



THE CATHOLIC UNIVERSITY OF EASTERN AFRICA

A. M. E. C. E. A

MAIN EXAMINATION

JANUARY – APRIL 2015 TRIMESTER

FACULTY OF LAW

REGULAR PROGRAMME

CLS 317: GENDER AND THE LAW

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Date: April 2015

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 of women and children?* Domingo P., et al, UNICEF Project Briefing, Overseas Development Institute, London, UK, 2011].

Enumerate the specific gains for women enshrined in the Constitution of Kenya 2010 and enabling statues, case law and policy, and explain how these gains impact a woman's:

- a) Political life (10 marks)
- b) Family life (8 marks)
- c) Economic life (5 marks)
- d) Social life (4 marks)
- e) Cultural life (3 marks)

Q2. a) What is affirmative action in the context of gender discrimination?
(5 marks)

b) Citing relevant constitutional and statutory provisions, case law and policy, what three imperatives must affirmative action comply with for it to meet requisite constitutional, legislative and policy threshold?
(15 marks)

Q3. Your client, Hon. Kamau MacOnyango, Member of Parliament for Tabubika Constituency wishes to abandon the Raia Bila Mipaka Democratic Party (RBMDP) on whose ticket he won his Parliamentary seat in 2013, to form a new political party, Wanaume Musilale Bado mapambano People's Party (WMBMPP). The key pillars of the proposed WMBMPP's Manifesto is empowerment of men and restoring their lost glory by:

i) Locking out women by denying them party membership

ii) Putting in place strategies that will ensure that the "river goes back to its course," where as ordained by God and traditions of men, women must only be seen but not heard; and

iii) Insulating WMBMPP from interference by "busybody" watchdogs particularly intergovernmental/governmental authorities and civil society activists.

Citing relevant constitutional and statutory provisions, case law, policy and practice, advise Hon. MacOnyango on his chances of success or lack of it in registering his proposed party.
(20 marks)

Q4. 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 country/cultural context, how is the right to reproductive self determination affected by the government, religion, law and men?
(20 marks)

Q5. The World Health Organization (The State of the World's Health, 2013 WHO Report) has declared maternal mortality, maternal morbidity and female genital circumcision a serious threat to a woman's life and disablers that negatively impact women and men.

- i) How do the three disablers affect men? **(2 marks)**
- ii) How do they affect women? **(6 marks)**
- iii) What are some of the legislative, human rights, health rights and cultural rights approaches that have been employed at international and municipal levels to address these threats? **(12 marks)**

END