Promoting Women’s Human and Economic Rights in Rural Kenya—

The Case of Paralegals in Kenya

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Executive Summary

Poverty places several women on a path to conflict with the law. Women are regularly driven by poverty to engage in “illegal” economic activities. Many women inmates languish in prison for offences such as hawking, selling illicit liquor, vagrancy and offences relating to property.

This report covers the struggles, achievements, and lessons learned from an innovative paralegal program that was implemented in a number of districts in rural Kenya. The program’s main objective was to entrench women’s human rights in the communities and ultimately reduce poverty. The program offered an opportunity to improve women’s human rights and economic status. It challenges the root causes of women’s rights violations and economic deprivation. By employing a holistic approach and ensuring the involvement of a cross-section of community members and organizations, the program has elicited socio-political and economic change in rural Kenya. The paralegal program has expanded tremendously. The paralegal program grew from covering only 7 districts with 40 paralegals in 1998, to training and deploying over 477 paralegals (community-based human rights educators) in over 20 districts in about six provinces. Currently, 270 paralegals are active in the program. It continuously replicates success stories, consolidates gains, and implements best practices in new sites.

Background

Women’s economic status in Kenya is limited by socio-cultural traditions and beliefs. Women are the most economically deprived group in Kenya today. Women may have access to land, but it is their male counterparts who control and enjoy the bulk of their income. This economic marginalization is further exacerbated by colonial definitions of land ownership. Discriminatory laws and cultures are compounded by the HIV/AIDS pandemic, and women are suffering disproportionately. For the rural poor to improve their situation, women’s access to justice and gender relations in their communities must be addressed with the utmost urgency.

In Kenya, customs and traditions perpetuate inequality between men and women; men use cultural differences to suppress women, and unequal power relationships are maintained. Women and girls continue to be discriminated against in the ownership of assets and in access to social and economic services; the prevalence of a multitude of “traditional” laws and practices coupled with statutory laws make the identification and enforcement of women’s rights difficult; and statutory laws and customary norms and practices are not compatible. Kenya’s current constitution outlaws discrimination based on sex, but exemptions for discrimination in personal and customary laws eviscerate the nondiscrimination provisions.

HIV/AIDS is the country’s biggest development challenge. There is a vicious circle between HIV/AIDS and poverty. Women and girls in Kenya are dying from HIV/AIDS partly because their second-class status makes them vulnerable to violence and unsafe sex. Protecting women from sexual abuse and ensuring that they enjoy equal rights under law are crucial in the fight against HIV/AIDS. Children are forced to drop out of school and fend for the family where both parents have died of HIV/AIDS-related illnesses, denying them the right to education and
bringing another generation of illiterate people. This situation persists even though the government provides free primary education.

**Implementation**

Against this background, the paralegal project began in a number of districts in Kenya. The paralegal program seeks to:

- Promote the internalization and sustainability of a culture of respect for women’s human rights and their participation in leadership and decision-making while educating the community in basic laws.
- Assist and advise the community in its legal needs and engage institutions of governance, government bodies, and civil society constructively on matters of women’s rights.
- Enable women to be active citizens with rights, expectations and responsibilities that empower them to engage in matters affecting them and the development processes that affect their lives.
- Bring people together by educating them on the virtues and the process of organizing to achieve democratic goals.

The implementation phases were: trainee mobilization, recruitment, identification, and training; commissioning the paralegals to work in the community; and paralegal monitoring, assessment and evaluation.

The paralegal program applies a multi-sectoral approach to address identified structural concerns that undermine women’s quest for justice and recognition, such as discriminative laws, and to raise awareness around women’s rights. Office personnel also have their technical and legal skills sharpened to implement the program effectively. Ultimately, the program will transfer program ownership to communities through the establishment of Legal and Human Rights Community Resource Centres.

**Impact analysis**

There is a continuing need at the community level for basic information on women’s rights and human rights in general. The human rights awareness created thus far has elicited an overwhelming response by the communities for more knowledge and for greater paralegal services in pursuit of justice for violation of human rights and other community human rights demands.

Where paralegals have been able to reach their communities, more women are aware of when their rights are violated and the appropriate remedies they can take. Concurrently, perpetrators of human rights violations are increasingly aware that the rule of law is catching up with them. The program has empowered women by providing legal services for women and community members on cases, offering paralegal advice, and referring cases to lawyers and relevant organizations.

The integration of paralegal work with education for women and the community continues to build their capacities and power in a bid to increase women’s control over their lives.
Owing to the community recognition of the paralegals’ work, the paralegals have increasingly been involved in negotiations and alternative dispute resolution of civil cases at the grassroots level. The paralegal program is contributing to real political and social change, judging by the growing number of requests to assist with human rights violation cases. The program has built on existing networks of paralegals and other trained community educators. This groundwork is particularly vital during a period that has, unfortunately, been marked by violence and a total lack of respect for voters’ and citizen’s rights and limited political participation.

The paralegal program runs a schools human rights program. This project provides training for teachers, head teachers, and education officials, who, in turn, establish, manage and coordinate human rights clubs, while the education officials guarantee support for club activities. It aims at the early sensitization of human rights values by school pupils. During club activities, children learn and share knowledge and experiences on human, women, and children’s rights from the trained teachers, paralegals or invited resource persons. A merit awards program involves other corporate and media organizations.

The paralegal program alleviates poverty in the broader sense of strengthening the participation of the poor, especially women, in decisions affecting their lives. As a result, people have been able to understand and influence the local government and institutions regarding their rights, needs and priority issues. This has been successful in situations where citizens have been organized and acted together. Examples include protests, court proceedings, and demonstrations for violations of individual rights and the community. The result has been that the persons implicated are being brought to justice or the authorities have given in to the communities’ demands.

Through the Sacco, or microfinance scheme, women who have been members of the organization for at least six months have access to “soft loans” that can be used for business or family expenses. In some districts, the paralegals submitted proposals from women’s groups and, with the organization’s assistance, they were able to raise funds to implement their proposals.

**Driving factors**

The driving factors that have made the Paralegal Program a success include:

- Commitment and political economy for change: Continued commitment from the civil society organizations and the change in the governing regime have been quite instrumental in bringing in a climate of change. There is new hope for partnering more and more with the government.

- Institutional innovations such as radio programs on women’s human rights issues, training village elders in national laws, and the Paralegal Support Network (PASUNET) have had positive impacts.

- Learning and experimentation: The program has expanded the skills taught to include communication skills, report writing, and counseling; mapped the paralegals’ locations for program impact; and linked the paralegals to groups that offer development assistance to communities.
• External catalysts include the government, civil society and international organizations, the media, PASUNET, and donor funding.

**Lessons learned**

• Formally incorporating human rights studies in the school curriculum would be more effective and would have far reaching effects than the current process.

• More control and increased transparency are needed of both the paralegal’s monthly report and the district team monitor’s overall report to ensure veracity.

• There are additional challenges in the program’s exit strategy through the establishment of Community Resource Centres.

• Increased paralegal liaising is needed in the districts to encourage them to work more closely with the local state administrators.

• Institute monthly monitoring reports and involve the local community in evaluating the reports to gauge the level of awareness that the paralegals have created.

• Additional, more frequent paralegal training is needed to more fully inform the paralegals and update them on new statutes.

• Publicize Sacco, using members as advocates to increase poor women’s access to loans.

• Programmatic reforms and initiatives: Implement a continuous, year-round radio program to reach the rural areas and an awareness campaigns on women’s property rights. Distribute materials in the local languages about inheritance rights and HIV/AIDS.

• Legal reforms: Lobby for gender sensitive statutes that prohibit gender-based discrimination and promote women’s equal property rights.
Implementation Process

The current state of gender relations treats male dominance as legitimate, natural, obvious and inevitable. The effect is to create a social-power hierarchy, in the context of which women are, by-and-large, reduced to powerlessness, economic marginalization, social vulnerability, and cultural inferiority, without any regard to their actual level of contribution to the processes of social production and development.

By way of introduction, the paralegal programme initially arose from a desire to reach out to the disadvantaged rural women with the aim of entrenching women’s human rights and ultimately reducing poverty. Many public institutions responsible for the administration of justice and its interpretation remain heavily underlined by patriarchy, thereby denying women their equal rights and access to justice. There are biases on the bench too as most of the Judges and Magistrates are men who were brought up to believe less in the rights of women. In addition, large-scale legal illiteracy, insufficient funds for legal representation, complicated rules of procedure, ineptitude, corruption and geographical distances compound the access problem.

Women’s property rights abuses are widespread and increasing, they are not limited neither exclusive to one social class, religion or ethnic group, the problems cut across the population. Women are disinherit daily and this is mainly due to the increased level of poverty. In this perspective, the customary issues reflect a socially constructed relationship of inequality, where the cultural differences between men and women represent the use of power by one group to suppress the other and where the socialization of people into these differences maintains the unequal power relationships.

The issues in question can be derived from the following realities:

- Women and girls continue to be discriminated against in the ownership of assets and in access to social and economic services;
- The prevalence of a multitude of “traditional” laws and practices coupled with statutory laws makes the identification and enforcement of women’s rights difficult;
- Statutory laws and customary norms and practices are not compatible. Kenya’s current constitution outlaws discrimination based on sex, but exemptions for discrimination in personal and customary laws eviscerate the nondiscrimination provisions.

HIV/AIDS is the country’s biggest development challenge and there is a vicious circle between HIV and poverty. Women and girls in Kenya are dying partly because their second-class status makes them vulnerable to violence and unsafe sex. Protecting women from sexual abuse and ensuring that their equal rights under the law are crucial in the fight against HIV/AIDS. Children are forced to drop out of school and fend for the family where both the parents have died of HIV/AIDS related illnesses thereby denying them the right to education and bringing in another generation of illiterate people even though the Kenyan government is now offering free primary.
“Even if primary education is free, how do I go to school on an empty stomach, what will my siblings feed on and who will fend for us?”

It is against this background that the paralegal project was started in a number of Districts within the country. The paralegal programme is timely and relevant given the current socio-cultural and economic contradictions. It seeks to:

- Promote the internalization and sustainability by communities of a culture of respect for women’s human rights and their participation in leadership and decision-making and educate the community in their basic laws.

- Assisting and advising the community in their legal needs and engaging institutions of governance, government bodies and civil society constructively on matters of women’s human rights for instance lobbying for law reform and enforcement of new legislations

- Enable women to be active citizens with rights, expectations and responsibilities empowering them to engage in matters affecting them and development processes that affect their lives.

- Bring people together by educating them on the virtues and the process of organization.

The phases for the implementation of the paralegal project include:

**Mobilization**

The organization through the assistance of key persons (women) in the district and/or divisions, would normally inform the community of a planned visit to be made by the secretariat and asking them to avail themselves at the venue of the planned meeting. During the mobilization process, key personalities in the region are also used to disseminate the information of the planned visit to the locals.

**Recruitment**

On the planned day, the organizations officers would normally assemble and sell out the organization to the participants by informing them of what the organization is all about and the benefits of being a member.

Another important information that is never left out during the recruitment is to sell to the participants the organization’s Savings & Credit Co-operative Society (*Shilawa*). (To be discussed in a different part of this document). During recruitment, the paralegal project is then introduced to those in attendance and the role of opinion leaders stressed to those in attendance. A need assessment is then performed to identify the unique legal and human rights needs in the district, to help focus on the training to be given. The women participants are then issued with a questionnaire form and this is what forms the basis of the paralegal selection.

A strategy used in that paralegals identified must come from that community and live there. A selection criterion is used and given the vast geographical coverage of some districts; the individuals’ location is taken into consideration in order to cluster the paralegals for intensive programmatic impact.
Lastly, the men in attendance who show interest of joining the organization’s membership are given forms to fill in addition to paying a membership fee (Men pay a higher amount than the women)

**Identification**

The secretariat is then charged with the duty of identifying who amongst the women and men recruited are fit to be trained in the paralegal program.

To be a paralegal, some of the qualifications are:

- You have to be over 18 years old;
- You have to be a registered member of the organization;
- Preferably women community leaders as they are resourceful;
- Minimum education level ‘O level’, or if lower, engaged in some profession;
- Women who have trained in paralegal work but not engaged in any other work at the date of recruitment so as not to bring in a conflict of interest;
- Ability to read and write in English and Swahili

During this period, care is also taken to narrow down on preferably candidates taking into account their parity in numbers in relation to all the divisions in the district. 20 women volunteers are then selected from the women recruited and one of who is appointed as their coordinator/monitor. The monitor/coordinator undergoes a training on leadership skills and operates on a terms of reference developed jointly to monitor each paralegal and district team work and is usually the person who assists the secretariat to convene meetings with the paralegals.

**Training**

A formal training workshop is then held at a central point and in phases. The trainers, most of who are lawyers are recruited from other reputable organizations and together with the organization’s staff; they train the paralegals in law and human rights;

The topics covered during the first training period, which is for one week, are:

- Paralegals and community development,
- Human rights,
- Gender,
- Child rights,
- Basic family and succession law,
- Basic land law,
- Basic law of contract
- Communication and report writing skills,
• HIV/AIDS

The second training session covers the following topics:

• Basic counseling skills,
• Conflict resolution and arbitration,
• Voting and elections,
• Basic law of Business Associations,
• Basic Insurance law,

A flexible curriculum is then developed to suit and accommodate the different needs experienced in the regions that the paralegal programme is to be implemented.

Aside from the initial induction training paralegals undergo, the programme provides refresher trainings to build paralegals’ capacity for efficient and effective programme implementation. Refresher trainings are carried out yearly for paralegals where emerging social, political, legal and economic issues related to their work and administrative and programmatic issues are also addressed. These are forums where paralegals gain a strong grasp on the areas of training, which have not been confidently utilised and can begin to improve the efficiency of their fieldwork.

In response to the HIV/AIDS epidemic in Kenya as is the experience in the paralegal programme, it has been of great need that training on HIV/AIDS with regard to women's rights is mainstreamed into the programme. The programme focuses on ensuring that paralegals have the correct legal information to handle certain cases, education material and adequate access to other legal instruments for referral and follow up. Training sessions include interaction of pro bono lawyers with paralegals. Consequently upgrading of staff capacity through training is also undertaken.

### Commissioning of the Paralegals to Work in the Community

Soon after the first training, the paralegals are normally sent out in the field to start their work. Their work includes training and/or carrying out advocacy at the sub-location/location and divisional level.

To make their work easier, the first thing that the paralegals are always reminded to do when they go back to their communities is to introduce themselves to the local state administration, so as to enable them work in harmony. It is also a well know fact that the local state administrators in the rural do hold a lot of power and influence within their jurisdictions.

The organization normally has forms that it has already prepared that it gives out to the paralegals after having discussed on how to use the forms. These forms include a Monthly Plan of Action Form, a Monthly Monitoring Report Form and a case sheet.

The Monthly Plan of Action Form is to help the paralegal plan in advance their outreach activities that include training and awareness session in school, churches, markets, ‘barazas’, women group meetings etc.
The Monthly Monitoring Report Form, the paralegal is supposed to document the real outcome of her work. This does not necessarily need to reflect similarly on what one had stated in their Plan of Action form.

The case sheets are also used to write out and document on cases used for human and legal rights violations, for recording information that leads to a decision to refer a case to a relevant authority.

These case sheets are only filled when a paralegal has attempted alternative dispute resolution and this has failed. The case sheets are developed to document different types of cases, for example:

- Domestic violence, child abuse and assault;
- Land dispute;
- Occupational or other accidents;
- Divorce/separation, succession & inheritance, child maintenance & custody
- Sexual offences

After collecting these reports, the legal officer has to study each one of the reports so as to check on issues such as:

- What cases are mostly reported/resolved through arbitration?
- Is there an increase or a decline to the level of violence?
- What is the prevalence of family law related cases e.g. succession & inheritance, divorce & separation, child custody & maintenance?

Such an analysis will assist the organization to know on what areas to train a community more in more in, and this training is also to extend to the local administrator as they are the custodians of the law and they have a very strong hold and/or influence among the rural folk who sometimes hold them in awe.

The paralegals are also encouraged to seek any public forum to raise awareness on basic legal and human rights issues and also to publicize their work. These sessions give the paralegals an opportunity to introduce themselves and the organization to the community. The paralegals do have the organization’s telephone contact and are allowed to call the office reverse at any time to report any violation that may be happening which they feel they need support to be able to evenly handle.

**Paralegal Monitoring, Assessment, and Evaluation**

Over the years, an effective Monitoring, Assessment and Evaluation System has been developed. This M & E system directs the collecting, analysing and using of information about the progress and impact of the programme. It involves improving and using appropriate tools to enable informed adjustments and decisions about programme directions. The M&E system outlines programme indicators that guide implementation and state the relevant information that needed to show that programme objectives have been achieved.
The M&E tools applied recognise the central role that the local people play in planning and managing the use of their resources making the process as participatory as possible. The system adopts a gender perspective incorporating gender audits to ensure that the paralegal programme continues to create a more gender sensitive environment. With the growth of the programme more effective monitoring methods have had to be instituted including review sessions and external evaluations.

In view of this, a computer data collecting and analysis system has been developed and is used to record paralegal monthly reports from the paralegals indicating the activities they have been involved in. This system has been instrumental in monitoring individual paralegal performance and presenting an overall picture of the human rights issues at the grassroots. This data has played a role in defining intervention and as an early warning system. Paralegals have to adhere to a terms of reference (TOR) jointly developed and follow up is made on their work by a cluster leader who also presents a report. Field visits to programme activities are a vital component of the M&E.

The paralegal programme has continued to grow from covering only 7 districts with 40 paralegals in 1998 and has since trained and deployed over 477 paralegals (community-based human rights educators) in over 20 districts in mainly 6 provinces. Currently, 270 paralegals are active within the programme. In expanding, caution is exercised by taking into account the socio-economic dynamics prevailing in the regions.

The paralegal programme continuously replicates success stories, consolidates gains and the time tested best practices in new sites. The programme applies a multi-sectoral approach in addressing identified structural concerns that undermine women's quest for justice and recognition, such as discriminative laws and in raising awareness around women's human rights. Office personnel also have their technical and legal skills sharpened in order to implement the programme effectively. Ultimately, the programme will allow for completion of the process of transferring programme ownership to communities through the facilitation of the establishment of Legal and Human Rights Community Resource Centres (CRC).

**Impact Analysis**

“Social and economic development should be encouraged to secure the participation of women as equal partners with men in the fields of work, equal access to all positions of employment, equal pay for work of equal value and equal opportunities for education and vocational…”

It is ECWD's experience from the implementation of the on-going paralegal programme, that there is continued need at the community level for basic information on women's rights and human rights in general. The human rights awareness created thus far has elicited an overwhelming response by the community for more knowledge and for paralegal services in pursuit of justice for violation of human rights and other community human rights demands. The same applies to the need for skills by rural communities to build their capacities to handle human rights violations using the Kenyan law and international human rights instruments and in lobbying and advocating for change with the wider Kenyan society. This programme applies
suitable strategies for dealing with these constraints using the successful experiences of other paralegals and community workers.

Where paralegals have been able to reach their communities, the community has realised an improved understanding of women's rights and increased awareness on human rights in general. More women are aware when their rights are violated and the appropriate remedies to take for the violations. On the other hand, perpetrators of human rights violations are increasingly conscious of the rule of law catching up with them. The paralegal programme has provided legal empowerment for women through the use of legal services to women and community members on cases by offering paralegal advice, referring cases to lawyers and relevant organisations.

The integration of paralegal work with education for women and the community continues to build their capacities and power in a bid to increase women's control over their lives. Owing to the paralegals recognition by their communities, they have increasingly been involved in negotiations and alternative dispute resolution of cases of civil nature at the grassroots level. The paralegal programme is a valuable and successful programme that is contributing to real political and social change. Judging by the rate at which demands to assist with human rights violation cases has grown. It is indeed these results that the programme has replicated in other sections of the current and ‘new’ districts.

Considering the genesis of the paralegal programme, their presence and work has served to create a less antagonistic environment for women and women leaders. The paralegal programme has developed by building on existing networks of paralegals and other trained community educators. This groundwork is particularly vital during a period, which has, unfortunately, recorded a history of violence and a total lack of respect for voters' rights and the rights of citizens', political participation, women included.

The paralegal programme runs a schools human rights program. This project provides training for teachers, head teachers and education officials who in turn establish, manage and coordinate human rights clubs while the education officials guarantee support for club activities. It aims at the early sensitization of human rights values to school pupils. It is during club activities that children learn and share knowledge and experiences on human, women and children’s rights from the trained teachers, paralegals or invited resource persons. A merit awards scheme developed around the school human rights clubs incorporates other corporate and media organizations.

The paralegal programme alleviates poverty in the broader sense of strengthening the participation of the poor in decisions affecting their lives especially women. In various circumstances, the people have been able to understand and influence the local government and institutions in their locations particularly regarding their rights, needs and issues in which they attach highest priority. This has been successful in situations where they have been organised and acted together. Examples include protests, court proceedings, and demonstrations for violations of individual rights and the community as a whole resulting in the persons implicated being brought to justice or authorities giving in to the communities' rightful demands.

It is encouraging to note that the women in Kenya have come a long way to assert their rights and to be given the opportunity to be heard and taken seriously. Because of the work done by the paralegals, a good number of the rural women are now more aware and/or assertive of their
Even though issues like property disinheriance is still prevalent, more women are coming out to fight such discriminatory customs through the legal system and also, more case of domestic violence are being reported and even to the extent of getting media coverage.

In Bondo District, a woman whose husband died of HIV/AIDS related illness was disinherited by her in-laws, however, the matter was brought to the attention of our paralegals who assisted the widow in reporting the matter to the area Chief. At the same time, the organization’s Sacco gave to this widow a soft loan with which she has now invested in a small business to be able to support her family.5

All this is due to the fact that many the women in abusive and/or discriminatory relationships have been made aware that domestic violence and is not a matter that we should be ashamed to report, but rather it is a criminal offence just like any other offences as spelt out in our Penal Law and that it should be punished as provided for in the law.

In many of the Districts in the western part of the country, the women there were able to get soft loans, which enabled them purchase bicycles, which are commonly used in the rural areas as a mode of transportation (boda boda). Thus, with the bicycles, the women are able to engage in transportation business and for which they charge a small fee and earn an income for themselves.

In other Districts, after the completion of the Phase I of the project, the paralegals submitted proposals from the different women groups in their division and the assistance of the organization, they were able to fundraise for funds to implement their project proposals.

In one of the districts, where a women group was funded, they had a proposal on strengthening local and small-scale garment and bead making factory. With the aid that was granted, these women are now able to generate income with which they have been able to support their families. One of the women had this to say,

“Through the women’s group of which I have been a member of for close to two years, the income generated by our projects has assisted me to educate my children to secondary school”.6

**Driving Factors**

**Commitment and Political Economy for Change**

Although previously there was no conducive environment, but the continued commitment from the Civil Society Organizations and the change in the governing regime has been quite instrumental in bringing in a climate of change. There is new hope for partnering more and more with the government.

The previous governing regime, created a serious dilemma for the Paralegal programme and other human rights organizations which many times challenged the status quo and had to react by exercising caution in our/their activities. In view of this, the Paralegal programme had to adopt a policy LOPHIM (low profile high impact) in order to be effective and especially because the programme is being implemented in the so-called ‘closed’ zones where the previous
government continues to enjoy strong support. This policy has since changed. The situation was that many times there was threats by the government of deregistration and individual paralegals were often times jailed for advocating for citizens rights as they were viewed as enemies of the state.

On a wider scale the paralegal programme is contributing to the political change and has been a channel through which civic education has been engaged and constitution process pursued in the on-going review process. Women have exercised their voter rights and communities are now more accepting of women in leadership at the local and national level. The paralegal programme has made both quantitative and qualitative contributions with regard to women's leadership in Kenya. This is evident from the numbers of women now actively involved in decision-making organs at the local and national level. More women contested the civic and parliamentary seats in the 2002 General elections.

**Institutional Innovation**

The organizations have adopted innovative ways of communicating with women, and indeed the Kenyan public in general. There are radio programs ‘Nguzo za Kudumu’ and ‘Wewe na Haki Yako’ (You and Your Rights) which are aired on the national broadcasting network. Aside from reaching out to a critical mass on women’s human rights issues and providing a forum through which women and individuals have aired and shared their problems, the radio programs serves as a medium through which communities’ capacities have been built to address and resolve violation of rights appropriately.

The programs address topical issues of concern to Kenyan women such as women and poverty, women’s right to property, and laws relating to marriage, among others. Human and legal rights awareness topics have featured prominently in the program. The programs also highlight loopholes in laws and practices with regard to women’s human rights. These programs elicit a wide response from all over the country.

The paralegal programme engages elders and local administration chiefs whose role in decision-making at the community level is key. A 2001 evaluation indicated that elders solved almost half of all cases occurring at the village level and therefore the programme embarked on an elders training program. The paralegal programme has consolidated the gains made in training elders by also reaching out strategically and educating chiefs who have been identified as crucial and complimentary in the rights awareness–raising and justice for violation process. Chiefs like the elders interact with communities on a daily basis and are central in conflict resolution and upholding the law. Unfortunately, programme experience has identified chiefs as a major block to women accessing justice when their rights are violated and like the elders chiefs are highly involved in settling disputes at the community level but do only from the stand point of traditional law, they are more concerned with exercising authority over disputes than securing individual justice, they have little or no knowledge of the law and they do not see themselves as umpires of the law but rather a law unto themselves. Only when chiefs develop the understanding of national laws and their provisions on women’s rights will women enjoy full and equal justice in the face of all forms of gender based violence. This programme has trained assistant chiefs and chiefs from locations where paralegals operate and where elders have been trained to provide an
Environment where women’s human rights will be fully appreciated, promoted and protected by all.

Organizations implementing the paralegal programme have come together and formed a network known as the Paralegal Support Network (PASUNET). This network aims at developing a more standardized, systematic and coordinated paralegal initiative. A standardized curriculum has been developed and is used by various organizations. The network has also put together a data of all trained paralegals in the various districts. The network lends all paralegal initiatives a strong voice to articulate issues touching on paralegals, human rights and is currently participating in the government Legal Sector Reform Program.

**Learning and Experimentation**

In 2000 an external evaluation on the impact of the paralegal programme highlighted that the paralegal training needed to not only comprise the core content of the work that the paralegals are involved in e.g. gender, human rights, violence against women family law, AIDS/HIV but to also include skills needed to deliver the work e.g. communication skills, report writing skills, conflict resolution, counselling e.t.c.

Following an intensive internal evaluation carried out in the paralegal programme in 2001, findings indicated that it was of the essence that attention be paid to the numbers of paralegals in a particular area and their geographical distribution. This mapping was relevant to the aspect of teamwork and overall impact the programme achieved. It was also notable that other programme interventions carried out such as training of chiefs be carried out in the same areas paralegals operate to compliment their work.

The Centre continues to source links with organizations dealing with economic empowerment as well as find innovative ways towards poverty alleviation in order to educate communities not only on claiming their human rights in an abstract way but also claiming their rights to their basic needs. Paralegals have been linked with groups that offer development assistance for communities. Paralegals have also been encouraged to start income-generating activities for themselves as well as for their district teams. Furthermore, raised public awareness has increased the communities' capacities to make claims for infrastructure development and accountability.

**External Catalysts**

**Government Goodwill**

The current government (NARC) is a government that was popularly elected by the electorate. So, far unlike in the past, this government has committed to support women issues of which some achievements are:

- Free primary education to all, which will increase the level of literacy where a previously study showed that girls receive less education than boys at every level, and women’s literacy rate (76%) is lower than men’s (89%).
PROMOTING WOMEN’S HUMAN AND ECONOMIC RIGHTS IN RURAL KENYA

• The recently concluded 1st National Women’s Conference on HIV/AIDS and a promise by the Ministry of health to made anti-retroviral freely available to at least 1/3 of those infected by the HIV/AIDS of who women are the majority.

• Proposed Gender Commission and Affirmative Action in the new Constitution.

• There are more women Parliamentarians and Ministers than has been in any government.

The new political dispensation following the 2002 general elections, accords the organizations a fresh impetus to carry out activities more intensively and elaborately and with a renewed hope and desire to achieve greater entrenchment of women’s human rights in the communities it’s working with and ultimately reducing poverty.

One of the commitments to women’s rights issues by the government include the establishment of a Gender the full integration of gender into development programmes such as the Poverty Reduction Strategy Paper and the enactment of the Gender Act etc.

Civil Society and International Organizations Cooperation
There is continued support and increasing cooperation from the Civil Society body and also from the International Non Governmental Organizations in advocating and lobbying for law reform. International organisations through researches they have carried out e.g. Human Rights Watch have provided valuable information and also highlighted and pressurized governments for change.

Media
The media, especially the radio stations have been quite instrumental in publicizing to the rural folk. The continued positive and even sometimes negative reporting by the print media too, has also been quite instrumental as a means of publicity reaching out to the general public.

Paralegal Support Network (Pasune)
The Civil Society Organizations who are implementing the paralegal program, have come together formed a support network for the paralegals in Kenya. This network assists the member organizations to collectively come up with new innovative ways to improve the case of paralegals, set standards e.t.c.

Donor Funding
The major contributing factor to ensure the sustainability of this project is the continued financial support from SIDA Sweden, Finland, CIDA/GESP, DANIDA and Ford Foundation. In order to expand programme to other areas, it would be necessary for other donors to support this initiative.

Lessons Learned
Although there are attempts through the Schools Human Rights Clubs to reach out to young pupils with the message of children and women’s human rights that could be expanded further, incorporating Human Rights studies formally in the School Curricula’s, would be more effective and would have far reaching effects.
The paralegal programme relies heavily on the monthly reports received from each paralegal and the overall report sent by the district team monitor. It is from these reports that an analysis of an individual’s work and the districts human rights situation is derived. It is difficult to fully control and ensure that the reports sent to us are not falsified. It is also extremely difficult to verify such a situation in some cases.

The paralegal programme is designed to decentralise information where paralegals are trained and deployed to their community location decreasing dependence on the implementing organisation. Currently, the paralegal programme provides a travel allowance enabling the paralegals carry out their work more effectively also allowing for monitoring and accountability. This can only go on as long as the programmes are funded however; the prevailing poverty situation makes it difficult for the programme to be sustained. Our exit strategy through the establishment of Community Resource Centre’s provides a set of other challenges.

**Liaising**

The paralegals working in these Districts need to be encouraged more and more to introduce themselves and work more closely with the local state administrators.

This is due to the fact that, in the rural areas, the local administrators wield a lot of power among the rural folk. The local area chiefs do come in handy in restoring law and order as in most rural setting, the police stations/posts are not in every location.

**Monitoring**

So far, the monitoring visits are done once after every two months, this should change and be done monthly. The monitoring reports should also be evaluated by using the local community to gauge the level of awareness that has supposedly been created by the paralegals.

**Training**

The present program gives the paralegals a two-week training session, of which the first training is for one week, then they are sent out to the field. The one-week session is not enough to finish the curriculum that is there to better equip these paralegals with the basics in law on the areas earmarked for their trainings. There training should be carried out twice a year to better equip these paralegals and to also update them on the amendments that have been made to the different statutes that they have been trained on.

**Sacco (Micro-Finance Scheme)**

The only way to improve the lot of the rural woman is to provide them with an access to economically develop and improve their lot. And on this, the Sacco has been very instrumental in giving of soft loans to its members where previously they would have been unable to access bank loan with their high rate of interest let alone afford to have a Bank Account. This Sacco gives loan to women who have been members of the organization for a minimum period of six months.

‘In Kenya today, many women have limited access to financial resources and have negligible borrowing power.’
The Sacco has been very instrumental in providing soft loans to the rural woman and there is need to use the current members to sell and recruit more people to the organization and the Sacco. There are numerous stories from women who narrate on how the Sacco has assisted them with soft loans that helped in educating their children, starting businesses, accessing quality health care e.t.c.

**Programmatic Reforms and Initiatives**

The organizations need to have a continuous and an all year round radio programme to be able to reach out to the rural mass. At the moment, one of the radio programs is not on air, yet this is one of the surest ways of reaching out to the whole country and to the majority population who are the rural folk to whom radio listening is one of their major media entertainment avenues.

Awareness campaigns to inform the public about women’s property rights. More information material should be distributed in the local languages about the rights to inheritance and division of matrimonial property; health risks of customary sexual practices tied to property rights e.g. HIV/AIDS infection and the establishment of countrywide information centers to disseminate this information.

Ensure that the government’s housing policies and programs address women’s specific concerns. Incorporate into housing policies strategies for assisting rural women, HIV/AIDS affected women, widows, divorced/separated women, mothers with their particular housing needs.

**Legal Reforms**

Lobby for gender sensitive statutes.

- Legislation should be enacted that prohibits gender-based discrimination and promotes women’s equal property rights as this is also one ways of scaling up poverty among the Kenyan women. The legislations should include laws that:
  - Create a presumption of spousal co-ownership of family property;
  - Promote women’s access to and ownership of land;
  - Implement and domesticate CEDAW 8

Amend and repeal all laws that violate women’s property rights e.g. the provisions of the Law of Succession Act, which terminates widow’s inheritance rights upon remarriage.

- The bill on HIV/AIDS protecting women should be enacted
- The Domestic Violence (family protection) bill of 2001 should be enacted
- Kenya should ratify, domesticate and implement the Protocol on Violence Against Women of the African charter
- Ensure that our constitution currently being reviewed reflects laws that uphold the rights and economic status of women
References

2. Human Rights Watch – March 2003, Vol 15, No. 5(A)
3. Section 82 (4) (b and c) of the Constitution of Kenya
4. Nairobi Looking Strategies for the advancement of Women (UN 1985)
5. Mary Lynn Yaya, Paralegal Coordinator - Bondo District
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