

**CHALLENGES FACING WOMEN IN ACCESSING JUSTICE IN MBOONI  
SUB-COUNTY, MAKUENI COUNTY.**

**JULIET MUTHEU MULE**

**N69/65748/2013**

**A PROJECT SUBMITTED TO THE INSTITUTE OF ANTHROPOLOGY,  
GENDER AND AFRICAN STUDIES IN PARTIAL FULFILLMENT OF  
THE REQUIREMENT FOR THE AWARD OF MASTER OF ARTS IN  
GENDER AND DEVELOPMENT STUDIES OF THE UNIVERSITY OF  
NAIROBI.**

**OCTOBER, 2018**

## DECLARATION

This project paper is my original work and has not been submitted for a degree in any other University.

**Signature:** .....

**Date**.....

**JULIET MUTHEU MULE**

This project paper has been submitted for examination with my approval as University Supervisor.

**Signature** .....

**Date**.....

**ISAAC WERE**

## **DEDICATION**

This work is dedicated to my loving husband Jackson Kiilu for his continued encouragement and support, for my children Shanice Kituu, Neriah Kituu and Amarah Kituu for enduring the long hours of absence during studies. To my parents Philip Mule and Catherine Mule, for the continued support.

## **ACKNOWLEDGEMENT**

This research project report would not have been complete without the patient guidance of my supervisor Isaac Were. His confidence in my ability to undertake this project work will always be appreciated. The continuous guidance encouraged me to keep on moving, and this will remain with me for the rest of my career. I say thank you.

I am also grateful to my committed lecturers who contributed to my academic advancement.

I recognize and thank the Institute of Anthropology, Gender and African Studies who were of great support throughout my course; your efforts are greatly appreciated.

## TABLE OF CONTENTS

<b>DECLARATION</b> .....	<b>ii</b>
<b>DEDICATION</b> .....	<b>iii</b>
<b>ACKNOWLEDGEMENT</b> .....	<b>iv</b>
<b>LIST OF TABLES</b> .....	<b>vii</b>
<b>LIST OF FIGURES</b> .....	<b>viii</b>
<b>ABSTRACT</b> .....	<b>ix</b>
<b>ACRONYMS AND ABBREVIATIONS</b> .....	<b>x</b>
1.1 Introduction .....	1
1.2 Statement of the problem .....	7
1.3 Objectives of the study .....	10
1.3.1 General objective .....	10
1.3.2 Specific objectives .....	10
1.4 Research questions .....	10
1.5 Justification of the study .....	11
1.6 Assumptions of the study .....	11
1.7 Definition of key terms .....	11
2.0 LITERATURE REVIEW .....	13
<b>2.1 Introduction</b> .....	13
2.2 Access to justice .....	13
2.3 Socio-economic factors affect women in accessing justice .....	15
2.3.1 Cultural norms and access to justice .....	15
2.3.2 Poverty levels and access to justice by women.....	17
2.4 Legal assistance and access to justice by women .....	19
2.5 Literacy and education and access to justice by women .....	21
2.6 Theoretical framework .....	23
2.6.1 Nozick’s entitlement theory .....	23
2.6.2 John Rawls and social contract theory .....	24
2.7 Relevance of the theory to the study .....	26
2.8 Conceptual framework .....	27
<b>3.0 METHODOLOGY</b> .....	<b>28</b>

<b>3.1 Introduction</b> .....	<b>28</b>
<b>3.2 Research site</b> .....	<b>28</b>
<b>3.3 Research design</b> .....	<b>29</b>
3.4 Target population .....	29
3.5 Sample size and sampling techniques .....	30
3.6 Data collection methods .....	30
3.6.1 Survey .....	30
3.6.2 Key informant interviews.....	31
3.7 Data processing and analysis.....	31
3.8 Ethical considerations .....	31
<b>4.0 DATA ANALYSIS &amp; INTERPRETATION</b> .....	<b>33</b>
<b>4.1 Introduction</b> .....	<b>33</b>
<b>4.2 Demographic characteristics of the respondents</b> .....	<b>33</b>
<b>4.3 Socio-Economic Factors and Access to Justice</b> .....	<b>35</b>
<b>4.4 Legal Assistance and Access of Justice by Women</b> .....	<b>39</b>
<b>4.5 Education Levels and Access of Justice by Women</b> .....	<b>42</b>
<b>5.0 SUMMARY, CONCLUSIONS AND RECOMMENDATIONS</b> .....	<b>45</b>
<b>5.1 Introduction</b> .....	<b>45</b>
<b>5.2 Summary of findings</b> .....	<b>45</b>
<b>5.3 Conclusion</b> .....	<b>47</b>
<b>5.4 Recommendations</b> .....	<b>48</b>
<b>APPENDICES</b> .....	<b>54</b>
<b>Appendix I: Letter of introduction</b> .....	<b>54</b>
<b>Appendix II: Research questionnaires</b> .....	<b>55</b>
<b>Appendix III: Key Informant Interview Guide</b> .....	<b>58</b>

## LIST OF TABLES

<b>Table 1: Socio-Economic Factors and Access of Justice.....</b>	<b>37</b>
<b>Table 2: Legal Assistance and Access of Justice by Women.....</b>	<b>41</b>
<b>Table 3: Education Levels and Access of Justice by Women.....</b>	<b>44</b>

## LIST OF FIGURES

Figure 1: Conceptual Framework .....	27
Figure 2: A map of Mbooni Sub- County .....	28
Figure 3: Age of respondents .....	34
Figure 4: Respondents level of education .....	34



## **ABSTRACT**

This study explored the challenges facing women in accessing justice in Mbooni sub-county, Makueni County. Access to justice refers to the ability of people, in particular people from disadvantaged groups to seek legal remedy through formal and informal justice systems consistent with human rights principles. The study reviewed literature on the factors affecting women's access to justice including socio-economic; availability of legal assistance and education levels. This study was based on a descriptive study primarily using qualitative analysis. The target population for the study was 200 women in Mbooni Sub-county who had accessed or tried to access justice, and for the key informants the study targeted 12 respondents from the sub-county office specifically the ward administrators and officers who handle matters of justice at the sub-county level; 2 prosecutors; 2 programme managers from 2 NGOs, 2 Area Chief's and 4 lawyers. The research used simple random sampling to meet the required sample and purposive sampling for the Key informant interviews. The researcher used questionnaires with both structured and semi structured questions for data collection. The questionnaire was then administered with the help of five assistants who were trained on how to use it. The data collected was then analyzed quantitatively using the statistical package for the social sciences (SPSS) version 23.0.

The findings show that socio-economic factors like poverty deny women access to justice. The long processes it takes and resources required impede women from pursuing formal systems of justice. They are dependent on their husbands for provision, and resort to traditional systems of justice that encourage compensation from abusers. Lack of legal assistance to support women in pursuing justice also impedes their access to justice. Lack of information on where to get legal assistance, how to represent themselves in court; and lack of understanding of the available legal systems to enhance access to justice like applications to file cases as paupers also impede women's access to justice. Illiteracy also affects women's access to justice since they do not understand and thus insist on the enforcement of their rights. Low levels of education reduce access to economic resources. The study concludes that there is need to for awareness creation on the available mechanisms for legal assistance like organizations that provide pro bono services like FIDA, use of legal mechanisms to file cases as pauper. Women also need to be trained to understand, recognize and enforce their rights through the formal justice systems.

## **ACRONYMS AND ABBREVIATIONS**

<b>CEDAW</b>	Convention on the Elimination of All Forms of Discrimination against Women
<b>FAO</b>	Food and Agriculture Organization
<b>FIDA</b>	Federation of women lawyers
<b>GBV</b>	Gender Based Violence
<b>ICJ</b>	International Commission of Jurists
<b>ICCPR</b>	International Covenant on Civil and Political Rights
<b>NACOSTI</b>	National Commission for Science, Technology and Innovation
<b>NALEAP</b>	National legal aid and awareness programme
<b>NGO</b>	Non-Governmental Organization
<b>SDG</b>	Sustainable Development Goals
<b>SPSS</b>	Statistical Packages for the Social Sciences
<b>UDHR</b>	Universal Declaration of Human Rights
<b>UN</b>	United Nations
<b>UNDP</b>	United Nations Development Programme

## **1.0 BACKGROUND TO THE STUDY**

### **1.1 Introduction**

Ensuring access to justice is at once both a fundamental component of the rule of law and an indispensable element of human rights protection. Yet, in a wide range of contexts across the world, women's access to justice remains elusive. Considerable legal, structural and practical obstacles continue to impede women's ability to claim their rights as legal entitlements, seek and ensure the accountability of those who transgress them, and turn to the law for viable protection and meaningful redress (ICJ Kazakhstan, 2013).

Access to justice refers to the ability of people, in particular people from disadvantaged group to seek legal remedy through formal and informal justice systems consistent with human rights principles (Daphne, 2005). Although the informal and traditional mechanisms of justice are often accessible for the disadvantaged people, informal justice systems can be less effective and often violate international human rights standards, such as gender equality, non-discriminatory treatment and respect for the right to justice on the part of the defendant. Traditional and informal mechanisms of justices are more prevalent in developing countries. While many people rely on the informal justice mechanisms, the formal justice system in some developing countries is also struggling with critical impediments which affect users' perception of the justice system and, in turn, has an impact on people's reliance on the formal justice system (Connie, 2006).

In the Global North, this access is generally facilitated by a system of legal advice and aid subsidized by the government. However, in developing countries, these systems are rudimentary

at best and non-existent in most cases. This void limits the access people living in poverty have to courts and other mechanisms for litigation resolution. Without possibilities to access justice, people's ability to realize all their human rights is limited. This in turn, limits possibilities for development and the fight against poverty and insecurity (Sabir, 2008).

According to the United Nations' Development Programme (UNDP, 2004) problems such as long delays, failure to provide preventive, timely, nondiscriminatory, and just remedies has caused destabilization of the justice system in some developing countries. In addition, barriers like gender bias, failure to protect women, children, and disadvantaged people including those with disability and low levels of literacy, are prominent issues that need to be addressed. Other impediments include lack of de facto protection, especially for women, children, and men in prison or detention.

In Africa, The Partners for Gender Justice Conference looked into the role of the judiciary in promoting gender justice in the continent (Partners for Gender Justice, 2008). In her welcome address, the then Chief Justice of Ghana, Mrs. Georgina Wood, captured the realities many women face in p. 8:

In many countries, and more particularly in Africa, where the illiteracy rate is quite high, the justice system has never been kind to women; it fails them. The obstacles, both formal and informal, that women encounter in their attempt to access justice are quite numerous. Most national constitutions, laws and international conventions, instruments, protocols, etc. seek to promote equality between men and women but the reality is still a mirage. Although there are constitutional and other statutory provisions that on paper afford women a fair measure of protection, policies, procedures and practices often prevent women from the full and equal enjoyment of these rights and privileges and hinder them from accessing justice (Wood, 2008).

Access to justice in Africa is faced with similar challenges as highlighted by Wood(supra). Systemic challenges within the formal judicial system include language barrier and technical procedures used to conduct cases in court, use of legal terminologies which are too technical for women to comprehend, production of evidence and procedures that are too difficult for illiterate women to follow and use of language that most women are not conversant with. In some instances, women are subjected to gender biases by judicial staff who are predisposed to cultural tendencies that discriminate against women.

Deeply entrenched male bias, is apparent at all stages of legal process whether in interpreting the law, evaluation of evidence and in the exercise of judicial discretion. There is lack of capacity of both technical and non-technical judiciary staff to recognize and respond to gender-specific needs, and outright discrimination based on widely-held gender stereotypes which are as a result of social norms and attitudes that give a lower status to women and girls compared to men and boys. There are several reports of insensitivity towards female court users and advocates when making interpretation of law and fact, judicial officers need to continually remind themselves to avoid assumptions predisposed by gender stereotypes and biases (Judiciary, Uganda, 2016).

Hence, CEDAW was established to offer international standards for guaranteeing equality between women and men within the family as well as between the family and the state. The essence of this convention, as of the UDHR, is respect for human dignity and respect for the human capacity to make responsible choices. The 1993 World Conference on Human Rights in Vienna brought together women's non-governmental activists with UN and human rights leaders. Together they

agreed to further insist that state and local biases in the implementation of CEDAW, due to so-called religious and cultural interpretations or reservations, be eliminated (UN, 2010).

Committee on the Elimination of Discrimination Against Women states that ‘gender stereotyping, discriminatory laws, procedural and evidentiary requirements and practices, and a failure to ensure physical, economic, social and cultural accessibility of judicial mechanisms are amongst the most common obstacles for women to access justice’ (UN Women, 2016). Providing access to justice for women is an integral factor in the realization of all human rights for women and girls protected under the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).

Women’s equality and empowerment is one of the 17 Sustainable Development Goals, but also integral to all dimensions of inclusive and sustainable development. The targets for this SDG goal include ending all forms of discrimination against women and girls everywhere. Gender equality entails urgent action to abolish the many root causes of discrimination that still curtail women’s rights in both private and public spheres. SDG Goal 16 on Peace, Justice and strong institution; target 16.3 provides for promotion of the rule of law at the national and international levels and ensure equal access to justice for all. Even though the indicators do not necessarily target women, interventions in this thematic area will benefit women as users of justice systems. Joint concerted efforts to eliminate all forms of discrimination against women will yield effective results within the other focus areas.

In many rural areas, socio-cultural norms dictate de facto a subordinate position for women, both in public and private spheres. These norms apply to all dimensions of women's life, including their work life and employment and affect them to a great extent. Such socio - cultural norms make women fearful of reprisal or ostracism if they pursue land claims or seek for protection from violence. As a result, women tend to be denied access to justice more often than men, and are also more likely to be denied justice altogether (FAO, 2013).

The Kenya Constitution 2010 has explicitly ensured gender equality and equity. For instance, The Bill of Rights in Chapter 4 guarantees a wide range of rights and fundamental freedoms. The Constitution provides the greatest opportunity to the people of Kenya to advocate for their rights founded on the provisions of the Constitution and also welcomes a new era of institutional overhaul. The Constitution further recognizes a number of important general principles that are of importance to gender equality and that have a general bearing on gender-based violence in the country. Article 10 (2) (b) sets out the national values and principles of governance to include, human dignity, equity, social justice, inclusiveness, equality, human rights, non-discrimination and protection of the marginalized. Article 19 (2) states the purpose of recognizing and protecting human rights and fundamental freedoms as being to preserve the dignity of individuals and communities and to promote social justice and the realization of the potential of all human beings. This general proposition is important and relevant to women's struggle for gender equality and gender equity.

Further, the Constitution imposes a positive duty on the State and all State organs to observe, respect, protect, promote and fulfill the rights and fundamental freedoms in the Bill of Rights (Kenya Constitution, 2010). A constitutional endorsement of the right to access justice gives

women an opportunity to assert their rights through both formal and informal justice systems. This deals with cultural practices and norms which are discriminatory to women, and institutional barriers impeding access to justice for women and vulnerable groups.

The Judiciary Transformation framework (2017) highlights the key strides made by Judiciary in enhancing access to Justice in Kenya including among others, improvement of infrastructure including the setting up of mobile courts to reach remote and far flung locations, putting in place systems and processes including simplify judicial documents to ease understanding and use of court procedures for non-lawyers, and hire adequate translators to enable people understand court proceedings/processes, development and publishing of policies and manuals, development of litigants charters, hiring key employees and improving their terms and capacities. This was targeted at enhancing access to justice for the marginalized in the communities in cognizance of the fact that justice has been elusive to the vulnerable and marginalized including women.

Legal assistance for the vulnerable and marginalized in Kenya has been provided for through the setting up of the NALEAP. The main aim of establishing NALEAP was to create awareness on legal aid to the public, provide legal advice and representation mainly to the poor, marginalized and vulnerable in the Kenyan society.

However, even after new laws are passed, conventions are ratified and courts are rebuilt, the perceptions, attitudes and biases ingrained in society can still prevent women from accessing justice or keep them from fully participating in the justice system. These biases often find their way into the courtroom or may keep cases from getting there in the first place. It is against this



background that this study seeks to establish challenges facing women in accessing justice in Mbooni Sub County, Kenya.

## **1.2 Statement of the problem**

The progress of any nation exclusively depends on the societal status of women. Just about one half of the global population comprise of women. Women have always been sufferers of abuse by male dominated society. Men require being oriented about their sense of duty towards women and women wishes to be empowered. The position remains the same everywhere (United Nations, 2009). In a country like Kenya women often find it more difficult than men to access the justice system. This may be the result of discriminatory norms and practices within the justice sector and society as a whole; or it may reflect inadequate training or lack of awareness by actors within the justice sector. It may be a function of the generally low level of literacy among African women and their consequent challenges in accessing information and institutions that are mediated by unfamiliar, albeit official languages. It may also be because women are less aware of their rights under the law, or that the crimes and threats to which they are exposed are not prioritized by law enforcement actors (Burris et al., 2002).

Several studies have been carried out on the challenges faced by women in accessing justice. Majety and Bejugam (2016) did a study on the challenges and barriers faced by women in accessing justice against obstetric violence. From the analysis of the findings they found out that there was laxity in the implementation of women's reproductive rights. Sandra (2011) conducted a study on women and the law: the missing links. She found that there existed many challenges to

progressive law reform on issues affecting women including a lack of political will, resistance to legislating on matters characterized as ‘private’ or that are perceived to be in the exclusive domain of customary law. Wambua (2013) conducted a study on the challenges facing women legal practitioners in Kenya. From the analysis of the findings, the study established that women in the legal profession still remained underrepresented in position of greatest status, influence and economic reward in law firms. It was also found that women faced challenges of social and cultural challenges which included lacking of proper accommodation of familial roles, sexual harassment, limited career advancement, stereotypes and gender discrimination. In the legal practitioners, women faced economic and professional challenges, with fewer women reaching the level of partnerships, unequal pay, lack of mentors, and lack of policy to address sexual harassment and promotions in the law firms.

There is a scarcity of data measuring the specificity of women’s experience of law and justice as users. A lot of the emphasis has been on highlighting the unique challenges that women face in seeking access to justice which are general (Kane, 2016). There is need to focus on specific challenges women face in accessing justice and identify mechanisms of addressing them.

Although studies have been done on the challenges faced by women in accessing justice, for example (Wambua, 2013), (Sandra, 2011), (Majety and Bejugam, 2016), little had been done to address challenges faced by women in accessing justice in Mbooni Sub-County. Hence, much remains to be done. The rule of law still often rules out women. Inequality before the law impedes women’s access to justice; the criminal justice sector is marred with technical processes which

more often intimidate and lock out women. Obstacles that prevent women from accessing legal protection for their rights persist, resulting in discrimination and inequality that hamper their ability to live free of violence, and contribute to society as full and equal citizens.

In Kenya, the Judiciary transformation framework (supra), outlines a strategy of enhancing access to justice to Kenyans across the country. The framework was implemented till 2016 and the main issue is whether these strategies have actually enhanced access to justice for women. This is especially for people in remote areas who have no access to justice due to institutional set ups and challenges. Therefore, the fundamental question which needs to be answered is: what are the challenges faced by women in accessing justice in Mbooni Sub-County, Makueni County despite the investment made in enhancing access to justice?

### **1.3 Objectives of the study**

#### **1.3.1 General objective**

The general objective of this study was to establish challenges facing women in accessing justice in Mbooni Sub County in Kenya.

#### **1.3.2 Specific objectives**

The study was guided by the following specific objectives:

- i. To establish the extent to which socio-economic factors affect women in accessing justice in Mbooni Sub County in Kenya.
- ii. To determine the extent to which legal assistance affects women in accessing justice in Mbooni Sub County in Kenya.
- iii. To investigate the extent to which education levels affect women in accessing justice in Mbooni Sub County in Kenya.

#### **1.4 Research questions**

- i. To what extent does socio-economic factors affect women in accessing justice in Mbooni Sub County in Kenya?
- ii. To what extent does legal assistance affect women in accessing justice in Mbooni Sub County in Kenya?
- iii. To what extent does education levels affect women in accessing justice in Mbooni Sub County in Kenya?

### **1.5 Justification of the study**

This study established challenges facing women in accessing justice in Mbooni Sub County in Kenya. Access to justice is a basic principle of the rule of law. In the absence of access to justice, people have been unable to have their voices heard, exercise their rights, challenge discrimination or hold decision-makers accountable. The study findings have enhanced knowledge in the field of access by women to justice by analyzing the provisions of Article 48 of the Constitution and its effect to women in accessing justice. The study also identified specific challenges women in Mbooni sub-county have been facing in accessing justice, and provided specific interventions that need to be implemented to address the challenges and enhance the access to justice for the women. There have been judicial reforms undertaken to enhance access to the vulnerable, and this study sought to assess the impact of the strategy to the vulnerable and marginalized in rural areas especially women.

### **1.6 Assumptions of the study**

This study was based on the assumptions that:

- i. Socio-economic factors affect women in accessing justice in Mbooni Sub County in Kenya.
- ii. Legal assistance influenced women's access to justice in Mbooni Sub County in Kenya.
- iii. Education levels affected women in accessing justice in Mbooni Sub County in Kenya.

### **1.7 Definition of key terms**

**Access to justice:** This refers to the ability of women from disadvantaged groups to prevent and overcome violations of law by obtaining a remedy

**Challenge:** This is something new and difficult which requires great effort and determination.

**Gender equality:** This refers to equal treatment of women and men, girls and boys, so that they can enjoy benefits of development including equal access to and control of opportunities and resources.

**Gender equity:** This refers to the practice of fairness and justice in the distribution of benefits, access to and control of resources, responsibilities, power, opportunities and services.

**Justice:** This refers to the fairness in the way that women are treated.

**Pro-bono:** This refers to professional work undertaken voluntarily and without payment.

**Women's access to justice:** This means that the justice system, fairly and without discrimination, ensures women's equal rights and interests.

## **2.0 LITERATURE REVIEW**

### **2.1 Introduction**

This section began with a review of the literature relevant to the topic and ended with the theoretical position. In keeping with the objectives of the study, the literature reviewed covered the following topics:

### **2.2 Access to justice**

The idea of accessibility is broad and goes beyond physical accessibility of legal institutions to include affordability, culture appropriateness such as language, social suitability and relevance of applicable norms and processes, simplicity, convenience and friendliness of the practices and agents of the law; fairness of treatment throughout the process and of outcomes; and timeliness and efficiency of delivery (Shirley, 2012). Access to justice therefore includes law enforcement agents such as the police, administration agents in charge of law and order such as the county commissioners, criminal investigation and intelligence agents, lawyers, judicial officers, and prison agencies. It is also related to matters of language, dress, procedure, cost, physical accessibility, legal representation, sentencing, judicial legal development, impartiality, independence of judicial officers and general efficiency of the entire system (Connie, 2006).

Additionally, access to justice encompasses a system that is equally accessible to all, and leads to outcomes that are just to all at personal and communal level (Danish Institute for Human Rights, 2011). However, this study will operate with a definition of justice to mean and involve legal awareness on the part of the user, the availability of legal services needed to link needs, to

enforceable remedies, including legal aid and counsel, adjudication of disputes that is fair and effective. Access to justice includes the enrichment of rights in the law; awareness of and understanding of the law, access to information, equality in the protection of right; access to justice systems particularly the formal adjudicatory processes; availability of physical legal structure; affordability of legal services; provision of a conducive environment within the judicial system; expeditious disposal of cases and enforcement of judicial decisions without delay. The International human rights instruments and the national constitution's guarantee the right to access justice to all.

Access to justice requires equality in accessing legal services by all persons regardless of means, and access to effective dispute resolution mechanisms necessary to protect their rights and interests. It also requires national equity in that all persons enjoy, as nearly as possible, equal access to legal services and to legal service markets that operate consistently within the dictates of competition policy. In addition, it requires equality before the law, by ensuring that all persons, regardless of race, ethnic origin, gender and disability, are entitled to equal opportunities in all fields, use of community facilities and access to services (Schetzer *et al.*, 2015). Arguably, therefore, without access to justice, people's voices cannot be heard, they cannot assert their rights, question discrimination and hold decision makers accountable (Ibid).

Magdalena (2008) looks at the issue of access to justice from a human rights perspective and declares that it is crucial for the realization and enjoyment of much civil, cultural, economic, political and social right as well as tackling impunity. She states that the human rights approach to access to justice develops and enhances people's capacity to demand accountability and the state's



responsibility to provide effective remedy and in a holistic manner. This comprises strengthening systems within the formal judicial system, enhance capacity building and empowerment at the judicial and community level, and through tackling underlying structural and social obstacles, such as stigma, lack of education and marginalization. She states that under the human rights approach, states have the duty to safeguard de jure and de facto access to justice for all equally by constructing a legal and institutional framework that is all inclusive without discriminating against individuals or groups that enable access to autonomous judicial and adjudicatory mechanism for everyone, guarantees a fair outcome for those seeking redress, warrants effective enforcement and compliance with judicial ruling or adjudicatory decisions.

Michael (2003) examines some of the principal factors that deny poor people access to justice and suggests a number of legal reforms strategies. Although, the legal system is composed of numerous institutions, the paper in particular focuses on the judiciary which is one of the key institutions through which ordinary people can affirm legal control over political and administrative action and over the behavior of those with greater power in the market and in the community.

## **2.3 Socio-economic factors affect women in accessing justice**

### **2.3.1 Cultural norms and access to justice**

Traditional gender biases, cultural values and norms obstruct the capability of women to put forward legal claims. Strict practices of these traditional norms and values weaken women's confidence in claiming their rights. While women's access to justice is limited by traditional practices, the justice system also falls short of promoting a strong commitment to serve the rights, needs, and interests of women. Traditional gender biases and cultural values obstruct the capability

of women to take legal actions. They also have an effect on women self-confidence in claiming their rights and interests. The legal system under influence of traditional gender biases fails to respond equally to the interests and rights of women.

Language is a key determinant to enhance access to justice within the judicial system, but is often affected by different cultural interpretations. Even where a predominant language is spoken, cultural variances can hinder communication. In some cultural groups, different words may be used during certain occasions to mean different things, or speak to people in a different power relationship, or time and place may be defined in different ways. Furthermore, inter-cultural communication between native people or ethnic minorities and judicial officers may be hampered by differences in discernments of politeness; cultural restrictions which prevent the giving of certain evidence; or reliance on interrogatory approaches (Magdalena and Kate).

Stigma and fear of negative social consequences (such as community reprisal, ostracization, or even re-victimization), survivors of sexual violence refrain from reporting or giving evidence about their sexual violation or even seeking the necessary counseling and treatment. There is need to appreciate that in patriarchal societies where majority of women live, like rural areas where this patriarchal value system is most valued and practiced- culture and religion play an important role in defining what women do or say and when. Such rules include the culture of silence that discourage women from divulging sexual violence in the public sphere and seeking justice (Judiciary Uganda, 2016).

The Constitution in Kenya provides for alternative dispute resolution mechanisms including the recognition of traditional mechanisms for dispute resolution within the communities. The fundamental questions to be asked is whether the traditional dispute resolution mechanisms are marred with cultural practices which are discriminatory against women, and how they provide a balance between community interests and providing remedy for women. Secondly, what are the frameworks set up to ensure that the proceedings, documentation and legal considerations made by the traditional mechanisms are aligned to the principles of fairness, constitutionalism and justice, and how cultural norms and practices which are discriminatory against women do not influence decisions made. There is need to examine the composition of the traditional mechanisms to safeguard gender interests in a patriarchal society.

### **2.3.2 Poverty levels and access to justice by women**

From a human rights perspective, poverty is “a human condition characterized by the sustained or chronic deprivation of the resources, capabilities, choices, security and power necessary for the enjoyment of an adequate standard of living and other civil, cultural, economic, political and social rights (Soros and Abed, 2012). Therefore, fighting poverty requires improving income levels and access to housing, food, education, health services and water and sanitation, as well as ensuring that persons living in poverty have the resources, capabilities, choices, security and power necessary to enjoy the whole spectrum of human rights. Access to justice plays a crucial role in all parts of this equation. The exclusion of people living in poverty from the protection provided by the law denies them the opportunity to improve their enjoyment of rights.

With limited access to justice, persons living in poverty are unable to claim their rights, or challenge crimes, abuses or violations committed against them, trapping them in a vicious cycle of impunity, deprivation and exclusion. The inability of the poor to pursue justice remedies through existing systems increases their vulnerability to poverty and violations of their rights, while their increased vulnerability and exclusion further hampers their ability to use justice systems. Ultimately, “poverty will only be defeated when the law works for everyone (CLEP/UNDP, 2008).

Improving access to justice is a fundamental tool for poverty eradication (Hii, 2012) and enjoyment of all human rights in a number of ways. Access to justice plays an important role both in protecting and fulfilling people’s rights. It can serve to protect the personal security of people living in poverty, as well as other rights and entitlements (for example, it can protect them from sexual or economic exploitation, to which they are often vulnerable due to their marginalization and lack of power). Effective access to justice can also protect the livelihoods, income and assets of people living in poverty by preventing or remedying their exploitation by powerful public or private actors, for instance, enforcing their labour rights against unscrupulous employers or their land rights against aggressive developers.

Accessible justice systems can be tools to overcome deprivation, for example, by enforcing access to basic public services for all and developing jurisprudence on social and economic rights. Violence and conflict can be reduced through the provision of fair, effective channels for peaceful dispute resolution (UNDP, 2005). Finally, better access to justice enhances accountability,

ensuring that public and private institutions, including public service providers, are accountable to the population they serve.

Overall, ensuring access to justice by the poorest segments of society is an issue of equity. Access to justice by the poorest is a crucial step in enabling them to enjoy their rights and to participate in society on an equal basis with the rest of the population. The multitude of obstacles that people living in poverty face in accessing justice create a system in which those who are better off in society have access to justice while the poorest segments are left without recourse. This undermines the very idea of equality before the law and impartial justice. Moreover, it exacerbates and perpetuates social, economic and political inequality and therefore stunts the economic development of many countries (Milanovic, 2011).

#### **2.4 Legal assistance and access to justice by women**

Legal representation is traditionally at the heart of access to justice. Without it there are high risks that there will not be equality of arms between parties, trials will not be fair or legal rights will not be adequately protected or enforced. Article 14 of the International Covenant on Civil and Political Rights (ICCPR) obliges states to provide free legal assistance in criminal proceedings for individuals who do not have sufficient means to pay for it. States are also encouraged to provide free legal aid in relation to civil matters for individuals in economic need (Human Rights Committee, 2007). This is important in many civil disputes, such as those on properties, contracts and debt, labour exploitation and workplace discrimination, and in the judicial review of governmental administrative decisions on immigration and asylum. These disputes have profound

effects on the economic well-being of individuals. In many countries legal aid is inevitably limited owing to resources constraints. When economic conditions deteriorate governments may reduce the resources committed to legal assistance.

Magdalena & Kate (supra), state that lack of free quality legal aid in both criminal and civil matters extremely handicaps women, who more often have less financial independence. Women victims of criminal offences and other forms of gender-based violence may be prevented from a fair trial, especially in cases where the accused has access to resources and can afford a legal attorney. Moreover, lack of legal assistance in civil matters such as inheritance or succession, divorce, and child custody is a major obstacle for women who lack resources. The conceptualization and operation of some legal aid programmes is very problematic as they hinder certain vulnerable and marginalized groups from accessing legal aid services on an equal basis with the rest of the population. Inadequate funding for community-based paralegal programmes restricts a more affordable source of legal assistance. Although the regulation of the legal profession is crucial, excessive limitations of the operations of paralegals, and lack of official recognition and certification by the state of their role, affects the motivation and support they provide to poor people.

Legal empowerment programs aimed at addressing women's access to justice need to be context-specific. Women's experiences in the formal justice system are diverse. There are no ready-made methods on how to empower women to proclaim their human rights and act as agents of social change. Instead, a number of questions should be asked: what is the best entry point for women to be enabled to use legal system to advance their rights? What is the setting where

women's core concerns are dealt with? Is the arrangement open to reform, would legal empowerment have limited results in that context due to deeply rooted gender stereotypes, vested interests in status quo and power inequities? Each intervention should carefully examine what and where prospects are in a given context, whether in formal or informal justice system and if it procedural or substantive aspects. Eventually, projects designed realistically and with insight of local context have a high success rates (IDLO, 2013).

## **2.5 Literacy and education and access to justice by women**

Literacy and education empower individuals, increase their capacity to understand and insist on the enforcement of their rights. Low levels of literacy and education reduce access to economic resources and the capacity to understand and enforce rights, resulting in lower levels of access to justice (Anderson, 2003).

A survey by Roli, (2007) stresses the importance of literacy and education for individuals' access to justice. A majority of respondents said low levels of education and illiteracy have a very high impact on awareness of legal rights and a more moderate but still high effect on access to legal advice and representation. Consistent with the literature, respondents indicated that the most affected groups are minorities, indigenous peoples and people living in rural areas. Of particular note, migrants, minorities and indigenous peoples face a significant access to justice barrier where in multilingual and multi-ethnic societies they have insufficient knowledge of the language in which legal information is available. For instance, a 2007 report on the rule of law in Timor-Leste points out that the language which was used in court proceedings was Portuguese, which is spoken by less than seven per cent of the population.

Education empowers individuals, and increases their capacity to comprehend and demand for the enforcement of their rights. Low levels of education reduce access to economic resources and results in lower levels of access to justice (Beqiraj and McNamara, 2014). Legal empowerment strategies, through legal literacy programs, legal aid or alternative dispute resolution mechanisms, can help create a ‘culture of justice’ among women and ensure that principles of equality and non-discrimination are not only enshrined in law, but also translated into practice. Evidence suggests that legal empowerment approaches to enhance women’s access to justice may work well in a variety of legal settings, including informal ones (IDLO, 2013)

The flexibility and vitality of informal justice systems can open up opportunities for transformative and progressive reforms around women’s rights. When women are provided with an opportunity to discuss and (re)interpret cultural or legal rules, the system can be open to positive change, especially when it is both women and men advocating for a reinterpretation of such rules. Legal empowerment approaches can also work in informal justice settings since the customary authority of male leaders is connected to their ability to reflect the values and interests of the community. Hence, while customary male leaders often benefit from the status quo and resist positive change for women, they may have motivation to respond to community expectations. When women are knowledgeable of their rights and encouraged to discuss or challenge informal laws and practices, they can place pressure on customary justice systems to better defend basic rights.

Uneducated and educated women fear the technicalities and the legal procedures in court. They fear pursuing their rights through the police and law courts in the formal justice system. Laws are written in English and since majority of women cannot read or write, they are then constrained in



using the justice system. The court process can be intimidating to any person and more so illiterate women who have no exposure (Judiciary, Uganda supra).

## **2.6 Theoretical framework**

This research was based on Nozick's entitlement theory and Rawl's theory of justice. The two theories define justice in the society. The theoretical base of this research is based on the fundamental principle that everyone has a right to access justice including women and marginalized people. Nozick urges a controversial aspect of justice calling for respecting people's rights, while Rawl urges the provision of justice from fairness based on certain collective acceptable societal principles.

### **2.6.1 Nozick's entitlement theory**

Nozick urges about respecting people's natural rights, rights to own property and rights to self-ownership (Nozick 1974). He describes three principles of distributive justice being justice in acquisition; justice in transfer and rectification of Justice. He gives an account of how people come to own unowned and natural world property including what things can be owned. Thus, entitlement theory would imply "a distribution is just if everyone is entitled to the holdings they possess under the distribution" (Nozick 1974:151). Nozick describes people as an end in themselves and equals, and emphasis is on voluntary action.

In Nozick's perspective, justice means allowing people to self-ownership, and a recourse is provided for ensuring that the original ownership is restored. The theory is historical as it examines whether the ownership was justly acquired and transferred in the first place.

This theory of entitlement assists in defining justice as a way of removing oppression from the society and letting women have the free will of making own decisions while being protected by the law. Nozick defines justice as freedom that should not be limited regardless of one's social standing, but should be accessible to everybody.

In our context, the theory confers decision making power upon all people including women to decide on where and how to access justice which is satisfactory to themselves. They become determinants on whether to pursue justice and in what form without hindrance from other factors like socio-economic factors, poverty, and illiteracy. This theory however makes assumptions that there is equality in society, and does not take cognizance of key factors that have to come into play for women to access justice and that are beyond their control.

### **2.6.2 John Rawls and social contract theory**

Justice according to Rawls, is the structural rules of society, within which people who have different sets of values in life can coexist, cooperate and to some extent compete. Rawls describes his theory as justice as fairness, and recommends equal basic rights, equality of opportunity, and promoting the interests of the disadvantaged members of society. He concurs with Nozick that justice is distinct from morality and he rejects the utilitarian form of justice. He suggests a new way to first learn about principles of justice –what he describes as the original position (Brian, 2009). In the original position, he asks us to ‘imagine a group of people will get to decide the principles of justice yet they do not know who they are, what he calls “a veil of ignorance”, they are self-centred and they know everything science can offer. He argues in a veil of ignorance they

would be as biased towards their profession, race, gender, age or social status because they would not know which category they belong to (Ibid)'.

As far as self-interest is concerned, Rawls argues that they will want principles of justice that will "fairly distribute" certain goods that everyone will value which he calls "primary social good". He argues that the people in the original position will discuss which principles of justice are best before voting and the best principle worth having will reach a; "reflective equilibrium" the most intuitive principle will be preferred and a discordant less intuitive principle of justice in particular will reach reflective equilibrium. Each person, poor and rich, is to have an equal right to the most widespread total system of equal basic rights attuned with a similar system of liberty for all.

Rawls argues that social and economic inequalities are to satisfy two conditions. First, they are to be attached to positions and offices opened to all under condition of fair equality of opportunity and, second, they are to be the greatest expected benefit of the least advantage member of society. This theory goes beyond Nozick's entitlement theory and appreciates that for justice to apply equally, the society has to agree on basic principles that are equally applied to each individual. Even though the theory is based on self-centeredness; it achieves some agreed norm through a process which is all inclusive, and confers equal protection for all.

In our study context, this theory addressed the weaknesses identified in Nozick's theory, and encourages social cooperation.

## **2.7 Relevance of the theory to the study**

The main aim of this study was to establish challenges facing women in accessing justice. The employed two theories are Nozick entitlement and John Rawls and Social Contract Theories of access to justice. The main arguments of Nozick are that people should have the freedom to decide what they want to do as each individual has his own autonomy. Thus, people are described as being ends in themselves and who should not be used in ways they do not agree. This study looks at the challenges facing women in accessing justice, and presumes that women have acquired this right by virtue of being human beings; and according to Nozick's theory, this right is absolute.

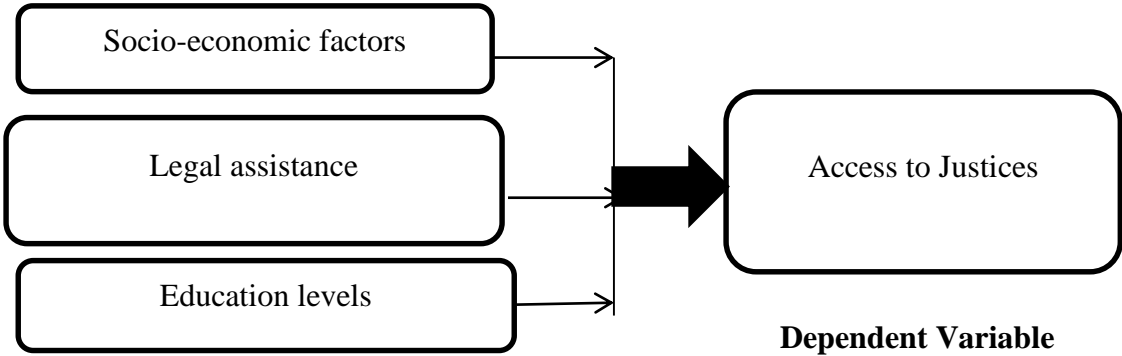
According to Nozick argument justice means allowing people to self-ownership and not interfering with this right even if it is for their own good. This proposes that women should be free from all kinds of discrimination and violations in matters of access to justice. This theory helps to explain justice as a way of removing oppression from the society and letting women have the free will of making their own decisions and being protected by the law. Access to justice should be an absolute right to all women regardless of other factors within the society which may impede this from happening.

On the other hand, Rawls refers to justice as the structural rules of society within which people who have different sets of values in life coexist, cooperate and to some extent compete. He brings out a very important point on justice as fairness. Rawls argues that the people in the original position must discuss which principles of justice are best before voting and the best principle worth having will reach a "reflective equilibrium". He stresses that each person, poor or rich, is to have an equal right to the most extensive total system of equal basic liberties regardless of gender. He

considers women equal partners in discussing the principles of justice, and should have equal access to justice as men.

This theory goes beyond access to justice to bring the element of fairness in the process. It stresses that women should equally benefit from the agreed upon principles and be treated as equals. This theory enhances social cooperation at the expense of personal interests which greatly benefits women as equal players. Access to justice is not absolute for most women. There are certain socio-economic factors that hinder women from accessing justice. This theory emphasizes equality for all including women, and observance of the agreed upon principles for the benefit of all; and the barriers impeding access to justice should be relooked.

**2.8 Conceptual framework**



**Independent Variables**

Figure 1: Conceptual Framework

### 3.0 METHODOLOGY

#### 3.1 Introduction

This section provides the methodology employed for the study. It describes the research site, research design, target population; sampling methods, research instruments, reliability and validity of research instruments, data collection procedures and data analysis and lastly the ethical considerations of the study.

#### 3.2 Research site

The study was conducted in Mbooni Sub-County, Makueni County of Eastern Kenya. As Singleton (1993) notes, the ideal setting for a study should be easily accessible to the researcher and should be that which permits instant rapport with the informants. The choice of Mbooni Sub- County was as a result of its accessibility, convenience and suitability of the study given that no similar study had been conducted in the area.

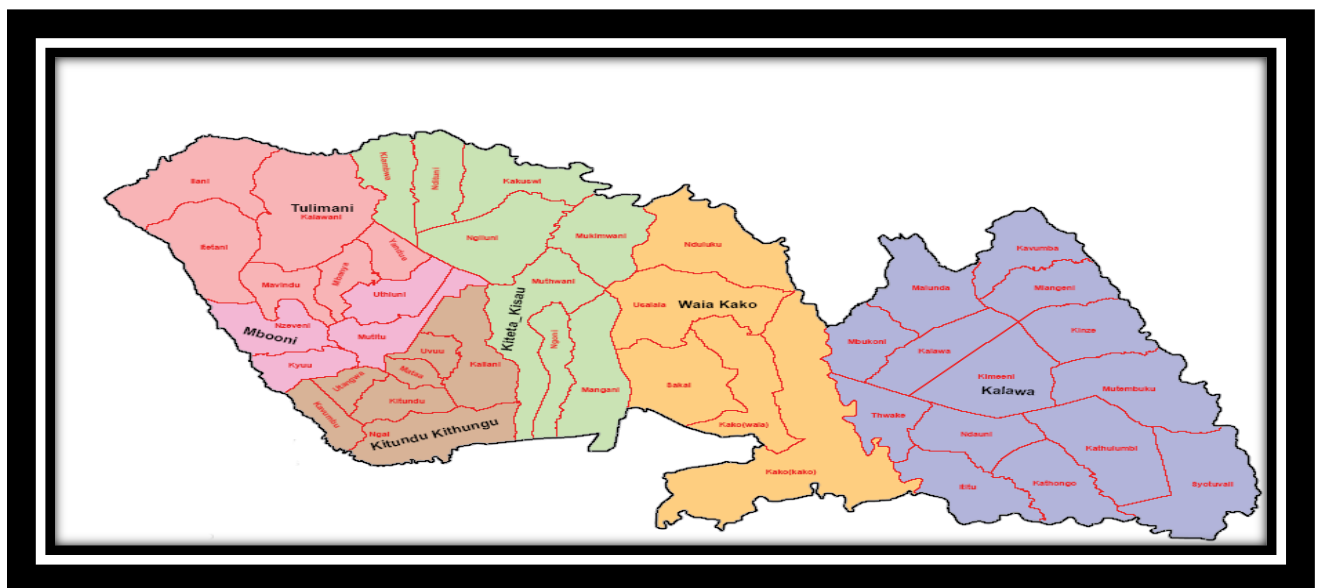


Figure 2: A map of Mbooni Sub- County

### **3.3 Research design**

The study design employed was descriptive in nature. Borg and Gall (1989) state that a descriptive study assesses and reports the way things are and commonly involves assessing attitudes and thoughts towards people, organizations and processes. A descriptive survey design was relevant to this study because it was meant to obtain accurate information regarding the challenges facing women in accessing justice in Mbooni sub-county, in Kenya. It collected data from respondents about their opinions and experiences on challenges facing women in accessing justice in the study area in Kenya. According to Mugenda (2008), descriptive studies are conducted in communities to establish the level of a variety of social issues such as health and education. The study was also limited in geographic scope and hence was logistically easier and simpler to conduct. In this regard this design was preferred for the study.

### **3.4 Target population**

According to Mugenda and Mugenda (2003) target population refers to people, events or objects to which the researcher wishes to generalize the results of the research. For the purpose of this study, the research targeted women from Mbooni Sub-County who accessed or tried to access justice, respondents from Sub County's office including ward administrators and officers who handled legal issues and complaints from women, prosecutors, Programme Managers from NGOs providing legal aid support, local area Chiefs and Lawyers practicing law within the Sub-county.

### **3.5 Sample size and sampling techniques**

Simple random sampling was used to acquire the sample size. According to Mugenda and Mugenda (2009), a sampling fraction of between 10-30% of the total population in a descriptive research design is considered representative. The researcher applied random sampling for the population of 200 women. The study used 30% to arrive at a sample size of 60 women respondents. In addition, purposive sampling was applied for the 12 respondents from Sub County's office, 2 prosecutors, 2 programme officers of NGOs, 2 local area Chiefs and 4 Lawyers. The purposive sampling targeted key stakeholders within the criminal justice sector who provided in depth information on the challenges women face in accessing justice in Mbooni sub-county, and gave feedback on mechanisms to be applied to address those challenges. Purposeful sampling is a non-random method of sampling where the researcher selects "information-rich" cases for study in depth (Patton, 2002).

### **3.6 Data collection methods**

#### **3.6.1 Survey**

A structured questionnaire (appendix ii) was used to collect quantitative data from the 60 women sampled. The questionnaire was divided into the main areas of investigation except the first part which captured the demographic characteristics of the respondents. Other sections were organized according to the major research objectives.



### **3.6.2 Key informant interviews**

Key informant interviews are qualitative in-depth interviews with people who are knowledgeable about what is going on in the community (Leedy and Orsmond, 2005). The researcher conducted face to face interviews with 12 respondents from Sub County's office who included ward administrators and officers within the office who handled complaints from citizens especially women, 2 prosecutors, 2 programme officers of NGOs, 2 local area Chiefs and 4 lawyers. With their particular knowledge and understanding, they provided useful insights on the nature of problems that women in Mbooni sub-county face, and also gave recommendations for addressing the challenges.

### **3.7 Data processing and analysis**

Both quantitative and qualitative approaches were used for data analysis. Quantitative data was coded from the questionnaire and entered into the computer for computation of descriptive statistics. The Statistical Package for the Social Sciences (SPSS version 23.0) was used to run descriptive statistics such as frequencies and percentages. The qualitative data that was generated from open-ended questions was categorized in themes and content in accordance with research objectives and reported in narrative form along with quantitative presentation. Data from the key informant was analyzed by the use of content analysis. This involved determining the presence of certain words, themes and concepts for qualitative information.

### **3.8 Ethical considerations**

The researcher obtained a research permit from National Commission for Science, Technology and Innovation. The researcher explained the purpose of the study emphasizing that the

respondents had the right to give consent or refuse to participate in the study, and that their participation was voluntary. The researcher also made it clear to the respondents that the information they provided was private and confidential, and that anonymity was maintained throughout the study. The respondents were also informed that the study was not going to be used to cause harm to them. Therefore, the researcher maintained utmost respect for the respondents' cultural beliefs and practices.

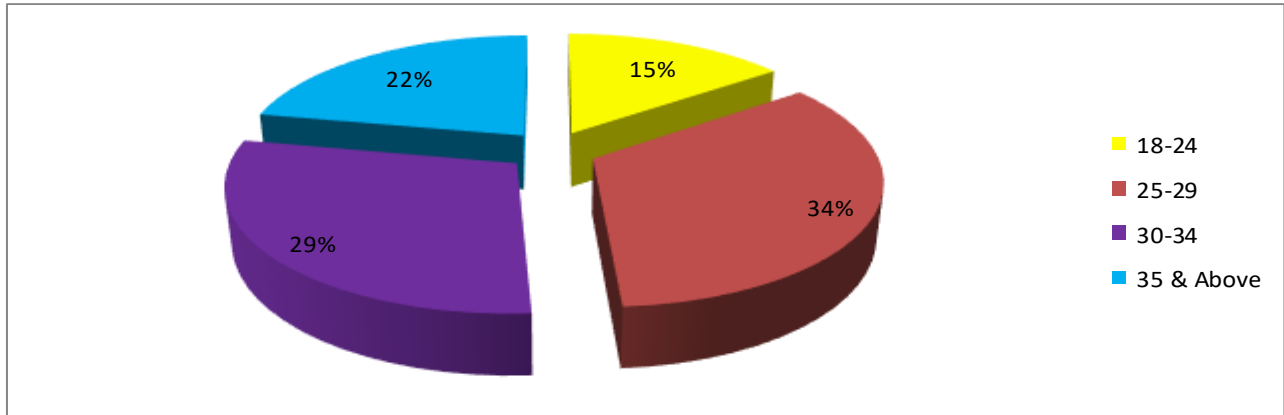
## **4.0 DATA ANALYSIS & INTERPRETATION**

### **4.1 Introduction**

This chapter provides an analysis of data collected from the field. The results have been presented in tables, charts, figures and content delivery to highlight the major findings. Means scores and standard deviations analyses have been used to analyze the data collected. The raw data was coded, evaluated and tabulated to depict the challenges facing women in Mbooni sub-county in accessing justice. The sample size was 60 women and questionnaires were administered to all 60 women sampled of whom 51 successfully filled and returned the instrument giving a response rate of 85%. Interviews were conducted with 12 respondents from Sub County's office, 2 area chiefs, 2 programme officers of NGOs and 4 Lawyers.

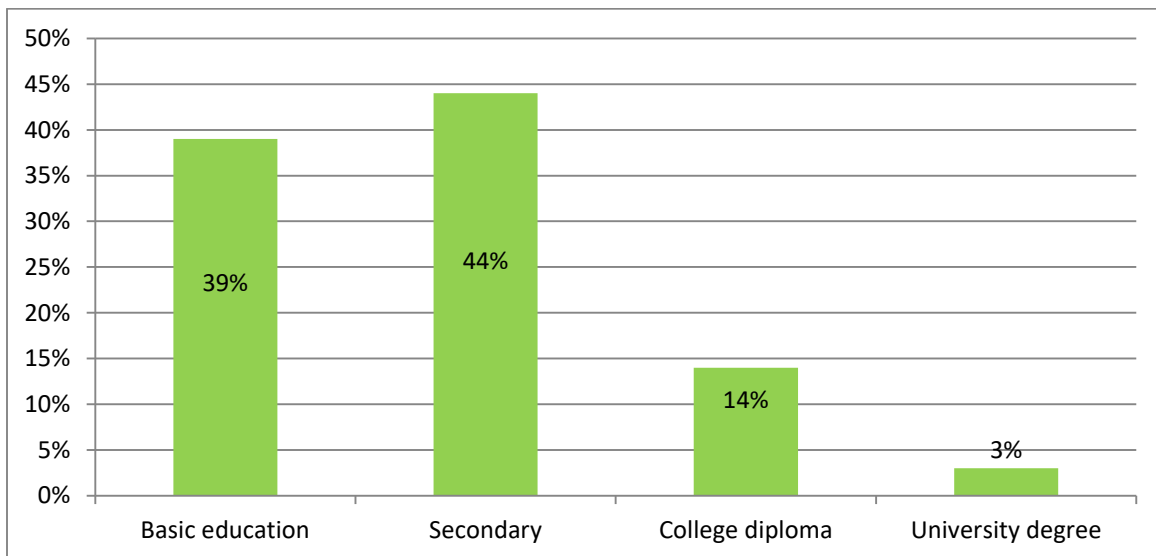
### **4.2 Demographic characteristics of the respondents**

The study sought to determine information on the respondents employed in the study with regards to education level and the age of the respondents where it was established that 34% were between 25 and 29 years old, followed by 29% who were aged between 30 and 34 years old. Further analysis indicated that 22% were 36 years and above while only 15% were between the age of 18 and 24 years. The majority of respondents interviewed are youth, and the information they gave was an indication of issues affecting the youth mostly. Figure 3 shows the summary of the findings.



**Figure 3: Age of respondents**

The study sought to also find out the level of education of the respondents where it was established that majority (44%) had attained secondary level of education followed by (39%) who had basic education. It was also revealed that 14% of the respondents had college/ diploma while only 3% had university degree as shown by figure 4. This was crucial in assessing the experiences for both women with basic education and those who are literate on the challenges they each face in accessing justice for comparative analysis.



**Figure 4: Respondents level of education**

### **4.3 Socio-Economic Factors and Access to Justice**

The first objective of the study sought to establish the extent to which socio-economic factors affect women in accessing justice in Mbooni Sub County in Kenya. The respondents were therefore presented with statements to rate on a 5 point likert scale stating their level of agreement or disagreement. The findings revealed that cultural norms weaken women's confidence in claiming their rights as shown by a mean of 3.88 and a standard deviation of 0.7. The findings also revealed that women are not expected to pursue justice and especially in cases where their spouses are involved. This is due to the fact that women are not decision makers in the home, and often are subdued by their spouses. It was also revealed that traditional mechanisms for resolving disputes through the Clans have been biased against women, and deny women from accessing fair justice. The constitution of the clans is mostly comprised of men who are not gender sensitive. And even in cases where women have been allowed to sit, they have no say in the verdict made. It was also revealed that in most cases the clans protect the men from 'shame' to preserve their family names and dignity.

Further findings showed that traditional gender biases impede the ability of women to take legal actions ( $M=3.85$ ,  $SD=0.9$ ). The study revealed that traditional gender biases discourage women from pursuing justice under the guise of not 'washing their dirty linen in public' and discourages use of formal systems to pursue justice. In gender based violence cases, women are then denied an opportunity to pursue justice so as to protect the husband's reputation. It was revealed that in most cases, GBV cases are resolved at the family level, or through the administrative office like the local area chief. Often, the outcome of the cases is reconciliation where the victims are asked to forgive the perpetrators for the sake of the family and harmony. GBV cases were also mentioned

as being sensitive and results to stigma for the survivor. The formal justice system does not protect survivors of GBV when giving evidence in court, and this discourages many women from pursuing justice for themselves. Often, because of the stigma, most women suffer in silence.

On the level of satisfaction, the respondents indicated that they are not satisfied because the technical and support staff in the formal justice system have gender predispositions and stereotypes that regularly differentiate and relegate women. The study revealed that the formal structure within the formal justice system including dress code, language used, legal terminologies often intimidate most women who are not familiar with these processes. This then pushes them away from pursuing justice within the formal justice systems, and the informal justice is usually preferred in spite of the fact that it is discriminatory to the women.

The respondents also agreed that the legal system under influence of traditional gender biases fails to respond equally to the interests and rights of women ( $M=3.63$ ,  $SD=0.8$ ). The study established that without equal access to justice, poor women are unable to claim or assert their rights ( $M=4.01$ ,  $SD=0.7$ ) and that poor women are unable to demand for their rights or challenge crimes committed against them ( $M=3.74$ ,  $SD=1.0$ ). The study revealed that the cost implications of pursuing justice inhibit poor women from accessing justice. Court fees for filing cases in court inhibits women who are less advantaged economically from pursuing justice. The cost of hiring a lawyer for representation is equally high for many women to afford.

Corruption was also cited as a factor that impedes access to justice for women where money is used to influence the outcome of a case at the expense of due process and justice. Money is paid to either judicial officers to delay the cases in court which in the long run becomes very expensive for poor women. This was also cited for traditional/informal justice systems at the community level for cases handled by area chiefs and community clans. Undue influence is used to determine disputes and women tend to lose. This is especially so for land disputes.

Further findings indicated that poverty generates vicious cycle of impunity, deprivation and exclusion against women (M=3.70, SD=0.9) and increases vulnerability of women and hampers their ability to use justice systems (M=3.91, SD=0.6). The study revealed that poor women are often excluded and exploited, and lack confidence to pursue their rights with relevant authorities. They fear interaction with the police, courts, and other legal processes which are perceived to be too technical and intimidating. They often depend on informal justice systems and are always willing to take whatever compensation is given regardless of fairness.

Table 1 shows the summary of the findings.

**Table 1: Socio-Economic Factors and Access of Justice**

<b>Statement</b>	<b>Mean</b>	<b>Std Dev</b>
Cultural norms weaken women’s confidence in claiming their rights	3.88	0.7
Traditional gender biases obstruct the capability of women to take legal actions	3.85	0.9
The legal system under influence of traditional gender biases fails to respond equally to the interests and rights of women	3.63	0.8
Without equal access to justice, women living in poverty are unable to claim their rights	4.01	0.7

Poor women are unable to claim rights or challenge crimes committed against them	3.74	1.0
Poverty generates vicious cycle of impunity, deprivation and exclusion against women	3.70	0.9
Poverty increases vulnerability of women and hampers their ability to use justice systems.	3.91	0.6

Most women depend on their husbands for sustenance, and therefore, become vulnerable to male aggression. Poverty situation in Mbooni Sub County hinders women’s access to justice because of the long process of the law and at certain points, the amount of money needed to open a case file is far above them and they cannot afford to get legal representation from lawyers due to the costs involved. This is why some of the women may resolve to receive meager compensation from abusers rather than go through a process they deem long and expensive. With customs as a reference point, a lot of women do not bother to pursue the legal justice system for any redress, instead, families and community councils are gradually taking shape as points of access to justice, hence it is true to say that traditional gender biases hinder women’s capacity to take legal actions.

Most of the women do not want to go against the values and modalities of their community that predominantly surrounds them and they resolve to tolerate and refer any crime committed to them to the family members and close kinsmen. The problem is that these settlements are based on mutual agreements and not some fundamental legal provisions to give a closure to the offence committed against the women offended. Poverty levels make women to be vulnerable and victims of marginalization, discrimination, exclusion and exploitation.



#### **4.4 Legal Assistance and Access of Justice by Women**

The study also sought to determine the extent to which legal assistance affect women in accessing justice in Mbooni Sub County in Kenya. The findings indicated that legal support and women programmes that empower women have the potential to promote accountability, reduce stigma and discrimination which contribute to the altering of unjust structures and systems (M=3.61, SD=1.04). The study revealed that legal assistance does not encompass all the processes within the justice system thereby leaving women vulnerable in some cases like self-representation in court and drafting legal documents for court. It also does not involve all the actors in the formal justice system including probation, social workers and labour officers who are key actors in enhancing access to justice for women. It was revealed that there has been some effort by some gender NGOs to create awareness on rights and how to recognize them, on the available formal justice systems, how to pursue justice and self-representation. Some of the organisations mentioned include FIDA, but the study noted that the intervention is not comprehensive as it limits the nature of cases they handle. It was revealed that FIDA only deals with certain cases like Inheritance, GBV and does not come through for women facing issues like criminal cases, and other civil matters like tort.

Programs which encourage women to object to discriminatory practices have to address the wider economic, social and security context. Studies show that legal empowerment projects that target women work well if combined with activities that address rule of law culture, women's economic autonomy and biased attitudes within the community. While legal empowerment is not the remedy to wider problems of inequality, discrimination and poverty by women, it can make a progressive contribution, which if properly integrated with other initiatives, will place women on a better course towards efficiently addressing biased practices (IDLO, 2013).

The respondents also agreed that legal support acts as mechanism for improving access to justice on women (M=3.92, SD=0.88) and that Integrating legal support into services is an important strategy for enabling women who are socially marginalized to access justice and address human rights violations that undermine them (M=3.72, SD=0.94). The study revealed that there is need to utilize the merit test to assess the substantive justice issues raised by the cases handled to strengthen legal empowerment for women. The study also revealed that the criteria for legal aid is limited and focused on indigence without considering vulnerability and marginalization which leaves out most women. It was further revealed that legal aid has facilitated women with general training on the general court process, how to give evidence in court and how to cross examine witness as well as how to provide documentary evidence among other processes.

The respondents also strongly agreed that legal support facilitates women's realization of their right to an adequate standard of living and to protection from violence and discrimination (M=4.09, SD=0.81). The study revealed that legal aid has facilitated women with general training on the general court process, how and what to factor while giving evidence in court, how to cross examine witnesses and also provide documentary evidence among other processes. This has been positive especially for simple cases involving child custody, divorce and succession. The study also revealed that women who are well exposed and educated have found the legal support very helpful in enabling them pursue justice.

However, those who had contrary opinion revealed that there is inefficient management of available resources to resolve the issue of disproportionate access to formal justice systems; as

well as a disconnect between the legal support providers and actors within the informal justice systems to adhere to principles of natural justice.

The study also revealed that legal assistance has been limited in remote areas where the women are most vulnerable. The available framework for legal in Kenya NALEAP has been piloting in specific stations without adequate funding to meet the needs of the many indigent Kenyans with legal issues. This has rendered it unsuccessful in enhancing access to justice for women in Mbooni sub-county.

The respondents suggested that to strengthen the legal empowerment of women, state legal aid should be made available for women in both criminal and civil proceedings and in family law matters in general. There should be operating guidelines to enhance effectiveness of NALEAP, and a detailed study mapping out changes in legal aid services over 20 years including funding; changes in guidelines for eligibility; enhancement of services provided; and improve physical access of law enforcement agencies of legal aid services throughout the country.

**Table 2: Legal Assistance and Access of Justice by Women**

<b>Statement</b>	<b>Mean</b>	<b>Std Dev</b>
Legal support that empowers women programmes have the potential to promote accountability, reduce stigma and discrimination which contribute to the altering of unjust structures and systems	3.61	1.04
Legal support acts as mechanism for improving access to justice on women	3.92	0.88
Integrating legal support into services is an important strategy for enabling women who are socially marginalized to access justice and address human rights violations that undermine them	3.72	0.94
Legal support facilitates women’s realization of their right to an adequate standard of living and to protection from violence and discrimination.	4.09	0.81

These findings concur with a study by Obonyo (2017) who observed that equal access to fair justice remains a challenge for most people in Kenya. Aside from the limited provision of state-funded legal aid, a large number of Kenyans have few options to access the formal judicial system with proper legal representation. The majority of pro bono legal services are provided by non-governmental organizations, which are located mainly in large cities, and they lack the resources and capacity to represent the large number of Kenyans in need of legal advice. Without legal representation, most Kenyans are unable to manoeuvre the legal system because of the highly technical legal procedures, lack of education regarding legal rights and the court system, financial barriers or other time and resource constraints. Kenya faces major challenges to implement a legal system that serves its population adequately, but it is making progress in the right direction.

Unresponsive justice institutions continue to deter women from seeking justice. Under-reporting and case attrition is acutely problematic in gender-based violence (GBV) instances. In many cases, conservative justice reforms have effectively sidelined the justice needs of women.

#### **4.5 Education Levels and Access of Justice by Women**

The third objective of the study sought to investigate the extent to which education levels affect women in accessing justice in Mbooni Sub County in Kenya. The respondents were therefore presented with statements to rate on a 5 point likert scale indicating their level of agreement or disagreement. The respondents strongly agreed that low levels of education have a very high impact on women's awareness of their legal rights as shown by a mean of 3.99 and a standard deviation of 0.90. The study revealed that illiterate women are not aware of their rights and therefore cannot reassert them, and lacked information on legal procedures. They are not exposed

to available information through the internet and social media that enhances knowledge on the available mechanisms to pursue justice.

The respondents also strongly agreed that Education empowers women to understand and insist on the enforcement of their rights ( $M=4.02$ ,  $SD=0.73$ ) and that low levels of education reduce access to economic resources ( $M=4.00$ ,  $SD=0.71$ ). It was established that illiterate women are not able to recognize a problem as a legal problem, and that they are not able to engage a competent lawyer for good representation. Illiterate women are also relegated to the domestic sphere with minimal contacts in the public sphere which affects their access to economic generating activities. Lack of interaction also impedes their access to relevant information through social gatherings on how to pursue justice. They also lack information on the availability of legal aid services.

The study also established that illiteracy impedes women's access to justice as they are not able to interpret and understand court documents which are technical in nature. It also brings out language barrier in the formal justice systems which operates through English or Kihwahili. It was noted that in most cases illiterate women cannot comprehend court documents and have to rely on relatives and friends to help them who at times have not had the capacity to fully comprehend the information themselves due to limited knowledge. The study also revealed that the formal justice system is also not adequately funded to get interpreters which also impedes access to justice.

The study also revealed that for the literate women, and with legal assistance, it was easier for them to represent themselves in court and follow up court procedures well. However, the study also revealed that they still face a challenge interacting with legal documents and could not draft

any legal documents due to the technicality involved. There were proposals to simplify the court documents to ensure that more women can fully represent themselves.

The summary of the findings is shown in table 3.

**Table 3: Education Levels and Access of Justice by Women**

<b>Statement</b>	<b>Mean</b>	<b>Std Dev</b>
Low levels of education have a very high impact on women’s awareness of their legal rights	3.99	0.90
Education empowers women to understand and insist on the enforcement of their rights.	4.02	0.73
Low levels of education reduce access to economic resources	4.00	0.71

The findings concur with a survey by Roli, (2007) which confirms the importance of literacy and education for individuals’ access to justice. A majority of respondents said low levels of education and literacy have a very high impact on legal rights awareness and a more moderate but still high effect on access to legal advice and representation. Consistent with the literature, respondents indicated that the most affected groups are minorities, indigenous peoples and people living in rural areas of which mostly are women.

## **5.0 SUMMARY, CONCLUSIONS AND RECOMMENDATIONS**

### **5.1 Introduction**

This chapter summarizes the findings and discusses how the variables under the study relate. The chapter also draws conclusions on the findings and makes recommendations.

### **5.2 Summary of findings**

The first objective of the study sought to establish the extent to which socio-economic factors affect women in accessing justice in Mbooni Sub County in Kenya. The findings revealed that cultural norms weaken women's confidence in claiming their rights. The use of traditional justice systems like clans to resolve disputes serve to protect the interests of the men to preserve their dignity at the expense of women. Further findings showed that traditional gender biases hinder the capacity of women to take legal actions. The respondents also agreed that the legal system under influence of traditional gender biases fails to respond equally to the welfares and rights of women. The study established that without equal access to justice, women living in poverty are unable to assert their rights or challenge crimes committed against them. Further findings indicated that poverty generates vicious cycle of impunity, deprivation and exclusion against women and increases vulnerability of women and hampers their ability to use justice systems.

Most women depend on their men for sustenance, and therefore, become vulnerable to male aggression. Poverty situation in Mbooni Sub County hinders women's access to justice because of the long process of the law which takes time and resources and at certain points, the amount of money needed to open a case file with a lawyer is far above them. This is why some of the women

may resolve to receive meager compensation from abusers rather than go through a process they deem long and expensive. With customs as a reference point, a lot of women do not bother to pursue the legal justice system for any redress, instead, families and community councils are gradually taking shape as points of access to justice which depends on traditions that are already oppressive to women, hence it is true to say that traditional gender biases obstruct women's ability to take legal actions.

Most of the women do not want to go against the values and modalities of their community that predominantly surrounds them and they resolve to tolerate and refer any crime committed to them to the family members and close kinsmen. The problem is that these settlements are based on mutual agreements not some fundamental legal provisions which are not considerate of women's need to access justice.

The study also sought to determine the extent to which legal assistance affect women in accessing justice in Mbooni Sub County in Kenya. The findings indicated that legal support and programmes that empower women have the potential to promote accountability, reduce stigma and discrimination which contribute to the altering of unjust structures and systems. The respondents also agreed that legal support acts as mechanism for improving access to justice on women and that Integrating legal support into services is an important strategy for enabling women who are socially marginalized to access justice and address human rights violations that undermine them. The respondents also strongly agreed that legal support facilitates women's realization of their right to an adequate standard of living and to protection from violence and discrimination.



The third objective of the study sought to investigate the extent to which education levels affect women in accessing justice in Mbooni Sub County in Kenya. The respondents strongly agreed that low levels of education negatively impact on women's awareness of their legal rights. The respondents also strongly agreed that education empowers women to understand and insist on the enforcement of their rights and that low levels of education reduce access to economic resources. For women who are well exposed and educated, they stated that they were able to demand and assert their rights without fear of intimidation due to a better understanding of their rights.

### **5.3 Conclusion**

The study concludes that there has been under-investment in judicial subsectors that matter most to women, such as legal aid organizations like NALEAP, probation services, labour offices and focused on the type of justice system (formal versus informal), rather than on the justice outcomes that would benefit women most.

It also concludes that Justice reform processes typically fail to address gender bias -personal and organizational and to systematically integrate gender concerns into capacity and competency building programs for the justice sector actors.

Although there is increasing recognition of the importance of women's inclusion, women continue to face hurdles due to discriminatory social and cultural norms and practices. GBV remains one of the most challenging obstacles to women's empowerment. It hinders women from exercising their rights.

The study also concludes that despite efforts made to empower women to access justice, there are fundamental issues that need to be addressed including cultural norms and practices, increase knowledge on how to recognize and assert their rights, and reduce poverty in women. The judiciary through its Transformation Framework needs to review systemic issues that impede women's access to justice considering it is one of the key stakeholder in the formal justice sector.

#### **5.4 Recommendations**

Based on the findings, the following recommendations are made;

- i. Increase women and girls' capacities to understand and claim their rights in Mbooni Sub County through training and sensitization. There are legal frameworks put in place to support poor people access justice in Kenya including filing cases as a pauper which allows the poor to present petitions in court for free. Women should be sensitized on how to use these available mechanisms to access justice. Legal empowerment of women and girls is central to creating a culture of justice. Not only does it improve women's access to justice, but also the quality of justice they receive. Through legal empowerment, women in Mbooni Sub County will become equipped to claim their rights and demand accountability, while at the same time bringing about sustained change in their communities.
- ii. Improve the capacity of women to know available mechanisms for pro-bono legal services within Mbooni Sub-county through awareness creation. The government of Kenya has set up the National Legal Aid Awareness programme to offer free legal support to indigent Kenyans, and women need to be sensitized on these available mechanisms. There are available Non-governmental organizations that offer free legal assistance to women like

FIDA, and women in Mbooni sub-county need to be sensitized to approach these organizations when in need. It enables women and girls in Mbooni to claim and access a range of rights and resources. This makes a wider contribution to achieving equitable and inclusive development outcomes, including education, health, political participation, employment and economic opportunities.

- iii. There is need for Civic education and Advocacy for women with low levels of education in Mbooni sub-county on their rights, including how to claim them through the formal judicial systems. The Advocacy initiatives should also target the other actors within the judicial system to support women with low education levels to recognize and pursue justice. This will help deter gender discrimination, promote gender equality, and foster the emergence of inclusive, equitable and accountable institutions that are responsive to the needs of the wider population of women in Kenya and Mbooni in particular.
  
- iv. There is need to strengthen the legal and policy framework on legal aid in Kenya to enhance access by women in remote areas. This will require an analysis of the NALEAP to assess the gaps that impede women from accessing legal aid. It is therefore imperative that the County and national governments, and Judiciary devise means of ensuring the most affected women are identified for priority action including affirmative action, at the same time establishing longer term measures for sustainable service delivery for other categories facing challenges. However, it is important to note that to improve access to justice for women requires tackling a range of legal, socio-economic and cultural barriers that exist in the formal and non-formal justice system.

## REFERENCES

- African Human Rights System, (2001). Africa's contribution to the development of International Human Rights and Humanitarian Law. *African Human Rights Law Journal*. 1(2001):18-39.
- Anderson M.,(2003). Access to Justice and Legal Process: Making Legal Institutions Responsive to Poor People in LDCs', IDS Working Paper 178.
- Borg, W. R., & Gall, M. D. (2003). *Educational Research: An Introduction* (Fifth ed.). New York: Longman.
- Brian B.,(2009). Jurisprudence Theory and Context"2009, Sweet and Maxwell, p 109.
- Burris S., Kawachi I. and Sarat A., (2002). Integrating law and social epidemiology. *Journal of Law, Medicine and Ethics*.
- Chege F. & Sifuna D. N.,(2006). Girls' and Women's Education in Kenya.
- Commission on Legal Empowerment of the Poor and UNDP (2008). Making the Law Work for Everyone - Volume I. New York.
- Connie N., (2006). Access to Justice and the Rule of Law in Kenya" A paper Developed for the commission for the empowerment of the poor.
- Danish Institute for Human Rights (2011). Based on cooperation with the East Africa Law Society," Access to Justice and Legal Aid in East Africa.
- Daphne C., (2005). A critical analysis of the efficacy of the Intestate Succession Act chapter 59 of the Laws of Zambia in protecting the rights of widows", Master's dissertation, Southern and Eastern African Regional Centre for Women's Law, University of Zimbabwe.
- Daphne, (2005). The Case of Latin America" 2004. Available at: [http://www.ucl.ac.uk/dpu-projects/drivers\\_urb\\_change/urb\\_society/pdf\\_violence\\_rights/gargarella\\_removed\\_from\\_people.pdf](http://www.ucl.ac.uk/dpu-projects/drivers_urb_change/urb_society/pdf_violence_rights/gargarella_removed_from_people.pdf).

Donald, M. S. (n.d.). *Access to justice for persons living in Poverty: a human rights approach*. Finland: UNIT FOR DEVELOPMENT COMMUNICATIONS.

FAO, (2013). *Committee on the Elimination of Discrimination against Women*. 54<sup>th</sup> Session, General discussion on Access to Justice 18-2-2013. <http://www.ohchr.org/EN/HRBodies/CEDAW/Pages/AccessToJusticeWrittenContributions2013.aspx>

FAO. (2013, February 18). *Access to justice-written contributions*. Retrieved April 26, 2018, from United Nations Human Rights website: <http://www.ohchr.org>

ICJ Kazakhstan, (2013). Women's Access to Justice in Kazakhstan: Identifying the Obstacles & Need for Change. *Foreign Investment Law Journal* 28(2):262–272.

IDLO. (2013). *Accessing Justice: Models, Strategies, and best practices on women's empowerment*. Washington, DC: Medauras Global LLC, Washington, DC.

The Judiciary, Uganda. (2016). *The Gender Bench Book: Women's access to Justice in Uganda*. The Judiciary.

Justice and Democracy (2007). *Equal access to Justice in Southern Sudan*, Assessment Report. Kenya Constitution.

J Beqiraj and L McNamara, (2014). *International Access to Justice: Barriers and solutions (Bingham Centre for the rule of law report 02/2014)*, International Bar Association, October 2014

Kenya, T. J. (2017). *SUSTAINING JUDICIARY TRANSFORMATION (SJT)*. Nairobi: Jomo Kenyatta Foundation.

Lynn S., (2002). Justice and Power in the Adjudication of Women's Property Rights in Uganda, *Africa Today*, Vol.49, No. 2, Women, Language and Law in Africa. p. 101- 121.

Magdalena S., (2008). the relationship between extreme poverty and the enjoyment of human rights. *The Human Rights Approach to Social Protection*.

Marchiori, T. (2016). *Framework for measuring access to Justice including specific challenges facing women*. New York, USA: UN Women.

- Majety C, Bejugam S. (2016). Challenges and barriers faced by women in accessing justice against obstetric violence. *International Journal of Reproduction, Contraception, Obstetrics and Gynecology*.
- Michael (2003) Security Rights, Subsistence Rights, and Liberties: A Theoretical Survey of the Empirical Landscape' *Human Rights Quarterly* 21: 403-443.
- Milanovic, B.(2011). More or Less". In *Finance and Development* 48:3. Washington, D.C.: International Monetary Fund. Available at: <http://www.imf.org/external/pubs/ft/fandd//09/Milanovic.htm>.
- Mukhopadhyay, M. and S. Quintero (2008). *Gender and access to justice in sub-Saharan Africa*. Report of the conference held 29-30 October 2008 in Johannesburg, South Africa. Amsterdam: KIT and CALS.
- Ngondi-Houghton, Connie, (2006). Access to Justice and the Rule of Law in Kenya: A paper developed for the Commission for the Empowerment of the Poor.
- Nozick, R. (1974). *Anarchy, State, and Utopia*. New York: Basic Books.
- Ogula, P. A. (2005). *Research Methods*. Nairobi: CUEA Publications.
- Owens, L. K. (2002). Introduction to Survey Research Design. *SRL Fall Seminar Series*. Retrieved from <http://www.srl.uic.edu>.
- Rawls,J., (1977). A Theory of Justice. Harvard University Press, Cambridge. Justice (Princeton University Press).
- Robert Nozick (1974) *Anarchy, State and Utopia*, Basic books publishers.
- Sabic, Z,. (2008). Building Democratic and Responsible Global Governance: The Role of International Parliamentary Institutions." *Parliamentary Affairs* 61(2): 255-71.
- Schetzer *et al.*,(2015). Access to justice& Legal Needs; a project to identify Legal Needs, Pathways and barriers for advantaged People in NSW," Available at;

[http://www.lawfoundation.net.au/ljf/site/articleids/6ffeb98d3c8d21f1ca25707e0024d3eb/\\$file/older\\_law\\_report.pdf](http://www.lawfoundation.net.au/ljf/site/articleids/6ffeb98d3c8d21f1ca25707e0024d3eb/$file/older_law_report.pdf) (accessed on 5/05/2015).

Sherif, (2008). Gender: An Intersectionality Perspective: *Article in Sex Roles*, [preprint] Jan 2008 [Online]. DOI: 10.1007/s11199-008-9501-8 [Accessed 23 March].

Shirley B., (2012). Legal services society “making justice work; Improving access and outcome for British Columbia” Report to the minister of justice and Attorney General the Honourable.

Soros G. & Abed F.H.(2012). “Rule of Law can Rid the World of Poverty”. *Financial Times*.

U.N (2010). Committee on the Elimination of Discrimination against Women. 29th Session, Concluding observations to Japan’s fourth and Fifth periodic reports. 7-8-2003. <http://www2.ohchr.org/english/bodies/cedaw/docs/co/JapanCO29.pdf> 5-6.

UNDP (2005). Programming for Justice: Access for All. A Practitioner’s Guide to a Human Rights Based Approach to Access to Justice.

United Nations Human Rights Council, (2009). Preventable maternal mortality and morbidity and human rights, General Assembly, Eleventh session.

UN women. (2018, December 13.12.2018). *Sustainable development Goal 16*. Retrieved from Sustainable development goals: <https://sustainabledevelopment.un.org/sdg16>

Wood G., (2008). The role of the Judiciary in promoting gender justice in Africa. Report on the partners for gender justice conference, Accra Ghana November 19-21.

## **APPENDICES**

### **Appendix I: Letter of introduction**

Dear Madam,

#### **RE: REQUEST FOR RESEARCH INFORMATION**

I am a student at the University of Nairobi pursuing a Master of Arts degree in Gender and Development Studies. I am currently undertaking a research project on: **CHALLENGES FACING WOMEN IN ACCESSING JUSTICE IN THIS SUB-COUNTY**. I would be grateful if you would spare a few minutes of your time and answer a few questions to help me gather the necessary information. The information provided will be treated with utmost confidentiality and be solely used for this research problem. A copy of the same shall be availed to you upon request.

Any additional information you might consider necessary for this study will be highly appreciated.

In case of any queries pertaining to this research do not hesitate to call me on

Tel: +254722562750.

Thank you in advance.

**Yours Sincerely,**

**Juliet Mule**



**Appendix II: Research questionnaires**

**SECTION A: DEMOGRAPHIC INFORMATION**

1. Age 18- 24  25-29  30-34 35 and above
2. What level of formal education did you obtain? Basic Education  Secondary   
College Diploma  University Degree
3. What do you do for a living? Employed  Business  Farmer  None

**PART B: SOCIO-ECONOMIC FACTORS AND ACCESS TO JUSTICE**

3. The following are statements on the extent to which socio-economic factors affect access to justice by women. Kindly tick (√) the appropriate response to show your level of agreement or disagreement about the statement (1 SD = Strongly Disagree, 2 D = Disagree 3 UN = undecided; 4 A =Agree, and 5 SA = Strongly Agree.

No	Statement	SD	D	N	A	SA
1.	Cultural norms weaken women’s confidence in claiming their rights					
2.	Traditional gender biases obstruct the capability of women to take legal actions					
3.	The legal system under influence of traditional gender biases fails to respond equally to the interests and rights of women					
4.	Without equal access to justice, women living in poverty are unable to claim their rights					
5.	Poor women are unable to claim rights or challenge crimes committed against them					
6.	Poverty generates vicious cycle of impunity, deprivation and exclusion against women					
7.	Poverty increases vulnerability of women and hampers their ability to use justice systems.					

4. Explain the extent to which cultural norms affect access to justice by women in this sub-county.....

.....

.....

5. Describe how poverty levels affect access to justice by women in this sub-county.....

.....

.....

.....

**PART C: LEGAL ASSISTANCE AND ACCESS OF JUSTICE BY WOMEN**

6. The following are statements on the extent to which legal assistance affect access to justice by women. Kindly tick (√) the appropriate response to show your level of agreement or disagreement about the statement (1 SD = Strongly Disagree, 2 D = Disagree 3 UN = undecided; 4 A =Agree, and 5 SA = Strongly Agree.

No	Statement	SD	D	N	A	SA
1.	Legal support for women programmes have the potential to promote accountability, reduce stigma and discrimination which contribute to the altering of unjust structures and systems					
2.	Legal support acts as mechanism for improving access to justice on women					
3..	Integrating legal support into services is an important strategy for enabling women who are socially marginalized to access justice and address human rights violations that undermine them					
4.	Legal support facilitates women’s realization of their right to an adequate standard of living and to protection from violence and discrimination.					

7. Kindly, describe how legal support affects access to justice by women in this Sub-County.

.....

.....

.....

.....

**PART D: EDUCATION LEVELS AND ACCESS TO JUSTICE BY WOMEN**

8. The following are statements on the extent to which education levels affect access to justice by women. Kindly tick (√) the appropriate response to show your level of agreement or disagreement about the statement (1 SD = Strongly Disagree, 2 D = Disagree 3 UN = undecided; 4 A =Agree, and 5 SA = Strongly Agree.

No	Statement	SD	D	N	A	SA
1	Low levels of education have a very high impact on women’s awareness of their legal rights					
2.	Education empowers women to understand and insist on the enforcement of their rights.					
3.	Low levels of education reduce access to economic resources which hinders women’s ability to claim for their rights					

9. Explain the extent to which education levels affect access to justice by women.....

.....

.....

.....

**THANK YOU FOR YOUR COOPERATION**

**Appendix III: Key Informant Interview Guide**

1. Kindly explain how patriarchy upholds values that privilege men in allocation of roles and resources – which are essential for accessing justice.

.....  
.....  
.....

2. Kindly explain how poverty inhibits women from accessing justice.

.....  
.....  
.....

3. Kindly explain what measures can be put in place to enhance access to justice for poor women in this sub-county?

.....  
.....  
.....

4. In your experience, how do illiteracy levels affect women from accessing justice?

.....  
.....  
.....

5. Explain measures that can be put in place to enhance access to justice for illiterate women?

.....  
.....  
.....

6. Do you think legal aid service has been beneficial in promoting legal empowerment of women? Why?

.....  
.....  
.....

7. Explain how legal aid has facilitated women’s participation in the administration of and access to justice? (as key player and as beneficiaries)

.....  
.....  
.....

8. Are you satisfied with the way legal aid services are provided to women in this sub-County?

.....  
.....  
.....

9. In your opinion, what is needed to strengthen legal empowerment for women through legal aid?

.....  
.....  
.....

**THANK YOU FOR YOUR TIME**