



# THE CATHOLIC UNIVERSITY OF EASTERN AFRICA

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**MAIN EXAMINATION**

**JANUARY – APRIL 2014 TRIMESTER**

**FACULTY OF LAW**

**REGULAR PROGRAMME**

**CLS 317: GENDER AND THE LAW**

**Date: APRIL 2014**

**Duration: 2 Hours**

**INSTRUCTIONS: Answer Question ONE and ANY OTHER TWO Questions**

Q1. The Constitution of Kenya 2010 has been described as an excellent tool of law reform, which does not only create an environment that allows more inclusive state-society relations, but has enshrined realization of social justice, especially for women, through an expanded Bill of rights that can be enforced by court rulings; and by prescribing a range of institutional reforms to enable greater accountability. [*Will the Constitution of Kenya 2010 Work for Women and Children? Domingo P., et al, UNICEF Project Briefing, Overseas Development Institute, London, UK, 2011*]

In your own words, enumerate specific gains for women enshrined in the Constitution of Kenya 2010 and enabling statutes, and explain how these gains impact a woman's **social, economic, political, family and cultural** life. **(30 marks)**

Q2. One of the criticisms of western feminist thought by African feminists is that the former is more concerned with the exotic rather than with substantive issues of transnational gender inequalities and inequities. For instance, the west is accused of being quick to criticize African nations for their failure to eradicate female genital circumcision, while they themselves have failed to fight the abuse of the female body in their own countries. –

***Circumcision and the Politics of Knowledge***, O Nnaemeka, Westport, CT : Praeger, 2005.

From your own cultural perspective do you agree with Nnaemeka? What are some of the distinguishing characteristics of African feminist thought? What are the critical points of divergence between the western and African feminist thoughts? What are the areas of convergence and how have they impacted law reform in your country? **(20 marks)**

- Q3. By virtue of its being a tool of social engineering, [**An Introduction to the Philosophy of Law, Roscoe Pound**] law does, by design or default, create lacunae and or claw-backs that result in gender imbalances.

Citing relevant constitutional provisions, statutes, international instruments and case law, discuss some of the loopholes and claw-backs in the law that have resulted in gender discrimination in your country/culture.

**(20 marks)**

- Q4. When launching her ***Beyond Zero Campaign*** Foundation in the counties on 1<sup>st</sup> February 2014 (NTV Peak News) H. E. Margaret Kenyatta, Kenya's First Lady promised to do everything in her power and urged women leaders to use their strategic positions to ensure that every birth in Kenya remained a promise for a better and brighter future, where mother and child mortality are a thing of the past. This plea essentially reiterates the Kenya Government's commitment to eradicating maternal deaths in compliance with the requirements of the United Nations Millennium Development Goal No. 5.

What are the **THREE** major obstacles to enjoyment of reproductive rights and right to reproductive health by women in sub – Saharan Africa? What are some of the interventions that have been put in place at international and municipal levels address these disablers? **(20 marks)**

- Q5. The right to reproductive self determination is a core component of the bundle of rights encapsulated in reproductive rights and right to reproductive health, and is predicated upon the principles of bodily

integrity, personal integrity and reproductive integrity. In your cultural context how is the right to reproductive self determination affected by the **government, religion, law and men?** **(20 marks)**

**\*END\***