

**WOMEN'S LAW:
A SELECT GUIDE TO PUBLICATIONS AVAILABLE IN
THE UNIVERSITY OF NAIROBI LIBRARY SYSTEM**

By

Hudson A. Liyai

AND

George E.G. Nyalwal

**Presented at the
Southern and Eastern African Research Centre for
Women's Law (SEARCWL), Regional Masters
Programme,
Biennial Colloquium, Zomba, Malawi**

18th – 23rd July 2008

Introduction

This is a guide to publications on Women's law held by the University of Nairobi library system.

The guide was compiled under the auspices of Southern and Eastern Africa Regional Centre for Women's Law (SEARCWL) support of the regional Masters in Women's Law degree offered in partner Universities but coordinated by University of Zimbabwe.

It is part of SEARCLW strategy for resource sharing among partner Universities.

Professors and lecturers from University of Nairobi School of Law have participated in this program by presenting research papers in SEARCWL colloquia and giving lectures as visiting professors in partner Universities. Similarly Law librarians have played the role of information resource persons at the said colloquia. The compilers of this guide have served as Law Librarians at the University of Nairobi and have participated in the colloquia. The guide was first presented by H.A. Liyai at Colloquium held at the University of Cape Town, South Africa, 17th – 21st July 2006. The updated version was presented by G.E.G. Nyalwal at the Colloquium held in Zomba, Malawi, 18th – 23rd July 2008.

This guide covers various aspects of women's law in East and Southern Africa such as: Burial disputes, Widowhood, Marital rape, Sexualities, The rights of women, Discrimination against women, Equality in Employment, Women's Land rights, Law of succession. Gender perspectives in Property Management, Family Law and Matrimonial property, Discrimination of women in the work place, Marriage, divorce and inheritance laws and female genital and sexual mutilation etc.

The guide is arranged in a single alphabetical sequence by main entry i.e author or title of the work, irrespective of the type of document, book, chapter, article or report.

- Al – Hibri, Azizah Y:** An Islamic perspective on domestic violence *Fordham International Law Journal* vol. 27 No. 1 2003, p.195 – 224
- Abdullahi, Ahmednasir M.** *Burial disputes in modern Kenya: Customary Law in a Judicial conundrum Nairobi: faculty of Law, University of Nairobi, 1999 218 p*
- Angima, Yuvinalis M.** – Resolution of burial dispute in Kenya a case for legislative Intervention, Dissertation, LLB, University of Nairobi, 1996, 150 p
- Ankumah, Evelyn** – Women’s rights and the African charter. *African Topics* No. 9 September – October 1995 Women’s rights / African charter on Human and Peoples Rights/
- Aphane, Doo, et al** – Picking up the pieces, widowhood in Southern Africa. Women law in Southern Africa Research Trust (WLSA), working papers No. 13, 1995, 55p
- Armstrong, Alice, and W. Ncube (eds)** *Women and law in Southern Africa* Harare: Zimbabwe publishing Houses, 1987, 281 p.
- Arnfred, signe (ed)** *Re-thinking sexualities in Africa* Uppsala: Nordiska Afrikainstitutet, 2004, 276 p
- Atkins, Susan:** *Women and the law* New York: Basil Blackwell, 1984, 234 p
- Barton, J.L** The story of marital rape *Law Quarterly Review* Vol. 108, 1992, p 260 – 271
- Benedek, Wolfgang, et al (eds):** *The human rights of women: International instruments and African experiences.* London: Zed Press, 2002, 235 p
- Bhabha, J., et al (eds)** *World apart: women under immigration and nationality law.* London: Pluto, 1985, 182 p.
- Boerefijn, Ineke, et al, (eds)** *Temporary special measures: accelerating “de facto” equality of women under Article 4 (1) UN Convention on the Elimination of all Forms of Discrimination Against Women* Antwerp: Intersentia Publishers, 2003, 258 p
- Bowman, Cynthia G. and Akua Kuenyehia:** *Women and law in Sub – Saharan Africa:* Accra: Sedco Publishing Ltd, 2003, 652 p
- Boyd, Rosalind:** Gender and human security issues: building a programme of action – research. *Development in Practice* Vol 15 (1) 2005, p 115 – 121
- Burke, Catherine.** The hazardous road from Nairobi to Beijing. *African Topics* No. 9 Sept / October 1995, p. 4 – 7

Charles, Nicola: *The rights of women: essential questions and answer guide to women's legal problems.* London: Arrow Books, 1990, p.152.

Chesoni, Atsango “What does peace mean to me as a woman? Aka why do women need peace?” *In Networking with a view promoting peace towards sustainable peace – civil society dialogue forum for the Horn of Africa, (Second conference) Nairobi, 10 – 13 December 2000* Nairobi: Heinrich Boll Foundation, 2001, p. 145 – 148

Chiweza, Asiyati L. Women's inheritance rights in Malawi: the role of District Assemblies. *Development in Practice* Vol 151 2005, p. 83 – 89

Chuulu, Matrine B. et al: *Justice in Zambia: myth or reality, women and administration of justice* Lusaka: Women and Law in Southern Africa Trust – Zambia, 1999, 174 p.

Cohen, D.W. and E.S. Atieno – Odhiambo: *Burying S.M. The politics of knowledge and the sociology of power in Africa* Nairobi: East African Educational Publishers, 1992

Collins, Odongo O. Reform of Marriage Laws in Kenya: whither should the law go? *The University Of Nairobi Law Journal* Vol 2, 2003, p. 250 – 255

Commonwealth Secretariat: *The convention on the Elimination of all forms of Discrimination against Women.* London: Commonwealth Secretariat, 1999 , 57 p.

Development towards the elimination of discrimination against women in the commonwealth. London: commonwealth secretariat, 1999, 35 p.

Conaghan, Joanne: Tort litigation in the context of Intra – familial abuse. *Modern Law Review.* Vol. 61 (2) 1998, p 132 – 161

Cook, R.J. (ed) *Human rights of women: national and international perspectives* Philadelphia: University of Pennsylvania, 1994.

Cor sianos, Morilyn “Women” detectives and perception of “oppressive” experiences: exploring experiential essentialism and phenomenology *critical criminology* Vol 12 (1) 2003, p. 67 – 85

Cotran, Eugene *Casebook in Kenya Customary Law* Nairobi; Professional Books Ltd, and Nairobi University Press, 1995.

The future of customary law in Kenya *Nairobi Law Monthly* April 1988, p. 17 – 24,

Cotter, Anne – Marie M. *Gender in justice: an international comparative analysis of equality in employment* Aldershot: Ashgate, 2004.

Creighton, W. B. *Working women and the law*. London: Mansell, 1979.

Cretney, S.M “What will the women want next?” the struggle for power within the family. *Law Quarterly Review* Vol. 112, January, 1996, p 110 – 137

Cutshall, Charles R. *The role of women in disputing among the Ila of Zambia: Political adaptation in legal change*. Boston, mass: Boston University, African Studies Center, 1981.

Dais, C.J. et al (eds): *Lawyers in the Third World: Comparative and development perspectives*. Uppsala: SIAS, 1981

De Almeyda, Josefina A.: *Law and the status of Colombian women*. Medford, mass: Fletcher School of law and Diplomacy, 1975.

Deshpande, V. S. *Women and the law: with particular reference to the new law of rape being the criminal Law Amendment Act 1983 and the new law of dowry being the criminal law (Second Amendment) Act 1983*. Chandigarh: Punjab University, 1984

Dewar, John: The normal chaos of family law. *Modern Law Review*. Vol. 61 (4), 1998, p 467 - 485

Dine, Janet and Bob Watt: Sexual harassment: moving away from discrimination. *Modern Law Review*. Vol. 58 (3) 1995, p 343 – 363

Does the constitution of Kenya discriminate against women? Lessons from the S.M. burial saga *Nairobi Law Monthly* April 1988, p. 5

Doi, Abdul R.I *Women in Shariah (Islamic law)*. London: Ta – Ha Publishers, 2nd Ed. 1989

Douglas, Gillian, et al: Safeguarding children’s welfare in non – contentious divorce: towards a new conception in the law press? *Modern Law Review*. Vol. 63 (2) 2000, p. 177 – 196

Dube, Leela: *Women and kinship comparative perspectives on gender in South and South – East Asia* Tokyo: UN University press, 1997

Dupper, Ockie, et al: The case for increased reform of South African family and maternity benefits *Law, Democracy and Development* Vol 4, (1), 2000 p. 27 – 41

Eastern African women’s human rights meeting, Nairobi, March 22 – 24 1993 report. Organized by Women in Law and Development in Africa (WILDAF), in preparation for UN world conference on human rights.

Eriksson, Moja K.: *Reproductive freedom in the context of international Human Rights and Humanitarian law.* The Hague – Martinus Nijhoff, 2000, 573p.

Everywoman's legal guide: protecting your rights at home, in the workplace, and in the market place. New York: Doubleday, 1983

FAO: The legal status of rural women: limitation on the economic participation of women in rural development Rome: FAO, 1979.

Family law Digest: Matrimonial property. Nairobi: International Commission of Jurists (Kenya section), 2002

“**Feminism** and the law” In Roederer, Christopher and Darrel Moellendorf *Jurisprudence* Juta and Co., 2004, p 291 – 327

FIDA Women and criminal justice system in Kenya Nairobi: FIDA, 1993, (Report) 33 p appendixes.

Fluehr – lobban, Carolyn: *Islamic law and society in the Sudan:* London: Frank Cass, 1987

“**Gallant**” hero of the freedom struggle: Virginia Wambui Otieno” In. Likimani, Muthoni *women of Kenya in the democratic era* Nairobi: Noni Publications, 1992, p 21 – 22

Gapal, Gita and Maryam Salim (eds) *Gender and law: Eastern Africa Speaks* Nairobi: Quest and insight Publishers, 2001

Gender and justice: *gender mainstreaming in Kenyan judiciary. A training manual and handbook on gender equality in the courts* Nairobi: International Commission of Jurists (Kenya section) (2004)

Goldfarb, Alan: *A Kenyan wife's right to bury her husband: applying the Convention on the Elimination of all forms of Discriminations Against women.* *ILSA Journal of international Law.* Vol. 14 (1) 1990, p.1-21.

Good mark, Leigh: Telling stories, saving lives: the battered Mothers' Testimony project, women's narrates and court reform. *Arizona* 37 (3) 2005, p 709 – 757

Graycar, Regina and J. Morgan: *The hidden gender of law.* Leichhardt, NSW: The Federation Press, 1992

Gutto, S. B. O: *Legal constraints on female participation in the economy:* Thesis, LLB, University of Nairobi, 1975

Haile, Daniel: *Law and the status of women in Ethiopia:* Addis Ababa African training and Research for women, 1980

Hale, Dame Brenda: Equality and the judiciary why should we want more women judges? *Public Law* Autumn 2001, p 489 – 504

Harden, Blaine: “Battle for the body” In his, *Dispatches from a fragile continent* New York: W.W. Norton & Co., 1990, p 61 – 129

Hasan, Ayesha: Surrogacy enhancement or restriction of a woman’s autonomy? *U.C.L Jurisprudence Review* 1999 p 101 – 122

Hatamyar, Patricia W. and Kevin M. Simmons: Are women more ethical lawyers? An empirical study. *Florida state University Law Library* Vol 31 (4) 2004, p 785 – 857

Hellum, Anne “Gender and legal change in Zimbabwe: childless women and divorce from a socio-cultural and historical perspective” In Adelson, Sammy and A. Paliwala (eds) *Law and crisis in the Third world* London Hans Zell, 1993, p 243 – 269

Higgins, Traly E. why feminists can’t (or shouldn’t) be liberals *Fordham Law Review* Vol. LXXII No.5, 2004, p 1629 – 1641

Hilhorst, Thea “Women’s land rights: current developments in Sub – Saharan Africa” In Toulmin, Camilla and Julian Quan (eds) *Evolving land rights, policy and tenure in Africa* London: DFID / 11ED/ NRI, 2000, p 181 – 196

Hinga, Wanjiku E. Burial disputes in Kenya; wither goeth the law? Dissertation, LLB, University of Nairobi, 1995

Hufstedler, Shirley M. *Women and the law* New York: Aspen Institute for Humanistic studies, 1977

Ikdahl, Ingunn, P. Kameri–Mbote *Human rights, formalization and women land rights in Southern and Eastern Africa:* Oslo: University of Oslo, Institute of women’s law (Studies in Women’s Law No. 57), 2005

Ikimire, Mbis P. Administration of customary law in Kenya a critical appraisal and the need for reform. Dissertation, LLB, University of Nairobi, 1992

International Commission of Human rights (Kenya Section): *International human rights standards: making a case for Kenya’s ratification of optional protocols.* Nairobi: ICJ (K), 2005

International Commission of Jurists (Kenya Section) *Enhancing woman's rights in Kenya* Nairobi: ICJ (Kenya Section), 2003

Mainstreaming human rights in development Nairobi: (ICJK), 2005,
Reporting under international human rights conventions: Convention of the Elimination of all Forms of Discrimination Against Women (EDAW) Nairobi: ICJ (Kenya section), 2005

Introduction of gender, law and society in Kenya Nairobi: Centre for Law and Research International (CLARION), (Constitutional Debate No. 11), 2001, p 49

Jack, R. and D.C Jack *Moral vision and professional decisions the changing values of women and men lawyers* Cambridge: Cambridge University press, 1981

Kabeberi – Macharia, Janet: The African woman strategies for woman's law.
University of Nairobi law Journal No. 1 1991, p 19 – 21
Preliminary findings on marriage, divorce, matrimonial property and inheritance. Task force on the review of laws, relating to women / women and law in East Africa, workshop Nairobi 13 – 14 May 1996

Women, laws, customs and practices in East Africa: Laying the foundation
Nairobi: Women and Law in East Africa (WLEA) publications, NO.2 1995

“A research methodology of women and law”. In *Report on women and law in East Africa workshop*. Faculty of law, University of Nairobi, 1992. p 124 – 129

Kabira, Wanjiku M. et al (eds): *Contesting social death: Essays on gender and culture*
Nairobi: KOLA, 1997

Kahiga, Miriam: “Socio – cultural obstacles to the participation of women in the democratization process”. In. Kibwana, Kivutha (ed) *Reading in constitutional law and politics in Africa: a case study of Kenya* Nairobi: University of Nairobi, Faculty of Law, 1998, p 377 – 402

Kameri – Mbote, Patricia: “Gender considerations in constitutions making: making a case for the recognition of women’s rights”. In *Report of the constitution of Kenya Review Commission, volume five (technical appendices) part two* Nairobi: CKRC, 2003, p 134 – 146

“Gender considerations in constitutions making: engendering women’s rights in the legal process. In *Report of the constitution of Kenya review commission, volume five (technical appendices) part two* Nairobi: CKRC, 2003, p 231 – 249

“Gender considerations in constitutions making: engendering women’s rights in the legal process. *The University of Nairobi law journal* Vol. 1 2003, p 156 – 194

The law of succession in Kenya: gender perspectives in property management and control Nairobi: women and law in East Africa, 1995, p 44 (WLEA Publications, No. 3)

Kivutha Kibwana: “Women law and the democratization process in Kenya” Mukabi – Kabira, Wanjiku, et al (eds). *Democratic change in Africa: Women’s perspectives* Nairobi: Associations of African Women for Research and Development, 1993 p 17 – 23

Kanowitz, Leo: *Sex roles in law and society: cases and materials* Albuquerque: University of New Mexico Press, 1973

Kanyua, Priscilla et al (eds) *Fundamental rights and freedoms* Nairobi: ICJ (Kenya Section)

Karaiskos, Maria “The claims of ecofeminism” *UCL Jurisprudence review* 1998, p 19 – 41

Karimbux, Saadin “The S.M. Otieno case: Wambui Otieno and burial rights according to customary law”. In Kibwana, Kivutha and Lawrence Mute (eds) *women and autonomy: the quest for gender equality*: Nairobi: Claripress, 2000, p 16 – 17 Burials / burial rights / Otieno, S.M. – burial disputes / customary law / Otieno, Wambui

“**Kenya**”. In Rahman, Anika and Nahid Toubia (eds) *Female genital mutilation: a guide to laws and policies worldwide* London: zed books, 200, p 175 – 177/FGM/ Human rights / cultural practices

Kenya commission on the Law of Marriage and Divorce report: Nairobi: Government printer, 1968, 209 p *Marriage / Divorce*

Kenya Land Alliance: *The national land policy in Kenya: critical gender issues and policy statements*. Nairobi: Kenya Land Alliance, (Issue paper no 1/2004), 2004

Khasiani, Shanyisa A. “Enhancing women’s participation in governance: the case of Kakamega and Makueni District in Kenya”. In Rathgeber, Eva R. and Edith O. Adera (eds) *Gender and the information revolution in Africa Ottawa: IDRC, 2000 p 215 – 237*

Khushalani, Yougindra: *Dignity and honour of women as basic and fundamental human rights*: The Hague: Martinus Nijhoff, 1982

Kibwana, Kivutha. Empowering the African woman: a study of women’s rights under the African charter on human and people’s rights and a proposal regarding the development of a charter on the rights of the African woman. *Review of the African Commission on Human and People’s rights* Vol. 5 parts 1 and 2, 1995, p 1 – 20

“The family women, youth and children in the constitution”. In Mute, Lawrence M. and Smokin Wanjala (eds). *When the constitution begins to flower: Vol. 1 paradigms for constitution change in Kenya* Nairobi: Claripress, 2002 p. 185 – 194.

“The family women, youth and children in the constitution” In. *When the constitution begins to flower Nairobi: Claripress, 2002, p. 185 - 194*

Law and the state of women in Kenya Nairobi: claripress, 1996

Women and autonomy in Kenya: policy and legal frame work Nairobi: claripress 2nd ed. 1997

Lawrence Mute (eds): *Law and the quest for equality in Kenya* Nairobi: claripress, 2000, p 240

Kimaiyo, Towett J. Ogiek land cases and historical injustices 1902 – 2004 Nakuru: Ogiek welfare council, 2004 (ICJ – Doc centre)

Kingara, James N. Burial law in Kenya: do we need a statute? Dissertation, LLB, University of Nairobi, 1988

Kudhail, Tirath: Should prostitution be legalized? U.C.L. Jurisprudence Review 1999 p 165 – 190

Lasok, Dominik. *Equality of the sexes as a problem of law reform. An inaugural lecture.* Exeter University of Exeter, 1969

“**Law**”. In Macnamara, Eve *Women in Zimbabwe an annotated bibliography.* Harare University of Zimbabwe, Department of sociology, 1989, p 101 – 125

The laws respecting women: New York: Oceana Publications, 1974

Legal grounds: reproductive and sexual rights in African commonwealth courts New York: Center for Reproductive Rights, 2005

Linnegar, J. and K.Mc Gillivray: *Women and the law in South Africa: employment through enlightenment* Cape Town: Juta, 1998

Maboreke, Mary: Women under Zimbabwean Law. *Zimbabwe Law Review. Vol. 6* 1998, p. 64 – 78

Mackenzie, Fiona: A form is like a child who cannot be left unguarded: gender, land and labour in Central Province, Kenya. *IDS Bulletin. Vol. 26 (1)* 1995, p. 17 – 23

Maina, Wachira: “Kenya” Law as an ideology of male power: a primer in deconstructionist politics”. In Kabira, Wanjiku and Wanjira Muthoni (eds). *The road to empowerment* Nairobi: FEMNET, 1994, p 18 – 40

Wanjiku Mbugua: *Gender and democracy: an analysis of Kenya’s political parties manifestos.* Nairobi: Friedrich Ebert Foundation, and Collaborative Centre for Gender and Development, 1996

Maqutu, W.C.M: *Contemporary family law of Lesotho: a historical and critical commentary:* Roma: National University of Lesotho Publishing House, 1992

Mayambala, Esther N. Changing the terms of the debate: Polygamy and the rights of women in Kenya and Uganda. *East African Journal of peace and Human Rights* Vol. 3 12 1996, p 200 – 239

Mbeo, Mary and O. Ooko – Ombaka (eds). *Women and law in Kenya: perspectives and emerging issues* Nairobi: Public Law institute, 1989

Mc Clain, Linda C. Negotiating gender and (free and equal). Citizenship: the place of associations. *Fordham law Review* Vol. LXXII No. 5, 2004, p 1569 – 1598

Migai, J.M. African customary law and the common law presumption of marriage: strange bedfellows? *University of Nairobi Law Journal* No. 1 1994 p 108 – 112

Miguda, Edith “Engendering democracy in Kenya: effects of multiparty electoral system on women participation in politics”. In Chweya, Ludeki (ed) *Electoral politics in Kenya* Nairobi: claripress, 2002, p 108 – 120

Mitchell, Darren. An argument for Christian conservation in the abortion debate within a contemporary secular society. *U.C.L Jurisprudence Review* 1999 p 220 – 240.

Mnoney, Edith and M. K. Rwebangira “The legal status of women in Tanzania”. In *Report on women and the law in East Africa workshop*. Faculty of Law, University of Nairobi 1992, p. 50 – 78

Mucai, V.W. Matrimonial property in Kenya: a study of proprietary rights of women. Thesis, L.L.B, University of Nairobi, 1976

Mucai – Kathambo, etal, “Law and the status of women in Kenya”. *Report on women and law in East Africa workshop report*. Faculty of Law, University of Nairobi, 1992 p. 79 – 104

Mugwanya, George W. Augmenting the struggle for gender equality in Uganda: a case for the domestication of international human rights standards. *African Journal of International and Comparative Law* Vol 12 (4) 2000, p 754 – 798

Mulleder, Richard: Cases: Racial harassment, sexual harassment, and the expensive function of law. *Modern Law Review*. Vol. 61 (2) 1998, p. 236 – 244

Mulei, Christopher “Women and labour in Kenya: legal administrative and policy perspectives”. In Kibwana, Kivutha and Lawrence Mute (eds) *Law and the quest for gender equality in Kenya* Nairobi: CLARIPRESS, 2000, p 88 – 206

Murphy, John: domestic violence: the new law. *Modern Law Review*. Vol. 59 (6) 1996, p. 845 – 860

Musengezi, Chiedza (ed). *A tragedy of lives: women in prison in Zimbabwe* Harare: Weaver Press, 2003

Mute, Lawrence M. “Gender and African politics: the paradigm of property”. In Kibwana, Kivutha (ed). *Reading in constitutional law and politics in Africa: a case study of Kenya*. Nairobi: University of Nairobi, Faculty of Law, 1998, p 403 – 419

Muthoga, Edward: Marriage and Divorce; a case for the recommendations of the commission of inquiry on marriage and Divorce 1968. *Nairobi Law monthly* April 1988, p 39 – 44

Muthoga, Rachel W. A study into the implementation of women’s rights legislation with the Children’s Act as a case study. Dissertation, LLB, University of Nairobi, 2003

Mutonyi, Kenda “Worries of the heart”: widowed mothers, daughters and masculinities in Maragoli Western Kenya, 1940 – 1960. In Cornwall, Andrea (eds) *Reading in gender in Africa*, Bloomington, Ind.: IAT and Indiana University press, 2005, p 71 – 80

Mwagiru, Makumi and N. Karuru. *Women’s legal property rights in conflict situation*. Nairobi: Centre for Conflict Research and Women and Law in East Africa, 1998.

Mwangi, Alan N. A jurisprudential overview of customary law in multi - ethnic Kenya: moribund or an emerging legal regime? Dissertation, LLB, University of Nairobi, 1995

Mwilu, Jane Women and private property *Viva magazine* Vol. 2 (8) September 1976, p 44 – 45 Women / Property / Marriage Bills / Marriage

Ncube, Welshman: No fault divorce: changing divorce Laws in Zimbabwe. *Zimbabwe Law Review*. Vol. 6 1988, p. 32 – 52

Ngugi, Matthew: Access to land in Kenya: debunking the myth of legislative inadequacies and customary law as agents of gender disparity. *University of Nairobi Law Journal*. Vol. 3 No. 1 2005, p. 92 – 99

Nhlopo, R.T. (ed). *Women and the law: Report of proceedings from two seminars held in Swaziland, January and June 1983*. Manzini: University of Swaziland, 1983

Njenga, Njau J. The marriage institution and the rights of spouses to property with special reference to “Married Women’s Property Act, 1882” Thesis, L.L.B, University of Nairobi, 1979

Novarra, Virginia. *Women work, men’s work: the ambivalence of equality*. London: Mation Boyars, 1980 /women’s rights / human rights / employment / working women

Nyamu, C.I, A.N. Makome and K. Kibwana: The role of pressure groups in the promotion and preservation of democracy in Kenya: the case of women’s movement. *University of Nairobi Law Journal*. No. 1 1994, p 62 – 79

Nyamu – Musembi, Celestine. “Are local norms and practices fences or pathways? The examples of women property rights”. In. An – Naim, Abudullahi (ed). *Cultural transformation and human rights in Africa*. London: zed Books, 2002, p 126 – 150 / women / property rights / Rural Kenya / gender equality

“Sitting on her husband’s; back with her hands in his pockets: commentary on judicial decision – making in marital property cases in Kenya”. In Bonham, A. (ed). *International Survey of Family Law* 2002, p 229 – 241.

Nzioki, Akinyi. “The effect of land tenure on women’s access and control of land in Kenya”. In An – Naim, Abdullahi (ed). *Cultural transformation and human rights in Africa*. London: zed Books, 2002, p 218 – 260. Land tenure systems / Machakos District / Women / land control / Land rights

Odek, James O. Cultural rights and intellectual property as human rights and tools for development. Nairobi: Kenya Industrial Property Institute, 2005, p 18

O' Donovan, Katherine: *Sexual divisions in law*: London: Weidenfield and Nicolson, 1985

Odoul, W. A. “Kenyan women’s movement and women’s political participation”. In Khasiani, S. and E. I. (Njiro (eds). *The women’s movement in Kenya*. Nairobi: AAWORD, 1993 political participation / women’s movements

Ojwang, J.B and J.N.K. Mugambi (eds): *The S.M. Otieno case: death and burial in modern Kenya*. Nairobi: Nairobi University Press, 1989

Okech – Owiti “The labour movement and democratization process in Kenya”. In Oloka Onyango, J. *et al*, *Law and the struggle for democracy in East Africa*. Nairobi: CLARIPRESS 1996, p 160 – 179

Okech – Owiti, M.D “Some socio – legal issues”. In Ojwang, J.B. and J.N.K Mugambi (eds) *The S.M. Otieno case: death and burial in modern Kenya*. Nairobi: Nairobi University press, 1989, p 11 – 29

Oketch – Owiti “Research methodology: research on gender (Women’s) issues and law”. In *Report on women and law in East Africa workshop report*. Faculty of law, University of Nairobi, 1992 p 105 – 123

Okin, Susan M. Justice and gender: an unfinished debate *Fordham Law Review*. Vol LXXII No. 5, 2004, p 1537 – 1567

Okoth – Ogendo, H.W.O. “The changing system of land tenure and the rights of women”. In. Pala, Achola et al (eds) *The participation of women in Kenyan society*. Nairobi Kenya Literature Bureau, 1978, p 132 – 139

“Customary law in Kenya legal system: an old debate revived”. In Ojwang, J.B. and J.N.K Mugambi (eds). *The S.M. Otieno case: death and burial in modern Kenya*. Nairobi: Nairobi University Press, 1989, p 135 – 147

Okoth – Owiro, A “The burial law of Kenya: do we need a statute?”. In Ojwang J.B and J.N.K Mugambi (eds). *The S.M. Otieno case: death and burial in modern Kenya*. Nairobi: Nairobi University press, 1989, p 116 – 126

Oloka - Onyango, J. Forced displacement and the situation of refugee and internally displaced women in Uganda. *East Africa Journal of Peace and Human Rights*. Vol. 5 (1) 1998, p 1 – 31

Gender and conflict in contemporary Africa: engendering the mechanisms for the promotion of human rights and conflict prevention. *Review of the African commission on human and people’s rights*. Vol 9 part 1 200, p 1 – 19

Olola, James Otieno: Customary law and the question of burial – is legislation the only way forward? Dissertation, LLB, University of Nairobi, 1996

Omaya, Alex O. The hiatuses, ambiguities and inconsistencies in the burial law of present Kenya: a case for legislative intervention. Dissertation, LLB, University of Nairobi, 1996

Oniang'o, Ruth: The impact of out – migration on household livelihoods and the management of natural resources: a Kenyan case study. *IDS Bulletin*. Vol. 26 (1) 1995, p 54 - 60

Ondicho, Tom G. Battered women: a socio – legal perspective of their experiences in Nairobi Thesis, M.A, University of Nairobi, 1993

Ondieki, Paul S. The question of burial. Dissertation, LLB, University of Nairobi, 1998,

Opare, S. Engaging women in community decision – making processes in rural Ghana: problems and prospects. *Development Practice*. Vol 15 (1) 2005, p 90 – 99

Ostergaard, Lise (ed). *Gender and development: a practical guide*. London: Routledge, 1992

Patton, Katie M. Unfolding discovery issues that plague sexual harassment suits. *Hastings Law Journal*. Vol. 57 (5) 2006, p. 991 – 1007

Perez – Arrieta, Ana M. defences to sex based wage discrimination claims at educational institutions exploring “Equal work” and “Any other factor other than sex” in the faculty context. *Journal of College and University Law*. Vol 31 (2) 2005, p 393 – 415

Pieronek, Catherine. Title IX and gender equity in science, technology and Mathematics Education: no longer an overlook application of the law. *Journal of College and University Law*. Vol 31 (2) 2005, p 291 – 350

Plasket, Clive. Administrative justice and women’s rights. *Speculum Juris*. Vol 16 (2) 2002, p 181 – 207

PLIDA; *Engendering the peace process – report of the African Women Lawyers (AWLA) conference*. Kampala: FIDA Uganda, (2000)

Quansah, E.K. Determining matrimonial property rights of non domiciled spouses: the applicable law in Botswana. *Journal of African Law*. Vol 48 (1) 2004, p 104 – 110

Quansah, E.K. *Introduction of family law in Botswana*. Gaborone: Pala Press 3rd ed, 2001

Rai, Shirin M. (ed). *International perspectives on gender and democratization*. London: Macmillan 2000

Report on women and law in East Africa: Report of workshop organized through the Faculty of Law, University of Nairobi, Nairobi, June 15 – 17 1992

Robertson, Claire C. Never underestimate the power of women: the transforming vision of African women history. *Women's Studies International Forum*. Vol 11 No. 5 1988, p 439 – 453

Rogers, Margaret. *A decade of women and the law in the commonwealth*. London: commonwealth secretariat, 1985, p 342

Rumney, Philip N.S. The review of sex offences and rape reform law: another false dawn? *Modern Law Review*. Vol. 64 (6), 2001, p 890 – 910

Rwebangira, M.K. and M.C. Mukoyogo. *The law of inheritance in Tanzania: a status report*. Nairobi: Women and Law in East Africa, 1995, 30p. (WLEA Publications, No. 4)

Saida, Shariff M. Death and burial – with special reference to cremation as the ultimate panacea to burial disputes in Kenya. Dissertation, LLB, University of Nairobi, 1995

Sampa, Annie, et al. Gender bias in the Zambian court system: a report based on research findings. *Women in Law and Development in Africa – WILDAF*, Zambia, 1994

Shetreet, S. *Women in law*. The Hague: Kluwer, 1998

Silberschmidt, Margrethe. “Women forget that men are the masters”: gender antagonism and socio – economic change in Kisii district, Kenya. Stockholm: Nordiska Africa Institute, 1999

Simons, Harold J. *African women: their legal status in South Africa*. London: Hurst, 1968

S.M. Otieno burial debate rages as the court of Appeal is criticized by Dr. Eugene Cotran. *Nairobi Law Monthly* April 1988, p 6 – 9

S.M. Wambui's defeat is defeat for women *Viva magazine* June 1987, p 16 – 17, 36.

Smart, Carol. *Feminism and power of law*: London: Routledge, 1989

Smart, C. and S. Sevenhuijsen (eds). *Child custody and the politics of gender*. London: Routledge, 1989

Smiley, Marion Democratic citizenship V. Patriarchy: a feminist perspective on rawls. *Fordham Law Review*. Vol LXXII No. 5, 2004, p 1599 – 1627 (Law)

Smith, Dimity K. Superannuating the second sex: law privation and retirement income. *Modern Law Review*. Vol 64 (4) 2001, p. 519 – 542

Sonbol, Amira Woman in shariahs courts: a historical and methodological discussion. *Fordham International Law Journal*. Vol 27 (1) 2003, p 225 – 253

Stone, Elizabeth: Infants, lunatics and married women: equitable protection in “Garcia” National Australian Bank”. *Modern Law Review*. Vol 62 (4) 1999, p. 604 – 608

Suda, Collete Gender disparities in Kenyan labour market: implication for poverty reduction. *Nordic Journal of African Studies*. Vol 11 (3) 2002, p 301 – 321

Symposium law, labour and gender. *Maine Law Review*. Vol 55 (1) 2003

Szyszcak, Erika. Cases: Pregnancy discrimination. *Modern Law Review*. Vol. 59 (4) 1996, p. 589 – 592

Tadros, Marlyn. *Rightness women, heartless men; Egyptian women and domestic violence*. Heliopolis: Legal Research and Resource Centre for Human Rights, 1998

Tamale, Sylvia. Gender trauma in Africa: enhancing women’s links to resources. *Journal of African Law* Vol. 48 (1) 2004, p 50 – 61

Jeniffer Okumu–Wengi “The legal status of women in Uganda”. In *Report on women and law in East Africa workshop*. Faculty of Law, University of Nairobi, 1992 p 30 – 49

Testy, Kellye Y. Capitalism and freedom – for whom? Feminists legal theory and progressive corporate law. *Law and Contemporary Problems*. Vol 67 No. 4 2004, p 87 – 108

Thongori, Judy “Constitutionalisation of women’s rights in Kenya”. In *Gender gaps in our constitutions: women concerns in selected African countries*. Nairobi: Heinrich Boel Foundation, 2002, p 21 – 30

“Protocol to the African Charter on Human and Peoples Rights of Women in Africa – Kenyan case study”. In *international human rights standards: making a case for Kenya’s ratification of optional protocols*. Nairobi; International Commission of Jurists (Kenya Section) 2005, p 61 – 71

Tibatemwa – Ekikikubinza, Lillian. Multiple partnering, gender relations and violence by women: reflections from Uganda’s penal regime. *East African Journal of Peace and Human Rights*. Vol 4 (1) 1997, p 15 – 40

Property rights, institutional credit and the gender question in Uganda. *East African Journal of Peace and Human Right*. Vol. 2 (1) 1995, p 68 – 80

Tsanga, Amy S. A critical analysis of woman constitutional and legal rights in Zimbabwe in relation to the Convention on the Elimination of All Forms of Discrimination against Women. *Maine Law Review*. Vol. 5 (2) 2002, p 217 – 250

Tomarserski, Katarina. *Woman and human rights*. London: Books 2nd edition. 1993,

Turner – Samuels, m. *The law of married women*. Suffolk: Thomas Bank Publishing Co. 1957,

Uche, V.U. “The legal status of the Kenyan women: the legal aspects of keeping money”. In Pala, Achola *et al* (eds) *The participation of women in Kenyan society*. Nairobi: Kenya literature Bureau, 1978, p 127 – 131

Udombana, Nsongurua J. What does a woman want? : A footnote on feminist jurisprudence. *East African Journal of Peace and Human Rights*. Vol 10 (2) 2004 p 295 – 324

UNCHS (Habitat) *Women rights to land, housing and property in post – conflict situations and during reconstruction: a global overview*. Nairobi: UNCHS, 1999 (land management series, No. 9)

UNIFEM: *Building technical capacity and gender advocacy of young professional African women*. Nairobi: UNIFEM and AAS, 1994

UNONET: *Women know your land rights*: Kampala: Uganda women’s network (UNONET), 2000

Van Doren, J.W. “African tradition and common law: a study in contradiction”. In Ojwang, J.B and J.N.K Mugambi (eds). *The S.M. Otieno case: death and burial in modern Kenya*. Nairobi: Nairobi University Press, 1989, p 127 – 132

Wanjala, S.C. “Conflicts of law and burial”. In Ojwang, J.B. and J.N.K, Mugambi (eds). *The S.M. Otieno case: death and burial in modern Kenya*. Nairobi: Nairobi University Press, 1989, p 101 – 115

Westergren, Sarah. Gender effects in the courts of appeal revisited: the data since 1994. *Georgetown Law Journal*. Vol 92 No. 3, 2004 p 689 – 708

Whyte, Susan R. "The widows dream: sex and death in western Kenya". In Jackson, Micheal and Evan Karp (eds) *Personhood and agency: the experience of self and other in African cultures* Uppsala Acta Universities Upsaliensis, 1990 p. 95 - 114

Women and law in Southern Africa: research project. Harare: women and Law in Southern Africa, Working Paper No. 1 1996

Women of the world: laws and policies affecting their reproductive rights: Nairobi: Centre for Reproductive Law and Policy, FIDA (Kenya Chapter) 1997

"Women the law and equality". In Ndumbu, Abel *out of my rib; a view of women in development.* Nairobi p 68 - 87

Worrall, Anne: *Offending women: female lawbreakers and the criminal justice system.* London: Routledge, 1990

Wynn, Michael: Pregnancy discrimination: equality, protection or reconciliation? *Modern Law Review.* Vol. 62 (3) 1999, p. 435 – 447

Zeleza, Tiyanbe: *Labour, unionization and women's participation in Kenya, 1963 – 1987.* Nairobi: Friedrich Ebert Foundation, 1988

Bartlett, Katharina *Gender and law: Theory, doctrine, commentary* [Boston: Little Brown & Co, 1993](#), 1009p

Cummings, Sarah (et.al): *Gender perspectives on property and inheritance: a global sourcebook* Amsterdam: Oxfam, 2001, 142p.

Edwards, Susan S.M *Gender, sex, and the law* London: Croom Helm, 1985, 222 p.

Gopal, Gita: *Gender Law in Eastern African Speaks:* Nairobi: Quest & Insight, 2001, 229 p.

Graycar, Regina: *The hidden gender of law:* Leichhardt (NSW): Federation Press, 1992, 464 p.

Kameri-Mbote, Patricia: [The law of succession in Kenya: gender perspectives in property management and control:](#) Nairobi (Kenya) : Women and Law in East Africa, 1995, 44 p.

Kamweru, Esther W: [Gender gap in our constitutions : women's concerns in selected African countries](#) Nairobi, Kenya: Heinrich Boel Foundation, 2002, 128p.

Kibwana, Kivutha [Law and the quest for gender equality in Kenya:](#) Nairobi: Claripress, 2000, 243p.

Kuenyehia, Akua : Women and law in West Africa : : gender relations in the family
Accra, Ghana : Walwa ,2003, 215 p.

Marie Mooney Cotter, Anne:-Gender injustice : : an international comparative analysis in employment Alderhot: Asgate, 2004, 298 p.

McLean, Sheila: The Legal relevance of gender: some aspects of sex-based discrimination: Hampshire: Macmillan, 1988, 287 p.

Merry, Sally Engle: Human rights and gender violence: translating international law into local justice: Chicago: University of Chicago Press, 2006, 269p.

Muteshi, Jacinta K. ed: Perspectives on gender discourse: transitional justice in Kenya : the gender question. Nairobi: Heinrich Boll Foundation, 2004, 94 p.

Stewart, Anne: Gender, law and social justice: international perspectives: London: Blackstone, 2000, 192 p.

Aikman Sheila, Unterhalter Eds.: Beyond Access: Transforming Policy and practice for Gender Equality in Education: London: Oxfam, 2005

Maryland Law Review: Symposium: Women and the “New” Corporate Governance Vol 65 2006.

Duke Journal of gender Law & Policy: Women in the work place Vol 13 2006

Davis Pamela O: Marriage, Divorce and Inheritance Laws in Sierra Leone and their Discriminatory Effects on women: Human Rights Brief: Vol 12 (3) 2005, p17-20.

Bachner Bryan: Facing the Music: Traditional Knowledge and copyright: Human rights Brief: Vol 12 (3) 2005.p12.

Life sustaining treatment Law: A Model for Balancing a Woman’s Reproductive Rights with a Pharmacist’s Conscientious Objection: Boston college Law Review Vol XLVII No.4 July 2006, p815-852.

Gender, Society & Development: Gender Perspectives on property and Inheritance: A global resource book Critical Reviews and Annotated Bibliography Series: Netherlands: Oxfam GB, 2001

Durham H., Gurd T(eds): Listening to the Silences: Women and War: International Humanitarian Law Series ,June 2004.

Duke Journal of Gender & Policy: queer theory, Feminism and the Law, Vol 11, Spring 2004.

Legal Grounds Reproductive and sexual rights in African Commonwealth Courts: New York: Center For Reproductive Rights, Feb. 2005.

Children & women Studies: Catalogue 2005: New Delhi: Prints India,2005.

FEMALE GENITAL AND SEXUAL MUTILATION - INTER AFRICAN COMMITTEE: Source: [Win News](#) : [2002 Vol. 28, num. 4](#) , pp. 38-44

FEMALE GENITAL AND SEXUAL MUTILATION - PROGRESS REPORT Source: [Win News](#) : [2002 Vol. 28, num. 1](#) , pp. 31-42

REPORTS FROM AROUND THE WORLD: MIDDLE EAST AND AFRICA - EGYPT: Source: [Win News](#) : [2000 Vol. 26, num. 3](#) , pp. 51-55

REPORTS FROM AROUND THE WORLD: AFRICA AND MIDDLE EAST - AFRICA: Source: [Win News](#) : [1999 Vol. 25, num. 3](#) , pp. 58-61

NEGOTIATING LAW AND CUSTOM: JUDICIAL DOCTRINE AND WOMEN'S PROPERTYRIGHTS IN UGANDA. By [Lynn Khadiagala](#) Source: [Journal of African Law](#) : [2002 Vol. 46, num. 1](#) , pp. 1-13

SYMPOSIUM - INTERNATIONAL TELECOMMUNICATIONS LAW IN THE POST-DEREGULATORY LANDSCAPE: Is Uganda's 'No-Party' System Discriminatory Against Women and a Violation of International Law? Amy N Lippinc: [Brooklyn Journal of International Law](#) : [2002 Vol. 27, num. 3](#) , pp. 1137.