

**PROVISION OF HUMAN RIGHTS INFORMATION TO RURAL
WOMEN IN NANDI SOUTH DISTRICT, NANDI COUNTY,
KENYA.**

By

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(IS/D.PHIL/01/05)**

**A Thesis Submitted in Partial Fulfilment of the Requirements for the
Degree of Doctor of Philosophy in Information Sciences (Library and
Information Studies).**

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OCTOBER, 2012

DECLARATION

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DEDICATION

To my

Loving husband Solomon Mang'ira, our Sons Kiplimo, Kipchirchir, Kipruto and

Kibet who sacrificed for my sake to enable me complete this work.

To My

Loving father Mr. Ezekiel arap Tuitoek and my loving mother-in-law

Mrs. Lena Boor.

ABSTRACT

Lack of human rights awareness meant to make human beings live quality lifestyles as succinctly expressed in the Universal Declaration of Human Rights of 1948 has continued to be a major deterrent to development. Marginalised groups like women, the illiterate, rural dwellers and the disadvantaged because of creed, race, religion, poverty and age may not benefit from the human rights that more privileged men enjoy. For this group to enjoy their human rights, they should know their rights so as to demand for them. Although appropriate human rights information policies and strategies have been put in place; rural women in Kenya still manifest ignorance on their human rights provisions which should have positively affected their lifestyles and response to human rights infringements. Rigid customary beliefs, low level of education and poor communication channels have been cited as causes that make women fail to know their rights.

This study aimed to investigate the provision and access to human rights information by rural women in Nandi South District with a view of establishing the challenges and gaps and suggesting a framework of improving information access and provision. The objectives of the study were: to find out the extent of awareness of human rights information by rural women; establish ways in which they access and use these information; ascertain information sources, services and systems that exist to provide them with Human Rights Information, determine the most preferred channels, establish factors that hinder their provision and suggest a framework for improving these parameters. Information and communication, Sense-making and Feminists theories informed this study.

A sample of 189 female respondents aged between 18-70 years from five sub-locations in Nandi South District. Key government officers, NGO leaders and individual Women Human rights activists and key cultural informants above 70 years participated in the study. Both qualitative and quantitative techniques of data analysis were applied.

The findings indicated that the majority of rural women are not aware of their human rights as a tool that guarantees their socio-economic, political and cultural rights; majority are semi-illiterate which makes it difficult for them to fully make use of instruments containing Human Rights Information which are mainly written in English. They cannot access information through modern channels due to unavailability of electricity and other modern facilities.

The study recommends that women be sensitized by use of preferred languages and easily accessed channels. The study encourages a change of men's attitudes towards women. Setting up of gender empowerment centres in rural areas was also suggested.

The study has proposed a model which is an integration of Information and Communication; Sense-making and Feminist theories for improving provision of Human Rights Information to rural women.

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ACKNOWLEDGEMENT

I wish to acknowledge and appreciate the contribution of the following, who in one way or another contributed to the success of this work:

My heartfelt gratitude goes to my supervisors, Prof. J. N. Kiplang'at and Prof. J.B. Ojiambo, both of School of Information Sciences. Their criticisms, compliments, guidance, advice and keen interest shown in my academic progress has brought about the successful completion of this work and also to the Dean, School of Information sciences Prof. Japhet Otiike for creating a conducive learning environment.

Secondly, my gratitude goes to my employer, Moi University, for granting me a study leave and for awarding me a scholarship without which my studies could not have come to reality.

Thirdly, special thanks go to my loving husband, Mr. Solomon Mang'ira, and our sons, Kiplimo, Kipchirchir, Kipruto and Kibet, who gave me moral support, humble and conducive environment throughout this study. Their patience and endurance during the most difficult period of my study cannot be taken for granted.

My sincere thanks also go to K. S Buigut, department of Publishing and Media Studies, School of Information Science for editing this work and Sarah Lelei from Library, Chepkoilel University College, for typesetting.

My special thanks go to all the respondents who participated in this study, without their response this study would not have become complete.

Last but not least, I wish to thank all my family members who kept on encouraging me to keep on working on this thesis, when I felt like giving up due to lots of responsibilities; without their moral support, my studies could not have become a reality.

To all I say, May Jehovah God Almighty through Jesus Christ give you back in abundance all that you lost for my sake during my study.

ACRONYMS AND ABBREVIATIONS

ACFODE:	Action For Development
ACHPR:	African Charter on Human and Peoples’ Rights
ART:	Alternative Rite of Passage
AWC:	Association of Women’s Club
CAT:	Convention Against Torture
CBOs:	Community Based Organizations
CEDAW:	Convention on the Elimination of all forms of Discrimination against Women
CRC:	Convention on the Rights of the Child
DCs:	District Commissioners
DEO:	District Education Officer
DOs:	District Officers
FBOs:	Faith Based Organizations
FGD:	Focused Group Discussion
FGM/C:	Female Genital Mutilation/Cutting
FGM:	Female Genital Mutilation
FIDA:	Federation of Women Lawyers
GBV:	Gender Based Violence
GDP:	Gross National Product
GoK:	Government of Kenya
GTZ:	German Technical Co-operation
HBF:	Heinrich Boell Foundation
HIV:	Human immunodeficiency virus
HRs:	Human Rights
HRI:	Human Rights Information
HR-Is	Human Rights Instruments
ICCPR:	The International Covenant on Civil and Political Rights
ICESCR:	International Covenant on Economic, Social and Cultural Rights
ICT:	Information Communication Technology
IGAD:	Inter Governmental Authority for Development

I LEG:	Institute for Law and Environmental Governance
KHRC:	Kenya Human Rights Commission
KNCHR:	Kenya National Commission on Human Rights
LAW:	Law Development Centre
MCH:	Mother and Child Health
MDGs:	Millennium Development Goals
MoE:	Ministry of Education
MoH:	Ministry of Health
MYWO:	<i>Maendeleo Ya Wanawake</i> Organization
NFLS:	Nairobi Forward Looking Strategies
NGOs:	Non-governmental Organizations
NSD:	Nandi South District
PASUNE:	Paralegal Support Network
RoK:	Republic of Kenya
SPSS:	Statistical Package for Social Scientists
TBA:	Traditional Birth Attendant
THP:	Traditional Harmful Practices
TP:	Traditional Practitioners
UDHR:	Universal Declaration on Human Rights
UN:	United Nation
UNDP:	United Nation Development Programme
UNESCO	United Nations Educational Scientific and Cultural Organisation.
UNFPA:	United Nations Fund for Population Activities
UNIC:	United Nation Information Centre
UNICEF:	United Nations Children’s Fund
UNIFEM:	United Nations Development Fund for Women
VAW:	Violence Against Women
WAG:	Women’s Action Group

CHAPTER ONE

INTRODUCTION AND BACKGROUND INFORMATION

1.1 Introduction

This chapter provides introduction and background to the study, statement of the problem, study objectives, research questions, assumptions, significance, scope and limitations to the study. The summary is given at the end of the chapter.

1.2 Conceptual Setting

Information is a vital resource which plays a crucial role in making people knowledgeable by enabling them to choose between alternatives and making informed decisions. According to Bullon (2003), information are facts or details that tell you something about a situation, person, or event. Weaving (1991) sees information as an organized data required to assist in making effective use of the resources potentially available and acquired in the day-to-day decision-making and problem-solving. Kogos (2008) sees information as factual data, advice or opinions, in oral, written, or electronic format, into which value judgements can be entered. Mang'ira (2011) views information as facts or figures that have been processed in such a way that they can be used in development and decision-making and as organized data that people need in assessing state of the art and in making decisions. She further states that, information, makes people knowledgeable and that without information, ignorance prevails. Moreover, information gives a person confidence to face life as it comes. Information can be defined as a near-synonym of fact, opinion and data value which can transform or reinforce what is known or believed to be known by human beings and can be used for decision-making McGarry (2003).

Information is a basic human need which is widely recognized as a critical resource in economic, social, political and development (World Bank, 1998). Mchombu (2006) sees information as a fundamental resource for development and notes that its many uses and importance can never be overemphasized.

Every society requires information in order to survive. Consequently, access to timely, accurate, appropriate and adequate information is important in making informed decisions leading to improved lifestyles. Kenya, for example, in the promulgated constitution (2010) has provided under article 35 that;

Every citizen has the right to access information held by state and information held by another person and required for the exercise or protection of any right or fundamental freedom.

Lucey (1991) notes that information has no value; its value derives from the value of the change in decision behaviour caused by the information being available minus the cost of production. Mandy (2001) shares the same views when he states that information is useful only if it is available, if the users have access to it, in the appropriate form and language.

A right according to the Institute for Law and Environmental Governance (ILEG;2004) includes a recognized legal entitlement, benefit, advantage and interest that a person has and that allows him or her to require another person to do or not to do a certain thing. For example, in civil and political rights that are universally acceptable, as indicated in the international laws of human rights, under the category of civil and political rights, an individual's rights include life, freedom from discrimination, and freedom of expression. Under economic, social and cultural

rights, some of the examples of individual rights include the right to education, good health, and adequate safe and clean water, acquire and own property. The group or solidarity rights include a right to: a clean and healthy environment, self-determination, protection as a minority. It is expected that when a person has knowledge of their rights, she/he becomes assertive and conscious of own and others' rights. Article 27 (3) of the Kenyan Constitution, (op.cit), under equality and freedom from discrimination states that,

Women and men have a right to equal treatment including the right to equal opportunities in political, economic, cultural and social spheres.

Martin (1994) defines human rights as rights and freedoms to which every human being is entitled. Bullon (2003) sees human rights as some of the basic rights which every person should enjoy and hence be treated in a fair way. Paralegal Support Network (PASUNE, 2005), defines human rights as entitlements that all human beings have by virtue of the fact that they are human beings and that are necessary for human beings to live a life of dignity.

Human rights are women rights too since all established international human rights machinery are applicable to females and males equally (Patricia, 2001). Muteshi (2006) notes that many international conferences and their action plans have underscored the inherent dignity of women and men; the importance of advancing the human rights of all women and men; and the centrality of gender equality, if the life conditions for social justice for humanity are to be realized. Kenya Land Alliance (2008) notes that:

Kenya's culture which is a major influence in decision-making with regard to women's land rights favours and perpetuates male domination, and does not

facilitate women to own or have titles to land. It is this attitude which has informed policy and legal frameworks, which have ensured that women's land rights are flagrantly violated.

Maseno and Kasomo (2011) concur with these views when they state that gender violence is an obstacle to the achievement of the objectives of equality, peace and development. They further note that it violates the enjoyment, by people, of the human rights and fundamental freedoms. They observed that it is unfortunate that gender violence, in most cases, is against women and children.

Awareness of human rights will enable women to enjoy and make use of those rights to benefit not only themselves, but also their families, societies, nations and the world at large, hence living dignified lives. Muteshi (op.cit) observes that the full and equal enjoyment of all human rights and freedoms by women is fundamental to the advancement of women. Kamweru (2002) states that, women's fundamental rights as guaranteed in a number of international conventions, and in Africa's own charter on human and people's rights include qualitative education and health care; a life free of violence, participation in decision making and all political processes; and economic rights and further observes that until these rights of women are fully adhered to, human rights will not be achieved.

Human rights information is information that contains facts or details about rights of a human being as seen in human rights instruments. These instruments include the Universal Declaration on Human Rights of 1948; International Covenant on Economic, Social and Cultural Rights of 1966; and the International Covenant on Civil and Political Rights of 1966; and Laws of Kenya, among others. The same

instruments contain facts on how human rights are protected and also indicate the kind of punishment to be meted out if those rights are violated. Some of the instruments that contain facts on rights of the marginalized groups, such as children and women, handicapped persons, refugees, are: Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) of 1980; Convention on the Rights of the Child (CRC) of 1990; Convention Against Torture (CAT) of 1969; African Charter on Human and Peoples' Rights (ACHPR) of 1981; Refugee Convention of 1951. These instruments also state the laws that protect them and the consequent punishment if violated.

Human rights information makes people aware of their human rights provisions. Knowledge of human rights would enable people understand their environment and their rights, thus living dignified lifestyles. It has also been stated that where there is no information people perish. For example, the Holy Bible (1984) in the book of Hosea 4:6 reads 'my people are destroyed for lack of knowledge'. When people have information pertaining to various issues touching directly on their lives, they are able to develop individually and as a society or as nations.

Human rights information will enable people to know, demand and enjoy their rights. They will also identify resources that are potentially available for them; for example, matrimonial property such as land, which a woman is entitled to; bursaries provided by government to educate the girl child; free primary and secondary school education, and free health care services, or the one third women representation. Such rights enable women to develop themselves and their communities which eventually enable individuals to live dignified, confident, peaceful and secure lives. In addition, they

will know and benefit from laws which explicitly outlaw discrimination against women; for example, The Kenya Employment Act, No. 11 of 2007 which came into force on 20th December, 2007. This law [section 5 (3)] expressly prohibits discrimination and harassment of actual and prospective employees on the basis of sex; it states that:

No employer shall discriminate directly or indirectly against an employee on grounds of race, colour, sex, language, religion, political or other opinion, nationality, ethnic or social origin, disability, pregnancy, mental status or HIV status; in respect of recruitment, training, promotion, terms and conditions of employment, termination of employment or other matters arising out of the employment' (RoK, 2009).

Women should be enabled to challenge and question practices of societies, organisations or state bodies as they contribute to injustice, or violate their rights or are unfair in terms of their human rights. But without awareness of one's right, people will not only be taken advantage of, but they will also be manipulated and mistreated, making them suffer and live miserable lives. Moreover, when one lacks knowledge of human rights, they might abuse other peoples' rights as they will not know their boundaries. Human rights awareness help protect all human beings from exploitation and dominance by more powerful people.

In spite of this awareness of the important role that human rights information is known to play, many people in the developing nations have no access to up-to-date and relevant human rights information and in particular, rural women where the majority of them are semi-literate and/or illiterate. The Government of Kenya (GoK, 2001c) recognises that women in rural areas are afflicted by poverty, ignorance and diseases. Kamweru (op.cit) notes that in general, women remain unaware of their rights because of discriminatory social practices, low levels of education and

inequitable participation in economic life and decision-making. Consequently, they find it difficult to challenge malpractices in their societies through informed decisions. Due to lack of awareness of these rights, many people, especially women, do not enjoy their human rights as espoused in human rights documents. This fails to promote gender parity in that the traditional and religious practices elevate men to a higher position in society, hence taking advantage of this disadvantaged group.

1.3 Human Rights and Customary Law

Customs and cultures of different communities impact the implementation process of the modern human rights and in particular those of rural women. Kenya Human Rights Commission (KHRC, 2004) notes that:

The biggest contributor to the persistence of this problem in rural areas may be certain aspects of local cultural and social values. Rural areas are the principal environments where traditional values and ideas are entrenched, and where many individuals live in close proximity to one another. Traditional values often lead to the subjugation of women, therefore not only are women's rights easily violated, but many women are also unaware of the violation, having been socialized to believe that they deserve the treatment they receive for simply being female. This creates an immensely difficult task for human rights groups to begin the process of raising awareness and educating women about their own rights. In addition, attempting to collect accurate information on the level of violations against women is equally difficult, when one bears in mind that so many women do not recognize abusive treatment for what it is, and therefore do not report it.

In addition, Kenya Land Alliance (KLA, 2008) concurs with these arguments by stating that:

Kenya's culture which is a major influence in decision-making with regard to women's land rights favours and perpetuates male domination, and does not facilitate women to own or have titles to land. It is this attitude which has informed policy and legal frameworks, which have ensured that women's land rights are flagrantly violated.

Kamweru (op.cit) supports the foregoing views by giving a comparison that most countries in Africa have written constitutions, which guarantee both men and women equal rights before the law and prohibit any discrimination on the grounds of sex, race, colour and religion. However, Kamweru (ibid) notes that, the social life of women is influenced and shaped by customary laws and practices and most disputes are resolved outside the court system. Kamweru (ibid), further notes that many women do not know their rights and entitlements and observes that some women fear to demand their rights due to the adverse effects such a move would have on them in given social contexts. Kamweru (ibid) further reveals that customary practices that discriminate against women on inheritance, wills, divorce, property provisions, child custody and maintenance are still embodied in the civil law. KLA (op.cit) supports these views by stating that:

Kenya is a patriarch society... a male dominated society, where men traditionally controlled the socio-economic relations in the society. Kenya has about 42 tribes, which have a diversity of cultural and traditional practices specific to these tribes... there is one single thread that runs through most of these tribes and is therefore generally representative of customary law in Kenya; women were not allowed to own land... only men had custodial control and could transmit land rights. The argument was that women would be married and would have access only to the land of the family they would be married to. Daughters were therefore not allowed to inherit land, neither did they have a say in the management and inheritance of family land. Interestingly, even in families where they were married, they had no part in decision-making regarding land.

Kamweru (ibid) observes that the Kenya Independence constitution of 1963 had failed to provide adequate protection for the disadvantaged and minority groups in Kenya and that the constitution had entrenched the culture that denies women participation in all spheres of society on the basis of equality, specifically through the provisions of Section 82(4) which allowed discrimination with respect to matters personal –

adoption, marriage, divorce, burial and dissolution of property upon death. The recognition of customary law as a tool to guide matters of personal law had led to untold violations of rights of women. Kamweru (ibid) explains further that the constitution also had led to inconsistency in the application of the law where conflict between the statutory and customary laws arose.

1.4 Women Rights as provided for in the Promulgated Constitution of Kenya

Women rights in the new Constitution (2010) have been exhaustively and elaborately outlined. The terms 'every citizen' and 'every person' have been used quite often in the constitution and these terms have the meaning of inclusiveness of all people as long as they are human beings. In some parts of the new constitution, it has provided specifically for the marginalized groups among them being women. The values expounded in the New Constitution of Kenya touch on women's lives due to the nature of violations that women face, hence the need for women to know their human rights provisions to enable them understand their rights so that they can demand and enjoy them. They should also celebrate the promulgation of the new constitution which unlike the first constitution of Kenya (1963) has provided for more rights and avenues that women can use to promote and claim for the same.

Kenya, like other developing countries, has been unsuccessful in its attempts to increase the participation of women in policy formulation and implementation processes both within the local and national governance structures. The new Constitution explicitly provides equal rights for male and female in all spheres of life that were difficult to realize in the earlier Constitution. Cultural barriers and practices

had been used to subjugate women and deny them their human rights. Further, the lack of clear legal provisions had made the demand for these rights to be problematic.

Considering that a constitution of every country is the supreme law of the land that supersedes other laws, any legislation in the country must always conform to the provisions of the Constitution; otherwise it shall be considered null and void. The inclusion of the articles touching on women concerns and rights in the Kenyan constitution is an indication that there is a paradigm shift in how women issues are being handled in Kenya. It is clear that women in Kenya will now fully enjoy their human rights than was the case before. In the new constitution of Kenya (2010), for example, the role of the Kenya National Human Rights and Equality Commission has been clearly stipulated under Article 59 which states that:

There is established the Kenya National Human Rights and Equality Commission whose functions are to: promote respect for human rights and develop a culture of human rights in the Republic; promote gender equality and equity generally and to coordinate and facilitate gender mainstreaming in national development; promote the protection, and observance of human rights in public and private institutions; monitor, investigate and report on the observance of human rights in all spheres of life in the Republic, including observance by the national security organs; receive and investigate complaints about alleged abuses of human rights and take steps to secure appropriate redress where human rights have been violated; on its own initiative or on the basis of complaints, to investigate or research a matter in respect of human rights, and make recommendations to improve the functioning of State organs; act as the principal organ of the State in ensuring compliance with obligations under treaties and conventions relating to human rights; investigate any conduct in state affairs, or any act or omission in public administration in any sphere of government, that is alleged or suspected to be prejudicial or improper or to result in any impropriety or prejudice; investigate complaints of abuse of power, unfair treatment, manifest injustice or unlawful, oppressive, unfair or unresponsive official conduct; report on complaints investigated under paragraphs (h) and (i) and take remedial action and perform any other functions prescribed by legislation.

It is important to note that with the new constitution of Kenya and the anticipated passing of relevant legislations demanded by the constitution, it is clear that women will enjoy fully the human rights as provided by the constitution. The laws will provide detailed information based on the provisions in the constitution.

The new Constitution, therefore, opens avenues for politically engendered processes and also offers an avenue for promoting the respect of women's human rights through different provisions in the Constitution. A few examples have been cited to show how the new Constitution promotes Rights of women under Civil and Political rights; Economic, Social and Cultural Rights and Group or Solidarity Rights.

While the new Constitution offers a great opportunity for advancing Human Rights as outlined above and good governance, the national politics is a threat to the realization of the same. There is a growing recognition within the women's movement of the role that young women play in defending the Rights of women and girls. This recognition extends to the uniqueness of the perspectives and strategies that young women bring to the movement.

Engaging women in thinking and strategizing on how they can make positive changes in their lives and their communities is critical in addressing the status of women and furthering the commitments on transitional justice mechanisms and the country reform agenda.

1.5 Challenges and Obstacles in Providing Human Rights Information

Many countries in Sub-Saharan Africa, Kenya included, are faced with a myriad of challenges in formulating and implementing Human Rights Policies. Among them are

inadequate funds and expertise, poor infrastructure and cultural beliefs embedded in the society.

1.5.1 Provision of Human Rights Information and Challenges, a Kenyan Context

Kenya has got both conventional and non-conventional information resources for the dissemination of Human Rights Information. Conventional information resources include, among others, libraries and documentation centres. Non-conventional resources include Non-Governmental Organizations such as *Maendeleo ya Wanawake*, National Council of women of Kenya, Government Ministries/Departments, and Kenya National Commission on Human Rights. Information sources containing information on human rights include print and non-print. A few examples of print sources are books, encyclopaedias, Constitution, magazines, journals, periodicals. Non print sources include the use of media like televisions and radios, computer software's, like DVDs, CDs, electronic resources through internet for example e- books and e-Journals.

According to Republic of Kenya (RoK, 2009) on the Elimination of all forms of discrimination against women, the legal rights awareness workshops in the districts and provinces target limited number of participants, leaving out the majority of population. The report notes that the programmes depend on donor funding which at the moment has greatly reduced, making the future of most of the programmes uncertain. Another challenge facing these new legislative developments, as indicated in the report, is harnessing the political will and involvement of men in promoting gender equality. The civil society organization has been addressing these issues by

conducting education and raising awareness on human rights targeting men and women in the country.

Moreover, in the case of women, Muteshi (2006) notes that the Kenyan women's movement however has not sufficiently devised a coherent and all-encompassing strategy to anchor activism on women's rights on a continuous basis because it has been constrained by certain challenges.

1.6 Background to the study area (Nandi South District)

Nandi South District was carved out of the former larger Nandi District in 2007 and was commissioned as a new district in 2008. Nandi County has got five districts and whose headquarters are indicated respectively as follows: Nandi South District (Kobujoi); Nandi East (Nandi Hills); Nandi Central (Kapsabet); Nandi North District (Kabiyet) and Tindiret District Maraba).

1.6.1 Administrative and political division of Nandi South District

Administratively Nandi South District is divided into two (2) divisions, namely Kaptumo and Aldai.

Aldai division has been sub-divided into (12) twelve locations which are Chebilat; Ndurio; Kapkolei; Kibwareng; Kemeloi; Mugen; Chemase; Terik; Kapkerer; Kapkures; Maraba and Bonjoge. Kaptumo division is sub-divided into the following four (4) locations: Kaboi; Kaptumo; Koyo and Kapsaos. See table 1.

It is important to note that Nandi South District is legally identified politically as Aldai constituency.

Table 1: Administrative units and area by division

DIVISION	Area km²	Locations	Sub-locations
ALDAI	386.1	12	52
KAPTUMO	137.4	4	14
TOTAL	523.5	16	66

Source: Nandi District Development Plan 2002 – 2008 (RoK, 2002).

1.6.2 Population of Nandi South District

The population census of 1999 indicates that Aldai division had a total population of 123,002 in the entire district. Of this, 96,220 were the population of Aldai division whereas Kaptumo division had a total population of 26,782, (RoK, 1991). The ratio of male to female was 1:1. This therefore meant that 61,501 was a total female population. In addition, Kaptumo division had 13,364 females whereas Aldai division had 49,178 females. Households in Kaptumo division were 4,980 and 17,019 in Aldai division according to Nandi District Development Plan (NDDP) of 2002-2008, (RoK, 2002). See table 2.

Table 2: Population of Women and Number of Households per area

I	ALDAI DIVISION	No. of Locations	Total No. of Sub-locations	Total No. of Households in Locations	Total No. of Households in all Sub-Locations	Total No. of female in Location	Total No. of female in Sub-Location
		12	52	17,019	17019	49178	49178

	Name of Location	Total No. of Sub-locations	Population of female in Location	No. of Households per Location	Names of Sub-locations	Population of female in sub-locations	No. of Households in sub-location
1.	Terik	1	2930	948	Kapseng'ere	2,930	948
2.	Kapkerer	1	2749	989	Kapkerer	2749	989
3.	Kapkures	3	2971	1085	Chepkurgung	947	335
					Kapsamoch	1013	348
					Kesengei	1011	402
4.	Mugen	5	8490	2642	Mugen	2452	916
					Tibingot	710	246
					Kapkemich	1262	455
					Kapmimei	2363	419
					Chebukundi	1703	606
5.	Bonjoge	4	1897	634	Kapkeben	674	230
					Kereri	335	109
					Chepkuny	291	106
					Kenyor	597	189
6.	Kemeloi	2	7624	2624	Chebara	3529	1172
					Koibarak	4095	1452
7.	Chebilat	4	4375	1418	Chebilat	1105	307
					Kapsagawat	759	225
					Chepketemon	1411	501
					Kiptaruswa	1100	385
8.	Kibwareng	3	4335	1540	Samitui	2266	769
					Kibwareng	1279	486
					Eboi	790	285
9.	Maraba	5	5710	2028	Kongoro	1358	491
					Mogoiywo	714	242
					Kaptumek	1120	403
					Chepsiria	1200	451
					Tirikwa	1318	411
10.	Ndurio	3	2899	1001	Ndurio	955	311
					Kesogon	1511	557
					Sarma	433	163
11.	Chemase	4	3402	1429	Chemursoi	417	188
					Kapkwony	674	267
					Kibisiem	932	208
					Kibigony	1379	566
12.	Kapkolei	3	1796	621	Kapkolei	622	224
					Kimolwa	472	170
					Uruogoi	702	227

II	KAPTUMO DIVISION	No. of Locations	Total No. of Sub-locations	Total No. of Households in Locations	Total No. of Households in all Sub-Locations	Total No. of female in Location	Total No. of female in Sub-Location
		4	14	4980	4980	13364	13364

	Name of Location	Total No. of Sub-locations	Population of female in Location	No. of Households in Location	Names of Sub-locations	Population of female in sub-locations	No. of Households in sub-location
	Kapsaos	4	1477	527	Kapsaos	403	142
Kabuson					250	89	
Kaborogin					345	113	
Teretmoi					479	183	
	Koyo	2	1740	595	Koyo	1192	408
Kapsoiyo					548	187	
	Kaptumo	4	5642	2135	Chepkong'ony	1456	498
Keburo					1252	484	
Ibanja					1573	534	
Mosombor					1361	617	
	Kaboi	4	4505	1723	(i) Mugundoi	1263	545
(ii) Kaboi					876	284	
(iii) Kamarich					1001	392	
(iv) Kapsoo					1365	502	

Source: Ministry of planning and National Development (2002). Nandi District Development Plan 2002 – 2008: Nairobi: GP

It is important to note that the population census statistics of 1999 which were already published were used by the researcher because the 2009 population statistics were not yet published at the start of the research in 2009 since they were published in 2010.

1.6.3 Socio- economic activities in Nandi South District

Some of the socio-economic activities in Nandi South district include both small and large agricultural activities; livestock production; fisheries; forestry and agro forestry;

mining and quarrying; industrial and commercial activities, Nandi District Development Plan (NDDP) of 1997-2001, (RoK, 1997)

1.6.4 Information Resources in Nandi South District

Nandi South District which was carved out of the larger Nandi district recently that is in 2007 has got no District Information and Documentation Centre but has a few School libraries which are conventional information resources. The non-conventional information resources are also available in the district and include, Non-Governmental Organizations such as *Maendeleo ya Wanawake*, National Council of Women of Kenya, Government Ministries/Departments, for example, the Provincial Administration, District Commissioners, District Officers and chiefs' *barazas*, and financial institution sources like Kenya Women Finance Trust. Mass media such as radios and televisions are also available and are used to present human rights related programs through Sayare FM, Kass FM, Changei FM, Kenya Broadcasting Corporation (KBC) and Radio Citizen. In addition, some television channels can also be accessed in the district, for example, Citizen, Sayare, NTV and Family TV.

1.6.5 Challenges in Nandi South District

According to Kahuthu (2005), among the identified causes of poverty are under utilization and inequitable distribution of resources; high cost of farm inputs and lack of market for farm produce; poor and inadequate education, unemployment and poor/low business skills; lack of entrepreneurship skills and inaccessibility to credit facilities. Other causes of poverty include: Weak integration of population concerns into development planning due to inadequate finances to facilitate the integration

process, insufficient facilities and equipment for the District Planning Unit and training of personnel involved in the integration process.

Those challenges touching on children and youth were: inadequate provision of basic needs to the children, poor parenting and guidance of children, inadequate information given to the youth on their physiological changes, risks that accompany early sexual activities of youth and indulgence in drugs and other anti-social activities due to peer pressure. The challenges facing the elderly in Nandi District include inadequate family support and care, lack of special programmes and institutions for the elderly. Problems facing people with disabilities are discriminations by members of the family and community and lack of special institutions to cater for their needs. Problems facing families in Nandi include irresponsible parenthood, increased domestic violence leading to separation and single parenthood and orphan hood leading to child headed households, Kahuthu, (ibid).

According to the District Development Plan of 2002-2008 (NDDP, 2002), the previous plan of 1997-2001 promoted industrialization but this was not realized because the development of industrial culture was lacking. The aim of the 1997-2001 plan was not realized in terms of training and this set-back can be attributed to inadequate information and types and quantities of raw materials available and the technology required to exploit them. Other constraints included lack of funding for training, the increased rate of HIV victims in the district which affected labour force, too much rains which swept away water projects, effects of *El-nino* and *La-nina*, poor transport and high population growth rate which poses a challenge to the successful

implementation of projects and programs that would improve people's standards of living.

According to Nandi District Development Plan of (NDDP, *ibid*), during heavy rains seasons, some roads in the district become impassable. This tends to affect women as they carry out their small businesses and whenever they wish to visit health centres. Infant mortality rate is high standing at 67 per thousand live births, which is above the national average of 58 per thousand, due to low immunization coverage and incidences of diseases such as malaria and pneumonia. Such problems pose challenges directly to women.

The road network is uniformly distributed throughout the district except in the hilly areas and the forestry areas of the district hence affecting communication network. This makes life difficult for women who have to walk long distances. It is important to note that most informal activities are distributed in urban, rural and market centres but concentrate mostly in the urban centres.

Power supply in the district is very low making life so difficult for rural women who are forced to walk long distances to fetch firewood for cooking and warming their houses. At the same time, they are forced to use kerosene lanterns and lamps to light their houses which are very expensive and strenuous. Water supply to homes in the district is also low and does not match the domestic demand. The situation is even worse in urban and market centres. This therefore forces women to go long distances to fetch water. Yet these activities play a significant role in creating self employment

opportunities given the relative ease of entry. Rural women, therefore, tend to be disadvantaged in these areas which affect their lifestyle, (NDDP, (ibid).

1.6.6 Nandi Community Cultures and Beliefs about Women

The Nandi people believe that women should be married immediately after initiation/female genital mutilation (FGM) (Snell, 1954); (Kenya Land Alliance, 2008); Kahuthu, op.cit; Nandi District Development Plan (NDDP, ibid).

It is also believed customarily that:-

- Women are inferior to men because of their lesser strength but are entitled to men's respect; in particular, a man owed respect to his mother, sister and wife.
- A married woman is to accept the authority of her husband, to observe marital fidelity and to bear him off springs.
- A woman has no right of action against her husband for divorce or separation.
- There is no exchange of wives amongst brothers or persons from the same clan as long as one's husband is still alive
- A widow can never remarry, but the duty and/or responsibility of maintaining the woman and her children devolves to the late husband's clan and, in particular, upon a junior brother nearest to him in age or next elder brother if the younger brother is not yet an adult.
- With an initiate or married woman, illicit sexual relations is regarded as a serious crime against the father or guardian or husband as the case may be. But if this is committed by a male counterpart it is not regarded as a serious crime against the woman.
- A woman takes custody of the children of her deceased husband.

- Sons are senior to daughters irrespective of age and the seniority of their mother when it comes to general rules of inheritance
- Women do not own or inherit land from their husbands and/or father, but have a right to cultivate it especially that of a husband.
- Girls are discriminated against when it comes to who should go to school, who should own property, among others.

1.7 Statement of the Problem

The practices of discrimination are quite common in many African countries where women are not involved in decision-making. In Kenya as in most parts of African continent, it is still uncommon to give women a chance to participate in development issues. Some Kenyan communities are more prone to discrimination against women than others, where men are more domineering to women. Amongst them is the Kalenjin community where men are chauvinistic and domineering. Of particular interest to this study is the Nandi community which is one of the seven major sub-tribes of the Kalenjin community (Snell, *ibid*). Some of the cultures and traditions of the Nandi community do not support gender equality as required by the Universal Declaration of Human Rights. Most women cases do not go beyond local administrators or clan elders, who may not be able to solve their problems since they too are exposed to community cultures and beliefs and are biased in their decisions against women (Wamahiu and Chege, 1996). Muteshi (2006) notes that activism work has ranged from advocacy and lobbying activities, community mobilization and awareness of women's rights, public interest litigation and engaging government ministries, particularly with respect to national budgeting and resource allocations.

It is observed that the Kenyan women's movements have not sufficiently devised a coherent and all-encompassing strategy to anchor activism on women's rights on a continuous basis because they have been bedevilled with challenges, Muteshi,(op.cit). Reviewed literature have revealed that appropriate human rights information policies and strategies to disseminate human rights information have been put in place, however, the implementation and impact of such policies have never been explored. Kenya for example has ratified and domesticated Universal Declaration of Human Rights of 1948 and other related international, regional and national Human rights documents. In addition, the promulgated constitution contain provisions of citizens and the government is committed to promoting respect for human rights by establishing Kenya National Human Right and Equality Commission (KNHR-EC) whose mandate is to promote respect for human rights and gender equality in the Republic. The pertinent question to ask oneself was as much as all these HRI documents have been provided for, why are rural women in Kenya still manifesting ignorance, on human rights information that should have positively affected their lifestyles and response to human rights infringements? Could there be a disconnect between the provided for rights and entitlements information and the beneficiaries (rural women)?

Secondly, literature has also shown that strongly held customary and traditional beliefs and low level of education has caused women generally to fail to know their rights as observed by (Agee, 1991; Kamweru, 2002; Maseno & Kasomo 2011). It should be born in mind that one of the premise of this study was that majority of rural women in the study area are illiterate or semi- literate.

Thirdly, past studies by Mchombu 1993; Durani, 1987; Kiplang'at, 1999; Ashcroft and Watts (2005) have indicated that existing information sources such as libraries, mass media and extension services do not provide rural people with appropriate information services where they suggested that for ICT to have more impact on rural development, it should be needs-driven, rather than technology-driven. This formed one of the research questions of this study.

On the issue of channels of communication, several studies that have been conducted in rural areas by Aina (2004); Adimorah (1997); Sturges (2001); Sotshonagage and Moller (2004); Chowdhury (1998); Afullo (2000); and Onyango (2000) have revealed that poor rural infrastructure such as lack of electricity, impedes the use of telephone and radio as channels of communication. They further observed that the same have contributed to low or non utilisation of computer communication technology for the provision of human rights information in rural areas. Jaunari (2003), for example found out that very few women use information communication technologies noting that the key constant problem was due to lack of access to information especially on how to obtain a technology that in itself was unknown to rural women.

If the above study findings and observations have informed this study, what could be done by human Rights Information (HRI) providers and implementers to make rural women know their human rights so as to manifest greater behavioural change? Further based on these arguments, this study set out to investigate the provision and access to human rights information to rural women in Nandi South District within Nandi County in Kenya with an intention of establishing the gaps and challenges hindering them from accessing HRI. The findings of this study have been used to

develop a proposed improved communication model that would be used to disseminate Human Rights Information (HRI) to rural women in Nandi South District with an aim of achieving greater signal to enable greater impact in rural women behavioural change.

According to the reviewed literature there is no evidence to show that a study concerning Nandi South rural women human rights provision and access has been carried out.

1.8 Aim of the Study

The aim of the study was to investigate the provision and access to human rights information by rural women in Nandi South District, establish the challenges and gaps that need to be addressed, and suggest a framework of improving information access and provision in the district.

1.9 Objectives of the Study

The specific objectives of the study were to:

1. Find out the extent of awareness of human rights information by rural women in Nandi South District.
2. Establish ways in which rural women in Nandi South district access and use human rights information to enable them participate effectively in development.
3. Ascertain what information sources, services and systems have been put in place to provide human rights information to rural women in Nandi South District.

4. Determine the most preferred channels
5. Establish factors that hinder women from accessing human rights information in Nandi South District.
6. Suggest recommendations for improving the provision of human rights information to rural women in Kenya and propose an appropriate model.

1.10 Research Questions

The study addressed the following pertinent questions:-

1. To what extent are women in Nandi South District aware of their human rights information?
2. How do rural women in Nandi South District access human rights information? How do they use this information?
3. What information sources, services and systems have been put in place to enable rural women in the district to access human rights information? How useful are these systems, services and sources in delivering human rights information to women? In which formats is the available information?
4. What channels and systems are required by rural women for the delivery of human rights information?
5. What factors hinder women in Nandi South District from accessing human rights information?
6. What could be done to improve the flow of human rights information to rural women in Kenya?

1.11 Assumptions of the Study

This study was based on the assumptions that:

1. The majority of rural women in Nandi South District are illiterate and/or semi-literate making it difficult for them to benefit from the existing information systems that provide human rights information.
2. The existing information systems are neither sufficient nor effective in providing human rights information to rural women in the district.
3. Some rural women are aware of the existence of human rights but traditional beliefs, practices and customs are a hindrance to the implementation of those human rights initiatives.

1.12 Significance of the Study

Human rights information is crucial for any development and for enabling human beings, both female and male, to lead dignified lifestyles. Where people lack awareness of their human rights, they work under fear and may not become innovative in doing anything new. Instead they conform to the known beliefs and practices which are not supportive of any new developments, for example, the eight set out Millennium Development Goals geared towards improving Africa. Awareness of human rights information is critical to all men, women, youths and/or children since it makes one contribute optimally in development activities in the state and societies in which they come from. The findings of this study will be useful at this particular time when Kenya is working towards achieving Vision 2030 which has become one of the flagships for development.

Secondly, by knowing human rights, women are expected to demand for their rightful place in society. For instance, women have been more close to their environments (Chege *et al*, 2006).

Given their rightful share, women can make good use of farms allocated to them and any other available resources, hence, contributing extensively in eradicating poverty and improving on their lifestyles, which, the Government of Kenya aims to achieve. Furthermore, knowledge of human rights makes one careful not to abuse other people's rights. This, therefore, makes this study very relevant.

The majority of women in rural areas, for a long time, have been denied entitlements to education, acquisition and ownership of property, participation in governance and in decision-making. Undertaking this study is hoped to enlighten rural women of their human rights to enable them to participate more effectively in nation building and their own advancement as the saying goes 'when a woman is educated, the whole family becomes educated, and subsequently, the entire world becomes educated'.

In a nutshell, it is hoped that the findings of this study should help provide some useful information to the agents of social change such as information providers in planning information services and systems to encompass human rights information.

It is also hoped that the Government of Kenya will become more alert in ensuring that women Rights are incorporated in the Constitutional Laws so as to promote and protect women's Rights and to ease policy making and planning which the study intends to address.

The findings of this study will also shed some light on the problems encountered by rural women as they seek human rights information. Such kind of information is quite useful to policy makers and implementers, human rights activists and information providers.

1.13 Scope of the Study

The study was carried out in Nandi South District and was confined to rural women above eighteen years from sampled sub-locations in the district (Kesogon, Kaptumek, Chepkurgung, Chebilat and Kaboi).

The key informants who were consulted were drawn from the government Ministries and Departments which deal directly with women issues in the District. These included the Ministries of:- Education, Gender, Children and Social Services, Public Health, Medical Services, Information and Broadcasting, Provincial Administration (District Commissioner, the District Officers, Chiefs and their assistants).

Other groups which were studied included leaders of sampled women groups in the study area, non-governmental organisations (NGOs) and community-based organizations (CBOs), special groups of elderly women and men who are above 70 years of age.

1.14 Limitations of the Study

The study was limited by lack of published documents reviewed about the Nandi South District since it was recently carved out of the larger Nandi District. The term 'human rights' is a western phenomenon and Africans, particularly in the rural set-up,

are always the last people to get exposed to the changes that have occurred even in their own nation and which reaches the urban persons first. Although the term has become common in Africa, even in Kenya, the rural person found it a new term and necessitated definition and interpretation. The term 'human rights' was made clear to reduce difficulties for the interviewees to participate more freely while responding to any enquiry by the researcher.

1.15 Summary

The study was only confined to Nandi South District and the study beyond this area was not possible given the fact that the time frame and financial resources were limited. The findings from this study, therefore, are generalizable to Nandi South District only because of its geographical set-up and its unique challenges which may not be similar to those of other Districts. However, similar researches could be conducted in more districts in Kenya that have similar characteristics to help in planning for human rights information systems in the entire nation.

1.16 The Terms defined below are in the context of the study

Access: The ability to locate and retrieve the required information.

A right: include a recognized legal entitlement, benefit, advantage and interest that a person has and that allows him or her to require another person to do or not to do a certain thing, e.g. a right to freedom of expression, assembly and association; movement and residence; a right to life, education, good health, among others.

Barazas: a meeting held at the village level presided over by the chief and village elders in which community members are educated and advised on issues affecting them.

Decision making: is defined as selection of course of action from among alternatives; it is at the core of planning.

Divorced: a woman who has ever gotten married but has separated from her husband.

Educated people: Those who can read, write and can interpret information and their information is deemed, authentic and reliable.

Gender: Refers to social characteristic described by men, women, boys and girls. These characteristics are found on the basis of different factors such as age, religion, place, time and profession, national, ethnic and Social Origin.

Human Right: a basic right which the majorities of societies feel every person should

have and which prioritizes that a person should be treated in a fair and equal way without cruelty and discrimination, for instance, a right to vote.

Human Rights Information: Human rights information is information that contains facts or details about rights of a human being as seen in human rights instruments.

The same instruments contain facts on how human rights are protected and also indicate the kind of punishment meted if those rights are violated. These instruments also state the laws that protect them and the kind of punishment if violated.

Information: are facts or figures that have been processed in such a way that they can be used to make informed decisions. It is an organized data that people need to enable them make assessment of the state of art and come to some decision.

Information need: is a realisation by a person of lack of certain information to enable him/her make some decision to fulfil some activity e.g. rural women need to know their human rights in order to demand and enjoy those rights.

Information behaviour: It encompasses intentional information seeking as well as unintentional information encounters.

Information seeking: Information seeking is “a conscious effort to acquire information in response to a need or gap” in knowledge.

Information seeking behaviour: The process of identifying and choosing the right information from alternative sources of information.

Information system: refers to all resources and sources of information on human rights which include conventional resources such as libraries, documentation/ archival centres and all non-conventional resources such as government ministries and departments, NGOs, and any individual Human Rights activists.

Knowledge: women familiarity on issues of human rights and includes a range of information, theoretical of practical understanding of the same.

Learned people: people who have gone to school and have acquired certain skill of reading and interpreting whatever has been written.

Married: a woman who has been officially given out by her parents to another family either through customary, religious or administrative union for example D.C.

Objectives: are the ends toward which activity is aimed - they are the results to be achieved.

Policies: are general statements or understandings which guide managers' thinking in decision making. They are also plans in that they are general statements or understandings which guide or channel thinking in decision making.

Poverty: it is used in this study to refer to the state of women having little or no money and few or no material possessions.

Print media: media consisting of paper and ink, reproduced in a print process that is traditionally mechanical and photochemical.

Procedures: are plans that establish a required method of handling future activities. They are guides to action, rather than to thinking, and they detail the exact manner in which certain activities must be accomplished.

Rural: refers to all that pertains to rural life as distinguished from a city or town. It is used in this study to refer to an area outside the limits of any incorporated city, town and includes a state outside government administration like Kaptumo Division.

Rural Development: refers to the process of socio-economic activities meant to bring about positive change in rural areas, improving the quality of life among rural women.

Rural women: are those women who live and spend most of their lives in the rural areas and participate in rural development.

Sex: Refers to the most basic physiological differences between men and women which are universal and unchangeable.

Single: a marital status of a woman who is either still putting up with her parents and/or staying away from her parents but has begotten children where she is the bread winner.

Strategies: general programmes of action and deployment of resources to attain comprehensive objectives; the program of objectives of an organization and their changes, resources used to attain these objectives, and policies governing the acquisition, use, and disposition of these resources; and determination of the basic long-term objectives of an enterprise and the adoption of courses of action and allocation of resources necessary to achieve these goals.

Understanding: The ability to extract meaning from information. For example, you can read and NOT understand.

Unmarried: A woman who is still staying with her parents and has not begotten any children.

Violate: To disobey or do something against an official agreement or law.

Violence: Behaviour which involves physical force intended to hurt, damage, or Kill

Widow: a woman who was initially married but now her husband is deceased and/or has passed on.

Wisdom: The ability to know which principles to apply. This can be seen in ones lifestyle e.g. choices you make affect your life. N.B. Knowledge and Information that comes to you, require you to be wise in order to choose between alternative information given to you.

Women: Refers to females aged above eighteen years old in Nandi South District.

Women issues: include macro-economic policy, environment, human rights, population, poverty, employment, habitats, food, and trade concerns of women.

Women-led organizations: include NGOs, CBOs, Women groups, Faith-Based organizations and professional Associations initiated and driven by women. These organizations may work individually or may be of networks or coalitions.

CHAPTER TWO

LITERATURE REVIEW

2.1 Introduction

This chapter is divided into two sections. Section one covers the theoretical/conceptual frameworks upon which this study was based while section two reviews past studies and literature relating to women, human rights and economic development among others. The role of literature review in this study helped the researcher share the results of other related studies.

2.2 Theoretical Framework

A theory, according to McQuail and Windahl (1993), is a set of reasoned ideas intended to explain facts or events. Mugenda and Mugenda (2003) shares the same view that a theory is a system of explaining phenomena by stating constructs and the laws that interrelate these constructs to each other. They further note that a construct is a concept, abstraction or idea drawn from the specific. A good theory is that which matches well our perception of what a theory is. It is about models and creation of models which may be considered as a consciously simplified description in graphic form of a piece of reality, which seeks to show the main elements of any structure or process, and the relationship between these elements. Models are viewed as aids to thought which are especially appropriate in the study of communication.

Berg (2007) defines theory as a general and more or less comprehensive set of statements or propositions that describe different aspects of some phenomenon (Babbie, 2003; Hagan, 2006; Senese, 1997).

In a formal sense, social scientists usually define theory as a system of logical statements or propositions that explain the relationship between two or more objects, concepts, phenomena or characteristics of humans - what are sometimes called variables (Babbie, 2003; Denzin, 1978). A theory might also represent attempts to develop explanations about reality or ways to classify and organize events, describe events, or even predict future events (Hagan, 2006). Theories are mental constructs. In order to construct theories one needs some smaller components called 'basic building blocks of theory' namely 'concepts' (Jonathan, 1989).

Concepts are symbolic or abstract elements representing objects, properties or features of objects, processes, or phenomena as observed by Berg (2007). The term 'concept', according to Bullon (2003), means an idea of how something is, or how something should be done. Davidson (1985), sees it as how a thing is conceived, a general notion.

Berg (op.cit) notes that concepts may communicate ideas or introduce particular perspective, or they may be a means for casting a broad generalization. Further, Berg (op.cit) states that in terms of ideas, concepts are important because they are the foundation of communication and thought. Concepts provide a means for people to let others know what they are thinking and allow the information to be shared. Concepts can be found everywhere and people use them all the time without actually thinking about them as concepts. The conceptual framework is a linked set of agencies that assist in the critical analysis of art, Berg, (ibid).

In addition, Mujer Sana-Comunidad Sana (2003) observed that, there are many ways to explain a conceptual framework as follows:

- A set of coherent ideas or concepts organized in a manner that makes them easy to communicate to others.
- An organized way of thinking about how and why a project takes place and about how we understand its activities.
- The basis for thinking about what we do and about what it means, influenced by the ideas and research of others.
- An overview of ideas and practices that shape the way work is done in a project.
- A set of assumptions, values, and definitions under which we all work together.

According to elook online dictionary (2008), a framework has been described as a simplified description of a complex entity or process, for example ‘the computer program was based on a model of the circulatory and respiratory systems’.

According to Bullon (2003), a framework is a set of ideas, rules, or beliefs from which something is developed, or on which decisions are based. Mugenda and Mugenda (2003) state that, the existing body of knowledge, theories and understanding were the best starting points for the creation of new knowledge. They further stated that, it is necessary for researchers to base their research studies on existing theories or known principles.

2.3 Rationale for Conceptual/ Theoretical Framework in Research

A framework helps one to explain why they are doing a project in a particular way. It can help people to understand and use the ideas of others who have done similar things.

A framework is like a travel map that guides the user to explore. It is a map because others before us have come up with common symbols to mark streets, lakes, highways, cities, mountains, rivers, among others. The scale on a map tells us how far apart different places are, so we get an idea how long it takes us to get from one point to the next. A map also shows us that there are many different paths that are to be taken to get to the same place, e.g. in a sense-making model, literate women do not need to depend on sense-makers to interpret for them the meaning of particular information, they can be able to identify relevant documents, by themselves and use right information to benefit themselves. If they feel they cannot make on their own, they can be assisted by human rights promoters e.g. agencies and/or individual human rights (HRs) activists.

It is therefore important to identify the theories to be applied for a particular study. In this study several human rights theories were reviewed in an attempt to identify theories that would be relevant and applicable to this study. Among the theories that were reviewed were: the Calvert-Henderson Quality of life Indicators; Human Rights Majority Model; Human Rights Data Model; Values and Awareness Model under emerging models of Human Rights Education; Information and Communication Theory; Sense-making Theory and Feminist Theory. To select the relevant theories

that are appropriate to this study elements of each theory were critically evaluated as follows:-

(i) The Calvert-Henderson Quality of life Indicators;

According to Calvert-Henderson quality of life indicators of 2000-2006, The Calvert-Henderson Quality of life Indicators views the state of human rights in the United States in broad areas such as: fundamental rights to the security of persons and the U.S Bill of Rights and Amendments to the contribution, including freedom of expression, religious freedom, right of assembly and voting rights. Beyond the US basic rights, the model embraces an evolving international view embodied in the Universal Declaration of Human Rights and will likely in future include broader rights to health, education, jobs and/or minimum incomes.

Secondly, much as the U.S. Calvert-Henderson Quality of life Indicators embrace women and children in the definition of human rights which is now widely recognised, it lags in ratifying the comprehensive Elimination of all forms of Discrimination Against Women (CEDAW) which is crucial to this study given the fact that the study is specific to rural women.

Thirdly, the Calvert-Henderson Quality of life Indicators is U.S initiative and the rate at which these rights are implemented is expected to differ because U.S constitution is mature and advance as compared to Kenyan constitution which was revised recently in 2010 and is still in the process of developing strategies of implementations. This theory was found not applicable to this study because of the following reasons:

The current study unlike the Calvert- Henderson *Quality of life Indicators* which deals with specific human rights as shown earlier deals with provisions and access of

human rights generally as embodied in the Universal Declaration of Human Rights which include Civil and Political Rights; Economic, Cultural and Social Rights and Group or Solidarity Rights and in particular those human rights which the Kenyan Government has ratified, domesticated into its law and is committed to promoting and which include the following rights and fundamental freedoms such as Right to life; Equality and Freedom from Discrimination; Human dignity; Freedom and security of the person; Slavery, servitude and forced labour; Privacy; Freedom of conscience, religion, belief and opinion; Freedom of expression; Freedom of the media; Access to information; Freedom of association; Assembly, demonstration, picketing and petition; Political rights; Freedom of movement and residence; Protection of right to property; Family; Consumer rights; Fair administrative action; Access to justice; Rights of arrested persons; Fair hearing; Rights of persons detained, held in custody or imprisoned.

Human rights handle by the Calvert-Henderson Quality of life Indicators due to its specificity to U.S are far less compared to what the study intended to study, hence rendering this theory irrelevant for this study.

It is important to note that, the U.S Calvert-Henderson Quality of life indicators put its emphasis on Indicators which is crucial to quality-of-life in US and the world at large whereas the current study is about provision and access of human rights to rural women in Nandi South District, Nandi County Kenya, hence making the theory inapplicable for this study.

ii Human Rights Majority Model

According to human right majority model (2012), This model is designed to help employers create a self sustaining human rights culture in the workplace. In concert with employers, employees, unions and management from across – sections of organisations across Canada, the Canadian human rights commission has developed a human rights model for todays workplace. The human rights majority model (the model) is a voluntary, proactive and incremental business management tool that stimulate real change. The model provides guidance to business and organisation toward a sustainable and progressive human rights culture.

This model could not be appropriate for this study because the model was intended to foster human rights in organisations so as to attract and retain employees. It was also meant to improve an organisation image and reputation in order to save time and money, hence not applicable to the current study which deals with provision and access of human rights information to rural women who are not necessarily employees in any organisation.

iii Human Rights Data Model

This is a structure used to represent a single deposition of human rights. This model has three components which include: victim; violation and perpetrator.

This model applies information technology solution and statistical techniques to help human rights advocates build evidence based arguments. This model was not applicable to the current study which was concerned with provision and access to human rights information to rural women while this model is concern with victims,

violations and perpetrators, hence not appropriate for this study, (Benetech 2002-2012)

(iv) Values and awareness model under emerging models of Human Rights Education

In this model the main focus of human rights education is to transmit basic knowledge of human rights issues and to foster its integration into public values. Public education awareness campaigns and school-based curriculum typically fall within this realm.

The goal of this model is to pave the way for a world that respects human rights through an awareness of and commitment to the normative goals laid out in the Universal Declaration and other Key Documents. Topics that would apply to this model include a history of human rights, information about key human rights instruments and mechanisms of protection, and international human rights concerns e.g. child labour, trafficking and genocide. The key pedagogical strategy is engagement to attract the interest of the participant for example, when using media campaigns or popular streetside education but can also devolve into a lecture-oriented approach.

However, this model places relatively little emphasis on the development of skills, such as those related to communication, conflict resolution and activism.

The current study is concerned about effective means of communicating Human Rights Information to rural women. This model therefore is not applicable to this study since is concerned with channelling Human Rights Information through lobbying, advocacy and any other ways of promoting women human rights with an aim

to impact their lifestyles positively whereas awareness models lack such elements which are crucial for this study.

All the above human rights models lacked elements of communication process and activism hence making them inapplicable to this study. In an attempt to identify other relevant models which have got elements of communication and activism, the researcher reviewed Information and Communication Model; Sense-making Model (Communication Paradigm shift) and Feminist Theory because they deal with women issues. This study was therefore informed by these three conceptual frameworks namely:-

- Information and communication theory
- Sense-making theory
- Feminist theory

2.4 Communication Concept

Communication has existed since the history of human beings and different scholars have defined this concept in a variety of ways. Theodoson and Theodoson (1969) see communication as transmission of information, ideas, attitudes or emotions from one person to another (or others). Vickery and Vickery (1987) see communication as a social technique upon which all social process is communicated, and that communication is often interactive, two-way. Ocholla and Ojiambo (1993) views communication as giving and receiving of information, signals or messages by talk, gesture and writing. Communication is a binding force in social relationships despite being invisible or having tangible and permanent forms. It is so deeply rooted in human behaviours and the structures of society that it is difficult to think of it while

excluding social or behavioural events. It further states that, communication is the production and exchange of information and meaning by use of signs and symbols. It involves encoding and sending messages, receiving and decoding them, and synthesizing information and meaning. Communication permeates all levels of human experience and it is central to understanding human behaviour. Communication may be studied empirically and critically at different levels of interaction. These levels, often described on a "micro-to-micro" continuum are "intra-personal" (how individuals process information), "inter-personal" (how two individuals interact to influence one another), group (how communication dynamics occur among many individuals), formal and informal "organizations" (how communication occurs and functions in the context of organizations such as hospitals, schools, or public health agencies), and "community" and "society" (how communication builds or changes the agenda of important issues). Empirical study means applying scientific methods to the study of communication; as in the study of behaviour change resulting from exposure to a communication campaign.

Through communication, people get information which makes them aware of issues touching their daily activities; influence their perceptions and eventually their decisions. For example, when people get to know their human rights that have been adopted and ratified by their mother nation, they will use them to benefit themselves without any fear of doing wrong and therefore, they will know that something has not been done rightfully and will question and ask for a correction to be made. They will utilize this knowledge to demand for the right thing to be done and to challenge malpractices towards them, therefore improving their lifestyles.

Communication is a process of conveying information from a source to a receiver through a predetermined channel. It is concerned with a degree of change that possessing information brings to the knowledge status of the receiver as compared to the original state. For change to occur, the message must reach the recipient; must lie within the receiver's field of experience or knowledge and must be understood.

Dominick (1993) outlined the following components as elements in a communication process: source, process of encoding, message, channel, process of decoding, receiver, potential for feedback, and chance of noise. These have been explained in communication theory on how they can be applied in this context. All these elements are interrelated to each other to enable communication take place effectively.

Noise element is a barrier that hinders communication from taking place. It could be an environment, people's cultures, beliefs, values and attitudes, low level of education, language, among others. Care must be taken to ensure that the desired information is not distorted nor misinterpreted by those strongly held beliefs and values without sacrificing those beliefs and values or challenging them. Agee (1991)

2.5 Communication Theory

This theory stems from an information theory, first developed by Claude E. Shannon's mathematical method and which has the following elements: source, channel, and destination.

It was later realised that an important element of feedback was lacking and was later improved by DeFleur (1970) to include an aspect of 'feedback' which was clearly

lacking that gives the source a possibility of adapting more effectively its way of communicating to the destination, which increases the possibility of achieving correspondence between the meanings if communication was to take place, as shown in a DeFleur's development of the Shannon and Weaver model (*See Fig.1*).

This study was informed by information theory which stems from Claude E. Shannon's mathematical methods for measuring the degree of order (non-randomness) in a signal, which drew largely on probability theory and stochastic processes and led to techniques for determining a source's rate of information production; a channel's capacity to handle information, and the average amount of information in a given type of message and in particular, an improved Shannon and Weavers' (DeFleur's) model of communication which has an element of feedback.

The elements of information theory of communication as provided by Shannon and Weaver and DeFleur's model of communication such as information source, channel, receiver, message, noise, feedback along with semantic (meaning), cognitive (understanding) and behavioural (change), and the relationship between the different elements and roles played by each of the elements in the communication process relate to what takes place in the rural women's environment.

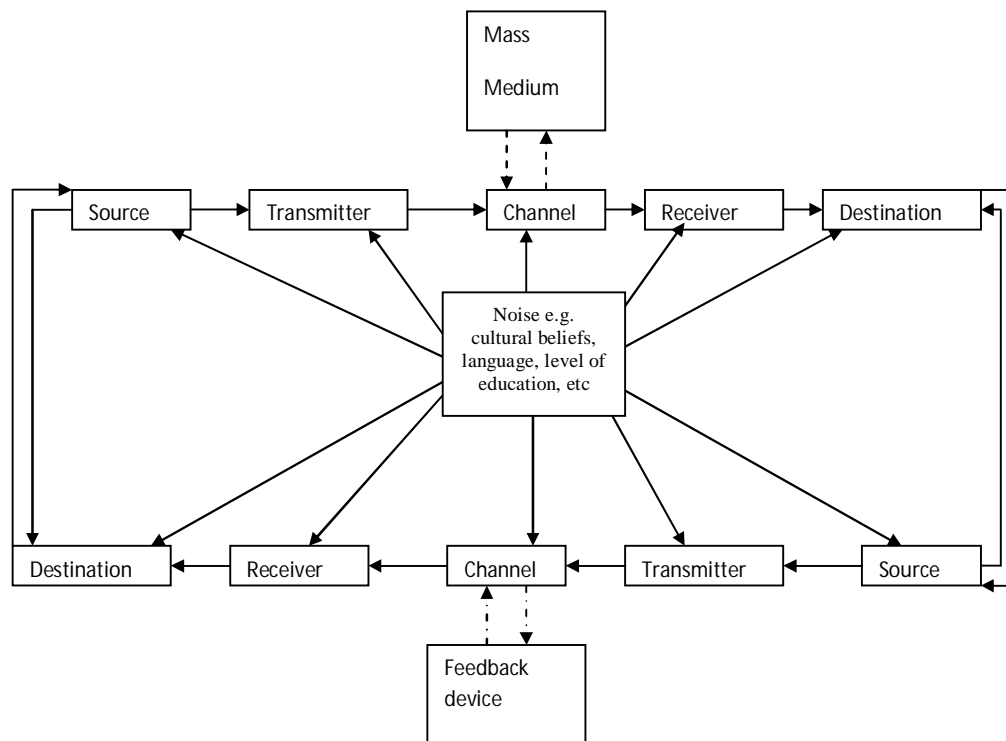


Figure 1: DeFleur's development of Shannon and Weaver model

Source: McQuail, D. And Windahl, S (1993, p.18) Communication models for the study of mass communications 2nd ed., Longman, London and New York.

2.6 Application of Communication Theory to the Study

In this study, an international information source of human rights is the United Nations Charter. This charter is transmitted by the Universal Declaration of Human Rights which served and continues to assist in interpreting the Charter of the United Nations for the member states and their citizens. The African Charter is an

information source and has created the African Commission on Human and Peoples' Rights as the enforcement mechanism (transmitter).

In the case of state/national, the constitution is the source of human rights information and transmits this information through its legislation, cultural, social, educational and economic measures to promote respect for human rights. This information may be channelled through schools, chiefs' *barazas*, women groups, radio and TV programs, workshops, conferences and committees, among others.

The channel of human rights information from international, regional, national and local communities include UN agencies like UNESCO and UNIC which have operational centres in different states. As for the case of African Charter (regional), and African Commission on Human and Peoples' Rights that channels through heads of states and governments human rights information to people in their countries. But the commission has a broad mandate to promote respect for human rights through various channels, for example, through paralegals, promotional and protection activities by interpreting the charter and delivering it to the targeted destination which in this case are rural women.

Since communication is a two-way process, the destination will receive the message, try to understand and interpret it so that she applies it to her life. Depending on how much signal reached them, this can be attested by the changes that will take place in their lives. For example, some women and girls who refuse to participate in Female Genital Mutilation (FGM) see it as a barrier to their educational objectives. Further, others use the human rights information they receive to actively participate in utilising family property such as land, while others participate in political as activities

including vying for civic, parliamentary and presidential elections. Change will also be seen in how much they participate in their community activities and in decision-making processes which will be forwarded upward to national level and eventually influence the way governments formulate national policies.

According to this theory, the receiver is an important component of the communication process. Ensuring that the message received is clear is quite important. A clear message influences the way the received information is used since it can lead to a behavioural change. For example, the greater the signal transmitted and received, the greater the impact and vice versa. Noise is also an important element in this theory since information intended to be transmitted can be affected by noise which makes communication not to take place, thus paralysing all the efforts put in attempting to implement human rights. Noise could be strongly held cultural practices and beliefs about women, education level, age of a person, occupation, language used, people's perception of issues, types of channels used, people's attitudes, past experience, environment among others.

Looking at all the elements encompassed in information/communication theory, they may not be sufficiently effective in communicating information to rural women in an African setting. For example, Muteshi (2006) observed that Kenya has implemented its policy of education for all in seeking to meet its commitments to provide free primary education for all, yet the quantitative increase of women and the girl-child in education has not necessarily translated into gender equality or contributed to the end of gender discrimination in education. Muteshi (ibid) further observed that within Kenyan education institutions, barriers of access, inadequate facilities, the

institutional culture of schooling, the pervasiveness of sexual harassment and the reproductive roles on the girl child and women continue to constraint their full access and success within education. This disadvantage renders majority of women and girl child to be either semi-literate and/or illiterate. This has a negative impact on transmission of human rights information to rural women from instruments and documents containing information on human rights since most of them are written in foreign languages such as English and Kiswahili. It is evident that interpretation element lacks in the information and communication model which could help make the information more meaningful to its recipient, hence making this theory inadequate given the nature and characteristics of rural women. There is therefore a need to integrate other models like sense-making model which has got complementary elements that could help improve the dissemination of human rights information to rural women such as *actor(s)*, an *environment* (rural women), *identification*, *extracting*, *reformulating* (interpretation), *storage* (repeat manipulation) and *visualization* (change of strategy),(Dervin, 1993).

Human rights information providers will have to read and understand about human rights provisions then make sense of the information contained in those instruments so as to effectively transmit it to women in rural areas.

This theory in itself is insufficient since it lacks *advocacy* role (promoters of women's' rights e.g. human rights activists) such as agencies, bodies and individual promoters like feminists, KNHR-EC, Transparency International, hence necessitating for another compliment.

However, the study put into consideration other factors that prevent effective communication from taking place such as cultural beliefs about women and level of education which are noise elements in the communication theory. To ensure that this issue is addressed, feminist theory is also integrated to reduce such noise element and ensure maximum signal being transmitted on human right issues. Feminists role is to advocate, lobby, campaign and sensitize women on their rights by identifying, extracting and interpreting human rights instruments which contain human rights information. This theory alone is insufficient because it lacks *communication* elements hence the need for another complementary model.

2.7 Sense-Making Theory and its Applicability to this Study

Sense making aim to give meaning and interpretation to bring impact.

It is an improvement on the communication theory “*The Communication Paradigm*“, and has the following component of sense making: *actor(s)*, an *environment* (rural women), *identification*, *extracting*, *reformulating* (interpretation), *storage* (repeat manipulation) and *visualization* (change of strategy),(Dervin, 1993).

This theory in itself is insufficient since it lacks *advocacy* role (promoters of women’s’ rights e.g. human rights activists) such as agencies, bodies and individual promoters like feminists, KNHR-EC, Transparency International, hence necessitating for another complimentary theory.

According to a Glossary of sense making terms (2006), un-interpreted information per se is not useful without giving any meaning to it and therefore cannot bring any impact. Dervin (1993) argues that sense-making theory may be labelled as "The

Communication Paradigm", meaning a further improvement on the communication theory. It is a shift from only transmitting a message to the intended destination to giving meaning and interpretation of the transmitted message to the intended recipient so as to have some impact. Dervin (1992), states that the term sense-making has been attached many meanings. That it has been used to refer to a set of assumptions and assertions, to a theory, to a set of methods, to a methodology, and to a body of research results. However, he further stated that sense-making is a set of meta-theoretic assumptions and propositions about the nature of information, the nature of human use of information, and the nature of human communication. Dervin (1992), emphasized that the approach can be used to study any situation which involves communication. Collins (1987) concurs with this by stating that sense-making simply means that getting an understanding of or attributing the meaning of to something. Dervin (1993) defined a sense making theory as 'The process by which individuals (or organizations) create an understanding so that they can act in a principled and informed manner.' Weick (1995), states that in essence, case studies open the door to the 'sense making' process created and used by individuals involved in the phenomenon, event, group, or organization under study. Berg (2007) states that sense-making is the manner by which people, groups and organizations make sense of stimuli with which they are confronted; how they frame what they see and hear; how they perceive and interpret this information, and how they interpret their own actions and go about solving problems and interacting with others. Yin (2003), in Berg (2007), tends to endorse a theory-before-research model where he indicates that theory development prior to the collection of case study data can be important citing various reasons:-

- It can assist selecting the cases to be studied and whether to use a single-case or multiple-case design.
- It helps the researcher specify what is being explored when taking exploratory case studies.
- It aids in defining a complete and appropriate description when undertaking descriptive case studies.
- It can stimulate rival theories when undertaking explanatory cases studies.
- It can support generalizations the researcher may seek to make to other cases.

Berg (op.cit) states that others, however, argue that case studies can be used to generate theory (grounded theory) and follow a pattern similar to theory after research arguing that using case data to build grounded theory has three major strengths:-

- (a) Theory building from case studies is likely to produce theory. This is so because “creative insight often arises from juxtaposition of contradictory or paradoxical evidence”. The process of reconciling these accounts using the constant comparative method forces the analyst to a new gestalt, unfreezing thinking and producing “theory with less research bias theory built from incremental studies or armchair, axiomatic deduction”.
- (b) The emergent theory “is likely to be testable with constructs that can be readily measured and hypotheses that can be proven false”. Because of the close connection between theory and data, it is likely theory can be further tested and expanded by subsequent studies.
- (c) The ‘resultant theory is likely to be empirically valid’ Berg (ibid). This is so because a level of validation is performed implicitly by constant comparison, questioning the data from the start of the process. “This closeness can lead to

an intimate sense of things... that often produces theory which closely mirrors reality”.

Dervin (1993), observes that sense-making tasks often involve *searching* for documents that are relevant for a purpose and then *extracting* and *reformulating* (interpretation) information so that it can be used. Other elements include storage which can be used for a repeat manipulation and visualization to enable change of strategy. This therefore makes this theory relevant to this study since the study wishes to find out if rural women know which documents/instruments contain information on their human rights in order to refer to them and make use of them.

Dervin (ibid), further observed that when a sense-making task is difficult, sense-makers usually employ external representations to store the information for repeated manipulation and visualization. Sense-making tasks inherently involve an embodiment as an actor (or actors), an environment, forms of knowing, and ways to work with what is known. Working can take different forms such as logical, metaphorical, physical, or image-based reasoning.

2.8 Feminism Theory and its Applicability to this Study

Feminist theory aims to understand the nature of inequality and focuses on gender politics, power relations and sexuality. They also focus on analyzing gender inequality and the promotion of women’s rights, interests, and issues. Their role is to advocate, lobby, campaign and sensitize women on their rights by identifying, extracting and interpreting human rights instruments which contain human rights information. This theory is incomplete because it lacks *communication* elements hence the need for another complementary model.

Feminist theory according to Kramarae (1989) is a generic label for a perspective or group of theories that explores the meaning of gender concepts. Feminist theorists argue that almost all aspects of life can be understood in terms of gender qualities. The feminist critique aims to expose the powers as well as the limits of the gendered division of the world.

Kramarae, (ibid.) argues that gender is a socially constructed system of values, identities and activities and that sex is biologically determined. Feminist theory aims to challenge the prevailing assumptions of society and to achieve more liberating ways for women and men to exist in the world. Wood (1997) states that patriarchy means rule by the fathers. This definition highlights the central idea that patriarchal values, institutions and practices reflect the experiences, values, and interests of men as a group and protect their privileges while simultaneously denying, dismissing and /or devaluing experiences, values and interests of women as a group.

Wood (ibid) further states that patriarchy is an overall system of structures and practices that sustain inequalities between the experiences, responsibilities, status, and opportunities of different social groups, especially women and men.

According to (Zajko, 2006), Howe, 2001) feminist theory is the extension of feminism into theoretical, or philosophical, ground. It encompasses work done in a broad variety of disciplines, prominently including the approaches to women's roles and lives and feminist politics in anthropology and sociology, psychoanalysis, economics, women's and gender studies, feminist literary criticism, and philosophy, especially continental philosophy.

Feminist theory aims to understand the nature of inequality and focuses on gender politics, power relations and sexuality. While generally providing a critique of social relations, much of feminist theory also focuses on analyzing gender inequality and the promotion of women's rights, interests, and issues. Themes explored in feminism include art, history and contemporary art, aesthetics, discrimination, stereotyping, objectification (especially sexual objectification), oppression, and patriarchy.

Howe, (2001) notes that the term 'women's rights' refers to the freedoms inherently possessed by women and girls of all ages, which may be institutionalized, ignored or suppressed by law, custom, and behaviour in a particular society. These liberties are grouped together and differentiated from broader notions of human rights because they often differ from the freedoms inherently possessed by or recognized for men and boys and because activists for this issue claim an inherent historical and traditional bias against the exercise of rights by women and girls.

Issues commonly associated with notions of women's rights include, although they are not limited to, the right to: bodily integrity and autonomy; vote (universal suffrage); hold public office; work; fair wages or equal pay; own property; education; serve in the military or be conscripted; enter into legal contracts; and to have marital, parental and religious rights. Women and their supporters have campaigned and in some places continue to campaign for the same rights as modern men, (Zajko,2006; Howe, 2001)

The foregoing discussions indicate areas in which women who do not understand their human rights can be taken advantage of by male counterparts who are more favoured

by some societies and discriminate against female as is the case with the Nandi society. Feminist theory, when integrated with communication model and sense-making, will help address issues of human rights to rural women in Nandi South District. Because of its nature and issues touching on women, feminist theory was found to be applicable to this study since the study aimed to understand the nature of inequality and focused on gender politics, power relations and sexuality, while generally providing a critique of social relations. The theory also focuses on analyzing gender inequality and the promotion of women's rights, interests, and issues. Others included art history and contemporary art, aesthetics, discrimination, stereotyping, sexual objectification, oppression, and patriarchy.

2.9 Integration of Communication, Sense-Making and Feminist Theories to

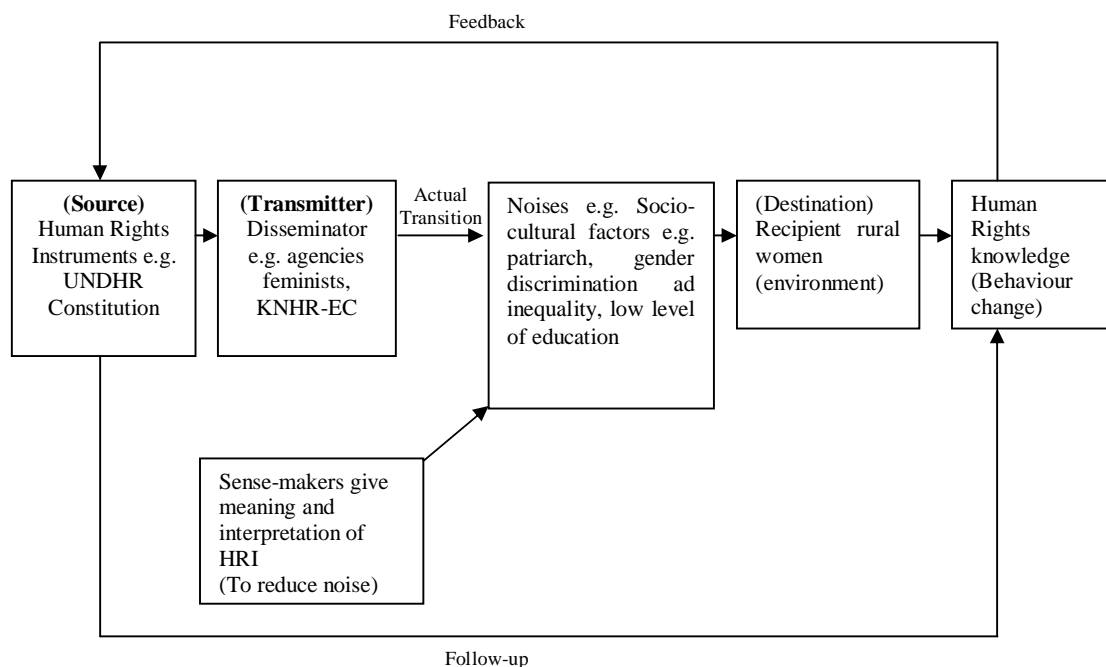
Transmit Maximum Signals

The integration of these three models is expected to transmit a maximum signal that is human rights information to rural women.

In this study, human rights information to rural women originates from an information source which could be the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, all these known as the International Bill of Rights and others such as United Nation Charter, African Charter on Human and People's rights and the Constitution of Kenya. The created bodies and agencies, for instance, the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW), *Maendeleo ya Wanawake*, (MYW), International Federation of Women Lawyers (IFWL), National Council for Women in Kenya (NCWK.), NOW, WEAL,

NWPC, WPCL, LKWP, United Nations (UN), KNHR-EC - whose mandate is to promote and protect human rights - will attempt to establish the right documents which contain human rights instruments. These bodies and agencies will read and try to understand the content of information within those identified instruments. They will interpret and get meaning of all the information in those instruments, that is, what they say, what happens if violated and/or when adhered to, before channelling it to its intended recipient (rural women) by taking obligation to transmit, promote and expose human rights information to all people. There may be certain factors like, misinterpreting the message, language use, cultural beliefs, education level, government policies and the constitution, among others, which translate to noise element in the communication model which might affect the delivery of the information that is intended to reach the recipient (rural women). This can be illustrated by the author's model in figure 2.

When human rights information source (documents containing human rights instruments) have been identified - which should produce a message to be communicated - they are then transmitted through an agent (of social change for example human rights commissioners, teachers, lawyers, human right activists, among others) who forms a message into a signal and makes it ready for transmission. These signals are channelled through a medium (radio, TVs, group discussions, print documents, among others) to the receiver (rural women) who will reconstruct the message from the received signals and is the destination, the person for whom the message is intended.



→ **Fig. 2: Integration of Communication, Sense-making and Feminist Model**

Source: (by Author, 2012)

If the message reached the destination clearly, and with maximum signals, without much interferences by noise which could have been reduced by the help of sense making theory to help reduce noise components such as cultural practices and beliefs, age, education level, occupation, language used, past experience among others, then the state of affairs of the destination automatically changes for the better.

The same bodies were required to also understand the users of this information, in this case the rural women. Among the things that need to be understood are: the dependent variables such as their level of education, cultural beliefs and practices, age, occupation, information-seeking habits, the channels preferred and the problems they encounter while seeking for human rights information. They then make sense of this knowledge to enable them look for the best methods of channelling human rights information to the receiver by repackaging the available information in the right

format that is usable to receivers. It involves choosing the right language that is understood by the rural women and finding the best transmitter (right channel) and doing everything possible to minimize noise. Noise can include among others, wrong language, channel, age, past experience (how things have been done in the past), attitudes that have led to mindset, traditions and cultural beliefs which hinder signals from reaching the intended user by confusing the targeted users. This can be illustrated by the model as shown in figure 3 below.

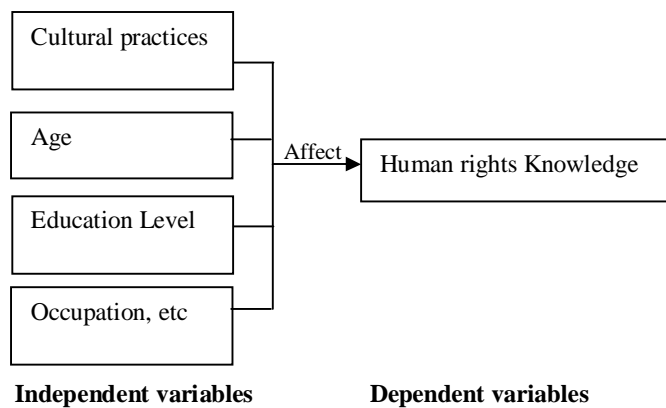


Fig. 3: The Conceptual Framework Source: (Author, 2012)

The conceptual framework above shows how the dependent and independent variables of the study relate. The independent variables of the study are cultural practices such as discrimination, stereotyping; age; level of education; occupation; gender politics; power relations; among others. The dependent variable in this study is the human rights knowledge. Putting into consideration all the issues discussed, feminist theory, therefore, becomes relevant to this study.

The relationship between the dependent and independent variables could be explained as follows:

- Stringent antifeminist cultural practices lead to poor dissemination of human rights knowledge/information.
- The older you are, the lower the understanding of human rights information. On the other hand the higher the level of education, the better the understanding of human rights information.
- Training in various occupations leads to a better understanding of human rights information.
- Language used in disseminating information determines how much signals have been transmitted and how much of a message is received by the destination. If that message was well interpreted and understood, it helps the destination get confidence to apply it, hence impact positively.
- Stereotyping affects implementation of human rights by both sexes.

Once all the logical relationships that exist among phenomena have been understood, it may now become possible for the targeted users to be given the relevant human rights information with a maximum signal. This is because the information providers will have understood who the users are, their level of education, what their male counterparts think about them, and their own beliefs about themselves, among other questions. They could then interpret this information and try to make sense of the human rights information, for example, what benefits these women could derive by understanding human rights touching their lives, how the human rights laws defend them and what they could do if these laws are violated. The information provider could repackage the intended information to suit them and find the best method

known to transmit the human rights information to the targeted information recipient, the rural women in Nandi South District. Such channels could include local radio stations such as CHAMGEI FM, KASS FM, SAYARE FM, KBC, Radio Citizen, among others.

Other non conventional channels include paralegals, church agents, non-governmental-organisations, chiefs' *barazas*, and women groups. They could also be provided by print and/non-print information material on human rights.

Once such an interpretation has been made, probably by experts who have read relevant documents and made meaning of the same and can educate key informants either through conferences, workshops, and seminars, the informants will in return receive and give meaning to the human rights information. They will also make sense of this information having in mind the background information of the targeted users such as factors that are likely to hinder this information from reaching them as intended. They will also discuss the advantages and disadvantages of practices known to them such as bad effects of FGM, early marriages, failing to go to school, failing to participate in voting for the person they would wish to represent them in parliament and/or in council or any other leader they may want.

When women are informed and knowledgeable, those entrusted with the responsibility of promoting this information will no longer struggle in their communities since women will have known the advantages and disadvantages of whatever activities they may wish to undertake. It becomes easy for them to make informed decisions quickly.

Self-actualisation drive will in this case come from women themselves who now understand the benefit of being aware of their human rights, unlike before. Women, having understood these human rights, will choose between alternative options given to them and make informed decisions which will impact on their lives positively. This is because they will have become more educated and informed, unlike before, and their perception of issues will become clearer. This eventually will improve their status in the society and bring development to their nation at large. The feedback element in communication model will be seen by the changes that will have taken place in the society concerned and the information providers who play an important role in making sense and giving meaning to the delivered human rights information.

Hence, they will be able to know whether the delivered information has brought any impact or not by observing if there may have been changes that have taken place. If changes will have occurred, then communication will be said to have taken place and if not, those entrusted with the responsibility will try to reformulate this information and repackage it again in a manner that will transmit more signals to ensure that the human rights information has been consumed positively by rural women. This becomes evident, for example, if a smaller percentage of women used to go to school and suddenly the percentage goes up, then it is obvious that women have learned something about their human rights on gender equity in education.

For the case of Female Genital Mutilation (FGM), which is common among Nandi community, the human rights activist makes women understand that this is a torture to their bodies and a risk factor for HIV. The women are informed that human rights laws protect them against FGM. The women who have been practising the activity will make sense of the provided information and refuse to be tortured again thus

making them live protected and secure lives. Other indicators could be educating women on the importance of their vote in decision making; if many participate in voting as will be evident by increased female voters then communication of human rights information will be seen to have taken place. With the availability of this information, such malpractices of FGM are going to be reduced and finally be eliminated.

The information providers should once in a while invite women to attend such fora as women forums, women meetings, women seminars, workshops or conferences so as to encourage them to freely discuss what they know as their Human Rights. This will help them to know how to obtain this information, interpret and use it to improve themselves, establish whether the transmitted information reaches them and if it has helped them or not. Thus giving reasons to their reaction and according them room to make suggestions for improvement (feedback).

Having discussed the three theories, it can be said that a combination of these theories could enable full consumption of human rights information by the rural women who will help them increase their participation in the societal and national developments and therefore improve their lifestyles.

2.10 Summary of the three integrated theories

The three theories namely communication, sense-making and feminists interlink to each other as follows:

Human rights activists (agencies/feminists) will *identify* documents containing women Human Rights Information from an information source e.g. Human rights instruments (source-communication model) such as Universal Declaration on Human Rights

(UDHR), Constitution, African Charter, Convention on the Elimination of all forms of Discrimination Against Women (CEDAW), *Maendeleo ya Wanawake (MYW)*, International Federation of Women Lawyers (IFWL), National Council for Women in Kenya (NCWK.), *extract* and *reformulate* (interpret) (sense making) to reduce noise (communication model). Ready human rights information will be transmitted (communication model) through e.g. radio, TV, *barazas*, group discussions, women groups, churches, to destination (rural women). Feedback will be seen through rural women behavioural change. The greater the signal transmitted and received (HRI), the greater the impact and vice versa. Noise (communication element) is likely to hinder communication e.g. strongly held traditional beliefs about women, low level of education, language barrier, among others. If the impact is small, human rights activists - actors e.g. (feminists) will *reformulate* the stored information to make it visualized e.g. (changing strategies) and re-channel it back to its recipients (rural women) with an expectation to attaining greater impact (behaviour change).

2.11 Factors That Affect the Provision and Implementation of Human Rights

Information

Kamweru (op.cit) observes that Kenya has ratified several International Conventions and Declarations in regard to gender equality, which includes CEDAW, the Beijing Platform for Action, the Universal Declaration of Human Rights, the African Charter on Human and People's Rights, the Convention on the Rights of the Child and the African Charter on the Rights of the Child. Kamweru (ibid) argues that there has been no domestication of these in Kenyan laws.

All the stated attributes in one way or the other affect the provision and usage of human rights information by women, especially those in the rural set-ups who may not be exposed and whose perceptions on issues are limited. A good example has been cited by Kamweru (ibid) where she notes that the inability of a woman to confer citizenship upon her spouse and children in section 91 of the former Kenyan Constitution further highlights the contempt with which the law looks upon women, despite the fact that are Kenyan citizens who ought to benefit and enjoy the rights provided under the Bill of Rights in the same constitution. She deduced that the constitution guarantees women no higher than second-class citizenship and further notes, 'the laws that flow from the constitution are equally wanting in the protection they promise.' Kamweru (ibid), further states that the challenge lies in ensuring that the constitution is gender sensitive and responsive and ensuring that the highest law of the land guarantees the right to equality for men and women irrespective of their status under Article 68(vi) of the newly promulgated constitution of Kenya.

2.12 The Concept of Information as a Resource

According to Bakewell (1994), information is the first management function, since none of the other functions can take place effectively without information. He further observes that information is vital for decision-making and is needed in order to forecast, plan, organize, co-ordinate, command and control.

Weaving (1991) supports this argument by stating that information is an organized data required to assist in making effective use of resources potentially available and is required in the day-to-day decision-making and problem solving. He notes that data are records of facts and events, a source of information, and that data by themselves

have no meaning. He explains that information appears in four main types namely data, text, images and sounds. For information to have value, Lucey (1991), considering the user and the problem or decision being dealt with is important. White (1991), states that in a world of finite resources, yet with a steadily increasing population, the competition to survive becomes stronger, and the importance of locating and using information for competitive advantage has now become recognized as a most important survival factor in society and commerce. Kiplang'at (1999); Bii (2001); Adimorah (1993), states that provision of information services to rural communities is necessary and important because it assist individuals and groups in their day to day activities and therefore enables them to participate in the democratic processes and decision making.

From the above literature, it is clear that nothing effective can take place without useful information relevant to inquirer's want to enable her/him make informed decisions. Information enable one to survive in such a competitive society, know what things rightly belong to them in such society where selfishness dominates, especially in the current information age where those who have more and current information can make use of it to manipulate and take advantage of those who have non or very little. Accessing right and timely information is a key to survival in the present age.

Rural women need to know what their human rights are, to enable them function effectively in their societies. Accessing their human rights information will help them make informed decisions which will impact on them positively without having fears of what might happen to them. They will be able to understand the laws that protect them. If those entrusted with the responsibility of delivering human rights information understand the targeted users (women) they will be able give meaning to information

and make it useful to its users, thus making rural women's lifestyles change, that is, improve their status in the society.

2.13 Gender and Communication Channel Usage

From a broad communication perspective, it has been shown that there are systematic differences in communication by gender. Women have a tendency to work harder at maintaining conversation in face-to-face situations (Fishman, 1983; Meyers *et al.* 1997). It has been shown that women value connection and cooperation more than men (Meyers *et al.* 1997). Lakoff (1975) suggested that this tendency to maintain the conversation is evidence of insecurity.

Ardener (1975) formulated a theory known as muted-group theory after reflecting on a large number of studies of culture. Ardener (*ibid*) argues that anthropologists have characterised cultures in terms of masculine and further argued that many ethnographies were biased toward the observation of / interviews with males in a culture. Adener (*ibid*) concluded that the actual language of a culture had an inherent male bias that men created the meaning for a group, and that the feminine voice was suppressed or "muted". That this silencing of women leads to the inability (of women) to express themselves eloquently in the male parlance. Shirley (1978) added to the theory, suggesting the silencing of women has several manifestations and that this discrimination is especially evident in public discourse, i.e., women are less comfortable and thus less expressive in public situations than they are in private. Thus, women monitor their communications more intensely than men do.

Kramarae (op.cit) has expanded the muted group theory suggesting that western society remains divided into public and private spheres that are occupied by men and women respectively. Kramarae (ibid) suggested a number of hypotheses about women's communication that:

- Women have more difficulty expressing themselves than men have
- Women understand men's meanings more easily than men understand women's.
- Women have created their own means of expression outside dominant male system.
- Women tend to express more dissatisfaction about communication than men express.
- Women often make efforts to change the dominant rules of communication in order to get around or to resist conventional rules.
- Traditionally, women have been less likely to coin new words that become popular in the society at large.
- The things women find humorous are quite different from the things men find humorous.

Both Allen and Griffeth (1997) and Gefen and Straub (1997) have examined the relationship between gender and information processing. Allen and Griffeth, counter to their hypothesis, found that women did not experience information under load as compared to their male co-workers in a study of 666 workers at a Midwestern telephone company. In the study, roughly 40 per cent were female and about half the workers were hourly employees. Gefen and Straub (1997) found that women

perceived e-mail differently but in practice did not use it differently in a study of 392 respondents with three different airlines in three countries.

The Gefen and Straub (1997) study showed that the women respondents perceived e-mail to be of higher social presence and more useful than men. However, these same women did not find e-mail easier to use than men did and did not, in fact, make greater use of e-mail when measured through self report. Thus the Gefen and Straub (1997) research showed that differences in perceptions of e-mail did not translate into differences in actual usage suggesting the following questions: are the lack of results on e-mail usage due to the difference in organizational/implementation differences across the three airlines and/or could there be differences in perceptions/usage of all computer-mediated communications channels across gender?

In a study that specifically addressed virtual work groups where the group interaction was faceless and e-mail enabled, Lind (1999) found that the women were more satisfied with the group experience than men. The suggestion from this research was that the group experience allowed the women to overcome the unspoken social cues of face-to-face communication allowing them to be more involved in the group. Thus it was suggested that the technology of virtual groups had an equalizing effect for the women.

2.14 Human Rights Concept

Human rights information covers a wide spectrum of rights which encompass civil, political, economic, social, cultural, solidarity and group. Human rights concepts also cover corresponding obligations, that is, the obligation on the part of governments to respect the rights concerned; the obligation of the individual towards his or her

community, as well as the obligation of the international community to promote respect for and ensure the protection of human rights.

According to Paralegal Support Network (PASUNE, op.cit), human rights are entitlements that all human beings have by virtue of the fact that they are human beings and that are necessary for human beings to live a life of dignity. It notes that rights are human constructs. Those human rights are seen through the eyes of human beings and exist for the benefit of humans only. It states that there are moral codes in all societies on what is right or wrong, permissible or not permissible. Human rights protect all people from exploitation and dominance by more powerful people.

According to free encyclopaedia (2011), human rights refers to the concept of human beings as having universal rights, or status, regardless of legal jurisdiction or other localizing factors, such as ethnicity, nationality, and sex' as is evident in the United Nations Universal Declaration of Human Rights (1948), human rights, at least in the post-war period, are conceptualized as based on inherent human dignity, retaining their universal and inalienable character.

According to PASUNE (op.cit), human rights were not, are not, and will not be a monopoly of one particular society, continent or culture since human rights have been linked to the history and development of man and society. The concept of human rights finds its roots in different civilizations, religions, philosophies, and writing as such, the evolution of the concept has been tied to the history of mankind, society and international relations. It notes further that human rights are as old as the human race itself; that it has nonetheless evolved over time to become what we know today. It

further notes that even in African traditional life, folktales, songs and dances contained messages on the value of respecting people and their property and further states that there were also ways of dealing with those who did not follow the community's customs.

The concept covers a wide spectrum of rights, whether civil and political or economic, social and cultural or whether rights of individuals or rights of peoples. Human rights concept does not only cover right component but also corresponding obligations, that is, the obligation on the part of governments to respect the rights concerned, the obligation of the individual towards his or her community, as well as the obligation of the international community to promote respect for and ensure the protection of human rights.

2.14.1 Characteristics of Human Rights

PASUNE (ibid), states that at the 1993 World Conference on human rights in Vienna, Austria, a Declaration was adopted that proclaimed, amongst other things, that human rights are:

- Inalienable [cannot be taken away from a person by another person, the state or whatever entity. It is only possible to violate them.]
- Universal [they apply to all people in the world, that is, they are values that apply to all members of the human family irrespective of where they are.]
- Indivisible [no rights are more important than others and the enjoyment of all must be pursued equally] and

- Interdependent [because the enjoyment of one right is dependent on the enjoyment of one or several other rights, for example, one cannot enjoy all the other rights if the right to life is taken away].

It is important to note that some people have argued that not all human rights apply equally to all people in the world. There are certain rights which cannot be said to apply to others, and are not universal as such. And that this argument, while mainly weak, has some merits. These people cite an example of gay rights among Muslims, Christians and in some countries.

2.14.2 Categories of Human Rights

According to PASUNE (2005) human rights can be classified into three categories namely:

- Civil and Political rights;
- Social, Economic and Cultural rights and
- Group or Solidarity rights.

It is important to note that there are no rights that are more important than others, but this classification is merely a way of illustrating the various aspects of human rights; that human rights must be applied to in order to safeguard human dignity.

2.14.2.1 Civil and Political Rights

These are also referred to as first generation rights. They enable citizens to participate in governance and freely discuss issues. These rights affirm an individual's right to:

- Life
- Freedom from discrimination
- Freedom and security of the person

- Freedom of worship, belief and opinion
- Freedom of expression
- Freedom of movement and residence
- Freedom of assembly and association
- Privacy
- A fair trial
- Participate in governance
- Vote and be elected

2.14.2.2 Economic, Social and Cultural Rights

These are also referred to as second generation rights. They relate to peoples' sense of belonging, dignity, survival and preservation of cultural practices. They include the right to:

- Good health, which includes the right to healthcare services, reproductive health rights and emergency medical treatment
- Education
- Adequate shelter
- Adequate food, and which is culturally acceptable
- Adequate safe and clean drinking water
- Reasonable standards of sanitation
- Leisure and rest
- Participate in cultural activities of one's community
- Preserve one's cultural heritage
- Cultural identity, including the right to speak one's language, and to form, join or maintain cultural, religious and linguistic associations

- Marry and found a family
- Just and favourable working conditions
- Equal pay for work of equal value
- Social security, social benefits and pension
- Form, join and participate in trade unions and to strike
- Form and join and employers' organization
- Acquire and own property
- Quality goods and services

2.14.2.3 Group or Solidarity Rights

These rights are normally referred to as third generation rights. These are rights that we enjoy as communities and other forms of groupings. It is important to note that some of these rights are still contestable and do not enjoy universal recognition like other rights as observed by PASUNE (2005). These include rights to:

- A clean and healthy environment
- Self-determination
- Development
- Protection as a minority

2.15 Human Rights in Kenya

Human rights provided for under international instruments are not immediately applicable in any country for example Kenya, unless those rights are recognized by the laws of Kenya and/or any other country in question. Those human rights that are recognized by the laws of Kenya can be enforced and protected by Kenyan courts. This process of recognition of such human rights and other international treaties is

known as domestication. PASUNE (ibid) states that the constitution of Kenya recognizes the following rights:

- Protection of right to life
- Protection of right to personal liberty
- Protection from slavery and forced labour
- Protection from inhuman treatment
- Protection from deprivation of property
- Protection against arbitrary search or entry
- Provision to secure protection of law
- Protection of freedom of conscience
- Protection of freedom of expression
- Protection of freedom of assembly and association
- Protection of freedom of movement
- Protection from discrimination on grounds of race, tribe, place of origin or residence or other local connection, political opinions, colour, creed or sex.

2.15.1 The Bill of Rights as Provided by the New Constitution of Kenya

According to the Constitution of Kenya (2010), rights and fundamental freedoms provided for include:

- Right to life
- Equality and freedom from discrimination
- Human dignity
- Freedom and security of the person
- Slavery, servitude and forced labour
- Privacy
- Freedom of conscience, religion, belief and opinion
- Freedom of expression
- Freedom of the media
- Access to information
- Freedom of association
- Assembly, demonstration, picketing and petition
- Political rights
- Freedom of movement and residence
- Protection of right to property
- Labour relations
- Environment
- Economic and social rights
- Language and culture
- Family
- Consumer rights

- Fair administrative action
- Access to justice
- Rights of arrested persons
- Fair hearing
- Rights of persons detained, held in custody or imprisoned

2.16 Human Rights Instruments in General

It is important to note that principles of human rights that have been agreed to by the countries of the world in question are written down into international legal instruments and are signed by those countries, hence creating a binding obligation on the countries that have signed them.

The three foremost legal instruments as noted by PASUNE (*op.cit*) are the:

- Universal Declaration of Human Rights (UDHR) of 1948)
- International Covenant on Economic, Social and Cultural Rights (ICESCR) of 1966 and;
- International Covenant on Civil and Political Rights (ICCPR) of 1966.

These three instruments are together known as the International Bill of Rights. It is also important to note that, according to PASUNE (*ibid*), many international legal scholars argue that the UDHR constitutes customary international law, on the basis of the characteristics that normally constitute such law, and is binding even on countries that did not sign or accede to it, since it contains the whole range of human rights within one consolidated text.

In addition to the international bill of rights, there are a number of other human rights instruments signed by states as observed by PASUNE (ibid) for example the:

- Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) of 1980)
- The Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment (CAT) of 1969.
- The Convention on the Rights of the Child (CRC) of 1990
- African Charter on Human and Peoples' Rights (ACHPR) of 1981.
- Convention Relating to the Status of Refugees (Refugee Convention) of 1951.

These are human rights laws that have been accepted not only universally but also regionally and nationally by states that have ratified them and have taken an obligation to protect and promote them.

The Universal Declaration of Human Rights (1948) states that on December 10, 1948 the General Assembly of the United Nations adopted and proclaimed the Universal Declaration of Human Rights during the Assembly calling upon all Member countries to publicize the text of the Declaration and to allow it to be disseminated, displayed, read and expounded principally in schools and/or other educational institutions, without hindrances based on the political status of those respective countries or territories.

Many states wanted to go beyond the declaration of rights and create legal covenants which would put greater pressure on states to follow human rights norms. Because some states disagreed over whether this international covenant should contain economic and social rights (which usually require a greater effort to fulfil on the part

of individual states), two international treaties were prepared and came into force, namely-

- i. The International Covenant on Civil and Political Rights (ICCPR) which was adopted in 1966, and came into force in 1976. This was ratified by 144 countries.

The International Covenant on Civil and Political Rights created an agency, the Human Rights Committee to promote compliance with its norms. The eighteen members of the committee express opinions as to whether a particular practice is a human rights violation, although its reports are not legally binding.

- ii. The International Covenant on Economic, Social and Cultural Rights (1976), ICCPR (2011).

It is important to note that the Universal Declaration of Human Rights formed the International bill of rights.

2.16.1 Sources of general Human Rights Information at various levels

There are various sources containing human rights information for both female and male (humans) at various levels, namely international, regional and national instruments such as conventions and treaties.

2.16.2 International sources of human rights information

These include:

- Universal Declaration of Human Rights of 1948

- African Charter on Human and Peoples' Rights (ACHPR) of 1981.
- Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) of 2009 developed specifically with gender in mind and was adopted in 1976. This covers all types of education at all levels and it came into force in 1981 with 173 countries including Kenya ratifying this convention.
- The International Covenant on Civil and Political Rights (ICCPR) of 1966 which came into force in 1976 was and has been ratified by 144 countries.
- Convention on the Rights of the child (CRC).
- United Nations Children Fund (UNICEF).
- United Nations Agency created by the International Covenant on Civil and Political Rights (ICCPR) of 1966 which came into force in 1976.
- The International Covenant on Economic, Social and Cultural Rights (ICESCR) of 1976.
- UN Agencies in particular the International Convention on Economic, Social And Cultural Rights, the UNESCO, developed their normative instruments to solidify some of the rights and measures enumerated therein, such as the convention against discrimination in education (1960), the declaration on race and racial prejudice (1978), the recommendation on participation by the people at large in cultural life and their contribution to it (1976) and the recommendation on the status of scientific researchers (1971). These instruments are supplemented by programs to help improve and accelerate access to and effective population participation in the areas of education, science and technology, social science, culture and communication.

2.16.3 Regional (Africa) sources of human rights information

- African Charter on Human and People's Rights

2.16.4 State/National Instruments and Agencies of Women Human Rights (Kenya)

States play an important role in implementation of human rights they have ratified. When they ratify instruments, they make an obligation to promote and protect human rights at national level by creating an atmosphere that is conducive to the development of an individual and the society as a whole. So, its main instruments as underlined before should strive to guarantee human rights. These instruments are contained in:-

- The Constitution of Kenya
- Legislation
- The Cultural, Social, Education and Economic Policies by relevant ministries like Ministry of Gender, Children and Social Development, Education, Health, Medical Services, Justice and Constitutional Affairs, among others.

2.16.5 Human rights instruments that are specific for marginalised groups

Like the general instruments of human rights, women human rights instruments are also sub-divided into international, regional and national/governmental which encompass bills, conventions and treaties. A few examples have been cited below in International Law (2011).

2.16.6 International Instruments

These include

- Universal Declaration of Human Rights of 1948
- African Charter on Human and Peoples' Rights (ACHPR) of 1981.
- Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) - developed specifically with gender in mind and was adopted in 1976. This covers all types of education at all levels and it came into force in 1981 with 173 countries including Kenya ratifying this convention.
- Convention on the Rights of the child (CRC).
- United Nations Children Emergency Fund (UNICEF).
- UN agencies in particular the International convention on economic, social and cultural rights, the UNESCO, developed its normative instruments to solidify some of the rights and measures enumerated therein such as the convention against discrimination in education (1960), the declaration on race and racial prejudice (1978), the recommendation on participation by the people at large in cultural life and their contribution to it (1976) and the recommendation on the status of scientific researchers (1971). These instruments are supplemented by programs to help improve and accelerate access to and effective population participation in the areas of education, science and technology, social science, culture and communication.

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- The Constitution of Kenya
- Legislation
- The Cultural, Social, Education and Economic Policies by relevant ministries like Ministry of Gender, Children and Social Development, Education, Health, Medical Services, Justice and Constitutional Affairs, among others.

2.17 Bodies/Organizations and Agencies that Promote Human Rights

Information

There are several bodies and organisations whose mandate is to promote human rights information. They are at both international and local level. These are highlighted as below.

2.17.1 Universally

The bodies that promote human rights universally include United Nations agencies such as:-

- i. UNESCO

- ii. UNICEF
- iii. UNIC

2.17.2 Regional

The most active organizations which promote human rights in Africa have been:-

- i. African Commission on Human and People's Rights which supervises the implementation of the African Charter.
- ii. NGOs (Non-Governmental Organizations)
- iii. Individual Human Rights Activists at various levels (both organized as well as individual academia).

2.17.3 Agencies

Agencies involved in human rights activities in Africa are sub- divided into the following categories:

- i. Inter-Governmental Organizations (IGOs)
- ii. Non-Governmental Organizations (NGOs)
- iii. The International (Transnational) (INGOs)
- iv. The Foreign Based Organizations (FONGOs)
- v. The Local Non-Governmental Organizations (LONGOs)

Inter-governmental organizations (IGOs) which are set up by some agreement between and among states such as UN Organizations and agencies connected with human rights questions (Regional Human Rights Charter and Regional Human Rights body). Those that have been active in human right process include:

- i. UN Commission on Human Rights

- ii. African Jurists, especially African Bar Association
- iii. Western Liberals and
- iv. Activist Organizations

2.17.4 Non-Governmental Organizations (NGOs)

These are divided into three major groups, namely:-

- i. International Non-Governmental Organizations (INGOs)
- ii. Foreign Based Non-Governmental Organizations (FONGOs) and
- iii. Local Non-Governmental Organizations (LONGOs)

2.17.5 The International (Transnational) (INGOs)

Non-governmental organizations include

- i. International Commission of Jurist (ICJ) based in Geneva;
- ii. International Committee of the Red Cross (ICRC) based in Switzerland;
- iii. American based International League for Human Rights;
- iv. Amnesty International

2.17.6 The foreign based Non Governmental Organizations (FONGOS)

These organizations are active on African questions, for example, International League for Human Rights.

2.17.7 The Local Non-Governmental Organizations (LONGOS)

Examples are: Church-based, the All Africa Council of Churches, churches in Kenya, Uganda and Zimbabwe (the Catholic Commission for Justice and Peace have, on and off, taken up human rights questions; law and legal activities such as legal aid groups like the legal Advice Centre and the public law institute of Kenya.)

2.17.8 Organizations which Promote Human Rights that are Very Relevant to Africa but Least Publicized in the West

These Organizations include:-

- Bertrand Russell Tribunals (organized the Vietnam war crimes Tribunals) and;
- Rome-based Lelio Basso Foundation (for the Rights and Liberation of people which sponsored the 1976 Algiers Declaration on the rights of people.

It is good to note that human rights committees or other forms of organized human rights groups are rare in Africa. But INGOs and FONGOs have been largely in the area of promoting and exposition of violations of human rights in terms of organizing seminars, conferences and workshops to which African academics, usually Jurists, are invited.

International human rights have been known to cater fully for women, for example, CEDAW (1999) pointed out that some treaties were not sufficient to guarantee the full enjoyment and exercise of women's Human Rights and so the need to establish CEDAW that has been observed as the most comprehensive and detailed in issues of women in international agreement that seeks the advancement of women. The issue

is: are women that needed to be answered by this study which it did was about rural women being able to access such information. If they are able to whether in urban or in rural setup they would be living meaningful lives unlike what this study found out to be contrary.

2.18 The Role of Organizations in Promoting Human Rights in Kenya

According to Muteshi (2006) civil society organizations, especially women-led organizations that have over the years carried the burden of gender work in Kenya include NGOs, CBOs, women's groups, faith-based organizations, and professional associations. She further notes that organizations with a vision on gender are considered women's organizations, but further notes there are also organizations whose core mandates are not on gender issues but provide targeted or limited attention to gender issues within their organizations. Muteshi (ibid) notes, 'women's organizations have flourished in Kenya given the context of a thriving civil society.' She further notes International World Conferences on women have most importantly positioned women's organizations as key stakeholders with their governments in acting on women's concerns. In addition she notes women's organizations have encouraged governments to adopt gender equality policies and national plans.

Muteshi (ibid) observes that women's organizations have taken various forms of collective action towards the important and urgent work of transforming the world into a place where women and men can be treated as full human beings, where women's voices can be heard and where the society can realize the full vision of gender equity, equality and women's empowerment in all spheres of life, private and public.

Muteshi (2006), in her preface, notes that the 14 organizations selected for the study have passed the criteria of working at the grass roots at a national level and though other organizations that do not do this have their place, it is those that touch and grow from the ground up, like trees, that can cause phenomenal change.

2.18.1 The Role of *Maendeleo Ya Wanawake* Organization (MYWO) in

Promoting Human Rights

According to Muteshi (ibid), the oldest women's organization is *Maendeleo Ya Wanawake* Organizations (MYWO), which was formed in 1952 with branches countrywide. This organization was established as a welfare organization whose initial focus was to strengthen women's capacity to generate income and manage their households as a means of alleviating poverty and to create a better environment and equality of life. At its inception, MYWO did not concern itself with challenging the patriarchy; rather, it sought to find ways and means through which women could weave around the imbalance of power to improve the quality of their lives and that of their households. This organization still remains the strongest mobilization unit for women.

Muteshi (ibid) notes that after Kenya attained independence, the National Council for Women in Kenya (NCWK) was established as a national umbrella organization in 1964. Its purpose was to strengthen and unite women's organizations in Kenya and was a coordinating agency for women's organizations at the local, national, regional and international levels. This organization was the NGO focal point in Kenya for activities and mobilization to prepare for Beijing Conference in 1995.

Following the 1985 women's convention held in Nairobi, popularly known as the Nairobi Forward Looking Strategies (NFLS), some vibrancy was injected into the women's movement. This conference inspired Kenyan women to establish organizations that would challenge the power structural arrangements of society by empowering women to know their rights and seek effective ways and means of protecting, promoting them and their realization for the women constituency. As a result, the birth of several organizations was witnessed including the International Federation of Women Lawyers- Kenya chapter, the League of Kenya Women voters. The theme of the Conference challenged the 'welfare' approach and focused on equality and development.

She notes that the activism work has ranged from advocacy and lobbying activities, community mobilization and awareness of women's rights, public interest litigation, engaging government ministries, particularly with respect to national budgeting and resource allocations. Muteshi (ibid), further notes that the Kenyan women's movement however has not sufficiently devised a coherent and all-encompassing strategy to anchor activism on women's rights on a continuous basis because it has been bedevilled with challenges.

In April 1997, the Kenya women's political caucus was born at the foyer of parliament by women's activists following the defeat of Hon Phoebe Asiyo's motion presented to parliament on 23rd April 1997 to advance gender equity through affirmative action in national policy. The Kenya women political caucus was a loose coalition of women's organizations whose main objective was to enhance women's

access to political power and its slogan ‘Women United for Political Change’ saw the caucus attain secure tremendous successes. The caucus members had resolved that despite the defeat of the motion, they would produce a draft ‘Affirmative Action Bill’ to support yet another motion in parliament (Muteshi, 2006).

It is a truism that Women Groups are known to be more close to women in that those staying together come up with a merry-go-round that is from house to house which are established mainly for women welfares. A group of women come together so as to assist each other in time of need for example weddings, burials, -pooling their resources together so as to give one person at a time in lump sum. These groups are close to the women; therefore, it is not likely that women miss to attend. In fact some are very strict so that when a member fails to attend or is late for a meeting, they will be required to pay a fine. It is in these fora that several issues touching on women welfares are discussed and implemented.

2.18.2 The Role of Convention on the Elimination of All forms of Discrimination Against Women (CEDAW) in Promoting Human Rights in Kenya

Muteshi (ibid) states, that to achieve policy and legal changes to protect and advance women’s rights, governments not only made commitments to BPFAs, but also ratified conventions, such as CEDAW, without reservations, but he notes however, that it has not fully incorporated CEDAW’s provisions into national laws; thus discriminatory laws remain in place in Kenya. Because of the existing gap, Muteshi (ibid) observes that a task force that included women, reviewed laws related to women and produced its findings and recommendations in 1993 and in 2005 that working partnership with

women's NGOs and statutory National Commissions dealing with law and gender the government re-established gender-responsive law reform.

2.18.3 The Role of Kenya National Human Rights and Equality Commission in Promoting Human Rights

Muteshi (ibid) observes that the Kenya Human Rights Commission-KHRC- was the first civil society organization to develop an organizational gender policy in Kenya, given its mandate to promote and protect human rights. She notes an important contribution has been its visible policy of mainstreaming gender perspectives to promote women's economic rights and workers' rights in general in large agro-business enterprises. She argues that the implications for gender work are immense; for to recognize women's rights, we must first change the institutional norms and practices that underwrite male privilege within organizations and work environment. She notes that although KHRC does not consider itself as a part of the women's movement, its human rights focus calls it to include gender considerations in all its community programmes. She observes that women's continued marginalization is a violation of women's human rights and sustainable development requires women's equal participation.

She further adds that by asserting women's rights to participate in the development of their communities and by monitoring their inclusion on community committees, KHRC is enforcing the civil, political and socio-economic rights of women, for all the three are indivisible from one another as has been provided for under Article 59 of the new Kenyan Constitution, which has also outlined the functions of Kenya National Human Rights and Equality Commission.

2.18.4 The Role of Non Governmental Organizations (NGOs) in Promoting Human Rights

Muteshi (2006) notes that in Kenya, the NGO sector has been very instrumental in pushing forth the women's agenda and undertaking activities aimed at ensuring the implementation of various international standards and obligations where their activities have ranged from working directly with communities, sub-national initiatives involving policy influence. She further notes that all these activities have had certain characteristics and features that define thinking and practice.

Muteshi (ibid) observes that one of the primary motivations beyond the Heinrich Boll Foundations engagement in this region in seeking to achieve the overarching goal of gender equality and the advancement of rights of women has been through the seizing of opportunities to reflect and document on women's groups, working with governments, NGOs and other actors in the civil society, in providing impetus for change.

2.18.5 The Role of Kenyan Government in Promoting Women's Human Rights

The Kenyan Government has taken various measures to eliminate discrimination against women. These include legislative, judicial, administrative and programmatic actions. According to the 7th periodic report of the Government of Kenya (GoK, 2009), on the Elimination of All forms of Discrimination Against Women, in the area of legislation, a number of laws have been passed which explicitly outlaw discrimination against women. These include:

1. The Employment Act, No. 11 of 2007. This act is progressive in advancing the rights of women in employment and in the work place by specifically outlawing discrimination against women on the pertinent employment matters, based on sex and pregnancy.
2. The National Cohesion and Integration Act, No.12 of 2008. This has been enacted to address the issue of ethnicity in recognition of ethnicity as a catalyst for violence and discrimination, including discrimination against women.
3. The Truth, Justice and Reconciliation Act, No. 6 of 2008. This act has been passed in recognition of the gravity of human rights abuses committed in the country since it attained independence and the need to provide redress; and prompted by atrocities committed not only during post-election violence in late 2007 and early 2008 including violence committed against women and young girls but also committed in previous years. This act was intended to provide for the establishment of truth, justice and reconciliation commission.
4. The Witness Protection Act, No. 16 of 2006 which has been enacted. It was noted that many women victims of sexual abuses, domestic violence and other abuses endure suffering without seeking legal redress due to fear of reprisal. In response, Kenya's parliament enacted the Witness Protection Act, No. 16 of 2006, which commenced on 1st September 2006, to provide for protection programme, which includes protection of witnesses from identification (Part III), special commercial arrangements for witnesses requiring protection (section 26) and immunity of witnesses from legal proceedings (section 34).
5. The Kenyan Law Reform Commission has now refined and redrafted various Bills which are progressive to women's rights. These Bills have been submitted to the Cabinet for approval. Thereafter, they will be presented to parliament for debate

and enactment. They include (a) Family Protection Bill of 2007 which seeks to address domestic violence against women within the family settings; (b) Marriage Bill of 2007, which seeks to harmonize and consolidate all the substantive marriage laws, give equal legal recognition to all types of marriages and provide for a simplified procedure for matrimonial matters and (c) Matrimonial Property Bill of 2007. This makes clearer provisions for married women's rights to ownership, access, control and disposition of matrimonial property.

6. Equal Opportunity Act of 2007 has been redrafted by the Law Reform Commission using the lapsed Equality Bill. The Bill has been submitted to parliament to pass into a law which protects and promotes equality between men and women in all spheres of life and specifically outlaw discrimination based on gender. In order to address the issue of delay which has hampered the passage of the bills over a period of time, the Ministry of Gender, Children and Social Development has in its strategic plan prioritized steps to be taken to ensure their enactment.
7. There has been positive and encouraging progress in judicial processes which have been set and clarified; the applicability of CEDAW in Kenyan courts as well has provided the legal framework for CEDAW's applicability in the country besides progress in the legislative arena.
8. Courts in Kenya have directly applied CEDAW provisions as legal authority. These have been used in a number of cases to determine pertinent matters concerning women, including forced marriages and property inheritance following the CEDAW requirement that women shall not be discriminated against.
9. The HIV and AIDS Prevention and Control Act, 2006. This Act has potential to promote women's protection against rape and other sexual abuses, as well as other

forms of injustices related to sex and gender. The act prescribes a penalty for such discriminatory acts and practices as criminal offense. This Act commenced on April 30, 2009.

- 10.** Sexual Offences Act, 2006. This Act has been passed by Kenya's Parliament. The Act prohibits all forms of sexual violence and abuse, including sexual violation of women and provide for hefty penalties for rape and other forms of sexual violations which should have deterrent effect. A Multi-Sectoral Task Force on the Implementation of the Sexual Offences Act was appointed by Attorney General of Kenya in 2006 with specific terms of reference to prepare and recommend a National Policy framework and guidelines for implementation and administration of the Sexual Offence Act...'
- 11.** Provincial sensitization and training programs for prosecutors and other stakeholders have been conducted by Task Force on the Guidelines for prosecutors under Sexual Offense Act, 2006. In the discharge of its mandate, the Task Force is guided by the principles of gender equity, sensitivity and human rights.
- 12.** Sexual Offense Regulations. Legal Notice No. 132 of 17th October 2008 and Legal Notice No. 133 of 2006, detailed Sexual Offences Regulations were issued to enhance sentences for sexual offenders and authorize the establishment of a Dangerous Sexual Offenders' DNA Data Bank which shall consist of crime scene index and dangerous offenders' index, including their DNA to strengthen offender identification procedures in cases of rape.
- 13.** Implementation of programmes and activities and eliminate discrimination against women. To compliment legislative and judicial measures to promote women's

rights, the Kenyan government is currently implementing a number of programmes and activities alone and in collaboration with partners.

- 14.** The government is continuing to implement, in collaboration with development partners, a reform program in the Governance, Justice, Law and Order Sector (GJLOS) covering over thirty (30) Ministries, Departments and Agencies through the Ministry of Justice, National Cohesion and Constitutional Affairs. Since the inception of GJLOS in 2003, it has been integrated into Government plans, programs and budgets. Its collaboration includes local leaders, who have helped in the relocation of at least 20 widows evicted from their families due to their objection to forced widow inheritance. Relocation exercise includes educating society members on women's rights and legal prohibition of inheritance rights abuses and help with re-construction of demolished houses.
- 15.** National Legal Aid and Awareness Programme (NALEAP). This was launched in September 2008. The Kenya government is in collaboration with development partners, implementing a National Legal Aid and Awareness Programme (NALEAP) under the Ministry of Justice, National Cohesion and Constitutional Affairs. The Scheme is already providing legal aid to Kenyans.
- 16.** Vision 2030. The government has developed an ambitious national plan and strategy for the country dubbed Vision 2030. This plan sets out a national vision to be achieved in the year 2030 through three key pillars, that is, political, economic and social pillars. The social pillar has identified gender concerns and in particular equity in power and resource distribution between the sexes as a priority.

17. The women Enterprise Fund. Kenya's Vision 2030 has flagship projects to be implemented during the five year medium term plan, 2008 – 2012, to promote women's rights. This includes the women Enterprise Fund among other increasing overall amounts and efficiency in projects launched by its beneficiaries. Others include the establishment of Social Protection Fund to support vulnerable indigent/poor women in Kenya to be established in 2012. These two flagship projects will go a long way in addressing the critical gap in the economic and social field for women.

18. The new constitution has put emphasis on gender equality and equity.

This is confirmed in chapter (4), Article 59 part 5 on Kenya National Human Rights and Equality Commission where it has outlined issues of human rights.

2.19 Women and Human Rights Laws

Women are human beings and, like their male counterparts, they also have a right to enjoy human rights. To be able to participate in their societies, they need to be protected by laws and to know all their human rights that are inalienable, universal, indivisible and interdependent to enable them live dignified lifestyles. The New Constitution (ibid) provides specific rights in part 3 under the Bill of Rights which targets certain groups of persons including:-

- Children
- Persons with disabilities
- Youth
- Minorities and marginalised groups
- Older members of society

2.19.1 Notable articles in the promulgated constitution of Kenya that promote Women Human Rights

Women have, from time immemorial, been known to play very important roles in the society and no wonder states are doing everything possible to empower them. For example, one of the millennium development goals aims to eradicate poverty and to empower women. But if women must participate fully in any development, then they must be aware of their rights which are often violated by some cultural malpractices. These may not become possible unless the participating states, through government policies, ensure they include these rights as a sign of support.

The government arm, which has wilfully accepted a series of legal obligations to uphold the rights and provisions, established under the text in question are expected to make women in their states aware of those universally set and accepted human rights support of women. Such practices must be encouraged and accepted as new paradigm shifts taking place in the present societies whereby women, like men, can take leadership roles; something that was not commonly practiced amongst African culture. This can only be counterchecked if women have full knowledge of their human rights and checking them against the way they are treated by their societies and governments for this matter. Otherwise, without such knowledge, it becomes extremely impossible to know if they are treated fairly or not.

If this has got to be achieved, knowing if women in rural areas are provided and are able to access information that contain their rights is very important. Furthermore, understanding the role that states play in promoting women human rights is also critical. For this to be accomplished, cost-effective and sufficient information systems

must be in place to enable them have access to human right information in order to live a meaningful life and to participate significantly in development issues.

Elimination of All Forms of Discrimination Against Women (CEDAW) of 2009), observed that Women's rights are increasingly in jeopardy around the globe. Women endure rape as a weapon of war with near-complete impunity, suffer violence in their homes with inadequate government reaction, face exploitation and trafficking for forced labour as a result of inequalities in their home countries, are discriminated against and harassed in the workplace, are assaulted by their jailors when in state custody, face severe restrictions on their sexual and reproductive autonomy, and are deprived of a role in public life and equality before the law in countries that give male family members authority over women. CEDAW can be used to eliminate such discrimination and abuse of women.

Article 1, of Discrimination Against Women (CEDAW) of 2009 defines discrimination against women as ‘any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.’

Issues of women were not captured properly in the first constitution of Kenya which was influenced heavily by customary laws of communities in Kenya. In the new promulgated constitution of Kenya, women’s’ issues have been stipulated well, hence the need for women to understand articles that touches on their issues to enable them

know, claim and enjoy their rights. A few examples of these articles have been cited, and include:

1. Freedom of conscience, religion, belief and opinion, have been dealt with under Article 32 (1) to (4) which states that ‘every person has the right: - to freedom of conscience, religion, thought, belief and opinion, either individually or in community with others, in public or in private, to manifest any religion or belief through worship, practice, teaching or observance, including observance of a day of worship. A person may not be denied access to any institution, employment or facility, or the enjoyment of any right, because of the person’s belief or religion and shall not be compelled to act, or engage in any act, that is contrary to the person’s belief or religion.’
2. On environmental issues, the new constitution has addressed them under Article 42. It provides that, ‘every person has the right to a clean and healthy environment, which includes the right to have the environment protected for the benefit of present and future generations through legislative and other measures, particularly those contemplated in Article 69 and to have obligations relating to the environment fulfilled under Article 70.
3. On matters touching on language and culture, Article 44 (1) to (3) has elaborated that, ‘every person has the right to use the language, and to participate in the cultural life of the person’s choice. A person belonging to a cultural or linguistic community has the right, with other members of that community to: enjoy the person’s culture and use the person’s language or form, join and maintain cultural and linguistic associations and other organs of

civil society. It also states that a person shall not compel another person to perform, observe or undergo any cultural practice or rite.

4. Fair administrative action has been taken care of under Article 47 (1) to (3) which provides that ‘every person has the right to administrative action that is expeditious, efficient, lawful, reasonable and procedurally fair. If a right or fundamental freedom of a person has been or is likely to be adversely affected by administrative action, the person has the right to be given written reasons for the action.’
5. Part one on General provisions relating to the Bill of Rights stipulates issues on rights and fundamental freedoms Article 19 (1) to (3) state that ‘the bill of rights is an integral part of Kenya’s democratic state and is the framework for social, economic and cultural policies. The purpose of recognising and protecting human rights and fundamental freedoms is to preserve the dignity of individuals and communities and to promote social justice and the realization of the potential of all human beings. The rights and fundamental freedoms in the Bill of Rights belong to each individual and are not granted by the State. They do not exclude other rights and fundamental freedoms not in the bill of rights, but recognized or conferred by law, except to the extent that they are inconsistent with this Chapter; and are subject only to the limitations contemplated in this Constitution.’ This article provides for all individuals without discriminating on women.
6. The Implementation of rights and fundamental freedoms are dealt with under Article 21 (1) to (4) state that it is a fundamental duty of the State and every State organ to observe, respect, protect, promote and fulfil the rights and

fundamental freedoms in the Bill of Rights. The State shall take legislative, policy and other measures, including the setting of standards, to achieve the progressive realization of the rights guaranteed under Article 43. All State organs and all public officers have the duty to address the needs of vulnerable groups within society, including women, older members of society, persons with disabilities, children, youth, members of minority or marginalized communities, and members of particular ethnic, religious or cultural communities. The State shall enact and implement legislation to fulfil its international obligations in respect of human rights and fundamental freedoms. This article has singled out women among other vulnerable groups to ensure that they are not left out, as was the case with the earlier constitution which was not sensitive to vulnerable groups. The same was to ensure that women are protected against any cultural practices that do not support women.

7. The Authority of courts to uphold and enforce the Bill of Rights as outlined under Article 23 (1) and (2) which provide that, the High Court has jurisdiction, in accordance with Article 165, to hear and determine applications for redress of a denial, violation or infringement of, or threat to, a right or fundamental freedom in the bill of rights. Parliament shall enact legislation to give original jurisdiction in appropriate cases to subordinate courts to hear and determine applications for redress of a denial, violation or infringement of, or threat to, a right or fundamental freedom in the bill of rights. This provision will provide women easy access to legal redress unlike before when the high courts were granted exclusive powers.

8. Rights and fundamental freedoms like Right to life in Article 26 (1), (2), (3) and (4) provide that ‘every person has the right to life. The life of a person begins at conception. A person shall not be deprived of life intentionally, except to the extent authorised by this Constitution or other written law. Abortion is not permitted unless, in the opinion of a trained health professional, there is need for emergency treatment, or the life or health of the mother is in danger, or if permitted by any other written law.’ This article has been put to protect innocent children who are killed either through abortion or when not wanted; a practice that is quite common.
9. Equality and freedom from discrimination are provided in Article 27 (1) - (8) which underlines that ‘Every person is equal before the law and has the right to equal protection and equal benefit of the law. Equality includes the full and equal enjoyment of all rights and fundamental freedoms. Women and men have the right to equal treatment including the right to equal opportunities in political, economic, cultural and social spheres. The State shall not discriminate directly or indirectly against any person on any ground, including race, sex, pregnancy, marital status, health status, ethnic or social origin, colour, age, disability, religion, conscience, belief, culture, dress, language or birth. A person shall not discriminate directly or indirectly against another person on any of the grounds mentioned or contemplated in clause (4). To give full effect to the realisation of the rights guaranteed under this Article, the State shall take legislative and other measures, including affirmative action programmes and policies designed to redress any disadvantage suffered by individuals or groups because of past discrimination. Any measure taken

under clause (6) shall adequately provide for any benefits to be on the basis of genuine need. In addition to the measures contemplated in clause (6), the State shall take legislative and other measures to implement the principle that not more than two-thirds of the members of elective or appointive bodies shall be of the same gender. This article ensures that there is a gender balance, which is to the advantage of women, and to guard against some cultures that propagate it.

10. Under Article 29 Freedom and security of the person has been outlined which provides that, 'every person has the right to freedom and security of the person, which includes the right not to be: subjected to any form of violence from either public or private sources; to torture in any manner, whether physical or psychological; to corporal punishment; to be treated or punished in a cruel, inhuman or degrading manner.' This article is quite important for women who, in most cases, are victims of gender violence such as physical, cultural, economic, social, psychological and as treated by an African church as observed by (Maseno and Kasomo, 2011).

11. Freedom of expression has been provided for under Article 33(1) and (3) which state that 'every person has the right to freedom of expression, which includes: - freedom to seek, receive or impart information or ideas; freedom of artistic creativity; academic freedom and freedom of scientific research. In the exercise of the right to freedom of expression, every person shall respect the rights and reputation of others.' This provision would give an opportunity to women to air their views or for their voices to be heard since a woman representative would be given a chance to speak and to air her views.

12. Access to information as human rights has been provided for under article 35.

(1) to (3) which underlines that ‘every citizen has the right of access to information held by the State and information held by another person, required for the exercise or protection of any right or fundamental freedom.’ It also states that ‘every person has the right to the correction or deletion of untrue or misleading information that affects the person, and that *the State* shall publish and publicise any important information affecting the nation.’ This article gives provision to women as well to access information held by the State.

13. Freedom of association has been outlined in Article 36 (1) and (2) which states

that ‘every person has the right to freedom of association, which includes the right to form, join or participate in the activities of an association of any kind and that a person shall not be compelled to join an association of any kind.’

14. On issues touching on Political rights, Article 38 (1) of the new constitution

states that ‘every citizen is free to make political choices, which includes the right:- to form, or participate in forming a political party; to participate in the activities of, or recruit members for, a political party or campaign for a political party or cause.’ It also states that, ‘every citizen has the right to free, fair and regular elections based on universal suffrage and the free expression of the will of the electors for any elective public body or office established under this Constitution and any office holder of any political party of which the citizen is a member.’ It further provides that ‘every adult citizen has the right, without unreasonable restrictions, to be: registered as a voter, vote by secret ballot in any election or referendum and a candidate for public office, or office within a political party of which they are a member and, if elected, to hold office.

- 15.** Protection of right to property for women is provided for under Article 40 (1) Subject to Article 65, which states that ‘every person has the right, either individually or in association with others, to acquire and own property of any description and in any part of Kenya.
- 16.** Economic and social rights of women have been addressed by Article 43 (1) to (3) which states that, ‘every person has the right to: - the highest attainable standard of health, which includes the right to health care services, including reproductive health care; accessible and adequate housing, and to reasonable standards of sanitation; be free from hunger, and to have adequate food of acceptable quality; clean and safe water in adequate quantities; social security and education. It further provides that, a person shall not be denied emergency medical treatment and that the State shall provide appropriate social security to persons who are unable to support themselves and their dependants.
- 17.** Family as an important institution to human beings has been dealt with in Article 45 (1) to (4) which describes the family as the natural and fundamental unit of society and the necessary basis of social order, and shall enjoy the recognition and protection of the State. Sub section (2) states that ‘every adult has the right to marry a person of the opposite sex, based on the free consent of the parties.’ Sub-section (3) provides that ‘parties to a marriage are entitled to equal rights at the time of the marriage, during the marriage and at the dissolution of the marriage.’ It further provides that, ‘Parliament shall enact legislation that recognizes marriages concluded under any tradition, or system of religious, personal or family law and any system of personal and family law, under any tradition, or adhered to by persons professing a particular

religion, to the extent that any such marriages or systems of law are consistent with this Constitution.’

- 18.** Access to Justice and Fair Hearing, have been provided for under Articles 48 and 50 which stipulate that ‘the State shall ensure access to justice for all persons and, if any fee is required, it shall be reasonable and shall not impede access to justice.’ This article caters for women who are normally marginalized in the society. It further states that ‘every person has the right to have any dispute that can be resolved by the application of law decided in a fair and public hearing before a court or, if appropriate, another independent and impartial tribunal or body.’
- 19.** Children in relation to parenting and their custody have been outlined under Article 53. (1) which states that ‘every child has the right to: free and compulsory basic education; basic nutrition, shelter and health care; be protected from abuse, neglect, harmful cultural practices, all forms of violence, inhuman treatment and punishment, and hazardous or exploitative labour and parental care and protection, which includes equal responsibility of the mother and father to provide for the child, whether they are married to each other or not.
- 20.** Persons with disabilities who are either men or women have been accommodated under article 54. (1) and (2) which provide that ‘a person with any disability is entitled to; be treated with dignity and respect and to be addressed and referred to in a manner that is not demeaning; access educational institutions and facilities for persons with disabilities that are integrated into society to the extent compatible with the interests of the person; reasonable access to all places, public transport and information; use sign

language, Braille or other appropriate means of communication and to access materials and devices to overcome constraints arising from the person's disability.' It also provides that 'the State shall ensure the progressive implementation of the principle that at least five percent of the members of public in elective and appointive bodies are persons with disabilities.'

- 21.** Youths have been catered for under Article 55 which states that 'the State shall take measures, including affirmative action programmes, to ensure that the youth, access relevant education and training; have opportunities to associate, be represented and participate in political, social, economic and other spheres of life; access employment and are protected from harmful cultural practices and exploitation.'
- 22.** Minorities and marginalised groups have been provided for under Article 56 which states that, 'the State shall put in place affirmative action programmes designed to ensure that minorities and marginalised groups, participate and are represented in governance and other spheres of life; are provided special opportunities in educational and economic fields; are provided special opportunities for access to employment; develop their cultural values, languages and practices and have reasonable access to water, health services and infrastructure.'
- 23.** Older members of society have not been left out. They are provided for under Article 57 which states that 'the State shall take measures to ensure the rights of older persons to: fully participate in the affairs of society; pursue their personal development; live in dignity and respect and be free from abuse and to receive reasonable care and assistance from their family and the State.'

24. Principles of land policy have been stipulated under Article 60 (1) (a) and (f) which state that ‘Land in Kenya shall be held, used and managed in a manner that is equitable, efficient, productive and sustainable, and in accordance with the following principles, (a) equitable access to land... [and] (f) elimination of gender discrimination in law, customs and practices related to land and property in land.’

Legislation on land has been outlined under Article 68 (1) (c) which states that ‘Parliament shall enact legislation to... (iii) regulate the recognition and protection of matrimonial property and in particular the matrimonial home during and on the termination of marriage and to (vi) protect the dependants of deceased persons holding interests in any land, including the interests of spouses in actual occupation of land.’

25. General principles for the electoral system have been discussed under Article 81 (a), (b) and (c) which states, ‘the electoral system shall comply with the following principles: freedom of citizens to exercise their political rights under Article 38; not more than two-thirds of the members of elective public bodies shall be of the same gender and that fair representation of persons with disabilities....’

26. Issues of basic requirements for political parties have been outlined under Article 91 (1) (e) and (f) and (2) (a) which states that ‘every political party shall respect the right of all persons to participate in the political process, including minorities and marginalised groups and respect and promote human rights and fundamental freedoms, and gender equality and equity. In addition, a political party shall not be founded on a religious, linguistic, racial, ethnic,

gender or regional basis or seek to engage in advocacy of hatred on any such basis.’

- 27.** Membership of the National Assembly, which also touches on women, has been stipulated under Article 97. (1) (b) and (c) which states that ‘the National Assembly consists of forty-seven women each elected by the registered voters of the counties, each county constituting a single member constituency and that twelve members nominated by parliamentary political parties according to their proportion of members of the National Assembly in accordance with Article 90, to represent special interests including the youth, persons with disabilities and workers.’
- 28.** Consideration of women interests and membership of the Senate has been stipulated under Article 98. (1) that ‘the Senate shall consist of sixteen women members who shall be nominated by political parties according to their proportion of members of the Senate elected under clause (a) in accordance with Article 90; two members, being one man and one woman, representing the youth and two members, being one man and one woman, representing persons with disabilities.’
- 29.** The promotion of representation of marginalised groups where women are also members are dealt with under Article 100. This is where Parliament shall enact legislation to promote the representation in Parliament of: - women; persons with disabilities and youth.
- 30.** Under the Parliamentary Service Commission, women have been considered in Article 127 (1) which establishes the Parliamentary Service Commission that consists of seven members appointed by Parliament from among its members of whom: four shall be nominated equally from both Houses by the

party or coalition of parties forming the national government, of whom at least two shall be women. Three shall be nominated by the parties not forming the national government, at least one of whom shall be nominated from each House and at least one of whom shall be a woman. In addition, one man and one woman appointed by Parliament from among persons who are experienced in public affairs, but are not members of Parliament.

- 31.** The establishment of the Judicial Service Commission, as detailed under Article 171, provides that the Commission shall consist of one High Court judge and one magistrate, one a woman and one a man; elected by the members of the association of judges and magistrates; two advocates, one a woman and one a man, each of whom has at least fifteen years' experience, elected by the members of the statutory body responsible for the professional regulation of advocates and one woman and one man to represent the public, not being lawyers, appointed by the President with the approval of the National Assembly.
- 32.** Article 175, provides the principles of devolved government that County governments established under this Constitution shall reflect the following principles: that no more than two-thirds of the members of representative bodies in each county government shall be of the same gender.
- 33.** On membership of county assembly, Article 177 (1) provides that a county assembly shall consist of special seat members necessary to ensure that no more than two-thirds of the membership of the assembly is of the same gender and the number of members of marginalized groups, including persons with disabilities and the youth, prescribed by an Act of Parliament.

2.19.2 International Legislation that have been introduced

These include the following:

- a) Convention on the Prevention and Punishment of the Crime of Genocide (entry into force: 1951);
- b) Convention against Torture (entry into force: 1984);
- c) Convention on the Elimination of All Forms of Racial Discrimination (entry into force: 1969)
- d) Convention on the Elimination of All Forms of Discrimination Against Women (entry into force: 1981)
- e) Convention on the Rights of the Child (entry into force: 1989)
- f) Rome Statute of the International Criminal Court (entry into force: 2002)

2.19.3 Regional Legislation

There are also many regional agreements and organizations promoting human rights in the regional levels, which include.

- European Court of Human Rights, which is the only international court with jurisdiction to deal with cases brought by individuals (rather than states);
- African Commission on Human and Peoples' Rights
- Inter-American Commission on Human Rights
- Cairo Declaration on Human Rights in Islam
- Inter-American Court of Human Rights
- Iran's Defenders of Human Rights Centre

2.19.4 National Legislation

The following are legislation and organization involved in the promotion of human rights at the national level:

- State legislations such as by-laws
- Governmental agencies make by-laws
- Non-Governmental Organizations (both international and local), for example Faith-based organizations make policies.
- Individual Human Rights activists at various levels (both organized as well as individuals in academia) do make policies

2.20 Studies on Women and Human Rights: A Kenyan Scenario

According to Muteshi (2006), Kenyan women's lives are marked with a wide range of oppression and discrimination at the social relational levels; in the work place; in institutions of learning as well as the policy and legal terrain. Yet researches that have been conducted on women issues have shown that, given a conducive environment to work in and the availability of necessary resources, women can contribute a lot to family, community and national development (Chege, 2006). In spite of being aware of this fact, it is interesting to note that several countries in Africa, while writing their constitutions soon after independence, left out women both in constitution-making and in the implementation process which resulted in laws that are not sensitive to women (Kamweru, 2002).

The first mention of women as an independent group in government documents since independence was in 3rd National Development Plan of 1974-1978, which coincided with women's decade of 1976-1985 and the governments' creation of the women's

Bureau in 1976 as part of the national machinery for integrating women in development. This helped create awareness of actual position of women and the potential they have in national development, mobilizing women's groups for socio-economic activities and liaising with governmental, non-governmental, international and bilateral agencies in funding and implementing programs that aim at improving the conditions of women (Chege and Sifuna, 2006).

This could be a contributing factor as to why governments in developing countries have become reluctant to incorporate women to participate in development. For example, some top government officials in Kenya have continued to interpret gender issues as women's issues thus responding with contempt to initiatives intended to bring women on board in development policies and act on an equal level with the men.

In Kenya, some political leadership, because of their mindset, for a long time did not support gender equity and failed to come up with comprehensive gender policies with specific monitoring and evaluation guidelines that could lead into an action plan. This has been known to impact negatively on development. For example, the Kenya Government in its first National Development Plan (NDP) (1965-1978) and that of 1970-1973, as observed by Chege and Sifuna (2006), did not mention women although it constituted a women's division in the Ministry of Culture and Social Services, a department of women's education in the Ministry of Education and Maternal/Child health services within the Ministry of Health.

It was only after the third world conference on women held in Nairobi in 1985 (popularly known as 'Forum 85') that gender issues took centre stage in activities by NGOs and in policy statements. Since then, Kenyan National Development Plans (KNDP) have shown government efforts to include the gender dimension in development programs. For instance, the National Development Plan of 2002-2008 (p.22), calling for meaningful and accelerated development growth acknowledged that this can be realized if both men and women are involved in the production of goods and services; a positive move in appreciating the important role that women play in development. Kamweru (2002) concurs with that observation when she states that several countries in Africa have over the last few years been undergoing the process of constitutional review and have written constitutions which guarantee both men and women equal rights and prohibit any discrimination on the grounds of sex, race, colour and religion. This is a positive move, but she notes that many women do not know their rights and entitlements.

2.21 Female Genital Mutilation/Cutting (FGM/C) As a Violation of Women's

Rights

According to Pearsall (2001), to violate is to break or fail to comply with a rule or formal agreement, treat with disrespect or rape or sexually assault. According to (ILEG, 2004), government recognizes that FGM/C is a violation of women's rights and therefore, contrary to the 'international and regional human rights instruments that Kenya is a party to.' They observed that according to Kenya Demographic and Health Survey (KDHS) (2003), FGM/C is practiced widely in many Kenyan communities and the prevalence rates vary among the different ethnic and geographical areas in Kenya.

The Universal Declaration of Human Rights of the Child of 1948; World Conference on Women in Copenhagen in 1980, Nairobi in 1985 and Beijing in 1995; World Conference on Human Rights, Vienna (1993); the International Conference on Population and Development, Cairo (1994); the World Summit for Social Development, (1995); United Nations Declaration on Violence Against Women; Convention on the Elimination of All forms of Discrimination Against Women (CEDAW); Convention on the Rights of the Child (CRC) and the International Day of Zero Tolerance to FGM/C, (2005), all noted that the practice of FGM/C has been condemned internationally, and within Kenya, as a violation of many girls and women's basic rights. WHO (1979) identified FGM/C as a serious threat to the health of women, especially in the Sub-Saharan Africa region.

According to Gwako (1995), several Kenyan communities for instance Meru, Embu, Maasai and Kalenjin, consider FGM/C as a rite of passage through which important cultural values and adult expectations are transmitted to the youth.

Girls who have not undergone FGM/C are often ridiculed, made to feel ashamed, and addressed as children. Such customary practices and beliefs impact negatively on human rights implementation process.

Institute for Law and Environmental Governance, (ILEG, 2004), observes that over the years, various interventions have been undertaken with the aim of eliminating the practice which have been directed mostly towards advocacy for international and national policies against FGM/C, raising public awareness and undertaking small-scale community-based programmes aimed at preventing and eliminating the practice.

They also noted that, at the community level, interventions include Alternative Rites of Passage; use of influential community members as agents of change and rescuing girls escaping FGM/C and early marriages. They observed that these are supported by several developing partners including German Society for Technical Cooperation (GTZ), United Nations Fund for Population Activities (UNFPA) and United Nations Children's Fund (UNICEF). Implementing partners are also varied and include diverse Community-Based Organizations (CBOs), Faith-Based Organizations (FBOs) and Non-Governmental Organizations (NGOs).

2.22 Violence against Women

According to Maseno and Kasomo (2011), violence in general terms is the exercise or an instance of a physical force usually affecting or intending to effect injuries, destructions, among others. In the social context, violence becomes an illegal employment of the methods of physical coercion for personal or group ends (Encyclopaedia of Social Sciences, XV, 1935:264). They outlined the difference of justified and unjustified force. They stated that there are times when force or power can be justified if it has human ends.

They cited an example of use of force for payment of taxes. They observed that there are many forms of gender violence which exist in two forms, systematic and structural. Systematic violence points to how various institutions, cultural beliefs and practices create a social climate where violence is not only tolerated but accepted as natural.

There are many types of injurious acts, oppression and discriminations in which women are a target such as assault, harassment, domestic violence, battering, sex-related violence. These forms of violence manifest themselves through physical, cultural, economic, social, church institutional and psychological violence. An example of human rights violation that is both physical and psychological is Female Genital Mutilation/Cutting (FGM/C).

2.23 Society's attitude towards women

According to Maseno and Kasomo (op.cit), the place of women in traditional, and to a large extent, in modern African societies is determined by cultural norms and attitudes which, have been preserved and propagated from generation to generation through stories, proverbs, songs, myths and rituals. They observe that oral forms transmit a culture which is sexist and which depicts women most times as weak, untrustworthy and subordinate. Maseno and Kasemo (ibid) further observe that some cultural practices are glaringly cruel to women and they single out the practice of clitoridectomy which in actual fact is genital mutilation. They observe that science and reality have proved that the act is harmful to the health and the reproductive system of the women.

Kenya Land Rights (KLA, 2008), had this to say regarding right to own property: women are also considered as part of property, purchased at time of marriage through payment of bride price and therefore do not qualify to own property. However, under the customary settings, women did not own property such as land. This could be used to deny women rights to property since the first Kenyan constitution allowed the application of customary law.

With regard to succession and inheritance, the law does not distinguish between male or female heirs or married or unmarried heirs, but observes that, culturally, women did not inherit from their fathers, more so married women. When a husband dies, his brother and parents, in most cases, disinherit the widow and further observe that some communities practice widow inheritance and if that woman has inherited her first husband's property, then she could not inherit another property from her second husband, Kenya Land Alliance (KLA, 2008). The law allows a woman to claim inheritance as a wife of the deceased even though the deceased legally had a monogamous union with another woman (Kamweru, 2002).

Most research findings have shown that men in majority of societies have a negative attitude towards women. Kasomo and Maseno (op.cit) noted that in our daily interactions, it is uncommon to hear people portraying women in society negatively. They are branded trouble makers, quarrelsome, irrational, unmanageable, tempting, hypersensitive, emotional, untrustworthy, immature, and unstable. This implies that they cannot be trusted. They have been weighed in cultural balances and found wanting. They are commonly discriminated due to their womanhood, for example, Kasomo and Maseno (ibid) has observed that in the social sphere, women are sometimes discriminated against because of their natural occurrences such as menstrual period. There are various taboos and other prohibitions that have been formulated for the protection of men for example, in many cultures, sexual relations are deemed dangerous for a man on an important mission. The general attitude is that women have defiling effects. Sportsmen, for example, are told to keep off women before going in for competition. Women are not trusted in public social life. Sifuna

and Chege (2006) found out that most men leaders take gender issues to mean women making them reluctant to address their issues.

They further observed that ‘changing traditional mindsets, particularly on gender issues, is perceived as a threat to male hegemony and hence elicits explicit resistance from all its beneficiaries regardless of their sex’.

Kenya Land Alliance (2008). States that; Kenya is a patriarch society. Simply, that means that it is a male dominated society, when men traditionally controlled the socio-economic relations in the society. Kenya has about 42 tribes, which have a diversity of cultural and traditional practices specific to these tribes. Be that as it may, there is one single thread that runs through most of these tribes and is therefore generally representative of customary law in Kenya; women were not allowed to own land.

To a large extent, only men had custodial control and could transmit land rights. The argument was that women would be married and would have access only to the land of the family they would be married to. Daughters were therefore not allowed to inherit land, neither did they have a say in the management and inheritance of family land. Interestingly, even in families where they were married, they had no part in decision-making regarding land. Presently, the societal make-up has significantly changed. Women no longer depend solely on men for sustenance. The traditional mechanisms which operated on the basis of trust to the advantage of women and children and ensured that the family acted in the welfare of orphans and widows have mostly withered away.

Nonetheless, Kenya’s culture which is a major influence in decision-making with regard to women’s land rights favours and perpetuates male domination, and does not facilitate women to own or have titles to land. It is this attitude which has informed policy and legal frameworks, which have ensured that women’s land rights are flagrantly violated.

According to Koontz and Wehrich (1990), in 1965, readers of the Harvard Business Review were surveyed to determine their attitudes towards women in business organization. The findings showed that women seldom expect to achieve (or even

desired) positions of authority, but they noted that twenty years later, in 1985, the results showed that attitudes toward women in business had changed significantly. In fact a further finding showed that men increasingly saw women as competent, equal colleagues. This confirms current trends on attitude towards women. It can be deduced that women, given the same opportunity with men counterparts, will produce higher yields especially by virtue of the fact that they are close to the environment, especially rural women.

2.24 Women and formal education in Kenya

CEDAW, 2009 has reported that, the number of women enrolled in public universities has shown a slight increase but clearly parity in Education between men and women is yet to be attained at all levels in Kenya. The report has shown that there are usually more women joining schools at primary level, but at transition to high school and beyond the number drastically reduces. This is due to a number of obstacles including preferences for boys in high school education pregnancy of girls in primary school leading to school dropout forced early marriages, an increasing rate of premature death of parents, forcing many girls to take over responsibilities for up bringing their siblings and gender insensitive school environments.

Educationally, the poor are still the most disadvantaged as only 5.7 per cent have completed secondary while none proceeded to the higher levels of learning as opposed to non-poor where 19.9 per cent completed secondary, 3.6 per cent post secondary and 0.6 per cent university. This scenario should be improved if poverty is to be reduced during the plan period. Education is the gateway to several poverty reduction ventures hence its enhancement.

2.25 Kenya's Statutory framework and Women's Land Rights

Taking cognizance of the societal attitudes towards the acquisition and ownership of land by women, it is important to note that the Law has followed that pattern. Unfortunately for women, it is the men who have dominated the political decision making processes, with the result that the policy and legal frameworks have also favoured male domination both in content and context.

Whilst most of Kenya's land law may be gender neutral, the current constitutional framework is not. It in essence, allows the discrimination of women with regard to land. How has this been achieved? Constitutionally, the right to own property is guaranteed to all persons, and no person is supposed to be deprived of his/her property, except through the compulsory acquisition of the same by the government.

Majority of women in the African continent are either illiterate or semi-literate. In Kenya, women in rural areas are afflicted with poverty, ignorance and diseases as reported by GoK (2001c). This could be as a result of their cultural systems/institutions, which discriminate against them. This has denied most women access to information on their human rights, which is either available in print or non-print media. This further leaves them ignorant of their human rights. Shisanya, in Maseno and Kasomo (2011), notes that at adolescence stage, many African girls drop out of schools since many parents see their education as a luxury. The sons are viewed as sources of economic security for their families as well as perpetuation of lineages.

Women have a right to education like their male counterparts, although some communities do not support this right. Several studies that have been done, have

shown that when female children are educated, as supported by human rights provisions, families and communities at large will improve their lifestyles since they will understand what quality lifestyle is all about and they will ensure that their families are beneficiaries to that.

Formal education would make girls stay until they are mature enough before they bear children or get married. If girls, for example, join a formal school, they will get delayed from getting married early, therefore, preparing them to mature. An educated woman will get fewer children, since in school they will be taught about healthcare and in the process they will understand the usefulness of using family planning methods. In addition, educated women will most likely manage to secure a well paying job to enable them support their families.

If women are made aware of the benefits of maintaining cleanliness on their bodies and the surrounding environment, a lot of common diseases like cholera, dysentery, among others, can be reduced dramatically since women contribute a great deal as they handle foodstuffs. This subsequently will lead to a healthy family, society and nation which could participate more actively in development issues.

In addition, women are mothers to both girls and boys. They are the ones that bring them up at an early and tender age where they impart a lot of knowledge to them which eventually shape the lives of these children. It is therefore imperative that women should be empowered with lots of information touching on various issues of human beings to enable them share the same information with their children as they grow up. As they become mature, they are able to choose from among various

alternatives to make wise decisions. Otherwise, failure to educate women will mean that women will have low perception of issues, and consequently, those children that are brought up by these women will also be low in perception of issues. This will impact negatively on the community and nation at large; hence the famous saying, 'if a woman is educated, the whole family becomes educated and eventually the whole nation and world becomes educated'. Failure to educate a woman leads to failure of a nation.

2.26 Women participation in economic development

The government of Kenya views women group activities as key indicators to gauge the involvement of women in national and local socio-economic development (GoK, 2006). However, some countries and communities exclude women from participating in economic development. For example, some cultures deny women opportunities to undertake agricultural education which has its foundation right from the formative phase of girlhood.

Since they are discriminated against, Robertson (1986) notes, by implication, the low economic participation of women in agriculture, the lack of competitive skills for entry into the labour market, and unsupportive environment for the female potential, have resulted in the low status of women that have remained largely unchallenged and unaltered. On the contrary, Floro and Wolf (1990) observe that literate farmers (most of them men) tend to produce higher yields per acre because they have more access to agricultural and co-operative training, seek more contact with agricultural extension workers, and are better placed to implement new ideas and to use modern technology.

A study by Nzioki (2002) in Kenya, observed that women, like in many other regions of the developing world, play a crucial role in agriculture as producers and providers of food. Nadine (1989) also states that 80% of the women in Kenya live in rural areas, playing multifaceted roles in this sector as small farmers, income earners and family caretakers. Tadria in Maseno and Kasomo (2011), in his research carried out in Uganda between 1983-1984, showed that women continue to make critically important social, economic and political contributions in Uganda even though they are not rewarded reasonably in either ideological and material terms. He adds that in rural household economy, women produce the bulk of food. They are the ones responsible for planning and preparing meals. Mutoro (1997) alludes that women in CBOs are involved in welfare groups like income generation, self help groups, group farming, horticultural, livestock farming, rental houses and commercial enterprise, among others. In spite of their communal contributions, Gaithigi (1996) observes that women organisations have rarely been registered as cooperatives. Despite this great contribution to the subsistence economy, Tadria in Maseno and Kasomo (2011) observes that women are not valued as contributors to the economy. Tadria (ibid) observes that their male counterparts who major in the cash crop sector are highly regarded even if they cannot feed their families noting that, even where women grow cash crops, all the economic returns are paid to the males who are the owners of the land.

It is a truism that women play an important role in development of their societies, nations and their own advancements as an individual and/or as a family. GoK (2004) notes that substantial evidence from various studies have deduced that women produce more than 80% of food in Kenya's rural areas. According to the World Bank

(2002), statistics available shows that in the third world countries, rural women constitute nearly two thirds of all women.

It notes that women are the major actors in rural areas of Kenya and that they play an important role in economic, domestic and healthcare development in rural areas of Kenya. Waswa (2004) supports those views when she states that women represent 52% of the Kenyan population and 88% of them live in rural areas. They comprise the largest group of those living in the rural areas where they contribute to national development by providing necessary labour force on the farms and participate in rural development projects. She further notes that women contribute more than 50% of food crop production labour force and a further 50% of cash crop production.

Waswa (2004) observed that women play triple roles as producers, reproducers and managers. She explains that as wives, and mothers (reproducers), they are also responsible for the health and well being of the society. She adds that they are producers of food and cash crops; they form a major source of agricultural manpower. As managers, they care for children, husbands and still have time to manage the affairs of the family. Were (1990) sums up women's role in various spheres of development as follows, '...women's developmental contributions are crucial in the following fields: child rearing, health, agriculture, nutrition, home management, trade, industry and technology, wage, labour, profession, leadership, politics, the arts, religion and nationalism'.

Muteshi (2006) notes that sustainable development requires women's equal participation. Kamweru (ibid) concurs with those views where she states that, it can

no longer come as a surprise to anyone including the men of Africa that gender equality is more than a goal in itself. She adds that it is a precondition for meeting the challenge of reducing poverty, promoting sustainable development and building good governance. She notes further that poverty has a feminine face, and that the mounting evidence is overwhelming. She disagrees with the simple saying that 'if we fight poverty, we will help a lot of women' but proposes that the saying should be turned around to say 'it is by empowering women that we will have a chance to eradicate poverty'. She further notes that investing in women and women's investment is indeed the key to development, not just the other way around.

Kamweru (2002), states that as with the fight against poverty, so it is with the fight for full political human rights. Muteshi (2006) observes that the full and equal enjoyment of all human rights and freedoms by women is fundamental for the advancement of women.

UNICEF,(1999) reported that discrimination against women has been acknowledged by CEDAW's preamble that,

despite the UN's various efforts to promote human rights and the equality of women extensive discrimination against women continues to exist' It declares more that discrimination violates the principles of equality rights and respect for human dignity, as an obstacle to the participation of women on equal terms with men in political, social, economic and cultural life of their countries, hamper the growth and prosperity of society and makes more difficult the full development of potentialities of women in the service of their countries and humanity.

It is evident from the roles performed by women, as observed in the foregoing discussions, that all fields mentioned are touching on issues of human rights of all human beings. So if women must perform these roles effectively as part of their

contribution to development in all fields, provision of human rights information cannot be overemphasized. Women can participate more effectively if they are aware of their human rights and if those rights are incorporated in the constitutional laws of a land that would require the government to take obligation to protect and implement. UNICEF (ibid) too concurs stating that since 1980s, a number of political and social trends and events have strengthened efforts to reaffirm human rights as an integral focus of development activities.'

If women must provide meaningful contribution and participate fully in developmental activities, they must know their human rights and entitlements. Otherwise, they might not dare claim what they do not know as their rights due to the adverse effects such a move would bear on them in given social contexts as (Kamweru 2002). This could only become possible if women know the instruments that contain these rights information. This would enable them to know what provisions have been made for them, for instance, what laws have been put in place to protect them against any violations by their men counterparts, of fellow women, their communities and the governments. They will be able to know when their rights are violated, discriminated against, or oppressed by their male counterpart and/or when they are rightfully given what they deserve. They may also become aware of other issues touching on their lives which encompass civil, political, economic, social and cultural rights which make them ineffective in participating in development issues.

This can only be realized if instruments on human rights at international, regional and national levels are established, adopted, ratified, domesticated and governments take obligation to protect, implement and make known to their citizens. Tjiriange (1993),

in his opening remarks in a workshop on education, training and information concerning human rights in Namibia, stated that ‘a key element in the realization of human rights is indeed the knowledge by each person of his or her inalienable rights and the means that exist to protect them’.

In most societies, women and children are marginalized and are not considered important. It is not surprising to learn that female children are denied a chance to go to school to pave way for their male children this makes it obvious that majority of women are either semi-literate or illiterate, which denies them an opportunity to read and interpret the available documents on their human rights. Shisanya, in Maseno and Kasomo (2011), observes that, at adolescence stage, many African girls drop out of schools since many parents see their education as a luxury. The sons are viewed as sources of economic security for their families as well as perpetuation of lineages. Muteshi (ibid) notes that Kenyan women’s lives are marked with a wide range of oppression and discrimination at the social relational levels, in the work place, in institutions of learning as well as the policy and legal terrain. Other customary practices that discriminate against women, according to Kamweru (2002), include those of inheritance; wills, divorce, property provision, child custody and maintenance which she adds are still embodied in the civil law. Although human rights information is available through the advancement of Information and Communication Technologies (ICTs), rural women are disadvantaged since they have difficulty accessing information.

Women are often more exposed to their traditional beliefs and cultures they have grown up with than the formal instruments such as international human rights laws,

state laws and legislations containing their rights. No wonder most disputes are resolved outside the court system (Kamweru, 2002). They can easily be taken advantage of their ignorance and be manipulated, given the fact that they are not exposed to the outside world, and worse enough since most leaders such as village elders, sub-chiefs and chiefs and even the government arm dealing with criminal cases, like police, are still male especially in a rural set-up.

From the foregoing discussions, it is interesting to note that most nations have not taken sufficient action to ensure that their citizens, in general, are provided with, and have access to, human rights information that are universally established and ratified by governments which relate to civil, cultural, economic, political and social spheres. Having such knowledge would increase their participation in national development as outlined in the strategies of Millennium Development Goals (MDGs) which majority of the nations are struggling to achieve in time. Moreover, having knowledge of human rights is fundamental for the advancement of all (men and women). With such knowledge one would be able to have a full enjoyment, free, safe, secure and healthy life without which people will continue living fearful, miserable and harassed lives.

Human rights are women rights too since all established international human rights machinery are applicable to female and male equally Patricia (2001). It is proper to, therefore, say that any issues on human rights found in international laws documents and undertaken by the United Nations in whose primary basis is to promote, protect and monitor human rights and fundamental freedoms contain in the international Bill of Human Rights comprises of: the Universal Declaration of Human Rights (1948),

the International Covenant on Civil and Political rights (1966) and its two optional protocols are all applicable to women in this context.

According to article 1 of Universal Declaration of Human Rights adopted and proclaimed by the General Assembly Resolution 217A (111) on 10th December 1948, human beings are born free and equal in dignity and human rights. Many other articles declared in the same Universal Declaration touch on all aspects of human life. For instance, Article 5 declares that no one shall be subjected to torture, or to cruel, inhuman or degrading treatment or punishment. Article 23 (1) declares that everyone has the right to work, to free choice of employment, to just and favourable conditions of work, and to protection against unemployment. Article (1) states that everyone has the right to education and that education shall be free, at least in the elementary and fundamental stages further stating that elementary education shall be compulsory...'

Various conventions and declarations have been adopted in an attempt to protect individual and/or group rights relating to civil, cultural, economic, political and social spheres. In spite of these various instruments, people continue to suffer a lot and be exposed to extensive problems such as violence, cruelty, being discriminated against, among others. Monica (1982) states that a woman's place is second place. She further states that her position is second in family, second in society and second in religion. This is more evident among women all over the world, but the extent to which women suffer vary to specific locations depending on cultural, state customs and beliefs about women.

In attempting to redress problems that face women, UNICEF (op.cit) observed that since the early 1980s a number of political and social trends and events have

strengthened recent efforts to reaffirm human rights as an integral focus of development activities. This body observed that, with this vision, governments and international financial institutions have come to increasingly recognize that expenditures on human development are both sound economic investments and necessary conditions for the enjoyment of human rights, noting that rights are not luxuries, although rights cannot be realized, if needs are not met and that simply meeting needs is not enough.

Odini (2009), states that 'although women in Kenya play a key role in development, they have been largely by-passed in development strategies and are still the majority who are poor, illiterate, unemployed and underemployed'. She further notes that in spite of the foregoing achievements by rural women in Kenya, their full potential has been constrained by a variety of factors, for example, lack of information on various issues touching on their lives and those of their families, societies and nation at large. They have been taken advantage of and are continuously being exploited, tortured and /or being exposed to all sorts of violence such as physical, sexual and psychological violence occurring in the family, community; and the same are condoned by states. Such violence may include, among other things, battering, sexual abuse and harassment, forced prostitution, intimidation at work and educational institutions, being discriminated against in various forms including gender bias, unsafe environments, or chronic poverty, dowry-related violence, marital rape and other traditional practices harmful to women, for example, female genital mutilation (FGM).

It was against this background that the declaration, in 1967, on the Elimination of all Forms of Discrimination Against women was adopted and opened for signature, ratified and accessed by General Assembly Resolution 34/180 of 18th December 1979. This was later enforced on 3rd September 1981 in accordance to Article 27 (1). The same was intended to protect women rights. Muteshi (2006) observed that the women's movements were gradually utilizing human rights frameworks as well as demanding that normative standards set out in international declarations and conventions to which Kenya was a party to, be translated at the domestic scene. She notes that these standards were drawn mainly from the United Declarations of Human and Peoples Rights (UDHR) (1948) and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) (1981).

If women must attain the status of exploiting their full potential and live secure and flourished lives and fully enjoy their human rights and freedoms to participate in development, they must be able to know their human rights and the instruments that contain such kind of information. These instruments will become their points of reference to be able to have self-confidence, feel totally protected against any discrimination, and to participate fully in any discussions and development; since it has been realized that human rights are an integral focus of development activities. This can only become possible if proper mechanisms (human rights information systems) are put in place to enable women access the required information, which shall enable them challenge bad practices against them.

By possessing adequate information on human rights, women will become knowledgeable, getting opportunities to make informed decisions and choices and to

participate in policy making and implementation that are fair to them, for example, an opportunity to participate in a constitutional review process. Where this is lacking, women and all other marginalized groups, will continually live undesirable lives. To reduce this cruelty, the Universal Declaration of Human Rights (1948), called upon all member countries to publicize the text of declaration, to cause it to be disseminated, displayed, read and expounded principally in institutions that may disseminate, display human rights information without distinction based on the political status and countries or territories.

Despite this call, women human rights are still abused, which is an indicator that something is still lacking and must be addressed. This is not because they are not protected by human rights laws, but most probably because of their ignorance of the existing human rights laws that protect them. FAO (2004) contends that most of the available sources of information are either out of reach of rural women or fall short of their information needs. One other underlying problem as observed by Muteshi (2006) is the fact that in spite of the fact that Kenya has ratified CEDAW without reservations, it has not fully incorporated CEDAWs provisions into national laws, thus, discriminatory laws remain in Kenya. These laws are dominated by customary laws which tend to discriminate against women and marginalized groups in the society. For example, Ngimwa (1996) attribute lack of access to information to cultural practices in rural areas.

Majority of the rural women are more exposed to their traditions and cultural beliefs as opposed to their human right information which are universally established and ratified locally by governments. Some of those cultural/traditional beliefs make

women submit to practices that harm them simply because in their eyes 'this seems to be the right thing to do' since it is a culture which they have lived with and they have seen people practicing them. In their perspective they are not expected to challenge men, religion and cultural beliefs. This becomes an opportunity to their exploiters who take advantage of their ignorance. Among the areas that women are being exploited on include: divorce, education, employment, custody of children, conjugal rights, genital mutilation, sexual abuse and any other form of harassment and discrimination, e.g. Land rights, political decision making process, property rights of women and girls. Some of this are allowed by the constitution of Kenya (where policy and legal frameworks have favoured male domination both in content and context, Kenya Land Alliance (2008)

2.27 Summary

In summary, human rights instruments have had various sources of information that have kept on increasing as the world communities come into terms with the need of women to participate in the world social, economic, political, scientific discovery, education, development, religious order among others. The sources range from international and regional conventions and declarations to national legislations, institutional policies and nongovernmental participations and local organization participation in women activities.

In spite of the myriad participation and involvement by organizations and governments, rural women continue to face enormous obstacles in their access and utilization of human rights information. The growing recognition of their contributions by Government of Kenya has not translated into significantly improved

access to human rights information or increased decision-making powers. Neither has the dynamism displayed by women in the economic, cultural and social lives of their communities, through their associations and informal networks, been channelled into creating new models of disseminating human rights information to rural women. This highlights the big gap in the need for advancing the sources and channels of human rights information to strengthen their capacities and skills of the rural women for them to fully develop their roles.

CHAPTER THREE

RESEARCH METHODOLOGY

3.1 Introduction

This chapter discusses the research design used in the study, the study area, the population studied, the sampling procedure, the instruments that were used to collect data, the procedures that were followed in data collection and the methods used to analyze and interpret data.

3.2 Research Design

This study employed both qualitative (interpretivist) and quantitative (positivist) approaches.

According to Kasomo (2007), research methods mean the general strategies or plans of work to be followed in collecting data. He adds, 'they include descriptive, historical and experimental methods.' Qualitative research design was majorly used and in particular, a descriptive research design which was used in areas seeking information on perceptions, attitudes, community, customs and beliefs about women. This information was sought from the respondents (rural women); government officers; special key informants (adults above seventy years); community and NGO's leaders dealing directly with women issues. However, qualitative research approach was complimented by some quantitative approaches. Miles and Hubberman (1994), in Kasomo (ibid), observed that when a study is qualitative, it means the data to be obtained are not ordinarily expressed in numerical terms. He notes that this does not mean that numerical figures are never used but that description is emphasized.

Quantitative data (positivist) was derived from the sections on socio-demographic characteristics of rural women, key special informants and relevant officers on variables such as sex, marital status, occupation, level of education, age in relation to women's knowledge of human rights. This information was derived from the background information sections of interview schedules earmarked for respondents (rural women); special key informants of above seventy years; government officers; CBOs and NGOs leaders dealing directly with women issues from the study area.

Data collected majorly used unstructured interview schedules, in face to face interviews & FGDs; non-participant observation which yielded to descriptive analysis. Whereas quantitative structured questions were used and data collected was analyzed using statistical procedures in order to make generalization and was presented by use of percentages and frequencies.

3.2.1 The qualitative research approach

Descriptive research design (interpretivist) or in other words qualitative research approach is used when data collected describes persons, organizations, settings or phenomena. Cresswell (1994) defines qualitative research as 'an inquiry process of understanding based on distinct methodological traditions of inquiry that explore a social human problem. The method gives the actors the upper hand in presenting the live experience. This way, theories are generated as meaning is put to participant pronouncements.' Kothari (2006) states that the major purpose of descriptive research is description of the state of affairs. Kasomo (ibid) adds that qualitative research can be conducted through: observation, case study, documentation, historical, ethnographic research and simulation. According to Silverman (1997), qualitative

research is concerned with developing concepts rather than applying pre-existing concepts. The methodology lays emphasis on understanding through looking closely at people's words, actions and records. Berg (2007) states that, qualitative refers to what, how, when, and where of things – its essence and ambience. He adds that qualitative research refers to the meanings, concepts, definitions, characteristics, metaphors, symbols, and descriptions of things.

Qualitative research design was found to be appropriate for this study because the data collected established women's opinions, attitudes and perception towards the existing human rights information systems in Nandi South District.

3.2.1.1 Interpretivist

The study adopted interpretivist approach as well. Berg (ibid) observes that the information obtained from focus groups provides elements of data similar to those of traditional interviewing, direct observation, and even certain unobtrusive measures commonly used in qualitative research. He adds that situations, such as focus group interviews, provide access to both actual and existentially meaningful or relevant interactional experience and Denzin (1989), in Berg (ibid), says that such naturally arising glimpses into people's biographies is necessary for interpretive interactionism. The researcher observed aspects of the human rights and sought to discover patterns that could be used to explain access and use of human rights information. The researcher analyzed the various interpretations relating to provision of human rights in their rural settings. This study was concerned with identifying the factors that impact on how, and the extent to which rural women access and use human rights information.

3.2.1.2 Methodological Contributions of Grounded Theory

This study employed grounded theory's approach. Grounded theory is defined as 'an interpretive process in which data and theory, lived reality and perceptions about norms are constantly engaged with each other to help the research decide what data to collect and how to interpret it. The interaction between the developing theories and methodology is constant, as preliminary assumptions direct data collection and data collected, when analyzed, indicates new directions and new sources of data' (Bentzon et al., 1998).

In employing the grounded theory, the aim was to engage empirical knowledge about provision of human rights information to rural women in Nandi South District. The methodological approach started with the individual and extended to all spheres that affected rural women's access and use of human rights information. The study was guided by the research questions and assumptions which enabled the researcher to go to the field with an open mind.

The grounded theory approach enabled the researcher to explore new insights as they were uncovered from the field. Due to the use of grounded theory, research plan became an open-ended process which was flexible, for example, whenever the researcher failed to find key informants, there was a quick reschedule of the appointments and she continued visiting other people who were thought had relevant information.

It had the advantage of enabling the researcher to get information directly from the respondents and to understand the background to the gender relations and human rights issues in Nandi South District. The study adopted a qualitative research

framework in that, emphasis was placed on field visits to establish Nandi women's access and utilization of human rights information. Qualitative methods are virtually always field research in which the investigator tries to study all elements present in a setting and people are the primary data-gathering instruments. It encourages the flexible use of other methods and practices derived from Sociological and Anthropological traditions. As an approach to gathering data it was deemed the most efficient way of obtaining data on human rights information and related consequences, patterns and systems (Bruce, 2007).

3.2.2 The quantitative approach

The study employed quantitative approach (positivists) in sampling techniques as well as in data analysis and presentation. It employed quantitative approach to cross-tabulate dependent variables such as the education levels of the subjects, age, occupation, marital status and language in relation to their knowledge of human rights, which in this study were independent variables. In defining quantitative research, Creswell (1994) states, 'an inquiry into a social or human problem based on testing a theory composed of variables measured with numbers and analyzed with statistical procedures in order to determine whether the predictive generalizations of the theory hold true'.

The quantitative approach looks more at the objective significance of happenings and quantifies the results of the observations mostly from the researcher's point of view. The present study mostly used the qualitative approach, but there were, however, elements of quantitative aspects that made it necessary to consider issues of

quantitative approaches in research. As Hoebfc (1997) explains, ‘it is not necessary to pit the qualitative and quantitative paradigms against one another in a competing stance. Instead, paradigm choices should be guided purely by a consideration of methodological appropriateness. Further, it has been shown that quantitative and qualitative methods can be combined in the same research project providing greater insights in the findings (Strauss and Corbin, 1990; Patton, 1990).

3.2.2.1 Positivist

This study was also based on a positivist philosophy where a number of assumptions were generated for testing, for example, the study was based on the assumption that majority of rural women are illiterate and /or semi-literate making it difficult for them to benefit from the existing information systems that provide human rights information in Nandi South District, among others, where empirical verification were sought.

Berg (2007) notes that scientific researchers may, thus, emphasize a more positivist view or may be primarily interested in individuals and their so called life-worlds... in the case of the former, positivists utilize empirical methodologies borrowed from the natural sciences to investigate phenomena. This study employed positivist methods to investigate issues touching on women rights.

3.3 Population of Nandi South District

The population census of 1999 indicates that Aldai division had a total population of 123,002 in the entire district. Of this, 96,220 were the population of Aldai division whereas Kaptumo division had a total population of 26,782, (RoK, 1991). The ratio of male to female was 1:1. This therefore meant that 61,501 was a total female

population. In addition, Kaptumo division had 13,364 females whereas Aldai division had 49,178 females. Households in Kaptumo division were 4,980 and 17,019 in Aldai division according to Nandi District Development Plan (NDDP) of 2002-2008, (RoK, 2002).

3.4 Study Population

According to Mugenda and Mugenda (2003), population refers to an entire group of individuals, events or objects having a common observable characteristic. They state that population is the aggregate of all that conforms to a given specification.

The population studied comprised of all rural women in Nandi South District, who were above eighteen years. The assumption was that at eighteen years, one is able to know and to react to issues when their rights are violated. It was also assumed that when one is of a mature age and of a sound mind, one is expected to understand several issues touching on his/her life and those of their colleagues. They may demand for their rights confidently, and understand their boundaries.

The government arm, that deals with the affairs of women in the district were studied as key informants. This was necessary as the government of Kenya ratifies and took obligation to protect and promote human rights information to its citizens. These included officers from the Ministry Gender, Children and Social Development; Education; Medical services; Public Health; Justice and Constitutional Affairs within the district and Information and Communication. Officers from the ministry and Office of the President included the District Commissioner, (DC), the District Officers (DOs), the Chiefs and the Assistant Chiefs were also targeted for this study.

Other groups that were involved in the study included leaders of community-based organizations (Women self help groups). Many women have joined these groups for various reasons since they are close to them.

Leaders of Non-Governmental organizations (NGOs) were also consulted. Some of these groups play an instrumental role as human rights activists; others are a link between international bodies who oversee if the government is playing its role while others sensitize women on their human rights. A special group of women and men above seventy (70) years old in the community were earmarked for the study because they were believed to be fully aware of cultural knowledge on entitlements of various categories of people according to customary laws.

This category of respondents were targeted because of the knowledge of traditional cultural values and norms which has not been influenced by what is now referred as 'modern' human rights'. This was quite important since, from this knowledge, one would be able to deduce why things are happening the way they are happening. For example, why rural women in particular fear to challenge some malpractices in their society even when they seem to understand and/or know their human rights.

It is important to note that quite often, the population to which results are to be generalized is too large or dispersed. In this study a total population of 1886 women, one from each household, was to be interviewed. This was the target population of rural women in Nandi South District. It was impractical to interview all, hence, the need to select a representative sample from the large and scattered population which would have required more time, money and human resource. To make the study

narrower and manageable, the researcher drew samples from an ‘accessible population’. It was ensured that the sample was comparable to the target population with characteristics that appeared most relevant to the study. This is referred to as population validity. This helped the researcher generalize the results of the accessible population to the target population.

3.5 Sampling Design

Both probability and non-probability sampling techniques were used to sample the study population. Berg (2007) states that the logic of using a sample of subjects is to make inferences about some larger population from a smaller sample. He adds that in quantitative research, the investigator is keenly concerned with probability sampling.

3.5.1 Probability Sampling

Cohen and Manion (1995) observed that there are two methods of sampling. One yields probability samples in which, as the term implies, the probability of selection of each respondent is known. Senese (1997) states that the concept of probability sampling is based on the notion that a sample can be selected that will mathematically represent sub-groups of some larger population. Berg (2007) observes that the parameters required for creating these probability samples are quite restrictive but allow the investigator to make various inferential hypothesis tests (using various statistical techniques). Examples of probability sampling are Simple Random Sample, Systematic Random Sample and Stratified Random Sampling.

3.5.1.1 Simple Random Sampling

Simple random sampling techniques, also known as chance sampling, was chosen to sample locations and sub-locations to be selected for the study in the Nandi South District. By employing simple random sampling technique, every item of the universe has an equal chance of inclusion in the sample. A lottery method was used to pick up individual units from the whole group not deliberately but by some mechanical process (Kothari, 2004). Kothari further observes that random sampling ensures the law of statistical regularity, which states that if on an average the sample chosen is a random one, the sample will have the same composition and characteristics as the universe, thus making random sampling the best technique of selecting a representative sample. Typically, Berg op.cit) states that this procedure is intended to produce a representative sample. A procedure of selection of locations and sub-locations has been clearly explained under sampling procedure sub topic in this study.

3.5.1.2 Systematic Random Sampling

Berg (ibid) states that the use of a systematic sample provides a convenient way to draw a sample from a large identified population when a printed list of that population is available. He adds, 'in systematic sampling, every n^{th} name is selected from the list, where, usually, the interval between names on the list is determined by dividing the number of persons desired in the sample into the full population. He cites an example where he states if a final sample of 80 was desired and the population list contained 2560 names, the researcher would divide 2560 by 80. The resulting 32 becomes the interval between names on the list. Kothari (2004) states that in some instances, the most practical way of sampling is to select every item on a list; that sampling of this

type is known as systematic sampling design and that an element of randomness was introduced into this kind of sampling by using random numbers to pick up the unit with which to start. He cites an example of, if 4 per cent sample is desired, that the first item would be to select randomly from the first twenty-five and thereafter, every 25th item would automatically be included in the sample. This design, as observed by Kothari (ibid), could be taken as an improvement over a simple random sample in as much as the systematic sample is spread more evenly over the entire population. The same design is an easier and less costly method of sampling. Furthermore, the same can be conveniently used even in a case of large population. With the characteristics of this study, this method was applicable. In this study the required sample was 189 and the total population of female in the entire Nandi South District, according to the population census of 1999, was 61,501. The resulting 325 was expected to become the interval between names on the list. This method was used for the entire district to select the sub-locations such as Chepkurgung, Chebilat, Kaptumek, Kesogon and Kaboi from the entire sample. The researcher used a sampling procedure method to select a study sample which made the study manageable and yet still representative of the entire Nandi South District as shown under sampling procedure.

3.5.1.3 Stratified Random Sampling

Berg (ibid) states that stratified random sampling is used whenever researchers need to ensure that a certain sample of the identified population under examination is represented in the sample where the population is divided into subgroups (strata), and independent samples of each stratum are selected within each stratum in order to ensure representativeness of proportions in the full population. In this study, the district was divided into locations which were further subdivided into sub-locations.

3.5.2 Non-Probability Sampling

According to Kothari (2004), non-probability sampling is that sampling procedure which does not afford any basis for estimating the probability that each item in the population has of being included in the sample. Berg (ibid) states that non probability samples offer the benefits of not requiring a list of all possible elements in a full population and the ability to access otherwise highly sensitive or difficult- to-research study population. This Non-Probability Sampling is known by different names such as convenience, accidental or availability sampling; deliberate sampling, purposive sampling, snowball sampling, judgment sampling and quota sampling.

3.5.2.1 Purposive sampling

According to Hagan (2006) in Berg (2007), this category of sampling is sometimes called judgmental sampling. When developing purposive sample, researchers used their special knowledge or expertise about some group to select subjects who represent this population. In this study purposive sampling was used by the researcher to select departments/ministries and non- governmental groups in the district which are directly involved with the affairs of women.

3.5.2.2 Snowball sampling

Snowballing is another non-probability sampling strategy, which some may see as similar to convenience sampling or chain referral sampling (Biernacki & Waldorf, 1981; Owens, 2005; Penrod, Preston, Cain, & Stark, 2003) or respondent-driven sampling (Heckathorn & Jeffri, 2003 in Berg, 2007). Through this type of sampling, researchers are able to locate subjects with certain attributes or characteristics necessary in the study. Lee (1993), in Berg (ibid), states that snowball samples are

particularly popular among researchers interested in studying various classes of deviance, sensitive topics, or difficult-to-reach population. Berg (ibid) states that the basic strategy of snowballing involves first identifying several people with relevant characteristics and interviewing them or having them answer a questionnaire. These subjects are then asked for some names (referrals) of other people who possess the same attributes they do - in effect, a chain of subjects driven by the referral of one respondent of another. The identified people are then used as informants to identify others who qualify for inclusion and this, in turn, identify yet others interested in studying various classes of others- hence the term snowball sampling (Cohen and Manion, 1995). Snowballing sampling technique was used in this study to sample special key informants of women and men of above seventy years from Nandi South District. The researcher sampled women and men above seventy years who were expected to understand the Nandi community culture and could not fear to share their knowledge on sensitive topics. Mugenda and Mugenda (2003) state that, in this method, initial subjects with the desired characteristics are identified using purposeful sampling techniques. The few identified subjects would name others that they have the required characteristics until the desired numbers of cases are achieved.

3.5.2.3 Deliberate Sampling

The key informants (officers or leaders) from particular units of the population were deliberately selected because of their role in disseminating human rights information. It was assumed that the sample selected possess sufficient required knowledge pertaining to issues of discussion; hence were the right representative of the whole unit of the population.

3.6 Sampling Procedure

According to Kothari (2004), Sampling may be defined as the selection of some part of an aggregate or totality on the basis of which a judgment or inference about the aggregate or totality is made. That it is the process of obtaining information about an entire population by examining only a part of it. The usual approach happens to make generalizations. The items so selected constitute what is technically called a sample, and their selection process or technique is called sample design and the survey conducted on the basis of sample is described as sample survey.

Mugenda & Mugenda (2003) note that where time and resources allow, a researcher should take as big a sample as possible. They explain that with a large sample, the researcher is confident that if another sample of the same size were to be selected, findings from the two samples would be similar to a high degree. They observe that the danger with small samples is that they do not reproduce the salient characteristics of the accessible population to an acceptable degree.

According to the demographic information of Nandi South District compiled on February 28, 2009 (unpublished), on population by sex, number of households, area and density, there were 49,178 females and 17,019 households in Aldai division. In Kaptumo division there were 13,364 females and 4,980 households.

Since this population was too large and dispersed, the researcher did sampling but was careful to ensure that the salient characteristics of the entire district were not compromised. In this study, 10% of the accessible study population was used. This

study has employed a qualitative method (non-probability sampling design) such as purposive/deliberate and snowball where data has been presented by describing the relationships between the variables. Quantitative (Probability sampling design) such as simple random sampling, stratified random sampling and systematic random sampling where data has been presented by use of percentages and frequencies. The researcher chose to draw a sample size by use of ten percent of accessible population households from sample study area. Gay, in Mugenda & Mugenda (2003), states that ‘... ten percent of the accessible population is enough...’ Kasomo (2006) concurs with these views when he suggests that in descriptive studies 10% of accessible population is enough.

Mugenda & Mugenda (ibid) states that after deciding on the sample size, the researcher formulates a procedure of selecting the subjects or cases to be included in the sample. They state that to select a representative sample, a researcher must first have a sampling frame that is, a list, directory or index of cases from which a sample can be selected. In this study sampling frames included list of the locations and households from the two divisions of Nandi South District, namely Kaptumo and Aldai. Locations in Aldai were twelve (12) in number and they include Bonjoge, Maraba, Kapkures, Kapkerer, Terik, Chemase, Mugen, Kemeloi, Kibwareng, Kapkolei, Ndurio, Chebilat. The division has a total number of 17,019 households. Kaptumo division has four (4) locations, namely Kaboi, Kaptumo, Koyo and Kapsaos with a total number of 4,980 households in the entire division. These subjects or cases selected from the sampling frames formed the units of observation in this study.

It is important to note that the degree of generalization of a study depends on the accuracy of the sampling frame from which the sample was selected. If a sample is drawn from an incomplete sampling frame, the findings from that study may not be generalized beyond the sample or the sampling frame from which the sample was drawn. The researcher ensured that the type of universe (population) finite or infinite was stipulated, sampling unit (geographical for example district, division, location, sub-location) were taken care of. The source list (sampling frame) containing all items of the population that was comprehensive, correct, reliable and appropriate was prepared. Caution was taken to ensure that optimum size of a sample was arrived at which was neither too large nor too small as dictated by costs or budgetary constraints. Other things that were taken into consideration were parameters of interests' for example key informants who could know other measures concerning the population.

Kothari (2004) lists the characteristics of a good sample design which must:

- Result in a truly representative sample
- Result in a small sampling error
- Be viable in the context of funds available for the research study
- Be such that systematic bias can be controlled in a better way
- Be such that the results of the sample study can be applied, in general, for the universe with a reasonable level of confidence.

The researcher used a sampling procedure method to select a study sample which made the study manageable and yet still representative of the entire Nandi South District. Since Nandi South District has got two divisions, namely Aldai with twelve

(12) locations and Kaptumo with four (4) locations (see appendix I), the researcher employed stratified sampling technique to select study locations from the two divisions.

A third of the 12 locations of Aldai division were selected using a lottery system to pick the specific locations where simple random sampling method was employed. In doing this, all the names of the twelve locations were identified and written down into pieces of paper. The same were folded, and then shaken well in a container. One person was then requested to pick four from the container.

In this study, the following four locations, out of twelve from Aldai division, were earmarked for the study:

1. Kapkures location, which has got 3 sub-locations, namely Chepkurgung, Kapsamoch and Kesengei.
2. Chebilat location, which has got 4 sub-locations as follows: Chebilat, Kapsagawat, Chepketimon and Kiptaruswo.
3. Maraba location has got 5 sub-locations, namely Kongoro, Mogoowo, Kaptumek, Chepsirya and Tirikwo.
4. Ndurio Location, which has got 3 sub locations, namely Ndurio, Kesogon and Sarma.

In the case of Kaptumo division, the same procedure was followed where one third of the four (4) locations from Kaptumo division were sampled, thus sampling one location from Kaptumo division. The same procedure of picking was followed and in this study, Kaboi location was randomly sampled for study. The location, at the time

of the study, had four (4) sub-locations, namely Kaboi, Kamarich, Kapsoo and Mugundoi.

To further narrow the study to be manageable, the sub locations were further sampled within the locations. It was assumed that all the sub-locations within a particular location had an equal chance to be picked for the study. In this case simple random sampling was employed where all the sub-location names within a location were written on pieces of paper and were picked through a lottery system as was the case of picking the locations. In this case only one sub-location from each sampled location was picked for study as follows: - in Kapkures location, (Aldai division) Chepkurgung sub-location was earmarked for the study. This sub-location had 335 households at the time of the study. In Chebilat location, in Aldai division, Chebilat sub location was picked through simple random sampling. The sub-location has got 307 households.

In Maraba sub-location, in Aldai division, Kaptumek sub-location was picked for the study. The sub-location had 403 households at the time of the study. In Ndurio location, in Aldai division, Kesogon sub-location was picked for the study. The sub-locations had 557 households at the time of the study.

In Kaboi location, Kaptumo division, Kaboi sub-location was picked for the study. The sub-location had 284 households at the time of the study. Five locations out of sixteen locations in the entire district were sampled for the study by using stratified sampling method for the locations in the two divisions and simple random sampling for locations in each division (See a table of analysis of sampled study population).

All locations within each division were treated as homogenous; hence each had an equal chance to be studied using simple random sampling. Furthermore, all locations in the district are in the status of a rural set-up. This enabled the researcher to generalize the findings to the entire Nandi South District.

Since it was impossible to study all the households in the sampled sub-locations, the researcher used 10% of the accessible study population from each sampled sub locations as follows:-

10% of 335 households of Chepkurgung sub-location give 33.5 (34)

10% of 307 households of Chebilat sub-location give 30.7 (31)

10% of 403 households of Kaptumek sub-location give 40.3 (40)

10% of 557 households of Kesogon sub-location give 55.7 (56)

10% of 284 households of Kaboi sub location give 28.4 (28)

Total 10% of 1886 is 188.6 = (189) households to be studied.

Since it was impossible to study all adult females in the sampled households, the researcher deliberately chose to study one female adult from each sampled household totalling to **189** women which was manageable yet representative of the entire study area.

To obtain an interval of specific households to be studied, the researcher divided total study population from the sampled sub location (**$188.6 \div 189 = 10$**).

The total number of accessible households in the sampled locations and sub-locations earmarked for the study was 1886. This number of households was too large given limited resources in terms of time and funds available. The researcher therefore chose to apply ten percent as espoused by Mugenda and Mugenda (ibid.), that is, $1886 \times 10\%$, obtaining a total 189 households to be studied. This figure was manageable yet representative of the entire Nandi South District.

It was assumed that all the sub locations in the sampled locations have got equal chance of being studied. When the researcher went out to the field for a reconnaissance, she was able to confirm the total number of households in each of the selected sub-locations. With the availability of a sampling frame of the households in the sampled sub-locations, it became possible to sample the study units. A list of all households in each sub-location was prepared separately and one number was picked randomly with which to start. Each household was assigned a number. To identify a starting household, numbers one to ten (**1-10**) were written on separate pieces of paper folded, placed in a container, shaken well and one of them was picked randomly with which to start. Seventh (7^{th}) number was picked randomly representing *n*th number which was then added ten (**10**) to give 17^{th} number. The 17^{th} household was used as the 1st household. One adult woman within that household was sampled for study (convenient sampling). This process was done only once in order to maintain a systematic sampling during the study.

This sequence was followed until the total required **189** households was achieved i.e. $17 + 10 = 27^{\text{th}}$, $27 + 10 = 37^{\text{th}}$, then 47^{th} , 57^{th} 67^{th} etc, until the required number of households were achieved for every sub location. The following sample sizes were

expected as follows: Chepkurgung (34), Chebilat (31), Kaptumek (40); Kesogon (56) and Kaboi (28), hence giving a total sample size of 189 households.

Key informants were purposively chosen from the following government Ministries/departments:

- Gender, Children & Social Development (2)
- Education (2)
- Medical Services (2)
- Public Health (2)
- Justice and Constitutional affairs (2)
- Office of the President provincial and internal security, they include the D.C (1), D.O (2), Chiefs (5) and 5 assistance chief
- Information and Communication (2).

All these gave a total population of twenty-five (25) key informants that were to be studied.

The only one (1) leader of *Maendeleo ya Wanawake* from Nandi South District and five (5) key leaders from each sampled study areas that form the main study area were purposively identified as informants for this study hence totalling twenty six (26). It is noteworthy that each of these informants belonged to organizations which promote human rights awareness to rural women and help in the implementation of those human rights.

Other leaders were purposively selected for the study involved one (1) community-based organization (women Self Help Group) leader from the sampled study areas (5); three (3) women and two (2) men, aged above seventy years who were known to have a vast knowledge of the community cultures, were identified by the local leaders. Snowballing sampling technique was used by the where she requested each informant to identify another informant who in their view was also thought to have vast knowledge of the community culture and was almost of the same age and/or had the required characteristics. This snowball method was used until the required five (5) cases had been attained for study.

In view of the large number of respondents in the district, the researcher chose to sample a few cases by use of 10% of the accessible population to represent others in the entire district. In this case 189 rural women, 25 government officers, 6 key leaders belonging to organizations which promote rights information to rural women in Nandi South District, five (5) women group leaders that is one from each sampled women Self Help Group from the sampled sub-locations in Nandi South District and five (5), both women and men, who were versed with community cultures. The total respondents were one hundred and eighty nine (189) and the key informants' total was forty one (41) interviewees; all giving a total of two hundred and thirty (230) respondents sampled for the study. In view of the limited resources (time, personnel and money) and given the fact that the researcher had only six months to gather data using face-to-face interviews, this number of population was thought manageable. Therefore, various sampling methods were used to pick the respondents and the areas to be studied.

3.7 Data Collection Techniques

In this study, two types of data were collected, namely primary and secondary data. The primary data are those which are collected afresh from the field and for the first time, hence original in character. In this study, the primary data was collected from selected rural women and the sampled key informants. This data included information on: respondent's age, level of education, knowledge of human rights, their attitudes and opinions on various issues. The secondary data are that information which had already been collected by someone else and which has gone through statistical process. These types of data included number of women population in the district, number of households in the sampled locations, total number of divisions, locations and sub locations in the study area, human rights as indicated in human rights instruments, among others.

The study used three data collection techniques to collect data from the field. These are: interviews, observation (to obtain primary data) and document analysis which was used to collect secondary data. The secondary data was obtained from published documents as well as published technical reports

3.7.1 Face- to- Face Interviews

According to Cannel and Kahn (1968), in Cohen and Manion (1994), research interview is 'a two-person conversation initiated by the interviewer for the specific purpose of obtaining research-relevant information, and focused by him on content specified by research objectives of systematic description, prediction, or explanation.

This method involves the gathering of data through direct verbal interaction between individuals.

This research technique may be used as the principal means of gathering information having direct bearing on the research objectives, for example, by providing access to what is 'inside a person's head', as observed by Tuckman (1972), thus making it possible to measure what a person knows (knowledge or information), which the study intends to establish; what a person likes or dislikes (values and preferences), and what a person thinks (attitudes and beliefs). The technique may also be used to test hypothesis or to suggest new ones or as an explanatory device to help identify variables and relationships. The same method may be used in conjunction with other methods in a research undertaking; for example, to probe a respondent to clarify what is not clear.

To achieve the objectives of the study, five (5) types of interview schedules were used. The first interview schedule was earmarked for rural women (respondents) in Nandi South District. The second interview schedule was earmarked for government officers, who were the key informants. The third interview schedule was earmarked for agencies/bodies and organizations which promote human rights information to women. The fourth interview schedule was used to elicit data from leaders of community based organizations (Self Help Groups) in Nandi South District, and finally, the fifth interview schedule was earmarked to a special group of women and men above seventy years of age who also were key informants and were versed with knowledge on Nandi community culture and beliefs.

The interview schedules were expected to provide in-depth information from the respondents. Majority of the rural women in Nandi South District were expected to be semi-literate and/or illiterate. In this regard, it was not necessary to use the questionnaire method since they required somebody to clarify to them concerning things which they could not understand and moreover, the researcher wished to obtain in-depth information by probing and observing several parameters to compare with their responses. Since the government ministries and departments were concentrated at the newly created district headquarters, that is Kobujoi, and few in Nandi Hills town and Kaptumo center, and the fact that one person was to be selected for the study, personal interview method was found to be appropriate in order to get in-depth information as opposed to the questionnaire method which might not have elicited more detailed information.

Both structured and semi-structured interviews were used in all the four interview schedules to elicit relevant data pertinent to the study. Ojiambo (1989) has defined a personal interview as a face-to-face interpersonal communication in which the interviewer asks the respondents questions designed to collect answers pertinent to the purpose of the research problem. Similarly, Keya et al. (1989) notes that the interviewer asks questions tailored to the achievement of the objectives of the study. This method was preferred in this study since the study expected to gather detailed information that would not have otherwise been possible to obtain by use of questionnaires as respondents are likely to omit some important information either intentionally and/or simply by oversight.

The structured interview is one in which the content and procedures are organized in advance, that is, the sequence and wording of the questions are determined by means of a schedule and the interviewer is left with little freedom to make modifications. In other words, it is a closed- ended situation. This format in the interview schedules ensured that all respondents answered the same questions in a similar way. Questions that related to personal/factual data or in other words data, which required direct and/or standard answers; for example, respondent's Department and/or Ministry in which they worked, occupation, level of education, age, their attitude towards certain things such as effectiveness of information sources, service and systems, among others, were asked. The answers were used to compare responses from the interviews. Unstructured interview and/or, in other words, open-ended questions were preferred since, as observed by Kerlinger (1965), they enable the interviewer to ascertain the respondent's lack of knowledge, detects ambiguity, encourages co-operation and achieve rapport and make better estimates of the respondents' true intentions, beliefs and attitudes, which were quite important for this study. He further notes that, although the research purposes govern the questions asked, their content, sequence and wording are entirely in the hands of the interviewer. They are not a more casual affair since they too have to be carefully planned. Open-ended questions used for this study were expected to elicit opinions and attitudes of the respondents without limiting them to any particular responses. The aim was to befriend and probe the respondents so as to obtain the respondents' inner feelings on the questions listed in the interview schedules.

Unstructured questions in the interview schedule enabled gathering on detailed data on respondents' opinions and attitudes on various issues; for example, how women

thought they were regarded in their family/community by others, their opinion of how methods of disseminating human rights information could be improved, among others. Government officers' attitudes was obtained regarding how they thought Kalenjin customs and culture affected the dissemination of human rights information to rural women in Nandi South District, among others. Special groups of women's and men's opinion were sought regarding cultural rights of women in the Nandi community which could still be relevant in today's 'modern' world, among others.

The same method enabled probing of respondents to provide in-depth data. If the respondent did not understand the question in the interview schedule, the researcher was able re-phrase it in order to obtain relevant answers. On the whole, the purpose of personal interviews, otherwise known as face-to face interviews, with respondents was expected to obtain significantly more comprehensive answers as opposed to questionnaires. Moreover, such verbal communication would help the researcher gain useful insights during the interview session both from what is said and from what is observed.

3.8 Documentary Analysis

This method was used to elicit information about human rights instruments – laws and provisions, government policies that have been developed to disseminate human rights information to women at the grassroots level, legal frameworks established to ensure the implementation of human rights amongst its citizens. Documentary data was also used to know the name of the Ministries and Departments that dealt with women issues. Furthermore, documentary data enabled the researcher to know the total population of female and households in Nandi South District. In addition,

through documentary data, the researcher was able to know the names and the number of administrative boundaries in Nandi South District, among others.

3.9 Observation Method

Observation method is most commonly used method especially in studies relating to behavioural science. Non-participant observation method was used in this study to verify some truth of statements made by respondents e.g. observe current happenings without necessarily asking the respondent in the context of an interview schedule, for example, the economic and social status of respondents. It was possible to observe and compare those with different levels of education against their participation in leadership, in decision making and in development issues. The differences between those who embraced cultural rights versus modern human rights were also observed. This is so because in a way we all observe things around us without necessarily asking anybody. Moreover, one can observe the way a person may react to some question and be able to deduce something out of it, although this sort of observation is not scientific and judgment can be under questions (Kothari, 2004; Mugenda and Mugenda, 2003).

‘The main advantage of this method is that subjective bias is eliminated, if observation is done accurately. Secondly, information obtained under this method relates to what is currently happening. It is not complicated by either the past behaviour or future intentions or attitudes. Thirdly, this method is independent of respondent’s willingness to respond and as such is relatively less demanding of active cooperation on the part of respondents....’

This method is particularly suitable in studies which deal with subjects for example respondents who are not capable of giving real verbal reports of their feelings for one reason or the other. When the observer observes as a detached emissary without any attempt on his/her part to experience through participation what others feel.

3.10 Focus Group Discussions (FGDs)

The focus group refers to an interview style designed for small groups of unrelated individuals, formed by an investigator and led in a group discussion on some particular topic(s), Schutt, (2003). According to Edmunds (2000), Focus group interviews are guided or unguided group discussions addressing a particular topic of interest or relevance to the group and the researcher.

Bruce (2007) notes that one important distinction between focus group and face-to-face interviewing is the ability to observe interactions about a discussion topic during the group session. He adds that researchers can observe session participants interacting and sharing specific attitudes and experiences, and they can explore these issues... in many ways, it is the very give-and-take interactions characteristic of focus group interviews that lead to spontaneous responses from session participants... meanings and answers arising during focus group interviews are socially constructed rather than individually created.' Rubin and Rubin (1995), in Berg (op.cit), explain that in focus groups, the goal is to let people spark off one another, suggesting dimensions and nuances of the original problem that any one individual might not have thought of. Sometimes a totally different understanding of a problem emerges from the group discussion.

In this study two focus group discussions from Kesogon and Kaptumek sub-locations were conducted. These consisted of six women with the researcher acting as the moderator. As the researcher set out for field work, she saw it necessary to conduct

focus group discussions centering on rural women's access and utilization of human rights information.

The purpose of FGDs was to obtain in-depth information on rural women's concepts, perceptions and ideas with regard to access and utilization of human rights information. FGDs were considered important because they are a powerful research tool which provides valuable spontaneous information in a short period of time and at relatively low cost.

3.11 Preparation of Data Collection Instruments

Data was collected from the study samples by use of interview schedules. The researcher used five interview schedules to elicit responses from the respondents. The first interview schedule was used to interview rural women (respondents) in Nandi South District. The second interview schedule was used to obtain responses from government officers who were the key informants. The third interview schedule was used to elicit answers from agencies/bodies and organizations which promote human rights information to women. The fourth interview schedule was used to elicit data from leaders of community based organizations (Self Help Groups) in Nandi South District, and finally, the fifth interview schedule was earmarked to a special group of women and men above seventy years of age and known to be versed with Nandi community culture and beliefs. All the key informants' responses were tape recorded and were later transcribed and analyzed thematically.

3.11.1 The interview schedule I developed consisted of:

- i. Questions on respondent's personal information such as age, marital status, level of education, occupation and

- ii. Questions on respondents' human rights awareness.
- iii. Questions relating to sources, services and systems used in Nandi South District to provide human rights information to rural women.
- iv. Questions that sought to understand the factors that hinder the provision and implementation of human rights by rural women in Nandi South district.
- v. Questions that solicited suggestions and possible solutions from the respondents to the stated problems.

3.11.2 The interview schedule II developed comprised:

- i. Questions on background information which include name of the ministry/department, Gender, position and its role in promoting human rights information to women.
- ii. Questions that sought to establish the extent of human rights awareness by rural women.
- iii. Questions that required respondents to give answers relating to sources, services and systems used to disseminate human rights information. It also sought to find out their effectiveness in providing human rights information.
- iv. Questions pertaining to policies and legal frameworks that have been developed by the ministries to promote human rights information to rural women.
- v. Questions to find out the factors that hindered the dissemination and implementation of women human rights.
- vi. Questions that solicited for suggested recommendations by the government officers to improve the provision and implementation of women's rights in the district.

3.11.3 The interview schedule III developed encompassed:

- i. Questions on background information of agency, body, organization, Gender, position. It also solicited information on the role the organizations play in promoting human rights information to rural women.
- ii. Questions on human rights awareness by rural women.
- iii. Questions on how organizations provided rural women with human rights information.
- iv. Questions that required respondents to state problems facing the organization as they attempted to disseminate human rights information to rural women.
- v. Questions that sought to establish suggestions and possible solutions to the stated problems.

3.11.4 The interview schedule IV developed consisted of:

- i. Questions on groups' background information, which encompassed names of sampled women self help groups, the year when the group was established, how members got recruited to the group, how regular the groups met to deliberate their issues
- ii. Questions on the role of the group, which included groups' activities
- iii. Questions on how the groups obtained funding to carry out their activities
- iv. Questions on the benefits of the group to its members.
- v. Questions on major issues discussed by the group and how they helped improve women lifestyles; challenges and problems that faced women self help groups as they attempted to implement their human rights.

- vi. Questions on suggestions by the group leaders to help improve the dissemination of women human rights and improve implementations of the same.

3.11.5 The interview schedule V developed consisted of:

- i. Questions of respondents from special groups, who are men and women above seventy years old. It tried to establish respondent's personal information. It elicited information on their age, marital status, educational level, occupation, the language which they were competent in.
- ii. Questions on community customs and cultural beliefs about women.
- iii. Questions that required the respondents to give answers relating to roles played by women in their community.
- iv. Questions pertaining to the rights of women according to Kalenjin culture and in the modern society.
- v. Questions on how women rights information and roles to be performed by women were disseminated culturally.
- vi. Questions pertaining to how the cultural and modern rights compared.
- vii. Questions that sought to find out how cultural beliefs hindered the accessibility and implementation of 'modern' rights.
- viii. Questions that intended to elicit suggestions that could minimize the stated problems.

3.12 Pilot study of the interview schedules

The interview schedules were tested on a few role-playing colleagues and on a limited number of people in the field. The purpose was to establish if the data collection instruments would be effective in collecting the required information in the field.

After this, necessary amendments and appropriate corrections were made before the instruments were finally used for data collections.

3.13 Procedures for data collection and ethical consideration

The researcher conformed to the research requirements by first of all obtaining a research permit from the Republic of Kenya, National Council for Science and Technology. After this, she proceeded to the study area, Nandi South District headquarters, where she introduced herself to the District commissioner and the District Education Officer and all other relevant officers from the government who eventually introduced her to other officers in the district. The researcher explained the purpose of the study to the parties relevant to the study and assured respondents confidentiality and dignity to their responses.

Once the researcher had been received, she proceeded to the field for reconnaissance and to book appointments with the relevant officers. While doing so she introduced herself and her research assistant to the people in the study area requesting them to co-operate and assist the researchers. The researchers also introduced themselves to women leaders, officials of NGOs, CBOs Human rights activists and elderly women and men (above 70 years) in the district. The researcher ensured that she clearly made the respondents understand her aims of the study and the benefits that they could obtain in future from the study.

3.14 Data Analysis and Interpretation

Both descriptive data and statistical data were generated. Quantitative data was analyzed quantitatively, where statistical data was analyzed by use of frequencies and

percentages of each question which were calculated by use of Statistical Package for the Social Science (SPSS) and electronic calculators which enabled the researcher to save on time and energy, since quantity, as observed by Bruce (op.cit), is elementally an amount of something and quantitative research thus refers to counts and measures of things.

Qualitatively, data was analyzed by describing relationships between variables. For example, the kind of development activities women are involved in, in relation to their level of education, knowledge of human rights information, their age, their cultural practices, among others. Bruce (ibid) observes that qualitative methodologies take much longer, require greater clarity of goals during design stages, and cannot be analyzed by running computer programs. He adds that qualitative research methods and analytic strategies are not associated with high-tech society in the ways quantitative techniques may be.

Analyzed data have been presented in various forms which include textual (descriptive), tabular, charts, bars and pie charts.

3.15 Summary

On the whole, despite the challenges that the researcher encountered in the field, which included financial constraints and the unavailability of time which delayed the data collection period, data collection exercise was eventually carried out successfully. Respondents were quite cooperative and research instruments were effective since they had undergone a pilot study.

CHAPTER FOUR

DATA PRESENTATION, ANALYSIS AND INTERPRETATION

4.1 Introduction

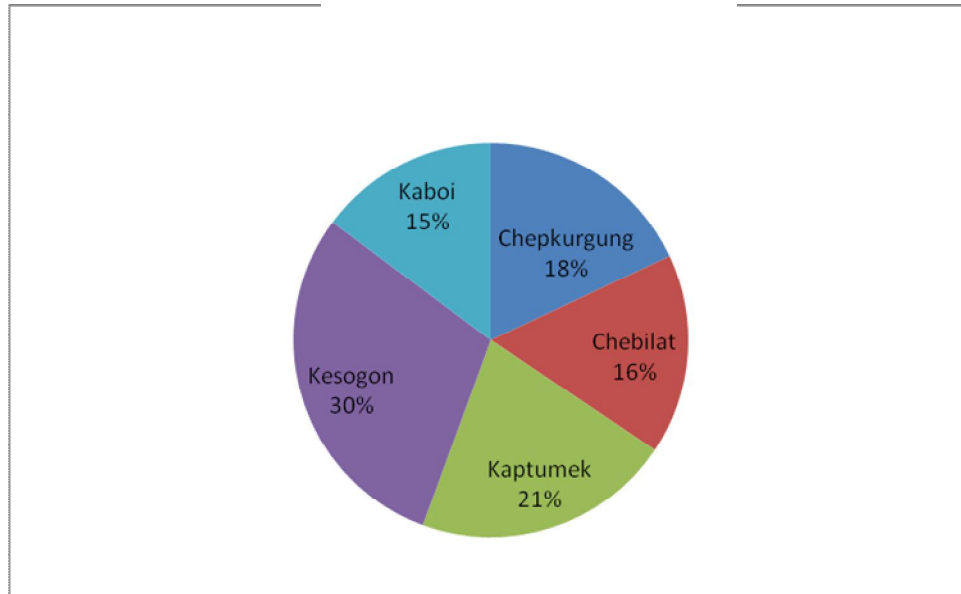
This chapter presents the findings obtained from the respondents who comprised of rural women from Nandi South District who were above eighteen (18) years old at the time of the study. The chapter is divided into five sub-sections. Section (A) present's analysis of data on respondents' personal information. It discusses variables such as age, marital status, literacy level and occupation. Section (B) presents the extent of human rights awareness and provision, while section (C) provides an analysis of information sources and channels used to provide women with human rights information. Section D) presents problems hindering accessibility and usage of human rights information by rural women in Nandi South the district. Finally section (E) provides an analysis of respondents' suggestions and recommendations for improvement in the provision of human rights information to rural women in Kenya.

Data have been recorded as frequencies and percentages and presented in various forms such as tables, pie charts and bar graphs. In the case of open-ended questions, data have been presented after coding and categorising by themes.

4.2 Responses

All the respondents, 189(100%), targeted by the study were interviewed. Of the respondents, 34 (18%) came from Chepkurgung sub-location, 31(16%) came from Chebilat sub-location, 40 (21%) came from Kaptumek sub-location, 56 (30%) came from Kesogon sub-location and 28 (15%) came from Kaboi sub-location. Pie Chart 1

summarizes distribution of the respondents. It was observed that women developed a lot of interest in the study since it was directly touching on issues which affected their daily lives and did not want to miss the interviews.



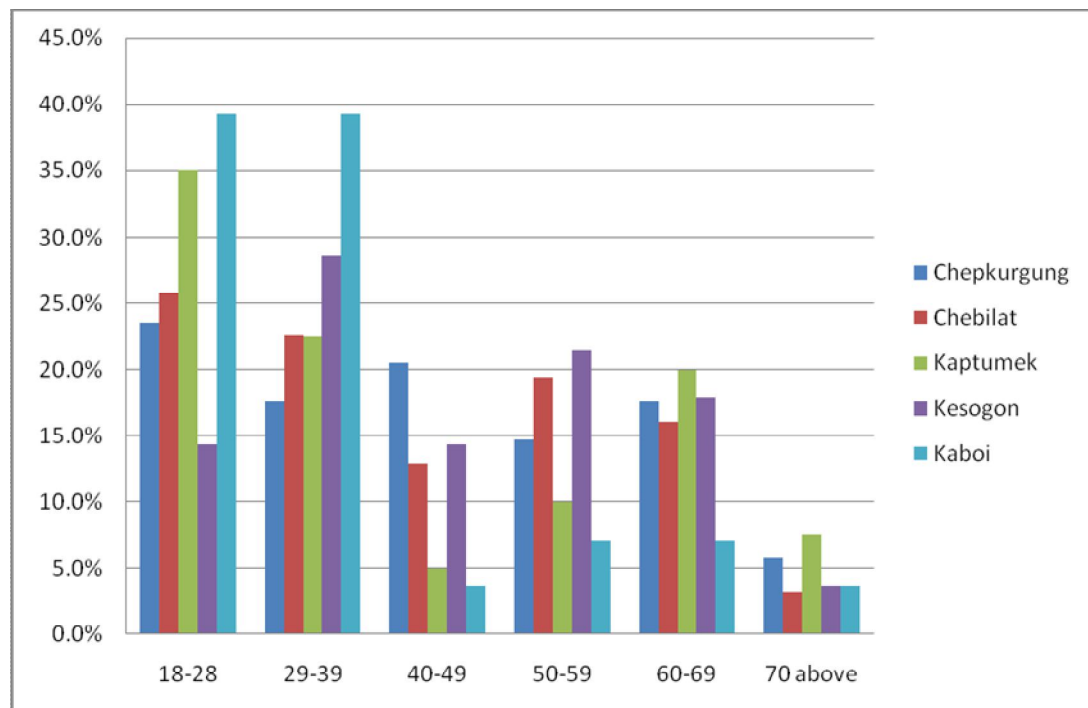
Pie Chart 1: Respondents' Distribution by Sampled Sub-locations (N=189)

The data collection was not without challenges. A number of households were visited more than once. The researcher employed two research assistants during data collections. For households in which at the time of the study there was no adult woman, the researcher made appointments and was given the date when she could go and carry the interview. In the case where the researcher found an adult woman was busy with her domestic chores, the researcher introduced herself and the purpose of the research and how the research would be beneficial. Most women were willing to sacrifice their time in order to respond to the researchers' interviews. Others would request the researcher to return when they are not busy. This made it possible for the researcher to achieve 100% respondents' rate.

4.3 Characteristics of the Respondents

4.3.1 Age Distribution of Respondents

Of the 34 (100%) came from Chepkurgung sub-location, 8 (23.5%) belonged to the age group between 18-28, 6 (17.6%) were of age group between 29-39, 7 (20.6%) were of the age group between 40-49, 5 (14.7%) were of age group between 50 – 59, 6 (17.6%) were of age group between 60-69 and only 2 (5.9%) belonged to an age of over 70 years and above.



Bar chart 1: Respondents' Age Distribution

(N=189)

Out of 31 (100%) who came from Chebilat sub-location, 8 (25.8%) of this were in the age bracket of 18-28, 7 (22.6%) were in the age bracket 29-39, 4(12.9%) were of age bracket between 40-49, 6 (19.4%) were of age group between 50-59, 5 (16.1%)

of age bracket between 60-69 and 1(3.2%) was of age group of 70 and above. Of the 40 (100%) rural who came from Kaptumek sub-location, 14 belonged to the age group bracket of 18-28, 9 (22.5%) fell into an age group of between 29-39, 2 (5%) belonged to an age group between 40-49, 4 (10%) belonged to the age bracket between 50-59, 8 (20%) fell into an age group between 60-69 and 3 (7.5%) belonged to an age group of 70 and above.

Out of 56 (100%) rural women who came from Kesogon sub-location, 8 (14.3%) belonged to an age group of between 18-28, 16 (28.6%) fell on an age group of 29-39, 8 (14.3%) belonged to an age group between 40-49, 12 (21.4%) belonged to an age bracket between 50-59, 10 (17.9%) belonged to an age group between 60-69 and 2(3.6%) belonged to an age group of 70 and above.

Out of 28 (100%) rural who came from Kaboi sub-location, 11 (39.3%) belonged to an age group between 18-29, 11 (39.3%) fall into an age group between 29-39, 1 (3.6%) belonged to an age group between 40-49, 2 (7.1%) fell into an age group between 50-59, 2 (7.1%) belonged to an age group of 60-69 and 1(3.6%) belonged to an age group of 70 and above. Figure 2 presents age distribution of responding rural women in sampled sub-locations in Nandi South district.

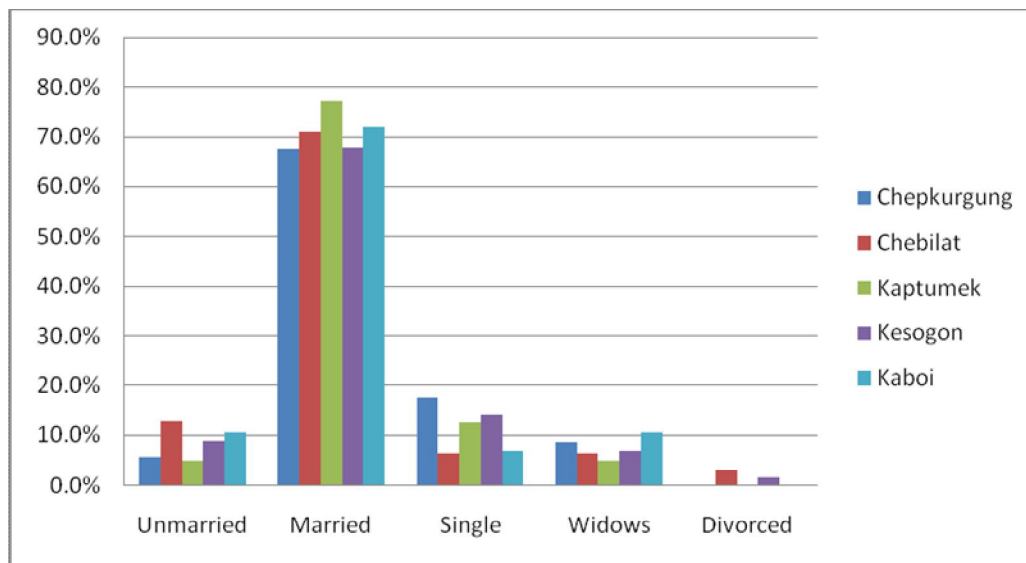
From the findings, it is evident that majority of the women interviewed belonged to the age bracket between 18 and 39, which constituted 51.8%. The study also established that women of age bracket between 60 and 69 (16.4%) of those interviewed came second of women found at home. This study finding implies that majority of the women within those age brackets that is (18-39) and between (60 –

69) were confined within their homesteads due to the nature of roles which they were expected to perform by their community cultures, such as, domestic chores for example house wives, rear children, cook, fetching water, among others. These types of roles denied women an opportunity to go beyond their family homestead. Interviews with special key informants confirmed that Nandi women culturally were not allowed to leave their homesteads for security reasons and that culturally they were expected to be home managers '*korogo*' while their husbands and men were to attend to other duties outside their homestead. This implies that the community's culture still had influence over distinct roles performed by women and men.

This impacted negatively the implementation of some modern human rights entitlements such leadership roles, education and other socio- economic activities in the modern society as provided by international and national human rights provisions among them are: right to freedom from discrimination, assembly and association, participate in governance, vote and be elected which fall under civil and political rights thus making them difficult to be implemented by women since such roles requires a person to go beyond ones' homestead, hence, contrary to community expectations.

On the contrary, a few respondents of age bracket between 40- 49 (11.6%) and of age bracket of 50-59 (15.3%), were found within the homestead during the study. This implies that although the respondents were more exposed to community culture, modern culture and changed lifestyles had also started influencing the respondents' ways of doing certain things. It was expected that between this age bracket, not many women had very young children and were not necessarily held up by roles of rearing children and could perform other roles to support their husbands in catering for needs of their families. Since respondents were at their prime age, they were away to fend

for their families either working in their family farms, doing some business or employed. Those respondents of ages 70 and up were least in number. This implied that they were either the minority in the society due to demise caused by old age or diseases or either on visits to their children or were no longer concerned with domestic chores because culturally, young women were expected to perform most of domestic responsibilities.



Bar chart 2: Marital Status of Women (N=189)

4.3.2 Marital Status of Respondents

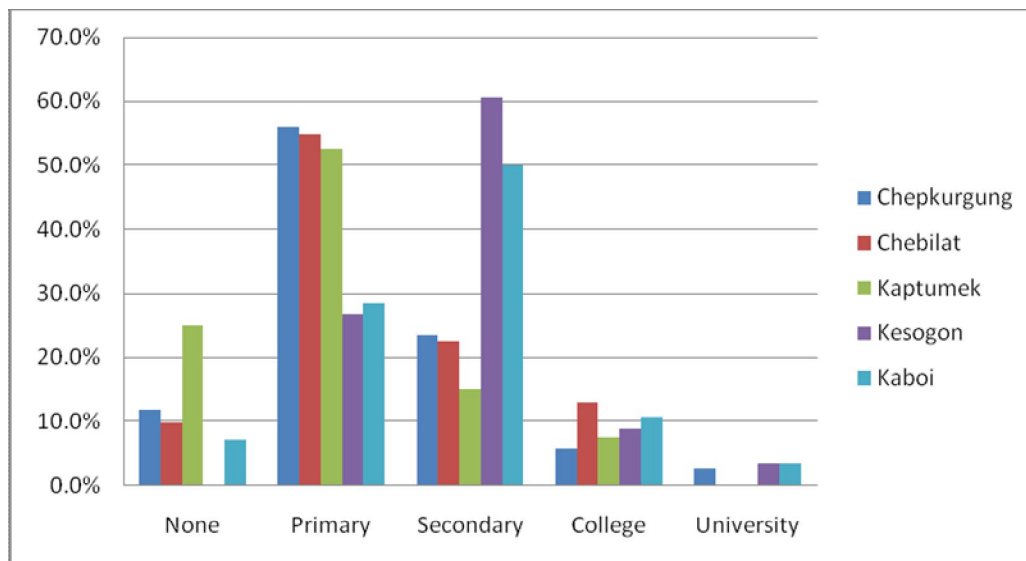
The respondents were also requested to state their marital status. Out of 34 rural women interviewed in Chepkurgung sub-location, 2(5.9%) were unmarried; 23(67.7%) were married; 6 (17.6%) were single; none (0%) was divorced and

3(8.8%) were widows. Of 31 rural women interviewed from Chebilat sub-location, 4(12.9%) were unmarried; 22(71%) were married; 2(6.5%) were single; 2(6.5%) were widowed; 1(3.2%) was divorced. Out of 40 rural women interviewed from Kaptumek, 2(5%) were unmarried; 31(77.5%) married; 5(12.5%) were single; 2(5%) were widowed and none was divorced.

Out of 56 women interviewed from Kesogon sub-location, 5(8.9%) were unmarried; 38(67.9%) were married; 8(14.3%) were single; 4 (7.1%) were widows and 1(1.8%) were divorced. Of 28 rural women interviewed from Kaboi sub-location, 3(10.7%) were unmarried; 20(71.4%) were married; 2(7.1%) were single; 3 (10.7%) were widowed and none (0%) was divorced. Bar Chart 3 below illustrates these results.

It is clear that majority of the women (70.9%) were married. These findings imply that women engage in early marriages which have negative implications on the pursuance of other modern human rights entitled to them like right to education, freedom from discrimination, development among others. This finding also confirms that they had a right to marry. Very few women were divorced (1.1%). This reveals that in case of misunderstanding with their husbands over their rights, they persevere and leave everything to God. It is taboo to divorce in Nandi Community, furthermore the process especially in Customary Law is long and torturous to women. Interviews with special key informants showed that Nandi culture would always preserve marriage and that cases of divorce were very rare. Therefore, culture influences women's decision to get married rather than to remain single by choice. This study finding has a positive implication on the implementation of right to marry and found a family, which is one of the social and cultural rights, in the sense that it is supported by 'modern' human rights and Nandi community cultures making it easier to

implement. Interviews with special key informants showed that marriage for a female child was highly valued by the community where a girl from her childhood was described as *'lakwetab oret age netun wendi oret age'* meaning, 'a child from another clan going to another clan.' That if a woman missed somebody of her age to marry, she would be allowed to get married to men of senior ages as supported by community saying *'matinyei boror amatinyei iibin'* (without a tribe and without an age-set).



Bar chart 3: Respondents' Level of Education

(N=189)

4.3.3 Respondents' Level of Education

The researcher established that out of 189 rural women above 18 years of age from all the sampled sub-locations, 19 (10.5%) had no education at all, 80 (42.3%) had

attained primary education, 69 (36.5%) had attained secondary education, 17 (9%) had attained college education and only 4(2.1%) had attained university level of education (See Bar Chart 3 above).

It was established that out of 34 rural women interviewed in Chepkurgung sub location, 4 (11.8%) had no education at all; 19(55.9%) had attained primary education; 8 (23.5%) had attained secondary level education; 2 (5.9%) had attained college level education and 1 (2.9%) had attained university level education. Of 31 respondents from Chebilat sub location, 3(9.7%) never went to school; 17(54.8%) attained primary level education; 7(22.6%) attained secondary level education; 4(7.5%) attained college level education and none; 0(0%), went to university. Out of 40 respondents interviewed from Kaptumek sub-location, 10(25.0%) had no education at all; 21(52.5%) had attained primary; 6(15%) had attained secondary level education; 3 (7.5%) attained college level education and none had attained university level education. Of 56 respondents interviewed in Kesogon, none (0%) failed to attain formal education; 15(26.8) attained primary level education; 34 (60.7%) attained secondary level education; 5(8.9%) attained college level education and 2(3.6%) had attained university level education.

Of 28 respondents interviewed in Kaboi sub-location, 2 (7.1%) had no formal education at all, 8 (28.6%) had attained primary level education, 14(50%) attained secondary level education, 3 (10.7%) had attained college level education, and only 1(3.6%) had attained university level education. The findings in figure 4 shows education disparity amongst rural women interviewed. The figures in the bar chart indicate that a higher percentage of rural women interviewed had attained primary

education (42.3%) while minority (2.1%) had university education. This findings confirms the findings of studies by Bii (2003) who found out that high levels of illiteracy characterised rural women.

The findings confirm that women in Nandi community were denied formal education by their parents given that they would be married off, hence no need to waste resources on them. Instead, boys were allowed to pursue their education. Hence Nandi culture perpetuated gender inequity in accessing education. From the Focus Group Discussions (FGDs), it was noted that the female gender is clearly disadvantaged in terms of access to education and wage employment, a reflection of gender inequality. While disparities existed between men and women, the latter have low status and the girl-child is subordinated and compromised. Low level of formal education would deny women an opportunity to know their 'modern' human rights making it difficult for them to claim and enjoy those rights. This is because most of these human rights are contained in documents, which in most cases are written in English with only a few translated to Kiswahili. While sensitizing people through mass media, like TVs and radio, the commonly used languages to communicate so far are either English or Kiswahili. For example 'know your rights' programme on citizen TV breakfast news or '*chukua hatua*' through TV media may not serve the rural women who may not even have access to such medias due to lack of electricity in most parts of Nandi South District.

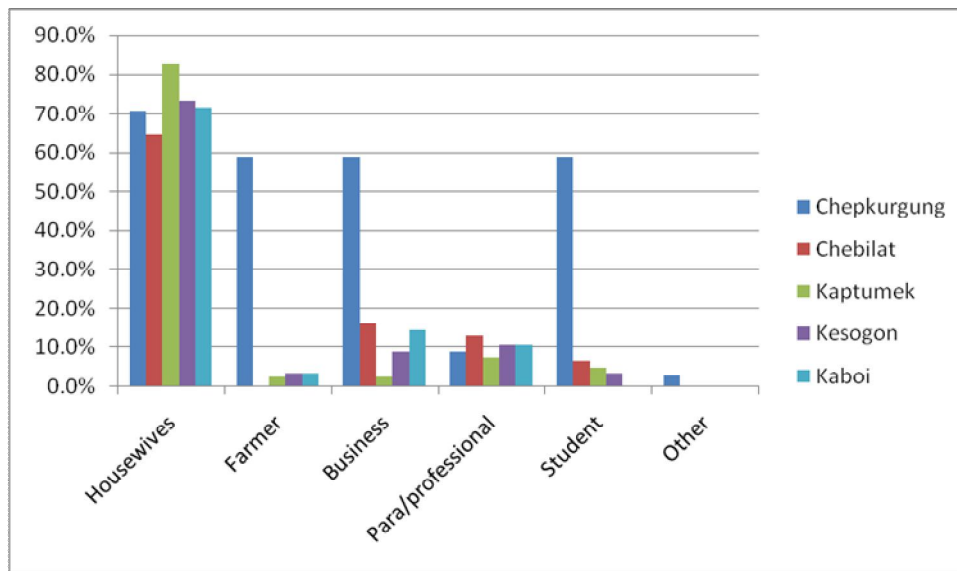
Gender and socio-economic background of any population have linkage to participation in any economic activities, and the effects vary across socio-economic groups. Specific issues of concern relate to the unequal or disadvantaged position of women as compared to men, and by extension, girls as compared to boys, in

education and economic activities including employment and access to financial assets. Education for All (EFA) and Millennium Development Goals (MDGs) underscore the importance of achieving gender equality in education by 2015, with specific focus on ensuring girls' full and equal access to, and achievement in basic education of good quality (United Nations Educational, Social-Cultural Organization - UNESCO, 2003).

Further, there are considerable disparities among universities, depending on programmes, with arts-based courses consistently having high female students' representation. In general, enrolment for female students decreases at the higher levels of education perhaps due to the social and cultural retrogressive factor. The fact that transition to university education is still low requires targeted interventions on education retention in order to achieve higher women representation. The effects of low women survival in education systems are also evident in the labour market structure where women are under-represented in most major sectors.

4.3.4 Respondents' Occupation

The respondents were requested to state their occupation, out of 189 (100%) interviewed, 138 (73.0%) were house wives; 6 (3.2%) were farmers; 17 (9%) business women; 19 (10.1%) were para/professionals; 8 (4.2%) were students and 1 (0.5%) was just at her parents' home (See Bar Chart 4).



Bar chart 4: Distribution of Rural Women by Occupation (N=189)

It is evident, from the figures in the bar chart 4, that majority of rural women interviewed were housewives (73%). This is so because most of them did not go beyond secondary education to secure better forms employment. The findings confirm that women did not enjoy the right to education, unlike their male counterparts who were supported to pursue education. Girls were quickly married off by their parents so as to get bride price and/or tokens. This practice denied women an opportunity to further their studies to enable them get a white colour jobs like men. Eight 8 (4.2%) respondents stated that they were students. Amongst these, 2 were already married and because of free primary and secondary education, they were pursuing their secondary education and were supported by their husbands. Three were divorced and even had children, but decided to go back to school when free education was introduced, with the hope of making it to colleges/university so they could be employed and be able to support their children and parents. The three (3) were not yet married and were in college and being supported by their parents.

Very few women interviewed were farmers: 6 (3.2%). This could be explained by the fact that culturally, women did not own property, especially land. Therefore men do not allow women to utilize their land for any purpose. Of those 17 (9%) who said they were business women, some operated small kiosks and/or shops for their husbands. Others bought and sold farm products such as vegetables, fruits, and sold new cloths and/or second hand clothes. Nineteen (10.1%) were women who got an opportunity to go beyond secondary schools and were supported by their parents who stated that they treated all their children equally. Most of their parents were either Christians, educated and relatively wealthy. Some stated that they were married by husbands who were very understanding and accepted to take care of domestic chores including looking after children as they gave them an opportunity to go to college. The women in this category had done well in form four but were married off immediately.

Only one 1 (0.5%) respondent was a physically challenged woman. According to Nandi culture, they did not have positions of such persons in the society. They saw them as a liability and just allowed them to live, but confined within the homestead until their demise. They were not allowed to be married and have children. Previous studies had shown that gender inequality is a product of a patriarchal structure, which in turn is one of the causes of poverty. This implies that a situation where 50% of households are female, in an environment which has not adequately empowered women in decision-making and resource utilization, is likely to perpetuate poverty. Considering this relationship between education level and poverty, it is evident that education has positive effects on poverty reduction, to the extent that the level of

education of the household head is inversely related with the incidence and depth of poverty.

Access to employment is a major avenue for increasing incomes and consequently economic well being. It is the primary asset at the disposal of the poor and the main transmission mechanism through which the poor, both men and women, can benefit from. Women form over half of the Kenyan population, but are ironically the most disadvantaged group of people in the country. They are discriminated against and marginalized in national life, social economic and political realms. For instance, only 25% of the women are in wage employment. The ratio of women to men in the public universities is 37:100.

The level of rights awareness is rising among women through targeted civic education. The low participation of women in productive employment activities can be attributed to factors that curtail women's mobility in economic domains and conflicting roles, mainly, domestic and reproductive responsibilities as well as the constraining nature of occupations where domestic responsibilities cannot be easily combined with economic activity. The community expected women to prioritise domestic chores. It was also observed that unfounded beliefs about women's aptitudes, skills and dispositions, and reproductive responsibilities could also work to hinder women participation in some production sectors.

This depicts the masculinity perception associated with some enterprises' requirements. However, women should be equally supported to effectively participate in major production sectors through improved access to land, financial services, education and skills.

4.3.5 Language Competency

Respondents were requested to state their competence in the following languages: English, Kiswahili, Nandi and any other language. Out of 189 interviewed, 80 (42.3%) stated that they understood English. However, only a few had good command of English. One hundred and twenty four (65.6%) stated that they understood and could even speak Kiswahili, but most of the women respondents preferred to be interviewed using their mother tongue. 3 (1.6%) stated they were competent in their mother tongue, Luhya (Table 3 illustrates these results). This question yielded multiple responses as the women could understand and speak other languages. This assisted the researcher to know which language to use to conduct interviews.

In an area where there were other tribes, like Luhya, the researcher hired a Luhya to translate and conduct interviews in Luhya language while interviewing Luhya women.

Table 3: Language Competency among Rural Women N=189

Language/ Location	Chepkurgung	Chebilat	Kaptumek	Kesogon	Kaboi	Total	%
English	11	10	9	35	15	80	42.3
Kiswahili	21	25	30	29	19	124	65.6
Nandi	34	28	40	56	28	186	98.4
Other	None	3 Luhya	None	None	None	3	1.6
Total						*390	*207. 9

* Note Multiple Responses

From the figures in table 3, it can be observed that majority, 186 (98.4%), of the rural women in Nandi South District were Nandis and were well versed with the Nandi

language. Only a few responses, 3 (1.6%), were from Luhya community and lived at the border of the South Nandi District. It was observed the few Luhya women at the border behaved similarly like the Nandi and practiced some bit of the Nandi culture due to constant contact and interaction within similar environmental conditions. Language competence is linked to literacy which influences the ability to access and utilize human rights information by rural women. Most human rights instruments are written in English and a few have been translated to Kiswahili. Likewise those using mass media, such as radio and TVs, disseminate human rights information by use of foreign languages (English and Kiswahili) which make communication between them and rural women difficult due to language barrier; yet it is expected that the more women get to know their human rights, the more they are expected to claim and enjoy them.

4.4 Human rights awareness by rural women

In an attempt to establish the extent to which rural women were aware of their human rights, respondents were asked to state awareness of the rights they were entitled to.

The following multiple responses were elicited:- A right to inherit and utilize husband's property was cited by 130(68.8%); A right to acquire Education, 95(50.3%); Participate in governance, 23(12.2%); Right to make decisions (speech), 21(11.1%); to work and have own earning 37(19.8%); Right to good health, 189(100%); Right to get married and bear children, 189 (100%); A right to protection and security, 189(100%); A right to acquire and own property, 161(85.2%); A right to leisure and rest, 22(11.6%); A right to adequate food 189(100%); Healthy and conducive living environment, 189(100%); Right to life, 189 (100%); Right to

worship, belief and assembly, 109(57.67%); A right to privacy, 189(100%); Adequate safe and clean drinking water, 189(100%); Good shelter, 189(100%); Right to participate in cultural activities such as '*tumdo*' (initiation), 178 (94.2%) (see table 4).

Having interviewed the special key informants to establish what women in Nandi community were entitled to, it can be deduced that all respondents (rural women) were aware of a few modern human rights that were supported by their community and/or the government and are being campaigned for to create awareness. These included right to:- Adequate shelter, (100%); Good health, (100%); get married and bear children, (100%); Protection & security, (100%); Adequate food, (100%); Healthy & conducive living environment, (100%); Life, (100%); Privacy, (100%); Adequate safe and clean drinking water, (100%).

Knowledge of these human rights by rural women and support by both community and the government would make human rights promoters have an easier time sensitizing women on these rights and implementing them as opposed to sensitizing women on other rights which are contained in modern rights instruments and which are not supported by their communities and may not also have a political goodwill.

The study findings confirm Maslow's hierarchy of needs (1943) where all the respondents stated what falls under the lower levels, which are basic needs. According to Maslow (ibid) human beings tend to desire that which caters for their basic needs first, such as food, life, (breathing), marriage and bear children (sex), water, security, among others, before desiring for those needs in higher levels of the hierarchy of needs which only a few respondents stated, for example, right to participate in governance, make decisions, self esteem, among others.

The study findings indicate that the level of knowledge of other modern human rights varied from respondent to respondent as reflected by the responses in table 4. For example, right to Inherit & utilize husband's property was cited only by 130(68.8%) respondents; Education was cited by 95(50.3%), Make decisions was mentioned by 21(11.2%) respondents, Participate in governance was cited by 23(12.2%) respondents, work and have own earning was mentioned by 37(19.8%) respondents, Participate in cultural activities was cited by 178(94.2%) respondents, Acquire and own property was stated by 161(85.2%) respondents, Leisure & rest was cited by 22(11.7%) respondents, Worship, belief & Assembly was mentioned by 109 (57.7%) respondents and Vote and Be elected was cited by only 10(5.3%) respondents.

Low perception of human rights by women would have a negative impact on their implementation, hence denying them a chance to claim and enjoy them.

The study also observed that some of the human rights entitlements contained in human rights instruments were not known to the respondents since none of them mentioned them. These include a right to a fair trial; cultural heritage and cultural identity; freedom of movement and residence; self determination and right to equal pay for equal work done. This implies that women could not claim those rights which were not known to them, hence, denying them an opportunity to enjoy full human rights entitled to them.

Table 4: Human Rights awareness by Rural Women**(N=189)**

Location/	Chepkurgung	Chebilat	Kaptumek	Kesogon	Kaboi	Total	%
Right to:							
Inherit & utilize husband's property	10	12	36	48	24	130	68.80%
Education	11	17	12	34	21	95	50.30%
Make decisions	3	5	4	6	5	23	11.10%
Adequate shelter	34	31	40	56	28	189	100%
Participate in governance	4	5	3	6	5	23	12.20%
work and have own earning	3	6	3	14	11	37	19.80%
Good health	34	31	40	56	28	189	100
Married and bear children	34	31	40	56	28	189	100
Protection & security	34	31	40	56	28	189	100
Participate in cultural activities	33	29	39	52	25	178	94.2
Acquire and own property	27	26	36	48	24	161	85.2
Leisure & rest	3	2	4	7	6	22	11.7
Adequate food	34	31	40	56	28	189	100
Healthy & conducive living environment	34	31	40	56	28	189	100
Life	34	31	40	56	28	189	100
Worship, belief & Assembly	9	11	29	38	22	109	57.7
Privacy	34	31	40	56	28	189	100
Adequate safe and clean drinking water	34	31	40	56	28	189	100
Vote & Be elected	1	2	1	3	3	10	5.3
Total	410	394	527	760	398	2489	

4.4.1 Rights considered very important to Rural Women

When respondents were probed to state the rights they considered very important from those they were aware of, the following responses were elicited:- a right to inherit and utilize husband's property was cited by all respondents, 189(100%); education was cited by 56(29.6%) respondents; make decisions was stated by 21(11.1%) respondents; adequate shelter was cited by all respondents, 189(100%); Participate in governance was cited by 7(19.6%) respondents; work and have own earning was mentioned by 37(19.6%) respondents; good health,, 189(100%); marry/get married and bear children, 74(39.2%); protection and security, 189(100%); participate in cultural activities, 14(7.4%); acquire and own property 46(24.3%); leisure and rest, 22 (11.6%); adequate food, 189(100%); healthy and conducive living environment, 189(100%); Life, 189(100%); worship, belief and assembly, 86(45.5%); privacy, 189(100%) and adequate safe and clean drinking water, 189 (100%) (See table 5).

From these responses, it is apparent that the rural women are aware of human rights which are related to basic needs in the family and immediate environment, as outlined by Abraham Maslow in his theory of hierarchy of needs, some of which are found within level 1, 2, and 3. In Maslow's hierarchy of needs, Maslow (1943) argues that in the five levels of hierarchy of needs, no one would desire to move to the next level until the lower level needs have been met. According to Maslow (ibid) Physiological needs which are basic include breathing, food, water, sex, sleep, homeostasis, excretion. In level two in the hierarchy of needs once level one needs have been met, a human being is expected to have a need for safety which includes security of: body, employment, resources, morality, the family, health and property.

Level three need is of love/belonging of friendship, family, sexual intimacy. Level four needs of esteem include self-esteem, confidence, achievement, respect of others, and respect by others. Level five of self-actualization includes morality, creativity, spontaneity, problem-solving, lack of prejudice and acceptance of facts. These study findings therefore, confirm Maslow's Hierarchy of Needs. This hierarchy of needs suggests that people are motivated to fulfil basic needs before moving on to other needs. The fact that some human rights entitled to women were not cited could be an indication that most of the basic needs have not been met and therefore, those in higher level cease to be important to rural women and were cited by a few women, such as right to vote and be voted, 5(2.7%), participate in governance, 7 (3.7%), both of which are related to level 4 and level 5 in Maslow's hierarchy of needs.

Table 5: Rights considered very important to rural women (N=189)

Location/ Right to:	Chepkurgung	Chebilat	Kaptumek	Kesogon	Kaboi	Total	%
Inherit & utilize husband's property	34	31	40	56	28	189	100
Education	7	9	5	21	14	56	29.6
Make decisions	2	3	2	8	6	21	11.1
Adequate shelter	34	31	40	56	28	189	100
Participate in governance	0	2	0	3	2	7	3.7
work and have own earning	4	6	3	13	11	37	19.6
Good health	34	31	40	56	28	189	100
Married and bear children	11	12	7	24	20	74	39.2
Protection & security	34	31	40	56	28	189	100
Participate in cultural activities	1	2	1	6	4	14	7.4
Acquire and own property	6	7	4	17	12	46	24.3
Leisure & rest	4	5	2	6	5	22	11.6
Adequate food	34	31	40	56	28	189	100
Healthy & conducive living environment	34	31	40	56	28	189	100
Life	34	31	40	56	28	189	100
Worship, belief & Assembly	8	9	16	38	15	86	45.5
Privacy	34	31	40	56	28	189	100
Adequate safe and clean drinking water	34	31	40	56	28	189	100
Vote & Be elected	0	1	0	2	2	5	2.7
Total						*2069	*1094.70%

* Multiple responses

A right to inherit and utilize husband's property was cited by all respondents 189(100%). They were all in agreement that such a right would enable them to access and make use of husband's property in order to cater for family needs.

About 30% of rural women contended that a right to acquire formal education would enable a woman get more human rights information. This could be true in the sense that when a woman is educated she can use her acquired knowledge to influence both genders (boys and girls), as she brings them up, for the better. Moreover, rural women can contribute and participate in development spheres.

A right to do business, such as chicken keeping, was mentioned by 160 out of 189(85%) Some women stated that business would be a source of food (chicken and eggs) as well as selling eggs and broilers. They also suggested that they should be allocated some portion of land to cultivate food and vegetables for subsistence and to sell a little to generate some money for themselves and family; they should be allowed to run *kiosks* at strategic places to be able to buy items at relatively cheaper prices and earn some interests. The picture below shows the work of a woman who is a human rights activist in Kaboi location. She also engages in small businesses, like vegetables and fruits planting and chicken keeping, to generate income. She notes:-

'I was among the women who attended Beijing Platform in forum and this has greatly helped me to be a women's rights activist despite stigmatization from the Nandi community. However, my husband has been very supportive in my development projects.'



Plate 1: Human rights Activist’s Vegetables (Cabbage) Plantation for subsistence and commercial purposes

From the picture above, it is imperative for husbands/men to support their wives/women in their involvement in development activities. This would empower women to be self-reliant, improve their living standards in the family set up and the community at large. Most women (82%) in Nandi South reported that a right to utilize husbands’ land would provide them with access and usage rights. They would use it as security in securing loans from micro-finance institutions in order to expand and diversify their businesses. About 4% of women revealed that a right to participate in governance was important since they would be able to influence decision-making and policy making for the better as opposed to when men are left alone to make decisions which in most cases are geared towards benefiting them (men).

A right to vote and be elected was cited by around 3% of respondents saying that women should be leaders, such as board members of local schools, officials in committees such as cattle dip, church, women groups, youth organization, among others, in the community. According to the Nandi culture these were seen as men’s

responsibilities, not women's. Demanding for leadership position by women in Nandi community would raise eyebrows, not only from men, but also from fellow women. This partly explains the reason a few women mentioned this right as very important. Special key informants confirmed that most women believed that this right to participate in governance is men's domain.

The right to make decisions was cited by (11%) of the rural women. Some women stated that they should participate in making decisions on matters touching their children, for example, which school they should attend. Women who were interviewed contended that they should be involved in decisions touching family property, for instance, in a case of disposing of family property, among others. Among the Nandi, there was a cultural belief about women that they were not supposed to look straight at men's eyes, nor speak when men were speaking. Hitherto, many men still believe that a woman should not challenge men's decisions but should be submissive.

In addition, most women felt they should be involved in decision-making because whatever decisions were made by their husbands/parents affected them directly. Some felt they should participate in designing the kind of house to be built and be given to set the house as it pleased them (note that men would do everything since they saw women as though they were children; to be seen and not to be heard). Some women said they really got demoralized.

All of the rural women, 189 (100%), were in agreement that they were interested in having a good house and a happy home (shelter) since this is where they spend so

much of their time. Most women did not work outside the household as compared to men who were socialized to work outside the household. Therefore, women's living environment should be conducive for socialization, enabling them to be able to access human rights information and in turn apply them banefully.

The right to work and have own earning was mentioned by about 20% of the respondents. These responses came from those who had attained secondary school education and above. That they could be employed as civil servants, counsellors and other fields depending on their qualifications. Some stated that their spouses denied them the opportunity to seek employment.

The spouses who allowed their wives to get employed preferred them to teach either in primary/secondary schools near their homes where they could go in the morning and come back in the afternoon, but not to sleep away from home.

Focused Group Discussions conducted established that among the Nandi people, women were socialized to take care of their households '*korgo*' while men went out hunting and doing all sorts of rough and risky jobs to earn a living for his family.



Plate 2: One of the Focused Group Discussion (FGD) with women respondents

One woman, who had a diploma course, had been educated by her parents but got married to a rich man before she secured a job and was refused to look for a job. She stated that:

‘My husband told me that I will provide everything. All I want you to do is to stay at home and look after children, and to supervise workers such as house girl, those who pluck tea and those taking care of animals, and generally the domestic chores.’

As she was talking she looked remorseful. She noted that she had been confined within the home and had no freedom at all to go out of her home except when she was sick and needed to see a doctor. She further reported that at the end of it all, she was not paid for doing that job. She did not have her own money. Whenever she wanted to buy her personal effects, she had to borrow from her husband; something she hated completely.

All of the women interviewed mentioned the right to good health. They observed that because they were different from men, they should be supported to access and utilize primary health care. They reported that most of the health services were not available in local dispensaries but in hospitals which were a limiting factor for them to access. Cultural factors, such as women's lack of decision-making in the household on matters pertaining to health seeking behaviour, affected women's health. Compounded with the user fees in the health facilities, rural women faced difficulties accessing the relevant health services due to lack of money.

One respondent reported that for the previous two years she has been feeling sick:

‘my husband only believes that herbalists would be able to treat me.’

She reported that her husband was stingy with money and getting some money for transport and check-up was impossible. She further argued that since she did not have her own source of income, she was compelled to submit to her husband and persevere. She added that all her children were delivered at home through the assistance of elderly women at home (a traditional birth attendant).

Among the rural women interviewed, only 7% stated a right to acquire/utilize parents' property. These were single and/or divorced women staying with their parents. They pointed out that they needed resources to cater for their children's needs. Most women were silent on this right because of their Nandi cultural orientation; that women were not entitled to inherit property from their parents but instead were obligated to get married.

Most women were aware of a right to get married and bear children. One said that she had not been married because no man had proposed to her. Some women said they had been cheated to have children with a promise to marry but all was vain. Majority of the rural women pointed out that being single by choice was stigmatized. One of the women respondents stated:

‘so you must pray to get a man to marry you including those who are physically challenged or be a second wife in order to be accepted by family and society.’

A right to be protected against discrimination (100%) was also highlighted. All women felt that they should be treated like their male counterparts and be allowed to enjoy all rights since they were also human beings and needed to enjoy life. They needed to go to school, own property, engage in small businesses, work, among others.

A few respondents said they were in the forefront fighting for rights of their girl-child.

One said she had to differ with her husband over these issues:

‘my daughter was very bright but was cheated by a young man and she got pregnant in secondary and I have insisted that she goes back to school and has become a big issue between me and my husband who wants the man to marry her.’

According to Nandi culture women were not allowed to tell others about the problems they encountered in their households, thus the saying ‘*kiamdoi asis amakiamdoi korin*’ (we share the sunlight, but not our house affairs). This empowered men to oppress women while they remained silent. In fact men leaders in the society would not be hasty to interfere with other people’s family affairs. It could be sorted by a family elder before it got out of hand.

All women (100%) contended that they needed security since they were feminine and weak compared to male who were masculine. Culturally women were given security, that is why they were not allowed to go anywhere without informing the husband or somebody at home. Women's traditional care-giving roles put them in a unique and strategic position, not only to produce and sustain life but also to help instil socio-religious values and morals in the family and society as a basis for establishing good and appropriate relationships between members.

The right to acquire and own property was mentioned by 24% of rural women. The women felt that they should acquire and own property and dispose of property whenever one wished and/or in case a need arose. One of the respondents confirmed that men were jealous when they saw a woman prosper. That most women who had acquired property/wealth before marriage would not easily be married by a Nandi man but would, in most cases, get married to men from other tribes. The rural women argued that they would not be submissive to their husbands who counted them as assets and as children too. Traditional Nandi did not allow women to acquire property, and demanding for it was frowned upon.

A woman's right to use land lay with her husband or male relatives, while men had all the legal rights to land, even to sell with or without the knowledge of their wives.

Women and men's rights to property were socially unequal. Their rights to own, inherit, manage, and dispose of property were under constant customary controls, laws and individuals who believed that women could not be trusted with property.

The devastating effects of property rights violations are: poverty, disease, violence, discrimination and homelessness, which negatively impact on development. It is explained in the review works that Kenya's customary laws are largely unwritten, but influential local norms co-exist with the formal laws based on patriarchal traditions through which men inherit and largely control land and other property while they are expected to protect women.

The right to association and movement was cited as important by women where women would share ideas with others. In the Nandi community, women were brought together under one roof for circumcision where they could stay for as long as they were healing after Female Genital Mutilation, which was compulsory to all. While in seclusion, they were taught by elderly women on several issues such as preparation for marriage, how to take care of their husbands, moral values such as patience, hospitality, respect, hard work and responsibility. Also females of the same age could interact and share ideas.

The right to leisure and rest was considered important by a few women (11%). But we note that women hardly rest and even have time for leisure. They wake up earlier than everybody else and sleep later than everybody else.

One was grateful to her husband that she had allowed her to employ a house worker to do a lot of domestic chores under her supervision. Many young women have been made to believe that they are their men's slaves and workers. Majority of the respondents did not see leisure and rest as one of the rights entitled to them because they worked round the clock in an attempt to accomplish domestic chores without

which any time to rest was not possible. On the contrary, special key informants confirmed that culturally, women would have time for leisure and rest. That after women accomplished their domestic chores, elderly women would invite young women to their homes so that they sat together to rest; young women were taught community morals, and how to prepare and/or repair '*sotet*' (calabash) and '*kiboet*' (skin cloth). It was also during such a time that women would make their hair '*kemar metit*',

Some women stated that during their leisure and rest, they should be allowed to listen and watch programmes beneficial to them. But some remarked that in the event were watching and/or listening to interesting programmes, either through radio or TV, their husbands did not allow them. Among the Nandi, husbands or men controlled even information resources. One said:

‘my husband complains of wasting battery cells whenever am listening to good programmes that teaches women and demands that a radio be put off and only open during news time. ‘

Some women stated that since there was no electricity in their homes, their husbands had acquired a solar panel to watch TV only during news time. They never watched any other programmes which could be beneficial.

The right to adequate food was considered important by all respondents (100%). All women noted this as a right that they deserved to enjoy, especially after delivery. Culturally this was mandatory and it was a must for an animal to be slaughtered after childbirth so that she got plenty of soup to help her regain her lost strength before resuming her domestic chores. Besides this, the special key informants confirmed that

traditional Nandi had post-partum taboos that a mother would be well fed and should abstain from sexual intercourse with the husband till the baby attained a certain age, such as one or two years. This period enabled the mother to regain her strength and health before she conceived again.

All of the women respondents (100%) were aware of the importance of the following rights: clean and conducive living environment, reasonable standards of sanitation, clean and healthy environment; for the women who schooled and even did not complete their secondary education appreciated having clean and conducive living environment. Hence, having access to basic education, offers a woman an opportunity to learn about basic sanitation and a healthy environment.

The right to join women groups, that is, form or join an organization was considered very important by all respondents (100%). Majority of the women wished to participate but they lacked money to contribute for merry-go-round since they didn't work and/or were not allowed to do business. The pooling of resources had helped most of the women to acquire assets which they could not have had when they depended only on their husbands to provide. A right to development was cited by (9%) of the women who argued that they needed to improve their lifestyles every other time, that is, from nothing to something.

For example, improve their houses from former small house, which was formally one room, to a bigger house with a few rooms to allow privacy and ease cleanliness and tidiness; at least move out of the grass thatched houses, which are not plastered, to a semi-permanent simple iron sheet roofed and a plastered floor, or a modern house,

among other things. The picture below illustrates a modern house of the woman who is a women's rights activist, aware of her roles and rights and is development oriented. She said that before they constructed a modern house, they lived in a semi permanent house for sometimes, but when both her husband and herself learned of her rights to development and adequate and good shelter, they agreed to prioritise the need to construct a modern house. She stated that she had had a lot of support from her husband.



Plate 3: A Women's Rights Activist outside her Modern House in Kaboi

Location

On the contrary, a rural woman who is not aware of her human rights was found to live in a grass thatched house. She was not socially, culturally or economically empowered to engage in income generating activities so as to make a livelihood.



Plate 4: A Rural Woman's Hut in Kesogon Location

The picture below shows as semi-permanent house which implies that the owner could be semi-literate. Because of her membership in self help group, she is partially empowered to live in a semi-permanent house.



Plate 5: An improved Kitchen from a grass thatched to iron sheets

The above pictures imply that literacy and empowerment levels influence the right to adequate and conducive housing amongst rural women. Contributions from Self Help Groups enable them to improve on housing conditions.

From FGDs responses, it was explicit that Nandi women were not allowed to build a house but they were assigned roles of maintaining them; for example, most of the women had grass-thatched houses or kitchens most of which are leaking, but when they got contributions from Self Help Groups they used them to buy iron sheets to improve on the roofing of their houses and kitchens so as to tap rain water and to avoid leakages. However, culturally, the Nandi men do the roofing since it is a taboo for a woman to engage in such gender roles as climbing up the trees or house roofs. Majority of the houses in the rural are mud-made and grass-thatched and women usually maintain them by smearing. This gives them the responsibility of going to look for special kind of soil (*tartariet*) found around swampy areas. One respondent, Elizabeth Tisya remarked:

‘I have suffered from chest pain going to look for firewood, grass for thatching, *tartariet* (special soil for smearing houses) to maintain it, improve its appearance and to keep away fleas and dust and make it conducive for habitation. So when I became a member of women group and I was given money in the first merry go round, the first thing I did was to improve housing condition and to relieve me of a lot of work.’

Right to life was considered important by all women (100%). Nandi Culture did not allow children born before marriage to live and so they could allow a woman to carry the pregnancy until the baby is born, and the same mother of the children would be told to feed her own child with cow dung until the child died. This act was used to discourage immorality in the society, but it was quite painful for women. Alternatively, the child’s mother would bear the child in secret and give it out to childless women who were not related with that family, (*kemanakta*) and once given

out, the mother of the child should forget the child and should never mention that she ever had a child. But today, women have got something to celebrate because there are provisions for protecting such children with the right to life. In contemporary society, women feel protected because they choose whatever they want in regard to child bearing and marriage.

Therefore, they really cherish these rights and do not want it to get out of their hands. Most women are aware of this right, which the Universal Declaration on Human Rights protects. This explains why there are now more single women who have borne children out of wedlock and have not been married. This was not the case in the past.

Self dignity was contended by a few respondents (29%). Nandi culture oppresses women so much so that they do not recognize self dignity as their right. Women argued that they needed to be respected as adults, noting that they were treated by Nandi men as 'children'. They never spoke while men were speaking; they never complain or make suggestions in decision-making domains. Right to worship, belief and assembly was acclaimed by all (100%). Currently the most likely place for women to meet is in their religious places, like church. Churches have assisted men shed off some radical cultures against women. The church preaches that all are equal before God's eyes. Women whose husbands go to church become more privileged as opposed to those who don't go to church.

The right to privacy was also acknowledged by all (100%): that men should not interfere with women's privacy. Culturally, there were places that were a taboo for men to go, such as '*injoor*' (the rear room) '*lengu*' (a place for milk storage), places

set aside for women to take bath in the river, among others. Women needed to have some freedom and do whatever they wanted to do while at ease.

Adequate safe and clean drinking water was cited by all respondents. The rural women are aware of this basic right as it relates to the good health of their children and family.

Traditional Nandi had water source '*kungut*' or '*tabartab beek che kie*' which was set aside and guarded for women to draw safe and clean drinking water. It was the responsibility of the women to clean the water source by removing algae which was known to be very poisonous. Cattle were not allowed access to that water source '*kungut*' since they had their own water points. This was a community water source, but today, water is harvested individually in form of boreholes, water tanks and springs. Women who did not afford to make their own boreholes and build the water tanks were forced to fetch water from other available sources denying the right to safe and clean drinking water. These women suggested that all households in the area should have access to safe and clean drinking water. They suggested constructing water tanks and making boreholes for those who did not have iron roofs so as to minimize diseases and promote good health.

When women were asked to give reasons as to why they thought those rights were important, some stated that in the Nandi culture, when one does not get married, she is seen as a social outcast. Those who mentioned that a right to education was very important gave the following reasons: education was very important because one would get employed; some explained that education enlightened a woman to be a whole person as one becomes knowledgeable and make informed decisions. For those

who considered inheritance of husband's property important when he died, they argued that the same property would enable them to have access and usage to provide for the children. Some argued that it was culturally acceptable for a wife to inherit her husband's property upon his death, but she was not allowed to sell. Some stated that their own parents would never support them because they had been married off to another family of which they should take up responsibility.

That according to Nandi culture a family land should be kept to be inherited by the next generations in regard to perpetuating the family lineage.

Those who viewed the right to adequate food stated that when one ate well, his/her body was able to fight against diseases; hence one remained strong to do all sorts of work for oneself, family and community. Respondents who considered right to good health important gave reasons that when one was healthy he/she is able to bring up a healthy family, hence a healthy nation. A few respondents who saw the importance of the right to security explained that women were the weaker sex who was not able to fight back the male counterparts hence calls for need to be protected against any torture.

Some argued that not only life, but an enjoyable life, is critical to make one relax and become productive in all aspects. That this becomes possible if one's life is secured.

Majority of women stated that the right to vote was very important because, for some of them, they would be able to elect a leader of their choice and vote out those who in their opinion were not right leaders. Others thought the right to vote was important since it gave them a chance to participate in decision-making in matters affecting their lives. Those who were of the view that it was important to acquire and own property

gave reasons that they could, for example, develop a land whenever they wanted to without any interference; that they could sell it if need be and exchange it with something else, like, paying fees for oneself and/or her children; start a business, among others.

Looking at what women stated as the rights they are supposed to enjoy, it can be deduced that majority of the women understood their basic human rights. Most of them were culturally acceptable; for example, the right to be married and bear children, right to security, privacy, good shelter, adequate food, life, privacy, worship, safe drinking water, among others. Once these are met, automatically a person thinks about higher needs such as belonging, esteem and self actualization. These study findings confirm Maslow hierarchy of needs, where an interpretation of Maslow's hierarchy of needs, represented as a pyramid with the more basic needs at the bottom.

Those modern human rights which women were to equally enjoy as their male counterparts and which society did not allow them access were mentioned by a few, but with reservation. One respondent stated:

‘I know this is my right but I am not allowed to possess/implement by my husband, so I keep quiet about it until he gives me a chance to do it otherwise it will bring some misunderstanding between my husband and I’.

Many women preferred to assume that they knew their rights because they feared to be seen as spoiled women who went against family and community cultural expectations. They were hesitant to state some of the modern human rights which they had heard. For example right to: - education, professional medical services, acquire and own property and/or utilize husband land, secure a job, among others.

Some of human rights which no respondent mentioned as important at all either by omission and/or commission, and which they are supposed to possess, include the right to a fair trial. This could be explained by the fact that culturally, it was not wrong for a husband to beat his wife to impart discipline, after all, wives were always treated as 'children' and the only way to discipline children was by beating. A woman would not be allowed to discuss with anybody whenever she had a misunderstanding with her husband; thus the famous Nandi saying '*kiamdoi asis ama kiomdoi korin*'. Direct translation in English is 'You are allowed to share the sun but not homes'.

Cultural heritage and cultural identity could be explained by the fact that all women were tired of cultural beliefs which elevated men who oppressed women. So if they were aware of this right, they did not want to mention it because it could be like telling them to go back to the culture they hated most.

Many women were used to working in harsh conditions, such as waking up very early and sleeping very late to attend to domestic chores. Being in a white collar job, where a person worked for a few hours, socialize with colleagues, have a right to speech, among others, was a lesser evil to all of them who had been allowed to secure jobs by their husbands. Women were always involved in multiple tasks. One of the key informants, a female assistant chief, gave information about how she reconciled her role as an administrator and as a woman in a culturally closed society and how she constituted her village committees in a strictly patriarchal Nandi community.

Freedom of movement and residence as a right was not mentioned at all. In my view, many women have a sense of responsibility of remaining within their family/community land. Nandi culture socialized women to work within the

household premises and that women should minimize movements due to security reasons unless accompanied by men as mentioned by special key informants. A woman who has excess freedom of movement and residence is referred to as '*chebombe*' and is highly stigmatized.

Self determination as a right was not mentioned by the respondents. This could imply that basic rights to rural women have not been met, hence did not desire for this right. In Kenya, most of the working poor are in the informal economy and they are overwhelmingly women as observed by Muteshi (2006). Women considered this right to be of a higher level, especially the unemployed group. Rural women in most cases are unemployed and their growth needs of self determination are very low. They argue that once the basic needs are fulfilled then they can think of other growth needs. This argument confirms Maslow's Hierarchy of Needs that growth needs do not stem from a lack of something, but rather from a desire to grow as a person.

Right to equal pay for equal work done was never mentioned by the respondents. This could be attributed to the fact that culturally, women did not have a right to own resources and/or demand for any payment from their husbands who treated them as assets. It was embedded in their hearts that they need to be satisfied with the little they were given and probably demanding would make them lose their job. Women were involved in unpaid domestic chores and unquantifiable amount of work. Muteshi (2006) confirms this observation where she states that women's work in the informal sector remains unaccounted for in the national economy and there remains inadequate or many cases no laws that would eliminate all form of discrimination against women economic advancements such as unhindered rights to resources and land. Hence in most cases there is gender disparity in terms of payment for work done. Men tend to

be paid slightly higher than women because men are perceived to be masculine and use more energy in their productive roles as opposed to women.

4.5 Provision and Access to Human Rights Information

4.5.1 Sources, Services, and Systems used by women in Nandi South District

Respondents were requested to state how they were able to know of those rights which they had stated. The following sources of human rights information were elicited from the respondents: - (see table 6).

Table 6: Analysis of Sources, Services, and Systems used by women in Nandi**South District****N=189**

Location/ sources	Chepkurung	Chebilat	Kaptumek	Kesogon	Kaboi	Total	%
Television	0	1	2	13	16	32	16.9
Radio	28	20	36	24	17	125	66.2
Church	26	16	28	40	21	131	69.3
Seminars	1	1	2	12	7	23	12.2
Women groups	22	30	25	52	26	155	82
Magazines	1	1	2	6	5	15	8
Books	1	2	2	10	6	21	11.1
Educated people	27	23	36	14	12	112	59.3
Learning institutions	9	11	8	26	16	70	37
Civic educators	5	6	2	3	7	23	12.2
Husband	3	2	0	3	4	12	6.4
Public forum	4	8	3	5	4	24	12.7
Posters/billboard	5	15	3	40	23	86	45.5
While attending clinics	17	23	19	44	22	125	66.1
Friends	13	10	12	7	9	51	27
Human right activists	1	3	0	2	3	9	4.8
Acts of parliament	0	1	0	3	2	6	3.2
Newspapers	0	3	2	8	7	20	10.6
Family (parents)	1	3	4	17	15	40	21.2
Total						*1080	*571.4

Note * Multiple responses

Through discussions by the women, it was observed 155(82%) got to know about their human rights during women group meetings; during merry-go-round meetings; when attending organizations where they obtain loans, such as Kenya Women Finance Trust, churches. Those who learned through friends were 51(27%)

respondents who stated that they got to learn of women rights when they had discussions with their friends whenever they visited each other; as they went to shops or market;, while working together in their farms (communal work); among others. This findings show similarities of means of seeking information in rural setup. For example, Okigbo (1990) in his research findings on sources of political information in a rural Nigerian community, showed that some of the sources used by rural people including women to seek political information included relatives, traditional rulers and churches. This confirms the fact that women value connection and cooperation more than men as observed by Fishman (1983); Meyers (1997). About 125 (66.1%) of rural women interviewed said that they got to hear of women rights through mass media, such as radio, (66.1%). KASS FM channel was cited by majority of women where they cited a Lawyer by the name Grace Kiptui' who sensitized women on their human rights.

While only 32(16.9%) cited they learned through television programmes such as '*Chukua Hatua*', one hundred and thirty one (69.3%) said that they learned of those rights in various churches they attended; in sisters' meetings, ladies meetings, etc. Other sources of human rights information include seminars, 23(12.7%); magazines, 15(7.9); parents, 40(21.2%); Books, 21(11.1%), for example text books for history and government, social studies, among others.

Women also stated the following sources of human rights: 112(59.3%) educated people who attended school educational days, parents' days; 24(12.7%) through a public forum in meetings like *harambees*, political campaigns, government officers such as by attending D.C, Chiefs *barazas*; 70(37%) through learning institutions such as secondary and primary schools, adult education, colleges and universities;

23(12.2%) through civic educators during referendum of constitutional review process; 12(6.4%) from husband; 86(45.5%) reading posters and billboards on dispensaries walls (when they go for clinics); 51(27%) through a friend; 9(4.8%) human rights activists (those who had gone to Beijing) and 6(3.2%) through Acts of Parliament, such as Education Act, and Children's Act.

Women groups (82%) were pointed out by women to be the most preferred channel to disseminate human rights information to rural women. From interviews group leaders, it was established that members of women groups were involved in: - merry-go-rounds where they pool their resources together to enable them purchase utensils, household furniture, foodstuffs, among others; women welfare, for instance after child birth, during bereavements, in case of need for school fees, engagements and weddings, and boys' circumcision, whereby everyone in the group is expected to contribute some amount. They also attended workshops and trainings on various issues such as modern cooking methods; agro-business chicken rearing, mushroom planting, vegetables; embroidery; proposal writing to attract funds to the group and doing pilot activities by sub-dividing members into various grouping and give the umbrella group reports on their progress.

The women rights activist at Kaboi location is a member of several women groups that have enabled her and other women to raise money to buy some assets. It was also established that she engaged in proposal writing to attract funds to expand farming and other businesses for herself and other women in the group. Among her income generating activities are chicken rearing, mushroom planting, vegetables, and

embroidery and rental houses at Kaptumo centre. Other development activities for own consumption include a biogas as a source of fuel as shown in the picture below.



Plate 6: The women's Rights Activist showing her Biogas project and a Hand-Stitched Carpet



Plate 7: A Chicken Keeping Project and eggs ready for sale



Plate 8: Vegetable garden and Tomatoes in a green house

It can be stated that women can be very active participants in development projects if only the cultural beliefs and practices about women are changed. Rural women need social and economic support so as to venture into income generating activities and reduce dependence on their husbands.

It was established that during group meetings, women are free to ask questions and that the group leaders were able to clarify some of the issues raised by group members. In case the group leader was not in a position to answer all the issues raised, then they encouraged women to contribute some small amount of money for invitation of different speakers or facilitators to attend their meetings in the rural and to educate women on various issues touching on their lives where most of their issues would be addressed exhaustively.

It was noted that women leaders as representatives were supported to attend seminars/workshops to bring more updated information on discussions going on about women. It was also observed that women leaders liaised with other established groups in urban areas on how they went about addressing women issues in their groups so as to utilize the acquired knowledge to improve the group. The picture below shows an interview session with a women group representative in KWFT.



Plate 9: An Interview with KWFT Women Group Leader

Therefore, it is imperative to use women groups as avenues for disseminating human rights information to the rural women at the grassroots level. It was also established that KWFT has been credited for reaching out to women in the rural areas.

However, women groups face a number of challenges such as lack of funds to bring an expert from far to educate them on women right. Delay in membership contributions affected group's plans and implementations. It was also noted that pulling out by some members without prior notifications negatively affected the group's progress. One woman in the focus group discussions remarked:

‘one of my group members said that she was told by her husband do not attend those meetings again or you go and live with those women’, to save her family we allowed her to step down without conditions’.

Pulling out could be due to domestic violence which caused women to separate from their husbands and leave for their parental home. This affected their contribution to merry-go-round activities. Husbands often forcefully took all the money that was taken as a loan by women and wasted it on drinking, hence not fulfilling the planned projects.

One of the group leader remarked:

‘one of my members suffered severe stroke and finally died because her husband squandered all the money that the group had guaranteed her to borrow a loan for starting a business which was never to be’.

Lack of information from experts, such as, on credit facilities, health issues and family planning issues, hinders full participation of women in their groups' meetings and contributions. To combat these challenges, women group leaders made the following suggestions: men should be sensitized to understand the importance of women self help groups on their important role of improving their families at large not only the women.

Exhibitions of women activities and/or projects, for example, modern technologies and innovations such as fire cum hatchery place (*chepkuba*), stitching of carpets and clothes. This will be an avenue of exchanging ideas amongst women and letting the whole family particularly men to appreciate women's roles and innovations thus changing their attitudes and their views on women grouping.

Non Governmental Organizations (NGOs) dealing with women issues should liaise with women group leaders to address women on national level issues at the grass roots, since there is a disconnect. There is need to use women days to bring all women groups together and educate them on their rights. The issue of access to human rights information is linked to illiteracy. In rural areas, female illiteracy rates are very high, although with considerable cross-country variation. This raises concerns about the means for the dissemination of legal information.

Publication of laws in official bulletins alone is unlikely to reach rural women, and supplementary means of information accessible to all (for example rural radios) should be considered.

4.5.2 Easily Accessible Sources of Human Rights to Rural Women

When the researcher sought the opinion of the respondents concerning the sources that were thought easily accessible and reliable, the following responses were given as shown in table 7.

Table 7: Analysis of Easily Available and Accessible Sources of Human Rights Information

Location/sources	Chepkurgung	Chebilat	Kaptumek	Kesogon	Kaboi	Total	%
Television	1	2	1	4	5	13	6.9
Radio	15	18	14	49	26	122	64.6
Church	20	19	28	42	22	131	69.3
Seminars	1	1	0	3	2	7	3.7
Women groups	24	26	17	38	24	129	68.3
Magazines	0	2	1	2	3	8	4.2
Books	0	1	0	2	2	5	2.7
Educated people	12	20	15	29	24	100	52.9
Learning institutions	4	10	5	19	12	50	26.5
Civic educators	0	1	0	1	1	3	1.6
Husband	2	2	1	4	3	12	6.4
Public forum	2	2	1	5	3	13	6.9
Posters/billboard	9	13	6	32	20	80	42.3
While attending clinics	14	20	22	48	19	123	65.1
Friends	3	4	5	2	4	18	9.5
Internet	0	0	0	0	0	0	0
Women advocates	0	0	0	1	2	3	1.59
Human right activists (NGOs, individual)	0	1	0	2	2	5	2.65
Acts of parliament	0	1	0	1	1	3	1.6
Newspapers	1	1	1	3	3	9	4.8
Family (parents)	5	6	4	11	9	35	18.5
Total						*869	*459.8

*Note multiple responses

Among the most available and accessible sources of human rights information, as stated by respondents, include radio, 122(64.6%); church, 131(69.3%); women groups, 129 (68.3%); while attending clinics, 123(65.1%) and posters/billboards, 80 (42.3%). From the study findings in table 7 above, internet is not available as a source of human rights information due to lack of electricity and internet connectivity in the

five sub-locations (Chepkurgung, Chebilat, Kaptumek, Kesogon and Kaboi) in Nandi South District. Furthermore, it is imperative that radio, church, women groups and posters/billboards can be accessible sources of human rights information in this District.

Other sources include Acts of Parliament, 3(1.6%) and women advocates, 3 (1.6%). These were reported to be the least available and accessible sources of human rights information. These study findings confirms that human rights information does not easily trickle down to reach women in their rural areas as observed by Khan (1996) where he states that information is the key to bring change in development yet most populations in rural areas have no access to information. He argues that it is necessary to develop information systems in rural areas which cater for the needs of the rural community. He further proposes that such systems can assist in communicating information in a manner that serves the purpose for which it is intended.

4.5.3 Sources of human rights information stated earlier which are neither easily accessible nor available

From the findings in table 7, when respondents were further probed to state information sources which were neither accessible nor available, which were known to them, responses elicited varied from place to place. Those in Kaptumek and Chepkurgung found it difficult to access human rights information through television and radio. This could be explained by the fact that those locations do not have electricity and majority of the people are poor hence not able to recharge their dry cells. In fact one respondent stated that:

‘we have a radio but my husband only uses it to listen to daily news after that he demands that the radio be turned off to save the battery’.

Focused Group Discussions responses confirmed that the same locations cited human rights activists, the civic educators as sources of human rights which were neither easily available nor accessible. This could be explained by poor and inaccessible roads which made it difficult for them to go into the rural parts to visit the women in order to educate them on their human rights. Regarding the case of the Acts of Parliament, magazines and books which were cited by a few women, this could be explained by low literacy levels which make women unable to read published documents. This could also be contributed by lack of public libraries in the district. This finding implies that literacy level impacted on access and usage of human rights information.

On the contrary, locations such as Kesogon and Kaboi utilize radios heavily to access human rights information. This could be explained by the fact that they have electricity installed in their homes. In other words, it can be said that geographical set-up is a factor that affected accessibility of human rights information. As you moved deep into the most remote parts, people did not know most of their human rights unlike in areas that were nearer to the urban areas, where facilities like roads, schools, electricity understand more of their human rights.

Internet was one of the human rights information channel mentioned but not accessible at all. This impact negatively on women because the Canadian International Agency (2004); Odame (2004), allude that best practices in using ICTs can be used for gender equality and can Support economic empowerment, primarily

with respect to private sector development and sustainable livelihoods, education for girls and women.

Women advocates were also mentioned like radio presenters who taught women on their rights through mass media such as KASS FM station, but the study found out that the same had never visited them on the grassroots level to educate women either through women groups or house to house, or in churches. Other sources known to respondents, but not available or accessible, included Acts of Parliament and NGOs such as FIDA. Others stated very important women lawyers who educated them through radio and TV programmes. The study findings showed that female chiefs were ready to educate women without reservations, but were quite rare since there was only one female chief.

The above findings confirm the findings of several other researches on channels of communication in rural areas by Aina (2002); Adimorah (1997); Sturges (2001); Sotshongaya and Moller (200); Chowdhury (1998); Afullo (2000); and Onyango (2000), who alluded that poor rural infrastructure such as lack of electricity, impedes the use of telephone and radio as channels of communication. The same affect the provision of information through the electronic media such as computers in rural areas.

4.5.4 Suggestions by Rural Women to improve Accessibility to Human

Rights Information

Respondents were further asked to make proposals on how to improve information accessibility by their fellow rural women and themselves. Rural women (100%) suggested door to door education of human rights to women since women hardly got an opportunity to go for meetings due to domestic chores and the Nandi cultural orientation. Handouts and brochures containing human rights information should be distributed to women so as to read while relaxing at home and/or be read to them by their children.

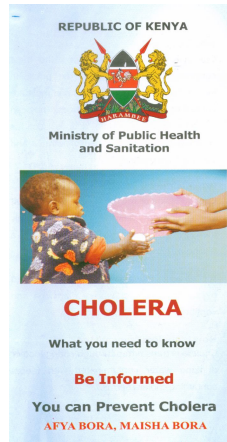


Plate 10: A brochure on Cholera Prevention from the Ministry of Public Health and Sanitation



Plate 11: A brochure on Weaning a Baby after 6 months from Ministry of Health Division of Nutrition and NASCOP

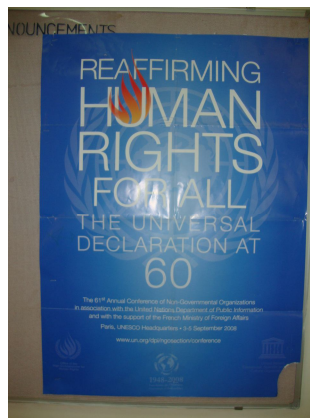


Plate 12: A poster on human rights by UNESCO

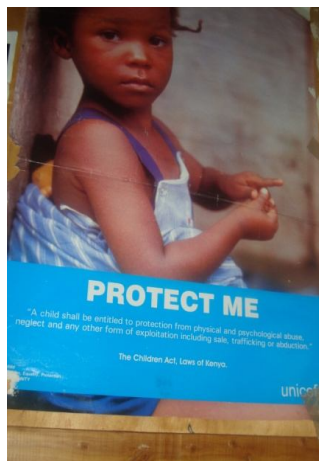


Plate 13: A brochure advocating for protection rights of a girl child

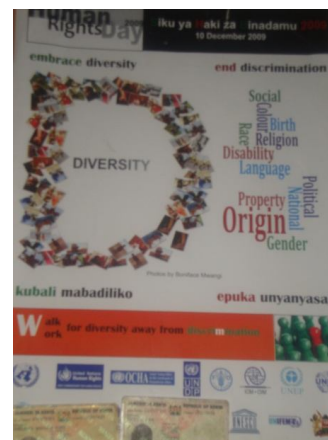


Plate 14: A brochure on Human Rights Advocacy

Source: Posters displayed in public places

The brochures presented above illustrate the right to good health through sanitation, proper nutrition and voluntary testing and Counselling of HIV status. Therefore, brochures can reach and inform many women on their human rights at the grassroots level. They also proposed that the government should supply electricity to the rural areas and should lower the taxes as initiatives to enable them disseminate information to the rural parts of the country. There is also a need to deploy advocates for human rights down at the grassroots levels, especially women advocates, because the study revealed that it was the least available source of human rights information.

To improve provision and access to human rights information, women (62%) suggested enhancing special programmes in mass media to educate women on their human rights. There is need to employ more female officers to represent women in all levels, such as women administrators like chiefs, sub chiefs, D.Cs, to educate women during *barazas* and in all ministries.

All rural women were in agreement that there is need to empower women groups, for example, by allocating loans with low interests. It is through women group initiatives that women can share ideas, knowledge, experiences, development issues and health issues. In addition, there is need to educate church leaders who will eventually sensitize people on human rights whenever there is a gathering and should act as role models themselves.

Focus group discussions with the women suggested that human rights offices should be established at the grassroots levels to make human rights information available and accessible to women in the rural setting. In addition, a public library should be established at each divisional level to be nearer to rural women and human rights

information materials such as books (constitution), magazines, internet-enabled computers, periodicals (newspapers), television, among others should be placed in such public libraries. The same library could serve as a leisure place for women.

Most of the women suggested having several women adult education in the villages to reduce illiteracy levels and long distances which made by women who are already tired after their domestic chores; organizing monthly seminars for women in the rural areas on human rights issues. Further, the Constitution should be amended for women to own land and enjoy other rights. Radio broadcasting presented in vernacular should have regular special programmes geared towards educating women on their human rights. Enhancing human rights lessons in institutions of learning such as primary, secondary, colleges, and university, can improve human rights awareness and information use. The government should develop policies geared to give women civic education on their human rights.

There is need to sensitize women about their rights through various ways and in various formats. Improving facilities in the rural areas, such as roads and electricity, will enable those advocating for human rights to access the grassroots. Hence the government should set a budget to facilitate officers in sensitizing women on their human rights and provide transport. They should improve the road networks as well. Fora, such as women groups, churches, and civic education day, could be organized on specific days.

Those officers in the rural could move from house to house to enlighten women on their human rights. Therefore, human rights activists could be supported to attend conferences/seminars and when they come back they should be given a chance to educate women on various fora in rural set-ups where most women are found. Human rights activists need to liaise with local provincial administration – *barazas*. The 30% rule passed by parliament should be implemented in all institutions and committees to enable women be justly represented.

4.6 The usage and benefit of Human Rights Information to Rural Women in Nandi South District

4.6.1 Knowledge, ability to access human rights information and benefits to rural Women

The researcher sought to find out from the respondents their knowledge and ability to access the human rights information in their daily activities. Their responses have been illustrated in the table below.

Table 8: Knowledge, ability to access human rights information and benefits to rural women

Location/Benefit	Chepkurgung	Chebilet	Kaptumek	Kesogon	Kaboi	Total	%
Acquire and own my own property	5	16	2	28	16	67	6
Improve economic status and standards of living	12	23	26	24	12	97	8.6
Make informed decisions on equitable distribution of resources and gender equity	26	16	28	40	21	131	11.7
Sensitize others of human rights	6	11	8	12	14	51	4.5
Be self-reliant	22	30	25	52	26	155	13.8
Have freedom of association	14	15	11	7	5	51	4.5
Realize gender equity in education	15	10	26	10	6	67	6
Secure employment	22	16	26	40	12	116	10.3
Inherit of my husband's property after his demise	10	15	24	23	19	91	8.1
Join a religion of own choice and worship freely	5	6	2	3	7	23	2
Join women groups	3	9	6	3	4	25	2.2
Work with freedom	4	8	3	5	4	24	2.1
Vie for leadership position (class representative)	5	15	3	10	23	56	5
Consultation in case of social injustices	17	23	19	40	22	113	10.1
Elect leaders of my own choice	13	10	12	7	9	51	4.5
Protect other people's rights	5	30	10	2	3	50	4.5
Total						*1123	*103.9

Women in the study area observed that their knowledge and ability to access the human rights information has benefited them in different ways. These are: to be self-reliant, 155(13.8%); secure employment, 116(10.3%); inherit my husband's property

after his demise, 91(8.1%); gender equity in education, 67(6%); make informed decisions on equitable distribution of resources and gender equity, 131(11.7%); acquire and own my own property, 67(6%) and consultation in case of social injustices, 113(10.6%). These study findings reveal that not all rural women have realized the application of human rights knowledge in their everyday activities. Therefore, women need to be more sensitized on their rights and freedoms in the society.

4.7 Community Customs and Beliefs about Women

Respondents were asked to rate how the community regards them as women in the family. Women reported that they were treated as very important, 158(83.6%), in their traditional society. Women were further requested to give reasons to their responses. Those women, 158 (83.6%), who thought they were viewed as very important by family members, gave a number of reasons. Women contended that without them, there would be no family progeny/continuity/lineage. This implies that women in Nandi community played reproductive roles that always ensured continuity of a family lineage. Key informants also established that Nandi community regarded women with a lot of respect because they bore children and especially sons to perpetuate family lineage '*kolalmatab kapchi*'.

Women who participated in FGDs also observed that they are the ones who can change a man's status from being a bachelor to a married man '*manong'otio*'. Thus in this sense a Nandi woman plays a key role in transforming her family and even the society. That a newly married woman would change the status of a house where unmarried man lives '*sigiroino*' cottage to become a home '*got*'. All family members

were involved in welcoming ceremonies like engagement '*koito*' and her marriage. This was supported by the fact that the bridegroom's family was willing to pay bride price (cows) as a symbol of the value attributed to her.

She is a home manager. Whenever her husband brought anything, she would be the one to receive first, not the children. In case of delivering information where the husband is not at home, a woman would deliver the information given to her by her husband and not anything else. The key informants, who were above seventy years of age, reported that women were assigned a traditional role of keeping farm tools and weapons in safe custody. Therefore, a woman played both reproductive and productive roles in the family unit.

Those who thought they were regarded as not important at all, 19(10.1%), by the family members gave their reasons: that when a woman is unable to give birth to live children, she is viewed negatively and the man is forced to marry another woman. Nandi community allowed a man to marry as many wives as he desired. Such an action made a man busy with other wives making these women regard themselves as though not important.

A husband having concubines made him to look very important and highly esteemed by all people in the Nandi tribe. Those who were not able to bear children were "*kibarmatab kabchi*" 'cuts a family lineage of continuity' made them think they were not seen as important: that their importance was recognized when they were able to bear children. Mistreatment where the husband did not provide basic sexual rights

was also cited by the women. For example women who were over 70 years (key informants) confirmed that:

‘we encouraged our husbands to identify and marry other wives in the event when one was unable to bear children or children of one sex.’

Therefore, women were obliged to get married in the traditional Nandi community. Nandi women were expected to balance productive, household and reproductive responsibilities.

4.7.1 How women thought they were regarded by the Nandi Community

Women’s views were sought as how they thought they were regarded by the society:-

Very few women thought they were regarded important in the society, 17(9%). On the contrary, majority thought they were not viewed as important by the community, 148(78.3%). Those who thought they were regarded as important by the society gave explanation. Women were given a few privileges by the family such as to further their education, to do business, some leadership roles, and to attend public fora.

During female circumcision they became superior; cooking, cheering and making cloths- everybody became a participant. FGDs responses revealed that married women’s decisions were regarded important by men in the Nandi community; no wonder whenever a married man was to make decisions he would say ‘*ngaibkalibka*’ and/or ‘*Ingipgorwochmui*’ that he will make decision after discussing with his wife. Therefore, the part played by women in decision making here is implicit.

Those who thought the Nandi community did not regard them important at all, 148(78.3%), gave reasons. Women themselves thought men’s roles were more important (superior) than their roles (inferior). This is due to their socialization. Single

woman's decisions were not respected by men in the community who made them feel unwanted and unrecognized within and outside the community.

Women thought they were not regarded as important because in their view, they were taken to be second, not only in their households, but also in the larger the community.

Some of the reasons they gave were that a woman would not make the first decision and be implemented, but taken as a decision under consideration; yet men's decisions would always be taken to be the right decisions.

Furthermore women were not allowed to talk while standing in public where men were present. Nandi women would always sit on the ground and leave seats for men. In this sense women were treated as children and not adults. Therefore, the natural pattern was for men to dominate while women became subordinate in the community. An elderly male key informant asserted that women were not trusted because they did not keep secrets. Whenever a woman would go close to men who were talking under a tree "*kok*", men would keep quiet. This was because women were seen as people who did not keep secrets. In this sense, the Nandi say that "*chepyoso kolalang'met*". Men would always sit under a tree away from the household because they wanted to be sure that nobody listened to them completely since there was a Nandi belief that 'walls have got ears' (*kastoi inatut*).

4.7.2 Women's Opinion on how they are viewed by Community and their Effect on the Implementation on Human Rights Information

Women's opinions were sought on whether the way the community regarded them affected their implementation of modern human rights which they were entitled to. Out of the 189(100%), 118(62.4%) said 'yes' and the remaining 71(37.6%) said 'no'.

From the study findings in Table 8 above, women's position and status in the community affects implementation of the human rights that they are entitled. Discrimination against women is deep-rooted in traditional societies and has perpetuated the status quo while the low status of women in Nandi South district is rooted in the cultural traditions and customs that relegate women to a position of total subservience to men. Culturally based gender disparity, however, has no place in a democratic society.

4.7.3 Women's Access and Application of their Human Rights

Provisions in Modern society

Women were further probed to explain how they could get affected while trying to access and apply their human rights provisions in modern society. FGDs responses showed that women were threatened by their husbands whenever they wanted to implement their rights, like utilizing husbands' land and doing small business. Women were denied chances to attend public fora such as political rallies and chiefs' *barazas*.

All women contended that major decision makers, both at the household level and community level, were men and women became subordinate to their decisions. In the event that women were faced with problems such as rape, authorities that made ruling

were mainly men who tried to silence the case, hence encouraging the social injustice done against women.

From my observation, those women who responded that the way they were viewed did not affect their implementation of human rights, were women who were earning, educated, self-sufficient, leaders in the society and challenging men in their academic performance. Women's empowerment has become man's emasculation, and the pressures of modern life such as inflation and unemployment serve to erode his gender confidence.

4.8 Factors that hinder human rights accessibility and usage by rural women from Nandi South District

4.8.1 Challenges that face Women as they attempt to Access Human Rights Information

From interviews with women respondents, it was established that illiteracy/ignorance was one of the challenges. Majority did not attain higher level of education, so they had a challenge reading documents that contained human rights information. Low levels of education were due to the fact that boys were to go to school and girls were to stay at home and help household chores.

Hostile cultural practices, for example, the Nandi culture did not allow women to attend public forums except those specifically meant for women. Limited time to read and discuss with friends on those rights was cited by most women during the FGDs. Household chores were too many for women to think of participating in other

activities outside the household. For instance, very few women attended adult education where they could be taught about their rights.

Culturally, women had been taught to be quiet especially when men are talking so that even when a presentation was being done regarding women's rights, women never sought clarification. According to Nandi culture a woman is only expected to listen and not to comment/talk/challenge, while a man is talking. Thus the subordinate position of a woman both in the private sphere (household) and public sphere (outside household) was pointed out by FGDs members.

Lack of daily access to the media prevented women from getting and using human rights information. Nandi men tended to control significant assets including information resources.

Women also tend to face financial constraints to purchase battery cells, magazines, and newspapers. Adult education schools were far away from their homes making it difficult for women to attend since they had to accomplish household responsibilities. Discrimination was experienced by women where men did not regard women important in the case of using family assets like the radio. A man would be the one to use a radio/TV. This confirms Ocholla (1999) who observed that among the problems affecting access to information in the rural areas are inadequate and inappropriate sources.

Within rural populations, gender disparities exacerbate lack of rights. One of the women groups stated:

'women constitute the overwhelming majority of subsistence farmers in many parts of Nandi South district. Yet, in too many places, they have less access to land, credit, education, extension services and healthcare. This is in part because, under most customary law systems, women have only usufruct rights to the land's produce. They are not allowed to own landed property and, without it, they cannot raise capital or secure a bank loan. They can work the land and sell its produce at the market but their husbands and brothers will still pocket the proceeds. Between their child-bearing and child-rearing activities, fetching water, preparing meals, tending small livestock, tilling and planting the fields, and, increasingly, caring for sick relatives, rural women have little energy to even think of the rights which they are denied.'

Many rural women may be aware that they have rights, but unwilling to press for them using formal structures that remain alien and intimidating (and possibly distant, corrupt and costly). They may also be ambivalent for psychological reasons. Some individual women have no faith in public institutions because of this experience; or lack the confidence and self-esteem needed to pursue their interest. This finding confirms Maslow's Hierarchy of Needs. Physical and institutional obstacles, therefore, psycho-social conditions affecting behaviour also need to be assessed and analysed in each context. These constitute internal obstacles.

The situation of the rural poor, and in particular women, illustrates the reinforcing obstacles to the full enjoyment of human rights. Access to schools, credit facilities and markets can unlock new opportunities for the rural poor, but high rates of adult illiteracy (usually higher for women), low levels of nutrition, poor sanitation, lack of access to clean water, heightened vulnerability to preventable diseases and exploitation, all prevent them from seizing such opportunities. In general terms, indicators show that the rural poor have less access to their rights than urban communities and especially women.

Isolation is the main concern of rural women when it comes to access to their rights.

This involves both the distance from mechanisms capable of remedying rights abuses,

and the distance from public view, and consequent lack of recognition of the specifically rural character of certain human rights violations. Failure to formulate those abuses in rights terms has contributed to this lack of recognition. Human rights organizations have a role to play in helping to articulate the demands expressed by rural people in rights terms, and reducing the isolation they experience by providing a real presence through the building of networks and alliances. These can link up with rural peoples' own social networks, which are built on a strong sense of community, compensating for their isolation and relative vulnerability to natural hazards.

Women have particular difficulties accessing their rights. This is because access is conditioned by attitudes to gender which usually consign women to a subordinate and more passive role in relation to men. One of the key informants contended:

'the laws of most states were likewise devised and enforced largely by men. They are frequently 'gender-blind' in making no distinction between men and women in their application. This can cause discriminatory effects... for example, both women and men may formally enjoy the right to work but this right may be curtailed for women because they are socially required to take on the bulk of household work... women's freedom of movement, ostensibly equal for all, is similarly conditioned by the power that male heads of household exercise in many societies.'

Even when women are aware of their rights, they encounter many obstacles in asserting them. Most women, and their dependent children, from the majority of the rural poor encounter such obstacles to a greater degree and in larger numbers than men.

While lack of access to land and property, education, healthcare, credit, information technology and so forth, all inhibit access to rights, it is women's systemic lack of power to make and implement decisions that is the critical factor. This powerlessness extends all the way from decision-making within the (male-headed) family or clan, to the harassment of women standing for public office.

The low social status of women in Nandi community means that they have little or no possibility of speaking out for their rights. In Nandi culture, women are not allowed to speak in public fora, and if they choose to take part in electoral contests, they often have to run the gauntlet of public derision, spoiling tactics and acts of violence. Therefore, there is need to recognize that development approaches which focus on women's empowerment are one of the keys to more equitable and viable development for all.

4.8.2 Obstacles that face Women as they attempt to implement Human Rights Information

Obstacles to women asserting their property rights in Nandi community abound. The most serious are women's lack of awareness about their legal rights; the time and expense of pursuing property claims; violence; social stigma; poverty and harassment of NGOs working on women's property rights.

Women's rights to property are unequal to those of men in Nandi community. Their rights to own, inherit, manage, and dispose of property are under constant attack from customs, laws, and individuals including government officials, who believe that women cannot be trusted with, or do not deserve, property. The devastating effects of property rights violations including poverty, disease, violence, and homelessness, harm women, their children, and Kenya's overall development. Traditional Nandi community is often discriminatory towards women, especially those who marry into the family and who may return to their parental homes on separation or divorce. Women may have no right to participate in family decisions in some traditional

families; in others, matriarchal authority may be as strong, or stronger, than the patriarchy prevailing in the public domain.

Here again, cultural contexts will determine a wide variety of gender and other political roles. Religious and customary laws will also set out rules for family laws, relating to identity, property, marriage, inheritance, divorce and other areas of mutual obligation. While in communal land tenure systems women had significant access and rights to use communal resources, through their roles as household managers, they were further excluded when land tenure was individualized and invariably adjudicated and registered in the name of “heads of households” or men. Without legal protection women are at risk of suddenly becoming landless. This happens in many cases when the husband sells the family land. Upon divorce, women still have to prove their contribution to the marital home in court. Unequal land distribution and widening gaps between the rich and the poor have further excluded women. Overemphasis on privatization, individual freehold tenure and rigid planning and registration procedures that are costly, lengthy and often inaccessible to the poor deepen the gap between those who can and those who cannot afford security of tenure.

Married women can seldom stop their husbands from selling family property. A woman’s access to property usually hinges on her relationship to a man. When the relationship ends, the woman stands a good chance of losing her home, land, livestock, household goods, money, vehicles and other property. These violations have the intent and effect of perpetuating women’s dependence on men and undercutting their social and economic status.

A complex mix of cultural, legal, and social factors underlies women's property rights violations. Kenya's customary laws which are largely unwritten but influential local norms that coexist with formal laws are based on patriarchal traditions, in which men inherited and largely controlled land and other property, and women were "protected" but had lesser property rights. Past practices permeate contemporary customs that deprive women of property rights and silence them when those rights are infringed. AAWORD (1995); AMWIK (2006) attribute lack of access to mass media to cultural values and traditions. Kenya's constitution prohibits discrimination on the basis of sex, but undermines this protection by condoning discrimination under personal and customary laws.

The few statutes that could advance women's property rights defer to religious and customary property laws that privilege men over women. Men interviewed said that women are untrustworthy, incapable of handling property, and in need of male protection. The guise of male "protection" does not obscure the fact that stripping women of their property is a way of asserting control over women's autonomy, bodies, and labour and enriches their "protectors."

Unresponsive government and traditional authorities are obstacles to implementation of human rights by rural women. Since many women in rural areas never make it to court, to claim property, they often turn to local authorities, both governmental and traditional, to resolve disputes. Although informal dispute resolution can help limit the financial and social costs of claiming property rights, local officials are more apt to apply customary law than statutory law, which can disadvantage women. Women

argued that local authorities were occasionally helpful but more often unresponsive or ineffective. One women group representative remarked:

‘we have poor local leadership... they are not responsive to the community.’

Moreover, police and central government officials acknowledged that women do not have equal property rights in Kenya, but officials do not consider this a pressing issue. Many local officials are loath to get involved in women’s property cases, which they justify as a desire “not to interfere with culture.” Some women who suffered domestic violence knew they were entitled to family property, but were so frightened of further attacks; they did not attempt to claim a share.

‘the police said this was a domestic issue. I went to my parents, but my father said that as an African woman, I should stay with my husband. I received no help from anyone, so I went back to my husband... It made it worse that my husband knew no one would help me. I was at his mercy... I had no money to look for a place of my own. If I had money, I would have moved out.’

Women’s right of access to land is often unrecognized in traditional systems, or ignored when individual land registration is done. Married women lack control over property. One woman stated:

‘my husband sold the livestock. I didn’t consent. He sold them when I wasn’t there.... I didn’t go to the elders or police. I fear my husband. If I report him, may be my husband will abuse me...My husband hits me if I say the property was mine and shouldn’t be sold. He beats me...specifically when I talk about the sheep and the cattle or any other property... As a woman, you have nothing to do with property.’

Under some customary laws invoked, women cannot own or control land. Not only do women lack access to property, in some cases women are considered as property.

According to one of the elderly women:

‘we have different cultural systems [that] believe women cannot even be acknowledged to own land. . . . you talk of land and cows and all that property that men have, they also put women as part of their property. Women only have customary rights to access and cultivate land, and even those rights are dependent on men. In our community, women have to ask a male for permission to cultivate the land, although some males traditionally reserve fields for the wife or wives’

Currently, women find it almost hopeless to pursue remedies for property rights violations. Traditional leaders and governmental authorities often ignore women's property claims and sometimes make the problems worse. Courts overlook and misinterpret family property and succession laws. Women often have little awareness of their rights and seldom have means to enforce them.

Women who try to fight back are often beaten, raped, or ostracized. In response to all of this, the Kenyan government has done almost nothing: bills that could improve women's property rights have languished in parliament and government ministries have no programs to promote equal property rights. At every level, government officials shrug off this injustice, saying they do not want to interfere with culture.

A major obstacle to the implementation of women's statutory rights in rural areas in Nandi South district was established to be rural women's lack of legal awareness and of resources. Indeed, rural women are often unaware of their legal rights. Even where they do know about their rights, they often lack the resources necessary to bring claims (which involve paying lawyers and court fees).

The issue of information is linked to illiteracy. During this study it was observed that in rural areas, female illiteracy rates are very high, although with considerable cross-country variation. This raises concerns about the means for the dissemination of legal information. Publication of laws in official bulletins alone is unlikely to reach rural women in Nandi South district, and supplementary means of information accessible to all (such as rural radios) should be considered.

Another problem constraining implementation of gender related legislation is the lack of the necessary resources. In many cases, implementation of constitutional provisions and of statutory norms is also hindered by lack of political will to do so. In this regard, it is worth noting that women are greatly under-represented in decision-making institutions all over the world. First, few women hold decision-making positions within gender-related ministries. Second, women's participation in elected political bodies is also very low. Information concerning the recognition of women's active and passive right to vote, as well as the share of parliamentary seats currently held by women is lacking.

Due to education and career advancement by some women in Nandi community, they face a lot of criticism from the male counterparts. In this case Nandi men shy off from marrying an educated and wealthy woman. One of the women remarked:

'when I was a young girl, I attended school and I was ranked among the best performing students, this caused a lot of concern to my parents and relatives who advised me to drop schooling ...and instead accept to marry a man of their choice. This is because they believed if I continued with education beyond primary level I would not find a man to marry me since getting married was considered a great achievement to a woman than being highly educated,... if I had continued I would be like Sally Kosgei who is now an MP and a minister giving orders to men, I would not be languishing in abject poverty since I was even better than her in all subjects.'

Some of the Nandi traditions and cultural practices that deny people their rights are highly retrogressive and often discriminate women. Some of them include early and forced marriages, female genital mutilation and exclusion of women gender in decision-making.

Pursuit of gender equality in inheritance rights has been one of the most difficult challenges in rights-based approaches owing to the complexity as well as the well-

entrenched patriarchal characteristics of socio-economic, cultural and religious practices. In several respects, women are considered or treated as legal minors or have unequal status or entitlement to inheritance shares which impacts on their ability to acquire, enjoy, transfer and manage their inheritance.

Formal and informal processes in the justice sector discriminate against excluded groups. Institutions lack the technical capacity and services to address the needs of socially excluded groups, for example, courts that are physically inaccessible and operate in local languages. Institutions can also have in-built resistance to tackling specific issues. Gender-based violence, for example, is often poorly understood by the police and judges and treated insensitively. Women may be treated as culprits rather than as victims.

Justice sector institutions are pivotal to the legal protection and enforcement of human rights. However, human rights are often poorly understood by those working in the justice system. Justice assistance measures can contribute to the realization of human rights through appropriate strategies, such as tackling discrimination and addressing the barriers and vulnerabilities faced by socially excluded groups such as women.

Women, along with other socially excluded groups, are particularly likely to face problems accessing justice institutions. These groups can be excluded because institutions are remote, slow and unaffordable, or because they are biased and discriminatory. Other barriers to justice occur when disadvantaged groups are not aware of their rights, or where justice institutions and processes are intimidating or unnecessarily complex.

4.8.3 Overcoming Challenges that Women face in Accessing and Implement their Human Rights

Respondents were asked to state how they had managed to overcome the challenges they encountered while trying to access and implement their human rights. In the light of the findings of this study, the full realisation of the human rights of rural women requires action to be taken at two levels: the first one is legal reform; the second one is implementation of existing norms and of adopted reforms. Legal reform is necessary in all cases where *de jure* discrimination exists, in order to repeal discriminatory norms.

Moreover, where discrimination exists in the socio-economic life and gender neutral legislation is not enough to ensure gender equality, the principle of non-discrimination on the basis of sex must be explicitly stated in the Constitution (repealing existing exceptions) and in legislation (family, land and labour law; laws on cooperatives, training, and agriculture-related services). In some cases, special measures to advance women may be necessary to redress past and existing discrimination, such as granting priority to women in land distribution or in access to public agricultural credit programmes. Other sector-specific measures may also be needed, such as joint titling for couples within land redistribution or registration programmes.

As women's rights are determined by a complex system of rules, legal reform needs to be comprehensive. For instance, where family and succession laws restrict women's legal capacity and/or inheritance rights, a reform of land legislation to redress gender inequality in land rights can only be effective if accompanied by a reform of discriminatory family and succession laws.

Legal reform does not occur easily, particularly in matters concerning women's rights. Entrenched cultural attitudes may hinder it. Moreover, in many rural societies including the Nandi, reforming the terms and conditions of access to and control of natural resources would touch the very heart of the social structure, and is therefore resisted. Therefore, reforms are ultimately the result of political processes: political struggle and mobilization are often necessary to obtain them, and their adoption partly depends on the strength of national women's movements.

The second level of action concerns implementation of existing laws and of reforms adopted. This requires addressing the factors examined in the previous section: access to courts and other dispute resolution mechanisms; dissemination of legal information and provision of legal aid; provision of adequate resources for laws, programmes and institutions; increasing women's representation in decision-making institutions, among others.

Laws and policies, when recognizing women's equal rights to land and property, are still very difficult to implement. Even where progressive laws are in place, weak enforcement mechanisms and lack of funding often undercut their effectiveness. Inheritance is often viewed as a private matter, which explains the hesitation governments often display in 'interfering' with the issue.

Regulations and guidelines for the implementation of laws and policies are often very technical and in many cases have not yet been written from a gender perspective. As a result, for example, forms for registration of land, often simply lack the space to indicate joint registration of both spouses.

Moreover, the land officials who work with these forms often lack any gender awareness. Inheritance procedures are often also quite technical, centralised, and difficult to access for many women due to persistent cultural and customary attitudes against implementation of women's rights. Therefore, it was proposed that customary laws and practices should sometimes take precedence over constitutional and legal provisions for equality. This is especially so in the areas of family, inheritance and land rights, nationality and personal issues.

Most women felt that joining women groups would be a very effective initiative to eradicate poverty and empower women. Group members would be holding regular meetings to enable them exchange views, information, ideas and experiences on their rights. The merry-go-round contributions would boost women's economic status by acquiring household property such as utensils, sofa sets, tables and stools, chairs, as well as accessing credit facilities. Through the coordinated efforts of women's groups, women are encouraged, as a building block towards furthering communications skills, to articulate and share their feelings on human rights issues.

Sensitization and mobilization of women's rights should be done by the local leaders such as area chiefs, village elders, church leaders and group leaders. The cultural practices that undermine women's efforts and dignity should be discarded. Therefore women's development initiatives should be supported at all levels. The overcoming of barriers, such as language and a lack of education, could be solved by providing training in a way which suits the Nandi community's culture and does not discriminate against those without high levels of education.

4.9 Suggestions and recommendations for improvement by rural women

Respondents' opinion was sought as to what solutions could be given to minimize the problems that hinder them and other women in their community from accessing and applying their human rights. It was suggested that women should be given professional guidance/career guidance and development. There is need to improve post-primary education amongst women through civic education. Women should be included as active participants in developing policies and initiatives designed to fulfil their rights. Knowledge of local contexts and the formation of broad political coalitions in support of the reforms are important in overcoming resistance.

Kenya government should increase pressure to condemn violence against women and work against any custom; condition or religious considerations that perpetuates it. In addition to enforcing the Sexual Offenses Act (2007), the government should enact and/or reinforce other relevant penal, civil, labour and administrative sanctions in domestic legislation to punish and redress any violence committed against women, men, girls and boys.

In addition, the women suggested that there is need to give special attention in criminology training and guidance to law enforcement authorities on the need to be gender sensitive while dealing with victims of violence. Special courts should be established to deal with sensitive issues such as rape and domestic violence, as most of these cases go unreported due to their embarrassing nature. Private rooms should be established for law enforcement agents for sensitive cases, so that they can get accurate information without embarrassing the victims.

Facilitating the participation of women in economic life is seen to provide financial gain at both household and national level, as well as having long-term impacts upon poverty reduction through creating changes in the intergenerational transmission of poverty processes. However, enabling women to participate in economic life is subject to both formal and informal constraints: women face various institutional barriers, as well as discrimination played out within social relations.

It is a matter of urgency to remove these barriers, and actively create mechanisms through which women are able to add value to the economy in terms of: access to jobs, access to credit and financial services; land and property rights and agricultural inputs and technology.

There is need for women to develop skills and capacity in certain areas, such as business skills and it is important to protect women in the formal and informal sector. Notably there should be the interconnection between providing access to one component (for example land rights) and the potential for women to obtain greater access to other components (such as access to jobs).

Generally, it was suggested that promoting women's economic empowerment is aided by the following: access to information; the participation of men, for example in breaking down social stereotypes about the role of women in the home; a level of ownership of resources in order to encourage re-investment; an enabling legal framework which makes provisions for measures such as a minimum wage and protecting women in hazardous working conditions; a level of engagement with

national or local government institutions; and the provision of child care; and when programming is “joined-up” with other institutions such as human rights.

Eliminating gender gaps in employment can reduce gender inequalities and discrimination in the labour markets, thus leading to increased labour productivity and a work environment free from discrimination and gender inequalities. Human rights information should be available to all women in various formats and channels, such as handouts, brochures, oral transmission (songs, folktales), radio and television programmes.

Due to retrogressive social, cultural and traditional values, there is a need to promote training on women’s rights in the modern societies. Thus adult education should be introduced to rural women so as to improve their literacy levels in order to access, utilize and assert themselves for human rights information. One woman remarked;

‘if human rights that we are hearing about are meant to break homes then I would rather do without them because I hate separation of families’.

Yet, another woman commented:

‘that I had been warned by my husband to disassociate myself from women who went to Beijing and are promoting human rights against men’.

These statements reveal that women have limited power to access and assert their rights due to patriarchal Nandi society that empowers men to dominate women. Hence there is need to sensitize men to respect women’s rights for them to lead an enjoyable life. There is need for sustaining women at the grassroots level through economic empowerment; for instance through women-led microfinance programs with affordable interests.

4.9.1 Suggestions for Enhancing Human Rights Awareness and Accessibility.

Respondents were requested to suggest recommendations to policy makers; implementers and human rights activists that would help enhance awareness, accessibility and the application by rural women in Nandi South District. There should be consideration of rural women by government by finding ways and means of eradicating poverty amongst them, by providing loans at very low interest. Financial institutions should be established at the village levels to enable women access loans in order to improve their economic activities.

Among men and women, there is still a lack of gender and human rights awareness on the serious repercussions that the denial of women's rights continues to have, and of the possible strategies that can be used to implement these rights on the ground. Inadequate laws and systems of enforcement are often accompanied by lack of awareness of laws that do exist and insufficient understanding of options for legal redress and the resolution of disputes. In addition, many women do not have information, confidence, experience and resources to obtain their legal entitlements. This should be enhanced by sensitising women through civic education during seminars, women groupings, churches and as they attend clinics among others.

Women may not be aware that legal means exist through which they can claim their rights, and few women have access to legal advice in the face of entrenched public beliefs that property ownership is an exclusively male domain.

Awareness is not only required for rights holders, but in many instances other stakeholders and actors, including professionals, policy makers, judges and

magistrates who need the capacity and knowledge to interpret and implement national laws with respect to equal inheritance rights.

Support for paralegal services to help women pursue cases; support for strategic litigation that can establish legal precedents; training for lawyers, judges, registrars and police in women's rights; advocacy with traditional leaders; financial support for community and women's organizations and networks to provide advice and emergency assistance, and documentation and dissemination of best practices, are all necessary. Without gender awareness by officials of bodies dealing with land allocation, inheritance and dispute settlement, which are male dominants and bias against women. There is likelihood, to continue standing on the way of women's enjoyment of their rights.

Women's experience has shown that statutory or Constitutional interventions are ineffective where traditional laws and customs do not recognize gender equal inheritance rights to land, property and housing for them. The persistence of customary norms in land issues represents a conundrum. While a number of customary norms are patriarchal in nature, the dismissal of all customs cannot only be alienating but also misses a wide range of practices which do have positive implications for women's lives.

Moreover, the mere substitution of customary land rights with statutory rules has failed to improve women's security of tenure since custom still provides legitimacy and influences general opinion and decision makers. Therefore, several women's groups point to the diversity of cultural practices and challenge the stereotyping of

customs as necessarily static, unchanging or incapable of gender responsiveness. Therefore, rather than concentrate solely on legislative reform, dialogue with elders and other enforcers of customs and traditions are necessary to raise awareness and find ways of harmonizing customary norms while at the same time, respecting women's equal rights.

In practice, civil society and paralegal networks have shown that such an approach can create breakthroughs (PASUNE, 2005). Thus, ensuring women's equal rights to property and access to resources are critical in the fight against poverty. The government should allocate resources for the expansion of the informal sector and encourage the development of women friendly financial institutions. It is further recommended that Kenya government adopts and maintains micro-economic policies that address specific needs and concerns for poor women and men entrepreneurs and increase funding for their respective activities. A review of by-laws and policies constraining women's ownership of properties, access to credit facilities and participation in small enterprises ought to be carried out as a matter of urgency.

It was established that most national policies and laws meant for protecting women rights are in place, but there is a gap between their existence and implementation. There has to be deliberate investment to educate women on national policies, like the land and constitutional processes. All local development committees should have at least fifty percent of women representations who are directly elected by women but not appointed by men and/or politicians, who may want to use them to achieve their own selfish agendas.

Moreover, women's initiatives, like merry-go-rounds, should be recognized, supported and strengthened to provide effective sources of loans as they have amassed important skills and track records. Review of the current existing micro-finance institutions and assessment is crucial, if their targets are the poor woman. A new set of microfinance system drawing lessons from merry-go-rounds and daily savings, managed by grassroots women themselves, should be created to support women to acquire properties. Therefore, grassroots women initiatives of acquiring property mainly through credit and savings should be recognized, supported and strengthened to provide sustainable sources of livelihoods.

It was suggested that there is need to demonstrate leadership by decision makers and key stakeholders in prioritising gender equality and women's empowerment alongside other key development goals as well as explicitly articulating gender equality as a goal in policies, strategies, programmes and projects within the public and private sectors. Allocating resources, both targeted national and other sources would promote gender equality and women's economic empowerment, thus the need for fully and systematically integrating capacity-development into each activity.

Involvement of the private sector in promoting gender equality and women's empowerment and expanding partnerships between the private sector and other actors was cited by women group leaders. Generating and transmitting data, analysis and knowledge to decision makers and key stakeholders was considered of prime importance in the dissemination of human rights information.

The women recommended that the NGOs, working with women, should strengthen their understanding of human rights frameworks and practices. These NGOs have the potential to influence policy makers and other actors in order to better incorporate human rights approaches to gender related programs.

Finally, there is need to implement culturally-adapted social communication strategies and tools in order to raise awareness among, and inform rural women of their rights.

Building women's participation through local leadership has the capability to utilize local capacities and enhance the right to participate in decision-making domains. It is therefore important to bring together various community leaders and provide them with the opportunity to work together on dissemination of human rights information.

In addition, communities at large can be engaged and their voices amplified through mechanisms such as public hearings, or through the documentation of women's direct experiences which, in turn, can be used to sensitize advocates of women rights, women group leaders, health workers, church leaders, policy makers and implementers among others.

4.10 Summary

Good governance, economic, social and political development, is still a big challenge in the Nandi South District because of lack of free access to human rights information. That is why free access to the rights information has been a core principle of good governance, and can provide decision and action leverages to women to effectively participate in important developmental issues like poverty alleviation, the attainment of UN Millennium development goals, Kenya's vision

2030, international instruments that protect women like CEDAW, and Beijing Platform of Action. But the above stated suggestions would go a long way in the improvement of access and use of human right provision to rural women.

CHAPTER FIVE

NANDI TRADITIONAL CULTURE AND WOMEN HUMAN RIGHTS

5.1 Introduction

This chapter presents the findings of the data obtained from a special group of women and men who were above seventy years and are believed to be well versed with the community cultures and customs. The chapter is divided into nine (IX) parts. Part (I) presents an analysis of data on respondents' personal information which include their residence, age bracket, marital status, level of education, occupation and their competence in a particular language. Part (II) analyses respondents' data on community customs and cultural beliefs about women. Part (III) tackles issues on roles played by women in Nandi community. Part (IV) presents an analysis of data on rights of women in the Nandi community. Part (V) analyses data on respondents' awareness of the modern human right provisions for women. Part (VI) provides an analysis of data on how women in the Nandi community were provided with information on their rights. Part (VII) presents analysis of data on respondents' views on the comparisons between women's cultural rights and modern human rights provisions. Part (VIII) presents cultural beliefs about women that hinder women in accessing and implementing their human rights in the district. Finally, part (IX) analyses respondents' data on recommendations for improvement.

5.1.1 Distribution of Special Key Informants by Sub-Location

Out of 5 (100%) women and men of seventy years and above who were earmarked for the interview in Nandi south District through snowballing, all were interviewed eventually. Out of this 1 (20%) came from Kapsoo sub-location, 1(20%) came from Kaboi sub-location, 1 came from Koyo sub-location, (20%) came from Kesogon sub-location and 1 (20%) came from Chebilat sub-location in Nandi South District. Of the 5 (100%) respondent interviewed, 3(60%) were female and 2 (40%) were male.

The researcher was interested in getting insights on provision of human rights information to rural women by involving both female and male special key informants from the study area who were believed to be quite versed with indigenous knowledge regarding issues touching on women in the Nandi community due to their old age which comes with experience. The same group were earmarked because they were believed to have had an experience of a pure Nandi culture before modernization age which begun in early 1940s according to them. The same group have had an opportunity to experience the social, economic and cultural changes that have been brought by the foreign modern cultures; therefore, they offered a good comparison between the two cultures (see plates of special key informants' on pg 266).

Table 9: Analysis of special key informants interviewed in sampled sub-location

N=5

Name of Location	Kapsoo	Chebilat	Koyo	Kesogon	Kaboi	Total	%
Total No. of respondents	1	1	1	1	1	5	100
Gender	M	F	M	F	F		

It is evident from table 9 that out of five special key informants interviewed, two 2(40%) were male one from Kapsoo sub-location and the other one was from Koyo sub-location. Three 3 (60%) females were interviewed from Kaboi, Kesogon and Koyo sub- location. Interviewing both female and male was critical to get unbiased information.

5.1.2 Age Distribution Analysis by Years of Special Key Informants

Of the 5(100%) interviewed, 2(40%) belonged to the age group of 70-79; 2 (40%) was of age group between 80-89 years; 1 (20%) was of the age group of 90-99 and there was none above 100 years of age. Age variable was quite important to the study since there are two cultures that is indigenous culture and modern culture that needed to be compared on matters concerning women rights by this special group which has had an experience of both cultures. Elderly people are considered to be the custodians of culture and had more information on the past experiences on human rights information in the typical Nandi culture. Table 10 analyses age distribution of special key informants.

Table 10: Age distribution analysis of special key informants**(N=5)**

Name of Location/ Age group	Kapsoo	Koyo	Kesogon	Kaboi	Total	%
70-79	1	1			2	40
80-89		1		1	2	40
90-99				1	1	20
100 and above	0	0	0	0	0	0
Total	1	2	0	2	5	100

The pictures below show some special key informants above seventy years who were conducted for interviews from different sub-locations.



**Plate 15: Elizabeth C. T. from Kaboi Sub-Location
Date: OI (6TH JANUARY, 2010)**



**Plate 16: Eunice J. K. from Kesogon
Sub-Location; OI (29TH DEC. 2009)**



**Plate 17: Lena J. B. (left), Jane, K (Middle)
& Elizabeth from Kaboi sub-location; OI
(6TH JAN, 2010)**



**Plate 18: Jerono M. from Koyo sub-location; OI
(22ND April, 2011)**



**Plate 19: Kipketer Arap Mutwo Naphtali from Koyo
Sub-location; OI (22ND April, 2011)**

5.1.3 Marital Status of Respondents

The respondents were also requested to state their marital status which was an important variable in the study since the right to marriage and find a family in the modern rights is provided for according to Article 45 of the promulgated constitution of Kenya. Out of 5 (100%) special key informants interviewed, 2 (40%) were married and 3(60%) were widows. The two male were married and were of ages less than ninety years. Research findings with the group revealed that marriage in a typical Nandi culture was a norm given that they were all married in their lifetime showing the importance of marriage in their community. It was one of the fundamental rights of the Nandi community where a person who was not married in Nandi community was not regarded highly and would a time be considered to be cursed. Table 11 shows this analysis.

Table 11: Analysis of marital status of women in sampled study area N=5

Name of Location/ Marital Status	Kapsoo	Chebilat	Koyo	Kesogon	Kaboi	Total	%
Married	1		1			2	40
Widows		1		1	1	3	60
Total	1	1	1	1	1	5	100

5.1.4 Level of Education of special key informants

The researcher established that out of 5 (100%) special key informants interviewed, 3 (60%) female had no education at all. Out of the 2 male 1 (20%) had attained primary level of education and the other 1 (20%) had attained college level of education. The figures in table 12 show education disparity amongst women and men interviewed. This finding gives an indication on rights to education for both genders in the Nandi community. It also indicates the findings of how women were treated on matters pertaining to education culturally where women had lesser privileges to education as compared to men. The findings confirms the fact that women in Nandi community were denied formal education by their parents given the fact that they would be married off immediately after attaining the rite of passage which was a requirement for every woman and man where they underwent informal education (see table 12 below).

Table 12: Level of Education of Special Key informants in Nandi South District

N=5

Level of Edu/location	Kapsoo	Chebilat	Koyo	Kesogon	Kaboi	Total	%
None		1	0	1	1	3	60
Primary	1	0	0	0	0	1	20
Secondary	0	0	0	0	0	0	0
College	0	0	1	0	0	1	20
University	0	0	0	0	0	0	0
Total	1	1	1	1	1	0	100

5.1.5 Distribution of special key informants by Occupation type

The informants were requested to state their occupation, out of 5(100%) interviewed, 3 (60%) were housewives initially but due to the demise of their husbands they were struggling to practice farming which they were denied when their husbands were alive to gather for the needs of their families. 1 (20%) interviewee was a farmer and 1(20%) was initially a primary school teacher before he retired. Further probing of the retiree showed that he is currently practicing serious farming to earn a living because while in school, he acquired knowledge on farming. The two male interviewed were good farmers. This could be explained by the fact that culturally men own land and could utilize it as they wish.

It is evident from the figures in table 13 that all women interviewed were initially housewives (60%). This is true because none of them had education at all to allow them access job opportunities which requires formal educational qualification, hence they could not get employed. The finding confirms the community culture that women did not enjoy right to education like their male counterparts who were supported to pursue formal education. Girls were quickly married off by their parents so as to get bride price and/or tokens from the family that marry their daughters hence denying women an opportunity to go to school like their male counterparts. This finding confirms Snell (op.cit) who stated that, 'Nandi people believed that women should be married immediately after initiation.

Table 13: Distribution of special key informants occupation type (N=189)

Occupation	Kapsoo	Chebilat	Koyo	Kesogon	Kaboi	Total	%
Housewives		1		1	1	3	60
Farmer	1					1	20
Business							
Para/professional							
Retiree			1			1	20
Other							
Total	1	1	1	1	1	5	100

5.1.6 Language Competency of special key informants

Respondents were requested to state their competence in the following languages, English, Kiswahili, Nandi and any other language. Out of 5 interviewed 1 (20%) stated that he understood English and could speak competently. Two (40%) stated that they understood and could even speak Kiswahili, 5 (100%) stated that they were competent in speaking Nandi because it is their mother tongue.

The fact that they did not go to school could denied them and opportunity to read and write. They used their male counterparts who had an opportunity to go to school to read and write for them. This implies that they were unable to read modern rights provided in print documents which are written in foreign language. From the figures in table 14, it is quite noticeable that all the respondents were quite competent in Nandi language and so were the right persons to be questioned concerning Nandi cultures (see table 14 analyses this results).

Table 14: Language Competency by special key informants (N=5)

Language/ Location	Kapsoo	Chebilat	Koyo	Kesogon	Kaboi	Total	%
English			1			1	20
Kiswahili	1		1			2	40
Nandi	1	1	1	1	1	5	100
Other							
Total						*8	*160

* Note Multiple Responses

*Multiple responses were observed where respondents stated that they could understand and speak more than one language.

5.2 Community customs and cultural beliefs about women

5.2.1 Perception of Women by Family

Respondents were asked to state how women in their views were regarded in their families. It was established that women in the traditional Nandi community were regarded as very important. Hence a woman was always protected and guarded against any aggression.

The elderly informants conceded that a woman was a sign of blessing to the husband and family. A woman was highly respected because she is the source of life and she perpetuates the continuity of a family lineage. Because of this, they were well fed before and after child birth so as to be strong and healthy as they bore children to the family. Consequently, women in the Nandi culture were referred to by married men as *lagokchukchu* to mean my children. This concept implied that women needed to be protected and respected since they are the source of children. In this sense therefore,

women were highly dignified since they are the bearers of life. For example, a special key informant remarked:

‘When a man goes to a neighbour where there is food, he requests to be given a little to take to his ‘children’ *lagok*...this is to mean the food is meant for his wife with or without children. Likewise a woman can request to be given some food saying that my ‘children’ are starving whereas she could be referring to her husband.’

From this finding the concept of *lagok* ‘children’ was culturally correct in the typical Nandi community and no one would take an offense when referred to as my children since it was said in good spirit. In the contemporary Nandi community, women feel belittled to an intellectual capacity of a real child which in itself is offensive. This confirms Maseno and Kasomo (2011) that women feel oppressed and discriminated against due to their gender which reduces their ability to make choices about their lives.

Over time, due to poor information communication on cultural values, the contemporary Nandi women have had a misconception about themselves as holding a second position in the home after their husbands contrary to Nandi men’s view towards them as shown by one of the special key informants’ findings. This confirms several findings of information provisions in that when information is not packaged properly and disseminated through a right information channel to the recipient, the intended meaning to the recipient gets distorted on the way, hence causing a lot of misinterpretation regarding women’s human rights which were held by Nandi culture.

A woman in a family setup was considered to be very important as reported by special key informants because no major decisions would be made by husbands or men in the community without consulting either their wives and/or elderly women who after

attaining certain age for example above seventy years old, and having been found to have good morals in the society, she would be allowed to attend males functions such as circumcision and or major decision making meetings meant for men where she could be consulted in certain issues before any action was taken. It is important to note that those women must have passed child bearing age and those childless would also be promoted to join men in decision making on behalf of other women. These findings, contradicts some reviewed literature which try to give a general impression that women in daily interactions are portrayed in society negatively where they stated that they are branded ‘trouble-makers, quarrelsome, irrational.....’ as indicated by Kasomo and Maseno (2011) are never trusted by men; consequently, they were never told any men’s secrets where they cited a case of Kipsigis community and gave a saying ‘*Mokiborsechin kwony ng’olyon nebo ungoot*’ that is translated as ‘Do not tell a woman secrets’. This shows the diversity of cultures. If this is true for all women, perhaps that was the reason for Nandi community to be vetting which elderly woman would be allowed to attend men’s decision making meetings.

In addition, a woman in the traditional Nandi community was seen as a sign of *kalyet* peace. For example, when two men would fight, a woman would untie her birth belt (*legetiet*) and place on the ground between the two conflicting parties. None of the parties would cross over the (*legetiet*) and hence the fighting must stop since this was a taboo and going against it was believed to attract a curse as reported by the special key informants. On the same note, a Nandi woman was not allowed to touch weapons in case ‘*kikorumchi*’ bearing blood guilt because this would bring generational curses to the Nandi community. These findings imply that a Nandi woman was highly respected for her healthy reproductive role in the community and she was expected to

always observe 'cleanliness and holiness' to be able to bear children who are free of blood guilt or curses. However, in the contemporary Nandi community, there is power struggle in that women have taken feminist approach due to lack of sufficient cultural knowledge on gender roles.

A woman was also seen as the manager of home affairs *korogo* meaning responsible over the home *gaa* where she was expected to perform most household duties for example cooking, rearing children, farming, store keeping, fetching domestic water, and cleanliness. In addition, among the Nandi community, a mother is traditionally referred to as *korge* by her own children to imply that these children are her own image, self or product. Therefore, *korge* was a respectful term for a mother. However, the concept of *korogo* which had a good motive has currently been misused by many people to insult a woman by referring to her as *korget* which is abusive and culturally unacceptable. Consequently, the contemporary Nandi community has failed to attach the intended meaning to the concept *korogo* implying that there is a barrier in the cultural information flow which in the communication model is termed as noise element, hence has contributed to the distortion of the intended message.

A woman was regarded highly within the family setup of the Nandi community, because she was the custodian of children up to a certain age and was the main teacher to both her children and any other since children belonged to the entire community. No wonder they would be discipline by any elderly person in case they made mistakes. In the traditional Nandi community, mothers had the primary responsibility of teaching children certain moral standards of behaviour during socialization. In general, children were taught what was expected of them at various

stages of their lives. They were taught the community's customs, values and norms that accompany these roles. One of the special key informants remarked:

‘Among the traditional Nandi, boys and girls of between 8-15 years would go to their ‘elderly mothers’ not necessarily biological, households for sleeping (*kikibendi ruon*) where they would play games such as *kipnees* and tell stories, riddles and proverbs which were used to impart morals and cultural values in them. During the games of *kipnees* there was gender balance as advocated by the elderly mother during competition. Other practices that promoted gender included both uninitiated boys and girls would sleep together in *sigiroino*, cottage separate from the main house where they would interact freely but observed the taboo of sexual contact. Also both boys and girls would bath from the same place in a river thus showing that there was no gender discrimination.’

A woman in the Nandi community was regarded important because after giving birth to a child, she was expected to rest and feed her newborn for a period not less than six months without doing anything else completely. This would enable her regain her lost strength to be ready to undertake her domestic chores later. During this time also she was fed with adequate food which was quite balanced. She also observed postpartum taboos such as not engaging in sexual contact with her husband until the child attains a particular age; two years. The implication is that; traditionally, the Nandi community had a good family planning programme and a woman would get sufficient rest as well as regain good health after a few days to perform a ceremony called the raising of the sun *king'etu asis* in which the husband would give a sheep to be slaughtered while community women would contribute other food stuffs like millet (*bai*), milk, and could fetch and bring firewood and special sticks for preparing gourds (*itoik*) which were used to keep milk. During this ceremony, women from the community would come together to prepare food and feast in celebration of the newborn baby. At this point, the mother to the newborn was not allowed to perform any duty apart from the baby rearing. This in a way promoted the right to association. The next ceremony was *kituumi* to mean that the mother of the new born would go to

the river and wash her hands to cleanse herself from baby's dirt (*keerek*) by using cow dung, sand and the leaves of a special tree used as soap (*chemanjililiet*). This finding confirms that the women would observe the right to cleanliness. After this kind of cleaning, the mother to the newborn would hold a stick horizontally on both hands to avoid dirt on her body and clothing. The traditional Nandi women who practiced this never saw it as a punishment since they loved to observe cleanliness as they taught during informal education that was taught during the rite of passage ceremony. Although the concept behind this action has been misconceived by many who never understood the spirit behind this act where many women in the contemporary society see it as oppression, one female special key informants remarked:

‘When I see the way young women handles things in their houses this days especially cooking and handling children without proper cleanliness of hands I don’t feel like eating those foods. During our days we observed cleanliness especially when it came to handling our husbands’ food because that was highly emphasized during their informal training of passage of right. Today’s women are very dirty and they are feeding their husbands with *kerreek* which is not good at all.’

In the traditional Nandi community a woman would not be allowed to freely move out of her homestead by herself unless in the company of men and other women since it was not safe for her. The implication is that the Nandi men were expected to provide protection to women. While a woman was in the company of a man as they went out, a woman was always expected to keep left as reported by a special key informant. The reasons established were two. While women were tying their skin cloth *kiboet* they would tie a nod on top of the shoulder and in case of a strong wind, it would lift the skin and render a woman naked hence denying her the right to privacy to the private parts of her body. On the other hand a man would normally tie his skin clothe on the right shoulder. If a strong wind blew it would still be safe for him. The second reason given regarding the left position of a woman was that men would always carry weapons using the right hand and; therefore, it would not be safe for a woman to walk

on that side since she could easily be hurt in case of a danger which call for an urgent attention.

Women had a right to leisure and rest in a typical Nandi culture after completing their daily household chores. No wonder Nandi women were taught to be waking up very early in the morning to perform their household in order to complete all roles to be performed early enough. Among the leisure activities that Nandi women would be involved in include making their hair '*kemarsumek*' and/or prepare gourds, decorating and oiling gourds using some oil extracted from seeds of castor oil (*imaniat*), scouring gourds using special sticks *itoik* and charcoal for milk storage. During rest and leisure time, women would teach young girls how to prepare and store sour milk for different people in the family. Milk was stored in different gourds for the husband, visitors and children and women were taught to obey that principle as reported by informants who notes that this is no longer practiced by the contemporary Nandi women.

The informants observed that the roles expected of a woman included domestic chores such as milking cows, cooking, and cleanliness and fetching water for domestic use in the home, herbalist were expected to have basic knowledge of herbs like '*busaruk*', powder from burnt barks and leaves of certain medicinal plants and herbal drinks for her children and family members for first aid.

A married woman was regarded as a full member of the family that married her hence the saying '*lakwetab oret age netun wendi oret age*' that she belongs to certain clan but she is expected to be married to a different clan. This finding; therefore, implies that the traditional Nandi practised the rules of exogamy. Her parental identity would

be completely buried and she would have a new identity from her husband's lineage. A further saying to support this was that a woman did not belong to any clan or age group, '*matinyei boror, ametinyei iibin chepyoso*'.

The elderly group conceded that a woman was seen as a sign of change, where she would change the status of a man from a bachelorhood '*kipsongoiyat*' to a married man '*manong'otio*'. Hence, a woman was expected to change a status of a home especially for the poor through hard work. A woman was not allowed to own property or resource but to be a custodian of almost everything such as children, animals for example cows, farm implements and weapons (though not allowed to touch).

Among the Nandi, a woman has a right to own a sheep given as bride price '*kanyiook*' of her daughter known as '*chepng'abai*'. This is attributed to her motherhood and needs to be rewarded. In this sense she was not allowed to be proud of owning anything such as saying '*tennyu*' (my cow) instead she would say '*tuukchok*' our cows. This manifests the sense of togetherness as a family even in terms of resource ownership. Traditionally a woman was apportioned a space '*biutaptuga*' to cultivate for a kitchen garden but she could not own it. She was limited to access and usage of that particular piece of land. However, this finding contradicts the new human rights provision in the new Kenya Constitution under the protection of right to property in Article (40) (1) every person has the right, either individually or in association with others, to acquire and own property — (a) of any description; and (b) in any part of Kenya. The provisions of property ownership in the new constitution protect and empower women to work hard and acquire resources.

Among the Nandi no children belonged to a woman; they belonged to her husband and/or her own family for example '*Arap agui*' or '*Arap kogo*'.

A child was believed to belong to the senior generations of a particular family. A special key informant remarked:

'When there is a conflict between a husband and wife, she would go out of her household and may end up staying away for so many years then she might come back with children born out of marriage. These children are culturally considered legitimate children of her husband upon her return to her family. These children would be treated equally like the others born within marriage. Thus Nandi culture was permissive to accommodate all children.'

It is imperative that Nandi culture was protective of all children even those born out of illegitimate relationships. However, the current situation reveals that many children may be born out of marriage are not protected and hence the cases of street children are very rampant.

5.2.2 Nandi Community Perception on Women

Respondents were further asked to state how women were regarded by the society. All respondents said women were viewed as important by the society citing a number of reasons. A woman was second in place but played an important role in decision making whereby in case men were expected to make difficult decisions in the Nandi community. For example, if they were requested to give something, a cow, men would request their male counterparts to give them a chance to go home and think about it '*ngaipkalipkaa*'. In most cases, they would go and consult with their wives since men respected their wives and did not want to hurt them by doing something that would hurt them.

The cultural concept of '*ngipkorwoch muii*' was used when a man was to make difficult decisions touching on personal issues. The Nandi man did not believe in making hasty wrong decisions, but believed in making right decisions.

Culturally this was strength because in many instances men would not utter a word before putting into consideration several factors and repercussions; what would happen if a certain decision was made.

The current generation has misinterpreted the cultural concept of '*ngipkorwoch muii*' to mean that Nandi men are slow in decision making which is the same perception from other communities. These findings confirm other related studies on making the best decision out of much available alternative information. These findings also support sense-making theory which requires a person to discern over time key factors such as beliefs, cultures, norms, relationships, values among others within everyday life as observed by Weick (1969).

Culturally, women were not allowed to speak while standing and/or directly looking into men's eyes. A woman was expected to keep left always '*makiatali muren*' reason being that they would easily be identified since it was a rule to avoid attacking them since they were feminists hence harmless.

Men being masculine were always to keep right so as to be able to protect a woman in case of attacks. A man was always to be in a position that makes him ready to attack an enemy without being hindered by a woman. This implies that women had the right to protection or security.

Women were regarded important because no man was allowed to interfere with their privacy. Among the Nandi, there were places that were a taboo for men to go such as '*injoor*' that is back room where women would seat and relax freely without any fear that men could go. This is where they could chat with their fellow women. *Injoor* was also a place where respected visitors such as son-in-law (*saanik*) would come through.

In addition, it was observed that *injoor* was a place where the sheep would be kept. Other places set for women were '*lengu*' where milk was kept. No man had a right to this place at all. Bathing places for men and women were separate and those places were known by both sexes. So no man was expected to go near those places for women and vice versa. It was also established that a Nandi man would make some sound (*koras/komarian*) before he enters into his household. This was meant to alert the family members that he has arrived and so things should be put in order so as to avoid any conflicts within the family.

The Nandi would always try to avoid family or community conflicts. On the contrary, the contemporary Nandi men lack proper cultural teaching on how to avoid and manage conflicts hence the cause of intra-community and inter-community conflicts experienced today.

Women were regarded important in that they were expected not only to attend female circumcision ceremonies but were to attend men's circumcision so as perform oil anointing ceremony '*koil lagok*' and they were to do cooking and to stitch '*kiboet*' cloths made from animal skin for '*tarusiek*' (initiates). A woman played the role of children training for both boys and girls that is before boys would be released to be trained by men and girls before they got married.

A woman was expected to bear children (progeny) for the family that married her. Those women who bore boys were highly respected than those who bore girls only. Sons are believed to perpetuate family lineage and can inherit property from their parents. Those women who had undergone circumcision were treated as adults and those who had not was still treated as young girls not ready for marriage.

Therefore, circumcision played a key role in socialization of girls to be responsible wives, respect their husbands, hospitality and hardworking. It is during the seclusion period that female initiates are trained on their roles.

5.3 Traditional Channels of Communication

The study revealed that there were traditional forms of communication among the Nandi. The main channel of communication in the traditional Nandi was through oral traditions such as songs, riddles, proverbs, folktales, sayings and games. The key informants reported that the Nandi men would always share and exchange ideas outside the household under a tree referred to as *kook*. The women were not allowed to sit with men in *kok* because their place is oriented within the household.

It was established that the Nandi men would drink local brew when they are resting and as a leisure activity. One of the male key informant remarked, '*makieechin maiyo met, kiechin moo*'. This is to mean that the beer was not supposed to cause psychological destruction that can cause conflicts to individuals and community. During seclusion period in male circumcision, the initiates are taught by elders on the Nandi community's culture, norms, values, ideas, knowledge and sanctions. In addition, the key informants contended that a road junction '*orap too*' was a very important channel of communication in the traditional Nandi where people from

different directions of the road (East, South, West and North) would meet and rest as they exchange new information.

On the other hand, the Nandi women were taught on community's culture, norms, value, sanctions, knowledge, ideas and morals during female circumcision ceremony. This kind of cultural information was passed by the elderly women in the community. Before girls were initiated, they would go to every house without discrimination (*kimakekele chi*) singing and dancing (*kosach kipkurkuroik*) communicating to other people that they are ready for circumcision on that particular day. After the announcement of circumcision, many suitors would come after some days to the home through the rear gate (*injoor*) as they carried *senendet* (a green plant with milk-like substances) which was used to signify a ceremony. Among the many suitors only one who is kind, good, generous, hardworking, and indiscriminate (*libwop*) was accepted. If the initiate, (*tarusiot*) in seclusion hut (*suum*) accepts the mentioned suitor, then she offers some ghee made from milk cream (*koranet*). The suitors who did not succeed to win the initiate were encouraged with kind words such as *akwai let kapmasha*; there are other sisters to the initiate who can be potential wives. The implication is that the Nandi were good people and did not believe in hurting others. During seclusion (*suum*), the initiates are taught on the expected roles and responsibilities such as how to rear children, take care of the husband, cooking, cleanliness, farming, milking, and fetching firewood and water among others. After a period of two years of seclusion, the initiate is ready for marriage and is given new name by her prospective mother in-law. Such names would be given depending on the personality traits of the initiate such as Kobot Chesrom, Kobot Agui, Tabkili, Tabarno, Tabutany, Chepng'erechi and Tapnyolei among others.

Nandi women were also expected to make different cries in or raise alarm as a form of communication. One of the alarms raised by women is ‘*uuuu...iiii...uuuu...iii, oawen nebo ng’otwo*’ to mean that a very dangerous wild animal such as lion, leopard or hyena. When an enemy has encroached into the community, the women are expected to make a cry for men to respond such as ‘*uuuu...iii.uuuu...iii kakobok*’. In case of theft in the community, the women would be expected to make a cry ‘*uuuu...iii.uuuu...iii orat oratinwek tugul*’. The men are expected to keep vigil so as to catch the thieves who might have stolen cows. When the men succeed to seize the stolen cows, they communicate to the women to stop making alarms by singing ‘*kakoseryiet...kakoseryiet...*’ that the thieves have been dispersed. It was further noted that when Nandi went for war, they were organized in terms of clan (*bororiet*) battalions so as to easily identify the missing members after the war.

5.3.1 Cultural Beliefs and Customs and Relevance to the Modern Society

Respondents were asked to state cultural beliefs and customs regarding women which they had stated earlier on which in their views are still relevant in our modern society.

The following answers were given;

- Custodian of children because the mother naturally is tender and gentle towards women as opposed to men
- Women were supposed to rest after child birth and to be fed well in order to recover strength and lost blood. Today’s society the laws provide that women be given maternity leave after childbirth for three months.
- Manager of a home since it is the woman who is still the custodian
- The role of children bearing.

5.4 Roles played by Women in the Nandi Community

Respondents were asked to state the roles that were specifically played by women. The following responses were elicited. Women were expected to bear and rear children. Nandi wives were not only regularly involved in adjudicating disputes between their children but were also frequently consulted over their husbands' and children's marriage arrangements. As mothers, wives and professionals, Nandi women's domestic roles had a profound influence on socio-religious conduct in the family and society. She was expected to perform all domestic chores such as cooking, milking cows, feeding the family, smearing the house and tidying it.

In conflict situations, women have participated actively in peace efforts. They have helped to rebuild family relationships and to restore dignity to those who occupy subordinate positions, particularly the poor and the powerless. Culturally, women are socialized to be relationship-oriented and this process prepares them to be sensitive about the quality of relationships in marriages, families and communities.

In Nandi community, it was established that the survival of the family and the future of marriage depend a great deal on the female population. This is not only because the moral upbringing of young people is at the centre of the female universe, but also because, through their expressive and productive roles, women provide a stable emotional environment that will cushion individuals against the psychological damage of disintegrating relationships. One of the male key informants remarked:

'Providing love and care for family members, teaching people to lead morally upright lives, helping transform oppressive structures and working towards peace and reconciliation are some of the ways through which many African women have contributed and continue to contribute to the moral health of society.'

Key informants observed that among other traditional ethical values, the youth were taught personal discipline, told to exercise a great deal of self-control and shown how to grow up into responsible and productive members of the society. They were also made to learn through proverbs and folktales by older women that as children they are supposed to respect their parents and elders, to take their advice and guidance seriously. They also learnt the adverse consequences of violating such moral values.

5.5 Rights of Women in Nandi Community and in the Modern Society

Respondents were asked to state rights of women according to Nandi customs and cultural beliefs. All the key informants were in agreement that women had a right to circumcision as a rite of passage and in preparation for marriage without which they could still be considered as young girls.

It was during this time that their names were changed from *Jepanuum* such as ‘*Jepchoge*’ to *Tapanuum* for instance ‘*Taparno*’, ‘*Taparbuch*’, among others. During this period, young women were trained on how to work in her house when she will get married, how to take care of her husband. How she will prepare special food for her husband by avoiding ‘*kerek*’ (baby’s dirt) which is believed makes men get old fast. She was also trained on how she would maintain cleanliness in her house.

Women had a right to privacy whereby there were places specifically accessed by women alone such as ‘*lengu*’ a place where milk was kept, ‘*injoor*’ back room, bathing places, and ‘*koima*’. Therefore, men respected this right to privacy by avoiding going to these places.

Right to marriage and bear children was recognized by all women. In the traditional Nandi society, girls who have had children before marriage had difficulties getting young men to marry them. They were often married to older men as junior wives. Adherence to these and other ethical standards, which were part of the society's value system, accounted for the rarity of pre-marital pregnancies and single motherhood in traditional Nandi. Today, these moral standards are being swept away or distorted by the process of modernization resulting in a moral vacuum and the breakdown of family life.

Pre-marital pregnancies and divorce are rampant in the contemporary Nandi community and public perceptions of them have changed drastically. There has also been a proliferation of single mothers. At the same time, most modern Nandi families, including poor single-parent families, are becoming increasingly unable to provide adequate care and support for their members. The result has been premarital pregnancies, child abuse and neglect, increased numbers of street children, prostitution, and a tendency towards marital infidelity. Child abuse was rare in the traditional Nandi community primarily because of the cultural ideology of the kinship based support system.

Right to adequate shelter that is why when she would get married a man would build another house which was partitioned into two main parts known as '*koima*' and '*injoor*' and other smaller apartments such as '*tabut*' and '*lengu*' as required by culture. The same shelter enabled a woman to enjoy her right to privacy. It was established in the modern Nandi society, right to such privacy is no longer observed. Men have access to private places meant for women.

Right to preserve ones culture e.g. through storytelling, songs, teaching children who will teach others. In this sense women were transmitting cultural and moral values to the children and next generations so as to preserve culture. An elderly key informant confirmed;

‘Today, children no longer receive such moral and cultural teachings due to social change and modernization. The school has become the most common socialization agent and parental involvement in moral upbringing is shrinking. The youth do not respect us they believe that they are more exposed and knowledgeable than us...’

Right to adequate food was considered a basic right. Men would go and raid for cows, hunt for animals and honey to bring home where a woman was to be the custodian. Whenever a woman would bear a child, she would be fed well by her family members for a period of four months. Therefore, the family members highly valued the mother and her new born by providing proper nutrition. Right to safe water (the village elders would identify a place of clean drinking and cooking water only and separate springs for bathing and cloth washing.

Right to association was more applicable during cultural activities such circumcision ceremonies (*tumdo*) where women and everybody else were expected to attend, interact and play assigned roles. Due to introduction of western education and Christianity, female circumcision is fading away while the traditional male circumcision is made formal in hospitals where they receive moral teachings from the Holy Bible.

Right to worship where women were involved in worship at ‘*kapkoros*’ shrines by taking sacrifices like grains to a woman who stood in the middle of the river to receive those sacrifices and utter words of blessing over the family where those grains came from. Children were also involved in ferrying those grains to the woman who

would bless them. Although women play a significant role in the moral health of the Nandi families and communities, their participation in traditional Nandi religious rituals is generally subordinate to that of men.

Most Nandi traditional religious rituals are related to procreation. This is based upon the recognition that the survival of the human race depends on its female component. Thus, most rituals pertaining to procreation are performed by women, on women or for women. Outside of the reproductive universe, however, women are often excluded from community rituals, some of which are exclusively reserved for men. It was also noted that a married woman has a right to inherit family property in the event of her husband's death but she is not allowed by customs to sell it. In this case, a widow becomes a custodian of the family's property.

The key informants mentioned the following rights as relevant in the modern society: right to get married and bear children; right to freedom from discrimination; right to education; right to adequate food, leisure and rest; right to privacy; right to opinion (decision) and right to security and protection against bad practices. Respondents were asked to state reasons why they thought those rights are still relevant today.

Regarding right to get married and bear children, respondents stated that women should still enjoy the right to be married and bear children because this was God's plan and that no one else would bear children. An elderly woman argued:

'a woman plays a reproductive role in all human societies...she has got a womb where she carries her pregnancy...and no man would be expected to have a womb to sustain a pregnancy. So we always bless a woman by spitting on her *'keng'utchi'*.

Right to freedom from discrimination in that they are known to play an important role in bringing peace in the family and society. So they should still be respected in

today's generation and not treated as lesser beings. Those women understand the pain of a child as compared to men so even today they should not be discriminated.

Right to education stating that mothers can impart a lot of knowledge to children as they bring them up whereas in the cultural setup mothers were the custodians of children and they were expected to train them to understand the dos and don'ts of both girls and boys as expected by the society. So if we want an educated nation and a nation where people understand their rights and roles as citizens women must enjoy the right to education to be able to impart the same to their children, hence bringing up an educated nation.

Right to adequate food, leisure and rest for a woman is still relevant today because women play an important role of not only bearing and bringing up children but training them. If they must bring up a healthy nation, they must be healthy and strong which becomes possible with a person who will have gotten sufficient time to rest and relaxes and have adequate food.

Right to privacy was mention to still be relevant today for women because they must have human respect as a human being and are prone to rape and sexual abuse if freely exposed to men. Right to opinion (decision) states that women have since time immemorial been involved in decision making except that their decisions were channelled through their husbands since culture did not allow a woman to stand in front of men but decisions were put under consideration, so this right is still relevant so that women's views are heard and considered; culturally, a method known as '*keip kalip gaa*' and '*koruoch mui*'.

Right to security and protection against bad practices was considered still relevant because women are of a weaker sex (feminists) and men are strong (masculine) so the two cannot be left to compete so women must be protected at all times and more so today in a society that is full of social injustices. However, respondents pointed out that the rite of passage which entails female genital mutilation is no longer relevant in the contemporary society.

5.6 Awareness of Modern Human Rights Provision for Women

Respondents were asked to state how they came to know of the modern human rights provision for women. They reported that it was through channels such as church, radio, *barazas*, school and educated friends.

5.6.1 Reliability of stated Sources of Human Rights

Respondents were asked to state the reliability of the stated sources of human rights information. All the informants were in agreement that educated friends were the most reliable source of human rights information. Only one key informant stated school as reliable source while two men indicated radio. Those who stated *barazas* were also two men. From these findings it is imperative that the educated friends should be able to sensitize women on their rights.

The reason for considering radio unreliable is because it is not interactive and uses complex language. Other programmes in the radio are not regular and lead to poor timing. Some women often encountered language barriers when programmes are presented in either English or Kiswahili. For the *barazas*, women are not allowed to attend because they are always held outside the homestead. Another limiting factor

was poor and unreliable announcement of the date of the *barazas* and as a result women remain misinformed. School as a source requires that one is either a student or a teacher so as to be closer to the flow of information on human rights.

5.7 Provision of Women Rights Information to Women in the Nandi Community

Respondents were asked to state how women in their Nandi community were made aware of their entitlement and roles which they were expected to perform in their society. It was established that oral methods such as teaching girls as they grow up were made to know their roles by their mothers, elder sisters, elderly women and aunts. Through story telling by grandmothers '*kikibendi ruon*' sleeping in the grandmother's home, girls were taught on the moral values and expected roles in the society.

During female seclusion (circumcision) which was lasting for a whole year, the female initiates were advised by the mistress of ceremony '*matiryot*' and other women of high moral standards. Fellow women taught themselves especially the age mates. During social gatherings, messages on human rights were passed through songs and tales. The married women were taught by their mothers-in-law on their roles and rights within their matrimonial homes.

5.8 Effectiveness of Channels of Human Rights Information

Respondents' views were sought so as to establish the effectiveness of those channels of information to women by both family and society. All said that the methods were effective. In fact one respondent remarked that:

'during our time there was a lot of respect, children did not belong to a particular family, they belonged to the society and it was the responsibility of every adult to impart knowledge and discipline to the young ones that is

why there were less conflicts in the families and the societies as compared to today's generation.'

The methods used were practical since the language used was understood by all (vernacular) not as complex as today's language. The methods of communication have worked for years and order was seen in the society unlike today where nothing seems clear to anyone.

5.8.1 Improving today's Women Access to Human Rights

Respondents' opinion was sought as to what should be done to enable today's women to access and enjoy their human rights in today's society. They argued that women should be given education without discrimination. They also contended that women should be allowed to attend chiefs' *barazas*. One respondent remarked:

'but women should not take advantage to waste a lot of time making household chores to suffer, they should make sure they return home early enough to come and prepare food for the family in good time. She further states that young women of today do not respect their husbands and that is not good.'

They suggested that women should be given job opportunities remarking that:

'during our time women were to do domestic chores and men were to search for family provision but today life is so hard and everything is quite expensive hence one is not able to meet all family needs.'

They felt that women should be allowed to access loans and other financial facilities. Those women who are single should be supported by the family to utilize some part of her parent's farm to enable her support her children. One respondent (a woman) remarked that: '...whom will she run to if no husband is forthcoming...' It is imperative to support single women for them to also enjoy human rights.

5.9 Comparison of Nandi Cultural Rights to Women and Modern Human Rights

Provisions for Women

Respondents were requested to do a comparison of women's rights customarily and women modern human rights as viewed by them. One (20%) of the informants said all provisions she is aware of are good while four (80%) stated that some of the human rights provisions for women which they were aware of were fairly good.

When respondents were requested to explain the reasons for their responses, among those who stated that some Women Rights were fairly good gave explanations, like that they have promoted the status of women. They cited education for all and employment for women that has improved the economic status for women in the family and reduced dependency level of women on men. Has promoted the standards of living in the community and saved the girl child against abuse through (FGM) and reduced cases of early marriages.

A woman was seen as a worker that was needed to assist her husband for example, during ploughing season, a woman was expected to assist her husband to hold an ox plough '*jembe*' '*mogombet*', failure of which could lead to a beating together with the oxen. One of the informants remarked:

'today's women have a very good time, they do not perform a lot of work like us, instead their husbands employ maids for them hence, giving women a chance to have leisure and rest.'

Some rights caused conflicts in the family and; therefore, were disregarded. In some instances, women are incorrigible and others have divorced because of the demand for some of the human rights. This has caused family disintegration. Some of these rights are against the good culture that existed in the society hence causing conflicts of interests.

5.10 Cultural Beliefs that Hinder Women's Access and Implementation of their Human Rights Information

Respondents were asked to state how the stated cultural beliefs about women hinder women today from accessing human rights. Culture didn't allow women to go out of their homesteads due to security reasons and as a result they could not interact with other people freely to share new ideas.

Women are not expected by their men to attend a common *baraza* with women, hence fail to know several things touching on their lives. The Nandi community is patriarchal and; therefore, women are expected to be submissive and subservient to men. Men control significant assets and resources such as land, money, information resources for example radios and TVs which seem to be men's assets, so women do not get to learn a lot of things touching on their lives through such media. Women do not access relevant information to enable them have control over their own lives hence this finding confirms (Koech, 2010) that Nandi women are clearly subservient to men and the natural pattern is for men to dominate.

In an attempt to apply their human rights in the modern society, cultural values hinder women from exercising their rights.

Women are seen as assets and not human beings hence deserving no other human right except basic rights. When an elderly man or husband was talking to a woman, she was expected to keep quiet, and not allowed to look straight to a man's eye thus denying a woman the right to expression and speech, hence not expected to make any tangible decisions.

Although the Nandi culture allows a widow to inherit and utilize family property, she is not permitted to exchange it for something better in case of a need thus denying a woman the right to fully utilize such property. Women were not allowed to move out of their compound without the knowledge of her husband '*korgo*', the same still expected of today's women which hinders them from attending meetings relevant to them such as *barazas*.

Some cultural restrictions make men feel superior; therefore, causing women to fear to challenge them as they demand for their rights. The same feelings are still embedded in women's hearts making them quiet even if their rights are being infringed in today's society. Women's views were not easily accepted by men but would be put under consideration in case men's decisions fail. A woman could not eat together with her husband but could be allowed to eat whatever the husband has left over. Some women today still deny themselves the best food since they believe that priority goes to their husbands, hence denying themselves the right to adequate food.

Even when government officers are preaching of change, due to lots of exposure to modern human rights, some women still fear to exercise their rights and they cry in the night but in the morning they wipe off their tears and resume business as usual due to fear to reveal what they go through '*kiamdoi asis ama kiamdoi korin*'.

Rejection in the society lowers women's self esteem especially for single ones who need to be supported in order for them to enjoy human rights. Rigidity among some cultural beliefs is harsh to women making them feel unwanted. No one believes in women acquiring and owning property especially land. Some of the cultural practices

confine women to some practices such as early marriages, Female Genital Mutilation, hence barring them from important modern practices such as going to school to acquire education. The issue of wife inheritance in the Nandi community hinders women from exercising their right to choose whom to marry.

Respondents were asked to state any laws which they were aware of that protect women and enhance their human rights. Notably, some of the key informants (20%) had no idea of such laws. Others stated motivation, Children's Protection Act, the Women Rights Act, property inheritance by the next of kin, laws on equality, laws of preventing FGM and early marriage, laws that empower freedom of expression by women, the affirmative action where 30% of government appointments have to be slotted for women and freedom of movement and association.

Respondents were asked to state how the existing laws, which they were aware of, have helped them as they apply their rights. They reported that the laws have helped them interact with others without fear and share important ideas. These laws have enabled women to be self-reliant and make informed decisions. Women are now aware of discrimination against their gender and can stand to fight social injustices. Some women have been able to acquire and own property because there are existing laws that protect their rights.

5.11 Summary

The advancement of rural women has been affected by lack of access to vital information that relates to their rights. The condition and prospects for the achievement of rural women's development, equality and human rights still remain a challenge.

CHAPTER SIX

POLICY ISSUES IN PROVISION OF HUMAN RIGHTS INFORMATION TO RURAL WOMEN IN NANDI SOUTH DISTRICT

6.1 Introduction

This chapter as was introduced in chapter four is one of the complementary chapters. The chapter presents data obtained from relevant government officers (key informants) from Nandi South district. It is divided into six sections. Section (I) provides the respondents' background information. Variables such as the name of the ministry, department, gender, position of the respondent in that ministry/department and the role the ministry plays in promoting women's human rights have all been discussed under this section. Section (II) analyses respondents' data on their views and opinions on the extent of human rights awareness by rural women in Nandi South district. Section (III) analyses data on information sources, services and systems and channels used to provide women with human rights information in the district. Section (IV) provides an analysis of the existing policies and legal frameworks which have been developed by the ministry to enhance women human rights provision and implementation. Section (V) analyses the problems experienced in disseminating and implementing women human right provisions in the district. Finally, section (VI) analyses respondents' data on suggestions and proposed recommendations for improvement.

6.2 Characteristics of Respondents (Government Officers)

Out of 25 key informants from the government officers who were earmarked for the interview, only 18 were eventually interviewed.

Of the 18 (100%) officers interviewed in Nandi South district, 1 (5.6%) came from the Ministry of Gender, Children and Social Development; 2 (11.1%) came from the Ministry of Education; two 2 (11.1%) came from the Ministry of Medical Services; and 13 (72.2%) from the Ministry of State for Internal Security and Provincial Administration i.e. the District Commissioner (1), District Officer (2), Chiefs (5) and 5 Assistant Chiefs.

6.2.1 Distribution of Respondents by Gender

Out of the 18 government officers interviewed, 3 (16.7%) were females and 15 (83.3%) were males. From the figures in table 15, the 3 females interviewed each was from the Ministry of Gender, Children and Social Development, Ministry of Medical Services and Ministry of State for Internal Security and Provincial Administration respectively. These findings confirm the male domination in governance and leadership positions.

6.3 Human Rights Awareness

These key informants (government officers) were asked their views on whether rural women were aware of their human rights provisions. The following responses were elicited. Fourteen (77.8%) said all are aware, 4 (22.2%) said some are aware and zero (0%) said none is aware. Respondents were further probed to explain their responses. The 14 (77.8%) who said all are aware gave the reasons that they sensitize women in various forums such as during visits to clinics and checkups, chiefs' *barazas*, public forums where NGOs are invited to facilitate talks, house to house visits and use of public notices. The 4(22.2%) who responded that some are aware said that not all women attend clinics, public forums such as *barazas*, nor read.

Informants were asked to state why they think it is important to create human rights awareness to rural women in Nandi South district. Out of the key informants that were contacted for this study, 70% were in agreement that creation of human rights would make women aware of their roles and rights so that they can be able to make informed decisions. In addition, they argued that under the traditional family system, Nandi women played a key role in teaching children social, ethical and moral values which were part of the cultural standards for evaluating 'proper' behaviour. In the same way, women will be able to transmit knowledge on human rights to children and other family members.

Key informants observed that women are effective agents of change in the community and that they play a key role in the management of resources at the family level. With information on human rights, women can know where and how to access and utilize human rights information in a particular context. Human rights awareness enables women to get and assert information concerning gender equity and equality so as to empower and enlighten women participation in development issues within the household and in the community. Sensitizing and mobilizing women (26%) for a democratic governance and embrace social values for economic growth and poverty eradication.

Women sensitization on human rights will enlighten them on matters pertaining their safety or security. Women need protection as one of the needs as propounded by Maslow's Hierarchy of needs. When women are enlightened on human rights issues, they can be able to improve women and children's health.

6.3.1 Role of Ministry in Promoting Human Rights Information to Women

The respondents were asked to state the role that their ministry/department plays in promoting human rights information to women.

6.3.1.1 Office of the President/Department of Provincial Administration

The key informants in this section presented their role as:

- Creating awareness in public *barazas* to all men and women to know their rights
- Co-ordinate the concerned ministries
- Monitor the progress of dissemination of information
- Disseminate some information to women on Human Rights
- Implement government policies
- Protect women from discrimination
- Sensitizing women to know their rights
- To oversee that their 30% is provided
- Consideration to equal rights to all
- That gender is considered in whichever body that is formed
- Through the ministry gender issues have been introduced
- Through *barazas* the ministry sensitizes gender issues and promotes HRs in women democracy
- Promote the girl child education
- Disseminate information concerning economic community development
- Providing equal job opportunities

- Empowering women
- Gender equity and equality
- Advocate for gender and lobby affirmative action
- Organizing *barazas*
- Giving them informal education through seminars
- Reduction of domestic violence by processing legal action against the offender
- Both men and women to have equal rights for example gender equity in education
- Arrest those who violate women rights

6.3.1.2 Office of the President/Department of Internal Security

Roles stated by the key informants included:

- Deals with cases of women and children such as defilement of children under ten years
- Deals with rape cases for adults that is over eighteen years
- Deals with assault cases for example beaten by husband
- Cases of young women cohabitating with men who promise to marry them and have stayed and had children with them and chased way with children or men leaving them and leaving them alone to suffer with children with no one providing them with food.

6.3.1.3 Ministry of Education

- Hold awareness meeting informing women on how to care for children by providing basic needs e.g. medical, shelter, food, clothing and education
- Sensitize to support the programme and to provide the ready facilities for example, classroom, laboratory, pay for the teacher and purchasing land
- Provide education to both girl and boy child
- Sensitize community on gender issues
- Conducting inset for teachers, SMCs AND BOGs
- Community mobilization
- It protects and enforces child rights
- Give women a firsthand informal education which integrates rural health and family planning
- Targeting women through women groups e.g. use groups to get self assistance to others
- Encourage them to start women class since they became more active when they are alone
- Aim to enrol and educate women especially on basic human rights for example to know income for tea, business (basic mathematics)
- Availing information to various stakeholders for dissemination.

6.3.1.4. Department of Public Health and Sanitation

- Involved in health promotion protection and preventing diseases to prolong life
- Women are involved and required to participate in the behaviour change to safeguard their health and the community at large.

6.3.1.5 Ministry of Gender, Children and Social Development

6.3.1.5.1 Department of Children Services

- Inform women about their rights, to stay and inherit husbands property
- Inform them on where to solve their problems for example the chief
- Summon the parents and listen to both views and warn children's rights
- Give stern warning and grant them a period of time to sort out their problem
- Give both parents conditions

6.4 Sources, Services and Systems existing in Nandi south District

Respondents were asked to state information sources, service and systems which are in place to disseminate human rights information to rural women in Nandi South district. Local leadership has been spearheading dissemination of human rights information. Local leaders such as chiefs, village elders have held *barazas* to disseminate human rights information to women. Women self help groups are women's initiatives that need to register with the Ministry of Social Services in order to access credit facilities and to improve their economic status and productivity. Women groups were reported as avenues through which human rights information can be disseminated properly to women. There has been advocacy for organized women groups, congregation, special meetings and fora to educate women on their rights. Government offices should also educate or advice women on their roles and human rights.

Dissemination of human rights information has been done through channels such as during the day of the African Child which celebrated every 16th June of every year, posters, billboards, school annual general meetings, school education and District education day, circulars, Local media such as radio, school management committees and Board of Governors meetings, school libraries, videos during workshops and seminars, churches, outreach clinic services, institutions and organizations like KNHRC, NGOs and experience.

6.4.1 Effectiveness of the existing Sources and Channels of Disseminating Human Rights Information

The key informants were asked to rate the effectiveness of the existing sources and channels of disseminating human rights information. Only 1 (5.6%) of the key informants indicated the sources and channels as very effective. Whereas 15 (83.3%) stated 'effective' and 2 (11.1%) indicated 'not effective'. The implication from these findings is that the existing sources and channels of disseminating human rights information are generally effective in Nandi district. However, a small percentage of rural women can access and utilize these sources and channels.

Notably, the one department that said the channels used were very effective were the provincial administration who stated that their department was organized in such a way that information could easily flow from the highest office to the lowest office which are situated in rural area where women can easily access information and has got feedback component which is effected through mandatory verbal and written reports to the superiors through the current performance contract requirement.

6.5 Legal Framework and Strategies Developed by the Government to Enhance the Provision and Implementation of Human Right Issues to Rural Women

6.5.1 Policies to address Women's Human Rights

The key informants were asked to state the policies have been formulated and developed in their ministry/department to address women human rights issues.

Among the policies mentioned are:

- Equal rights for women
- Provided with equal education
- Participate in development equally with men
- Discrimination of women in *barazas* has been discouraged
- Provision to secure protection of law
- Providing women with participation in governance
- Gender equality, equity and gender sensitization
- Education and training against Female Genital Mutilation
- Equal opportunities in role performed e.g. chief, District Officers, Doctors, etc.
- Arresting all those found harassing women
- Enabling woman to own property
- Free primary education is a must
- Security (law and order to everybody)
- Right of women to serve according to their standard of education
- Reduction of domestic violence
- 1/3 representation in all committees formed

- To build capacities of communities so that as they perform this roles they are assured of what they require
- Encourages programmes in the community to do business
- Bursary awards to girls than boys
- Taking action on early marriages case
- Not aware of any
- Policy guidelines on family planning (reproductive health)
- Primary health care programmes in which all elements i.e. health education, safe water, nutrition and child welfare are structured to involve women
- Children acts
- Education act
- United nation convention on the right of the child
- African charter
- Equal rights on employment and social opportunities

6.5.2 Legal Framework for enhancing Provision of Human Rights to Rural

Women

Key informants were asked to state the legal framework that has been put in place by their ministry to enhance the provision of human rights information to rural women in Kenya and they made the following observations:

- No gender based violence such as wife battering
- No discrimination and equal education

- Rape cases have no place and call for stiff court penalties e.g. long sentences, life imprisonment
- The law of the children contains everything, sexual offenses act of 2006
- The marriage act which is still under review
- 1/3 required in committees
- Right of choice if breached women can seek legal redress
- Advising clients on gender violence and available options
- Children's Act
- Teachers Service Commission Act
- Education Act
- Employment Act
- Criminal procedure code
- Evidence Act
- Penal Code
- Defilement and rape case act
- Public Ethics Act
- Sexual Offence Act
- Discouragement of FGM
- Gender balance in all activities within the community
- Gender balance in employment
- Involving administration police
- In implementation of the police
- Know your right, claim and enjoy fair justice
- Administration of justice and the rule of law

- Empowering and independence of FIDA and other legal institutions
- Sensitizing of the community on the Kenya constitution especially Chapter Five which covers the protection of fundamental rights and freedoms of people
- Allowing gender balance participation
- Allowing rights to acquire and own property
- Good health for all
- Government ensures all are served
- All human rights are equally protected for female and male
- Constitutional rights

6.5.3 Specific Strategies in Provision of Human Rights Information to Rural

Women

Informants were asked to give specific strategies which their ministry has in place to ease the provision of human rights information to rural women and to enhance human rights implementation in the district. They provided the following responses:

- Provision of incentives where possible e.g. outreach services and follow up
- Acknowledging changes ,support supervision
- Youth polytechnic for further skills
- The district has launched a tertiary institution for the women
- Having men involved in reproductive health issues so that women can access services freely
- Affirmative action at all levels i.e. recruitment of teachers
- Outreach for immunization
- Networking with relevant bodies and field officers

- Gender consideration in all aspect of education issues
- Allowing participatory interaction with women
- Encouraging women to do business
- Having *barazas* with women
- Educate women groups who disseminate the information to other women
- Including women in development project committees
- Empowering women
- Expressing government policies to women about their rights
- Gender consideration in opportunity or electing development project committees
- Working with religious leaders
- Implementing human rights among women
- Address factors that undermine women's dignity
- Create organization where women can present their grievances and make free independent right
- Have functional government policy to address women rights
- Allowing women participation in politics and administration for example D.C MPs
- Allowing gender balance in women
- Touring other areas to enlighten women about their rights
- Give them leadership roles in their communities

6.5.4 Future Plans and Strategies to improve Provision of Human Rights for Rural Women

The informants were asked to state future plans and strategies in their ministry which have been put in place to improve the provision of human rights information to rural women in the Nandi South District and to ease implementation by both groups. Below are their responses:

6.5.4.1 Provincial Administration in the Office of the President

- Law experts to provide or avail women with legal rights
- Recognizing women in higher position
- Eradication of unlawful customary practices for example FGM
- Provision of equal job opportunities for all
- Ensuring that girl child attend school so that in future they can secure job opportunities in future
- Reduction of domestic violence which will ensure a stable family hence a peaceful nation
- Policies on women security have been developed
- Appointing women representatives and providing 30% representation
- Stressing on the education of the girl child
- Plan to invite the organization like FIDA, ECWD to educate women on their rights
- Civic education and sensitization in rural areas
- Provide leadership requisite capacity and safeguard women interest
- Expanding provision of education through building more schools
- Providing guiding, counselling and training centres in the rural areas

- Increasing funding for women groups/organizations
- Take responsibility in the community and enhance the right to education.
- Sensitize people through *barazas* on issues of gender
- Educate women through *Maendeleo Ya Wanawake* meetings
- Liaise with organizations that could help women implement their rights e.g. Nature Kenya Sponsor Women Education
- Encouragement of older women to join adult education classes
- Organize women groups and support them
- Encourage more women to engage in businesses
- Visiting schools and talking to the girl child about their rights

6.5.4.2 Ministry of Gender, Children and Social Development

- Free and compulsory education for all
- Subdivision of large districts to bring services closer to people

6.5.4.3 Ministry of Education

- Ensuring that in PTA, BOG, among others there is the 30% women representation
- Installing rural electrification to allow people in future to access information online (internet)
- Educating children at an early stage to know their rights (in the syllabus)
- The ministry ensures that they prepare teaching and learning materials which have information on human rights

- Involving women in leadership positions and appointment in respect to affirmative action down to the zonal level
- To reach and impart basic literacy to over 7million Kenyans (vision 2030)
- To reach the 5million semi-literate Kenyans for retaining, improving and applying their skills by 2030
- To start a community learning resource centre in every location
- To open adult education classes in every sub-location
- To start adult education classes for different gender and educate each gender on their human rights
- To reduce illiteracy by 95%
- Through affirmative action when it comes to recruitment and bursary disbursement

6.5.4.4 Ministry of Health

- Provide tailored kind of education to specific groups
- Capacity building for women on their human rights through community strategy
- Disseminate information from facilities to opinion leaders and village elders
- Initiate community strategy to effectively address issues from grass root (level 1) to policy making (level 6) and to involve women in a 1/3 representation.

6.5.4.5 Office of the President (Department of internal security)

- It is planning to come and educate officers on the ground on how to improve dissemination of protecting human rights
- Planning to bring all the relevant officers like OCS, OCPD, CID within the district

6.6 Factors That Hinder the Dissemination and Implementation of Human

Rights

They were asked to highlight the challenges that face their ministry/department while trying to disseminate and implement human rights information to rural women in Nandi South district.

It was established that poor accessibility in rural areas due to poor road and communication network hinder dissemination of human rights information to rural women. Rural women find it difficult to travel to the relevant offices to report some kind of social injustices due to lack of money. They would prefer to report the matter to the family or clan elders who are believed to be custodians of culture and able to settle family disputes.

The key informants reported that cultural beliefs about women's subordinate position in the family and community limit their access to human rights information. Illiteracy among the rural women was also observed to have effects on receptiveness and application of human rights information. Due to cultural orientation, most women do not like to be appointed as leaders of a group or committee.

They believe that such positions are preserved for men only since they are the household heads and final decision makers.

Poverty amongst rural women was evident during this study. Most of the rural women do not own property and therefore, they remain dependent on their husbands. Women cannot access credit from a micro-finance institution due to lack of collateral.

Due to lack of freedom of movement and speech, many of the rural women were observed not to attend and actively participate in *barazas*. Rural women are culturally oriented to work within their households. On matters pertaining women's health, it was noted that women need to seek for decisions from their husbands on reproductive health. This implies that women cannot make informed choices concerning their health status.

Strict adherence to absolute taboos and beliefs leads to women's resistance to change. It was established that rural women would be comfortable with their status quo and any introduction of slight change would bring a lot of suspicion.

6.6.1 Obstacles to Access and Implementation of Human Rights Provisions

Key informants gave their opinion on obstacles that face rural women as they attempt to access and implement human rights provisions meant for them.

About 64% of the key informants argued that culture oppresses and subordinates women's efforts to participate in development and access human rights information. The men are known to control property and family resources making a woman dependent on them and cannot make informed decisions about their lives. Therefore,

there is lack of sufficient human rights information to women due to lack of freedom of movement and speech so as to assert or demand for their rights.

Women are economically disempowered and; consequently, they lack of funds to start their own small businesses.

In addition there has been failure by government to take obligations on women human rights issues (23%). Inadequate infrastructural facilities in the rural parts such as good roads, electricity, lack of libraries and documentation centres, hospitals in the newly created Nandi South district hampers dissemination and utilization of human rights information to rural women. The government does not facilitate its staff by providing transport to enable them to go to the rural parts which in turn affects women access to information that should have been delivered by these officers.

6.7 Recommendations by Government Officers

Informants were requested to give suggestions and recommendations to policy makers, implementers and human rights activists who would improve the provision of human rights information and implementation by rural women in the district. The following responses were elicited from respondents from various ministries:

6.7.1 Ministry of Gender, Children and Social Development

- Involve men since they are the major hindrance to women as they attempt to implement their human rights.
- Children should be socialized in such a way that they appreciate their sexes. African culture states that male child is more important than female child, has more rights and lesser rights for a girl child. Makes the boy feel more

protected such that children are socialized equally. This will make them appreciate and no one's rights will be violated. They should be made to understand that there are certain unique roles played by male and female for example child who must be appreciated by all.

- The government should ensure that the existing law is reviewed to ensure they protect women rights since the existing laws are more lenient to violators of law breakers among others.

6.7.2 Office of the President (Internal Security)

- Women should be given all rights like men for instance, land ownership rights
- Officers need to be educated on human rights and law to enable them enforce them
- Forums be created so as to enable police officers especially police women to meet women and educate them on the 'do' and 'don'ts' since they will be understanding laws
- Police should be motivated and well equipped to enable them render a good service to the public to make them not demand for bribes which is quite common in the department.

6.7.3 Office of the President/Provincial Administration

- Free supply of publications containing human rights issues
- Education from NGOs and individuals who crusade for human rights issues
- Special court/division that deals with women human rights issues, that is, human rights violation

- All the girl students to proceed on with their studies without repeating which will change the status of the women dignity
- Civic adult education
- Aid/donations to women
- Moral support for women from male counterparts/government
- Avail legal information on women rights
- NGOs and other bodies should have libraries with relevant materials to capture the concern for women
- Set up legal offices to deal with human rights in the rural areas
- Setup reporting places for occurred accidents to concur with police reporting
- Eradicate outdated community cultures
- Recognition of women in various projects and committees
- Encourage formation of women groups
- The government should provide reading materials and employ experts to teach women on their rights during the seminars women who attend should be facilitated by giving them some money due to poverty
- Introduction of videos and cinemas that focus on human rights
- Government and NGOs to intervene and give financial support to the districts in aid of women
- The government should be democratic in empowering women and giving them full support
- Promote democratic governance characterized by democratic values, social justice, tolerance to diverse ideas, poverty reduction, address gender equality and equity
- Empower women to own property and address affirmative action

- Government to provide more schools in rural areas
- The government should provide real free education where parents are not asked to subsidized
- Government should provide more guiding and counselling centres in rural areas
- Government should provide more social amenities in the rural areas to contain idleness
- Equal treatment for both the boy/girl child to avoid biasness
- To practice gender balance for both men and women

6.7.4 Ministry of Education

- Sensitization of women to take up challenges,
- Men should be sensitized not to deny women chances/opportunities for leadership through women groups and adult classes
- Home visits to teach mothers on their rights
- Facilitate human rights knowledge through local language in radios or TVs
- There is need for rural electrification
- Train more adult education teachers and impart human rights knowledge to be able to disseminate to both genders
- Government to allocate more funds to be used to prepare teaching aid and learning materials
- Provide motorcycles to inspectors to visit to all schools even where roads are impassable
- Women with higher education currently should be appointed to positions of responsibilities as an insight to others and to serve as role models

- Encouraging more participation of women in rural development activities such as tree planting
- Intensifying local programmes on sensitization of human rights
- Identifying personnel to facilitate information on human rights
- There should be inter-sectoral networking in all issues that relate to human rights especially women
- Improve means of transport especially the rural feeder roads
- Promote rural talks especially those involving women groups as an entry point.

6.7.5 Ministry of Public Health and Medical Services

- Strengthening advocacy programmes and involvement of grassroots
- Organizing more sensitization meetings
- Have officers at the lowest level where women can access information on their rights
- Let women venture into an unexploited world and work hard; they should be seen doing something constructive.

6.8 Summary

In conclusion, most of the policy interventions targeting elimination of gender gaps are; however, not consistently documented and they are not informed statistically. Moreover, the status of female population with respect to distributions of opportunities in various economic, social and political dimensions is scantily documented.

CHAPTER SEVEN

DISCUSSIONS OF FINDINGS

7.1 Introduction

This chapter provides a discussion of major issues arising from discussions in chapters four, five and six as guided by the research objective. The findings have been linked with reviewed literature and the researcher's own contribution.

7.2 Awareness of Human Rights Information

The findings revealed that majority of the women who participated in this study were of the age between 18-39 years which constituted 51.8%. These findings imply that the women population aged between 18-39 years is expected to be literate which would increase the ability to access and use human rights information.

The study revealed that most women (70.9%) were married. This finding confirms the Nandi customary right to marriage as observed by Snell (1954). On the other hand, a small percentage of women indicated that they were divorced (1.1%). Interviews with special key informants revealed that the Nandi culture would always preserve marriage such that cases of divorce are very rare. One special key informant reported that there was a ritual of shaving the bridegroom's and the bride's hair, mixing and tying them together and sealing them by placing in a hole in the rear door (*injoor*). This ritual would signify that the marriage bond is sealed permanently and divorce was a taboo.

In addition, it was observed that another ritual was tying a knot (*segutiet*) after marriage to symbolize a permanent union. Thus, it was obligatory for Nandi women to get married.

The current Kenya constitution supports the woman's right to marriage. In Article (45) (1), the new constitution recognizes the family as the natural and fundamental unit of society and the necessary basis of social order, and shall enjoy the recognition and protection of the state. The constitution also concurs with the Nandi culture of seeking consent of parties before marriage as put in the Article (45) (2) where every adult has the right to marry a person of the opposite sex based on the free consent of the parties. Therefore, the new constitution has a provision for divorce while the Nandi culture preserves the marriage institution. It was further observed that upon divorce, the current constitution in Article (45) (3) states that parties to a marriage are entitled to equal rights at the time of the marriage, during the marriage and at the time of dissolution of the marriage whereas the traditional Nandi culture does not provide equal rights during marriage.

The majority of rural women (42.3%) had attained primary education while minority (2.1%) had university education. About (10.1%) of rural women had not attained any formal education. The implication from this study is that the girl child in the Nandi community is denied access to formal education due to cultural practices such as FGM and early marriages. Hence, this illiterate group would face difficulties in accessing human rights information. However, the current constitution supports the right to education for both boys and girls as per Article 43 (f) of the new constitution of Kenya.

Consequently, most of the rural women interviewed were housewives (73%). This is due to the fact that most of them did not go beyond secondary education so as to secure formal employment. Thus, rural women's education status influences their access to human rights information.

It was further established that language competency was linked to literacy level. This study showed that about 80 (42.3%) of rural women stated that they had good command of English.

One hundred and twenty four (65.6%) stated that they were competent in Kiswahili. Most of the rural women 186 (98.4%) preferred to be interviewed using the Nandi language, while 3 (1.6%) stated were competent in their mother tongue like Luhya since they have been in constant contact.

A significant number of women in the Nandi community are illiterate or semi-literate thus not being able to access information on international human rights instruments that are fair to both female and male which treats them equally and are disseminated through the existing information systems, for example electronic resources, published and/or non-published documents such as books, magazines, bulletins; daily newspapers; television and radio programs which are presented mostly in English and Kiswahili languages which have been enacted by the Kenyan government to protect them against any form of violation and exploitation.

Among the rights that rural women 189 (100%) contended to be aware about included right to good health; right to get married and bear children; right to protection and

security; right to adequate food; health and guarantee to a conducive living environment; right to life; right to privacy; adequate safe and clean drinking water; good shelter; and right to participate in cultural activities such as initiation (*tumdo*). Others included right to worship, belief and assembly 109 (57.67%); right to inherit and utilize husband's property 130 (68.8%); a right to acquire education 95(50.3%); participate in governance 23(12.2%); right to make decisions (speech) 21(11.1%); to work and be entitled to a salary 37(19.8%); right to acquire and own property (161), and right to leisure and rest 22 (11.7%). Therefore, findings indicate that rural women were more conversant with the basic human rights linked to their survival.

7.2.1 Rights considered very important to Rural Women

When rural women were further probed to state the rights that they considered very important from the rights which they were aware of, some of the rights mentioned included the right to inherit and utilize the husband's property 189 (100%); education 56(29.6%); make decisions 21(11.1%); adequate shelter 189(100%); participate in governance 7(19.6%) work and have own earnings 37(19.6%); good health 189(100%); get married and bear children 74(39.2%); protection and security 189(100%); participate in cultural activities 14(7.4%); acquire and own property 46(24.3%); leisure and rest (22) (11.6%); adequate food 189(100%); healthy and conducive living environment 189(100%); right to life 189(100%); freedom of worship, belief and assembly 86(45.5%); right to privacy 189(100%) and access to adequate, safe and clean drinking water 189 (100%).

From the findings, it is apparent that the rural women are aware of their basic human rights which relate to their basic needs in the family and immediate environment.

The basic human rights include rights to life, adequate shelter, education, and adequate food among others. These study findings; therefore, confirm Maslow's Hierarchy of Needs. This hierarchy suggests that people are motivated to fulfil basic needs before moving on to other higher needs such as self-actualisation.

7.3 Provision and Access to Human Rights Information to Rural Women

Rural women in Nandi South district observed that their knowledge and ability to access the human rights information has benefited them in different ways such as; to enable them to be self-reliant 155 (13.8%); secure employment 116 (10.3%); inherit the husband's property after his demise 91 (8.1%); gender equity in education 67 (6%); make informed decisions on equitable distribution of resources and gender equity 131 (11.7%), acquire and own their own property 67 (6%) and consultation in case of social injustices 113 (10.6%). These study findings reveal that not all rural women have realized the application of human rights knowledge in their everyday activities. Therefore, women need to be more sensitized on the benefits of human rights information.

7.3.1 Information Sources, Services and Systems of Human Rights Information to Rural Women in Nandi South District

It was mentioned that women group meetings 155 (82%) constituted the source of human rights information to rural women. During merry-go-round meetings, women can discuss issues that affect their lives. Those who learned through friends 51 (27%) stated that they got to learn of women rights when they had discussions with their friends whenever they visited each other, as they go to shops, market, while working

together in their farms (communal work). This confirms the fact that women are easily sociable. 125 (66.1%) of the rural women said that they got to hear of women rights through the mass media. KASS FM channel was cited by majority of the rural women as the main precursor to the awareness.

While only 32 (16.9%) cited that they learned through television programmes such as ‘*Chukua Hatua*’, 31(69.3%) said that they learned of human rights information in various churches which they attend in sisters meetings, ladies meetings among others. Other sources of human rights information include seminars 23(12.7%), magazines 15(7.9) parents 40 (21.2%), Books 21 (11.1%); for example, text books for history and government, social studies among other subjects.

Women also stated the following sources of human rights: 112 (59.3%) educated people who attend school educational days, parents’ days; 24 (12.7%) through public foras like *harambees*, political campaigns, government officers in their meetings such as D.Cs, chiefs *barazas*; 70 (37%) learning institutions such as secondary and primary schools, adult education, colleges and universities; 23 (12.2%) through civic educators during referendum of constitutional review process; 12 (6.4%) from their husbands; 86 (45.5%) through posters, billboards and public notices on dispensaries’ walls (when they go for clinics); 51(27%) through a friend; 9 (4.8%) human rights activists (those who had gone to Beijing) and 6 (3.2%) Acts of parliament such as Education Act, and Children’s Act. Women groups (82%) were pointed out by women to be the most preferred channel to disseminate human rights information to rural women.

Among the most available and accessible sources of human rights information as stated by rural women include radio 122 (64.6%), church 131 (69.3%), women groups 129 (68.3%), while attending clinics 123 (65.1%) and posters/billboards 80 (42.3%). It was established that internet is not available as a source of human rights source due to lack of electricity and internet connectivity in the five sub-locations (Chepkurgung, Chebilat, Kaptumek, Kesogon and Kaboi) in Nandi South district.

From the findings, it is imperative that radio, church, women groups and posters/billboards are the most convenient sources of human rights information in Nandi South district.

7.4 Factors That Hinder Women from Accessing Human Rights Information In Nandi South District

Interviews with women established that illiteracy/ignorance was one of the challenges in accessing human rights information. Low level of education was common among rural women because the Nandi community gives preference to boy child education at the expense of the girl child. The Nandi culture does not allow women to attend public fora. Household chores are too many for women to think of participating in other activities outside the home. Moreover, the women engage in unpaid labour in the household. This makes them lack the economic power to fend for their rights.

The Nandi culture was observed to perpetuate women's ignorance on human rights information and other issues touching on their lives. Thus, the subordinate position of a woman both in the private sphere (household) and public sphere (outside household) was pointed out by FGDs members.

Rural women lack daily access to media such as radio, TV, newspapers which prevent women from getting and using human rights information. The Nandi men tend to control significant assets including information resources. Women also tend to lack financial support to purchase battery cells, magazines, and newspapers. Adult education centres are located far away from their homes making it difficult for women to attend since they are overwhelmed by too many domestic responsibilities.

It was established that many rural women may be aware that they have rights, but unwilling to press for them using formal structures that remain alien and intimidating and possibly distant, corrupt and costly. Rural women lack confidence and self-esteem needed to pursue their human rights interests.

Isolation is the main concern of rural women when in access to their rights. This involves both the distance from mechanisms capable of remedying rights abuses, and the distance from public view and consequent lack of recognition of the specifically rural character of certain human rights violations. Failure to formulate those abuses in the right terms has contributed to this lack of recognition. Women have particular difficulties in accessing their rights. This is because access is conditioned by attitudes to gender which usually consign women to a subordinate and more passive role in relation to men.

Even when women are aware of their rights, they encounter many obstacles in asserting them. Most women and their dependent children constitute the majority of the rural poor who encounter such obstacles to a greater degree than men. While lack of access to land and property, education, healthcare, credit, information technology and so forth all inhibit access to rights, it is women's systemic lack of power to make

and implement decisions that is the critical factor. This powerlessness extends all the way from decision making within the male dominated family or clan to the harassment of women standing for public office.

Therefore, the low social status of women in the Nandi community means that they have little or no possibility of speaking out for their rights. In the Nandi culture, women are not allowed to speak in public fora, and if they choose to take part in electoral contests, they often have to run the gauntlet of public derision, spoiling tactics and acts of violence. Therefore, there is need to recognize that development approaches which focus on women's empowerment are one of the keys to more equitable and viable development for all.

It was observed that the major obstacle to the implementation of women's statutory rights in rural areas in Nandi South district was rural women's lack of legal awareness and of resources. Indeed, rural women are often unaware of their legal rights. Even where they do know about their rights, they often lack the resources necessary to bring claims which involve paying lawyers and court charges.

The issue of information is linked to illiteracy. During this study, it was observed that in rural areas, female illiteracy rates are very high although with considerable cross-country variations. This raises concerns about the means for the dissemination of legal information. Publication of laws in official bulletins alone is unlikely to reach rural women in the Nandi South district, and supplementary means of information accessible to all such as rural radios should be considered.

7.5 Suggestions for Improving the Provision of Human Rights Information to Rural Women

Most women felt that joining women groups would be a very effective initiative to eradicate poverty and empower women on how to access and use human rights information. Group members would be holding regular meetings to enable them exchange views, information, ideas and experiences on their human rights. The merry-go-round contributions would boost women's economic empowerment by acquiring household property which is a way of attaining some of the basic human rights such as right to safe and clean water.

Through the coordinated efforts of women groups, women are encouraged to articulate and share their feelings on human rights issues. Sensitization and mobilization of women's rights should be done by the local leaders such as area chiefs, village elders, church leaders and group leaders. The cultural practices that undermine women's efforts and dignity should be discarded. Therefore, women's development initiatives should be supported at all levels.

There is need to promote training on women rights in the modern societies so as to eradicate retrogressive social, cultural and traditional values. Thus, adult education should be introduced to rural women so as to improve their literacy levels in order to access, utilize and assert for human rights information. There is need to improve post primary education amongst women through civic education. Women should be included as active participants in developing policies and initiatives designed to fulfil their rights.

The rural women suggested that the NGOs working with women should strengthen their understanding of a human rights framework and practice. These NGOs have the potential to influence policy makers and other actors in order to better incorporate a human rights approach to gender related programmes. Finally, there is need to implement culturally-adapted social communication strategies and tools in order to inform and raise awareness of human rights among rural women.

7.6 Summary

The majority of women interviewed were of the age bracket between 18-39 years and most of them were married. Very few interviewed women were divorced. Academically, it was found out that majority of women had attained primary level of education while a few had attained university education, hence rendering most women housewives. Many rural women were aware of their basic human rights and channels that they could use to access human rights information but they are unwilling to press for those rights using formal structures due to social, customary, political and economic barriers such as cultural beliefs, poverty, illiteracy among others that stand in the way of women and girl-child. This calls for the need to empower women through sensitisation by government and non-governmental institutions in order to improve human right provision and access by rural women.

CHAPTER EIGHT

SUMMARY OF MAJOR FINDINGS, CONCLUSION AND RECOMMENDATIONS

8.1 Introduction

The chapter presents a summary of the findings, conclusions and recommendations based on the discussions in preceding chapters. The discussion is based on the objectives, research questions and assumptions of the study. The objectives of this study were to find out the extent to which women are aware of their rights, how they are provided with information on human rights, sources available, effectiveness of the sources and factors limiting women's access and assertion of human rights information. However, before presenting the recommendations, a presentation of major findings and conclusion of the study are given. Recommendations and a model have been proposed for providing rural women with human rights information to enable them participate freely on developmental activities and make them enjoy their human rights. The proposed model is an integration of DeFluer's communication model and Sense Making theory, since during the study it was established that communication model was insufficient and; therefore, the need for a further improvement. Feminist theory in the study has been used to understand issues specifically touching on women. The chapter finally suggests areas for further study.

The purpose of this study was to investigate the provision of human rights information to rural women in Nandi South district and make recommendations and develop a model to be used to provide women with human rights information.

The aim is to create awareness, assert and enjoy their rights and fully participate in developmental activities in their families, communities and the nation at large.

8.2 Summary of the Major Findings

This study has revealed some findings which are significant to information providers targeting the rural women with regard to access, implementation and enjoyment of human rights and its development. The salient findings of the study are summarized according to the respective research objectives and questions: extent of awareness of human rights information by rural women in Nandi South district; ways in which rural women in Nandi South district access and use human rights information; ascertain what information sources, services and systems have been put in place to provide human rights information to rural women in Nandi South district; determine factors that hinder women from accessing human rights information in Nandi South district and to make recommendations for improving the provision of human rights information to rural women in Kenya.

From the study findings, it was clear that women were not conversant with all provisions of human rights for example, out of the 33 human rights provisions, respondents were only able to state 16 of them. This finding confirms Kamweru's (op.cit) observation that in general women remain unaware of their rights because of discriminatory social practices, low levels of education and inequitable participation in economic, life and decision-making. Most respondents (100%) were aware of basic human rights related to their basic needs such as a right to life, adequate food, adequate shelter, security and to be married and bear children. These never included the right to a fair trial; cultural heritage and cultural identity; freedom of movement

and residence; self determination and right to fair remuneration. These findings reveal that survival needs are basic to women before they think of higher needs in the Maslow's Hierarchy of Needs.

This study showed that access and use of human rights information was linked to literacy. The government has articulated its commitment to providing education for all school-age children although female illiteracy in Nandi South district remains a drawback to realizing an ideal equity and universal primary education. Investment in female education especially at the primary school level is increasingly being realized. This will eventually improve nutritional practices, proper hygiene, household management, earning, economic productivity and improved quality of life.

This concurs with Muteshi (2006) who observed that Kenya has implemented its policy of education for all in seeking to meet its commitments to provide free primary education for all, yet the quantitative increase of women and the girl-child in education has not necessarily translated into gender equality or contributed to the end of gender discrimination in education. Muteshi (ibid) further observed that within Kenyan education institutions, barriers of access, inadequate facilities, the institutional culture of schooling, the pervasiveness of sexual harassment and the reproductive roles on the girl child and women continue to constraint their full access and success within education. This disadvantage renders majority of women and girl child to be either semi-literate and/or illiterate. This has a negative impact on transmission of human rights information to rural women from instruments and documents containing information on human rights since most of them are written in foreign languages such as English and Kiswahili.

Article 10 of CEDAW seeks to eliminate discrimination against girls and women in education. The measures taken by the government; for example, to enhance enrolment into primary schools under the Free Primary Education and the Children's Act have consequently, improved the enrolment of girls. However, the findings of this study indicate that push-out factors such as Female Genital Mutilation, early marriages, and domestic chores, interfere with the enrolment, retention and completion of teenage girls in primary schools yet there is no comprehensive and workable policy to address the problem of retention. This explains the fact that the majority of rural women have low educational achievements and poor exposure to issues affecting them.

In order to curb the high illiteracy levels and poverty levels among rural women, the government, through the Ministry of Education, needs to put in place measures which are targeted to not only sending girls in both primary and secondary school but also retaining them to pursue post secondary education. This needs to be addressed otherwise high illiteracy levels will persist in the rural areas leading to lack of human rights knowledge and high rates of poverty. It was established that literacy levels influence women's access and implementation of human rights information that would empower them to improve their economic status and hence enjoy their human rights in Nandi South district. Women who did not go beyond post primary education should also be encouraged to undertake adult learning. The study established that majority of women have very low level of education.

Women groups (82.01%) were pointed out by women to be the most preferred channel to disseminate human rights information to rural women. This is because

women group members meet on regular basis as they make their contributions. Through educated people who attend school educational days, parents' days were also cited as effective channels of disseminating human rights information to rural women.

A significant percentage of women (45.5%) indicated reading posters and billboards on dispensaries' walls when they go for clinics as informing them on their human rights. However, the issue of access and use of human rights information is linked to literacy. It was established that some rural women in Nandi South district were illiterate. On the contrary, the least preferred sources of human rights information include Acts of Parliament (3.17%), human rights activists (4.76%), husbands (6.35%) and magazines (7.94%).

Among the easily accessible sources of human rights to rural women include church (69.31%), women groups (68.25%), while attending clinics and posters/billboards (65.08%), radio (64.55%) and educated people (52.91%). However, internet (0%), Acts of Parliament (1.59%), women advocates (1.59%), civic educators (1.59%), books (2.65%), seminars (3.70%) and magazines (4.23%) were cited as the least accessible sources of human rights information to rural women.

From the study findings, it is imperative that radio, church, women groups and posters/billboards can be accessible sources of human rights information in Nandi South District.

Further, it was noted that the self-help groups which women have formed so as to acquire credit from financial organizations like Kenya Women Finance Trust (KWFT)

require financial commitments which some rural women do not have. In the Nandi community, traditionally women cannot own cash crops such as tea which is grown in most parts of Nandi South district which organizations like AFC demand for them to access credit. Traditionally, women do not own property that can be used as collateral, for example land. Therefore, majority cannot access microfinance credit facilities. Women reported that in some cases husbands are said to take control over loans advanced to their wives and even deviate them to other uses. This has been put in place through the Kenya's Vision 2030 which has flagship projects to be implemented during the five year medium term plan, 2008-2012, to promote women's rights. This includes the women Enterprise Fund among other increasing overall amounts and efficiency in projects launched by its beneficiaries. Others include the establishment of Social Protection Fund to support vulnerable indigent/poor women in Kenya to be established in 2012. These two flagship projects will go a long way in addressing the critical gap in the economic and social field for women.

It was established that majority of the respondents interviewed have inadequate knowledge of human rights. This means that the rural woman is still not enlightened about her rights due to lack of appropriate information systems. Without strengthened efforts in advocacy and civic education, women in rural areas will not appreciate their human rights. It is quite sad that over two decades since the government ratified this convention, most women are yet to know of its existence and feel any positive effects from it. There are very few respondents who had heard about human rights through the media. It was apparent that the media, especially the radio, is the main medium of information acquisition in the rural areas.

It is important that the government works with the media to enlighten rural women on their rights by ensuring that rural electrification is installed which is relatively cheaper as opposed to radio dry cells (battery). People tend to acquire up to date information faster through this medium than any other in the rural zones of Nandi South district. The radio, therefore, can be used as an important tool in the creation of awareness especially in the existence of human rights institutions such as CEDAW and FIDA.

More rural women will become aware of their rights only if the government involves relevant ministries such as the Ministry of Gender, Children and Social Development through its Adult Education and Literacy Programmes; Ministry of Information and Communications and the Ministry of Education. Additionally, maximize exploitation of the potential of the radio as a medium of communicating information on human rights by use of local languages (vernacular).

Due to poor infrastructure, women cannot access human rights information through the internet due to lack of electricity in some areas. For the areas that electricity had already been installed, were not internet connected so they could not access Human Rights Information through it. Even where internet is available, they could not use it due to illiteracy amongst the rural women. Other sources known to respondents but not available nor accessible included Acts of parliament and NGOs such as FIDA. Some respondents stated very important sources of Human Rights Information as women lawyers who educate people through radio programmes, chiefs' *barazas* especially female chiefs who are ready to educate women without reservations.

It was observed that information and documents relating to the convention and other organisations on women's rights do not trickle down to the grass root levels. Very few women are aware of the existence of the progress reports which are submitted by the government to the various reporting bodies. For instance, hardly any respondents in the rural parts were aware of the content of the National Reports to the UN Committee on CEDAW. If the government does not establish sufficient networks in the rural zones to ensure information flow to rural women, few women will be aware of their rights, hence leading a miserable life.

It was also apparent that little capacity building on human rights and women's rights trickled down to the rural areas. Even government representatives on the ground who are expected to disseminate the same to the women and significant others, have little information on the human rights. Most officials, who are in the various branches of the Ministry of Gender, Children and Social Development, hadn't received any training on human rights. It is important that the government establishes structures through which the government officials on the ground, administration officials and opinion leaders, rural women groups and Community Based Organizations, Faith Based Organizations, and other women leaders can be trained on human rights. These officials would then be empowered to educate and disseminate the information to other women on the ground.

Women in the study area observed that their knowledge and ability to access the human rights information has enabled them to be self-reliant, secure employment; inherit husband's property and parents' property for single women; gender equity in

education; make informed decisions on equitable distribution of resources and gender equity, acquire and own property and consultation in case of social injustices .

These study findings reveal that not all rural women have realized the application of human rights knowledge in their everyday activities. Therefore, women need to be more sensitized on their rights and freedoms in the society so as to enjoy life. It is worth noting that in the Nandi tradition women were regarded as very important because of their reproductive roles that always ensured continuity of the family lineage as well as productive roles. It was also established that the Nandi community regarded women with a lot of respect because they bore children and especially sons to perpetuate family lineage '*kolalmatab kapchi.*'

From the study findings, it was observed that women's position and status in the community affects implementation of the human rights that they are entitled to. Discrimination against women is deep-rooted in traditional societies and has perpetuated the status quo. The low status of women in Nandi South district is rooted in the cultural traditions and customs that relegate women to a position of total subservience to men. Women are denied chance to attend public fora such as political rallies and chiefs' *barazas* where they would learn more about issues concerning their lives.

This study shows that there is low female representation in post primary education, formal employment, enterprise ownership outside wholesale and retail trade, and political decision making processes. The fact that more male students tend to survive in the education system till university is a critical concern as it works to hinder

women representation in high level economic activities including decision making systems and wage employment.

The findings informed that although gender gap has reduced in primary and secondary education, gender disparities persist in tertiary education (technical and university) and participation rates are equally low at the secondary school level. Disparities are also more prevalent among tertiary education programmes with male students dominating such courses as engineering, technology, medicine and finance. This contributes to limited knowledge among women to excel in more lucrative sectors such as manufacturing and highly profitable entrepreneurship programmes.

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

Representation of both men and women in decision making processes is critical for effective implementation of policies that affect the general population. This includes participation in government organs, civic positions and senior government positions, among others. From the study findings, a negligible proportion of women are represented in senior and middle level policy formulation and implementation processes despite the substantial number of women in the Nandi community. This

form of structure contributes to the limited gender sensitivity in policy process including roles and needs of women.

Kenya Land Alliance (2008). States that; Kenya is a patriarch society. Simply, that means that it is a male dominated society, when men traditionally controlled the socio-economic relations in the society. Kenya has about 42 tribes, which have a diversity of cultural and traditional practices specific to these tribes. Be that as it may, there is one single thread that runs through most of these tribes and is therefore generally representative of customary law in Kenya; women were not allowed to own land.

To a large extent, only men had custodial control and could transmit land rights. The argument was that women would be married and would have access only to the land of the family they would be married to. Daughters were therefore not allowed to inherit land, neither did they have a say in the management and inheritance of family land. Interestingly, even in families where they were married, they had no part in decision-making regarding land. Presently, the societal make-up has significantly changed. Women no longer depend solely on men for sustenance. The traditional mechanisms which operated on the basis of trust to the advantage of women and children and ensured that the family acted in the welfare of orphans and widows have mostly withered away.

The study findings concur with this information that gender disparities in major decision making institutions can be attributed to various factors: negative stereotypes and socio-cultural attitudes reinforced with strong Nandi patriarchal family systems that work against women; lack of societal capacity to accommodate and appreciate women in leadership positions; limited financial base to sustain competitive campaigns; physical and emotional intimidation threatening personal security of women; low education levels and lack of interest in political aspects among most women. This concurs with Wood (op.cit) who states that patriarchy means rule by the fathers. This definition highlight the central idea that patriarchal values, institutions and practices reflect the experiences, values, and interests of men as a group and protect their privileges while simultaneously denying, dismissing and /or devaluing experiences, values and interests of women as a group.

Wood (ibid) further states that patriarchy is an overall system of structures and practices that sustain inequalities between the experiences, responsibilities, status, and opportunities of different social groups, especially women and men.

Majority of the respondents, said that in the traditional Nandi community, a husband is justified to beat the wife if she did something wrong or argued with him. While it may be argued that the key issue related to persistence of gender violence is the rate of economic dependence of women on men, it is also worth noting that due to cultural reasons and the impact on children in case of women who want to end such violence through divorce, even economically independent women persevere and; therefore, condone domestic violence.

It is clear that domestic violence has locked up potential and opportunities for women who cannot develop themselves because they are afraid of the husbands' attitudes and reactions. Gender violence also takes the form of emotional abuse and indifference. Sometimes it really threatens the family unit and it is an issue that requires urgent crusade and activism if this country is to maintain the social fabric upon which the family unit, society and the economy are pegged. This concurs with Convention on Elimination of All Forms of Discrimination Against Women which (CEDAW of 2009), observed that Women's rights are increasingly in jeopardy around the globe. Women endure rape as a weapon of war with near-complete impunity, suffer violence in their homes with inadequate government reaction, face exploitation and trafficking for forced labour as a result of inequalities in their home countries, are discriminated against and harassed in the workplace, are assaulted by their jailors when in state

custody, face severe restrictions on their sexual and reproductive autonomy, and are deprived of a role in public life and equality before the law in countries that give male family members authority over women. CEDAW can be used to eliminate such discrimination and abuse of women.

The study findings indicate that although some progress has been made towards improving women representation in some economic activities, inequalities still exist which to a large extent constrain the general well-being of women.

Social, cultural and traditional practices and unfounded norms deny women various opportunities to effectively participate in production systems. Cultural norms form a major challenge in Kenya. The Nandi culture still regards the place of a woman as being in the kitchen and raising children as part of the reproductive role. This kind of socialization makes it hard for many men to fathom the idea that they can share the same platform with a woman. Consequently, women are locked out of political representation and hence locking them out of participation in decision making fora. By joining politics, Nandi women are still considered as breaking the rules that govern gender roles.

Moreover, some traditional practices governing land and livestock ownership, access and control over land, and benefits accruing to land produce tend to favour men compared to women. These, to a larger extent, disfavours women in accessing credit facilities especially when collateral is required.

The political campaigning exercise is very distressful particularly in terms of financial expenditures. Whereas men can mobilize financial resources through several ways including sale of property such as land, women are constrained because property ownership in most communities is dominated by men.

Such beliefs and attitudes, sometimes depending on their intensity in particular regions of the country and the associated consequences determine the voting pattern in Kenya.

Women in Nandi South district face the challenge of balancing between work and family responsibilities. It was established that women wake up very early in the morning and sleep late in the night due to the nature of roles and responsibilities. These confirm Mekonnen and Spurling's (1994) findings that on average women work for 12.9 hours a day compared to 8.2 hours for male counterparts. Time spent by women in attending to household tasks leaves them with limited time to engage in time-demanding enterprises that in most cases would be located away from the homestead. Perhaps this is the main reason as to why women dominate the wholesale and retail businesses.

Although close to 50% of women currently have access to credit, most of these are from informal savings mechanisms and microfinance institutions. Most of the respondents mentioned Kenya Women Finance Trust to be the most effective in reaching out to women in the rural areas. However, most of the other institutions are located in urban areas and do not assist women to vertically expand beyond micro levels. Most business women lack training in financial management and

entrepreneurship skills. Most women also lack opportunities to fully benefit from international trade since their businesses are small and informal. They also lack adequate network systems since very few business associations in Kenya effectively target women. In the Nandi community, most of the property is owned by men. This is an obstacle to the welfare of women when they get married and also when they get divorced or in polygamous homes. In the case of a monogamous home, the wife has no control over physical resources especially land. It was noted that in some families where commercial farming is practised, the woman contributes in not only keeping the home and reproductive activities but also in providing labour for commercial farming. However, the man has control over all these resources.

This study informs that whatever wealth the man and wife build together belongs to the man. The situation becomes worse if the man divorces the wife, in which case there is no law that ensures equal division of property. It should be noted that the law protects any title deed holder or any person in whose name any property is registered and in most cases such properties are registered in the name of men. Since customary law allows for polygamy, if a man marries a second wife, the first wife loses part or all of the shared property that they have build together for all the years she has been married which is used to cater for the needs of future marriages. Without control on property, women are therefore vulnerable to dispossession and they are thus constrained from initiating long-term projects.

Women play a pivotal role in the family unit. They contribute to all the functions of the family: family creation, economic support, childrearing and family care giving. They keep their families together, undertake care work for those who are sick, play a key role in securing food and in general they are the backbone of socio-economic

activities. This concurs with Nzioki (op.cit) who carried a study in Kenya, and observed that women, like in many other regions of the developing world, play a crucial role in agriculture as producers and providers of food. Nadine (1989) also states that 80% of the women in Kenya live in rural areas, playing multifaceted roles in this sector as small farmers, income earners and family caretakers. Tadhia in Maseno and Kasomo (2011), in his research carried out in Uganda between 1983-1984, showed that women continue to make critically important social, economic and political contributions in Uganda even though they are not rewarded reasonably in either ideological and material terms. He adds that in rural household economy, women produce the bulk of food. They are the ones responsible for planning and preparing meals. Mutoro (1997) alludes that women in CBOs are involved in welfare groups like income generation, self help groups, group farming, horticultural, livestock farming, rental houses and commercial enterprise, among others.

This study indicates that the presence of a mother within the family is so important for family stability that it should be recognized and supported in every way. However, there are many gender imbalances that women face including local customs and legal institutions that often discriminate women against owning and controlling land and other physical resources; accessing employment, education and public services; and are disproportionately being victims of domestic violence.

Given the centrality of the role of women in families, it is important that family policies and social protection recognize this and seek to strengthen their role. This study reviewed the major challenges experienced in their role and how family policies and social protection have tried to address these challenges; and suggests areas that

family policies and social protection can play to effectively promote women's role and rights in families.

This study does not seek to discredit the contribution of boys and men to the family unit, but seeks to find ways of strengthening the contribution of women and girls who have been disadvantaged because of their gender, this has been confirmed by UNICEF, 1999 which reported that discrimination against women has been acknowledged by CEDAW's, preamble which states that;

despite the UN's various efforts to promote human rights and the equality of women extensive discrimination against women continues to exist' It declares more that discrimination violates the principles of equality rights and respect for human dignity, as an obstacle to the participation of women on equal terms with men in political, social, economic and cultural life of their countries, hamper the growth and prosperity of society and makes more difficult the full development of potentialities of women in the service of their countries and humanity.

Women in general continue to face major barriers to finding decent jobs and becoming entrepreneurs. With respect to the latter, women experience major hurdles, including difficulties in accessing credit, market information, technology and infrastructure. There is a great diversity in the needs and challenges facing women (rural versus urban, educated versus uneducated, young versus old, disabled versus non-disabled) and this must be taken into consideration when developing policy responses. Women with disabilities face more challenges in the labour market as a result of such factors as lack of physical access to the work place and discrimination. This has been confirmed by Muteshi (2006), who states that Kenyan women's lives are marked with a wide range of oppression and discrimination at the social relational levels; in the work place; in institutions of learning as well as the policy and legal terrain. Yet researches that have been conducted on women issues have shown that,

given a conducive environment to work in and the availability of necessary resources, women can contribute a lot to family, community and national development (Chege, 2006). In spite of being aware of this fact, it is interesting to note that several countries in Africa, while writing their constitutions soon after independence, left out women both in constitution-making and in the implementation process which resulted in laws that are not sensitive to women.

Despite the fact that the Persons with Disabilities Act was enacted by the government in 2003 to improve the civic rights of people with disabilities, findings from the respondents indicate that some retrogressive socio-cultural practices continue to discriminate against them especially the women. Apart from enacting the Act, the government through the ministry of special programmes should put in place practical and targeted measures and establish relevant structures to protect the rights of people with disabilities especially women who are double-oppressed as has been established through this study.

Additionally, the Kenya government through its relevant ministries and committees should ensure the implementation of this Act.

It was established that women are over represented in the informal economy, where they work on low productivity jobs, earning low wages and exposed to risky working conditions. They are also dominant in the subsistence agricultural sector. Informal jobs are characterized as highly vulnerable because they do not offer the security required for a decent job. The benefits of women accessing decent employment by women are both economic and social and go beyond allowing families to have access

to a decent standard of living to contributing to poverty eradication and economic development.

In Kenya, women who form a majority of the population and play a significant role in the development of the Kenyan society. Waswa (2004) supports those views when she states that women represent 52% of the Kenyan population and 88% of them live in rural areas. They comprise the largest group of those living in the rural areas where they contribute to national development by providing necessary labour force on the farms and participate in rural development projects. She further notes that women contribute more than 50% of food crop production labour force and a further 50% of cash crop production.

Kenya is a patriarchal society and the status of women is relatively low with gender inequality/inequity prevailing in many aspects of the Kenya society. Respondents argued that women from the rural areas are hardly ever considered or consulted during national and other development processes. Participation of rural women in national developmental processes is also highlighted by the FIDA and WILDAF Shadow Report where it is argued that there are no strategies put in place to train women representatives in district development committees as leaders. For there to be any meaningful development that directly targets women, the government must involve rural women in development processes.

The government through its various ministries should ensure that rural women make inroads in decision making bodies such as Parents Teachers Associations (PTAs), Boards of Governors (BOGs), Community Development Committees and other

development advisory boards. This concurs with CEDAW, 2009 which reported that, the number of women enrolled in public universities has shown a slight increase but clearly parity in Education between men and women is yet to be attained at all levels in Kenya.

The Constituency Development Fund committees should all have a minimum of one third women representation to enable them advocate for projects that would lead to the improvement of the life of the rural woman.

Policy interventions towards removing barriers to general female well-being include economic and knowledge empowerment, increasing access to financial services, employment and participation in decision making. This will also require design and implementation of programmes to transform gender related norms and behaviour in relation to care, work and responsibilities. Awareness programmes will require pre-and/or co-requisite transformation of mindsets within government, decision makers, young girls and boys, men and even women themselves on the gender consequences of policies and programmes in the country. A more wholesome approach based on genuine political willingness, involvement of religious, media, family units, private sector agencies and civil societies in intense action-oriented activism in transforming and nurturing positive attitudes and appreciation of unique roles played by women is recommended.

The country's commitment to addressing gender equity and inequalities can be traced in both the international and national policy commitments. The third and fifth Millennium Development Goals (MDGs) underscore the need for gender parity

especially in education and access to social, economic and political opportunities by 2015.

As a result, the country has put in place various policies and interventions including legislation, female specific policies, plans and programmes aimed at addressing specific gender gaps or forms of discrimination.

Such interventions include affirmative action, promoting girl child education and economic empowerment through introduction of the Women Development Fund.

To a large extent, there are limited public support systems targeting women political empowerment. Although affirmative action has been entrenched in government policies such as education and public service delivery, implementation of the same is limited. Consequently, men have persistently dominated the political scene.

Some of the policies that have been put in place have yielded positive impact in increasing women participation in higher education levels in some parts of Nandi South District. However, more needs to be done in most sectors including economic empowerment, access to financial services, employment, participation in decision making and improving data management for use in planning and policy processes among others.

The issue of Gender Based Violence (GBV) is still a major challenge in spite of the Domestic Violence Bill. One way of solving this problem is through community intervention. Through community interventions, it should be within the provisions of the law that any form of gender-based domestic violence is reported by the nearest witness to the nearest authority. In addition, the community should be allowed to directly intervene in an event where such violence is witnessed. Behavioural change

communication can play an important role in challenging prevailing beliefs and norms that contribute to the perpetuation of GBV. Communication strategies can contribute to shifting GBV from a private matter to one that merits public attention and interventions. These include community based education activities that target the entire community.

This will facilitate in creation of mechanisms that create a deterrent to aggressors by reducing the community's tolerance to violence and creating an environment where the perpetrators fear being publicly shamed for their actions.

At individual level, changing men's attitudes and behaviours towards Gender Based Violence is an essential strategy. While it is acknowledged that it is a gradual process and a long term goal, it is an essential process without which affirmative action cannot be obtained. Such community initiatives could be to involve men advocating for gender equalities as role models to younger men. Civil society, government, private sector and other relevant organs should step up awareness campaigns on rights for women and policy interventions already in place targeting women. This would enhance their effective participation in the social, economic and political systems. Pro-poor policies and interventions should also target women especially in rural and marginalised areas as appropriate.

Improved collection and management of adequately disaggregated data by gender would address the challenge of dearth data required for appropriate in-depth analysis at district levels. This requires increased resource allocation to relevant organisations

such as Kenya National Bureau of Statistics and ministries such as education, health, labour and human resources so that they can be used as reference materials.

8.3 Conclusion of the major findings

This sub-section presents a conclusion based on the study which was to investigate the provision of human rights information to rural women in Nandi South district.

The study empirically indicates that the majority of rural women are not aware of their human rights as a tool that guarantees their socio-economic, political and cultural rights due to low literacy levels caused by culture and attitudes towards women.

Furthermore, rural women are active in economic production, yet society has taken this role for granted. These women have continually been denied the opportunity to participate in decision making where they can influence positive policies that address women's issues.

Consequently, issues touching on their lives are not addressed; this perpetuates the status quo. The findings establish that there is lack of comprehensive policies, legal and administrative frameworks for the domestication and implementation of human rights information. Hence, there is need to establish and strengthen mechanisms through which the human rights issues can be addressed in order to cater for the needs of the rural woman. This study revealed that the rural women are still not enlightened about their human rights due to lack of appropriate information systems which are caused by poor infrastructure. This calls for strengthening efforts in advocacy and

civic education to enable women in rural areas to know and implement their human rights information.

Radio, church, women groups and posters/billboards were established as accessible sources of human rights information in Nandi South district. The radio, therefore, can be used as an important tool in the creation of awareness especially in the existence of human rights institutions such as CEDAW, FIDA and financial institutions such as KWFT. Women groups were affirmed by women to be the most preferred channel to disseminate human rights information to rural women. Women viewed that the group members would meet on regular basis while they make their contributions and this provides a good forum for rural women to discuss freely on issues concerning their lives.

There is need for the government to establish sufficient networks in the rural zones to ensure a smooth flow of information to rural women.

Due to poor infrastructure, women would not access human rights information through the internet due to lack of electricity in some areas in the Nandi South district. It was noted that little capacity building on human rights and women's rights trickled down to the rural areas because local government representatives do not disseminate the human rights information.

However, women who are aware and able to access their human rights in Nandi South district have benefited by being in many ways self-reliant, secure employment, inherit husband's property after death, make informed decisions on equitable distribution of resources and gender equity, acquire and own property and consultation in case of

social injustices. Therefore, women need to be more sensitized on their human rights and their application in their everyday life, this supports Weaving (op.cit) who supports this argument by stating that information is an organized data required to assist in making effective use of resources potentially available and is required in the day-to-day decision-making and problem solving. He notes that data are records of facts and events, a source of information, and that data by themselves have no meaning. He explains that information appears in four main types namely data, text, images and sounds. For information to have value, Lucey (1991), considering the user and the problem or decision being dealt with is important. White (1991), states that in a world of finite resources, yet with a steadily increasing population, the competition to survive becomes stronger, and the importance of locating and using information for competitive advantage has now become recognized as a most important survival factor in society and commerce. Kiplang'at (1999); Bii (2001); Adimorah (1993), states that provision of information services to rural communities is necessary and important because it assist individuals and groups in their day to day activities and therefore enables them to participate in the democratic processes and decision making.

The findings informed that in the traditional Nandi community, women were regarded as supporters and placed in the second position. Women's position and status in the community affects implementation of the human rights information. The low status of women in Nandi South district regard women is rooted in the cultural traditions and customs that regard women as clearly subservient to men. Women are denied chances to attend public meetings where they would learn more about issues concerning their lives. Therefore, gender disparities in major decision making institutions are

perpetuated by socio-cultural attitudes and strong Nandi patriarchal family systems that do not favour women. Given the centrality of the role of women in families, it is imperative that family policies and social protection recognize this and seek to strengthen their role.

The findings suggest that inequality in employment and unpaid women workers in domestic setups exist in the rural areas where most rural women who are poor are found. Issues emerging from the respondents indicate that in the rural setting young girls are preferred as baby caretakers because they are poorly paid or are never paid at all. Some of these domestic workers are often battered for flimsy reasons; at times they are subjected to sexual abuse by their employers. It was also observed that housewives play multiple roles but their labour is non-monetized.

Parental guidance which is a form of informal education was suggested to be critical especially among communities with retrogressive social and cultural effects such as the Nandi. Emphasis should be laid on methods of allocation of duties to male and female children such that from the early stages, the children are taught not to discriminate against on grounds of gender. Consistent attention has to be paid to violence against women and girls. Such changes may require pre- and/or co-requisite transformation of mindsets within government, decision makers, youth, men and even women themselves on greater awareness of the gendered consequences of policies and programmes in the country. One very effective way that transformation of attitudes and beliefs can be obtained apart from legislation is through wholesome and action oriented political willingness to promote changed attitudes through allocation of resources to public sensitization programmes geared towards this goal.

8.4 Recommendations

This sub-section presents recommendations based on the major study findings of the study which was to investigate the provision of human rights information to rural women in Nandi South district as guided by the study objectives.

1. Awareness of Human Rights

The study found out that the respondents did not know all human rights entitlements which are contained in human rights documents; for example, out of the **33** human rights entitlement indicated in the checklist (see appendix VIII, page 429) they were able to cite only **16** of them as indicated in Table 4.

The study observed that the level of awareness of these human rights entitlements varied from respondents to respondents where some rights were known by others and vice versa. This implies that the promotion of human rights information has not been adequately addressed by the concerned bodies because the study established that rural women were not reading from the same script. This, therefore, indicates that women could not be able to claim for rights which were not known to them, thus, denying them an opportunity to enjoy their full human rights.

This study, therefore, recommends that school children both in primary and secondary schools should be made aware of human rights at an early stage. This study further recommends that girls and illiterate adult women should be encouraged to attend school. This recommendation should be taken up by the relevant government ministries and institutions such as the Ministry of Education, Ministry of Higher Education Science and Technology and the Kenya National Human Rights

Commission (KNHR-EC) and other relevant Non Governmental Organizations both national, regional and international such as UNESCO, UNICEF, and UNIC. These bodies should ensure that all rights contained in human rights instruments should be exposed to rural women so as to know, claim and enjoy. This has been supported by article 35 of the new Kenyan Constitution (2010) which states that every citizen has the right to information held by the state and information held by another person and required for the exercise or protection of any rights or fundamental freedom. It further States that the State shall publish and publicize any important information affecting the nation.

2. Training of Personnel

It is clear from the study findings that there is discrepancy between human rights information providers and the recipient (rural women). The study also found out that not all rural women have realized the application of human rights knowledge in their everyday activities although some gave multiple responses on the benefits they could derive if they had knowledge of the human rights. These included acquiring of own property, improve economic status and standards of living, make informed decisions on equitable distribution of resources and gender equity, sensitize others of human rights, freedom of association, realize gender equity in education and employment, Inheritance of husband's property after his demise, freedom of worship, participation in women groups and leadership position and protection of other people's rights.

Knowing that women understood the benefits they could get if they were aware of all these rights would make them to desire to know, claim and enjoy. The challenge is left with those promoting human rights into finding the best ways of providing this

information, to change the Nandi community attitudes towards women in order to remove such resisting barriers which become noise.

This study, therefore, recommends that Government representatives, women leaders, chiefs, opinion and religious leaders be trained on gender and human rights issues so as to relay the information to the rural women. This action could be taken up by human rights promoters such as Kenya National Human Rights and Equality Commission and Non-governmental Organizations that promote human rights such as International Federation of Women Lawyers- Kenya chapter (IFWL-K), the League of Kenya Women voters (LKWV).

Men and women should be sensitized on the importance of human rights. This recommendation should be taken up by government agents such as Ministry of Gender, Children and Social Development, Ministry for Provision Administration and Internal Security through District Commissioners trickling down to District Officers, chiefs and their assistants; Faith based Organisation through church leaders,, NGOs and CBOs e.g. community civic educators.

3. Improvement of Communication Channels

The study found out that rural women from Nandi South district used various channels of communication to access human rights information, but the levels of usage of various channels varied from one channel to another as were indicated by responses such as television, radio, church, seminars, women groups, magazines, books, educated people, learning institutions civic educators, husband, public fora, posters/billboards at clinics/dispensaries and from friends, human rights activists, Acts of parliament, newspapers and family as indicated in table 7 on analysis of

source, services and systems. Rural women preferred some other channels as compared to others because they were found to be easily available and accessible than others which were less cited. The study established that majority of the rural women in the study area cited churches, women groups, while attending clinics and radios in order of the most preferred sources and channels to the least preferred in the descending order. Whereas those that were not use at all and to those less used included internet, women advocates, Acts of parliament, , civic educators , human rights activists (NGOs and individual human rights promoters), books, seminars, magazines, newspapers in the ascending order. This has implications on the provisions and access of human rights information to rural women.

This study, therefore, recommends that the concerned bodies such as Ministry of Information and Communication and human rights activists should maximize usage of the cited preferred information sources and channels such as churches, women groups, radio programs using vernacular, among others. The less accessed and unreliable information sources and channels of human rights information in Nandi South District should be explored and improved so as to be effective.

4. Sensitize people to Maximize free education

The study found out that the major factors that hinder women from accessing and using human rights information are illiteracy and ignorance due to low levels of education which would hinder most women from reading documents that contain human rights information, language barrier since the mass communication media was mostly English and Kiswahili which are more frequently used when sensitizing women on their rights.

The study recommends that all children and adults should go to school especially now that the government has introduced the free education for all both in Primary and secondary school level to enable them read and write and be able to interpret documents containing human rights information as a long term plan. This recommendation should be taken up by the relevant bodies that are mandated to carry out this work such as Ministry of Education, Ministry of Higher Education Science and Technology, Ministry of Information and Communication, human rights promoters which are based locally and internationally e.g. KNHR-EC, UNESCO among others.

As a short term, the study recommends the use of vernacular languages both verbal and written whereby documents containing human rights information should be visualized and interpreted before disseminating it to rural women. This action should be taken up by human rights promoters such as International Federation of Women Lawyers- Kenyan chapter (IFWL-K who understand human rights laws. In addition, information providers should design the right format, package and reliable means for disseminating human rights information for example using non-print (oral) format and by use of vernacular language and through various preferred channels such as churches, women groups, while attending clinics among others to enable rural women access and use the human rights information.

5. Rural Electrification

The study established that there was poor rural electrification in the district that denied women to access human rights information freely through media such as

Television, Radios, mobile phones which forced them to depend on usage of car batteries and dry cells which is quite limiting. This study, therefore, recommends that the government through the Ministry of Energy should support rural electrification to enable women make use of such medias including computers to access electronic information.

6. Establishment of a modern information system

The study established that there was no public library in the district which could enable women use to refer to documents containing human rights information. This study therefore recommends that the government through Ministry of Information and Communication should establish a district/county documentation centre that is effective and efficient to provide relevant human rights information through both print and non-print media. This study therefore recommends that the government establish a district/county documentation centre that is effective and efficient to provide relevant human rights information through both print and non-print media.

7. Encourage change attitude towards women

The study established that women were faced with hostile cultural practices where women are not allowed to attend or contribute during public fora like chiefs' *barazas* where men are in attendance and yet government officers are entrusted to promote human rights for men and women hence making women ignorant of their human rights.

This study, therefore, recommends that Chiefs and other government officers should create fora specifically for women alone to sensitize them on their human rights. Men

need to be sensitized on their human rights too and there is need for them to understand the important role that women could play of complimenting them so as to appreciate women and support them to enjoy human rights provisions together. On other occasions joint meetings/seminars should be organized and encouraged by the government, religious organizations, civic and community leaders where both men and women would be taught to respect each other's human rights.

8. Proposed improved communication model

The study overall established that several factors have contributed in hindering the provision and access of human rights information by rural women in Nandi South district. These factors are male dominance, low standard of education, language barrier, high poverty level, poor infrastructure e.g. lack of electricity; geographical factors which have led to poor road network and hard-line cultural beliefs towards women.

The researcher identified models that could help bridge the indentified accessibility gaps caused by cultural beliefs about women (noise in communication model) could be best addressed by feminist theory whose major concerns is to advocate for women rights and gender equality; Poor infrastructure (lack of formal and sufficient information systems) as shown by research findings led to poor access to human rights information (HRI) by the respondents, necessitating the use of an improved information and communication model.

Communication model has elements such as source, transmitter, channel, receiver, destination, feedback and noise. Hence making this model relevant.

Low level of education of rural women in the study area which led to language barrier was dominant. This was a hindrance to accessibility to HRI by rural in Nandi South District (NSD) which calls for sense making model which has such elements as identifying of relevant human rights (HRs) documents, extracting HRI, Reformulation (interpretation and meaning), actors, storage and visualization.

Since the main aim of the study was to investigate the provision and access to HRI by rural women in NDS, establish the challenges and gaps that needs to be addressed (which has been accomplished by this study) and suggest a framework of improving HRI access and provision. This study therefore has proposed an integration of the three models (Information and Communication; Sense Making and Feminists) in order to assist human rights information providers transmit maximum information signals to the recipients (rural women from NSD) which will translate into better behavioural change that can be indicated by increase in demand of provided HRs and application by rural women in the district.

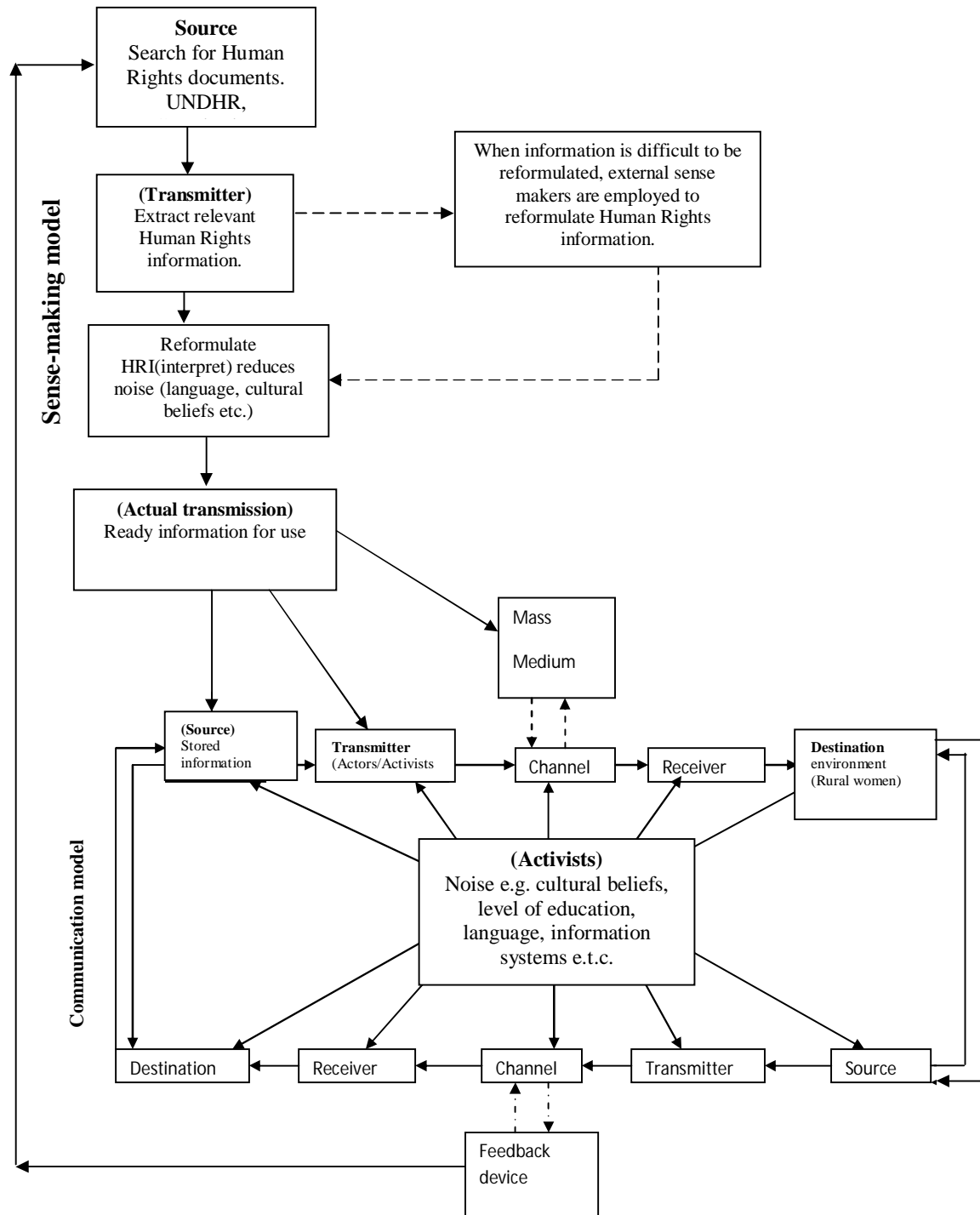


Figure 4: The Proposed diagrammatic representation of Human Rights Information flow in Nandi South District (Author, 2012)

The proposed model integrates Communication Model and Sense-making model in provision, access and implementation of Human Rights information among the rural women of Nandi South. This is because the improved DeFleur's model of communication falls short of addressing rural women information provision although it has got an element of feedback which was an improvement of Shannon and Weaver's model. DeFleur's communication model would be sufficient where noise barrier like language is not a problem. In the case of rural women in the Nandi South district where the study established that majority of the rural women (42.3%) attained primary level of education, 36.5% attained secondary school education, 9.0% attained college level of education, whereas the minority (2.1%) attained university level of education, this model will not be sufficient given the fact that human rights is a foreign perspective not African. It requires that meaning and explanation is given to them in order to enable rural women understand claim and enjoy them, given the fact that they are written in English and rarely translated to Kiswahili. Even where translation has been done, the study found out that majority of the respondents (66%) preferred to be interviewed using their mother tongue, which signifies language barrier limitation in the provision and access to information.

In this regard, the proposed model which is an integration of improved DeFleur's communication model and sense-making model has introduced an element of interpretation. Interpretation would unlock hidden knowledge which cannot be found at face value. In this case, human rights information providers would attempt to give meaning to each human right provision by giving right interpretation in order to remove some misconceptions about these rights. They will also attempt to outline to rural women the benefits that they will get if they will claim and implement them.

For example, a human rights activist who will teach a rural woman about the right to education would first of all be required to understand fully what it is and the benefits it bears to be able to convince a rural woman to claim for it and enjoy. The benefits must be convincing and realizable to a rural woman if they must accept a shift from their known cultures which seem to elevate male child. It is important to also state that many women who are not educated to higher level cannot interpret the opportunities that live in general can offer. Our environment is full of opportunities that need people to identify and tap. Women on the other hand, have many avenues open to them which require one to be educated enough in order to benefit. For example, many laws have been put in place in Kenya that are meant to protect women's rights, others have mandated that they should be given priority in job opportunities like the current affirmative action of one- third places for women. This can only be made possible by women being educated enough in order to decipher these information channels and use them for their own benefits.

8.5 Suggestions for Further Study

1. A similar study could be carried out in the rural parts of other districts in Kenya targeting rural women to assist in the development of a national information systems and services to cater for human rights information to all rural women in Kenya as they participate in developmental issues towards the achievement of MDGs.

2. There is need to investigate how men in the rural setup are provided with human rights information. The study established the need for men to be provided with modern Human Rights Information because most of them are influenced by traditional cultures and customs which were established to be the major hindering factors to the access and implementation of modern human rights by rural women.

3. A detailed research could be conducted to establish how rural women seek for information in matters touching on their whole being; their information needs; their information seeking habits; obstacle which they face as they seek for the required information and find out ways and means of improving their access to information required.

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APPENDIX I

INTRODUCTION LETTER

Dear Respondent,

I am a post-graduate student in the School of Information Sciences, Department Library, Records Management and Information Studies, Moi University. I wish to conduct a study on **“Provision of Human Rights Information to Rural Women in Nandi County, Kenya.**

I hereby request you to contribute towards the study by giving experiences, views, ideas and opinions on this Provision of Human Rights Information to Rural Women in Nandi South District. Note that the information you provide will be treated with High Confidentiality and will be used for academic purpose only.

Your contribution towards this study will be highly appreciated.

Thank you for your co-operation.

Yours Faithfully,

Roselyne Tuitoek Mang'ira
IS/D.PHIL./01/05
0721315900

APPENDIX II**INFORMED CONSENT STATEMENT FORM****Provision of Human Rights Information to Rural Women in Nandi County, Kenya.**

You are invited to participate in a research that is studying “**Provision of Human Rights Information to Rural Women in Nandi County, Kenya.**”

I ask that you read this form or listen as this form is being read aloud and ask any questions you may have before agreeing to participate in this study.

This study is being conducted by investigator who is a D.Phil. Student of Moi University, School of Information Sciences.

The purpose of this study is to establish experiences, views, ideas and opinions on this Provision of Human Rights Information to Rural Women in Nandi South district.

Efforts will be made to keep your personal information confidential. Taking part in this study is voluntary.

Participant’s Consent:

After considering all of the above, I give my consent to participate in this research study.

Participant’s Signature or Mark: _____ **Date** _____

Signature of Witness: _____ **Date** _____

Signature of Person Obtaining Consent: _____ **Date** _____

APPENDIX III

INTERVIEW SCHEDULE FOR RURAL WOMEN IN NANDI SOUTH DISTRICT

Section A: Background Information

1. Age Bracket

- | | |
|----------------|-----|
| 18-28 | [] |
| 29-39 | [] |
| 40 – 49 | [] |
| 50 - 59 | [] |
| 60 – 69 | [] |
| 70 – And above | [] |

2. Marital Status

- | | | |
|---------------|-------------|--------------|
| Unmarried [] | Single [] | |
| Married [] | Widowed [] | Divorced [] |

3. Educational level

- | | |
|---------------|--------------------------------|
| None [] | College – Cert., Dip., HD. [] |
| Primary [] | University [] |
| Secondary [] | |

4. Occupation

- | | |
|--------------|-------|
| House wife | [] |
| Farmer | [] |
| Business | [] |
| Professional | [] |
| Student | [] |
| Others..... | |

5. State (✓) your competence in the following language

Language	Very competent	Fairly competent	Poor
English			
Kiswahili			
Kalenjin			
Any other (State)			

Section B: Human Rights Awareness by rural women in Nandi South District

6. (i) As a woman, what rights are you suppose to posses? Kindly state as many as you can.

.....

ii) In your view, which of the human rights that you have stated in Q6 (i) do you consider to be very important?

.....

ii) Please, explain your response.

.....

Section C: Provision & Access to Human right Information by rural women in the District

7. (i) How did you come to know of each of the rights which you have mentioned in Q6 above?

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

(ii) In your view, which of the stated sources, services and systems which you have mentioned above are easily accessible to you?

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

(iii) In your opinion, which human rights information sources, services and systems that you are aware of are neither easily accessible nor available?

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

(iv) If human rights information sources that you are aware of are neither accessible nor available, what would you propose to be done in order to enable you and other rural women access human rights information?

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

Section D: Usage & Benefits of human rights information to rural women in Nandi South District

8. How has your knowledge and your ability to access these human rights information helped you in your daily activities?

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

Section E: Community customs & beliefs about women

9. (i) In your opinion, how does the community regard you as a woman in the family?

Very important person	
Important	
Not important at all	

(ii) Why do you think so?

.....

10. (i) In your opinion, how does the community regard you as a woman in the society?

- Very important person []
- Important []
- Not important at all []

ii) Please explain your response.....

.....

11.(i) In your view, does the way the community thinks about you affect your implementation of modern human rights which you are entitled to?

- YES []
- NO []

ii) If your response in 11 (i) above is YES, how does it affect you in trying to access and apply your human rights provisions in today's modern society?

.....

Section F: Factors that hinder Human rights accessibility and usage by rural women of Nandi South District

12. (i) What challenges do you face while trying to access human rights information that you are aware of?

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

ii) What obstacles do you encounter as you attempt to use and/or implement your human rights which are aware of?

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

iii) How have you managed to overcome the challenges that hinder you from accessing and implementing your human rights entitlement?

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

Section G: Suggested recommendations by rural women of Nandi South District to improve the provision of human rights information to rural women in the District.

13 (i) In your opinion, what solutions would you propose to minimize the stated problems that hinder you and other women from your community from accessing and applying human rights knowledge?

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

(ii) In your view, what recommendations would you suggest to policy makers, implementers and human rights activists that would help enhance human rights awareness, accessibility and application by rural women in Nandi South District?

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

**THANK YOU FOR GIVING ME YOUR TIME
GOD BLESS YOU MIGHTLY.**

APPENDIX IV

**INTERVIEW SCHEDULE FOR RELEVANT GOVERNMENT OFFICERS IN
NANDI SOUTH DISTRICT**

Section I: Background Information

- 1. Name of Ministry
- 2. Department.....
- 3. Sex: Female [] Male []
- 4. Position and/or level in Ministry/Department.....

**Section II: Human rights awareness as viewed by the government officers & the
role of Ministry in advocating for rural women’s’ human rights in Nandi south
District**

5. In your view, do you think all rural women are aware of their human rights provisions?

- All are aware []
- Some are aware []
- None is aware []

ii) Why do you think so?

.....

.....

.....

6. Why do you think it is important to create human rights awareness to rural women in Nandi South District?

.....

.....

.....

7. What role is your ministry/department playing in promoting Human Rights information to women?

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

Section III: Sources, Services & Systems existing in Nandi South District

8. (i) What information sources, service and systems are in place to disseminate human rights information to rural women in Nandi South District?

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

ii) In your view, how effective are the existing sources and channels which you have stated above in provision of human rights information to rural women in the district?

- Very effective []
- Effective []
- Not effective []

iii) Why do you think so?

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

Section IV: Policies, legal frameworks and strategies that have been developed by the ministry to enhance the provision and implementation of human right issues to women

9. (i)What policies have been formulated and developed in your ministry/department to address women human rights issues?

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

(ii) What legal frameworks have been put in place by your ministry to enhance the provision of human rights information to rural women in Kenya?

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

10. What specific strategies does your ministry have in place to ease the provision of human rights information to rural women and to enhance human rights implementation in the district?

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

11. What future plans and strategies have been put in place by your ministry to improve the provision of human rights information to rural women in the Nandi South District and to ease implementation by both groups?

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

Section V: Factors that hinder the dissemination and implementation of human rights

12. What challenges face your ministry/department while trying to disseminate and implement human rights provisions for rural women in Nandi South District?

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

13. In your opinion, what obstacles face rural women as they attempt to access and implement human rights provisions meant for them?

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

Section VI: Suggested recommendations to improve provision, access and implementation of women's' rights in Nandi South district

14. What recommendations do you suggest to policy makers, implementers and human rights activists to improve the provision of human rights information to rural women in Kenya?

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

**THANK YOU FOR GIVING ME YOUR TIME
BE BLESSED BY GOD BOUNTIFULLY.**

APPENDIX V

INTERVIEW SCHEDULE FOR AGENCIES / BODIES & ORGANIZATIONS THAT PROMOTE HUMAN RIGHTS

Section (i) Background Information

- 1. Name of Agency/Body/Organization where you are working.....
- 2. Sex : Female [] Male []
- 3. Position and/or level in Organization.....
- 4. What role is your organization playing in creating Human Rights awareness to rural women in Nandi South District?

.....

.....

.....

.....

Why does your organization find it important to create human rights awareness to rural women in Nandi South District?

.....

.....

.....

.....

Section (ii): Human Rights Awareness

- 5. (i) In your view, to what extent are rural women in the District aware of their human rights provisions?

- Greater extent []
- Some extent []
- Smaller extent []
- Not at all []

6. If your response in Q8(i) is to some extent, smaller extent and/or not at all, What strategies have you got in place to promote the dissemination of human rights information and to ease the implementation of women human rights?

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

Section (iii): Provision of human rights information to rural women in Nandi South District

7. (i) What methods do you use to disseminate human rights information and to create human rights awareness amongst women and specifically rural women in the District?

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

(ii) In your opinion, how effective are the methods that you employ in disseminating human rights information and creating human rights awareness to rural women in the district?

- Very effective []
- Effective []
- Not effective []

(iii) if your response in Q9 (i) above is not effective, what do you propose to be done by your organization and other human rights promoters to improve on methods of providing human rights information to rural women in the District?

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.....
.....

8. What specific activities/efforts has your organization implemented to promote human rights awareness amongst rural women in Nandi South District?

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.....
.....

Section (iv): implementation/usage of human rights provision by rural women in Nandi South District

9. What has your organization done to ensure that rural women in the district implement their human rights as provided for them in the human rights instruments that have been ratified by Kenyan Government?

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

10. What policies does your organization have in place to support the implementation of human rights provisions by rural women in the district?

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.....
.....

11. What legal frameworks are in place to protect and enhance the implementation of Human Rights provisions by women in the rural parts of Nandi South District?

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

Section (v): Factors that hinder the provision of human rights information to rural women in Nandi South District by the organization and implementation by rural women

12. (i) What challenges does your organization face in promoting Human Rights awareness to rural women in South Nandi District?

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

(ii) In your view, what obstacles face women as they try implementing human rights provisions which are known to them?

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.....
.....

13. (i) How has your organization overcome the challenges which you have stated in Q.12 (i) above?

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

(ii) How has your organization assisted rural women to implement their human rights?

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

(iii) What future plans does your organization have in improving the provision of human rights information to rural women and to enable rural women implement their human rights provision with less obstacles?

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

Section (vi): Suggested recommendations to improve provision and implementation of human rights provisions

14. What recommendations do you propose to policy makers, implementers and human rights promoters to rural women to improve the provision and implementation of human rights provisions amongst women?

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.....
.....

**THANK YOU FOR GIVING ME YOUR TIME
GOD BLESS YOU**

APPENDIX VI

**INTERVIEW SCHEDULE FOR LEADERS OF CBOs (SELF HELP GROUPS)
OF WOMEN IN NANDI SOUTH DISTRICT**

1. What is the name of your women group?

.....

2. When did you establish this women group?

.....

3. How are members recruited to your group?

.....

4. How regular do you meet with members?

.....

5. What activities does this group engage in?

.....

6. How do you get funds to enable your group carry out its activities?

.....

7. As a woman group leader, are you being paid to carryout leadership role?

.....

8. What benefits do members of your group get from being members of this group?

.....

9. (a) In your view, has the group helped to improve the socio-economic status of members' families?

YES []

NO []

If yes, how have they benefited from the group?

.....

10. What are some of the major issues that you discuss with women during the group meetings?

.....

11. Are they free to ask questions in matters that are not clear to them?

Yes [] No []

If YES, are you able to clarify those issues to them?

.....

12. In the case where you are not able to answer all the questions, what do you do to provide them with the relevant information?

.....

13. In your opinion, what effect does the information you provide to members have in their own lives and those of their families?

.....

14. What problems does your group face in attempting to provide women with human rights information and help women implement their rights?

.....

15. In your views, how can the above problem be alleviated?

.....

16. In your opinion, how should information of women human rights provisions to women groups in Nandi south should be improved?

.....

.....

.....

APPENDIX VII

INTERVIEW SCHEDULE FOR A SPECIAL GROUP OF WOMEN & MEN OF ABOVE SEVENTY YEARS OF AGE IN NANDI SOUTH DISTRICT

PART I: Personal Information

1. Age Bracket

- 70 - 79 []
 80 - 89 []
 90 - 99 []
 100 and above

2. Marital Status

- | | | |
|---------------|-------------|--------------|
| Unmarried [] | Single [] | Bachelor [] |
| Married [] | Widowed [] | Widower [] |
| Divorced [] | | |

3. Educational level

- | | |
|---------------|--|
| None [] | College – Cert., Dip. or Higher Dip. [] |
| Primary [] | University [] |
| Secondary [] | |

4. Occupation

- House wife []
 Farmer []
 Business []
 Professional []
 Retiree []
 Others.....

5. State (√) your competence in the following language

Language	Very competent	Fairly competent	Poor
English			
Kiswahili			
Kalenjin			
Any other (State)			

PART II: Community Customs and Cultural Beliefs about Women

6. (a) In your community, how are women regarded in the:-

(i) Family.....

(ii) In your opinion, which ones of the cultural beliefs and customs regarding women in your community which you have stated in **Q6a (i) and Q6a (ii)** above are still relevant to women in our modern society?

.....

(iii) Please state reasons why you think so.

.....

PART III: Traditional Channels of Communication

7. How did the traditional Nandi pass on information on culture, norms, beliefs, values, environment, and knowledge from one generation to another?

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

PART IV: Roles Played by Women in Nandi Community

8. What roles are specifically played by women in your community? Kindly state as many as you can.

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

PART V: Rights of Woman in Nandi Community & in the Modern Society

9. (i) According to your cultural beliefs and customs, what rights are women in your community allowed to possess? Kindly state as many as you can think.

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

(ii) In your opinion, which women's rights in your community which you have stated in Q8 (i) above are still relevant in today's society as rights of women?

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

(iii). Why do you think the rights of women in your community which you have stated in Q8 (ii) are still relevant today?

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

(iv) In your view, which ones are no longer relevant for women in today's generation that needs to be done away with?

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

(v) Please give reasons for each of the women right which you have stated above.

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

PART VI: Awareness of modern human rights provided for women

10. (a). Are you aware of modern human rights provisions for women in the current society?

YES [] NO []

(b). If **YES** in **Q (a)**, please state all the human rights that you know.

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

(c). How did you come to know each of the human rights which you have stated above?

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

(d). (i) How reliable are those information sources which you used to access information about women's rights?

- Very reliable []
- Reliable []
- Not reliable []

(ii). Why do you think so?

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

PART VII: Provision of Rights Information to Women in Nandi Community

11. (i) How are women in your community made to know about their entitlements and the roles which they are expected to play in both the family and the society? Please state as many methods as possible.

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

(ii) In your opinion, how effective are the methods used which you have stated above of disseminating rights information to women and roles expected to be performed by them in both the family and the society?

Very effective []

Effective []

Not effective []

(iii) Kindly explain your response.

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

(iv) What in your opinion should be done to enable women access and enjoy their rights in today's society?

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

PART VIII: Comparisons of cultural rights to women and modern human rights provisions for women

12. (a) How do you compare cultural rights provided for women in your community with human rights provided for women in the modern society? Modern rights to women are :-(*please agree to only one of the options below*)

All are good []

Some are fairly good []

All are not good []

(b) Please explain your response.

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

PART IX: Cultural Practices, Customs and Beliefs that promote Women’s Modern Rights

12 (i) According to your understanding of Nandi practices, customs and beliefs about women, what are the practices that promote women’s rights.

.....
.....

How do they promote modern women’s rights?

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

PART X: Cultural beliefs that hinder women in Nandi South District from accessing & implementing their human rights

13. In your opinion, how do customs and cultural beliefs about women and the roles played by women in your community which you have stated in **Q6a (i)** and **Q6a (ii)** above affect women in?

(a) Accessing their modern human rights in today’s society?

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

(b) Implementing their human rights provision?

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

PART XI: Recommendations

14. In your view, what should be done to minimize the challenges caused by culture and traditional beliefs about women in your community to enable women access and implement their modern human rights?

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

**THANK YOU FOR GIVING ME YOUR TIME
BE BLESSED.**

APPENDIX VIII

CHECKLIST OF HUMAN RIGHTS

Civil and Political rights

These rights affirm an individual's rights to:

- Life
- Freedom from discrimination
- Freedom and security of the person
- Freedom of worship, belief and opinion
- Freedom of expression
- Freedom of movement and residence
- Freedom of assembly and association
- Privacy
- A fair trial
- Participate in governance
- Vote and be elected

Economic, Social and Cultural Rights

They relate to peoples' sense of belonging, dignity, survival and preservation of cultural practices. They include the right to:

- Good health, which includes the right to healthcare services, reproductive health rights and emergency medical treatment
- Education
- Adequate shelter
- Adequate food, and which is culturally acceptable
- Adequate safe and clean drinking water
- Reasonable standards of sanitation
- Leisure and rest
- Participate in cultural activities of one's community
- Preserve one's cultural heritage
- Cultural identity, including the right to speak one's language, and to form, join or maintain cultural, religious and linguistic associations

- Marry and form a family
- Just and favourable working conditions
- Equal pay for work of equal value
- Social security, social benefits and pension
- Form, join and participate in trade unions and participate in strikes
- Form and join employees organizations
- Acquire and own property
- Quality goods and services

Group or Solidarity Rights

It is important to note that some of these rights are still contestable and do not enjoy universal recognition like other rights. These include rights to:

- A clean and healthy environment
- Self-determination
- Development
- Protection as a minority

APPENDIX IX

CHECK LIST OF HUMAN RIGHTS PROTECTED BY KENYAN LAWS

Human rights provided in for under international instruments that are recognized by the laws of Kenya can be enforced and protected by Kenyan courts.

Rights which the constitution of Kenya recognizes and protects include:

- Protection of right to life
- Protection of right to personal liberty
- Protection from slavery and forced labour
- Protection from inhuman treatment
- Protection from deprivation of property
- Protection against arbitrary search or entry
- Provision to secure protection of law
- Protection of freedom of consciences
- Protection of freedom of expression
- Protection of freedom of assembly and association
- Protection of freedom of movement
- Protection from discrimination on grounds of race, tribe, place of origin or residence or other local connection, political opinions, colour, creed or sex.

APPENDIX X

CHECK LIST OF SOURCES OF HUMAN RIGHTS INFORMATION

INTERNATIONAL

These include:

- Universal Declaration of Human Rights (1948)
- United Nations Charter
- Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)
- Convention on the Rights of the child (CRC).
- United Nations Children Emergency Fund (UNICEF).
- UN agencies in particular the International convention on economic, social and cultural rights, the UNESCO These instruments are supplemented by programs to help improve and accelerate access to and effective population participation in the areas of education, science and technology, social science, culture and communication.

REGIONAL (AFRICA)

- African Charter on human and people's rights

STATE AND/OR NATIONAL INSTRUMENTS AND AGENCIES OF WOMEN HUMAN RIGHTS (KENYA)

State plays an important role in implementation of human rights which they have ratified. These are available in:

- The constitution of Kenya and the legislation and;
- The Cultural, social, education and Economic measures. They include ministry of:
 - Gender, Children and Social Development
 - Education
 - Health department of Maternal/child health services and Public Health and Sanitation
 - Medical Services department of Public Health and Sanitation
 - Women Bureau among others.

BODIES/ORGANISATIONS THAT PROMOTE HUMAN RIGHTS INFORMATION

UNIVERSALLY

These include UN agencies such as UNESCO, UNICEF, UNIC among others.

IN AFRICA

The most active organizations in Africa have been:

- African Commission on Human and Peoples' Rights which supervises the implementation of the African Charter
- NGOs (Non-Governmental Organizations)
- Individual Human Rights Activists at various levels (both organized as well as individual academia).

AGENCIES INVOLVED IN HUMAN RIGHTS ACTIVITY IN AFRICA

These agencies could be divided into the following:

Inter-Governmental Organizations (IGOs)

- UN Organizations and agencies (Regional Human Rights Charter and Regional Human Rights body)

Those that have been active in human rights process include:

UN Commission on Human Rights

- African Jurists especially African Bar Association
- Western Liberals and
- Activist Organizations.

Non-Governmental Organizations (NGOs)

These are divided into 3 major groups namely:

- International Non-Governmental Organizations (**INGOs**)
- Foreign Based Non-Governmental Organizations (**FONGOs**) and
- Local Non-Governmental Organizations (**LONGOs**).

The International (Sometimes called Transnationals (INGOs)

Non-governmental organizations include:

- International commission of Jurist (ICJ) based in Geneva;
- International Committee of the Red Cross (ICRC) based in Swiss;
- American based International League for Human Rights;
- Amnesty International

The Foreign Based NGOs (FONGOs)

These organizations are active on African questions e.g. International League for Human Rights.

The Local Non-Governmental Organizations (LONGOs)

Examples are Church-based,

- The All Africa Council of Churches, churches in Kenya, Uganda and Zimbabwe (the Catholic Commission for Justice and Peace
- Law and legal activities e.g. (legal aid groups) like the legal Advice Centre and
- The public law institute of Kenya.

Organizations that are very relevant to Africa but least publicized in the West

These Organizations include:

- Bertrand Russell Tribunals (organized the Vietnam war crimes Tribunals) and;

- Rome-based Lelio Basso Foundation (for the Rights and Liberation of people which sponsored the 1976 Algiers Declaration on the rights of people.

Other sources and channels of disseminating human rights information

They include:

- Television
- Radio stations
- Newspapers
- Magazines
- *Barazas* (public verbal communications)
- Workshops
- Conferences
- Learning institutions
- ICT (internet)
- Literatures e.g. journals, books

APPENDIX XI

WORK PLAN

	Stage/Time period	Main Activity	Sub-Activities	Expected Output
1.	1. January - April 2007	-Preliminary interview to identify stakeholders needs and concerns -Literature Search -Development of data collection instruments	<ul style="list-style-type: none"> - Conducting literature review - Developing and refining research proposal 	<ul style="list-style-type: none"> - Complete proposal
2.	June - October, 2007	-Identifying and training of Research Assistants - Pre-tests (Piloting) of Interview Questions	<ul style="list-style-type: none"> - Training of research assistants - Reproduction of Interview Schedules for pilot study - Production of list of respondents - Sampling of respondents 	<ul style="list-style-type: none"> - Trained Research Assistants - Revised Interview Schedule - List of respondents - Materials and equipments
3.	November 2007 -May 2008	-Conducting Actual field study	<ul style="list-style-type: none"> - Actual Field study - Commence data collection 	<ul style="list-style-type: none"> - Raw Data from Interview Schedules
4.	June 2008- April 2009	Data processing and Analysis	<ul style="list-style-type: none"> - Data entry and editing - Data analysis - Drafting of preliminary research report - Organizing and presentation of preliminary results 	<ul style="list-style-type: none"> - Data on - Preliminary Results of data analysis - Preliminary findings report
5.	May 2009 - February,2010	Final draft report	<ul style="list-style-type: none"> - Drafting of final report - Presentation of final report in seminars 	<ul style="list-style-type: none"> - Final results

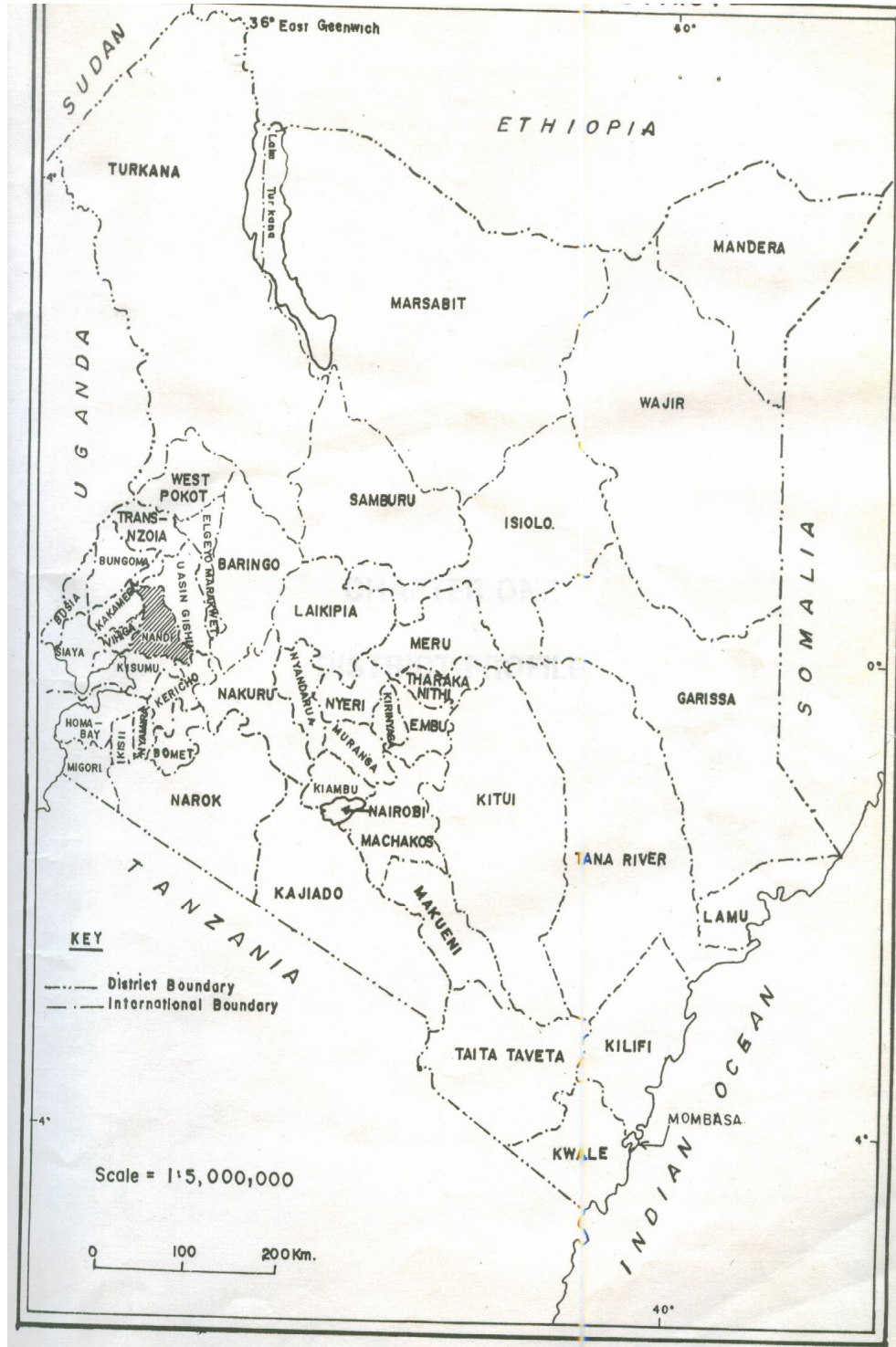
APPENDIX XII

BUDGET

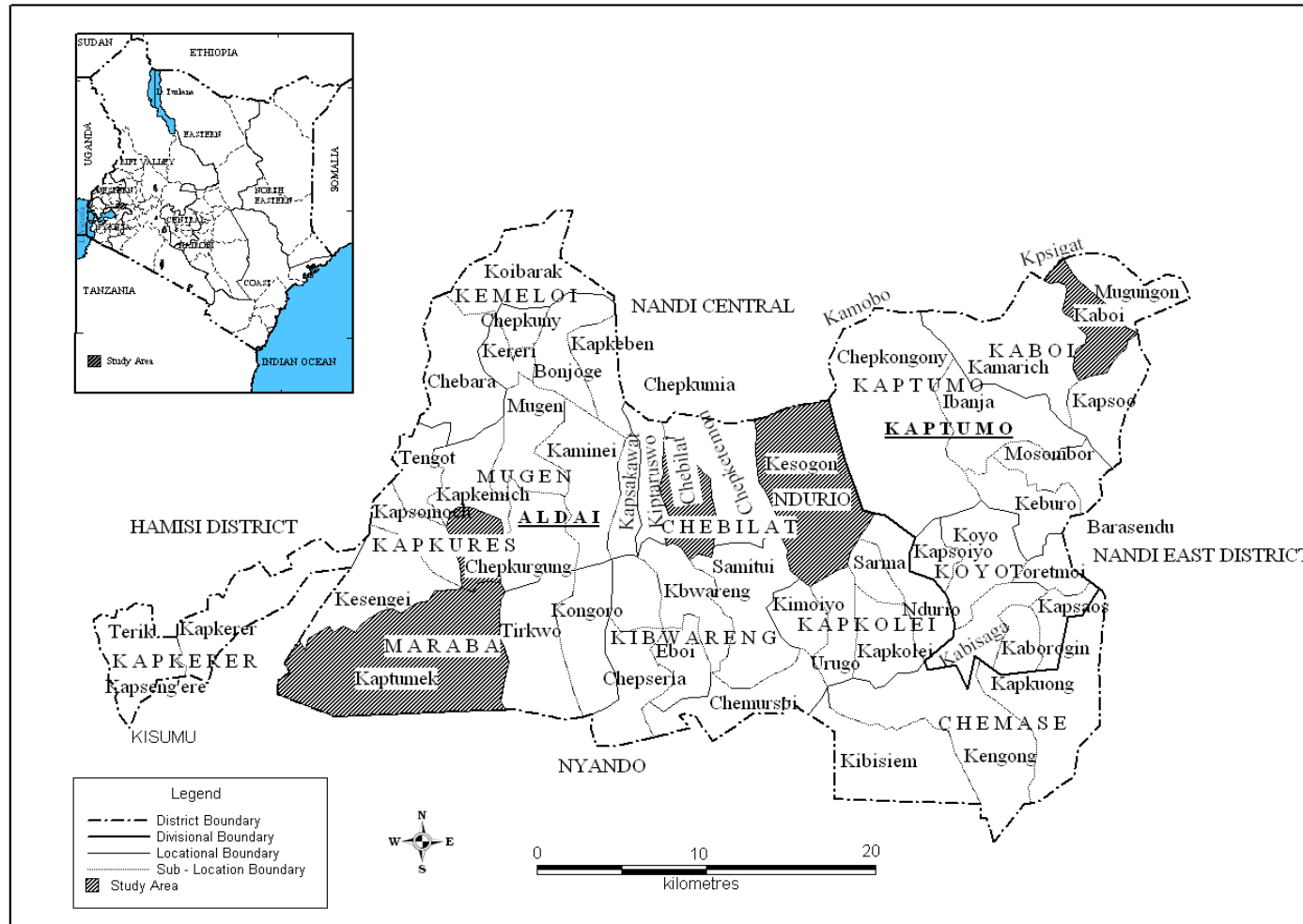
Item	Description	Cost @	Total
Travel to Nairobi to process Research Permit	Travel from Moi University (main) to and from Eldoret	100 x 2	200
	Travel from Eldoret to & from Nairobi	800 x 2	1,600
	Per diem @ 3900 per day	3900 x 3 days	11,700
	Research Permit cost	2000	2,000
Typing, Printing & Photocopying Research Proposal	Typing	20 x 92 pages	1,840
	1 pc Printer Toner NO. 12 A	5,800	5,800
Photocopying	Research Proposal	2 x 92 pages x 6 copies	1,104
	Interview Schedules for women	7pgs x 300 women x 2	4,200
	Interview Schedules for Government Officers	2 x 20 x 6	240
	Interview Schedules Human Rights Activists	3 x 2 x 6	36
	Checklist	3copies x 6x2	36
Travel from Moi University to Nandi South District	Fuelling car	1000x60days	60,000
Flash disk	2 GB x 2	1,800	3,600
Camera	Digital	20,000	20,000
Cassette Recorder	For recording	10,000	10,000
Travel to Nairobi to collect data at Gigiri, (Human Rights Commission Office)	Travel from Eldoret to Nairobi and back,	800 x 2	1,600
	Per diem for 5 days	3900 x 5	19,500
Travel within Nairobi	At Kshs 200 per day	200 x 5	1,000
	Travel from Moi University (main) to Eldoret and back	100 x 2	200
TOTAL			144,656

APPENDIX XIII

LOCATION OF NANDI SOUTH DISTRICT IN KENYA




MAP OF NANDI SOUTH DISTRICT



APPENDIX XV

RESEARCH AUTHORIZATION LETTER

REPUBLIC OF KENYA



NATIONAL COUNCIL FOR SCIENCE AND TECHNOLOGY

Telephone: 254-20-272727 (12 lines)
Toll-free: 254-800-90140, 2211100
254-20-232571, 2210121
Fax: 254-20-2213215, 2210115, 2210140
When replying please quote

P.O. Box 30633-00100
Nairobi, Kenya
Website: www.ncst.or.ke

Our Ref: **NCST/S/002/R/592/5** Date: **25th June 2009**

Mangira Roselyn Tuitock
Moi University
P.O BOX 3900
ELDORET

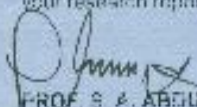
RE: RESEARCH AUTHORIZATION

Following your application for authority to carry out research on, *provision of human rights information to rural women in Kenya: a case study of Nandi south district*,

I am pleased to inform you that you have been authorized to carry out research in Nandi South District for a period ending 30th May 2012.

You are advised to report to the District Commissioner, the District Education Officer Nandi South District before embarking on your research.

On completion of your research, you are expected to submit two copies of your research report/thesis to this office.


PROF. S. A. ABDULRAZAK Ph.D, MBS
SECRETARY

The District Commissioner
Nandi South District

The District Education Officer
Nandi South District

APPENDIX XVI

RESEARCH PERMIT

Page 1

THIS IS TO CERTIFY THAT
 Prof/Dr/Mr/Mrs/Ms. ROSEMARY MURRAY
ROSEMARY MURRAY
 of (Address) HOT 48, KEEBERRY
PO BOX 1900 ELDORET
 has been permitted to conduct research in.....
 Location
ELDORET..... District
ELDORET VALLEY..... Province,
 on the topic ROSE SIGN OF JERUSALEM
RISKS INFORMATION TO MURRAY
CONFER IN KENYA, ACROSS BORDERS OF
ELDORET VALLEY DISTRICT
 for a period ending TWENTY MAY, 2011

Page 2

Research Permit No. NCST/RS/0004/08/000
 Date of Issue 25.06.2009
 Fee received KES 3,000




[Signature]
 Applicant's Signature

[Signature]
 Secretary
 National Council for
 Science and Technology

CONDITIONS

1. You must report to the District Commissioner and the District Education Officer of the area before embarking on your research. Failure to do that may lead to the cancellation of your permit.
2. Government Officers will not be interviewed without prior appointment.
3. No questionnaire will be used unless it has been approved.
4. Excavation, filming and collection of biological specimens are subject to further permission from the relevant Government Ministries.
5. You are required to submit at least two(2)/four(4) bound copies of your final report for Kenyans and non-Kenyans respectively.
6. The Government of Kenya reserves the right to modify the conditions of this permit including its cancellation without notice.


REPUBLIC OF KENYA
RESEARCH CLEARANCE PERMIT

CPK 0035—37—10/2007 (CONDITIONS—see back page)