

# CAPACITY BUILDING WORKSHOP ON HUMAN RIGHTS FOR WIDOW BENEFICIARIES OF THE CULTURAL STRUCTURES PROJECT



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## ABBREVIATIONS

ADR . . . . .	Alternative Dispute Resolution
ARVs . . . . .	Anti-retrovirals
ART . . . . .	Anti-retroviral Treatment
CBO . . . . .	Community Based Organization
CRC . . . . .	The Convention on the Rights of the Child
CSP . . . . .	Cultural Structures Project
CEDAW . . . . .	The Convention on the Elimination of All forms of Discrimination against Women
FIDA . . . . .	Federation of Women Lawyers - Kenya
HAPCA . . . . .	HIV and AIDS Prevention and Control Act, 2006
HIV . . . . .	Human Immunodeficiency Virus
IGA . . . . .	Income Generating Activity
NACC . . . . .	National AIDS Control Council
NGOs . . . . .	Non-Governmental Organizations
OVCS . . . . .	Orphans and Vulnerable Children
PLHIV . . . . .	Persons living with HIV
PMTCT . . . . .	Preventing Mother to Child Transmission of HIV
SOA . . . . .	Sexual Offences Act, 2006
TB . . . . .	Tuberculosis
The Constitution . . . . .	The Constitution of Kenya, 2010

## ABOUT KELIN

KELIN is a legal NGO working to protect, promote and advance health related human rights in Kenya. Our objective is to undertake advocacy and provide leadership in enhancing human rights approaches in health and HIV strategies and programs. Our vision is the full enjoyment of health and HIV related human rights for all and our mission is to advocate for the promotion, respect and protection of health and HIV related human rights.

KELIN responds to legal, ethical and human rights concerns relating to health and HIV by:

- Providing legal services including legal advice and litigation to people who have suffered health related human rights violations – especially people living with HIV and other vulnerable groups – using KELIN staff and our network of *probono* lawyers.
- Strengthening and Building Capacity of health professionals, lawyers, community workers and people living with HIV on health and other related human rights including working from a rights-based approach in service provision.
- Engaging in advocacy campaigns that promote awareness of human rights issues in national laws and policies to governments, organizations and communities.
- Research on areas relating to human rights, legal issues and health, contributing to new legislation and supporting evidence-based change.

KELIN's current main program areas are around: promoting alternative dispute resolution in securing justice for vulnerable groups like widows and orphans, campaigning for sustainable funding for health services, ensuring the government effectively supports the rights of TB patients and facilitating various people in Kenya to know and use their human rights.

We continue to ensure government accountability in guaranteeing the progressive realization of the provisions of the right to health as envisioned by the Constitution of Kenya 2010.

For more information on KELIN and its work visit [www.kelinkenya.org](http://www.kelinkenya.org).

### Capacity Building Workshop on Human Rights for Widow Beneficiaries of the Cultural Structures Project

HOST ORGANIZATION	KELIN	
SITE/COUNTRY OF MEETING	Ahero, Kenya	
DATE OF MEETING	8 <sup>th</sup> to 10 <sup>th</sup> May 2012	
PARTICIPANTS	MALE	FEMALE
	4	27

## 1.0 PROJECT BACKGROUND

In the provision of Legal Services for health related human rights violations, KELIN encourages the use of Alternative Dispute Resolution (ADR) mechanisms. Since 2009, KELIN has been implementing a project known as “**Working with Cultural Structures to Facilitate Access to Justice by Widows and Orphans**” that aims to utilize community structures (Elders and community leaders) to boost the right to access, own and inherit property by vulnerable widows and orphans. In recognizing that the formal legal systems is not always accessible to many vulnerable women in Kenya this innovative initiative recognizes the power of culture and positively engages with it to ensure it operates positively for the protection of the rights of the vulnerable women and children.

Working with the community elders in Nyanza region in Kenya, this initiative has facilitated informal mediation between disputing parties providing the safe space to iron out family property disagreements. The success of this initiative has so far taken on 114 cases involving disinheritance of widows, of which 70 cases have been resolved in favour of the women, and 44 cases are still ongoing.

Total number of cases taken up since 2009	148
Completed successfully	88
Cases pending	50
Not traced	4
Referred	4
Died	2
Simple structures constructed	17

With the promulgation of the Constitution of Kenya 2010 (The Constitution), KELIN sought to strengthen the project by empowering its beneficiaries on health and related human rights which would facilitate sustainability and better outcomes for the project. To this end, KELIN undertook a new initiative to build the capacity of the project beneficiaries on human rights issues that predispose women and children living with HIV within the Nyanza region to violations.

Following the successful training of child-beneficiaries of the CSP, this phase of the initiative would strengthen the capacity of the widows (*most of whose children had participated during the training*) on the provisions of the Constitution and developments in legislations impacting on the rights of women and children living with HIV.

## 2.0 EXECUTIVE SUMMARY

From 8th to 10th of May 2012, KELIN held a three day capacity building workshop on human rights for widow beneficiaries of the cultural structures project. The workshop was held in Ahero and was hosted by Mr. Allan Maleche (Executive Director), Ms. Melba Katindi (Advocacy & Training Officer) and Ms. Nancy Ondeng (Regional Project Officer), all of KELIN.

Some guest facilitators invited to address the participants included Mr. Ambrose Rachier (an expert on land law and ADR mechanisms) and Mama Asenath Odaga (an expert on the Luo Culture). The workshop incorporated some representatives of key relevant agencies whom we identified as duty bearers in the promotion of the rights of children, women and persons living with HIV within this region. They included:

- i. Ms. Asenath Odoyo (a representative of a women's rights organization)
- ii. Ms. Murenga (runs a community based organization that supports PLHIV),
- iii. Mr. Konyango (a local Children's Officer) and Ms. Ochuma (a local Gender Officer) both from the Ministry of Gender, Children and Social development; Nyando Constituency.

The target group for the training was of widows who have directly benefitted from the CSP with the hope that these women will be the community champions not only in advocating against wife inheritance but also to raise awareness on the provisions of the new Constitution on women and children's rights. Nineteen widows were trained along with a journalist from a local radio station.

The presentations were designed to be very simple as majority of the widows are of low literacy levels and have limited knowledge of English. The workshop was largely conducted in Kiswahili and the local language – Dholuo, which most of the facilitators were familiar with. The participants were updated with basic information on human rights, relevant provisions of the Constitution that relate to women, children and Persons Living with HIV (PLHIV). They discussed HIV at length looking into its transmission, its progression within the body, prevention options and treatment regimes.

They also talked about stigma and their obligation to educate children about sex. They deliberated on legal and ethical issues in HIV and were familiarized on the provisions of the HIV and AIDS prevention and Control Act.

The participants interrogated the impact of cultural practices on women's land and property rights and were thereafter introduced to the legal provisions on land. Additionally they were sensitized on other related human rights of women and children. They shared their experiences within the project and discussed strategies to raise the profile against the practice of widow disinheritance within the region.

Use of Power Point in the presentations was limited as most of the information and laws are available in English. The mode of facilitation was through very interactive deliberation sessions, comprehensive Question & Answer sessions, video documentaries and healthy debates among the participants. The participants learnt the skill of storytelling and encouraged to use this as a powerful tool in sharing their experiences with others in the community.

A major outcome of the workshop was the empowerment of the women such that more of them were willing and able to openly discuss their HIV status. It was inspiring to hear that the majority of these beneficiaries experience greater contentment in their lives and live a better quality life having been resettled. Despite the high poverty level that persists, they testify that they are able to provide basic necessities for their families and appear to be happier and are certainly healthier.

At the conclusion of the workshop the widows resolved to be actively involved in community awareness on human rights and aggressively explore opportunities for IGAs that would be economically beneficial to them and their support group members.

## 3.0 OVERVIEW OF TARGET GROUP

In determining the content and scope of the training, a simple-needs analysis was conducted by randomly sampling five people from the target group. This process helped in the identification of particular issues of relevance within the community and areas of interest amongst the target group. This guided the development of the program content and identification of suitable local facilitators to support KELIN in the trainings.

Participants were proposed from KELIN's data base of widows whose cases have been successfully resolved. From the candidates proposed, priority was given to those widows who have been reinstated back onto their land and have resettled back in with their families. We felt that their stability and peace of mind was necessary to facilitate commitment and active participation in community awareness initiatives and in advocacy to promote traditional ADR mechanisms. Some of the women were parents/guardians to the children who were trained previously but all who were invited had shown a great interest in supporting others in similar situations.



*Participants warming up before the training*

Nineteen widows attended the training along with a male journalist from Radio Lake Victoria, a local radio station. Majority of the widows were of low literacy levels and had limited knowledge of English but were comfortable with Kiswahili and fluent in the local language – Dholuo.

None of the widows was engaged in formal employment. A few were involved in development work as volunteers for various organizations but majority of them are subsistent farmers.

## 4.0 SUMMARY OF WORKSHOP

### 4.1 INTRODUCTION AND CLIMATE SETTING

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Ms. Nancy Ondeng, the Regional Project Coordinator for the Cultural Structures Project facilitated the preliminary session where the participants introduced themselves and briefly stated the details pertaining to their individual cases. They were also able to explain the intervention given and their progress since their land was reinstated.

The widows whose children had attended the previous training also shared the information they had gathered from the children and the positive feedback with regard to the training.

### 4.2 EXPECTATIONS

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The expectations of the participants can be summarized as follows:

- i. To gain additional knowledge on the rights of widows
- ii. To learn how to deal with violations of children's rights
- iii. To know more about the work of KELIN
- iv. To understand how to advance the rights of vulnerable groups within the community
- v. How to live with community people well
- vi. To strengthen their capability as KELIN community volunteer in the identification of violations against women
- vii. To gain competence in HIV related information
- viii. To be able to stop and address stigma and deter discrimination against PLHIV

### 4.3 INTRODUCTORY REMARKS

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#### **Elder Josephine Ong'ombe: Luo Council of Elders, Nyando**

Elder Josephine Ong'ombe delivered the opening remarks. She applauded KELIN for the impact the project had on the communities where it was being implemented. She appreciated the widows' trust and the elders' impartiality and ability to resolve the cases without negative influences. She expressed her pleasure at hearing the progress of the women upon completion of their cases congratulating them on their efforts to achieve economic stability.

Elder Josephine concluded by reiterating that the additional step that KELIN had taken to empower the widows and their children would facilitate their active involvement in challenging many other gender disparities that increased their vulnerability and that of their children to HIV. She added that this initiative was already setting the groundwork towards gender equality for women in land and property rights within the region, and encouraged the beneficiaries to carry the gains even further into other areas of development.

## 4.4 OBJECTIVES

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Melba Katindi, the Advocacy and Training Officer at KELIN gave the participants a brief overview of the project. She noted that the need to sensitize the beneficiaries on the developments in law was aimed at up scaling the impact of the project to the larger community. She hoped that the knowledge acquired would be effectively applied to increase women's influence and control over family land and property. She also called upon the participants to take up an active role in ensuring development priorities address their needs and those of other vulnerable groups like orphans and persons with disability.

She expounded on the objectives of the workshop as follows:

- i. Understanding of human rights, related principles and key players in its promotion
- ii. Understanding the legal provisions protecting the rights of children, women and PLHIV
- iii. Identifying and addressing various challenges raised by legal and ethical issues in HIV
- iv. Demystifying myths about Luo culture and women's land and property rights
- v. Discussing the legal provisions on land rights
- vi. Appreciating the role of the project beneficiaries in advocacy for protection and promotion of women's land and property rights

## 5.0 SUMMARY OF SESSIONS

### 5.1 INTRODUCTION TO HUMAN RIGHTS

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#### **Melba Katindi: Advocacy and Training Officer, KELIN**

This module was designed to acquaint the participants with the general understanding of human rights, the principles relating to human rights and the international and national frameworks on human rights.

The participants discussed their understanding of human rights and looked at some commonly encountered human rights abuses and violations within their communities. Building on the relevant views shared, Melba elaborated on the meaning and characteristics of human rights. She explained the principles using very simple language and illustrations reiterating on the general principle of equality and non-discrimination and the supportive principle of affirmative action.

The participants were then introduced to the key players in human rights. A good amount of time was taken to conceptualize the concept with the facilitator using various examples to help the women understand their role as rights holders in the actualization of various rights. At the end of the module the participants were able to articulate the specific rights relating to HIV and AIDS and understand the Linkage between HIV, health and human rights.

## Plenary

### Melba Katindi: Advocacy and Training Officer, KELIN

- › *This module was designed to acquaint the participants with the general understanding of human rights, the principles relating to human rights and the international and national frameworks on human rights. The participants discussed their understanding of human right and looked at some commonly encountered human rights abuses and violations within their communities. Building on the relevant views shared, Melba elaborated on the meaning and characteristics of human rights. She explained the principles using very simple language and illustrations reiterating on the general principle of equality and non-discrimination and the supportive principle of affirmative action.*
- › *The participants were then introduced to the key players in human rights. A good amount of time was taken to conceptualize the concept with the facilitator using various examples to help the women understand their role as rights holders in the actualization of various rights. At the end of the module the participants were able to articulate the specific rights relating to HIV and AIDS and understand the Linkage between HIV, health and human rights.*

## 5.2 THE CONSTITUTION AND HUMAN RIGHTS

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### Melba Katindi: Advocacy and Training Officer, KELIN

The discussions began with emphasis of the supremacy of the Constitution in comparison to other sources of law including customary. The facilitator inquired whether the participants took part in the referendum that led to the enactment of the Constitution of Kenya 2010. The participants' feedback revealed that most of the participants had not personally read the Constitution and the few who had, limited themselves to the controversial provisions. As each of them shared their views as to why they voted for or against the Constitution,

Melba expounded on the provisions, discussing the accuracy and implication of these provisions particularly in relation to women, children and PLHIV. They also covered the gender provisions including the political seats reserved for women in government and the recognition of women as one of the vulnerable groups.



*Melba Katindi leading discussions on the Constitution & Human rights*

It was clear by the end of the session that the Constitution provided significant provisions for human rights of women to be respected protected promoted and fulfilled by government and other actors.

### **Plenary**

- › *The participants applauded the progressive provisions of the Constitution but observed that there was a great need for community empowerment to ensure effective implementation and proper accountability. They shared their views on opportunities for their involvement in community sensitization on these provisions*

## **5.3 OVERVIEW OF HIV AND AIDS**

### **Ms. Maureen Murenga: Executive Director, Lean on Me**

Maureen introduced herself and invited the participants to be actively and frankly involved in the discussions which were conducted in Kiswahili and Dholuo, the local dialect. They discussed basic information on HIV beginning with the modes of transmission. Unprotected sexual contact with an infected person was explained as the most common way to spread HIV, but other modes of transmission, including child birth and breastfeeding, were discussed. The participants learnt about the stages of HIV and how the virus presents during each stage.

Maureen enlightened them on how ARVs work to manage HIV infection and explained the benefits of early initiation of ARV for both treatment and HIV prevention outcomes. She explained the availability of generics in the market and the difficulties in availing second line and third line medication in Kenya.

Maureen urged the participants to be vigilant in demanding for the right to health to ensure availability and affordability of HIV and reproductive health services for women.

## Plenary

- › *The participants questioned how some children test positive and later become negative. The facilitator explained the effectiveness of PMTCT and why women should be encouraged to know their status and deliver at the health care facilities. The facilitator demystified some local myths and stereotypes on HIV.*
- › *The participants then shared their ideas on disclosure and sex education for their children. She explained that this was a gradual process that needs to start before adolescent developments. The facilitator cautioned against over strict parenting which deterred the children from relating well with their parents.*

## 5.4 STIGMA AND DISCRIMINATION

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### Melba Katindi: Advocacy and Training Officer, KELIN

This module was designed to impart knowledge on issues of stigma and discrimination in the context of HIV. The session began with the participants sharing their views on the two issues. Melba focussed on enabling a clear understanding of stigma and to distinguish it from discrimination; which words the participants in their explanations had used interchangeably and misperceived to mean one and the same thing. They discussed in detail the impact of stigma on testing, prevention and treatment interventions within the immediate family and the larger community.

Finally the participants shared their suggestions on how to support PLHIV to cope with stigma and how to fight stigma both at an individual level and at community level. They encouraged visits by peers; encourage them to join support groups, publicly addressing community myths surrounding HIV, among others. They identified the roles of support group members as encouragement of PLHIV on living positively -in ensuring adherence to medical treatment, proper nutrition, calling on community leaders to speak openly about matters relating to HIV, etc.

## Plenary

- › *The women raised concern regarding how these issues are discussed within the community. They cautioned each other regarding the language they used in reference to sex and HIV related issues.*
- › *Nancy reiterated the discussions around HIV the previous days and encouraged the widows to disclose their status especially to their family members and live positively advising that this would hearten those stigmatizing themselves to face their fears too.*

## 5.5 LAND AND PROPERTY RIGHTS

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### Mr. Ambrose Rachier: Land Rights Expert; Chairperson, KELIN Board and Chairperson of the Equity Tribunal

This session was mostly in Luo in an effort to completely simplify the details of these land laws for the participants. The objective of this session was for the participants to gain a comprehensive understanding the formal laws on land in order to sensitize others within their communities and better advice the arbitration process by the Elders.



Mr. Rachier enlightens the widows on the recently enacted land reforms

The discussion was facilitated by Mr. Rachier who is an expert on land rights and a renowned personality within the region. The session highlighted numerous land problems faced by Kenyans including land grabbing, irregular and illegal allotment of public land, tribal clashes/ethnic violence and finally the most recent post election violence which was manifested as a land dispute. Mr. Rachier then expounded on the ongoing reforms enlightening the participants on the laws that have been incorporated to remedy the past mischief surrounding land.

The facilitator sought the widow's views on the arbitrations conducted by the elders emphasizing on the recognition of traditional dispute resolution mechanisms in land conflicts as set out in the Constitution. He cautioned the women on the reluctance of society to accept change with regards to women rights and talked about their role in raising community awareness.

### **Plenary**

- › *The widows were concerned about their security with regard to access and ownership of their matrimonial property. Although they have been resettled back to their homes, they were apprehensive over the lack of legal documents to assert their entitlement to that property.*

*Mr. Rachier cautioned the widows on the risks behind hurried attempts to claim legal titles over the land. He explained that the arbitration process had facilitated the arrival of a mutually beneficial compromise based on good faith between the parties; where the widows and their children were guaranteed unlimited access and usage over a portion of the family land. He encouraged them to initiate dialogue with their in-laws on the subject. In light of the ongoing developments in land legislation, he requested KELIN to explore further involvements by the elders in commencing discussions for further consideration by all the interested parties. Explaining why security of ownership over the land would be important for protection of their children's right over the same in future especially with the new developments in land legislations.*

## 5.8 UNDERSTANDING LUO CULTURE ON PROPERTY RIGHTS IN RELATION TO WIDOWS AND CHILDREN

### Ms Asenath Odaga: Cultural Expert, Executive Director - Gender and Development

The participants proposed a rearrangement of the sitting to assimilate traditional story telling sessions where the young generation congregated around their grandmothers.

The session began by sharing of childhood memories by the widows. They discussed various riddles and proverbs that preceded story-telling sessions. They discussed how significant these sessions were in enhancing creativity and knowledge on life lessons.

Ms Odaga explained that land was culturally perceived to belong to the wives as they were the ones responsible for tilling it. She continued to discuss various other actions that demonstrated this including the public proclamation in this regard after battle.

She said colonialism distorted this perception by introducing title deeds to men. This was then misrepresented as male-entitlement to official ownership of land.

This practice then solely infiltrated the existing cultural values. They further discussed the traditional practice of wife inheritance noting that the intention was to protect the young widow and continue the legacy of the deceased.

She cautioned the practice has been eroded and misinterpreted through the generations and is being perpetrated for sexual and economic exploitation of women and girls.

She noted that the dynamism of culture dictates that cultural practices are reexamined to determine their current relevance.



*Mrs. Asenath Odaga shares her wisdom on property rights*

## Plenary

- › *The widows observed that because there is no real understanding of culture and traditional practices coupled with fear to challenge authority, they remained vulnerable in the society and were therefore forced to give in to intimidations and threats leading them to blindly following harmful practices.*

## 5.9 SUCCESSION AND FAMILY LAW

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### Ms. Peres Migai: Program Officer, FIDA

#### THE CHILDREN'S ACT:

Ms. Peres began by enlightening the participants on some of the feedback by the children during their training. She stressed that the child's right is the responsibility of the parent. She then reiterated the relevant rights in the Constitution relating to children.

She addressed the participants' concern that the Constitution promoted abortion and read the relevant provision to clarify the permissible circumstances.

She explained to them the rights of children as stipulated in the Children's Act and reiterated on the issue of parental responsibility.

## Plenary

- › *Participants discussed harmful cultural practices that affect children in the area – The practice of “wife-replacement” to avoid returning of dowry was passionately debated on. (This happens when a married elder sibling passes. Her younger sister is then compelled to take her place in her marital home so as to take care of her sister's family. “Recently I received reports of a girl who was pulled out of class 8 and forcefully married off;” Shared one of the participants. Nancy pledged to follow-up on the case.*
- › *It was worrying to learn that most of the participants were not familiar with the children's officer in charge of their area. Melba advised them to build a rapport with such key government officials so that they can respond to such reports. She promised to invite the area children's officer to interact with them before the close of the workshop.*

#### WOMEN'S RIGHTS AND VIOLENCE AGAINST WOMEN AND GIRLS:

The participants recalled the provisions of the Constitution they had learnt that impact on women's rights.

They then briefly discussed other relevant statutes that address gender based violence. The participants received some guidelines on actions to take in case of a victim of gender based violence.

## Plenary

- › *Melba cautioned against attempts to compromise to settle out of court in cases involving violence and rape. She raised alarm at the increased reports where cases of defilement and incest in the rural areas are negotiated and settled by “compensating” the family with money or livestock.*

## LAW OF SUCCESSION:

This was a very passionate discussion for the participants. When asked whether girls and boys have equal inheritance rights, the participants responded that although they have now learnt that the Constitution has provided for equality, they were doubtful that their male relatives who are stringent on cultural practices would comply.

The facilitator then educated the widows on the law of succession discussing the importance of writing a will. She pointed out that personal law including customary law was recognized in issues of succession and inheritance but the same had to comply with the provisions of equality and non-discrimination.

She reiterated the significance of proof of marriage in succession issues both culturally and legally. The widows were generally unaware of general legal documents and processes. They requested consequent trainings to empower them on these.

## Plenary

- › *The facilitator advised against the culture of ignorance and cautioned against dependency on male relatives to follow up on the formal succession process. There was need for rural women to familiarize themselves with their husband's property particularly the ownership to the matrimonial property and the available channels of claiming different types of property. Children should also be prepared in the eventuality of the death of either parent. “We should know even how to obtain a simple death certificate, or how to launch a caveat on a piece of land to prevent its sale. In most cases the widows wait for their brother-in-law whom may not always help out in good faith.” added the facilitator*

## FAMILY BILLS:

Finally, the facilitator introduced the participants to the three bills popularly known as the Family Bills, i.e. the Marriage Bill, the Matrimonial Property Bill and the Family Protection Bill. She informed the widows that the bills were still undergoing development and encouraged them to interact with the elders after their training in order to understand their provisions in detail and participate in giving feedback on their views.

## Plenary

- › *KELIN promised to make copies of the Bill of Rights and the simplified Sexual Offences Act (SOA)*
- › *Family Protection Bill – Makes for the provisions for the protection against domestic violence including sexual violence and wife inheritance. It protects against emotional and psychological torture.*
- › *There have been cases where defilement and incest cases are negotiated and settled by “compensating” the family. This is very common in sexual violations among family members.*

## 5.10 MECHANISMS OF PROTECTION

### 5.1.1 Understanding mechanisms of child protection

#### Jemin Konyango, Children's Officer – Nyando District

The session familiarized the widows with the structures and measures set up by government to prevent and respond to violence affecting children. They discussed the structure and mandate of the children's department including the department's role in rehabilitation, registration of children's institutions, foster care and adoption. He also informed the participants of the availability of a toll free child help line where any incidences can be reported. They discussed the legal provisions in relation to child offenders and the procedure in the Children's court. They also discussed how the community can notify the department on occurrences of children in need of care and protection such as those who are neglected, physically or sexually abused, truant children falling into bad company, and those forcefully married off, or engaged in child labour.

#### Plenary

- › *Some of the participants were concerned that the child-friendly atmosphere in children's court may portray an impression of leniency. They were concerned that this may not serve as deterrence for future offences. The facilitator assured the participants that the court was there to dispense justice in the best interest of the child. The system was to facilitate rehabilitation of the child and to offer a second chance in life.*
- › *The facilitator discussed the best interest principle and the participants gave different scenarios could be handled in the best interest of the child.*

### 1.1.2 Understanding gender issues and opportunities for development

#### Lynette Ochuma: Gender Officer, Nyando District

The session began with the facilitator explaining to the participants that gender was not only about women but about how societal roles affect women and men in the enjoyment of various components of their lives. She defined some gender related terms to the participants and some related concepts. The participants impressed the facilitator in their understanding of affirmative action. She identified numerous opportunities for women's economic empowerment within the Ministry of Gender. The participants were introduced to the women enterprise fund and grants for vulnerable groups which a registered widows' group would really benefit from. They also discussed cash transfer programs that the government was rolling out for needy orphans and older persons.

#### Plenary

- › *In response to the participants' enquiries on support for children with disability, she indicated that the National Council for Persons with disability provided a great deal of support in paying school fees and acquisition of special equipment in relation to the disability like hearing aids and wheelchairs. They also avail small business grants.*
- › *The participants were apprehensive about the criteria of the beneficiaries of the cash transfer programs recommending that proper evaluation mechanisms should be adopted to ensure the most deserving are benefiting from this social security.*

## 5.11 LEGAL AND ETHICAL ISSUES IN HIV AND AIDS

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### Mr. Allan Maleche: Executive Director, KELIN

As the session began, the participants watched two short documentaries on forced and coerced sterilization of women living with HIV. The participants were deeply saddened by the stories and shared their passionate views.

Allan then guided them through a discussion on some of the legal and ethical issues identified in the videos. He elaborated that various injustices occur because people with HIV are treated differently. He raised the issue of wife inheritance in the region and explained that the reason many women were being violated was because most of them are unaware of their rights. He gave an example that a majority of the women interviewed responded that their consent was not sought prior to a pre-natal HIV test. He informed them that HIV testing is voluntary and not compulsory. He further explained that every person had a right to relevant information to help them understand the nature and consequence of any medical procedure. The participants approved on the necessity of HIV results being kept confidential and advised that efforts to address stigma be enhanced so that those infected can freely choose to disclose their status and live openly. Allan requested the participants to take time after the day's session to look at the simplified version of the HIV and AIDS Prevention and Control Act and in groups lead the discussions on the provisions the following day.

### Plenary

- › *The participants suggested that sensitization on the rights of PLHIV be improved at community level. Most available information was focused on testing, prevention and treatment. More information was required to enlighten the community on rights and responsibilities of both those who are HIV negative and those who are positive.*
- › *The participants observed that discrimination against those who are known or suspected to be HIV positive was still rampant within the community.*

## 5.12 MOVIE SESSION

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The participants had an evening session where they watched a two hour documentary that summed up all the issues they had discussed during the training in relation to HIV.

## 5.13 CREATIVE SESSION: STORY TELLING

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Nancy gave the participants some useful tips in story telling encouraging them to use their experiences as powerful weapons to raise awareness on issues of wife inheritance. The widows gathered during one of the evenings to share their stories and exchange ideas on how these stories could be utilized more effectively in community advocacy.

## 5.14 REVIEWING THE PROJECT

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Nancy briefed the participants on the history behind the project since inception. They discussed the power analysis that informed the use of traditionally dispute resolution mechanisms. She discussed the trainings of elders and widows prior to the inception of the project and the success in arbitration of inheritance disputes and resettlement of widows in the region. She also discussed the expansion of the project with the bicycle project that was aimed at mitigating the vulnerability of the girl child and the current

trainings. The widows shared their experiences during the arbitration process explaining the success in facilitating access to justice for numerous families and the various benefits the widows have had since their resettlement. They applauded the elders for their impartiality and commitment during the process. The widows were grateful for the numerous occasions that KELIN has involved them in high level meetings, radio and TV features which have raised their profile within the community and earned them respect from their in-laws.

The key challenges raised by the widows on the project were:

- The widows support groups are still quite young and most are not yet registered and this poses a great challenge in exploiting available opportunities for support
- Some widows don't understand that the mandate of the project is primarily to promote human rights and access to justice for them. Numerous requests for support towards the construction of homes for them and their families have been submitted to KELIN. Nancy assured them that KELIN has been and will continue to approach other partners to support those who are most vulnerable but challenged those who are successfully resettled and stable to support any who are still struggling.

Some useful recommendations from the widows during this session included:

- Expansion of the initiative to address similar issues for women who are divorced/abandoned/neglected by their husbands. They noted that with the Constitution now recognizing women's right to inherit from their parents perhaps this initiative could amicably address the current stalemate on the issue.
- Extension of support for elders structures in neighboring communities whose women face similar issues that could be resolved amicably. They noted that during the radio advocacy shows many callers were from other communities that KELIN needs to move to so that they too can realize their rights.



*Nancy gives a brief summary of the widows' training project*

## 6.0 WAY FORWARD AND ACTION PLAN

WHAT/ HOW	WHO (COUNTIES/INDIVIDUAL)	WHEN
Read through the materials we have been given		
Individually	Everyone	By end of May
In support groups	Everyone	By end of June
Networking within the Constituency - Children's Officer, Gender Officer and CACC Officer		
Establish contact and Introduction	Everyone	By end of June
Registration of support groups		
Invitation to support groups for further interaction	Nyando	By end of August
	Nyakach	By end of October
	Kabondo Rachuonyo	By end of November
Community Sensitization on women & property rights and children's rights		
Chief's Baraza	Kabondo	June
	Nyakach	July
	Nyando Muhoroni	August
Local schools	Nyando Muhoroni	Before the end of the school year
Burial functions	Everyone in collaboration with the elders	Before the end of the year
Parents/ guardians of children with disability in the community	Nyando Rachuoyoy	By end of November
Addressing self stigma to encourage disclosure		
Discussions in support groups	Everyone	By end of June
HIV education for youth	Caroline Odhier	By end of November
Church	Nyakach Nyando	Before the end of the year
Identification of cases		
Referral of disinherited widows	Everyone	Before the end of the year
Documentation and referral of other human rights violations	Everyone	Before the end of the year
Media engagement		
Available for radio interviews	Rhoda Najula	Anytime
Share stories for documentation by KELIN	Josephine Caroline Evelyn Mary Adhiambo Rhoda Najula Lillian Amollo Ruth Achieng Consolata Otieno	By end of May

## 7.0 TRAINING METHODOLOGY

The mode of facilitation was dominantly through interactive deliberation sessions with minimal use of Power-Point presentations. The expertise of the facilitators was appropriate in light of the lengthy Question & Answer sessions and this promoted healthy debates among the participants.

The video documentaries; varied from issues ranging from HIV to forced sterilization. Simplified versions of the HAPCA<sup>1</sup> and the SOA<sup>2</sup> and the Bill of Rights within the Constitution of Kenya, 2010 were provided to the participants for ease of reference after the workshop.

The women congregated with Emily; the project's assistant, in hearty discussions of the day's sessions and gave useful feedback and raised clarifications during the following day's recap session.

## 8.0 CHALLENGES

- i. The budget constraints could not facilitate training of all the widows that had expressed their interest.
- ii. The language barrier was a challenge in completing the modules within the allocated duration because a lot of time was needed to simplify the complex legal provisions into local dialect
- iii. The participants had come with numerous legal issues for which they sought legal advice from the facilitators. They were advised to contact KELIN for further advice guided by a comprehensive legal opinion. However one of the participants was immediately referred to the FIDA office in Kisumu for litigation support in a property dispute involving co-wives of a deceased.

## 9.0 RECOMMENDATIONS

- i. Further empowering the widows on basic legal documents and procedures will enable them act as peer advisors for other women within the community reducing their overreliance on male relatives.
- ii. Development of IEC material in basic English and translated into Kiswahili on health and HIV related human rights including women's land and property rights will be a useful tool for the widows as they continue to raise awareness on these issues.
- iii. Future planning for trainings should factor in seasonal occurrences like the weather, planting or harvesting and school holidays so as to benefit from maximum attendance. We have learnt that residential workshops work better within the region.

<sup>1</sup> HIV and AIDS Prevention and Control Act, 2006

<sup>2</sup> Sexual Offences Act, 2006

## APPENDIX I: CASE STUDY



*Mary at her farm*

Mary was a widow from Lowere Kodhoch in Kabondo Homabay county. The 32 year old widow, who was married customarily to the late Ezakiel Onyango had been staying at Ramba Kadongo. She was a casual labourer who had 5 children.

After her husband's death she became sick and went to seek for treatment at her parent's home where she stayed for two years. When she came back she found that her house had fallen down.

No one was ready to assist her in the home so she sort help from her late husband's friend who offered her his late mothers house to stay in. He later asked her to leave because he had plans of demolishing the said house.

Mary left and was sleeping with her children under a tree where someone who had heard of the CSP linked her with Kabondo elders. Elders went to her in-laws and arranged for an arbitration, which was successful, and the widow was allowed back home.

She benefitted from the construction kitty and was resettled back with her children. Mary cultivated the piece of land that she was allocated and produced a lot of maize and vegetables.

She was very grateful when we went for follow up and hoped that other women having the kind of problem she was having could also be assisted. Her only regret was that she did not get proper treatment because she had not gone for HIV test early enough. She had an infection in her stomach, which was at an advanced stage. She benefitted from the widows training.



*During a follow up: a neighbor, Annie, Mary, Nancy and Elder Van Obura*

## APPENDIX II: PROGRAMME



### CAPACITY BUILDING WORKSHOP ON HUMAN RIGHTS FOR WIDOW BENEFICIARIES OF THE CULTURAL STRUCTURE PROJECT

At the Mavelon Hotel, Ahero from 8<sup>TH</sup> to 11<sup>TH</sup> May 2012

### PROGRAM

#### Objectives

- Understanding the legal provisions protecting the rights of children, women and PLHIV
- Identifying and addressing various challenges raised by legal and ethical issues in HIV
- Demystifying myths about Luo Culture and property rights of women
- Discussing legal provisions on land rights and the mediation process adopted within the CSP
- Appreciating the role of elders in protection and promotion of women's land and property rights
- Understanding the opportunities presented within the devolved structure of the Constitution

DATE	TIME	SESSION	PROPOSED FACILITATOR
Tuesday 8/05/2012	8:00 – 8:30 a.m.	Arrival and Registration	Emily Awuor: KELIN
	8:30 – 9:00 a.m.	Pre-training Evaluation	Melba Katindi: KELIN
	9:00 – 9:30 a.m.	Introduction and Climate setting (Expectations)	Nancy Ondeng : KELIN
	9:30 – 9:45 a.m.	Welcome Remarks	Josephine Ong'ombe: Elder
	9:45 – 11:00 a.m.	Module 1: Introduction to Human Rights (meaning: history; characteristics: general principles: underlying principles: human rights abuses and violations, human rights relating to HIV)	Melba Katindi: KELIN
	11:00 – 11:30 a.m.	<b>TEA BREAK</b>	
	11:30 – 1:00 p.m.	Module 2: The Constitution on Human Rights (Bill of Rights on women, children and PLHIV)	Melba Katindi: KELIN
	1:00 – 2:00 p.m.	<b>LUNCH BREAK</b>	
	2:00 – 4:00 p.m.	Module 3: Overview of HIV & AIDS About HIV and AIDS (Modes of transmission, how HIV works in the body and its progression to AIDS, Common misconceptions, Treatment Control and Management) Parents as educators (The realities of youth sexual behaviour, Reproductive health information, Sexual and Reproductive health rights, Effective Parenting)	Maureen Murenga Lean On Me / NEPHAK
	4:00 – 4:30 p.m.	Health Break	
<b>END OF DAY</b>			
Wednesday, 9/05/2012	8:30 – 9:00 a.m.	RECAP	Nancy Ondeng: KELIN
	9:00 – 10:30 a.m.	Module 4: Stigma and Discrimination (Definition of Stigma, meaning of stigma, main causes of stigma, effect of stigma on HIV programmes, protection against HIV related discrimination)	Melba Katindi: KELIN
	10:30 – 11:00 a.m.	Tea Break	
	11:00 – 1:00 p.m.	Module 5: Land and Property Rights (Understanding the new laws: protection for women and children)	Ambrose Rachier: Land Rights Expert / KELIN Board
	1:00 – 2:00 p.m.	Lunch Break	
	2:00 – 4:00 p.m.	Understanding Luo Culture on Property rights in relation to Widows and Children	Asenath Odaga: Cultural Expert
	4:30 – 5:00 p.m.	Health Break	
<b>END OF DAY</b>			
Thursday 10/05/2012	8:30 – 9:00 a.m.	RECAP	
	9:00 – 10:30 a.m.	Module 6: Family relations and succession (Women's rights and violence against women, Children's rights, The Family bills in relation to land and property rights, succession)	Jacqueline Ingutiah: FIDA
	10:30 – 11:00 a.m.	Tea Break	
	11:00 – 12:00 p.m.	Mechanisms of Protection: Understanding procedure (Responding to Rape cases, the Gender Desk, Court Procedure)	Gender Desk Officer: Nyando District
	12:00 – 1:00 p.m.	Mechanisms of child protection: Understanding Procedure (Child Offenders: Children in need of care and Protection: The Children's department and the Children's Court)	Jemin Konyango: Children's Officer - Nyando District Department of Children's Services
	1:00 – 2:00 p.m.	Lunch Break	
	2:00 – 4:00 p.m.	Module 8: Legal and Ethical Issues in HIV and AIDS (The HIV and AIDS prevention and control Act, 2006: Consent; Testing; Confidentiality; Gender and Culture)	Allan Maleche: KELIN
	4:00 – 4:30 p.m.	Health Break	
<b>END OF DAY</b>			
Friday 11/05/2012	8:30 – 9:00 a.m.	RECAP	
	9:00 – 11:00 a.m.	Opportunities presented by Devolution provisions in the Constitution of Kenya (The County System), Participation and Accountability	
	11:00 – 11:30 a.m.	<b>TEA BREAK</b>	
	11:30 – 12:00 p.m.	KELIN's Cultural Structures Project	Nancy Ondeng: KELIN
	12:00 – 1:00 p.m.	Sharing Experiences (What has worked, challenges, recommendations)	Widow-beneficiaries, Cultural Structures Project, KELIN
	1:00 – 2:00 p.m.	<b>LUNCH BREAK</b>	
	2:00 – 3:00 p.m.	Way Forward and Action Plan	Allan Maleche: KELIN
	3:00 – 3:15 p.m.	Post-training Evaluation	Melba Katindi: KELIN
3:15 – 3:30 p.m.	Closing Remarks	Joyce Orowe: Elder	
<b>END OF WORKSHOP</b>			

## APPENDIX III: LIST OF PARTICIPANTS

NO.	NAME	GENDER	ORGANISATION	REGION /COUNTY
1.	Dominic Anyango	M	Radio L. Victoria	4850 Kisumu
2.	Rodah N Wekesa	F	Nowa	41 Ahero
3.	Lucy Akoth Kola	F	Nowa	Ahero
4.	Everlyne Lango	F	Nowa	120 Ahero
5.	Jane Oyieko	F	Nowa	63 Ahero
6.	Trine Atieno	F	Nowa	N/A
7.	Meresa Onyango	F	-	454 Ahero
8.	Seline Awine	F	St. Christian	
9.	Alice Odira	F	Awuur.W.G.	77 Kandiege
10.	Lillian Omollo	F	KELIN Support Group	126 Kibigori
11.	Mourine Adhiambo	F	St Christian	99 Sondu
12.	Evalyne Anyango	F	KELIN Support Group	7 Miwani
13.	Caroline Ajwang	F	KELIN Support Group	75 Sondu
14.	Caroline Atieno	F	KELIN Support Group	Muhoroni
15.	Judith Okeyo	F	KELIN Support Group	Muhoroni
16.	Josephine Ongombe	F	KELIN Support Group	Nyando
17.	Consolata Otieno	F	KELIN Support Group	Nyakach
18.	Ascar Madote	F	KELIN Support Group	Nyakach
19.	Caroline Odhier	F	KELIN Support Group	Rachuonyo
20.	Ruth Achieng	F	KELIN Support Group	Muhoroni
21.	Mary Adhiambo	F	KELIN Support Group	Kabondo
22.	Everlyne Anyango	F	Muhoroni	Box 7 Miwani
23.	Maureen Murenga	F	Kisumu	
24.	Peris Migai	F	Kisumu	P O Box 46324 00100, Nairobi
25.	Asenath Odaga	F	Kisumu	
26.	Jemin Onyango	M	Nyando	
27.	Lynette Ochuma	F	Kisumu	
28.	Mr. Rachier	M	KELIN	P O Box 112 - 00202, Nairobi
29.	Allan Maleche	M	KELIN	P O Box 112 - 00202, Nairobi
30.	Melba Katindi	F	KELIN	P O Box 112 - 00202, Nairobi
31.	Nancy Ondeng	F	KELIN	P O Box 112 - 00202, Nairobi