



# Tackling legal empowerment: the Farmer Life School approach

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## Workshop report March 2009



Projet  
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Project



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## Acronyms

AESA	Agro Ecosystem Analysis
AWC	Africa Woman and Child Feature Services
CDA	Coast Development Authority
C-LEP	Commission on Legal Empowerment of the poor
FFS	Farmer Field Schools
FFS-RH	Farmer Field School-Reproductive Health
FLS	Farmer Life Schools
FIDA	Federation of Women Lawyers
HESA	Human Ecosystem Analysis
JFFLS	Junior Farmer Field Schools
MOH	Ministry of Health
MOA	Ministry of Agriculture



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# **PART I**

## **Key concepts**

## 1. Background and Objectives

The majority of the world's 1.5 billion poor and food insecure live in rural areas where they depend on agriculture and land-based productive resources for their livelihoods. Many among them are unable to sustain their livelihoods and ensure their food security due in particular, to inadequate and insecure access to land and assets, the lack of decent employment and the vulnerability to cope with external shocks such as economic crisis, natural disasters or armed conflicts. The spread of HIV and the gender and social inequality patterns further exacerbated this situation (e.g. land grabbing and disinheritance of widows and orphans of households affected by HIV, child exploitation and child labour, difficulties in accessing to employment due to stigma, etc.).

Legal empowerment is increasingly seen as a means for enabling the poor to address these challenges, and protect the sources of their livelihoods by using the law, the legal system and legal services.

Because of its participatory and community-based methodologies and its focus on empowerment, self reliance and gender equality, the FAO's Farmer Life School (FLS)<sup>1</sup> approach is increasingly seen as a good platform for delivering gender and legal empowerment messages within the rural context. The first experience of using this approach for raising awareness of farmers on legal issues and strengthening their capacity to use law and legal services has been experimented in Kenya, at the Coastal Province. The Farmer Field School-Reproductive Health (FFS-RH) project implemented in four coastal districts, in collaboration with the Association of Women's Lawyers (FIDA Kenya), have successfully integrated a number of legal issues in their participatory trainings. These issues include reproductive rights, gender-based violence, property rights and children's rights.

In this context, the Food and Agriculture Organization of the United Nations (FAO) through the support of FMPP/GLO/001/MUL and in cooperation with the Coastal Development Authority (CDA), in charge of the coordination of the FFS-RH programme in the Coastal Province, and the African Women and Children Features (AWC) held a workshop on "Tackling legal empowerment: a Farmer Life School approach" in Nairobi, Kenya, from 3 to 4 March 2009.

The workshop, opened by Mrs Carol Djeddah, Senior Officer, ESW was attended by partners from the government agencies (Ministry of Agriculture, National Aids Council), FFS and JFFLS master trainers, representatives of NGOs and research institutions who have been actively involved in this topic.

The Workshop objectives were:

- a) Presenting the FLS approach and the concept of legal empowerment;
- b) Sharing and discussing the preliminary findings of the case-study on "Enhancing rural livelihoods through legal empowerment. The case of Farmer Field School-Reproductive Health at the Kenyan Coastal Province";
- c) Identifying strengths, gaps and opportunities for tackling legal empowerment through the FLS approach;
- d) Building a network to support the process of implementing a new model in Kenya and in the region.

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<sup>1</sup> For the sake of simplicity, this term is intended as including the Farmer Field Schools (FFS), Farmer Life Schools (FLS) and Junior Farmer Field and Life Schools (JFFLS) approaches

The conceptual framework presented in plenary sessions and the preliminary findings of the case study served as a background for discussions during working groups and final plenary sessions. Working Group sessions offered as a platform to discuss strategic themes:

1. Elements of a new model on integrating key elements of legal empowerment into the FLS methodology and tools;
2. A draft module on “Land and property rights” for JFFLS curriculum;
3. Up-scaling and out-scaling of a new model – partnerships, resources, institutionalization.

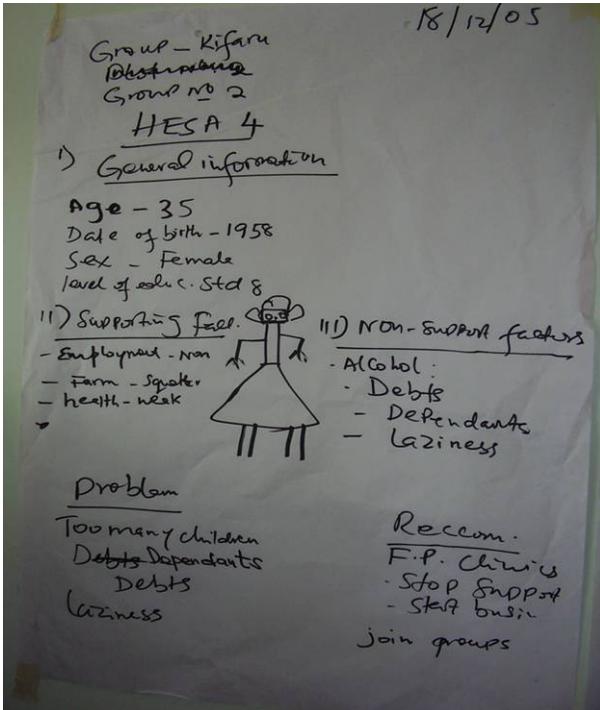


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## 2. Key concepts and discussion

### Farmer life school, for adults and youth: an evolving approach for farmers' empowerment

The Farmer Life School (FLS) approach developed from a participatory agricultural extension approach in the form of farmer field schools (FFS), into a learning process aiming at empowering farmers to understand the larger socio-economic and cultural context and factors which influence their lives and livelihoods.



HESA: food security and HIV and AIDS

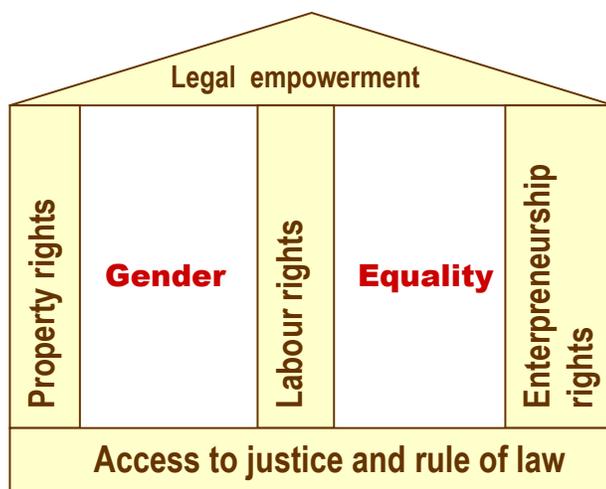
This evolving process is captured in the Human Eco-System Analysis (HESA) tool which is at the heart of the FLS approach. In this socio-ecological approach, the farmer groups investigate various socio-economic issues that threaten their lives and livelihoods and at the same time they identify supporting factors that can help them to address these issues. This process enables farmers to understand their own strengths, vulnerabilities and constraints and be in a position to make decisions on what actions to take to improve their own lives, and the lives of others within their community. Issues addressed range from loss of land, lack of family planning, domestic violence, gender inequalities and HIV and AIDS.

The FLS was also adapted to respond to specific needs of children and youth, in a bid to counter the HIV epidemic and the orphans' crisis (JFFLS).

### The missing link: legal empowerment

Legal empowerment differs from other forms of empowerment because it involves the use of law, legal services and procedures to tackle the sources of power imbalances and increase the control over the resources, decisions, structures and other factors that affect one's life and livelihoods. Within the legal empowerment concept, law is not limited to the statutory, state law and bodies but also includes customary or informal rules and mechanisms.

The concept of legal empowerment has four main pillars: property rights (e.g. right to own, access and use land, right to inherit...) labor rights (e.g. decent work standards, social protection, and elimination of discrimination and equality of opportunity), business or entrepreneurship rights (e.g. access to basic financial services, ability to contract, to engage in economic activities and market transactions), and access to justice and rule of law (e.g. access to functioning justice system, including customary and informal systems). Legal empowerment is grounded in globally accepted standards of human rights in particular, the principle of equality and non-discrimination. Gender equality is central in legal empowerment processes within all four domains of action.



### Information, communication and networking

Information, communication and networking, sharing of experiences and cross-fertilization are crucial for the success of the empowerment process. Information increases self-confidence, allows for capacity-building and training, and consolidates the capacities of people especially women. Communicators such as the media, radio, television, press have a key role in society, as they can reinforce stereotypes or help change behaviours and attitudes. In rural areas, community radios play an invaluable role in the life of the community members. The Workshop discussed the possible role of FAO DIMITRA Network in gender and legal empowerment process through FLS approach in Kenya and in the region. Dimitra and its partners in East and Central Africa work on enhancing the information exchange, networking and the use of a wide range of media needed to encourage behavioral change from within the communities.

### Key discussion

- Implementation of human rights in Kenya remains a challenge due to lack of the institutional capacity and resources. However, by ratifying international human rights treaties, Kenya accepted to respect, protect and fulfill fundamental rights of people under its jurisdiction;
- Providing good public service is a principle that should guide all activities of the State. The state, through its public officials, must treat persons equally and respect their human worth and dignity.
- Vast majority of people in Kenya experience difficulties in accessing legal services; traditional structures such as councils of elders and village leaders remain most often used for mediating and arbitrating disputes rather than seeking justice through the formal state system and courts;
- The existing procedures and mechanisms for dealing with rights claims before the competent institutions are expensive and perceived as inaccessible and complicated by the rural poor;
- For women, enforcing their rights is even more difficult due to problems arising from the dual legal system that is, statutory law and customary law;
- Many livelihood strategies and initiatives implemented in the country, including by the UN agencies, focus on women's empowering, situation which may lead to conflicts, violence and even further women's sufferings, especially where men have lost access to income and perceive themselves as excluded;

- The use of local resources such as rural community radios and networks should be strengthened as this can ensure better dissemination of legal knowledge and skills among farmers and communities;
- There is a need to craft a clarion call for actors and stakeholders working on FLS approaches in Kenya to integrate legal topics and human rights in these approaches.

### **3. The case of Farmer Field School-Reproductive Health in the Coastal Province, Kenya**

The second session of the Workshop was entirely dedicated to presentation and discussion of the preliminary findings and experiences from the case-study on “Enhancing rural livelihoods through legal empowerment. The case of Farmer Field School-Reproductive Health at the Kenyan Coastal Province”.

The case study was undertaken in 4 districts at the Coastal Province: Kwale, Kilifi and Taita/ Taveta. The covered districts have an average poverty level of 62 % and are characterized by the high HIV prevalence and the widespread landlessness.



The prevailing poor reproductive health situation in these districts and the extensive experience with FFS methodology made the districts logical sites for introducing and piloting a reproductive health component to the existing FFS. The Farmer Field Schools-Reproductive Health (FFS-RH) concept was conceived in the aim to enable farmers to address reproductive health topics and issues that affect their wellbeing, once they have completed the FFS cycle. The concept addresses reproductive health and rights relevant to farmers' wellbeing such as family planning, safe motherhood, prevention of sexually transmitted diseases including HIV, gender issues, the role of doctors and patient's rights and children's rights. Thanks to collaboration with FIDA Kenya, farmers in the four districts covered by the projects could also benefit from participatory and group trainings on a number of legal issues: reproductive rights, gender-based violence (GBV) and commercial sex, land and property rights and children's rights.

In carrying out the study, the overall objective was to identify the achievements and the challenges in the implementation of the FFS-RH concept and to generate ideas for developing a new model of integrating key elements of legal empowerment in the FLS methodology and tools.

The main findings of the case-study are briefly summarized in the Box below, while the full report of the case study is reproduced in Part II of this document.

The main legal and social issues investigated during the case-study were reproductive health and rights, gender-based violence (GBV) and commercial sex, land and property rights, child labour and access to credits.

The overarching finding of the case-study confirms that going beyond agricultural skills and knowledge, and introducing socio-economic and legal aspects in the farmer field and life school approach can play a significant role in enhancing farmers' lives and livelihoods.

The specific findings include the following:

- Food production has increased despite the current drought;
- a number of former FFS-RH members started providing advice to neighboring communities both in the field of agriculture and legal issues (e.g. widows' property rights);
- more women give birth in health centres, under the supervision of qualified midwives and nurses;
- people go for voluntary HIV testing and the level of knowledge on the right to confidentiality, treatment and care of people living with HIV and AIDS is very high;
- Rape and other forms of GBV are more openly recognized and addressed.
- Some of the FFS-RH members and some facilitators assist orphans by ensuring that they attend school and by protecting their property.
- In some cases, the increased awareness on legal rights and available legal services has served as a protection against dispossession of widows;
- High awareness of the FFS-RH members on the relevance and contribution of secure land and property rights, protection from child labour and access to credits to improved food and livelihood security.

#### **4. Tackling legal empowerment through the FLS approach: strengths, gaps and opportunities**

Based on the conceptual framework and the preliminary findings of the case study, the participants analysed the FLS approach as a means for tackling legal empowerment of the poor, and attempted to identify its strengths, gaps and opportunities for improvement. The results of the brainstorming and discussion are summarized in the table below.

<b><i>Strengths, Gaps, Opportunities</i></b>
<p><b>Strengths:</b></p> <ul style="list-style-type: none"><li>• The approach is multi-sectoral, integrated, which facilitates synergies</li><li>• It's bottom-up, inclusive, participatory</li><li>• Awareness has been created, people have been empowered and this makes it easier to introduce elements of legal empowerment;</li><li>• It's a demand-driven approach, it responds to needs raised by the people;</li><li>• It has proven to be effective and empowering;</li><li>• The approach has already structures in place, facilitators trained, a network and institutions involved.</li></ul>
<p><b>Gaps:</b></p> <ul style="list-style-type: none"><li>• Limited geographical coverage and therefore catchment</li><li>• Weak involvement of men;</li><li>• Poor information sharing and dissemination of documentation and best practices;</li><li>• Lack on information on rights</li><li>• M&amp;E system not in place to measure impact and document sustainability;</li><li>• Weak institutionalization;</li><li>• Poor capacity at institutional level, especially on legal issues.</li></ul>
<p><b>Opportunities:</b></p> <ul style="list-style-type: none"><li>• A platform of FFLS (FFS; FFS-RH, JFFLS) is already in place (structures, trained people, facilitators, etc.)...</li><li>• A network of Institutions, partnerships, alliances, and local authorities involved has been created and can be up-scaled;</li><li>• A policy framework is in place as per HIV/AIDS, and legal issues (e.g. sexual offence act, children act; etc.);</li><li>• There is opportunity for up-scaling, replication, geographical expansion;</li><li>• The approach is flexible enough to include cross-cutting issues such as HIV/AIDS, RH, legal and rights issues, livelihoods, gender equality, etc. to be built-in/ integrated in the existing approach</li></ul>

## 5. Integrating key elements of legal empowerment into the FLS methodology: the way forward

Despite the achievements, several challenges remain. A comprehensive model for tackling legal empowerment through FLS approach should provide clear guidance as to:

- Ways for integrating legal empowerment elements in the FLS methodologies and tools;
- Adapting the training module on Land and Property Rights – Mozambique for the use in Kenya;
- Possible indicators for the monitoring and evaluation process;
- Out reach and out scaling (in Kenya and in the region);

Tables below summarizes the results of the discussions.

Table 1. The FFLS coverage in Kenya

<p><b>The FFLS currently operating in Kenya:</b></p>	<ul style="list-style-type: none"> <li>• <b>FFS</b> Bondo, Mwingi, Kitui, Taita Taveta, Kwale, Kilifi, Kakamega, Bungoma, Busia, Siaya, Nakuru, Bomet, Narok, Mbeere, Tharaka, Turkana, Baringo, Machakos, Maragua, Kiambu</li> <li>• <b>JFFLS</b> Bondo, Mombasa and Daadab</li> <li>• <b>FFS-RH</b> Taita, Taveta, Kwale, Kilifi</li> </ul>
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Table 2. Integrating elements of legal empowerment into the FFLS approach

<p><u>Elements of legal empowerment and other topics</u> to be included in the FFLS approach, taking into account:</p> <ul style="list-style-type: none"> <li>• different contexts (highly impacted areas of HIV with many orphans and widows, post-election violence);</li> <li>• cultural specificities, and</li> <li>• target groups (girls, boys, men and women)</li> </ul>	<ul style="list-style-type: none"> <li>• Property rights</li> <li>• Labour rights</li> <li>• Child labour and protection of children’s rights</li> <li>• Reproductive rights;</li> <li>• Gender equality attitudes and roles in agriculture;</li> <li>• Customary law, practices and traditions relevant to property, marriage and inheritance;</li> <li>• Topics of specific concern to elderly, widows and orphans (e.g. property grabbing, exploitation of children);</li> </ul>
<p><u>Ways for integrating legal empowerment</u> elements in the FLS methodologies and tools</p>	<p><u>Legal training</u> Training modules on specific legal topics</p> <p>Use of innovative ways of learning such as role play, exercises and hypothetical stories on issues relevant to specific community context (e.g. squatter problem, commercial sex, rape, HIV);</p> <p><u>Facilitator’s role</u> Baseline / groundwork by the facilitator prior to starting a new project</p> <p><u>Community level</u> Sensitization trainings / campaigns of the relevant institutions through workshops for targeted audience e.g. chiefs, village elders and opinion leaders.</p>

<p><u>Training of facilitators</u></p>	<p>Partner with government and local NGO'S Identify local trainers- people familiar with the issues</p> <p><u>When:</u> Jan/Feb - at least one month before onset of the season Consider specificity of the groups such as fishermen and pastoralists, not linked to agricultural season</p>
<p><u>Ways to enhance gender sensitivity and support of institutions</u></p>	<p>Production of attractive data evidence Communication brochures Include institutions in the network Field visits</p> <p>Sensitization and training workshops for the representatives of the main institutions (chiefs, teachers, elders, district officers, religious leaders, opinion leaders) Use of multi media approaches-video, drama/songs, print Introducing competition to motivate local leaders on behavior change Behavior change through the communication strategy</p>
<p><u>Gender issues related to access to justice</u></p> <p>Procedures, institutions (e.g. religious institutions, sub-chiefs, chiefs, elders, councilors..) and services available at community, village, district and provincial level (both formal and informal) to be:</p> <p>a) more gender sensitive with respect to relevant legal issues</p> <p>b) transparent and accessible to FFLS groups</p>	<p>Gender desks at police stations should be active and capable of assisting victims (e.g. of GBV)</p> <p>Advocacy and awareness for available services.</p> <p>Sensitization and information about the Dissemination and sensitization on the Service Delivery Charters</p> <p>NGO's / CSO / FFS Networks/ Facilitators, members more involved and assist persons in claiming their rights.</p>
<p><u>Possible partners for implementation</u></p> <p><u>Joint UN programmes where the approach could be integrated</u></p>	<p><u>Government</u> Village, district and national level</p> <p><u>Community institutions</u> Elders, community leaders, opinion leaders</p> <p><u>Non-governmental sector</u> CSO's, NGOs, FBO, youth organizations, women groups,</p> <p>Joint programme on HIV &amp;AIDS (on going) Joint programme on Gender Joint programme on youth (Agenda 4)</p>
<p><u>Elements of the sustainability of the approach, its methodology and implementation</u></p>	<p>Institutionalization, policy integration Policy and legal framework Resource allocation (2,3 and 5 years basis) Community participation and ownership</p>

Table 3. Adapting training module on land and property rights

<p><u>Adapting training module on land and property rights</u> (prepared for Mozambique)</p>	<p>Issues to be covered</p> <ol style="list-style-type: none"> <li>1. Mapping property – understanding property relationships within a community</li> <li>2. Women’s property rights – understanding why women cannot freely control, dispose and inherit property</li> <li>3. Understanding differences between statutory law and customary law</li> <li>4. Dispute-resolution mechanisms at community and state level.</li> </ol> <p>Use of innovative ways of learning such as role play, exercises and hypothetical stories on issues relevant to specific community context (e.g. squatter problem, commercial sex, rape, HIV);</p> <p>Include aspects of negotiation and conflict resolution skills;</p>
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Table 4. Possible indicators

<p><u>Identifying indicators</u></p>	<p>Indicators must be developed in a participatory manner Baseline assessment prior to starting the project is essential</p>
<p>By legal topic:</p> <p><u>Property rights</u></p>	<p>Number of title deeds issued to women Number of people trained (including representatives of institutions and facilitators) - data disaggregated by sex ,age, social function and vulnerability Number of cases of dispossession (property grabbing) reported; Number of legal actions taken – data disaggregated by kind of institutions involved (formal, informal) Number of resolved cases – data disaggregated according to the decision reached (favourable / not) Number of joint registration of land titles by couples</p>
<p><u>Gender-based violence</u></p>	<p>Decrease in the number of cases reported Number of legal actions taken – data disaggregated by kind of institutions involved (formal, informal) Number of resolved cases – data disaggregated according to the decision reached (favourable / not) Elders and custodians of culture speak against violence Implementation of the Sexual offence act 2006 – increased awareness and knowledge among the communities</p>
<p><u>Child Labour Prevention</u></p>	<p>Number of cases reported and legal action taken More children in school with better results Implementation of the Children’s act - awareness and knowledge among the communities Increase in community support of children Number of children accessing available services Number of children enrolled in JFFLS. Number of people training on prevention of child labour</p>
<p><u>Entrepreneurship rights and access to credit</u></p>	<p>Number of persons / groups obtaining credit - data disaggregated by sex and age Number of trainings on entrepreneurship skills and rights Number of small business enterprises initiated –data disaggregated by sex and age Number and presence of financial institutions Income level of women</p>

Table 5. Out reach and Out scaling

<p><u>Out scaling of the approach - key institutions to be involved</u></p>	<p><u>Government</u> Ministry of Agriculture, Education, Youth and sports, Gender children and social development, Public Health and sanitation, Justice and Constitution, Livestock / North Eastern</p> <p><u>Semi-governmental</u> Coastal Development Authority National AIDS Council</p> <p><u>Non-governmental</u> ALIN/DIMITRA,AWC, NACCS, FIDA Kenya FFS / FFS-RH groups, religious organisations CBOS, PLAN International, ACTION AID, PELUM</p>
<p>Steps to ensure <u>policy engagement</u> and dialogue</p>	<p>Link up with the government and strive to influence the policy making in the related areas (e.g. land policy, gender) - ASCU Online discussions -come up with a content facilitator</p>
<p>Ways to improve the <u>networking</u></p>	<p>Share information across the network by use of publications, website/info based portals etc Conduct inter and intra-change programmes Use of folk media-songs, drama, radio, Train gender communication skills to local journalists Women to be provided by crank radios, pods be given to FFS facilitators and journalist Assess, and Link FFS -ALIN Community Knowledge Centres and Youth Programme as a platform for legal and Gender empowerment (Kyuso and Mutomo)</p> <p>Capacity building on ICTS and other issues which allow them to generate content and dissemination</p> <p>ALIN/DIMITRA collection of info in all FFS, CBOs available in ALIN/ DIMITRA website and available for print.</p>
<p>Existing <u>local resources for communication and information</u> on legal empowerment topics</p>	<p>Community and rural radios - Sikio la mkulima, Agric Info Centres,TransworldRadio,</p> <p>Publications – e.g. FFS IN TOUCH Info portals/website (Oxfam,ALIN,DIMITRA,FAO)</p>
<p><u>New ways to develop communication strategy and tools</u></p>	<p>Publications-FFS info bridge (in English and Kiswahili) DIMITRA, Baobab Use of Literacy training centres and modules Liaise with Adult Education department Introduce Bridging schools for youth 9-16 years Use of folk media to promote info sharing Use of ICTs,IECs, brochures on FFS Use of role model youth (famous artists/singers) Exhibition, mobile phones</p>

## 6. Recommendations

In concluding the workshop, participants agreed on the following recommendations for a new model (see Figure):

### **Include legal empowerment training in FLS methodology and tools (including FFS, FFS-RH and JFFLS)**

By combining transfer of agricultural skills with trainings and facilitation lessons on life skills, and socio-economic issues the FLS approaches empower farmers by enabling them to have greater control over decisions and processes that affect their lives and livelihoods. Integrating legal empowerment elements into these approaches would complete the virtuous cycle of FL (field and life) and self confidence by adding it a legal component: the *legal awareness*, and the ability to access and use the existing *legal services* and *mechanisms* to protect their livelihood's assets.

### **Enhancing men involvement in the programmes and increasing gender-sensitivity**

Achieving gender balance in trainings is a key for their success. A real change can only be achievement if all members of the community are actively involved. Focusing empowerment (economic as well as legal) on women farmer only, may lead to opposite results and fuel violence and further gender inequality. For future FLS projects men should be involved from the onset.

### **Promoting local leaders involvement through sensitization and awareness raising**

Participants urged that, in the proposed new model, community local leaders ought to be involved more and in a structured manner to boost the ownership of the initiative.

### **Strengthening relationships between the main stakeholders**

The institutionalization of the new model and the support from all relevant stakeholders is essential. Active involvement of institutions both formal and informal, at all levels, should be sought prior to establishing a new FLS projects.

### **Improving communication, networking and the use of local resources**

Networking at country and regional level is lacking; already existing networks could be used more to share and exchange ideas, experiences and lessons learned. The level of awareness of locally available resources is rather low; a new model should seek to exploit locally available resources such as rural radios.

### **Looking ahead**

In moving forward, participants agreed that there was need for continuous information sharing and exchange on integrating legal empowerment trainings into FLS approaches through networking. Kenyan model and the experience of the FFS-RH at the Coastal Province should be largely disseminated in the country and at the regional level, and could be used as a basis for adaptation and replication in the neighboring countries such as Somalia or Uganda.

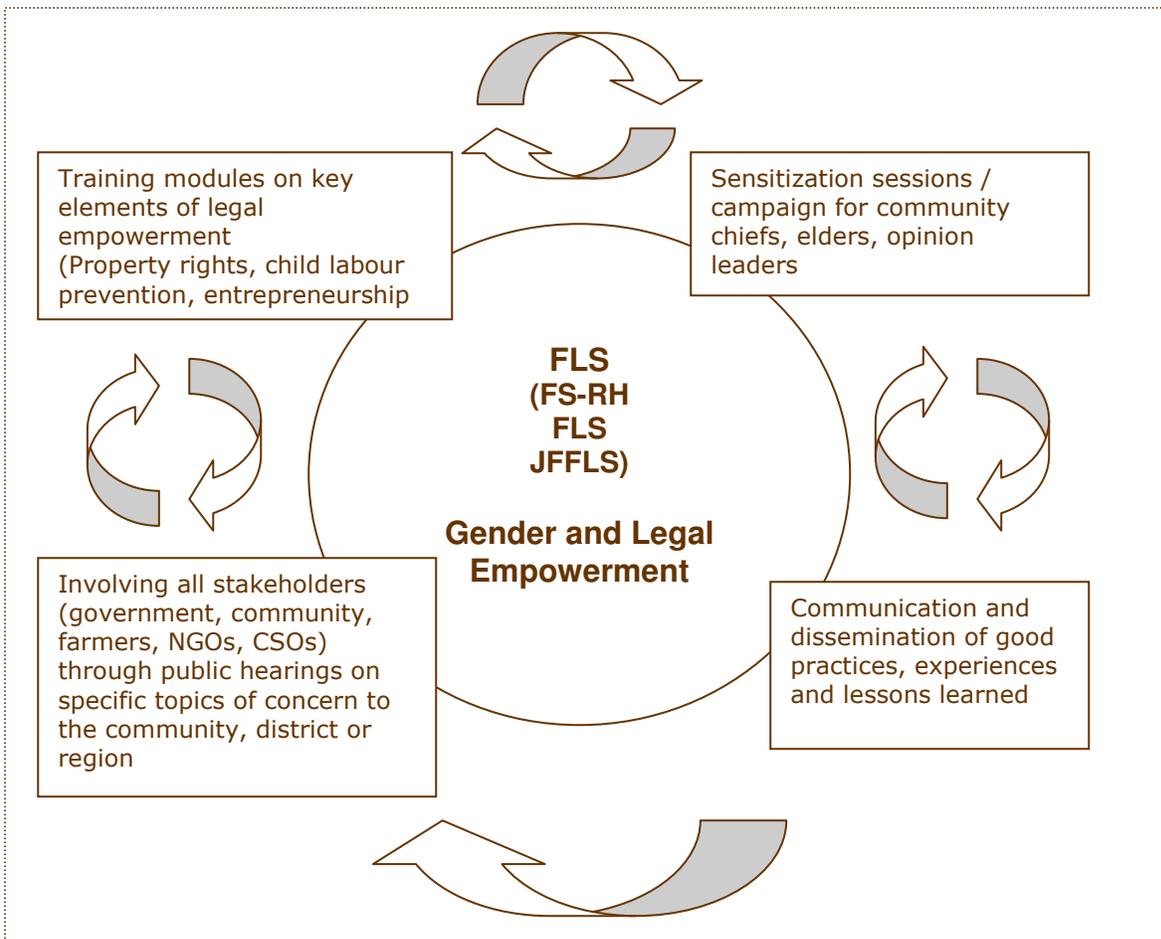


Figure 1. Integrating legal empowerment elements into FLS methodology and tools

## **PART II**

# **Enhancing rural livelihoods through legal empowerment**

**The case of Farmers Field Schools-  
Reproductive Health at the Kenyan Coast  
Province**

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## ACKNOWLEDGEMENTS

The development and preparation of this report consisted of a participatory process that involved a number of collaborators. FAO hereby would like to acknowledge all the organizations, institutions and individuals for their support financially, morally and materially that made this work possible. Foremost, FAO wishes to thank the Kingdom of Norway who provided financial support for carrying out the case-study.

Fieldwork was undertaken by the Coastal Development Authority Kenya in collaboration with the African Woman and Children Feature Services Organisation (AWC) and Women’s Association of Lawyers (FIDA) Kenya. The following persons – Ms. Muthoni Nduhiu, Mwero Mkalla, John Kanamu, Mercy Mwale, Agnes Mkazalla, Philip Nyambu, George Kombe, Judy Chidzugwe, John Lole, Festus Mwadime, Gabriel Ndeje, Victoria Nziuki, Sammy Tanui – deserve a word of thanks for their dedicated participation in the field work.

Dubravka Bojić Bultrini, Carol Djeddah and Elian Najros from the Gender, Equity and Rural Employment Division (ESW) of FAO, Rome, participated in the field visit to Coastal Province (Taita and Kilifi) in March 2009, and have contributed at various stages of the preparation of this report. Special thanks go to Masai Masai from FAO Kenya office and to Karine Garnier from REOA, for their commitment and role in the planning and organization of the case study, and in ensuring the successful implementation of the same.

FAO also wishes to thank the National Coordinating Agency for Population and Development, and the Ministries of Agriculture, Public Health and Medical Services for their support in terms of transport and personnel provided for the needs of the field study.

Special thanks are due to Dr. Nesbert Mangale (CDA Managing Director) for his all round support to those who were in the field during the study including proof reading of the previous version of this report.

## ACRONYMS AND KEY TERMS

AESA	Agro-ecosystem Analysis
AIDS	Acquired Immune Deficiency Syndrome
CDA	Coast Development Authority
FAO	Food and Agricultural Organisation
FFS	Farmer Field School
FFS-RH	Farmer Field School-Reproductive Health
FGC	Female Genital Cutting
FIDA	Federation of Women Lawyers of Kenya
FLS	Farmer Life Schools
GBV	Gender Based Violence
HESA	Human Ecosystem Analysis
HIV	Human Immune Virus
JFFLS	Junior Farmer Field School
OVC	Orphaned and Vulnerable Children
STI	Sexually Transmitted Infections
UNFPA	United Nations Fund for Population and Development

**Property rights:** rules that specify who can do what with what resources and assets, for how long and under what conditions.

Statutory systems of property rights are usually based on written laws and regulations adopted by the state, acts of government agencies and judicial decisions; a wide variety of laws and policies pertaining to land and property rights exists in each country.

Customary systems are generally of unwritten nature and derive from an authority different from the state, such as a community or a clan. They are managed by a village chief, traditional ruler or council of elders, and are flexible, negotiable and location specific.

**Property grabbing:** a phenomenon whereby the property, including immovable and movable items of a deceased person is taken from the surviving family members and heirs.

**Gender-based violence:** violence that is directed against a person on the basis of gender or sex, and includes acts that inflict physical, mental or sexual harm or suffering, threats of such acts, coercion and other deprivations of liberty.<sup>2</sup> It includes physical, sexual, emotional and psychological, and socio-economic violence, and harmful traditional practices<sup>3</sup>. Property grabbing is increasingly considered a new form of gender-based violence.

**Child labour:** work that is mentally, physically, socially or morally dangerous and harmful to children<sup>4</sup>. The worst forms of child labour include<sup>5</sup>.

a) all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict;

(b) the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances;

(d) work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children.

**Commercial sex:** a kind of exchange relationship in which men and women exchange material benefits and sex. In the context of deepening poverty and food insecurity, commercial sex linked to subsistence is a common livelihood strategy among households that are unable to meet their basic needs<sup>6</sup>.

**Entrepreneurship rights:** the rights of individuals and groups of individuals to engage in economic activity and market transactions. They include rights such as the right to start a legally recognized business without being discriminated in the application of the norms and procedures, the right to organize and to associate, the right to obtain legal identity or to access financial mechanisms<sup>7</sup>.

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<sup>2</sup> UNHCR, 2003. *Sexual and Gender-Based Violence against Refugees, Returnees and Internally Displaced Persons. Guidelines for Prevention and Response*, Geneva, p.11.

<sup>3</sup> UNHCR, 2003.

<sup>4</sup> ILO-IPEC, available at: <http://www.ilo.org/ipec/facts/lang--en/index.htm>

<sup>5</sup> ILO Convention No 182 on Worst Forms of Child Labour, 1999, Article 3.

<sup>6</sup> FAO. 2009. Findings from the assessment study undertaken in Uganda; USAID. *Livelihoods and conflicts*.

<sup>7</sup> Commission on Legal Empowerment of the Poor (CLE) & UNDP, 2008. *Making the Law Work for Everyone*, Volume I, New York, p.38-39.

## 1. INTRODUCTION AND BACKGROUND TO THE STUDY

Farmer Field Schools (FFS), Farmer Life Schools (FLS) and Junior Farmer Field and Life Schools (JFFLS) have been introduced and implemented in the Coastal Province in Kenya with the goal of linking nutrition, livelihoods and food security, and mitigating the socio-economic impacts of HIV and AIDS. In 2005, the Coast Development Authority (CDA) with the support of the United Nations Fund for Population and Development (UNFPA) developed and started applying the Farmer Field School – Reproductive Health (FFS-RH) concept at the Coast Province covering four districts: Kilifi, Taita, Taveta and Kwale.

Additionally, the project has included an innovative approach where besides its focus on agriculture and reproductive issues, a number of legal topics such as gender-based violence, property rights and children’s rights have been integrated in the FFS-RH trainings mainly through collaboration with the Kenyan Federation of Women’s Lawyers (FIDA). Integration of legal topics mainly aimed to cushion the local communities in the covered districts and strengthen their capacity to resist to unfair competition for resources and social/economic exploitation with “the advantage of power and knowledge of the laws”<sup>8</sup>.

It is against this background, that the Food and Agriculture Organization of the UN (FAO), through CDA, FIDA Kenya and AWC, and with funding from the Kingdom of Norway, conducted a case-study to gain a better understanding of the level of legal awareness this unique and innovative approach has generated in the four districts of Coastal Province (Kilifi, Kwale and Taita/Taveta). It also sought to examine the capacity of the respondents to use legal services available at the community, local and provincial level to address legal issues of concern. In the process, the main difficulties in the process as well as challenges that should be addressed in the future were identified.

This report aims to contribute to the existing knowledge about evolving participatory learning approaches in agriculture, and their role in tackling legal empowerment of the poor (i.e. helping to achieve greater social equality, property and labour rights, entrepreneur’s skills and gender sensitive local institutions). Using evidence from Coastal Province in Kenya - an area with high HIV prevalence, and characterized with land squatter question - the study examines the evolution of the farmer field school concept over the years and its adaptation to respond to specific needs of the farmers in different contexts.

In carrying out the study, the overall objective was to generate ideas for developing a new model of integrating key elements of legal empowerment in the participatory group learning approaches such as FFS-RH.

Specific objectives of the study were as follows:

1. To identify the main social and legal dimensions that hinder people’s livelihoods;
2. To investigate the impacts of FFS-RH approach in terms of awareness and the capacity of beneficiaries to use legal services;
3. To provide highlights on successes achieved and challenges of the current approach and trainings on legal issues, and make suggestions for improvement.

The following were the key study questions to be answered:

- (a) Are the FFS-RH beneficiaries sufficiently empowered both legally and socially to stand up for their rights including property rights, reproductive health rights and children’s rights?
- (b) What social and legal issues have been integrated in the FFS-RH methodology and tools and what other topics should be covered?

This report summarizes the findings of the research and comprises four Chapters: This Chapter provides the context of the study and gives a brief overview of the main concepts related to the study. Chapter Two briefly describes the study sites and outlines the main methods used in the data

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<sup>8</sup> CTA, 2008. *Land Tenure: Opening Up Fairer Access*, Technical Centre for Agriculture and Rural Cooperation (CTA), Wageningen.

collection process. Chapter Three presents and discusses the main findings of the study, gaps and challenges, and the way forward. Chapter Four gives concluding remarks and formulates recommendations.

### **1.1. HIV and AIDS prevalence in Coastal Province**

The HIV prevalence in Kenya's Coast Province is 5.9 percent, higher than the national average of 5.1 percent<sup>9</sup>. Rate amongst women is twice that of men<sup>10</sup>. HIV and AIDS have devastating impact on the agricultural sector, labour, people's livelihoods and their human rights. Four districts covered by this study are among those most highly affected by the pandemic: it has exacerbated the problems of orphaned children, with girl children being particularly vulnerable. There is estimated 2.4 million orphans in Kenya, half of which are orphans caused by the AIDS pandemic<sup>11</sup>. Data gathered during the study and the field visit showed the extent to which orphans were being taken care of by their female relatives and in some cases, by other members of the community including an FFS-RH facilitator, with the land left by their deceased parents often taken by their paternal relatives.

Food insecurity, gender-based violence and commercial sex are among the main factors of HIV transmission in Coastal Province. According to Kenyan government/United Nations Children's Fund (UNICEF) 2006 study<sup>12</sup>, commercial sex tourism is growing rapidly on the Kenyan coast as a way of earning an income, spurred on by a flourishing tourism industry. Around 35.5 % of all sex acts involving children and tourists take place without condoms, putting the girls at risk of contracting HIV and other sexually transmitted infections<sup>13</sup>. A lack of parental guidance and the poverty are the main reasons that force many AIDS orphans into engaging in harmful coping strategies such as commercial sex, which increases their vulnerability to HIV infection.

### **1.2. Land squatter question in Coastal Province**

Kenya's economy depends mostly on agriculture; about 80% of the population, including three out of four poor live in rural areas<sup>14</sup> and works on the land. The widespread landlessness and the squatter question in the Coast Province and particularly, along the ten mile coastal strip (Mwambao) has unique historical origins.

Land at the coast was initially communally held and open to all, especially amongst the local Mijikenda tribes. The power to allocate, distribute and utilize land was vested in the tribal or village chiefs together with councils of elders as the case warranted. Individual family members enjoyed the use of land under these leaders, but each family had its designated family holding<sup>15</sup>. The land issue arises after the Arab and the Swahili settled in the area and gained control over land pushing local tribes further inland. The colonial state deepened the problem by adopting legislation allowing only the subjects of the Sultan to register land as private property<sup>16</sup>. Only a few of the local inhabitants were aware of the process and few availed themselves of the opportunity to register land in their names. As a result, the land that they inhabited was declared Crown Land, which later became Government Land at independence. About 80% of the land in Taita and Taveta Districts is

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<sup>9</sup> Government of Kenya / UNICEF, 2006. Study on the extent and effect of child sex tourism on the Kenyan Coast (available at: <http://www.aids2006.org/Web\WEAD0201.ppt>)

<sup>10</sup> Rau, B., Rugalema, G., Mathieson, K. and Stloukal, L., 2008. *The evolving context of AIDS and the challenges for food security and rural livelihoods*, FAO, Rome, p. 28

<sup>11</sup> National Aids Council, 2008. UN General Assembly Special Session on HIV and AIDS. Country report, Kenya. Reporting period: January 2006 – December 2007, p. 14

<sup>12</sup> Government of Kenya / UNICEF, 2006.

<sup>13</sup> *Ibidem*.

<sup>14</sup> IFAD, 2007. Rural poverty in Kenya (available at: <http://www.ruralpovertyportal.org/web/guest/country/home/tags/kenya> ).

<sup>15</sup> Saad, S. and Muhammed, S., 2007. *Customary Leaseholds and Perpetual Tenancies on the Kenyan Coast*, RICS Research Paper Series, Vol 7, No. 15, RICS, London. (available at: [http://www.rics.org/Newsroom/Researchandreports/Researcharchive/kenyanleasehold\\_r\\_211207.htm](http://www.rics.org/Newsroom/Researchandreports/Researcharchive/kenyanleasehold_r_211207.htm))

<sup>16</sup> Kanyinga, K. 1998. Struggles of Access to Land. The "Squatter Question" in Coastal Kenya. Danish Institute for International Studies (DIIS), p. 3

government land, covering the Tsavo National Park. In Kwale, the combined percentage of both government and trust land is almost 60%<sup>17</sup>.

At the time of transition to independence, the President Kenyatta conceded to the Sultan's demands for recognition of private land rights on the Coast and promised to adjudicate and register such rights where they were not adjudicated, notwithstanding the negated land rights of the indigenous groups<sup>18</sup>. Many people of Arab descent acquired vast pieces of land in the Coastal Strip, although they did not actually occupy it. To date, they continue to collect rent from the local inhabitants as absentee landlords. This problem is a source of a deeply-felt grievance by the local inhabitants who find themselves squatters in their ancestral land. Recent initiatives such as the development of tourism industry and the re-settlement programmes have failed to address the squatter question at the Coast<sup>19</sup>. Unequal distribution of land was also among key reasons for the recent post election violence, which left 350,000 people displaced, and 1500 dead<sup>20</sup>.

While due to these historical reasons majority of farmers in the coastal region are struggling with squatter problem, women are disproportionately affected. In the country where women represent the majority of the agricultural workforce, they only hold 1% of registered land titles in their names and around 5-6 % of registered titles held in joint names<sup>21</sup>. Although the formal statutory law recognizes to a certain extent women's right to own and dispose of their property freely (Law of Succession Act of 1981), customary practices, lack of awareness on legal rights, lack of capacity and poverty remain major obstacles for them to claim and realize this right<sup>22</sup>. This has impacted heavily on level of poverty and women's vulnerability to food insecurity, malnutrition and diseases<sup>23</sup>.

### **1.3. Access to legal services**

Kenya is party to numerous international human rights treaties; its national legal system prohibits sexual violence, child abuse and certain forms of discrimination. In January 2007, Kenya enacted a comprehensive HIV and AIDS Prevention and Control Bill, which recognizes the right of persons with actual or potential HIV status to protection from discrimination and to access to quality and confidential health services. The recent Sexual Offences Act (2006) has been lauded as an evolutionally piece of legislation that provides for the prevention and protection of all persons from harmful and unlawful sexual acts.

The Law of Succession Act (1981) has made important progress towards improving female's rights in matters of succession, although women's property rights remain more limited compared to those of men.

The Children's Act of 2001 prohibits the marriage under the age of 18, and all forms of child labor that are exploitative, hazardous, or would prevent children under age 16 from attending school.

While many of these laws can be criticized for their limited scope or provisions that allow for exceptions, they do provide a basis for claiming the protection of people's legal rights.

However, their enforcement in practice remains difficult.

Vast majority of people in Kenya experience difficulties in accessing legal services; general perception within rural communities is that formal legal services are too complicated, time-

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<sup>17</sup> Saad, S. and Muhammed, S., 2007.

<sup>18</sup> Kanyinga, K. 1998. p. 5

<sup>19</sup> Kenya Land Alliance & Kenya Human Rights Commission, *Righting the wrongs: historical injustices and land reforms in Kenya*. Policy Brief.

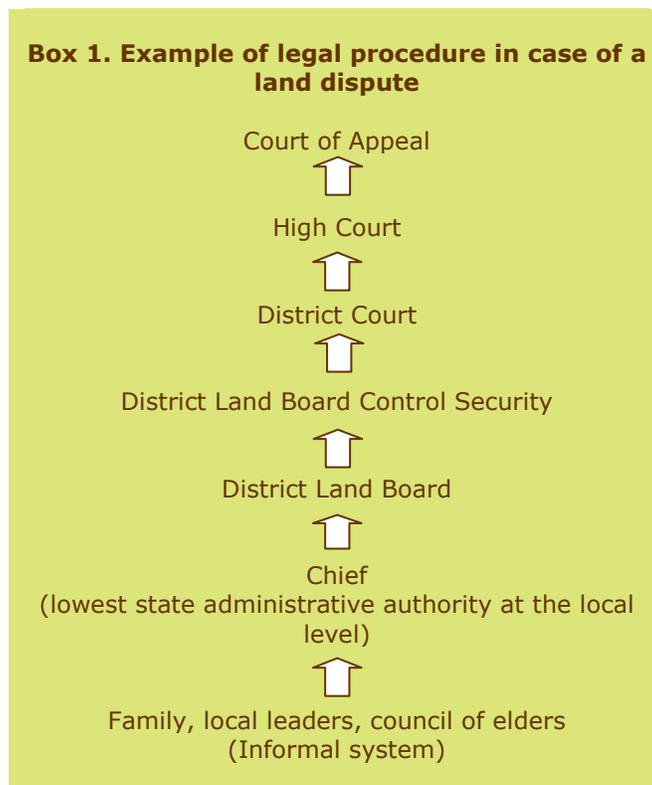
<sup>20</sup> Kenya Red Cross, 2007. *The Post Election violence in Kenya was triggered by a rigged election and the ensuing violence that erupted led to displacements, death and sexual violence on women*. Monitoring Reports.

<sup>21</sup> Kenya Land Alliance, 2003. *Women and Land in Kenya*.

<sup>22</sup> FAO, IFAD & International Land Coalition, 2004. *Rural Women's Access to Land and Property in Selected Countries*, Rome, pp.34-35.

<sup>23</sup> Njoki Wamai, E. *Women and Poverty (Land Rights and Ownership)*, A policy brief on the Kenyan situation prepared for the African Women Rights Observatory (AWRO).

consuming and expensive (see Box 1). There is also a problem of geographical distance as most of Kenya's districts have only one magistrate in the entire district<sup>24</sup>.



For women, enforcing their rights is even more difficult due to problems arising from the dual legal system (i.e. statutory law and customary law). For example, in case of a dispute regarding matrimonial property, for issues arising from civil and Christian marriages, women should go before the High Court and the Magistrates Court; for issues arising from Islamic marriages, they should go before the Kadhis Court and the High Court, and for issues arising from customary marriages before the District Magistrates Court<sup>25</sup>.

Most persons therefore engage traditional structures such as councils of elders for mediating and arbitrating disputes, rather than seeking justice through the formal state system and courts. For women, this means more difficulties in actually obtaining redress as chiefs and councils of elders nearly always comprise male members only, and the decisions they take most often reflect customary law and traditions, which perpetuate male dominance in issues such as inheritance and property rights.

Civil society organizations such as FIDA Kenya are playing an important role in assisting rural women in resolving disputes<sup>26</sup>.

<sup>24</sup> Open Society Institute, 2007. *Ensuring Justice for Vulnerable Communities in Kenya. A Review of HIV and AIDS – related Legal Services*, OSI Law and Health Initiative, New York.

<sup>25</sup> Ellis, A., Cutura, J., Dione, N., Gillson, I., Manuel, C. and Thongori, 2007. *Gender and Economic Growth in Kenya. Unleashing the Power of Women*, The International Bank for Reconstruction and Development / The World Bank, Washington DC. p. 66.

<sup>26</sup> FIDA Kenya takes up and pursues the following types of cases: succession and Inheritance; family law cases including separation, divorce, custody of children, maintenance and division of matrimonial property; employment and land cases where there is discrimination on the basis of sex, cases involving gender based violence such as rape, defilement and assault (see: [http://www.fidakenya.org/index.php?option=com\\_content&view=article&id=29&Itemid=31](http://www.fidakenya.org/index.php?option=com_content&view=article&id=29&Itemid=31) ).

#### 1.4. Farmer field and life schools approach

The *Farmer Field School* (FFS) approach has been developed as a livelihood strategy aiming at empowering farmers and strengthening their self-esteem and food security. The approach was first introduced in Kenya and at the Kenya Coast in 1996.

##### **Box 2. Farmer Field School, the origins**

The term “Farmer Field Schools” comes from an Indonesian expression *sekolah lapangan* meaning field school. It was developed with the assistance of FAO in the 1980s in South East Asia as a way for small scale farmers to investigate, and learn for themselves, the skills required and the benefits to be obtained from integrated pest management practices in their fields.

In FFS farmers make regular field observations which they relate to the ecosystem and apply their previous experience to make informed crop or livestock management decisions with the guidance of a facilitator. A typical FFS runs for one or two crop seasons or livestock production cycle(s). It consists of groups of between 20-30 farmers who conduct a field study on crops or livestock of their choice. The group is responsible for managing the enterprise under study from planting to harvesting or conception to maturity for crops and livestock respectively. Hence the approach is a season long training. In FFS approach the Agro-ecosystem Analysis (AESA) tool is widely applied whereby interactions between crop/livestock and other factors are studied regularly depending on field conditions.

The *Farmer Life Schools* (FLS) approach goes a step further and seeks to strengthen farmers’ resilience by enabling them to understand the larger socio-economic and cultural context. It has developed as a response to rising HIV pandemic in Asia.

##### **Box 3. Farmer Life Schools, for farmers’ empowerment**

Recognizing the warning signs of HIV pandemic in Asia, a joint initiative between the FAO-Integrated Pest Management (IPM) Programme and UNDP South East Asia HIV and Development Programme (UNDP-SEAHIV) resulted in the birth of the Farmers’ Life School. It began in 2000 as the empowerment process through which farmers decide for themselves how to build their resilience, including to HIV/AIDS risks.

In the FLS, besides agriculture, farmers thus examine and discuss issues that have an impact on their lives and livelihoods such as loss of land, lack of family planning, domestic violence, gender inequalities and HIV. The group weighs available options and makes decisions about appropriate actions based on available resources and options. Unlike the FFS, weekly sessions consist of data collection using the Human Ecosystem Analysis (HESA) tool, presentations and decision making, special topics and group dynamics.

The concept of *Junior Farmer Field and Life Schools* (JFFLS) emerged as a combined approach and a mitigation strategy to counter the HIV epidemic and the vulnerable children and orphans’ crisis. The major goal of the JFFLS is to empower vulnerable youths, giving them livelihood options and long term food security while minimizing their vulnerability to destitution and to risky coping strategies. One of the objectives of the JFFLS is also to promote the creation of gender equal attitudes, not only

through the same exercise of roles and responsibilities, but also by developing the capacity of youths to critically assess relationships and links and understand risks and resources within their community.

#### **Box 4. Giving hope to vulnerable children, orphans and youth – the JFFLS approach**

In 2006, an estimated 39.5 million people were living with HIV and AIDS, out of which 2.3 million were children under 15 years. Many children since then have been orphaned by HIV and AIDS and have become vulnerable to diseases, sexual exploitation, abuse by relatives and child labour. The JFFLS approach was developed by FAO and the World Food Programme (WFP) and has been operational since 2003 in various countries of East and Southern Africa.

*Source: FAO / WFP, 2007. Getting started! Running a Junior Farmer Field and Life School, FAO, Rome; Djeddah, C., 2005. Empowering orphans and vulnerable children living in a world with HIV and AIDS, Concept paper, FAO / WFP, Rome.*

As previously said, the *Farmer Field School-Reproductive Health (FFS-RH)* concept was conceived in the aim to enable farmers to address reproductive health topics and issues that affect their wellbeing, once they have completed the FFS cycle.

The concept addresses reproductive health and rights relevant to farmers' wellbeing such as family planning, safe motherhood, prevention of sexually transmitted diseases including HIV, gender issues, the role of doctors and patient's rights and children's rights. The FFS-RH project has been focusing on linking ecology, group organization and participant-driven learning applied through various tools including Agro-ecosystem Analysis (AESA) and Human Eco System Analysis (HESA). In this socio-ecological approach, the FFS farmer groups investigate various health related threats to their livelihoods in a bid to understand their own strengths, vulnerabilities and constraints and be in a position to make decisions on what actions to take to improve their lives.

#### **Box 5. Bringing health and rights issues into the farmer field schools – the FFS-RH approach**

In 2005, following a field visit to a number of FFS in Kilifi and Taita/Taveta districts in the Coastal Province (Kenya) the CDA, with the support of UNFPA, started the FFS-RH programme. The prevailing poor reproductive health situation in these districts plus the extensive experience with FFS methodology made the districts logical sites for introducing and piloting a reproductive health component to the existing FFS. Kwale district later joined the three pioneer districts.

FFS-RH curriculum is based on the learning cycle of the FFS and is also a season long training. The FFS-RH groups are made up of between 25 and 30 members who meet regularly to discuss issues affecting their lives and decide on what action steps to take. Members also conduct regular interviews with the rest of the community members on topics of choice to identify problems and find solutions; conduct awareness campaigns during public gatherings on various issues related to sexual/reproductive health such as Female Genital Cutting (FGC), family planning gender equality, child rights and gender-based violence. A number of legal topics such as property and labour rights, gender equality and gender-based violence were also introduced later on in collaboration with FIDA Kenya.

### **1.5. Legal empowerment**

Legal empowerment is increasingly seen as a strategy for helping the poor getting out of poverty and inequalities, for improving livelihoods and access to credit and services. It is understood to be a

process of systemic change through which the poor became able to use the law, the legal tools and the legal services to protect and advance their rights and interests<sup>27</sup>.

Starting from the livelihoods of the poor - their assets, their labour and their activities - the three main domains where empowerment must happen are: *property rights*<sup>28</sup>, *labour rights*<sup>29</sup> and *business rights*<sup>30</sup>. *Access to justice and the rule of law* are the enabling framework and necessary pre-conditions for realizing and enforcing these rights in practice. Legal empowerment finds its normative basis in globally agreed standards of human rights, in particular the principle of equality; this means that gender equality should be given particular attention in all four fields of action mentioned above.

Legal empowerment is a bold vision and its implementation is challenging. As a reform process, it requires action not only at the level of institutions, but also at the level of people. It means that States should design laws that respond to peoples' needs and include practical measures that enable them to access justice and enforce their rights. At the same time, it is a bottom-up approach that requires the active participation and buy-in of the poor. This implies improving people's *awareness and knowledge* of their rights (e.g. their right to property, equal wages for men and women, non-discriminatory access to employment opportunities, social protection, and access to credits); improving people's *capacity and confidence to legally assert* their rights through available legal procedures; and improving their *access to legal services*. Focus should be put on the rights of the particularly vulnerable people, including poor rural women and youths.

The process of legal empowerment is of particular significance for achieving gender equality. This does not mean however, that this process should focus on women only; it requires improving legal awareness of women's rights among both men and women, and building gender responsiveness of formal and informal institutions (at community, local, regional and national level).

People who are legally empowered will have more influence on institutional and legal reforms and social policies, which, in turn, will allow people to enforce their rights as asset holders, workers and business people.

Because of their participatory and community-based methodologies and their focus on empowerment, the FAO farmer field and life school approaches - both for adult farmers, and for children and youth - are a good means for bottom-up empowering of people living in difficult conditions.

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<sup>27</sup> Commission on Legal Empowerment of the Poor & UNDP, 2008. Making the Law Work for Everyone, Volume I, New York, p. 3. Full report of the Commission is available at: <http://www.undp.org/legalempowerment/reports/concept2action.html>

<sup>28</sup> This include e.g. recognition of different forms of property rights, including customary rights; institutionalization of an efficient land governance system; simplified and affordable procedures to register and transfer land and property, gender equality in property rights.

<sup>29</sup> This include e.g. ensuring right to equal wage for equal work, non-discrimination in access to employment, health and safety, social protection, collective bargaining.

<sup>30</sup> The latter term covers various existing rights of individuals and groups to engage in economic activity and market transactions

## 2. METHODOLOGY

### 2.1. The Study Area

The Coast province of Kenya covers a total area of 83,359 Km<sup>2</sup> out of which 563 Km<sup>2</sup> is covered by water. The projected population for the year 2009 for the province is 3.4 million people. The study area which includes Kilifi (4888 Km<sup>2</sup>), Kwale (8360 Km<sup>2</sup>) and Taita/Taveta (17,144 Km<sup>2</sup>) is located in this province with a total projected population for 2009 of 752,347, 683,951, and 341,976 respectively (KNBS, 2007). These districts are the second, third and fourth most populous districts in the Coast Province. Except for Taita and Taveta, Kilifi and Kwale border the Indian Ocean to the east.



Figure 1: Map of the Coast Province  
Source: CDA Kenya.

The four districts surveyed (Kwale, Taita, Kilifi and Taveta) are home to some of the poorest communities in the country with an average poverty level of 62% (Welfare Monitoring Survey, 2005). The districts are also net importers of food exposing the population to under nourishment hence poor nutrition status especially of women and children.

### 2.2. Scope of the Study

The study focused on legal and social dimensions that affect peoples' livelihoods. It involved 12 out of 36 FFS-RH groups found within Kilifi, Kwale and Taita/Taveta districts of the Coast Province of Kenya, who have undergone trainings in selected legal topics.

### 2.3. Socio-economic characteristics of respondents

Among the sample size of 246 respondents, 78.2% were females while 21.8% were males. Of these total sample size, 30.25% had no education, while the rest were educated from primary education and above. These data are depicted in Figures 2 and 3 below. Table 1 gives data on education status of respondents disaggregated by gender.

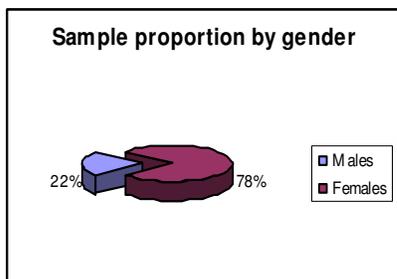


Figure 2: Sample proportion by respondents

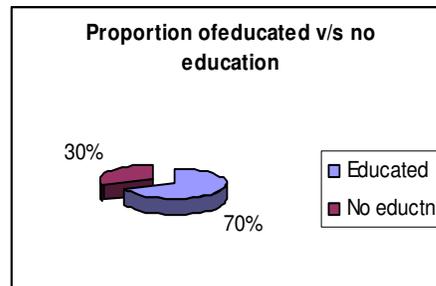


Figure 3: Proportion of educated v/non-educated

<b>Gender</b>	<b>% of respondents with formal education by gender</b>
<b>Male</b>	86.5
<b>Female</b>	64.8

Table 1. Education status of respondents disaggregated by gender

The dominant occupation of the respondents was farming often supplemented by off-farm income commonly described as either business or casual labour.

#### **2.4. Data collection and analysis**

The respondents for the study included; FFS-RH members and non members, facilitators of FFS-RH and JFFLS, participating NGOs and government departments (MoPH&S; MoA, NCAPD).

The research used a census of 180 FFS-RH members (respondents) from 12 FFS-RH groups. An additional 60 non-trained community members were randomly selected and included for comparison to make a total of 240 respondents. Data collection techniques used included:

(a) Questionnaire

The questionnaires were administered to all respondents in each district by three enumerators each per district. In order to increase the efficiency of this process, a one day briefing session with enumerators in each district was held whereby enumerators were taken through the questionnaire, word by word. This was aimed at ensuring they all understood the questions and had an idea of the kind of information being sought after.

(b) Focus Groups Discussions

Focus Group Discussions (FGD) were held with particular sets of people of about 12-20 participants: women, men, youth and mixed groups of men and women and FFS-RH facilitators. These were face-to-face encounters and were used in order to collect in-depth information or sensitive information that may not have been covered in the questionnaire. In most cases, it was found out that majority of group members were women.

(c) Informal interview with key resource persons

Like FGD, these were face-to-face encounters and were held with opinion leaders, JFFLS facilitators and local leaders such as councilors and chiefs who were available. Unstructured interview guides were used to collect the information. Pictures were taken in the course of the study using digital cameras. They are intended to add a visual value to the data collected using the rest of the techniques discussed above.

(d) Data collection

Data was also collected by analyzing published and unpublished material to get the background information for the study and the study area.

(e) Data analysis

The data collected from the survey was analyzed using SPSS. Data from FGDs was discussed in a panel of professionals and compared from district to district before drawing general conclusions.

### 3. FINDINGS AND DISCUSSION

The main legal and social issues affecting the livelihoods of the communities investigated during the case-study include reproductive health and rights, gender-based violence (GBV) and commercial sex, land and property rights, child labour and access to credits and entrepreneurship skills. This Chapter briefly states, in terms of the objectives of the study, the main questions related to these issues and gives the research findings on the respondents' awareness, their ability to use legal services and on the topics incorporated in the FFS-RH trainings and facilitation lessons.

#### 3.1. Reproductive rights, gender-based violence, commercial sex and HIV

Many women in Kenya still die as a result of pregnancy and childbirth related disorders. Provision of reproductive health services is hampered by harmful practices including female genital mutilation (FGM) of female circumcision. Discrimination against people living with HIV and AIDS and ignorance about the causes of HIV transmission are among the reasons that keep people from going for testing and learning about their HIV status.

GBV is rampant in nearly all the communities that were covered by the study. Of three main forms of GBV investigated (wife beating, sexual harassment and rape), wife beating was the most common form of violence reported by 100% of the FGD respondents. In some cases, women were injured to the extent that they cannot farm; this strongly impacts on food security of the family, as women are generally those who carry out most agricultural activities. Besides physical abuse, other forms of GBV reported include verbal, emotional, psychological abuse, intimidating words, abusive language and rape, especially against the girls. Child defilement practice was also reported in all the districts as a matter that needed urgent action. Sexual violence against women and girls is also among the main causes of HIV infection, which is very high at the coast.

Food insecurity is forcing many into commercial sex for food and basic items; many among them are children. Around 35.5 % of all sex acts involving children and tourists take place without condoms, putting the girls at risk of contracting HIV and other sexually transmitted infections<sup>31</sup>.

#### Awareness

In all four districts, awareness on reproductive health and rights is very high. Findings showed the increased number of deliveries within hospitals and health facilities, willingness to go for testing and learning the HIV status, and very good understanding of possible methods of *HIV transmission* (see table 2). The variations between the non-FFS and the FFS respondents were attributed to education levels and general exposure that is also influenced by traveling patterns, age and occupation among other social dimensions.

Groupings	% of those who understand the methods of HIV/AIDS transmission					
	HIV aware	Blood	Mother to Child	Unprotected Sex	Through Injection	Through circumcision tools
Non-FFS	19.8	22.1	20.6	23.6	22.7	22.1
FFS	12.98	11.0	11.5	13.3	9.8	9.9
FFS-RH	67.94	66.9	67.9	63.1	67.5	68.1

Table 2: Level of understanding of HIV and AIDS and its transmission methods (n=246)

<sup>31</sup> Kenyan government and UNICEF. 2006.

The case-study also investigated respondent’s awareness of the rights of people with HIV and AIDS. The results indicated that awareness of this subject was at 23.9%, 11.3% and 64.% for non-FFS, for FFS and FFS-RH groups respectively.

The raised awareness on HIV also had some impacts in terms of people’s lives: several FFS-RH groups went together along with their families for voluntary HIV testing. More women give birth in health centres, under the supervision of qualified midwives or nurses (see Box 6).

**Box 6. Testimony of a woman in Taita/Taveta**

A woman accompanied her daughter-in-law to a local health centre to give birth. When they arrived, they were told to continue walking to another health centre, as there was no water available there. A woman, who went through FFS-RH training, stood her ground and insisting that the midwife take care of the patient and the baby to be born. The future father went to fetch some jerry cans of water and the baby was safely delivered in the health centre.

*Source: FAO field visit to Taita FFS-RH group, March 2009*

On *commercial sex*, the level of awareness was 62% for the FFS-RH members, 13.9% for FFS and 24.1% for the non-FFS members. These scores confirm the contribution of the FFS-RH methodology or approach to enhancing knowledge levels of community members on various social issues.

With regard to *gender-based violence*, some forms of GBV are still considered “normal” practice in particular, among respondents aged between 36-40 years. Evaluation of knowledge levels of gender-based violence as a component of human rights was done and a cross-tabulation is provided in Table 3 as a summary.

Respondents	Wife beating	Rape	Other forms of sexual violence	Defilement
non-FFS	24.5	24.4	28.6	18.2
FFS	11.6	10.2	11.4	13.5
FFS-RH	63.9	63.4	60.0	68.3

Table 3: Awareness of Gender Based Violence with Group Association

Evaluation of awareness of gender-based violence as a human right violation disaggregated by age, marital status and education provided the following pictorial summaries:

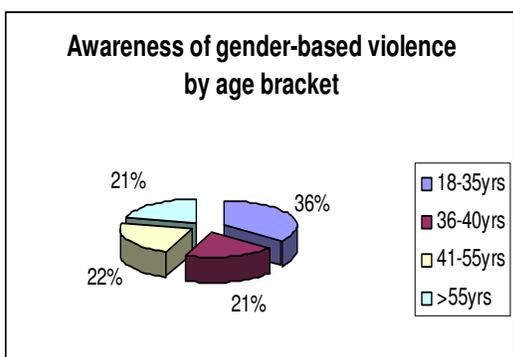


Figure 4: Gender-based violence by age

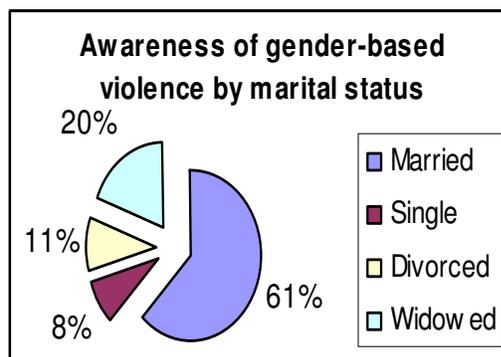


Figure 5: Gender-based violence by marital status

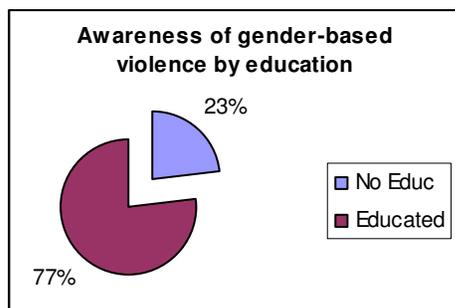


Figure 6: Awareness of gender-based violence by education level

At one site (Kilifi) the youth is increasingly involved in FFS-RH trainings; respondents informed about a new JFFLS with focus on reproductive health and rights that has recently started in a nearby village.

*Use of legal services*

Findings showed that abused women hesitate to disclose their experiences. The fear of loss of food and shelter and lack of livelihood options were reported as being among the main reasons why women continue to stay in abusive relationships. Cases are mainly handled by the family (see Figure 7).

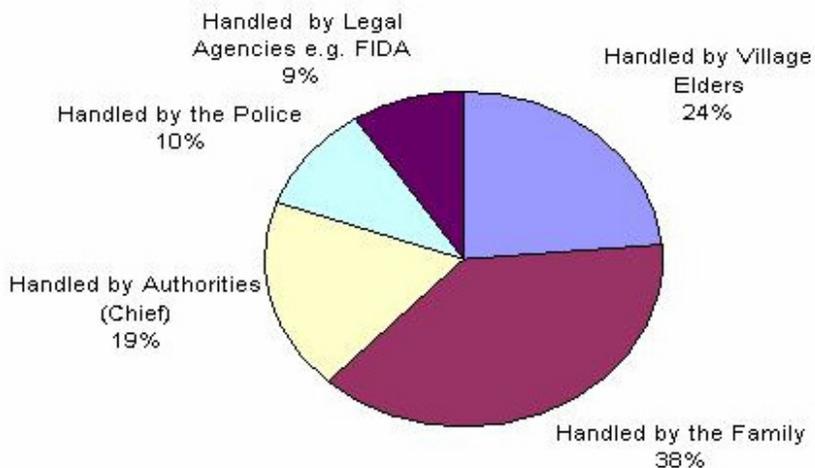


Figure 7: Handling of wife beating cases as reported by the respondents

Long and complicated procedures and corruption in formal state institutions were mentioned among the reasons that prevent women from seeking legal intervention from state authorities.

As for the community authorities, according to the FGDs, they generally show very little sensitivity to the magnitude of the problem. In Kilifi, where the FFS-RH members have assisted one victim in reporting the case to the concerned authorities, the case was stalled due to intervention by the family members of the victim. Seeking help from higher state offices e.g. at the district level has proved expensive because of travel expenses involved.

On the other hand, where there are women chiefs and elders in the community, women are generally more inclined to seek legal assistance. For instance in Taita district, a female village elder and chief has been very active in dealing with domestic violence cases. In Kilifi, cases of rape are more openly recognized and the community knows that the first thing to do is to go to a health centre or hospital within 72 hours so that women can avoid sexually transmitted diseases, HIV and unwanted pregnancies. Then, they should go to report the case to the police. However, resources and services available for victims of GBV are not sufficient to cater for the ever increasing demands. For example, a number of institutions has been established to respond to GBV; within each ministry, there is a gender desk whose role is to incorporate gender issues at workplace and in work plans. Ideally, these gender desks should also be visible at police stations but they are not, while they would be very useful gender friendly channels for addressing reported cases of GBV. In the coast province, FIDA is currently the only organization handling GBV issues. The findings also revealed that so-called "safe houses" have been established by Coalition of Violence Against Women (COVAW) in the urban areas, but are not generally found in rural areas, and in none of the communities covered by the study.

A number of women also reported that due to information gained from FFS program, they feel more confident in seeking help when domestically abused and are not restrained by fear of losing their matrimonial homes.

#### *Legal aspects introduced through the FFS-RH and FIDA trainings*

The FFS-RH curriculum includes a specific module on reproductive health and rights, GBV and HIV. Examples of rights discussed include the following: the right to marry and found a family, the right to protection in motherhood, the right to information, the right to equality in access to health facilities, the right to freedom from violence. Training sessions organized by FIDA Kenya also included discussions on the content and implementation of the recent Sexual Offences Act.

In terms of future trainings, respondents especially women insisted on the need to sensitize and train the competent authorities at all levels (community, local and provincial) on reproductive rights. This calls for a gender sensitive support services where women can seek help without fear of consequences.

### **3.2. Land and property rights of women and orphans**

In nearly all communities covered by the study (Taita/Taveta and Kilifi), focus group discussions revealed that women face difficulties with respect to control and disposal of land, houses, plots and business premises. Women frequently work the land plots of inferior quality – and may loose access to that land when widowed or separated. Men also often control the proceeds from the farm in most households. This is essentially true for most of the coastal communities where customary law rules do not allow a woman (married or single) to own land and to inherit (neither from her parents nor from her husband), and recognize men as the sole decision makers when it comes to property issues.

The limited and insecure rights in, access to and control over land and property make women vulnerable to "property grabbing", a situation whereby when widowed or separated, they loose their land, house or shelter and other belongings, and thus also the main source of their livelihoods and welfare. At two sites (Kwale and Taveta), several cases of property grabbing were reported.

The percentage of orphaned or otherwise vulnerable children (OVCs) in Kenya is estimated at approximately 60%<sup>32</sup>. Throughout the study area, the FGDs reveal that family members are considered responsible of ensuring that the OVCs' property is safeguarded. However, while there were variations from district to district, OVCs property rights were not guaranteed for nearly half of the cases known, and the members of the children's family were involved in property taking.

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<sup>32</sup> Kenya Central Bureau of Statistics, 1999.

### *Awareness*

In general, the awareness of the population at the Coast on women and children's rights related to land and property is rather low, as most communities consider that land belongs to men or to local authorities. Some variations however, exist according to persons' sex: for instance, married women and widows mostly consider that land is owned jointly upon marriage.

In this regard, the study findings confirm the positive effects of FFS-RH and FIDA trainings with most FFS-RH beneficiaries having a high awareness on property rights. The same goes true with respect to women and children's rights related to land and property (see Table 4). Education levels played a positive role: among respondents with education (in all three groupings) 68.9% considered that women have the right to own land, and 68.7% that orphaned children have the right to own land and other property.

<b>Groupings</b>	<b>Awareness on property rights</b>	<b>Awareness on children and women's property rights</b>
None FFS	15.7	22.1
FFS	13.22	13.9
FFS-RH	78.06	64

Table 4. Impact of group trainings in terms of awareness on property rights (n=246)<sup>33</sup>

In Taveta, a number of former FFS-RH members organized in a group and are reaching out to the larger community with lessons on topics and issues learned during trainings.

### *Use of legal services*

Disputes related to land and property, including the issues of inheritance and property grabbing cases, are generally left to the family to settle with little or no external intervention. This results in denying the widow the right to claim her inheritance through other mechanisms if not satisfied with the family decision.

In some cases, local-level dispute resolution and mediation mechanisms play a role in protecting widows and children. However, whether a widow is or is not able to enlist the support of local leaders to help her defend her rights depends on whether the leaders are unprejudiced and open to women's rights. Where local chiefs are female, women seem more incline to search for help. Formal legal route for defending property rights is rarely used due to high costs, lack of knowledge of legal procedures, fear of straining family relations and the length of legal process.

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<sup>33</sup> A column-wise comparison of the scores (by %) testing was done using a Chi-square statistic at 95% confidence level. Stars indicate a significant difference for the column-wise scores.

In some cases, the FFS-RH facilitators and FIDA Kenya played an active role in ensuring legal protection of the property rights of a number of widows (see Box 7).

#### **Box 7. Experience of three widows with property grabbing**

Further to a death of her husband, Mme X from *Taita* was denied access to her property, and land by her brother-in-law. After few years, the issue was brought to the attention of an FFS-RH facilitator who advised her to report the case to the authorities and seek legal redress. When informed about her intentions, the brother-in-law relinquished the land and allowed her to regain her property.

In *Kwale*, a widow (who was in a polygamous marriage) was threatened and requested to leave her matrimonial home and land by her family in-law. The women took the case to FIDA Kenya who assisted and supported her in resisting the dispossession. She currently holds a legal claim to her five acre farm and is effectively utilising her property.

In *Kilifi*, a case of a widow and her girl-child dispossession was taken by an FFS-RH facilitator and brought to the community elders. The claim for right to inheritance was later introduced before the administrative and judicial authorities, and after a two years process, the widow obtained the eviction order from the High Court in Mombasa.

*Source: CDA Field survey, February 2009*

#### *Legal aspects introduced through the FFS-RH and FIDA trainings*

The FFS-RH curriculum does not include a specific module on property rights; legal topics and some aspects of property rights were raised and discussed during FFS-RH trainings and sessions organized by FIDA. They include mainly children's rights, right to non-discrimination and respect of differences, right to development and eradication of poverty and hunger, rights of widows and widowers and their protection from all forms of exploitation. Some awareness rising activities were also taken on the right of women to own and inherit land, and to promote co-ownership of land and property between spouses as well as on the right of women to participate in the local institutions dealing with land.

In terms of additional trainings, there was a strong demand for strengthening and / or adding training material in particular, on legal procedures for acquiring and transferring land, and succession issues. The need to sensitize and train chiefs and local leaders on gender perspectives of land and property rights was also emphasized.

### **3.3. Children's rights**

Two main issues affecting children in the covered districts are child labour and sexual violence.

According to International Labour Organization, there were about 2 millions child labourers in Kenya in 2008: these include 535,197 boys and 476,987 girls, with a combined 773,696 involved in the worst forms of child labour<sup>34</sup>. Many work in coffee, tea, pineapple, sugarcane and sisal plantations (see Box 8).

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<sup>34</sup> Konye Obaji Ori, *Kenya exposed. Child labour revelation*, in Economics. East Africa – Kenya – Employment – Justice, 15 October 2008 (available at: <http://en.afrik.com/article14696.html>).

There were cases of child labour reported in all the districts covered by the study (by 81% of the respondents) with most children engaged in domestic activities (66.6%). About 31.9% of children is engaged in business, and 1.5% in industrial activities. Factors that encourage child labour were found to be lack of education of parents, poverty, unemployment, large and extended families overwhelmed with care for many children.

#### **Box 8. From sisal plantations to agricultural work**

While many children in the Coastal Province were involved in work on the sisal plantations, the situation is changing. In March 2002, the Children's Act was enacted to prohibit the economic exploitation of children and any work or labour which is deemed hazardous to a child's physical, mental, spiritual, moral, or social development.

According to a group of FFS-RH members in Taita/Taveta, the Act has had positive effects and the sisal industry in the area has closed. This however, has not eliminated other forms of child labour as children are now more involved in the agricultural work on the fields.

*Source: FAO field visit to Taita, March 2009*

Child defilement was also reported in all the districts as a matter of serious concern. The men who defile the children are sometimes infected with the HIV virus and end up infecting their victims

#### *Awareness*

With regard to child labour, although during the field interviews many respondents recognized that child labour affects children's health and growth and reduces their opportunities for the future, the study findings indicate that the issue of child labour is still not well understood. For instance, it was reported that in Taita, eight year old girls were seen carrying a 20 litre jerry cans of water from the river for domestic use. Such practices are perceived as normal household chores that ushers children to adulthood. It's equally not unusual to find children from the age of 11 years engaged in sexual exploitation along the coast. Overall child contribution to domestic and agricultural work, even when exposing them to risks for their health and growth, is considered normal and necessary.

As for sexual exploitation of children, it is widely recognized as a phenomenon that needs urgent action.

#### *Use of legal services*

Legal services, including traditional community mechanisms, are rarely used for cases of child labour. While the FFS-RH facilitators and school teachers have been said to assist in taking action by bringing the cases to the community elders and chiefs, respondents reported that several cases were stalled under the pressure of the parents of the victims (see Box 9).

#### **Box 9. Case of child labour in Kwale**

An old man with three children (in classes 3, 4 and 7) withdrew the eldest daughter who was in standard 7 from school so that she could take on the household chores. The rest of the children were engaged in the sale of boiled maize and eggs over the weekends and between schooling. The FFS-RH facilitator intervened and took the issue to the elders, the chief and the class teacher. When the father was summoned, he claimed that it was only him who was in charge of the family affairs. Due to cost implications related to bringing the case before the district officer and higher instances, the case ended with no solution and the child is still the only breadwinner to date.

*Source: CDA Field survey, February 2009.*

As to defilement, the FFS-RH trainings are starting to make a change; in several cases rape and child defilement perpetrators have been apprehended and brought before the court.

#### *Legal aspects introduced through the FFS-RH and FIDA trainings*

Children's rights were mainly dealt with during trainings organized by FIDA Kenya. Through participatory group trainings, farmer discussed the Children's Act, and its implementation in practice. Much more still needs to be done however in particular, in the field of child labour. Farmers expressed a demand for clarifying what constitutes child labour, the long-term consequences for child's health and development, and better information about legal procedures and services competent to deal with child labour cases.

### **3.4. Access to credit and entrepreneurship skills**

In Kenya, over 1000 licences govern entrepreneurial entry; over 130 separate laws regulate agriculture alone. Costly and cumbersome regulations prevent poor people from bettering themselves through enterprise and stifle the economy's development<sup>35</sup>. Poor women are amongst those who suffer the most; they lack many of the requirements needed for starting an income-generating activity, including financial capital, knowledge and skills.

#### *Awareness and use of services*

Most respondents of the study considered micro-credit programs and loans as an important tool for increasing their economic empowerment and livelihood options. However, they were generally unaware of the existence of specific programmes or institutions, services they offer and how to access them. The existing attitudes towards microfinance institutions were observed as a factor that limits utilisation of these services. Some women respondents noted that they faced difficulties in accessing credit due to lack of collateral (most credit facilities were said to require land title deeds). In addition, they also complained about the lack of trainings, focused advice, business mentoring and technical skills needed for starting income-generating activities in rural areas.

At some sites, a number of respondents also indicated high interest rates practiced by credit institutions, coupled with uncertainties in crop performance as factors that discourage farmers to use credit facilities. This is also coupled with fear of property loss to loaning institutions in an event that there are cases of defaulting.

#### *Legal aspects introduced through the FFS-RH and FIDA trainings*

Up to now, neither the FFS-RH programme nor FIDA trainings have integrated specific sessions related to entrepreneurship skills and rights. However, the increased self-esteem, solidarity and better organization amongst the former FFS-RH members are starting to make a change (see Box 10).

#### **Box 10. Example of savings and credit scheme in Kilifi**

In Jaribuni, close to Kilifi, the FFS-RH group composed of 22 members started a savings and credit scheme thanks to their savings due to improved agricultural production. In a fairly short period of time, they managed to save 100.000 Kenyan Shillings. The women and men farmers would like to buy a nearby farmland as a group and start function as a co-operative. As the price of the land is 300.000 Shillings, they are starting to look for a financial institution to take credit and buy a farmland.

<sup>35</sup> CLE & UNDP, 2008, cit., note, p. 39.

*Source: FAO field visit to Kilifi, March 2009*

On questioning respondents about entrepreneurship issues, access to credit targeting the poor women in rural areas were mentioned as one of the tools that could help them improve their livelihoods. Farmers expressed a strong interest in participating in possible lessons on entrepreneurship skills and related rights, notably on: capacity building on credit procedures, and entrepreneurship skills related to registration of activities.

## **4. CONCLUSION AND RECOMMENDATIONS**

### **4.1. Conclusion**

The overarching finding of this case-study confirm that going beyond agricultural skills and knowledge, and introducing socio-economic and legal aspects in the farmer field and life school approach can play a role in enhancing farmers' lives and livelihoods.

On agricultural side, the study found that food production has increased despite the current drought; some former FFS-RH members started providing agricultural advice to neighbouring communities, including on a paid-basis.

On reproductive health side, more women give birth in health centres, under the supervision of qualified midwives and nurses; people go for voluntary HIV testing and the level of knowledge on the right to confidentiality, treatment and care of people living with HIV and AIDS is very high. Rape and other forms of GBV, once a cause of great shame, are more openly recognized and addressed.

The knowledge of land and property rights among the FFS-RH members is rather good and is starting to generate positive effects on people's livelihoods through active involvement of some members and FFS-RH facilitators in the community decision-making. Some of the FFS-RH members and facilitators have also organized to respond to the growing orphan crisis at community level (e.g. the local school in Kilifi counts as much as 50% orphans), and the failure by close relatives to support them by ensuring that children attend school and assisting in protection of their property. In some cases, the increased awareness on legal rights and available legal services has served as a protection against widow's dispossessions of land and property.

Discussions on child labour and entrepreneurship skills during the case-study survey and the field visit have had significant impact on the overall awareness of FFS-RH members about their contribution to better livelihoods.

Besides direct effect on FFS-RH groups, the positive experiences achieved through legal trainings have also reached the neighbouring villages, which have expressed a keen interest to enroll in an FFS-RH programme. Some FFS-RH groups have included young people in the reproductive health and rights trainings, and were organizing to start an JFFLS programme.

Despite these achievements, some challenges remain.

First, although members of the FFS-RH groups showed a high level of understanding of legal and social dimensions that affect their livelihoods, they still lack awareness as to how the system functions. In addition, the costs related to transport to district offices prevented people from using legal services existing at the state level.

Concerning the awareness of the respondents who were not FFS-RH members, a surprising finding was that respondents who were the FFS members showed lower awareness of all legal and social issues under investigation, even when compared to respondents non-enrolled in any group learning. One possible explanation relates to a very low educational level and poverty of the FFS members, and the fact that it only focuses on agricultural topics and does not include any of social or legal issues. Furthermore, non-FFS members interviewed are mostly community leaders and members of

the community elite who had the possibility to participate in many trainings and awareness raising campaigns which has given them the opportunity to get this information in the process.

Another challenge that clearly came out from the findings is that the local leaders like village elders, headmen and chiefs are not sufficiently sensitized on gender equality and human rights particularly, of women and children. This has far-reaching consequences in practice as local-level dispute resolution mechanisms continue to play the main role in resolving conflicts in the areas under investigation. Whether a person is or is not able to obtain a redress in case of a violation of his or her rights, often largely depends on whether the leader or a chief is sensitized and sympathetic to the issue at hand. Many considered the local leaders as lacking impartiality and as being easily compromised.

Third, the reproductive health being considered a “women’s issue”, in most FFS-RH as well as FFS groups, great majority of members are female. This was one of the major challenges to the study, and can be considered also among the main challenges to the farmer field school approach itself, as the empowerment and gender equality cannot be achieved without active involvement of all members of the community – men, women and children.

Finally, what was also perceived as a challenge was the limited exchange of experiences, networking and information sharing. Some FFS-RH members have organized in groups and have started doing some outreach to other members of the community and even to neighbouring communities. Others however, have had more limited opportunities for lessons-sharing and cross-fertilization.

## **4.2. Recommendations**

The participatory group learning approaches such as the FFS-RH came out as an appropriate platform for delivering legal empowerment alongside agricultural and reproductive health messages. Building on the experience and lessons learned at Coastal Province a new model for integrating key elements of legal empowerment in the farmer field and life school approach could be developed. It could contribute to strengthening farmers’ capacity to address legal and social issues that affect their food and livelihoods security. In the next sections, a number of recommendations are proposed to guide the development of such a new concept.

### **Integrating key elements of legal empowerment into the FFS-RH**

The findings of this-case study clearly indicate the need for specific modules or training materials on legal issues to be integrated in the farmer field and life school methodology and tools, including the JFFLS. Specific training modules could be developed on land and property rights, with focus on rights of women and children; on child labour prevention and on entrepreneurship skills and related rights. Special attention should be focused on the relationship between customary law and statutory law and institutions.

The review of the curriculum should be determined in a participatory way, i.e. according to the gaps identified through base-lining of all participating groups (beneficiary groups) in order to document entry points in terms of perceptions and expectations.

### **Involving more men in the programmes**

While men have been less or not at all involved in projects such as the FFS-RH, their relative economic conditions have worsened. Loss of traditional male role – as a protector and provider – undermines the traditional family and community power base and is one of the major causes of increase in violence and gender inequality. It is therefore necessary to make sure that new programmes as well as training and sensitization campaigns involve more men.

### **Monitoring and evaluation**

There is need to develop and implement an elaborate M&E system to capture the impact of legal trainings on the livelihood status. This would require a rapid assessment prior to starting a new

project as well as careful identification of key livelihood, gender equality and legal empowerment indicators. The covered communities, and beneficiaries of the programmes should be actively engaged in the process of indicators development as well as during the whole process of monitoring and evaluation.

### **Up-scaling and out-scaling of the model**

Out of the over 600 FFS in Coast region alone, only 42 are currently involved in FFS-RH and JFFLS (i.e. 7%). To expand outreach, there is a need to convert the many existing FFS into the FFS-RH approach, thereby providing a wider avenue for delivering legal empowerment messages. There is also need to raise funds to cover more areas identified to be in need. The programme could be up-scaled in Kenya as well as in the region.

The current political and legal context in the country calls for gender and legal empowerment interventions. The country is undergoing a critical process of change; the Kenyan National Accord and Reconciliation Act (February 2008) identified four main agenda items as critical for addressing the causes of the post-election violence and reconciling communities. Among them, the Agenda 4 aims at addressing long term issues, including land reforms, tackling youth unemployment, poverty, inequity and regional development imbalances. A new model aimed at enhancing people's livelihoods and community's resilience through gender and legal empowerment framework would be a significant contribution to this process.

### **Sensitization of (formal and informal) institutions on legal empowerment and gender equality**

Institutional support in particular, from the elders and chiefs at the community level, is essential for legal empowerment of the poor. Progressive community and local leaders should be mobilized and involved in the information/sensitization campaigns to enhance their support for the integration of legal empowerment elements into the FFS-RH and JFFLS programmes. Their gender and human rights sensitivity should be strengthened.

### **Documenting and disseminating of good practices and lessons learned**

There is an increasing demand from neighbouring communities in the study area for information and trainings on legal and social issues under investigation. However, an effective information and communication strategy is lacking. Documenting successful cases, exchange of experiences, networking and building stronger links between villages and communities would go hand in hand with increased awareness, knowledge and capacity to address socio-economic issues that hinder people's livelihoods, including by using law and legal procedures.

Integrating legal empowerment elements in the FFS-RH, FFS, FLS and JFFLS projects could thus be accompanied, where possible, with a communication and information campaign to promote its dissemination and understanding in Kenya and in the region.

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## FINAL AGENDA

### Workshop on Tackling legal empowerment: the Farmer Life School approach

**Panafrikan Hotel**  
**Nairobi, Kenya**  
**3-4 March 2009**

#### **3 March 2009**

08.30-09.00	<b>Registration of participants</b>
09.00-09.15	<b>Opening</b> Welcoming remarks on behalf of FAO Representative in Kenya
09.15-09.30	Introduction of participants Mr Odhiambo Orlale, Overview of the project and objectives of workshop Presentation of the rapporteurs
<b>Session I</b>	<b>Conceptual frameworks</b>
09.30-09.45	Mr Bonventure Achong'a, "The Farmer Field and Life Schools and Junior Farmer Field Life School: an evolving approach"
09.45-10.00	Ms Carol Djeddah, "The concept of Empowerment"
10.00-10.30	Discussion
10.30-10.45	<i>Coffee and Tea</i>
10.45-11.00	Ms Dubravka Bojic, "The concept of Gender and Legal Empowerment"
11.00-11.15	Ms Eliane Najros, "Gender, information, communication and empowerment: the Dimitra Network"
11.15-11.45	Discussion
<b>Session II</b>	<b>Presentation of the case-study</b>
11.45-13.00	Ms Margaret Wagah, Ms Muthoni Nduhiu and Mr Mcharo Mwalugha, "The case-study on legal empowerment in the FFS-RH and JFFLS Kenya"
13.00-14.30	<i>Lunch</i>
14.30-14.45	Ms Margaret Wagah, "The case-study on legal empowerment in the FFS-RH and JFFLS Kenya: Recap and closing"
14.45-15.45	Ms Karine Garnier and Ms Eliane Najros, Brainstorming: Identifying strengths, gaps and opportunities
15.45-16.00	<i>Coffee and Tea</i>
16.00-17.00	Discussion and formation of Working Groups (3 to 4)
17.00	<b>End of the day</b>

#### **4 March 2009**

09.00-09.15 **Overview of the previous day**

#### **Session III Towards a new model**

09.15-10.30 Working Groups - Continuation

10.30-10.45 *Tea and coffee*

10.45-12.00 Report back from working groups and discussion

12.00-13.30 *Lunch*

13.30-14.45 Recommendations and way forward

14.45-15.45 Next steps: replication of the model  
Final remarks

**16.00-16.30 Summing up and closing**

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