



RESPONSES TO INFORMATION REQUESTS (RIRs)

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18 August 2004

KEN42875.E

Kenya: Whether forced marriage occurs outside the practice of "early forced marriage" or "wife inheritance"; whether an adult Kenyan woman can be forced to marry a husband selected by her parents; consequences for refusal; availability of state protection (2001-2004)

Research Directorate, Immigration and Refugee Board, Ottawa

Forced marriages

Information on whether an adult woman (over age 18) could be forced to marry a husband chosen for her by her parents (outside of the tradition of wife inheritance) could not be found among the sources consulted by the Research Directorate.

In an article about unmarried women seeking political office, it was reported that "single women who reach the age of consent are considered rebellious if they choose to remain unmarried or celibate" (SDI n.d.). A Kenyan organization, Forum for Single Women's Rights (FSWR), advocates for the rights of unmarried women who are often viewed in Kenyan society as abnormal and a drain on their parents' resources (ArtMatters 28 July 2004). According to Deutsche Gesellschaft für Technische Zusammenarbeit (GTZ) (German Society for Technical Co-operation), women are expected to marry and parents are often reluctant to take measures to secure an unmarried daughter's economic situation (n.d.).

Information on the specific consequences of refusing a husband in an arranged marriage was not found among the sources consulted by the Research Directorate.

Protection

Several organizations indicated that violence against women was commonplace in Kenya and that women rarely reported gender-based crimes to the police for fear that they would be treated unfairly (*Country Reports* 25 Feb. 2004; Amnesty International 8 Mar. 2002). There are concerns that police officers are sometimes the perpetrators of violence rather than protectors against it (IRIN 6 Feb. 2003; Women's E News 1 Apr. 2002; Amnesty International 8 Mar. 2002; WFS n.d.).

The government of Kenya has promised to address some of the practices

that discriminate against women (Afrol 17 Jan. 2003). However, *Country Reports* indicates that traditional customs that disadvantage women have not changed as of 2004 (25 Feb. 2004). However, the International Federation of Women Lawyers (FIDA) has recently participated in a training program for police officers on gender issues in an attempt to deal with gender-based violence (*Country Reports* 25 Feb. 2004; WFS n.d.).

Information on legislation regarding forced marriages of adults was not found among the sources consulted by the Research Directorate. In 2002, a report from the University of Nairobi was published that detailed some of the amendments that various groups hoped that the government of Kenya would make to the constitution (8 Feb. 2002). Regarding gender-based legislation, the report recommended banning forced or arranged marriages of boys and girls under 18, but made no mention of legislation addressing the issue of forced marriages for adults except to argue that widows should have the freedom to choose their own spouse (University of Nairobi 8 Feb. 2002).

Information was found on shelters that have been founded in cities and in rural areas such as the Kajiado District for women fleeing abusive relationships and for girls fleeing female genital mutilation (FGM) or forced early marriage (*The Nation* 29 Mar. 2004; *East African Standard* 24 June 2003; Rosenberg 9 Apr. 2002; World YWCA Dec. 2001). Such shelters appeared to be rare since two articles mentioned that they were the first or the only ones in a particular region (*The Nation* 29 Mar. 2004; World YWCA Dec. 2001).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of additional sources consulted in researching this Information Request.

References

Afrol.com. 17 January 2003. "New Kenyan Govt to Improve Women's Position." <http://www.afrol.com/News2003/ken005_gender_rights.htm> [Accessed 27 July 2004]

Amnesty International. 8 March 2002. "Kenya: Rape - the Invisible Crime." (AI Index: AFR 32/001/2002) <<http://web.amnesty.org/library/print/ENGAFR320012002>> [Accessed 26 July 2004]

ArtMatters. 28 July 2004. "Women Demand Respect and Recognition in Kenya." <<http://www.artmatters.info/singles.htm>> [Accessed 28 July 2004]

Country Reports on Human Rights Practices for 2003. 25 February 2004. "Kenya." Department of State. Washington, DC. <<http://www.state.gov/g/drl/rls/hrrpt/2003/27733.htm>> [Accessed 27 July 2004]

Deutsche Gesellschaft für Technische Zusammenarbeit (GTZ). n.d. "Women's Land Tenure Situation." <http://www.gtz.de/orboden/tenure/te2_3_3.htm> [Accessed 28 July 2004]

East African Standard [Nairobi]. 24 June 2003. "Home for Battered Women Re-Opened." <<http://allafrica.com/stories/200306240139.html>> [Accessed 28 July 2004]

Integrated Regional Information Networks (IRIN). 6 February 2003. "Kenya: Rights Groups Condemn Rape by Police." <http://www.irinnews.org/report.asp?ReportID=32151&SelectRegion=East_Africa&SelectCountry=KENYA%20> [Accessed 27 July 2004]

The Nation [Nairobi]. 29 March 2004. Dan Teng'o. "Big Show to Mark 2004 V-Day." <<http://allafrica.com/stories/200403290304.html>> [Accessed 28 July 2004]

Rosenberg, Matthew J. 9 April 2002. "Safe Haven Opens for Women in Kenya." Reuters. <<http://www.cirp.org/news/reuters04-09-02/>> [Accessed 27 July 2004]

Sustainable Development International (SDI). n.d. Charles Wachira. "Women's Status: Kenyan Politics and The Single Woman." (Women's Feature Service). <http://www.sustdev.org/Features/kenya_women.shtml> [Accessed 28 July 2004]

University Of Nairobi, Institute Of African Studies. 8 February 2002. Ruth N. Kibiti. "Culture, Ethics And Ideology: The Gender Implications." <<http://www.kenyaconstitution.org/docs/09cd001.htm>> [Accessed 29 July 2004]

Women's E News. 1 April. 2002. Regan Good. "Rape Is Prominent Issue in Kenya Elections." <<http://womensenews.org/article.cfm/dyn/aid/864/>> [Accessed 28 July 2004]

Women's Feature Service (WFS). n.d. Charles Wachira. "Kenya: Help! Don't Call the Police." <<http://www.wfsnews.org/freeread3.html>> [Accessed 27 July 2004]

World YWCA. December 2001. "Child Brides." <http://www.worldywca.org/common_concern/dec2001/brides.html> [Accessed 29 July 2004]

Additional Sources Consulted

Internet sites, including: Coalition on Violence Against Women in Kenya (COVAW), Federation of Women Lawyers (FWL), Human Rights Watch (HRW), International Commission of Jurists, Kenya Human Rights Commission, Law Society of Kenya, Maendeleo Ya Wanawake, New Jurist, Urgent Action Fund, Womenkind.

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