMBO, G.M.
University of Dar-es-Salaam, Faculty of Law, 1991.

The writer suggests that the laws relating to divorce, custody of children, division of matrimonial assets, affiliation and adoption, discrimination against women in Tanzania are biased. Cases are quoted to show the discriminative nature of various laws. On custody of children upon divorce or separation, it is noted that where custody is contested by both parents, the mother is unlikely to get such custody, under the criteria used by the law. Women are also prevented from exercising their rights to adopt children. It is also pointed out that under the employment ordinance, the period for which a woman can apply for maternity leave is restricted. Although all the quoted laws discriminate against women, the Court of Appeal has done very little to settle the disputes that arise in such areas.
GACHIE, G.  
Give Women more Land Rights.  

This is a news article on a paper presented by an Assistant Minister for Culture and Social Services, Mrs Grace Ogut at a KANU Seminar. It reports Mrs Ogut’s presentation in a paper entitled ‘The role of women and youth in National Development’ where she observed that Land Consolidation Legislation removed the security that many women enjoyed under communal land-ownership by giving title deeds largely to men. The result was landlessness among women and resultant problems such as migration to urban areas to settle for poor paying jobs.

Government respects Women PS  
Sunday Nation Reporters.  
Sunday Nation, September 13, 1994  

This is a news article reporting on Mrs Margaret Githinji (a Permanent Secretary for Commerce and Industry) asserting that the Kenya Government is sensitive to matters relating to the status of women and cautioning against a confrontational attitude towards the issue.

Identification of research priorities for women in Kenya:  
Based on a seminar hosted by the Public Law Institute  

The Chapter on Women and Law identified the following themes for additional research: Sex discrimination in the law, non-statutory as opposed to statutory law, violence against women, adolescence and the law, access to productive resources, matrimonial property issue within and after marriage, the law reform process and implementation of the law, reproductive rights, violence and rape.

KABEBERI-MACHARIA, J & K KIBWANA.  
A Study of the implementation of the United Nations Con- 
vention on the Elimination of all forms of Discrimination  
Against Women in Kenya.  

This work studies the extent of the implementation of the UN Convention on the Elimination of All Forms of Discrimination Against Women by the Kenya Government. It attempts to identify the constraints to the implementation of the Women’s Convention and evaluate the role of existing institutions charged with promoting women’s concerns. It also
aims to determine the extent to which government ministries and agencies have integrated women's needs and concerns in their programmes and the impediments to this process, as well as determine the level of awareness by government ministries and agencies of existing UN conventions concerning the rights of women to which Kenya is a signatory.

It analyses the extent of implementation of the first 16 articles of the Women's Convention, provides for the reporting system under the convention and the duties of State parties to the convention, looks at the role of the Women's Bureau in co-ordinating women's affairs and in facilitating the implementation of the convention and makes recommendations based on the study.

KIVUTHA, K. (ed).  

This publication contains a summary of research findings in four areas: law reform and the quest for gender equality, women and agriculture, the impact of SAPS on the female gender, women and health in Kenya: developing an action agenda;

The researches emanated from a workshop sponsored by the Royal Netherlands Embassy held in Nyeri in 1991 whose aim was to determine the status of the Kenyan women. The workshop identified five areas as crucial in the study of women. These are the areas whose research summary appears in this book. Women and the mass media was the other area identified although research findings in this area are not presented in this publication.

Chapter 1 of this publication summarises research findings on law reform and the quest for gender equality. Eleven papers were prepared consequent to this research. These papers dealt with sex discrimination, rape, affiliation, labour rights, women's groups, matrimonial property rights, succession, maintenance, custody and the right of and over children and general marriage law reform. The chapter gives a brief summary of the findings under each one of the papers.

Chapter 2 provides an analysis of research findings on women and agriculture. In the third chapter, the findings of the research on the impact of Structural Adjustment Programmes (SAPS) on the female gender in Kenya are presented. The research covered concerns on the impact of SAPS on Kenyan women in agriculture, education, employment, health,
participation in decision-making and on violence against women. The research critically appraises the economics of SAPS.

The fourth chapter tackles the issue of women and health. Under this heading, areas that have been studied include health care facilities available for women, women's problems with sexuality, fertility control and cancers, pregnancy and associated stress, women's concern with food security and nutrition as well as women's fight against STDs and HIV/AIDS. The report provides a list of recommendations which if taken could greatly improve the health of Kenyan women.

MBEO, M. A. AND O. OUKO-OMBAKA (eds)  
Women and Law in Kenya: Perspectives and Emerging Issues.  
Nairobi; Public Law Institute, 1989.

This book is an outcome of a seminar jointly convened by the Women's Bureau and the Public Law Institute in November 1987 whose theme was “Women, Law and Development”. The objectives of the seminar were to identify existing legal obstacles and constraints to women advancement, study strategies for overcoming these obstacles and constraints and to design mechanisms for using laws as a resource to empower women.

This book has brought together a selection of some of the papers and recommendations presented at the seminar. The papers are in four clusters: methodology and culture, the women's movement and the law, legal awareness and women as victims of the law and economic participation.

In conclusion, the editors point out that the seminar participants resolved that task forces be established under the auspices of Women’s Bureau and Public Law Institute on Law Reform and Lobbying, Community Legal Education and Violence Against Women whose aim was to try and solve some of the problems identified by the seminar.

MBUGUSS, M.  
Why Let Widows Suffer this Way.  
Daily Nation, November 2, 1990.

This article inter-alia touches on some of the customary practices of certain sub-tribes in Baringo District relating to widows and their rights to remarry after the death of their husbands.
MPAKA, P.N.
A Practical Approach to the Liberal, Marxist and Radical Feminist Theories with Particular Reference to Kenya. 

The dissertation focuses on the historical origins and the practicability of the ideas embraced in the three major Western feminist theories namely, the liberal, the Marxist and the radical and their relevance to the Kenyan context. The writer suggests that the Kenyanisation of liberal feminism is the key to real freedom for women in Kenya.

MUCAI-KATTAMBO, V. (*et al*). 

This paper examines the legal status of women in Kenya who constitute 50 per cent of Kenya’s population and many of whom are still affected by customary laws and practices which have long been oppressive against women. It looks at the status of women in three spheres namely: 
**Civil and Political Rights**: whereby, it examines fundamental rights and freedoms, laws on citizenship and women and the political process in the area of:

- **Civil Law**: It looks at legal capacity and rights relating to marriage, for example the capacity to marry, property rights, parental rights and duties, separation and divorce and rights of inheritance.
- **On Nutrition, Health Care and Family Planning** it examines the right to food and nutrition, health care, access to contraceptives and family planning information services, voluntary sterilization (Tubal Ligation), Pregnancy Termination or Abortion and Aids are examined.

MUGAMBI, A. K.
**Feminism: a Threat to the Sanctity of Marriage or Genuine Agitation for Equality.**

The concern of this study is to investigate whether sex discrimination does exist in the Kenyan marriage laws. It also looks at the demands of feminists and tries to evaluate whether they are prejudicial to the existence of the institution of marriage. The study recommends the formulation of gender neutral laws and the empowerment of women through education.
and property ownership.

NZOMO, M.
How to Beat the Odds in Empowering Women.

The article makes recommendations towards improving the status of women before the law. The author notes that despite the fact that the Laws of Kenya provide for theoretical equality between the sexes this is not so in practice and the recommendations suggested are meant to ensure practical equality.

OKOTH O., H. W. O.

This paper looks at the suitability of small-scale agricultural economies in Kenya to the specific needs of the family unit and the impact of the change in the land tenure system on the allocation of socio-economic tasks within the family. It also examines the nature of small-scale economies, the impact of colonialism on the family economy and the post-colonial situation.

OTEGA, M. A.
Law and Status of Women in Kenya.

The paper addresses itself to the condition of women vis-a-vis men in respect to political rights, marriage, family size, property rights, criminal law, employment, divorce, succession and sustenance of illegitimate children. All these are considered against a background of the legal foundation of state obligations in the matter of equality of the sexes.

RWEBANGIRA, M.K.
Women priorities for legal reform in Tanzania.

A study on the various laws in the Tanzanian legal system that tend to view women as inferior. A lot of emphasis is placed on the laws of succession and inheritance, since such laws affect the majority of women in the rural areas. It is observed that since the Bill of Rights in the Constitution rejects the application of discriminatory laws, then such laws have to be done
away with.

TUHAISE, P. N.
Women and the Constitution.
Kampala, Seminar Paper; 1990.

The paper acknowledges women as constituting the main labour force and being the mainstay of the country’s economy. However, women still remain at the periphery as recipients of the results of their labour. The paper observes the status of women in Uganda as intrinsically connected with traditions and customs to the extent of occasionally permeating and at times practically negating legislative provisions. The paper specifically discusses various areas of law namely, divorce, adultery, succession and customary laws and practices which have been discriminatory by their very nature. The paper notes the perpetuation of the subordination of women through the shortcomings of the 1967 Constitution. The paper treats the Constitution making process as a rare opportunity to be utilized to change the status-quo and advocates for a constitutional framework which promotes and protects women’s rights. The paper makes various legal and non-legal recommendations to be addressed and incorporated into the new Constitution. It also emphasizes the need to change the socio-economic set-up in Uganda in such a way as to enable women to actually have and enjoy their rights equally with their male counterparts.

WAFULA, H. W.
African Radical Feminism: Case for Legal Reform. Case Study: Kenya

The author contends that a braid of gender sensitive people has emerged for the first time in Africa on a level hitherto unknown. Such feminists have emerged with an aim of counteracting discrimination against women. This study therefore aims at defining African radical feminism and how it can be applied in solving the African women’s problem.

UGANDA, Government of
WOMEN AND THE 1995 CONSTITUTION OF UGANDA.

This is a publication of the Ministry of Gender and Community Development under the WID-DANIDA Constituent Assembly Project. It analyses various factors concerning the Constitution of Uganda enacted on 8 October 1995. Unlike previous Constitutions, women were involved in the Constitution making process from the grassroots level. The new
Constitution gives women the legal basis upon which to advance their economic and social status. The paper cautions that despite the provisions of the Constitution there are many discriminatory laws, attitudes and practices in the country which need to be done away with, or at least amended. It discusses provisions concerning women, particularly the promotion and protection of gender equality in all aspects of political, social and economic life. Critical areas of reform, notably penal laws, are addressed. It also highlights priorities for action and calls upon the government to streamline the formulation and implementation of gender integrated policies. The paper concludes by acknowledging government's efforts in having affirmative actions for women and other marginalized groups. It calls upon women to involve themselves in the process of positive changes towards the women's cause. The Constitution is finally observed as having addressed women's issues and as being the beginning of the achievement of equality, peace and real development for all people.

Women lawyers to fight biased laws

This is a news article reporting on sentiments expressed at a luncheon hosted by the International Federation of Women Lawyers, (FIDA) Kenya chapter for a visiting American law Professor to the effect that Kenyan laws though generally appearing to be non-discriminative, do not protect women's right in regard to customary law and therefore need to be amended.

UCHE, U.U.
'The Legal Status of the Kenyan Women: The Legal Aspects of House Keeping Money.' In Achola Pala, Thelma Awori and Abigail Krystal (ed), The Participation of Women in Kenya Society.

This article discusses the legal aspects of housekeeping money vis-a-vis the status of women from two reference points: The right to housekeeping money and the relation of housekeeping money to family property.

Under the first reference point, the article examines the right of a wife to pledge her husband's credit for necessaries and the doctrine of agency of necessity that accrues to a wife. Under the second reference point, the Law of Succession Act, 1972 and the presumptions made by the court at divorce are examined.
Research

OKECH-OWITI
Research Strategies on Gender and Law. In J. K. Macharia (Ed), Women, Laws, Customs and Practice in East Africa; Laying the Foundation.

This is an attempt by the writer to identify the research methodology most appropriate to the study of gender (women's) issues in the area of law. The paper introduces the reader to research in general before discussing the dominant research methodologies. This is done with a view to making suggestions as to the methodology that is most appropriate to the study of gender issues.