Perception of Youth on Women’s Rights to Ownership and Control of Matrimonial Property

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ABSTRACT

Human rights and equal treatment of men and women has been in the global discourse for several decades in the past. Although the move has been supported by many policies and legal frameworks including the constitution, women continue to be denied equal opportunities and rights with men. This has also been the case in regard to the ownership and control of resources and means of production. This study explored the perception of youth on women’s rights to ownership and control of matrimonial properties, with reference to land and houses. In addition, the study identified the determinants and experiences of the youth in this regard. The participants of the study were the youth from Kenyatta University, one of the largest public universities in Kenya. The study sample comprised of 150 youths (77 males and 73 Females). The youths were randomly selected from 3 Schools namely; Education, Social and Pure Sciences. The study yielded mainly qualitative data with the use of interview schedule. The study findings established that fewer youth supported women rights to own and control matrimonial land and that majority of those in support were the female youth. That culture and religion were the determinants to lack of both male and female youths’ support on women’s rights to own and control matrimonial properties. It was also established that not many youth among those who participated in the study had witnessed women in ownership and control of the matrimonial properties. The study therefore recommends inclusion of courses on gender and human rights at all levels of learning, in addition to continued advocacy and awareness on issues of human rights and gender equality, among the youth.

Key Words: Youth, Perception, Women, Rights, Ownership, Control, Matrimonial Property, Kenya

BACKGROUND AND CONTEXT OF THE STUDY

The empowerment of women and the promotion of their human rights has been an important agenda in the global development discourse and processes, in spite of the existing gender diversities in many spheres of life, (FAO, 2011). In the last four decades, the same concern has been echoed in many international conferences, including the one held in Copenhagen in 1980, and who’s Programme for Action called for accelerated advancement of women’s rights through stronger national measures to ensure ownership and control of property. This followed by other
world conferences including the International Conference on Population and Development, held in Cairo in from 5th to 13th September in 1994, the focus of which was on women’s reproductive rights. The forum among other issues affirmed that women’s rights are human rights. In the following year the same was emphasized during the fourth world conference on women held in Beijing, China from 4th to 15th September, 1995, whose focus was on action for equality, development and peace. The conference’s Declaration and Platform for Action, among other concerns, urged member countries to uphold women’s rights in decision-making and control of resources at all levels.

The arguments on equal treatment of men and women has since been advanced through various international, regional as well as national fora, with a strong backing by international instruments of human rights, key among which are the Universal Declaration of Human Rights (1948), the International Covenant on Civil and Political Rights (1945), International Covenant on Economic, Social and Cultural Rights (1966) and the Convention on the Elimination of all Forms of Discrimination against Women (1979). Globally, there are also other fora, legal and policy frameworks, at the national, regional and international levels aiming at advancing and protecting the rights of women. Noted in the context of this study is report on the review by the Common Wealth Secretariat in 2004, which identifies women’s equal rights to security of tenure, regarding property as a critical issue for action in the Decade of 2005-2015.

However in developing countries including Africa, ownership and control of properties is mainly a male domain (Njuki and Sanginga, 2013). The situation is worse in a marriage institution where in many cultural settings, women are considered as the properties of their male partners (Odeny, 2013). In such settings, women are neither considered legitimate owners of the existing matrimonial properties nor do they exercise control over these properties. This situation denies women quality access to the matrimonial properties which remain in the male domain. As a result of intensive advocacy and lobbying for gender equality in the last few decades, there has been some notable progress in the appreciation of women’s rights in many areas in Africa. Stein (2008), for example commends Ethiopia in advancing the rights of women owning and inheriting property through joint registration and certification policies. However, this may not be the same in many other African states, as observed by FIDA- Kenya, (2010) in an annual report whose focus was on Building a Legacy of Women and Protection Rights in Kenya. The report observes that historical marginalization of women across all marital divides in the name of culture remains a challenge in the achievement of gender equality. Confirming the same, Kimani and Maina (2010) raise a concern on how women still remain disenfranchised in ownership, access and control of properties and wealth accumulation in general and particularly in matrimonial setting.

This study was therefore conceived out of the conviction that it makes economic sense to ensure gender equality in property ownership and control. Supporting the same, a report by FAO, (2011) on food and Agriculture which specifically focused on closing the gender gap in Agriculture observed that legitimate property ownership by women provides both direct and indirect social-economic benefits not only to the family but also to the community and the nation at large. This is particularly so in parts of Africa where agriculture remains the mainstay of the economy, with the land rights forming a primary source of wealth, power and social status. In these areas, land rights provide the basis for a cross-section of other social benefits including food security and access to information (Ode, 2008). The other way round is also true in that lack
of ownership and control of property especially at the family level directly and/or indirectly
denies women many opportunities including access to information, training and education. Lack
of ownership and control of agricultural land impacts on production and especially provision of
food for family consumption, as women provide most of the agricultural labor within the
households (Quisumbing et. al. 2014, Njuki et al., 2011)

In essence, denying women the rights to own, access and control matrimonial properties
disadvantages not only the entire family’s well-being but can also cascades to other gender
disparities, with women being more affected. For example, according to UNESCO report,
(2015), global literacy rate is currently at 86.3 per cent with male being at 90 per cent and female
at 82.7 per cent. Also women represent two thirds of the illiterate, majority being in the
developing countries, including Sub-Saharan Africa. In Kenya the adult literacy rate reflects a
gender difference of 6.2 per cent at the rate of 78 per cent (male 81.1 per cent and 74.9 for
female). Further, a study done in Kenya focusing on the national representation of female in
Higher Education and which aimed at identifying opportunities for policy action, established a
strong relationship between mothers’ level of formal education and that one of their daughters in
that the higher the mothers’ level of formal education, the higher were the chances of the
daughters achieving higher levels of formal education (Mugenda et al., 2010).

A study focusing on the Kenyan Experience on the women’s rights to land and environment
observes that land ownership and control portrays a strong gender bias against women (Kameri-
Mbote, (2007). Thus, given the importance of land as an asset in a matrimonial setting, lack of its
ownership and control renders women helpless, perpetuating the dependence syndrome. It is in
such situations that women become more powerless and therefore easy prey to Gender Based
Violence. It is then not a wonder that WHO, (2013) reports that globally, up to 70 per cent of
women have experienced physical and/or sexual violence from an intimate partner in their
lifetime. In addition, WHO Media Centre (2015) estimates that on average, as many as 38 per
cent of murdered women are committed by an intimate male partner. Gross violation of women’s
rights has resulted in many emotional and health problems including an increased vulnerability
to sexually transmitted diseases including HIV infection. This unfortunate situation is suggestive
of the need to invest in advancing women’s social-economic and political rights, for more
sustainable development. As such, the realization of the 17 Sustainable Development Goals by
2030 is hinged on how fast the gender gaps are addressed for the world to realize the seventeen
Sustainable Development Goals by 2030, which include achievement of zero poverty and
hunger, good health and well-being, quality education, reduced inequality, sustainable
consumption and production in addition to the increased peace, justice and strong institutions.

Although constitutions in many African countries have embraced the principles of human rights
and gender equality, the advancement of women’s rights and progress towards gender equality
has been slow. In Africa, there has been low participation of women in decision making
processes, in addition to ownership and control to means of production (Kimani and Maina,
2010).This is in spite of the adoption of the African Charter on Human and Peoples' Rights (also
known as the Banjul Charter) whose protocol came into effect in 2005. The charter is an
international human rights instrument that is intended to promote and protect human rights and
basic freedoms in the African continent. Among other issues, Article 2 of the Charter addresses
the need for gender equality, while Article 16 demands on women’s right to inherit and own
property. It is however worth noting that although 34 out of the 54 member states of the African Union (Kenya included have ratified the Banju protocol, implementation has been slow since gender inequality in ownership and control of resources, especially at the household level is real (Mogute, 2015, Onyango, 2013). Among the impending factors are those related to cultures and traditions that hold women with low status as compared to their male counterparts. Customary laws in many African countries openly discriminate against women’s rights to own and control property (TAWLA, 2013). Moreover, where the statutory laws support the rights of women to own matrimonial property, women are openly disenfranchised through judiciary structures and processes which are male dominated. At times the legal claims by women are dismissed with the arguments of lack of prove of joint ownership in terms of equal financial contributions during acquisition processes (Kimani and Maina, 2010, Izumi, 2006).

Kenya has ratified various international legal frameworks protecting the rights of women to own and control property. The country has also formulated state laws that support gender equality. The Kenya Constitution (2010) provides for the respect of human rights and gender equality. In particular, Article 27 (3) addresses itself to equality of women and men in treatment, including the right to equal opportunities in political, economic, cultural and social spheres. Additionally equality in marriage is addressed in Article 45 (3) which stipulates on the entitlement to equal rights at the time of marriage, during the marriage and at the dissolution of the marriage. Although the constitution is the highest law of the land that overrides customary law, cultural believes and practices are major challenges in actualizing the rights to gender equality on the ownership and control of matrimonial property. This notwithstanding, the concern that the study sought to address was the perception of the educated youth on issues of gender equality, with particular reference to rights to own and control matrimonial property. Being the agents of change and the future leaders, the issue at hand is whether male and female youth respect and are committed to issues of human rights and gender equality as upheld by the international, regional and the laws of the land. The study focused on youth in a public university, namely Kenyatta University.

**STATEMENT OF THE PROBLEM OF THE STUDY**

Women continue to suffer exclusion, marginalization in many ways in that they are often denied a fair play in many socio-economic and political spheres of life, including the rights to own and control properties. Yet the right to own and control property is an issue of human rights, recognized by legal frameworks. Although there is evidence of increased women’s social-economic and political empowerment in the last few decades, the progress has in many ways been curtailed by socio-economic and political challenges. As such, the problem that hinges this study is that limited rights in ownership and control over matrimonial property limit women’s individual development, self-fulfillment, advancement and progress. Further this, as explained earlier negatively affects women’s participation in decision making within the existing structures and processes at all levels, a situation that further widens the existing gender disparities in favor of men. Unfortunately, this has frustrated efforts towards the realization of gender equality as was envisioned in the millennium development goals, which among other achievements aimed at realizing gender equality by the year, 2015 (Kimani, 2008). Unless something is done to fast-track gender equality and the advancement of women’s rights, there will be a challenge in the
realization of the seventeen Sustainable Development Goals by 2030 and the Kenya Vision 2030, whose Social Pillar aims at improving the livelihoods of all Kenyans, including women.

The problem of this study was further grounded on the fact that most communities in Kenya are yet to embrace the reality of gender equality, with cultural practices and beliefs, widely cited as the key factors in influencing their perceptions. (Gitangu, 2013, Mogute, 2015). Given that the Kenya Constitution (2010) upholds equality of all the citizens, regardless of any socio-economic and political diversities including gender, an assumption that was held prior to the study was that young generations will go beyond the cultures and traditions to uphold the legal frameworks intended to protect women’s rights. It is in this respect, that the study was set to investigate youths’ perception on women’s rights to own and control matrimonial properties. However, given the passion with which land and houses are held in Kenya, and that the rights for men and women to own and control property is well ingrained in the Kenya Constitution (2010), the study specifically focused on youth’s perception on women’s rights to own and control the two resources in a matrimonial setting. The study investigated on a cohort of youth in the university, assumed to be aware of the provisions of human rights in the Kenya Constitution.

OBJECTIVES OF THE STUDY

The overall objective of the study was to investigate on perception of youth on women’s rights to ownership and control of matrimonial property in Kenya.

The study was guided by three specific objectives; namely to investigate on youth’s perception on women’s rights to ownership and control matrimonial land and houses; take stock of youths’ individual experiences on women’s ownership and control of matrimonial land and houses and identify determinants for youth’s perception on women’s rights to ownership and control matrimonial land and houses.

THEORETICAL FRAMEWORK

The study was guided by two theories namely; the gender equity theory advanced and women economic empowerment framework by Chafetz, (1990) and Sara Longwe, (1995) respectively. The theory postulates how the human biological differences and stereotypes influence gender relations in ownership, access and control of resources. The theorist holds the view that the socialization process on the basis of the biological differences culminates with a division of labor, roles and responsibilities which are perpetuated along gender lines. Acts of gender inequality, regardless of the justification, are thus ingrained in the gendered allocation of opportunities, which lead to gender exclusion and discrimination that societies not only ascribe to but also pass on to the future generations through institutionalized socialization processes. In the patriarchal settings, the disadvantaged groups have historically been women since men have enjoyed and unequal social status with a command of power on ownership and control over resources and means of production. On the other hand, gender differentials are institutionalized in favor of men while women oblige to lower positions. The status quo thus continues to be
maintained with strict adherence to the set social norms and values, which this study assumed could be challenged through legal frameworks.

Women’s economic and empowerment framework centers on the importance of empowering women to the highest level, through which they are able to control and manage their own lives. The process of empowerment centers on the concept of five levels of gender equality namely: welfare access, conscientisation, participation and control. This levels of gender equality are hierarchical in that at the lowest level namely welfare women have neither access nor control of properties on the other hand at the control the not only access but also own the properties.

Culture is has been used to justify the existing gender diversities, with the male and female adults taking up the responsibilities of socializing the youth in the same beliefs and practices. It is in this theoretical setting that the regulatory frameworks in the forms of international, regional and national laws are expected to question and redress the situation with a view of challenging the institutions that perpetuate gender disparities and denial of women’s rights to own and control properties. Thus, the issue at hand is the perception of the youth in advancing gender equality and women’s rights to own and control matrimonial land and houses.

STUDY METHODOLOGY

The study used descriptive survey design which allowed for the selection of a representative sample of the youth to participate in the study. The design also allowed the utilization of interview schedules which enabled probing on youths’ perceptions and experiences on women’s ownership and control over matrimonial land and houses. The youth who participated in the study were selected from Kenyatta University, a large public university in Kenya. The University is located within the vicinity of Nairobi, the Capital City of Kenya. The university attracts students from all over the country, as well as from other countries. Thus the selection of the institution offered the advantage of targeting youth from diverse cultures and ethnicity in Kenya. The university has a large population of students in different modes of learning namely: undergraduate, postgraduate and in fulltime and part-time mode of delivery. This study targeted undergraduate fulltime students. The youths who participated in the study were selected from different programmes namely, Education, Social and Pure Sciences. The study took a sample of 150 students, where 50 were selected from each of the three Schools in order to get the desired sample. Stratified random sampling technique was applied using the lists of students enrolled in the university Clubs, Societies and Association in the Directorate of Students’ Affairs. The method allowed the inclusion of the students in all the years of study and cultural diversities. During the selection process, care was taken to ensure equity in the representation of male and female youths. The distribution of students by the three schools and gender is as shown in table 1.
An interview schedule was used to collect data. The instrument was preferred as it enabled probing into youth’s perceptions and experiences on the women’s ownership and control over matrimonial land and houses.

**STUDY FINDINGS**

Data was analyzed on the basis of the three objectives which guided the study, and whose focus were the youth’s perception and experiences on women’s ownership and control of matrimonial land and houses as well as the determinants for their perceptions. As a prerequisite to presenting the analysis on the basis of the study objectives, it was necessary to present the status of families of the youths who participated in the study in terms of the parenting and sibling as this was found to have had an influence on their experiences and perceptions on women’s ownership and control of matrimonial property. As table 2 shows, 58 per cent of the youths were living with both parents, 38 per cent with single parents, of whom 89.7 were living with mothers.

**Table 2: Status of youths’ parenting**

<table>
<thead>
<tr>
<th>Status of parents</th>
<th>Male youths</th>
<th>Female youths</th>
</tr>
</thead>
<tbody>
<tr>
<td>Orphans (living with guardians)</td>
<td>2</td>
<td>3</td>
</tr>
<tr>
<td>Both patents</td>
<td>46</td>
<td>41</td>
</tr>
<tr>
<td>Father only</td>
<td>4</td>
<td>2</td>
</tr>
<tr>
<td>Mother only</td>
<td>25</td>
<td>27</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>77</strong></td>
<td><strong>73</strong></td>
</tr>
</tbody>
</table>

As table 2 shows, while 58.0% of the youths were living with both parents, 38 % were living with single parents, of whom 89.7 were living with mothers. This means that only 110.3 % of the youth with single parents were living with fathers. On the other hand the analysis in table 3 shows only 14.7 % of the youth who participated in the study had neither brothers nor sisters as opposed to those who had other siblings.
Table 3: Number of siblings by gender

<table>
<thead>
<tr>
<th>Status of Siblings in the nuclear family</th>
<th>Male youth</th>
<th>Female youth</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Only child</td>
<td>Only child</td>
</tr>
<tr>
<td></td>
<td></td>
<td>9</td>
</tr>
<tr>
<td></td>
<td>Has sisters</td>
<td>Has sisters only</td>
</tr>
<tr>
<td></td>
<td>41</td>
<td>26</td>
</tr>
<tr>
<td></td>
<td>Has brothers only</td>
<td>23</td>
</tr>
</tbody>
</table>

While over 90.7% all those living with both parents indicated having had the experience on men owning and controlling matrimonial land and houses, 6 youths living with fathers were among them. Surprisingly all the 5 orphans living with guardians indicated having not known any women any women either owning or controlling matrimonial land or houses. On the other hand, only 3 out of the 13 male youths who did not have other siblings indicated that it really did not matter whether women owned and/or controlled matrimonial properties. The findings seemed to suggest that the perceptions of the youths over the rights of women to own and control matrimonial properties were influenced to some extent by personal circumstances. This then could explain why it has taken many years to actualize the principles of gender equality.

Perception of Youths on Women’s Rights to Ownership and Control of Matrimonial and Houses

All the youths who participated in the study considered land and houses as prestigious assets in Kenyan families. As shown in table 4, analyzed data reviewed that the youths who participated in the study had different views as to whether the women should have rights to own and control the two types of properties.

Table 4: Perception on the rights to ownership and control of land and houses:

<table>
<thead>
<tr>
<th>Land</th>
<th>Male youth</th>
<th>Female youth</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Number</td>
<td>%</td>
</tr>
<tr>
<td>Ownership</td>
<td>Agree</td>
<td>23</td>
</tr>
<tr>
<td>Control</td>
<td>Agree</td>
<td>9</td>
</tr>
<tr>
<td>Houses</td>
<td>Ownership</td>
<td>Agree</td>
</tr>
<tr>
<td>Control</td>
<td>Agree</td>
<td>10</td>
</tr>
</tbody>
</table>

The analysis of the responses shown in table 4 reflects a general trend that majority of the male youth were against women’s rights to own and control matrimonial property as compared to female youth. While the 4 youths who were living with fathers as single parents were against women’s rights to own and control land and houses, the 2 female youths living with fathers only supported the rights for the ownership and control of matrimonial property by women.
The perceptions against women’s rights to own and control matrimonial property were noted in spite of the fact that all the female and male youth who participated in the study indicated an awareness of the Kenya Constitution (2010) upholding the principles of gender equality and respect of human rights. Surprisingly, on being asked whether it was fair in their views for women in marriage not to own and control matrimonial land and houses, 65 male youths (84.4 %) and all the 73 female youths (100 %) indicated that it was not fair. These findings thus raise a serious concern over what people believe and their practices in terms of human rights and gender equity. This explains why issues of gender have taken long to be actualized in spite of the many laws and legal frameworks in support. The findings seemingly indicate that lack of good will and commitment to mainstream gender in many public and private institutions could be as a result of the mindset of those in charge of programming, policy making and implementation.

Youths’ Experiences on Women’s Ownership and Control of Matrimonial Property

In order to investigate youths’ experience on ownership and control of the matrimonial properties, the study participants were asked whether they were aware of married women who owned and controlled land and houses. While 63(81.8 %) male youths and 69(94.5 %) female youths indicated that they were not aware of any women who owned and controlled matrimonial land and houses, the distribution of those who declared awareness were as shown in table 5.

Table 5: No of youth who indicated awareness of women’s who owned and controlled matrimonial land and houses

<table>
<thead>
<tr>
<th>Awareness of the rights</th>
<th>Ownership</th>
<th>Control</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Male youths</td>
<td>Female youths</td>
</tr>
<tr>
<td>Land</td>
<td>7</td>
<td>12</td>
</tr>
<tr>
<td>Houses</td>
<td>7</td>
<td>14</td>
</tr>
</tbody>
</table>

The study established that both male and female youth had not experienced instances of women owning and controlling matrimonial houses and land. As revealed in table 5, very few of the youths who participated in this study were aware of instances where women either owned or controlled matrimonial properties. This could imply that the same youth are not likely to support the rights of women to own and control property in spite of the existing legal framework on the same. This brings out the sad reality of the negative influence of the cultural and traditional practices on women’s empowerment. It also explains why the well-intended campaigns and legal frameworks on gender equality have not yielded meaningful results as the inequality evidently continues to be perpetuated. This raises a concern on how to positively influence peoples mind set so as to support issues of human rights and gender equality regardless of the cultural beliefs and practices.

Worse still is the association of negative perceptions on gender equality and human rights with a cohort of educated youth and expected future leaders, custodians and gatekeepers of policy making processes and structures. Moreover, this category is assumed to be the agents of change and advocates of the implementation of the Kenya Constitution (2010), which is explicit on the
fundamental freedoms and rights of all citizens, regardless of gender and/or any other diversities including marital status.

**Determinants of Youth’s Perceptions on Women’s Rights on Ownership and Control of Matrimonial Property**

The analysis of the determinants for the youth’s perceptions on women’s rights to own and control matrimonial land and houses is shown in table 6. The analysis of the responses as shown in table 4 revealed that in total, 48 and 14 male and female youths respectively disagreed that women should have rights to own and control matrimonial properties. Majority of the youth associated their views with the culture/traditions, followed by religion and family economic status, as demonstrated in table 6.

**Table 6: Determinants for the youth who disagreed and frequency distribution**

<table>
<thead>
<tr>
<th>Identified Determinants</th>
<th>Frequency of response of those who opposed</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Male youth</td>
</tr>
<tr>
<td>Culture</td>
<td>48</td>
</tr>
<tr>
<td>Religion</td>
<td>39</td>
</tr>
<tr>
<td>Family economic status</td>
<td>25</td>
</tr>
</tbody>
</table>

**Culture**

The male and female youths held that traditionally women in their respective communities were not allowed to own and/or control any matrimonial property and that the status quo should be maintained. The male youth opposed women’s rights to own and control matrimonial land and houses, with 75.4 % indicating that this is was the order in their families, it had always worked well and that women were comfortable. Further to this the same male youth held the view that the payment of the dowry for the women was an affirmation that they were part of the matrimonial property to the men in addition to the family land and houses.

**Religion**

The youth who held this as the determinants for their perceptions against women’s rights to own and control matrimonial land held a religious view that man is the image of God and the head of the family head. For them the man has the sole right to the ownership and control of all family properties. This view was held by both Christians and the Muslim youths who participated in the study.

**Family economic status**

As indicated in table 6, almost equal percentage of the male and female youths who disagreed with the women’s right to inherit matrimonial property (52.1 % and 50 %), respectively cited family status as one of the determinants for their views. Their perception was that the right of women to own and control matrimonial land and houses should only be respected if the family is wealthy and therefore has many properties. Asked what proportion of the family land and houses the women should own and control in the circumstances, 89 % of the youths who participated in the study indicated that men should own and control the biggest portion. Of the remaining 11%,
only 5% indicated that men and women should have equal shares while the remaining 6% were non-committal.

The study also sought to investigate the determinants for the youths who supported women’s rights to own and control matrimonial land and houses. These are shown in table 4, as 29 (37.7%) and 71 (92.2%), of male and female youths, respectively. Further analysis however indicated that majority of these youths were in the Schools of Humanities and Education with the least number coming from the School of Pure Sciences. This could be associated with the fact that the two schools were offering courses on gender and human rights in various levels. The identified determinants for this views as presented in table 7 include; the Constitution, human rights, level of education, and religion.

Table 7: Determinants for the male and female youth who agreed and frequency distribution

<table>
<thead>
<tr>
<th>Identified Determinants</th>
<th>Frequency of response of those who opposed</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Male youth</td>
</tr>
<tr>
<td>Constitution</td>
<td>29</td>
</tr>
<tr>
<td>Human rights</td>
<td>18</td>
</tr>
<tr>
<td>Level of formal education</td>
<td>9</td>
</tr>
<tr>
<td>Employment</td>
<td>8</td>
</tr>
<tr>
<td>Religion</td>
<td>2</td>
</tr>
</tbody>
</table>

The male and female youth who cited the Constitution as the reason for supporting the rights of women to own and control matrimonial properties based their argument on the fact that the Kenya Constitution (2010) upheld gender equality and equal rights for all citizens. Issues of human rights were also cited as determinants for the youths who supported women’s right to own and control matrimonial land and houses. The youths who held these views cited the principles of religion and some instruments of human rights, key among which was the Universal Declaration of Human Rights (1948). Others as shown in the table felt that where both partners in marriage have high levels of formal education and in well-paid employment they should hold equal rights to own and control matrimonial property. Unfortunately, the argument seems to disadvantage many women as majority have low literacy and spend most of their energy and time in family maintenance roles, often not associated with production. The youths who cited religion as the factor for supporting women’s right to own and control matrimonial properties, were all Christians, who believed in God’s equal love and value for all human.

CONCLUSION

It is a pity that the youth who do not support the rights of women to own and control matrimonial properties are aware of the Kenya Constitution’s support of fundamental freedoms and human rights. The study confirms that culture and religion are some of the determinant of the perceptions held by youths who do not support women equal rights with men. Based on this, the youth may not be counted as key players in addressing the gender gaps and supporting the empowerment of women for the simple reason that they are hanging on cultural beliefs and
practices. The study also notes that although a lot of resources, time and energy have been invested on the awareness and advocacy on issues of gender equality and human rights in addition to many legal and policy frameworks, peoples’ mind-set is still locked in support of female subordinate positions and less value compared to their male counterparts. It is interesting to note that the youth are not in dispute as to the existence of legal support on the women’s rights to own and control matrimonial properties. What is at stake is the unquestionable and unchallenged adherence to the practices that have historically legitimized and institutionalized the discrimination and exclusion of women in many spheres of life as observed by gender equity theory (chafetz, 1990). The study therefore submits that it is not lack of awareness and appreciation of gender equity and human rights, but rather the mind set in support of male dominance and supremacy. It is then not a wonder that the concept of gender mainstreaming in the development and particularly in informing policies and programming has been embraced since mid-1990s and yet nothing much has been achieved in terms of advancing the rights of women and gender equity.

RECOMMENDATIONS

Given the urgency for redressing gender disparities in all areas of development and outcomes, the empowerment of women and advancement of women rights, this study recommends a need for a paradigm shift in the approach and especially now in the wake of the global focus on Sustainable Development Goals by 2030. The study however recommends a continued support on intensified awareness and lobbying in support of gender equality and respect of human rights with a focus to pushing the women to the highest level of empowerment namely control of properties as advanced by Longwe (1995). Additionally, since the majority of the male and female youth who supported women’s rights to own and control matrimonial land and houses were studying programmes on Gender and Human Rights in Kenyatta University, this study recommends that the programmes be extended to all other students graduating from the universities in Kenya. One way to do this would be to design a comprehensive course in gender and human rights as a common course in all universities. However, to have a good foundation on the principles of gender equality and human rights, the same should be integrated in the curriculum from primary schooling through secondary and universities.

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