



UNIVERSITY OF NAIROBI

**Challenges facing Homeownership among Women in Kenya.  
A case study of Kikuyu town.**

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School of Built Environment University of Nairobi.

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**DECLARATION**

This research project is my original work and has not been presented in any other institution.

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**Signature .....**

**Date.....**

**Declaration by Supervisor**

This project has been presented for examination with my approval as a university supervisor.

**Supervisor; Mrs Catherine Kariuki**

**Signature .....**

**Date.....**

## **DEDICATION**

This is to my wife, Mrs. Rose Mukuhi, my daughter Janeffer Waithira and my son Victor Njuguna for their endless support and encouragement in my course.

I also dedicate this project to all the people of Kikuyu, Sub-County of Kikuyu administrators and to the entire people of Kenya who are ready to venture into the housing industry. I hope they will find this study useful and helpful.

## **ACKNOWLEDGEMENT**

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## **ABSTRACT**

Women form majority of the population in Kenya (52%) and play an active role in the development of the society, although Kenya remains a very patriarchal society, and the status of women remains relatively low with inequalities and inequities prevailing in many aspects of life. Women continue to be marginalized and discriminated against in almost all aspects of their lives, a situation which is reinforced by the existing laws and policies, as well as the socio-cultural factors. Kenya's current system of property, land access and ownership discriminates against women, creating social inequality and serious economic disadvantages notwithstanding that Land and housing are central issues in developing economies. Women's access to, ownership of and control over land is a clear indication of failure in policy and legislative framework to address systematic violation of a basic human right of the majority of the country's citizens. Traditional and cultural practices tend to uphold and perpetuate the practices which in effect condemn women as second class citizens.

This study identified home ownership among women in Kenya and assessed whether there has been a significant change. Home ownership is promoted as a means of ensuring financial security yet women face particular challenges in achieving it. This study showed the extent to which female home ownership rates and propensity to purchase are affected by finances, cultural beliefs and education/awareness especially on legal rights.

The study also shows that lack of education and awareness among majority of women, inadequate financial resources and discriminative cultural practices largely and jointly affects women rate of homeownership. This research is important to the National and County governments as they can get valuable information necessary in formulation of policies intended for the empowerment of women home ownership. The study also adds to the existing literature hence other researchers can also get information they may require while studying on a related theme.

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## ACRONYMES

|        |  |
|--------|--|
| HIV    | Human Immunodeficiency Virus   |
| AIDS   | Acquired Immune Deficiency Syndrome  |
| ABS    | Australian Bureau of Statistics  |
| US     | United States  |
| KWFT   | Kenya Women Finance Trust  |
| KRep   | Kenya Rural Enterprise Programme   |
| AIMS   | Africa Institutional Management Systems                                      |
| KLA    | Kenya Lands Alliance   |
| UNIFEM | United Nations Development Fund for Women                                    |
| ASALS  | Arid and Semi-Arid Lands   |
| GoK    | Government of Kenya  |
| LEAP   | Legal Education and Aid Programme  |
| KAEA   | Kenya Adult Education Association  |
| FIDA   | International Federation of Women Lawyers                                    |
| CEDA   | Committee on the Elimination of all forms of<br>Discrimination against Women |
| FAO    | Food and Agricultural Organization   |
| KNBS   | Kenya National Bureau of Statistics  |

## DEFINITION OF KEY TERMS

**Discrimination** -Treatment of a group or individual with partiality or prejudice

**Challenge** - Any act that poses difficulty in the homeownership among women.

**Partriarchal** – relating to or characteristics of a culture in which men are the most powerful members.

**Culture/traditions** – the beliefs, customs,practises and social behaviour of a particular nation or people or community often one that have been handed down from generation to generation.

**Norms** – standard pattern of behaviour considered normal in a society.

**Gender** – state of being either Male or Female.

**Awareness** – general public being informed on policy and legal changes in a manner that is easily understood.

**Matrimonial** – belonging or relating to marriage.

**Affordability** – somebody's ability to meet the financial obligation arising from buying a house or other assets.

**Home ownership**- owning a home as opposed to renting.

# CHAPTER ONE

## 1.1 Introduction

Kenya, like many African societies is a patriarchal society. Although there are still many gender related challenges facing the country, a few strides in form of policy developments and enactment of key legislation have been undertaken in the recent past geared at gender equality and protection. These include the Sexual Offences Act; the passing of Gender Policy Bill (Government of Kenya, 2000) and a Presidential Decree of 30% affirmative action in terms of formal appointees to public posts. The country is also committed to international conventions such as Millennium Development Goals, Education for All, and CEDAW.

There have also been amendments to the Employment Act, Marriage Act and Married Women Properties Act. Due to tradition, law, education, or economics, women have sometimes faced challenges in land development projects, even when they were intended for their benefit. For example, improving irrigation on women's fields may have the unintended effect of having these now valuable fields reclaimed by men in the community (Zwarteveen, 1997). Enhancing housing in a community or peri-urban area may have similar unintended results when the units become more marketable (Varley and Blasco, 2000). Professionals, such as surveyors, who are involved with land and housing projects therefore need to be aware of gender issues and need to ensure that the real objectives of the projects are truly met.

Gender inequalities (especially for women) can be attributed to limited access and control over productive resources, access to financial services, insufficient access to education, lack of skill, limited access to technology, cultural impediments and other constraints limiting employment options and participation in decision making. All these serve to seriously constrain women's ability to effectively participate in and benefit from economic development.( Institute of Economic Affairs, 2008)

According to Human Rights Watch, (2003), women's rights to property are unequal to those of men in Kenya. Their rights to own, inherit, manage, and dispose of property are under constant attack from customs, laws, and individual. Married women can

seldom stop their husbands from selling family property. A woman's access to property usually hinges on her relationship to a man. When the relationship ends, the woman stands a good chance of losing her home, land, livestock, household goods, money, vehicles, and other property(s).

Homeownership represents stability and economic development for many families and is an integral part of an individual dream. For most U.S. families, homeownership is not only the primary vehicle for wealth accumulation but is also associated with many benefits for individuals, families and communities including wealth accumulation, greater educational attainment of children, increased life satisfaction and neighborhood stability (Scanlon and Page-Adams, 2001). The group of female buyers is far from homogeneous – it includes women of all ages and races, single mothers, widows, divorcees, women living alone and those living with other adults.

Women and girls are doubly marginalized because of their gender, physical and social conditions. But on top of this, with its focus on the physical and spatial aspects of development, urban planning disregards the unique, gender-differentiated situation of women. The major challenge is to determine the extent to which cultural trends advance women's role in the development of human settlements (Rachel B. Drew, 2006).

## **1.2 Problem Statement**

Across cultures, the family is the basic social structure most likely to meet individual needs and expectations. Women typically spend much more time in the house than men as they perform their reproductive and household roles. This imbalance has implications on poor rural/urban women, especially as the structure of the family unit is changing and female-headed households are on the increase putting in mind that 52% of population comprises of women.

Home ownership is increasingly recognized as an asset that promotes wealth; it is a commodity that can be used to leverage additional funds, improve credit scores, and be transferred to other family members (Boehm & Schlottmann, 1999; Card, 1980; Sykes, 2005). Recent research suggests that owning a home translates into an enhanced quality of life for all members of the household, including children (Evans,

Wells, & Moch, 2003), more housing satisfaction (Rohe & Basólo, 1997), improved neighborhood stability (Haurin, Dietz, & Weinberg, 2002) and greater civic involvement (McCarthy, Van Zandt & Rohe, 2001).

Women unlike men face particular challenges in achieving home ownership associated with entrenched lower rates of pay, key worker concentrations in lower paid occupations, career breaks, preoccupation with mother and care roles, childcare costs and availability and the attitudes of lenders and real estate agents (Wizard, 2009). This pay gap means many women cannot accumulate as much wealth, have less choice about their lifestyles and have significantly lower retirement benefits (e.g. lower pension) than men.

The accepted cultural beliefs and norms in societies are embedded in people's minds and reflected in people's actions. These cultural beliefs tend to be difficult to change because of their strength to reproduce existing gender relations or contracts, to maintain the patriarchal system (Gwebu, 2003:22). Although there has been international research on this field concerning challenges on homeownership, the research done in Kenya on this field is very limited (Kameri- Mbote, 2003), Kabeberi-Macharia, P. Syagga, Human Right watch, (2003) etc). Majority of the household heads are headed by men, portraying the patriarchal nature of Kenyan Societies. Cultures, norms and ideologies at personal level account for unequal gender relations in home ownership. For example, the patriarchal cultural norms have tended to favour men over women of all types, whereby women have always been subjected to lower positions in terms of their roles, distribution of resources and decision-making powers compared to men. In general there is a tendency for individual members to behave and act culturally, as community cultural norms dictates (Larsson and Schlyter 1998: 216).

Further in these societies where men are regarded as the owners of the matrimonial home, it is normal for the matrimonial home to be registered solely in a husband's name regardless whether the wife has contributed financially to the home. Hence it is not surprising for a married man to exclude his wife's name from the title deed of the

plot of land on which the matrimonial home is built regardless of whether or not the wife contributed financially to the home project. The husband sees his action as normal and acceptable because culturally a home belongs to the man. However, research has shown that; Nyanza province (36.2%) has the highest number of female headed households, followed by Central province (30.8%) and Western (30.6%). Overall 30.9% and 23% of the rural and urban households are headed by female members respectively, (Institute of Economic Affairs, 2008). This is an indication that women need to be empowered for home ownership.

Education has been identified as one of the ways in which women can utilize the existing opportunities and take advantage of the existing structures and legal frameworks to protect and exercise their rights. In cases where married women are ignorant of their ownership rights, they most likely end up with only user rights to the home even when they financially contribute to the home project. Lack of awareness is one of the things that deprive many married women of ownership. This is regardless of whether a woman is educated or not (Griffths, 1997:225).

It is against this background that the researcher finds it extremely important to look into challenges that are facing home ownership among women in Kenya.

### **1.3 Purpose of the Study**

The purpose of this study is to look into challenges facing home ownership among women in Kenya. Most of the existing research deals with women home ownership and do not recognize that the home ownership experience may carry with itself a lot of challenges.

The intention is to provide a comprehensive and critical review of the literature on the challenges of home ownership among women in Kenya; present a balanced view of culture, awareness and financial aspects as some of the challenges.

#### **1.4 Research Questions**

- a) Do female aspiring to be home owners face greater affordability problems due to limited access to financial resources in Kenya?.
- b) Does culture in any given community hinder women from owning property especially houses in Kenya?
- c) Does the level of awareness/education affect home ownership among women in Kenya?.

#### **1.5 Objectives of the Study**

##### **1.5.1 General Objective.**

The main objective of the paper is to investigate female home ownership in Kenya and to assess whether there has been a significant change since affirmative action came into place. The overall objective of the study is to determine the type of challenges facing women in the ownership of homes in Kenya.

##### **1.5.2 Specific objectives of the Study.**

- a) To find out whether affordability i.e access to financial resources is a challenge affecting women in accessing home ownership.
- b) To find out how culture has discouraged the ownership of real property by women.
- c) To determine how the level of general education together with awareness in legal matters/issues is affecting home ownership amongst women.

##### **1.5.3 Hypothesis /Proposition**

Women property/home ownership is crucial in Kenya's development and attainment of Vision 2030.

#### **1.6 Significance of the Study**

This study is of great importance to the stakeholders in the housing market because it elaborates on the strategic issues facing women home ownership. It also helps the government and lending institutions in understanding the support required so that women can smoothly continue to play their rightfull economic and social role. The study also show areas that require more attention for the concerned stakeholders in quickening the rate of home ownership among women in Kenya.

It is also expected that the research can be used to make recommendations in improvement of levels of awareness, financial credit options and harmonisation of cultural and traditional practises to fit in the current trend of women home ownership. The study may also be used as a learning tool to those women who already own houses and those who are aspiring to be homeowners. The research findings also contributes to the body of knowledge regarding women home ownership and acts as potential for comparison to related and future researches on the challenges affecting women homeownership.

### **1.7 Scope of the Study**

The study determined that almost 50% of women in Kikuyu town which is within Kikuyu sub-location comes from different cultural backgrounds. This indicated that Kikuyu town is a metropolitan town. The research covered all categories of women whether employed in formal or informal sectors and/or housewives. In order to determine the variables that affects the rate of homeownership among women, the study examined the extent to which financial and affordability position of women, culture, and education/awareness influences home ownership. These relationships makes conclusions that enhances women home ownership in Kenya.

## **CHAPTER TWO**

### **LITERATURE REVIEW**

#### **2.1 Introduction**

Concerns about women's access to, control over and ownership of land have been raised over the years at different but inter-related levels. Land resources are central to the lives of people living in countries whose economic development and subsistence depends on the resources.

This chapter reviews the literature that is pertinent to this study. It specifically documents the concept of homeownership and critical factors that influence success in homeownership among women in Kenya. It also identifies research gaps to be filled by this study and the conceptual framework.

#### **2.2 Past Studies**

##### **2.2.1 Financial Aspect**

It is recognized that women face particular challenges in achieving home ownership associated with entrenched lower rates of pay, key worker concentrations in lower paid occupations, career breaks, preoccupation with mother and care roles, childcare costs and availability and the attitudes of lenders and real estate agents (Wizard, 2009). Australian women earn on average 17 per cent less than men which sets them up for a life time of financial inequality worth up to \$1 million over their lifetime (Rice Warner Actuaries, 2010). This pay gap means many women cannot accumulate as much wealth, have less choice about their lifestyles and have significantly lower retirement benefits than men. Taking time off for children further adds to their disadvantage. For over sixty years, Australia's welfare and housing policies have been predicated on the perceived merits of home ownership (ABS, 2008b). Welfare benefits, both during employment and on retirement, have been based on household investment being extended over time through home ownership.

Yates and Bradbury, (2010) have shown that older households who miss out on home ownership are disadvantaged in a number of ways; they have lower wealth and less disposable income but higher housing costs and significantly higher after housing poverty rates. Therefore for women in Australia home ownership will be an important determinant of their ability to secure adequate living standards in old age. Low levels of female home ownership are likely to have significant implications into the future both for the individual and for the wider community. Rohe, Zandt and McCarthy, (2002) suggest there are links between home ownership and the perception of opportunity through increased financial resources, improved physical health, enhanced neighbourhood stability and greater civic involvement.

Research concerning female new homeowners is also particularly limited. Allen, (2002) suggests that this is due to the prevailing view that homeownership for women is linked or assumed to occur when a woman is married. Furthermore, she notes that housing research in general tends to emphasize aggregate differences between groups, rather than examining within group differences. For instance, race and gender differences in homeownership are commonly reported, however, differences in homeownership between women such as those married or not, those with children or without, or comparisons among women of different race and ethnic backgrounds are rarely done. However, the increase of wealth among women in high-income professions, the removal of historic discriminatory mortgage lending practices, and the growing number of female headed households is helping to make homeownership among women a rising trend (Sykes, 2005). Consequently, further research regarding how women obtain and sustain homeownership is warranted.

The World Bank country report for Kenya, (2003) states that “increased poverty is the legacy from two decades of slow growth” and describes the nineties as “a decade of decline and lost opportunities”. The decade was characterized by increased poverty, poor management of the economy, and good policy agenda that was not implemented. The report noted that reducing poverty will require reallocating public spending towards pro-poor programs, and eliminating obstacles to the full participation of women and other groups in the economy.

This rise of single-women homeowners is part of a greater social and economic shift that is reshaping Canadian life. Women are tired of waiting for Mr. Right to come along and start their homeownership dream. For the first time in history, women have access to the same resources men have always had. Women today make more money, assume leadership roles in business, are financially independent, and control their own financial decisions far more than in decades past. Women can acquire homes on their own rather than searching for a mate to provide them. It's symbolic of success - of getting out there and doing it on their own. Single women snapped up one of every five homes sold, more than twice as many as single men bought.

### **2.2.1.1 Financial Services**

Access to financial services is critical for economic empowerment of any population and it varies across gender. This includes levels of savings, access to credit, insurance services and remittances. Experiences and evidence from other countries, for instance, point out that loosening of economic constraint imposed on women can have immense consequences on development. This includes the success of micro-finance institutions such as the Grameen Bank that provides small loans for women to start a business of their own (Morduch, 1999). There was greater success reported by the Grameen Bank which increased the share of women from 44% to 75% in recognition of the role of women in development. Pitt and Khandker, (1998) indicate that micro credit taken by the woman rather than the man of the household increases women's non-land assets and children's education and doubled women's expenditure than if the credit was given to the husband.

A similar model has been initiated by Equity Bank in Kenya that is targeting women. The Equity Bank launched a branch specifically for women in Small and Medium Enterprises (SME) sector in June, 2007. The Equity Bank's line of credit targets legally constituted community groups with a good history. Such groups mainly composed of women who receive loans without security. The group members act as guarantors for such loans. The Equity bank also undertakes a six week business training for new community groups composed of women. Other related facilities are provided by Kenya Women Finance Trust (KWFT) and Kenya Rural Enterprise Programme (KReP).

According to the recent study on Financial Sector Deepening, (2007) in Kenya, more women (51.1%) tend to save compared to male counterparts (48.9%). Given the confirmation of lower average salaries and less security of income greater affordability problems for female home owners can be assumed. However female purchasers do seem to be making concerted efforts to purchase, especially if they are single, on higher incomes, or in business where both actual home ownership rates and propensities for purchase, either equal or exceed those of male households.

Women are motivated to purchase homes by a desire for financial security and the sound investment of home ownership, as real estate has steadily appreciated in recent years. Women live longer, think about financial security in their retirement, and recognize the benefits that home ownership provides more than ever before. Building equity and taking advantage of tax deductions appeals to women, as to most buyers. Low interest rates, first-time homebuyer programs, high divorce rates and the fact that child support payments are considered income to single parents, have helped contribute to the trend considering that women have limited access to financial resources. Any procedures that would require financial compensation should be carefully examined not to present an additional burden for women and exclude them from the benefits of the project.

#### **2.2.1.2 Employment of Women**

Women are a significantly low percentage of the total number of employed persons in Kenya. Between the years 1970 and 1983, the number of female employees increased from 14% to 20% of the total number of persons engaged in any form of employment. A number of reasons are given for women's low participation in employment, and these include lack of equal education and skills training with men, cultural attitudes about women working, or family obligations. Kenya's employment law is provided by the Employment Act (Cap 226), which does not specifically provide for employment as a right. An area that is raising concern is the export processing zones, which provide work for women. In these zones women are often preferred due to the nature of work, but studies have shown that they are underpaid and overworked. Also, there are no trade unions permitted in such zones, which makes labour very cheap and working conditions fairly poor. Considering that Kenya is establishing EPZs (Export

Processing Zones)<sup>1</sup> it is very important that laws to protect workers from exploitation in these zones are enacted, and conditions for their work place determined, before the zones become fully operational.

Women are also disadvantaged in terms of security of employment. Studies by Stokes and Nelson, (2005) and Holdsworth, (2006) have also identified the crucial importance of regular, secure employment for negotiating mortgage finance and sustaining loan repayments especially in the early years when housing costs account for a particularly large proportion of disposable income. Yet in Australia women are strongly associated with both part time employment, through their high levels of participation in the service sector, and with increasing levels of casual employment (Tually et al, 2007). While these employment tenures offer flexibility there is much less security of employment especially for casual workers. Casual workers are not entitled to paid holiday or sick leave and have no expectation of ongoing employment (ABS, 1998b). This is likely to increase the difficulty in securing loans and to further compound the struggle by women to first achieve and then maintain home ownership.

Women employees are also guaranteed maternity leave for two months though they are supposed to forfeit their annual leave the year they take up maternity leave. Maternity has often been used as an excuse to deny women appointment to certain posts for the simple reason that it will be uneconomical to employ them. Some employers therefore prefer women who are past child bearing or who do not intend to have children. The appreciation of maternity as a necessary social function would entail a longer period of maternity leave and an atmosphere conducive to such function. The fact that women are mainly engaged in informal employment means that they cannot benefit from National Social Security provisions as can people in formal employment. Ways of bringing women within Social Security Provisions even where they are not in formal employment should be sought given the number of women headed households. The Pensions Act (Cap 189) contains discriminatory rules on who can be the beneficiary of a pension. A widow, for instance, cannot be the beneficiary of a pension if she does not remain unmarried and of good conduct.

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<sup>1</sup> These are attraction zones for foreign investment also known as “special economic” or “free trade” zones),

Widowers are not affected by this provision (Sections 15 A (b) and 17). Similarly a female child loses her entitlement to benefit from a pension once she gets married.

Where a wife and husband have a joint bank account they are presumed to be entitled to it in equal shares. Where investments are made out of the joint account in the name of the husband, he will be held to be a trustee for his wife, who would be entitled to a half share. Where the woman is unemployed our law is silent on the value of her non-monetary contribution to the matrimonial kitty. Although this situation is changing through liberal judicial intervention and increasing advocacy on women's rights, specific policy interventions and legislative measures are necessary to ensure that women are empowered to have access to property. More training and employment opportunities are but examples of the necessary interventions. (Kalabamu, F., (2005)).

As long as home ownership is promoted as a strategy to assist low income individuals and families to obtain financial independence and build communities, it is imperative that attention is also given to housing sustainability. Home ownership for low-to-moderate income individuals and families remains an untested policy strategy. Therefore, the strategy of getting individuals into a home without the necessary supportive financial and social services to help the homeowner maintain the home is likely short-sighted. Longitudinal follow-up studies are necessary in order to examine housing sustainability as well as psychosocial impacts among this group and their children.

Female headed households show an increasing propensity to purchase which, when based on equal incomes match, or even exceed, those of male households. If given the choice and the means to purchase women are showing a strong propensity to buy. Females, however are buying, especially those on higher incomes and appear to be particularly interested in medium density and higher density accommodation. Any significant mismatch, however, between the current housing stock and its pricing with what women want to, and can afford to buy, could threaten this participation. However given equal incomes these female sole parents are showing an increasing propensity for purchase whether they are salary earners, business owners or pensioners.

As home ownership is an important element in ensuring financial security into the future, identifying the factors which impact on female home ownership rates and propensities to purchase should be important for policy settings especially in terms of facilitating equitable outcomes across the housing market. Ensuring financial security in old age is an important economic imperative for the Australian community and it should be economically to the national advantage for as many households as possible to be financially secure into retirement.

### **2.2.2 Cultural Aspect**

Across the diverse global landscape, one constant feature is women's disproportionate exclusion from property ownership due to culture. Worldwide, women remain a minority of owners of land and housing and often face discriminatory customs, religious laws, and institutional practices that severely restrict their ability to gain and control such property. These trends are true for women in urban and rural areas alike. Among developing regions, Latin America is often considered to have the most egalitarian legal traditions and inheritance norms concerning women's property ownership, although problems of implementation remain. South Asia has significant inequalities in property matters across diverse ethnic and religious divides, despite extensive mobilization for women's rights throughout the region. In the Middle East and North Africa, as well as other regions with Muslim populations, property matters often require complex legal discussions that involve *Sharia* law juxtaposed with other national laws and international human rights standards.

In Sub-Saharan Africa, where poverty and HIV/AIDS rates are highest, property matters are determined by a combination of residual colonial law, current constitutional law, and ongoing customary law, the complexities of which often allow for loopholes or legal gaps that undermine women's property and inheritance rights. The data needed to provide the full picture on women's property rights are, however, sorely lacking. For example, gender disaggregated statistics on the World Bank web site provide data on a range of social, economic, and political indicators related to women's status and include a box for the female share of land ownership as a percentage of total land owned in each country – a box that is empty for virtually every African country listed in the database (World Bank, 2004).

Despite growing international recognition of the role of women's control of productive assets in efforts to eradicate poverty, the knowledge gap remains (Deere and León, 2003). While some researchers estimate land ownership by women at less than ten percent worldwide (even as low as two percent), others argue that women may enjoy more direct use and management of land than men by way of lesser rights than ownership (FAO, 2002). Any estimate of ownership should be considered in light of the way in which land ownership and tenure systems have been constructed and may be changing, as in many countries of Eastern and Southern Africa where state-owned "trust" or customary tenure has been the predominant arrangement (Walker, 2002). In some places, small elite groups of professional or wealthy women have gained secure freehold ownership rights in land, while in trust or communal areas, women often enjoy differing levels of land access, security of tenure, and amount of arable land owned or occupied. Such intricate nuances present an enormous challenge for policy research and for policymakers (Walker, 2002).

However, even where laws are favorable to women's concerns, there are many ways in which women's property and inheritance rights may come under threat. The AIDS epidemic is contributing to rising numbers of female-headed households, and there are many examples of widows who have lost their property in disputes with members of their deceased spouse's extended family (Human Rights Watch, 2003a and 2003b; Ngwira *et al.*, 2002; Steinzor, 2003; AIMS 2003; Mphale *et al.*, 2002). This can occur even where women's property and inheritance rights are established by statutory law, suggesting how multiple factors, including social norms, local customs, and institutionalized practices, can influence decisions concerning property transfers. Since many of these factors derive from or contribute to gender-based discrimination, they often lead to pervasive marginalization or denial of women's property rights that statutory law alone is unable to resolve.

In societies following customary rules, women's direct access to land through purchase or inheritance is often limited. Since women are the major producers of household food supply there are usually customary provisions for indirect access to land in terms of use rights as community members, wives, mothers, sisters, or daughters. These use rights, however, do not grant enough security for women when traditional family structures dissolve. The economic and social well-being of women

and their children are at increased risk when women face widowhood and divorce, or when the male head of household does not or cannot exercise his traditional responsibilities to his family. In many communities, access to resources is governed by both written and customary laws. In instances when conflicts exist between traditional norms and national laws, as is often the case when women's rights are considered, local norms generally prevail and are enforced by community members. Written national laws granting women equal access to productive resources are essential but for these rights to be legitimate and adhered to, it is necessary to secure the support of the local community. Thus "having a law" does not necessarily mean that women have equitable recourse to remedies should the law be broken.

These accepted cultural beliefs and norms in societies are embedded in people's minds and reflected in people's actions. These cultural beliefs tend to be difficult to change because of their strength to reproduce existing gender relations or contracts, to maintain the patriarchal system (Gwebu, 2003:22).

Cultures, norms and ideologies at personal level account for unequal gender relations in home ownership. For example, the patriarchal cultural norms have tended to favour men over women of all types, whereby women have always been subjected to lower positions in terms of their roles, distribution of resources and decision-making powers compared to men. In general there is a tendency for individual members to behave and act culturally, as community cultural norms dictate. For example in societies where men are regarded as the owners of the matrimonial home, it is normal for the matrimonial home to be registered solely in a husband's name regardless whether the wife has contributed financially to the home. Hence it is not surprising for a married man to exclude his wife's name from the title deed of the plot of land on which the matrimonial home is built regardless of whether or not the wife contributed financially to the home project. The husband sees his action as normal and acceptable because culturally a home belongs to the man. To understand the cultural image and ideologies we capture information from interviews of men and women and try to seek explanation for their actions. As Larsson and Schlyter observe 'Such explanations reflect cultural images and ideologies and these are also reflected in laws, but not in a simple and direct way' (Larsson and Schlyter, 1998: 216).

The gender system and contract model has been used in various studies in Sub-Saharan Africa in order to understand the existence and change in gender inequality related to property. For example, in her study of gender and housing in Kenya, Lee-Smith looked at historical contracts of land ownership in Kenya and the East African region and how this changed as a result of urbanization and colonization (Lee-Smith, 1997:217). In their application of the gender system and contract theory on gender and housing studies in Southern African countries, various scholars reveal that men make all the important decisions on major investments for example housing (Kalabamu, 2005:245-268; Larsson and Schlyter, 1995:212-231; Munalula, 1995:195-211).

The findings further showed that in male-headed households it was the men who made the final decision whether to build or purchase a house while women played a supportive role, for example buying building materials, paying and supervising builders and cooking food for them. The studies also show that there are changes taking place as women acquire education and income, creating a new home ownership contract. Their findings also reveal that women become homeowners in marriage through negotiation. Where women fail to negotiate their rights at interpersonal level they resort to seeking law reform. Results of studies show that the gender system and contract theory is flexible and relevant to the study of modern society especially in housing studies.

The gender system and contract model helps us to explore changes in the gender system and allow us to discuss variations among women in terms of class, age, and family status. Changes occur because various actors can question a system and therefore the gender system is fluid, with various dynamics prone to change. This author strongly believes that the gender system and contract theory has a significant role to play for this particular study. The theory helps us to explore the dynamics among men and women as actors. In so doing we are able to assess the problems women face and the opportunities at their disposal that they can or able to use to exercise their ownership rights. Hence the gender system is not static but is in motion all the time, and the changes take place at all levels of society. Since the gender system is prone to change and shake up, it may be difficult to harmonize the different

elements of the gender contracts at different levels. Hence, the gender contracts may not necessarily fit into each other but may instead contradict each other.

While the customary law system is complex and diverse in Kenya there is almost total uniformity in that it discriminates against the ability of women to own land. Under some customary laws invoked, women cannot own or control land. Not only do women lack access to property, in some cases women are considered as property. According to Lily Murei, Monitoring and Evaluation Officer for the Kenya Land Alliance (KLA), “we have different cultural systems that states/believe women cannot even be acknowledged to own land. . . . talk of land and cows and all that property that men have, they also put women as part of their property.” Women only have customary rights to access and cultivate land, and even those rights are dependent on men.

Family life among most of the communities in Kenya was (and still is) organised along patriachal lines whereby the male is the head of the household. Succession to property was through the male lineage whose duty it was to ensure that all members of the family had access to the property. Studies carried out in Eastern and Southern Africa have revealed that the basis for the male inheriting property was the fact that men stayed within the family unlike women who, when married left their cradle land and joined their husbands’ families. The desire to keep family wealth within the community dictated that it be held by the man.

Women access to land therefore, becomes very tenuous since it would have to depend on the good will of the male members of their families. A woman access to land have thus to be through the husband if she is married, the father if she is unmarried and the father was still alive; the brothers if she is unmarried or divorced and the son if she was widowed<sup>2</sup>

The holding of the property follows the same patterns in all areas with men holding the big or valuable items and women holding the smaller and consumable items. Individualisation of property has led to a view that even women are properties. The

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<sup>2</sup> Where a woman has no son or where the son is still too young to take over the property, her access is through the male members of her husband’s family

issue of ownership seems to flow from payment of bride-wealth by the clan's family to that of the bride to some extent men asking questions like, "how can property own property?" referring to wives claim to rights to matrimony property. While western marriage laws have been entrenched through legislation, traditional African practises have persisted.

In the majority of communities, women have to ask a male for permission to cultivate the land, although some males traditionally reserve fields for the wife or wives. According to a Kenya National Commission on Human Rights report, for example, under Luo customary law a man usually parceled out his tract of land to his wife or wives, and each wife cultivated her tract and could amass a larger tract based on her labor. Customary land law constitutes a serious barrier to realizing women's economic, social, and cultural rights. Yet, numerous land laws, including Trust Land of the Constitution, the Trust Land Act, the Land Adjudication Act, the Land Consolidation Act, and the Land Disputes Tribunals Act, rely on customary law, under which men control the land, to determine and govern land rights. The provisions in the Kenyan Constitution under various articles are not keenly upheld. Under Article 40 of the constitution, it gives every person the right to own property anywhere in Kenya. In addition, Article 60(1) of Chapter V of the constitution makes elimination of gender discrimination and equitable access to land part of the new principles of land policy. The two Articles jointly create the pillar on which women's rights to property are constitutionally upheld.

According to Assistant Chief Jackson Kirigia from the Meru area, local government officials also apply customary law when they are unfamiliar with the written laws: "[b]ecause [we] do not have the statutes or written laws, we usually invoke custom because that is what we know." Under the customary law invoked in land statutes, women cannot own or control land. Because customary law prescribes that men control land and property but women cannot, not only have the bodies that determine these land rights have not recognized women's claims, as explained by the Kenya Land Alliance, the Acts were "bound to exclude most women from acquiring titles to land since they only had rights of use while men retain those of allocation" under customary law. Frederick Ochieng of the United Nations Development Fund for

Women (UNIFEM) in Kenya, explains that “Traditionally, a woman doesn’t own land. The land is owned by the man, and in other cultures land is owned by the community . . . . [In some] cases . . . a woman has to ask for permission to go and till the land . . . so that even when the government says everybody is free to own land . . . the woman in the family is prevented by the traditional dynamics within those cultures from owning land and even from using it and having any say about the use of clan land.” The bodies that govern land lack adequate procedural safeguards to protect the rights of women because first, women are nearly absent from land bodies, secondly, the land disputes procedures are biased against women, and thirdly, husbands may sell matrimonial land without their wives’ consent.

The Kenyan government has acknowledged that women are underrepresented in land determination and dispute bodies in both the National Gender and Development Policy and the National Land Policy. On county councils, which oversee land transactions dealing with Trust Land, on which most women reside, women made up only 8.2 percent of county councils in 1997, a minute increase from 1.7 percent in 1986. As of 2008, the Meru County Council included only 5 women out of 43 council members, and the Laikipia County Council included only 5 women out of a total of 36 council members. Under the Land Disputes Tribunals Act, disputes regarding agricultural land are adjudicated before a panel of elders, who are nearly exclusively male, who apply customary law. Customary law decisions of the Land Disputes Tribunals and Appeals Committees are insulated from judicial review, and women cannot ask the courts to safeguard their rights. The procedures also prohibit advocate representation before a Tribunal or Appeals Committee, exacerbating the discriminatory effect on women. Also, although Land Control Boards must approve transactions affecting agricultural land, they do not require spousal consent for such transactions. In *Kamau v. Kamau*, for example, the Court of Appeal upheld a husband’s sale of matrimonial land without his wife’s consent. A nonbinding presidential decree from the 1980s directs land control boards to take all adult family members’ interests into account, but Boards may disregard the decree, and some husbands present “fake” wives to give their consent to the Boards.

While many customs state that children belong to the father’s family, women are almost always the ones to assume responsibility for them after a divorce. In addition

to being rendered homeless, women often have to provide for the livelihood of their children absent any contribution from the father. Research in Kenya by Human Rights Watch reveals a large number of similar violations of women's property and inheritance rights across diverse communities, the most egregious often occurring in HIV/AIDS-affected households. In addition to property grabbing, these include customary practices of wife inheritance and ritual cleansing, the latter involving a short-term or one-time sexual liaison with a man paid to have sex with the widow to cleanse her of evil spirits thought to be associated with her husband's death (Human Rights Watch 2003a). In the last two cases, women are granted conditional access to their homes and property in exchange for enduring these practices – which often are conducted without condoms, presenting new risks for further spread of HIV.

In urban areas, in-laws have also interfered with widows' access to pensions, death benefits, and bank accounts, and have taken any property located in rural areas (including land, livestock, homes, and household items) without compensating the widow (Human Rights Watch 2003a). Urban widows also experience loss of property when their marital status is questioned. Many who cohabit with men do not complete all the recognized steps for a customary, civil, or religious marriage. While women may have enforceable rights under common-law doctrine of presumption of marriage, they often fall victim to disinheritance when widowed or divorced.

According to a report titled *Double Standards: Women's Property Rights Violations in Kenya* (Human Rights Watch, 2003), women's rights to property are unequal to those of men in Kenya. Their rights to own, inherit, manage, and dispose of property are under constant attack from customs, laws, and individuals. Married women can seldom stop their husbands from selling family property. A woman's access to property usually hinges on her relationship to a man. When the relationship ends, the woman stands a good chance of losing her home, land, livestock, household goods, money, vehicles, and other property.

## **2.2.3 Education/Awareness aspect**

### **2.2.3.1 General Education**

Education is treated as a basic need by the Government, and as such the Government is committed to the position of equal educational opportunities for all persons in Kenya. Since independence, the primary school enrolment has increased from 892,000 to 5.5 million in 1990; 30,000 to 614,161 in secondary schools and 517 to 40,000 in universities in 1990. With the increase in educational opportunities for all, women's education has significantly improved and as of 1991, the enrolment of girls in primary schools was almost 49% of the total enrolment rate giving a near gender parity. (Kabeberi-Macharia, Kameri-Mbote and Mucai-Kattambo: 1992).

Despite these there are regional and district imbalances especially in areas where girls are married at an early age. Unfortunately about 60% of these girls enrolled in primary schools are unable to complete their primary education, which means that they may eventually slip back to illiteracy. In the secondary schools, due to high wastage rates of girls in primary schools, one finds that the enrolment of girls is low. Due to poor performance at the primary level, most girls are enrolled in schools where the drop out rate is very high. A number of reasons are given for the high rates, and these include early marriage, pregnancy, and lack of tuition fees or poor facilities.

The Education Act (Cap 211) does not make education a right for all Kenyans although current policy makes it compulsory. Women's education is often curtailed by factors such as pregnancies, discrimination and cultural practices. The current practice of expelling pregnant schoolgirls has had far reaching consequences for the education of women. Whereas we do not condone adolescent pregnancies, these girls should be allowed to resume their studies after giving birth. In this way they may acquire some education or skills, which would later help them in maintaining their children. It is discriminatory against women to expel a pregnant schoolgirl and do nothing to the father of her child. Bearing in mind that affiliation laws are non-existent in Kenya, deliberate measures should be taken to ensure that adolescent mothers are given the opportunity to further their education. The integration of family life education into the curriculum at an early stage is important in a bid to curb early and unwanted pregnancies that are detrimental to the health of young girls.

In adult literacy programmes, one finds that women are often a majority of the “students” even though illiteracy amongst women remains very high. Currently 55% of the women in Kenya are illiterate in comparison with 37% of men. Increased participation of women in adult literacy programmes should be encouraged. Education has been identified as one of the ways in which women can utilize the existing opportunities and take advantage of the existing structures and legal frameworks to protect and exercise their rights. With education, women can bargain for resources within the household, have autonomy in decision-making and participate in society’s public spheres (Birdsall et.al., 2005:29; Mirafatab, 1999:14; Kritz and Makinwa-Adebusoye, 1999: 413).

In cases where married women are ignorant of their ownership rights, they are most likely to end up with only user rights to the home even when they financially contribute to the home project. Lack of awareness is one of the things that deprive many married women of ownership. This is regardless of whether a woman is educated or not (Griffiths, 1997:225). Findings in this paper demonstrates the importance of awareness for one’s homeownership rights and what is happening in the community as one of the enabling factors for a married woman to assert her home ownership rights. It can be argued that to change the power struggles in the home, women must be aware of their ownership rights. Awareness can be through personal interactions with other people in the community or through the media (Griffiths, 1997: 225).

Education and awareness campaigns are vital to creating and sustaining a positive environment supporting women’s secure tenure rights and help to transform public perceptions and institutional norms that determine the assignment and security of women’s property entitlements. While many activities can be aimed at women to increase their knowledge about their own rights and the means to claim them, education and awareness campaigns should also target men and boys to address common male biases and social norms that must be transformed in order to create an environment that recognizes and applies principles of gender equality to issues of property ownership and inheritance. Campaigns promoting the writing of wills can be particularly effective when targeting men as well as women, dispelling popular

misconceptions about wills and emphasizing the value of a will for the future well-being of the household in general.

Education campaigns should explore a wide range of methods to reach the public, including community theaters, radio programming, and other forms of media. Roving radio talk shows and on-the-air legal clinics can be especially effective in bringing diverse practices and legal challenges to light while disseminating information over wide areas about legal processes and resources available for dispute resolution. Education sector interventions aim at promoting girl child participation in education through provision of scholarships and bursaries; expansion and improvement of physical infrastructure in schools including sanitary facilities; construction of boarding schools in Arid and Semi-Arid Lands (ASALs); provision of water and sanitation facilities to create conducive and gender responsive environments in schools particularly in ASALs (GoK, 2005a and GoK, 2005b). There are also specific interventions such as establishment of Starehe Girls Centre (targeting marginalised girls), Keriri University and targeted cash transfers. However, although some of these interventions have led to impressive access gains, gender disparities both in participation, progression and performance in some regions at primary education level still persist.

Considering relationship between education level and poverty, it is evident that education has positive effect on poverty reduction, to the extent that the level of education of the household head is inversely related with the incidence and depth of poverty. The incidence of poverty is 68.7% for household heads with no education in urban areas compared with 22% for those with secondary education and 1.5% poverty incidence for households with university education. Thus efforts should be continually advanced to increase access to education opportunities as it plays a critical role in poverty reduction, both among men and women.

#### **2.2.3.2 Legal Literacy of Women in Kenya**

Legal literacy refers to the awareness of one rights as enshrined in the Constitution and other laws. Legal literacy is generally low in Kenya. Kituo Cha Sheria, the legal Education and Aid Programme of the Kenya Adult Education Association (LEAP-KAEA) and the International Federation of Women Lawyers (FIDA) who acts in legal

education campaigns admit that legal literacy of the populace is far below the requisite minimum. If education levels are indicative of some level of legal literacy then women fall below men's levels. The main levels of imparting information (print and broadcast media) are not freely available to women. Women rarely have time to sit down and exchange views due to their enormous workload and this medium benefits men more than women consequently.

Statistics of the number of women who are legally literate are hard to get since most women despite legal awareness shy-off from the courts while others are discouraged by the cost of legal services. It is true that if women are to benefit from legal reforms they should know the content of laws meant for their benefit and also be enabled to use those laws. Legal aid and education are imperative tools in raising the legal status of women if their rights are not to remain largely paper rights. The dependence of legal awareness on trained lawyers greatly militates against its effectiveness given the number of lawyers and considering the entire population. The concentration of lawyers in Nairobi and some major urban centres with few or none elsewhere ensures that professional support for legal literacy can only be availed in such urban centres. This underlines the need for training of para-legal workers within the community to reach the people where they are. Any law reform has to consider legal awareness and accessibility of services if it is to fully benefit women as pointed out above. Community-based education activities can also address the disjuncture that may exist between statutory law and customary practice. Legislation is also necessary to address rights of women involved in situations of cohabitation for a considerable number of years without going through a ceremony of marriage.

Community education and mobilization activities can have enduring impacts when conducted by trainers who work with paralegal and legal aid service providers, ensuring that women are not only informed of their rights but also learn how to gain assistance in defending them when they are challenged. Such an approach is being applied in Namibia where the Legal Assistance Centre has been working with the Ministry of Women's Affairs and Child Welfare to implement a project sensitizing and training local leaders about asset stripping and related challenges to women's property rights.

Governments should undertake nationwide awareness campaigns to inform the public about women's property rights, including ensuring availability of information in local languages about rights to inheritance and division of family property; writing wills; registering marriages; co-registering property; and the health risks of customary sexual practices tied to property rights, such as the risk of contracting HIV/AIDS. Governments should encourage the sharing of information across sectors, such as by including informational materials on inheritance rights in health facilities and by distributing health-related HIV/AIDS information through women's networks and organizations as well as in police stations and court offices (Human Rights Watch 2003b). A thorough understanding of the relationship between existing legal systems is also imperative if law reform is to be fruitful.

Many women are still largely affected by customary and religious laws and any law that ignores customary and religious legal doctrines will be observed more in breach than in observance.

### **2.3 Overview of literature review and Research gaps**

The discussion on home ownership among women in Kenya in this chapter illustrates their own unique ownership interms of financial abilities, literacy levels and cultural behaviour among various communities. This shows their positive as well as negative impacts on the economy. Female headed households show an increasing desire to purchase if given the choice and the means to purchase. Given equal incomes these female sole parents are showing an increasing propensity for purchase whether salaried, business owners or pensioners. Culture, norms and ideologies accounts for unequal gender relatios in home ownership. Women have always been subjected to lower positions in terms of their roles and decision making. In matrimonial home for example, a matrimonial home is registered solely in husbands name regardles of her financial contribution. Incase wife is widowed, all properties are taken away leading to either street families and this ends as a burden to the society.

Several studies have been conducted in the developed economies such as America, Britain and Australia just to mention but a few. Authors such as Yates and Bradbury, (2010); McCarthy, Van Zandt, Rohe, (2001); Scanlon and Page-Adams,(2006) have concentrated on home ownership issues in the developed economies. Studies done in developing economies is still lacking due to influence by western cultures. Whereas

the results found in their research is generally held to be true, it is important to recognize the financial, education levels and culture in the developing world is quite different. Hence there is a need to get a comprehensive in depth analysis of the developing economies like Kenya.

While homeownership among women is a major concern due to its large contribution to the economic growth and development, the financial literature has recognized the importance of financial stability of women for affordability; culture literature on the other hand has proved that what need to be emphasized is the aspects of that customary law that protects and assures women of their rights rather than those that deal with male control over women; also education literature especially legal literacy is crucial if the content of laws meant for women are to benefit them and also be enabled to use those laws i.e. legal services fee be affordable.

The studies on homeownership among women in Kenya are limited. There are no enough researches that have been undertaken that brings about concerted efforts to address culture, financial and legal literacy levels among women hence slow rate of home ownership. This study is intended to address this void.

#### **2.4 Conceptual framework/Theoretical framework.**

The conceptualization of this study is based on the assumption that the challenges facing the homeownership among women in kenya if properly addressed will lead to successful gender equality hence greater socio-economic growth and development, nuclear family sustainability and greater women homeownership.

The dependable variable is successful women homeownership in kenya which is indicated by socio-economic growth and development as a result of greater women homeownership. The independent variables are the challenges facing rate of homeownership and they are categorised as financial accessibility i.e. affordability, various culture dimensions and education/awareness among women.

## **CHAPTER THREE**

### **RESEARCH METHODOLOGY**

#### **3.1 Introduction**

This chapter focuses on research design, the location of the study, the target population, the sampling techniques, instrument of data collection and lastly methods used to analyze data collected. Ethical considerations were done whereby the researcher explained to the respondents the purpose of the study before involving them. He also explained to them how important the results will be to them. The researcher assured respondents that the information and their identity will be treated with confidentiality.

#### **3.2 Research Design**

The study opted to use descriptive survey of women in Kikuyu sub-location. The descriptive survey helped to locate and obtain data for the study and described issues such as whether financial resources, culture and education or awareness affect the smooth homeownership among women in Kenya. This is because descriptive study determines and reports the way things are and commonly involves assessing attitudes and opinions towards individuals, organizations and procedures.

#### **3.3 Location**

The location of data collection was done at Kikuyu town (Kikuyu Sub-location). The town is located to the west of Nairobi city about 20 kms drive and situated along Nairobi-Nakuru highway. It's a town with almost all tribes of Kenya with diverse cultures- a reason why it was appropriate for the researcher to do data collection there.

#### **3.4 Target Population**

The target population for this study was 16,535 (sixteen thousand five hundred and thirty five) (KNBS, 2009 Population Census) women residents of Kikuyu town (Kikuyu Sub-location). The population of the study was from Employed, Self-employed, housewives and casual laborers.

#### **3.5 Sampling Size/strategy**

Sampling is the use of definite and defined procedure(s) in the selection of individuals from a total population for the purpose of obtaining from it descriptions, estimates and

analysis of certain characteristics of the whole. Structured questionnaire was administered to a sample of 100 women out of the total women population of Kikuyu town as per 2009 population census.

Cluster sampling method was used whereby initial subjects with desired characteristics were clustered and from such, simple random sampling used. The data was analyzed using qualitative and quantitative techniques and presented in graphical forms e.g. pie charts, bar charts and tables.

### 3.5.1 Sample Size Determination

The researcher used the following formula by **Nassiuma D, (2000)** to determine the sample size:

$$S = \frac{N(CV^2)}{CV^2 + (N-1)e^2}$$

Where;

N- Population

S- Sample size

CV- Co-efficient of variation (0.5)

e- tolerance at desired confidence level (0.05 at 95%)

Substituting in the formula based on a population of **16,535 women in Kikuyu town (2009 population census)**, the researcher obtained the sample size as follows;

$$\begin{aligned} S &= \frac{16,535(0.5^2)}{(0.5^2) + (16,535-1)0.05^2} \\ &= 99.40483 \quad \approx 100 \end{aligned}$$

The sample population thus consisted of 100 respondents which was considered adequate.

### 3.6 Methods of Data Collection

In carrying out the research, primary data was collected. This was done using the questionnaire. Methods specifically designed for that purpose, whereby the questionnaire had closed questions.

This enabled the collection of ideas related to the research from the respondents. Respondents were given time to complete questionnaires as the researcher came back to collect them after the given response time was over. Secondary data was also considered to clarify on some variables related to the problem of the study.

### **3.7 Methods of Data Analysis**

Quantitative and qualitative techniques were used to analyze the data.

After collecting the data it was analyzed, organized and presented through statistical techniques either frequency distribution tables or pie charts and measures of central tendency like the mean, mode; charts to present the analysis, also discussion with women were presented as narrative to answer the main questions on affordability, culture and awareness.

## CHAPTER FOUR

### DATA ANALYSIS AND PRESENTATION

#### 4.1 Introduction

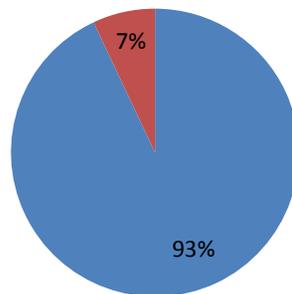
The research findings have been set below and the results arrived at after extensive analysis of the data collected during research. These findings are outlined according to specific objectives of the study and are based on the responses from the questionnaires filled and information gathered on the research questions. Most of the findings have been presented through illustrative diagrams under specific headings. Demographic information about women focused on their marital status, age, economic activity and level of income. Also captured were home ownership (whether bought or constructed) and the mode of financing. To establish all these they were asked to indicate on the questionnaire.

#### 4.2 Sample size

**Figure 4.0: Submission levels**

#### Submission Levels

■ submitted ■ non-submission

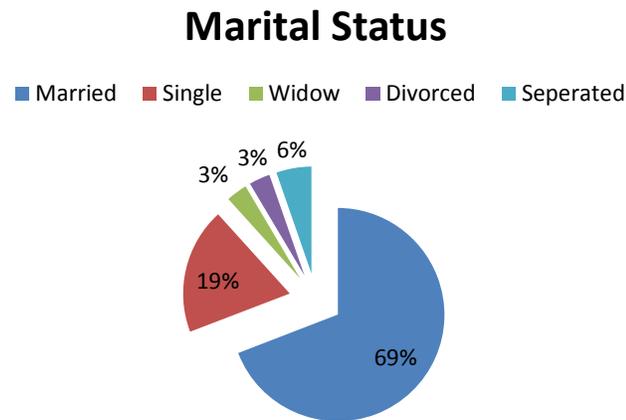


**Source: Field survey, 2013**

One hundred (100) questionnaires were distributed and 93 were dully filled and returned back; this amounts to 93% which is within the acceptable limits as to 90%. This is an indication that women are eager to give out information regarding their issues.

### 4.3 Summary of Marital Status

Figure 4.1: Marital Status

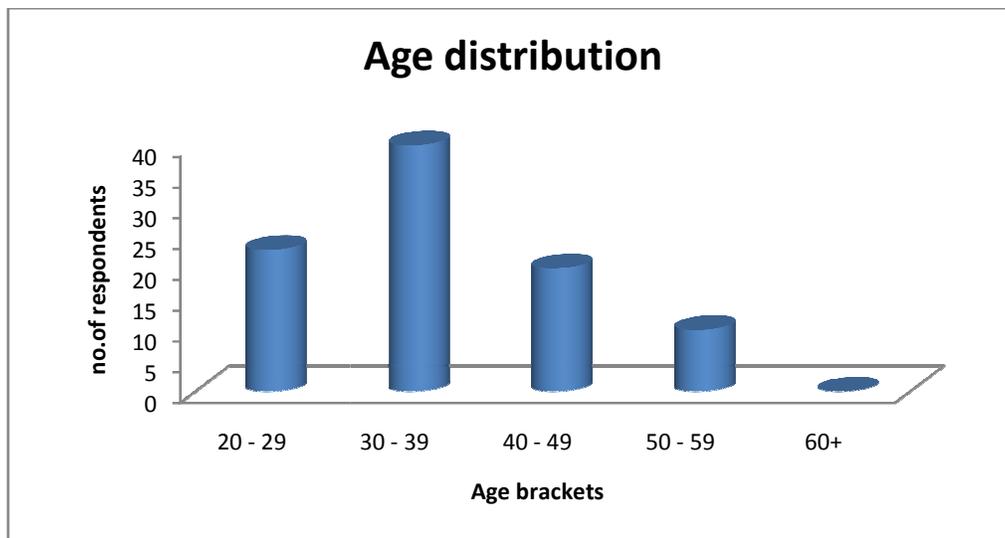


Source: Field survey, 2013

The total population that handed back the questionnaires, 65 were married women, 17 were singles, and there were 3 widows and 3 divorcees, while 5 were separated.

### 4.4 Age Distribution

Figure 4.2: Age Distribution



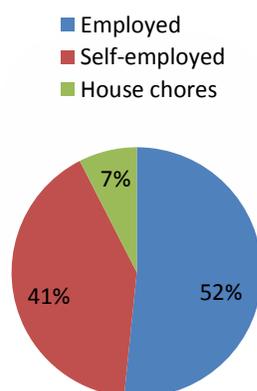
Source: Field survey, 2013

Highest number of respondents lies between the more productive ages i.e. 20 years and 49 years. These women are capable of higher output if engaged in any productive activity e.g. farming, business etc. They can work for long hours and their concentration is higher hence they can have higher chances of home ownership compared to the older ones.

## 4.5 Economic activity status and Income levels

**Figure 4.3: Economic Activity**

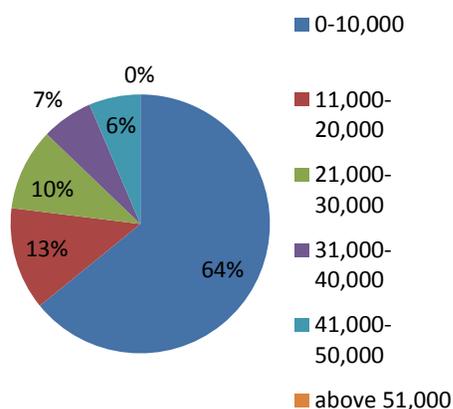
### Economic activity



Source: Field survey, 2013

**Figure 4.4: Income Levels**

### Income levels(Kshs)



Source: Field survey, 2013

The majority of respondents about 52 % of them were employed while 41% were self-employed and had a consistent income and 7% were engaged in other house duties. 64 % had income levels less than Kshs 10,000 and only 6% were earning between Kshs 41,000 to Kshs 50,000. The data indicated that those employed and self- employed had been engaged for 2 to 20 years and 3 to 34 years respectively.

## 4.6 Homeownership and Mode of Financing

The questionnaire sought to know the relationship between marital status, ownership of house and mode of financing in order to seek out the most accessible mode of financing.

**Table 4.0 Home ownership and Mode of Financing**

| Marital Status | No. of respondents | Own house | constructed | Mode of Financing |              |          |
|----------------|--------------------|-----------|-------------|-------------------|--------------|----------|
|                |                    |           |             | Savings           | Loan (chama) | Mortgage |
| Married        | 65                 | 27        | 27          | 17                | 10           | -        |
| Single         | 17                 | 5         | 5           | -                 | 5            | -        |
| Widow          | 3                  | -         | -           | -                 | -            | -        |
| Divorced       | 3                  | 3         | 3           | -                 | 3            | -        |
| Separated      | 5                  | 3         | 3           | -                 | 3            | -        |
| <b>Totals</b>  | <b>93</b>          | <b>38</b> | <b>38</b>   | <b>17</b>         | <b>21</b>    | <b>-</b> |

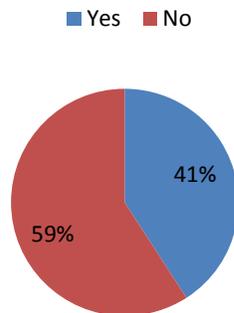
Source: Field survey, 2013

Of all these 59 % didn't own house and were perceived to be renting. The 41% did indicate that they had constructed their own houses. The data indicates that 65 women do not own houses while 38 own houses. Out of 38 women who own houses 17 women mode of financing was through personal savings while 21 women got loans.

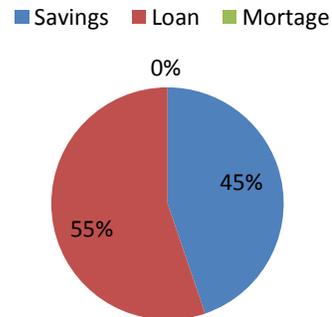
**Figure 4.5: Home ownership.**

**Figure 4.6: Finances (mode).**

### Home ownership



### Finances



**Source: Field survey, 2013**

**Source: Field survey, 2013**

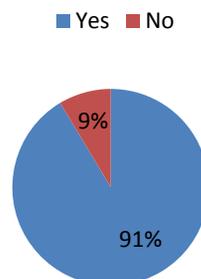
The highest group of 55% did indicate that they acquired loans while 45% constructed their houses using savings. For Mortgages nobody utilized. From data collected 17 women did utilize savings while 21 utilized loans out of all women who owned houses.

### 4.7 Challenge of access to financial resources in home ownership among women

Responses were sought to determine whether financial and affordability problems are challenges affecting women in accessing the housing market and the following pie chart indicates the responses.

**Figure. 4.7: Financial resources**

### Financial resources.



**Source: Field survey, 2013**

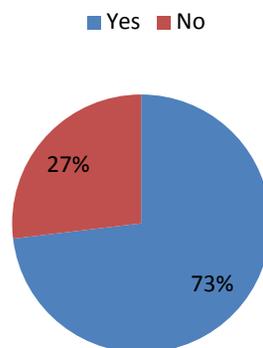
Most women in Kikuyu seem to agree that financial resources in the area have hampered the ownership of housing units. 91 % ( 85 women out of 93 women interviewed) agreed to this fact. It further indicates that even though a considerable number of women are employed and have a consistent income, that income is not enough to allow acquisition of a house.

#### **4.8 Challenge of cultural beliefs and traditions hindering women from owning property.**

In order to determine whether the cultural beliefs, norms and traditions among communities hinders women from owning property, the following figure gives the rate of response on the effect of culture on home ownership.

**Figure. 4.8: Cultural practices**

#### **Cultural practises**



**Source: Field survey, 2013**

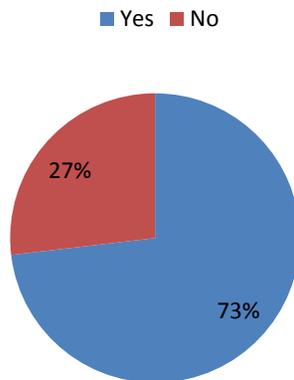
At least 73% (68 women ) of interviewed women showed that culture has become a hindrance to property ownership especially when widowed. From the research done, widows who were intervied none of them owned a house.

#### **4.9 Effects of the level of education/awareness among women in home ownership.**

To determine the extent to which the level of education/awareness among women has affected home ownership, the following pie chart gives the results of responses in terms of percentages.

**Figure. 4.9: Education & awareness**

### Education/Awareness



**Source: Field survey, 2013**

According to the interviewed women, 73 % ( 68 women out of 93 women interviewed) indicated that level of education or awareness heavily influences home ownership. An indication that educations for girl-child and awareness campaigns are important in creating and sustaining a positive environment supporting women.

#### **5.0 Summary of the presentations.**

The study established that there is great influence of affordability, culture and education/awareness among women as far as home ownership is concerned. According to data analysed, majority of women employed, 64% had income levels less than Kshs 10,000 an indication that affordability is an issue. Mode of financing did indicate that women have less access to morgage and loans from banks. Majority constructed their own houses through loans from ‘chamas’ instend of purchasing through morgage.

The study also presented an outcome that both culture and education/awareness have a balanced effect on home ownership among women. 73% of women indicated that culture and education heavily influences home ownership.

## **CHAPTER FIVE**

### **DISCUSSION OF FINDINGS, CONCLUSIONS AND RECOMMENDATIONS**

#### **5.1 Introduction**

This chapter gives the Summary of Major findings, Discussion, reactions towards research questions and presents conclusions, recommendations and suggestions for further research.

The purpose of this study established the challenges of home ownership among women in Kenya. Research questions were formulated to guide the study. Research question one sought to determine levels of employment and income. Research questions two, three, and four aimed at determining ownership and mode of financing. Research questions five, six and seven sought to establish how finances, culture and awareness affects home ownership respectively. Finally, conclusions and recommendations were drawn from the study.

#### **5.2 Summary of the Findings**

##### **5.2.1 Marital Status**

Majority of the respondents i.e. 65 out of 93 indicated that they are married and had a consistent income either as employed or self-employed. Of all these, 38 indicated that they don't own houses hence perceived renting. From data collected, 48 women were employed while 38 women were self-employed meaning that even though they have income, there are other challenges denying them home ownership. Out of 17 singles, 5 owned houses; an indicator that unmarried women can own houses unlike old days. This rise of single-women homeowners is part of a greater social and economic shift that is reshaping the lives of women. Widows had no ownership of homes as research indicated meaning that they were most affected by the challenge of finances or culture or maybe education/awareness. This further indicates that as women move away from marriage into widowhood they are denied the opportunity to own houses or any other property.

## **5.2 .2 Age Distribution**

Majority of the respondents lies within the age bracket of 30-49 an indication that they are the most productive lot. They need to have acquired houses but that is not the case an indication that financial source, education or even culture is a hindrance.

## **5.2.3 Employment and Income levels**

52% and 41% of women were economically engaged as either employed or self employed respectively thus only a small percentage is involved in house chores. These findings interprets that women are economically productive and ready to venture into male dominated fields. The problem that comes out clear is the levels of income since majority are within the range of less than Kshs 10,000 i.e. 64% meaning women continue to earn very little compared with their male counterparts.

## **5.2.4 Homeownership and Mode of Financing**

Looking at the number of women who owns houses out of 93 respondents only 38 did own houses and that is 41%. This is an indication that majority of women in Kenya don't own houses due to patriachal type of society. Those who own houses constructed them and their mode of financing was savings and loans at 45% and 55% respectively. The loans were mainly acquired from 'chamas' an indication that loans from banks and other lending institutions were difficult to access either due to high interest rates and securities required. Women never talked of mortgages an indication that mortgages are a out of reach to majority of them.

## **5.3 Based on the findings these were the reactions towards the Questions**

### **5.3.1 Do female aspiring to be home owners face greater affordability problems due to limited access to financial resources in Kenya?**

Most women in Kikuyu seem to agree that financial resources in the area have hampered the ownership of housing units. 91% agreed to this fact. It further indicates that even though a considerable number of women are employed and have a consistent income, that income is not enough to allow acquisition of a house. This suggests there are links between home ownership and the opportunity through increased financial resources. Home ownership for low-to-moderate income women remains an untested policy strategy. Most women seems to struggle with their little

savings they have on their own or through ‘chamas’ to build their houses an indication that they don’t have adequate and accessible financial resources or services.

### **5.3.2 Does culture hinders women from owning property especially housing in Kenya?**

The responses reveal that culture play a critical role in influencing home ownership among women. 73% of interviewed women showed that culture has become a hindrance to property ownership especially when widowed. From the research done, widows who were interviewed none of them owned a house. This is an indication that due to culture they might have lost their property in disputes with members of their deceased spouse’s extended family. In Kikuyu town, a widow shared experiences of loss of property when her husband died. Any property owned was taken leaving the widow with children to suffer. This is a clear indication that while women may have enforceable rights under common- law doctrine of presumption of marriage, they often fall victim to disinheritance when widowed or divorced.

### **5.3.3 Does the level of awareness affect home ownership among women in Kenya?**

To effectively be able to protect and exercise their rights, education is one of the ways in which women can utilize the existing opportunities and take advantage of the existing structures and legal frameworks. Education and awareness campaigns are important in creating and sustaining a positive environment supporting women’s secure tenure rights and help to transform public perceptions and institutional norms that determine the assignment and security of women’s property entitlements. Women’s education is often curtailed by cultural practices. According to the interviewed women, 73% again indicated that level of education or awareness heavily influences home ownership. This percentage is similar to that one of culture practices an indicator that women are suppressed by culture since they have minimal levels of education and awareness. Therefore, culture and education levels affect women at equal measures.

#### **5.4 Conclusions**

The objective of the study was to determine the challenges facing women in the ownership of homes in Kenya. Responses obtained reveal that financial resources play a bigger role in slowing the rate of home ownership among women. Given the confirmation of lower average salaries and less security of income greater affordability problems for female home owners can be assumed. Mortgages and bank institutions seemed not to be friendly to majority of women. No single woman talked of borrowing from banks and acquiring mortgages reasons being lack of collaterals and high interest rates are a challenge since as noted by Wizard, (2009) availability and the attitudes of lenders and real estate agents towards women is negative.

Cultural practices and education/awareness are equal in terms of their effects and they are directly related to one another. According to research done by Institute of Economic Affairs, (2008) it has been shown that the number of female headed households are on the increase. When a husband does not name his wife as sole executor and sole beneficiary, he leaves the widow at the mercy of the other executors. Widows not only have to negotiate around patriarchal statutory law at institutional level, but also have to negotiate with customary laws at the interpersonal level. Their rights to own, inherit, manage, and dispose of property are under constant attack from customs, laws, and individuals. Married women can seldom stop their husbands from selling family property. The 73 percentage women did agree with this situation whereby they indicated that many of them are helpless since husbands can do anything with the property and moreso its worse when they are widowed due to interference by in-laws claiming to have a hand in their brothers property.

As Kabeberi-Macharia et.al, (1992) noted, an increase in educational opportunities for all, women's education has significantly improved and as of 1991, the enrolment of girls in primary schools was almost 49% of the total enrolment rate giving a near gender parity. Unfortunately about 60% of these girls enrolled in primary schools are unable to complete their primary education, which means that they may eventually slip back to illiteracy. This is confirmed by this research whereby majority, 73% indicated that education is a key factor in homeownership among women. Some did show that many girls don't go beyond primary level in their education hence a draw back in their future lives. A number of reasons were given for the high rates of

primary level dropouts, such as early pregnancy, lack of tuition fees or poor facilities, early marriages, and being burdened by household chores hence limited time to study. Level of legal literacy is as a result of education levels. Since majority of women have high levels of illiteracy its an indicative that women fall below men's levels.

The Constitution of Kenya, (2010) has the principles of equality and social justice woven through it. Article 44 is a clear statement that forcing women to accept cultural practices that discriminate against them is no longer an option. Article 45 on family rights goes further and gives both parties to a marriage equal rights before, during and after a marriage ends. This challenges the tradition in many Kenyan households in which the male head of the home makes all the decisions about property, including its disposal. Article 45 arguably extends to matrimonial property and is a constitutional statement of the principle that marital property is shared 50-50 in the event that a marriage ends.

Furthermore, any law that parliament passes on family and personal law must be consistent with the constitution- this ought to ensure that equality in family life is protected in any current and future legislation. Article 48 protects access to justice, including the requirement that any fees charged not impede this access. This should guide the court fee structure so that women in lower income groups are not prevented from vindicating their property rights through fear of court expenses. The requirement of gender equity in elected posts- no more than two-thirds of any assembly should be of one gender- should ensure that in future, when property laws (or land policies in the counties) are debated and passed in national and county legislatures, the effect of those laws on women will be more keenly considered.

## **5.5 Recommendations**

The following recommendations are advanced;

- In order to increase access to financial resources; Micro financing and informal funding mechanism through the established institutions like the National housing corporation should be encouraged and harnessed for home ownership of the very low income groups especially the women.
- Mortgage guarantee scheme which are female friendly to be administered by these institutions facilitated by government agencies or other agencies through

which guarantees may be given to financial institutions as an alternative security. The major beneficiaries would be the low-income earners and those living in the rural areas who would otherwise not qualify for loans from formal financial institutions due to lack of established track record or lack/inadequate security.

- While many activities can be aimed at women to increase their awareness/knowledge about their own rights and the means to claim them, education and awareness campaigns should also target men and boys to address common male biases and social norms that must be transformed in order to create an environment that recognizes and applies principles of gender equality to issues of property ownership and inheritance. Education campaigns should explore a wide range of methods to reach the public, including community theaters, radio programming, and other forms of media.
- Awareness rising among married women about their ownership rights could go a long way to minimize the unequal gender relations in homeownership.
- Legal Assistance Centres should be started at rural areas under gender Ministry so as to implement projects sensitizing and training local women leaders about asset stripping and related challenges to women's property rights. On the same breath under these assistance centers, Government should formulate policies and strategies to encourage higher homeownership rates for women as evidence suggests that there are positive externalities associated with homeownership.
- The Kenyan government has acknowledged that women are underrepresented in land determination and dispute bodies in both the National Gender and Development Policy and the National Land Policy hence it should do the necessary.

### **5.6 Areas of Further Research**

- Further research is necessary in areas that enhances home ownership like;
  - (i) A study on factors that may hinder working towards sustaining home ownership among women in Kenya i.e home ownership continuity among women in Kenya.
  - (ii) Investigate on new building technologies on low-cost housing to enable low-income women in Kenya access home ownership.

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## APPENDIX I

### QUESTIONNAIRE

Dear respondent,

This questionnaire is an instrument to collect information for Project Research for a postgraduate diploma in housing administration on challenges facing the rate of homeownership among women in Kenya (case study of kikuyu town(Kikuyu sub-location)).

Note that strict confidentiality will be maintained and all the information collected will be used for the sole purpose of the study. You do not need to indicate your name anywhere on the questionnaire. Please read the questions carefully and give your honest answers by putting tick (√) in the appropriate box.

#### SECTION A: PERSONAL DATA

1. Marital Status: Married ( ) single ( ) Widow ( ) Divorced ( )  
Separated ( )
2. Age (Yrs) 20-29 ( ) 30-39 ( ) 40-49 ( ) 50-59 ( ) above 60 ( )

#### SECTION B: GENERAL INFORMATION

1. (a) Are you employed? Yes ( ) No ( ) (b) Self-employed? Yes ( )  
No ( )  
  
(c) Housewife? ( ) (d) For how long? -----
- f) Your income/salary scale (Kshs): 0-10,000 ( ) 11,000- 20,000 ( ) 21,000-  
30,000( ) 31,000- 40,000 ( ) 41,000-50,000( )  
above 51,000( )
2. Do you own a house? Yes ( ) No ( )
3. Did you construct? ( ) or bought it? ( )

4. What was your mode of financing? Loan -from bank ( ) Mortgage ( )  
Savings ( )

Any other, (specify) \_\_\_\_\_

5. Is access to financial resources a challenge in homeownership among women  
in Kenya? Yes ( ) No ( )
6. Do cultural beliefs hinder women from owning property especially housing in  
Kenya? Yes ( ) No ( )
7. Does the level of awareness/education affect home ownership among women  
in Kenya?. Yes ( ) No ( )

***Thanks for cooperation***

