



KENYA LAND ALLIANCE

**URGENT
ACTION
FUND +
AFRICA**

FOR WOMN'S HUMAN RIGHTS

UNDOCUMENTED AND DISEMPOWERD

A baseline study on emergent property rights issues amongst immigrant Tanzanian women in Taita Taveta County.

PROJECT
IMARISHA WAJANE
2025



ACKNOWLEDGEMENTS

This baseline study on emergent property rights issues amongst immigrant Tanzanian women in Taita Taveta County Kenya, would not have been possible without the invaluable support and contributions of many individuals and institutions.

We want to extend our deepest appreciation to the **community of Taveta**, whose members graciously contributed their time, personal stories, and diverse perspectives. Each account offered valuable context and highlighted the unique challenges they face, such as access to education and healthcare, as well as the opportunities for growth within their region, like agricultural development. Their voices serve as the cornerstone of this report, providing essential insights that illuminate both the struggles and possibilities present in their daily lives.

We would like to express our sincere gratitude to the local authorities and duty bearers in Taveta Sub-County for their invaluable support. We especially appreciate the dedicated officials from the **Department of Gender, Immigration**, and **local administration**, whose cooperation and assistance were instrumental in facilitating our fieldwork. Their willingness to engage and collaborate with us greatly enhanced our understanding of the community dynamics and ensured a smooth and productive research process.

Special thanks go to our research team and field enumerators for their commitment, professionalism, and sensitivity in gathering data under often challenging conditions.

We would like to express our heartfelt gratitude to **Dorcas Gibran** of Sauti ya Wanawake, along with various other community-based organisations actively working in Taveta and its neighbouring regions. Their invaluable guidance, extensive network of connections, and unwavering support have been instrumental in uplifting and empowering migrant communities. Through their dedicated efforts, they have fostered a sense of belonging and provided essential resources that facilitate the integration and well-being of these individuals.

This study was made possible through the financial and technical support of the Urgent Action Fund. We deeply appreciate their commitment to advancing the rights and welfare of marginalized women.

We express our gratitude to the Kenya Land Alliance CEO **Faith Alubbe**, KLA Women Land Rights Program Officer **Mercine Milimu** and KLA Women Land Rights Program Assistant **Victoria Ojina** for their commitment, which ensured the quality and relevance of this report.

Further, we extend our sincere gratitude to the **Urgent Action Fund (UAF)** for the support that enabled the actualization of the study. On the same note, our appreciation goes to all individuals and organisations, who through direct or indirect means, contributed to the success of this baseline study. Your expertise, resources, and encouragement have been invaluable throughout this process, and we are truly grateful for your commitment and dedication.

Table of Content

LIST OF FIGURES.....	5
EXECUTIVE SUMMARY.....	6
CHAPTER ONE.....	7
INTRODUCTION.....	7
1.1 Project Background.....	7
1.2 Project Rationale.....	7
1.3 Purpose of the Baseline Study.....	7
CHAPTER TWO: LITERATURE REVIEW.....	8
2.1 Overview of Womens Land Rights in Kenya.....	8
2.2 Challenges Faced by Immigrant Women in Their Quest for Property Rights.....	9
2.3 Immigration Status Land Access and the Influence of Cultural Norms on Immigrant Women in TaitaTaveta.....	10
2.4 Legal and Policy Frameworks on Womens Land Rights in Kenya.....	12
CHAPTER THREE:METHODOLOGY.....	
3.1 Study Design.....	16
3.2 Data Collection Methods.....	16
3.2.1 Community Questionnaires.....	16
3.2.2 Interviews.....	16
3.2.3 Focus Group Discussion.....	16
3.2.4 Validation Report.....	16
3.2.5 Desk Review.....	16
3.3 Selection and Training of Field enumerators.....	17
3.4 Pre-testing of Data Collection Tools.....	17
3.5 Data analysis and Presentation.....	17
CHAPTER FOUR.....	18
STUDY FINDINGS.....	18
4.1 Demographic Profile.....	18
4.1.1 Sex of Respondents.....	18
4.1.2 Age of Respondents.....	18
4.1.3 Highest Level of Education Attained.....	19
4.1.4 Marital Status of Respondents.....	19
4.2 Strengthening Women Land Rights.....	20
4.2.1 Status of Local Government Support for Women's Land Rights.....	20
4.2.2 Status of Awareness on Policies addressing Women's Land Rights.....	20
4.2.3 Effectiveness of Local Leaders in Strengthening Women's Land Rights.....	21
4.3 Impact of Social Factors on Women's Land Rights.....	21
4.4 Legal Protection of Women's Land Rights.....	22

4.4.1 Effectiveness of Laws Protecting Women's Land Rights.....	22
4.4.2 Impact of Legal Barriers on Women's Land Rights.....	23
4.4.3 Access to Legal Aid Clinics on Land Rights.....	24
4.4.4 Women's Land Tenure Security.....	24
4.5 Status of Women's Economic Empowerment.....	24
4.5.1 Access to Financial Services.....	25
4.5.2 Land Ownership.....	26
4.6 Documentation Challenges.....	26
4.6.1 Challenges posed by Lack of Identification Documents.....	26
4.6.2 Barriers Preventing Women from Getting Proper Identification Documents....	27
CHAPTER FIVE.....	28
SUMMARY OF KEY FINDINGS, CONCLUSIONS AND RECOMMENDATIONS.....	28
5.1 Summary of Key Findings.....	28
5.1.1 Women's Land Rights and Economic Empowerment.....	28
5.1.1.1 Strengthening of Women's Land Rights.....	28
5.1.1.2 Legal Protection of Women's Land Rights.....	28
5.1.1.3 Status of Women's Economic Empowerment.....	29
5.1.2 Challenges in Regularizing Immigration Status of Tanzanian Women inTaveta.....	29
5.1.2.1 Lack of Proper Documentation.....	29
5.1.2.2 National Legal Framework Issues.....	30
5.1.2.3 Systemic Issues.....	30
5.1.2.4 Humanitarian Concerns.....	31
5.1.8 Political Issues.....	31
5.2 Conclusions.....	32
CHAPTER SIX	33
6.0 Recommendations.....	33
6.1 Policy Advocacy.....	33
6.2 The County Administration Level Administrators.....	34
6.3 Collaborative Advocacy.....	35
6.4 Nothing Without Us.....	36

LIST OF FIGURES

Figure 1: Percentage distribution of sex of Respondents.....	18
Figure 2: Percentage distribution of age of respondents.....	18
Figure 3: Percentage distribution of highest level of education completed	19
Figure 4: Percentage distribution of marital status of respondents	19
Figure 5: Percentage Distribution of local government support.....	20
Figure 6: Percentage distribution of respondents' awareness of policies addressing land rights.....	21
Figure 7: Effectiveness of local leaders in addressing women's land rights.....	21
Figure 8: Impact of social factors on women's land rights.....	22
Figure 9: Awareness on laws protecting women's land rights.....	22
Figure 10: Effectiveness of laws protecting women's land rights.....	23
Figure 11: Impact of legal barriers on women's land rights.....	23
Figure 12: Access to legal aid clinic for women seeking to claim their land rights.....	24
Figure 13: Women access to Financial Services.....	25
Figure 14: Importance of land ownership for women economic empowerment.....	25

EXECUTIVE SUMMARY

Having a legal identity is a basic right and provides the key to access services and opportunities. In Taita Taveta County, about 30% of women lack basic documents required for land acquisition, economic empowerment and succession processes. The issue is particularly acute for those women from Tanzania but married in Kenya, who face compounded challenges due to lack of proper identification documents. Many of these women are unaware of their rights, making them vulnerable to land tenure insecurity. Additionally, local administrative officers were found to be either ignorant of the situation or complicit in denying women their rights.

Utilizing Kenya Land Alliance extensive experience in land rights advocacy and community mobilization, Imarisha Wajane Project intended to engage relevant authorities and key stakeholders to better understand and respond to these women's needs. As a result, a baseline study was conducted to analyze the status of women's land rights and economic empowerment, focusing on the challenges posed by lack of proper documentation among Tanzanian women residing in Taveta, Kenya.

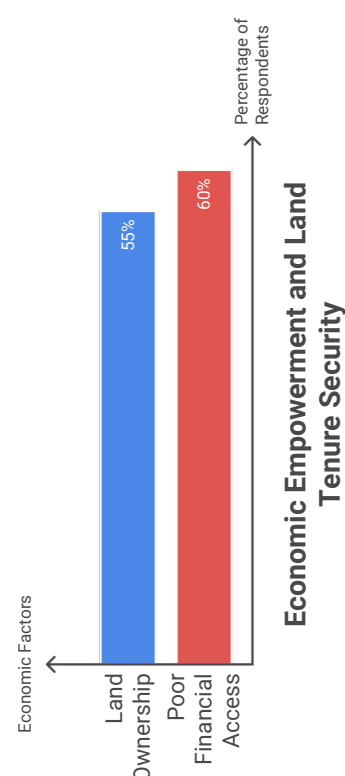
In reference to the status of women economic empowerment, about 55% of the respondents reported that land ownership is very important for women's economic empowerment while 60% reported poor access to financial services in the community. On the other hand, the study established that land tenure insecurity negatively affects agricultural productivity, resulting in food insecurity and an increase in poverty among cross-border women of Tanzanian origin in Taveta, Kenya.

Lack of proper documentation creates barriers to regularizing immigration status, securing land rights and economic opportunities. It was also established that legal framework challenges, humanitarian concerns, systemic issues and political considerations created further complication, confusion, and uncertainty among affected populations.

In light of the findings, the study concluded that, although a significant number of community members acknowledged the value of land tenure security in women's economic empowerment; multifaceted challenges in regularizing citizenship and immigration status of Tanzanian women residing in Taveta, Kenya, significantly deprives the women of their full participation in economic life and sustainable development. The study, therefore, recommends comprehensive reforms that balance state sovereignty with humanitarian obligations and community integration needs.

On the status of strengthening of women land rights, the study found out that **60% of the community members were unaware of the policies that address the land rights of women**, and that the local government was unsupportive and local leaders somewhat effective in addressing the land right issues of women. Nationality was reported to have significantly impacted on the women land rights as opposed to demographic characteristics such as age, marital status and educational level.

With regard to legal protection of women land rights, **40% of the respondents were aware of the laws protecting the land rights**, and asserted that the laws were somewhat effective in protecting the land rights. Legal barriers such as lack of national ID and citizenship requirement significantly impacted on protection of women land rights unlike complex succession law and traditional land customs. Notwithstanding, access to legal aid was limited in seeking claim of women land right.



CHAPTER ONE : INTRODUCTION

1.1 Project Background

Women in Taita Taveta County, especially those from Tanzania but married in Kenya, are vulnerable due to lack of documentation leading to limited access to services, limited access to resources and discrimination on every front. This issue is particularly acute for women of Tanzanian origin, who face compounded challenges based on their background. The project aims to empower women who have lived in Kenya for over seven years but remain economically marginalized. Many of these women are unaware of their rights, making them vulnerable to land tenure insecurity. Additionally, local administrative officers were found to be either ignorant of the situation or complicit in denying women their rights.

Utilizing KLA's extensive experience in land rights advocacy and community mobilization, the project intends to engage relevant authorities and key stakeholders to better understand and respond to these women's needs. By focusing on land rights, economic opportunities, and essential services, KLA aims to create strong networks of empowered women enjoying sustained improvements across all spheres of life.

1.2 Project Rationale

The Imarisha Wajane project addresses the critical issue of land tenure insecurity among women in Taita Taveta County, Kenya, particularly those of Tanzanian origin. This initiative is crucial for promoting women's economic empowerment.

Persistent gender disparities in land ownership and tenure security in Kenya significantly hinder women's economic opportunities and sustainable development. Despite women's substantial contributions to the agricultural workforce (up to 80%), they hold only 1% of registered land titles individually and 5-6% jointly with their spouses. This disparity exacerbates poverty rates, with women bearing a disproportionate burden of Kenya's 46% poverty rate.

Recent data from the Kenya Land Alliance Haki Ardhi App (2023-2024) indicates that approximately 30% of women in Taita Taveta County lack basic documents required for land acquisition, economic empowerment and succession processes. This issue is compounded by gender-based violence, discrimination, and entrenched patriarchal norms, particularly affecting immigrant women who face severe limitations in participating in land succession.

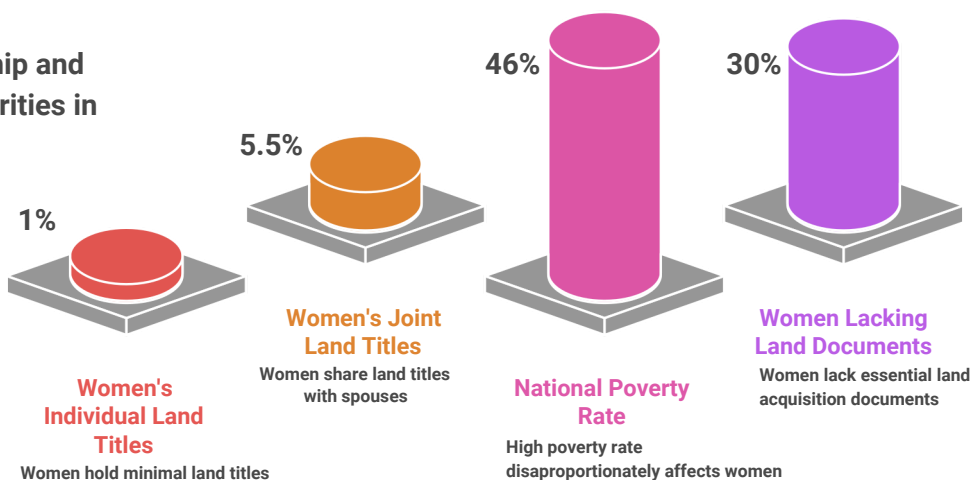
1.3 Purpose of the Baseline Study

The main aim of this study was to analyze the status of women's land rights and economic empowerment, focusing on the challenges posed by lack of proper documentation among Tanzanian women residing in Taveta, Kenya.

The specific objectives in regard to this were:

- i. To establish the status of women’s land rights and economic empowerment among Tanzanian women residing in Taveta, Kenya.
- ii.To examine the challenges posed by lack of proper documentation among Tanzanian women residing in Taveta, Kenya

Land Ownership and Poverty Disparities in Kenya



CHAPTER TWO : LITERATURE REVIEW

This chapter will present the literature reviewed on the women’s access, use, owning and control of Land and property and the issues surrounding this concept as presented by others research studies before.

2.1 Overview of women land rights in Kenya

Despite existing laws, customary law governing about 65% of Kenyan society perpetuates discrimination against women, limiting their land and property rights. Cultural influences, poor law enforcement, and lengthy legal processes contribute to this issue. Traditional justice systems often uphold retrogressive practices, forcing women to forfeit inheritance rights to male family members, which leaves them vulnerable and exacerbates poverty.

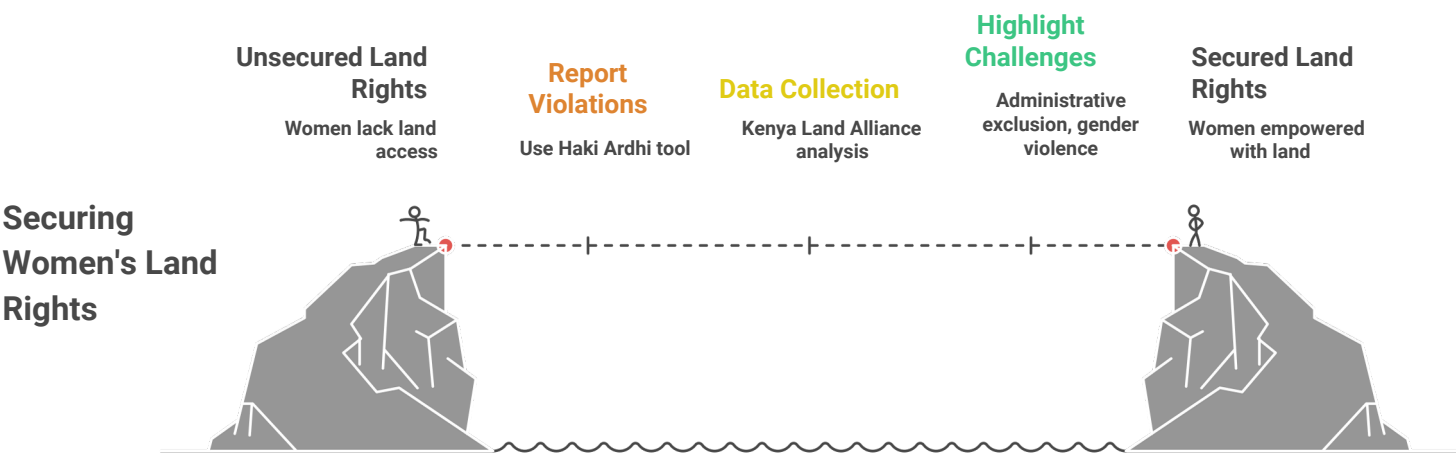
Negative attitudes towards women in leadership roles significantly impede their entry and participation in land governance. This perspective, combined with the belief that land is primarily a male concern, marginalizes women in decision-making processes. Men are often viewed as heads of household and landowners, leading to women's exclusion from decisions about land allocation and management. Additionally, women face insecurity in their secondary rights to land under customary tenure, making them vulnerable in situations like divorce or widowhood. Inheritance restrictions further limit daughters' access to land, reinforcing the assumption that they will rely on their husbands for land access. These limited rights restrict women's participation from the household to national levels and hinder their ability to secure credit, ultimately compromising their quality of life and livelihoods.

These issues overlap with other injustices like violence against women, poverty, illiteracy, and poor health, hindering women's participation in decision-making and governance. The political framing of land rights often overlooks women's traditional practices, with land distribution often favouring men and community elites. This creates a patriarchal system where land rights depend on relationships with men. Additionally, land governance bodies often lack adequate protections for women, who are frequently underrepresented in these spaces. Land dispute procedures are biased against women, and husbands can sell matrimonial land without their wives' consent.

Insights from Haki Ardhi app.

The Haki Ardhi tool was an initiative aimed at helping women securely report land rights violations. It has been operational for the past two years. Recent data collected through the Haki Ardhi App (2023-2024) by the Kenya Land Alliance provides a critical lens into the lived realities of women in Taita Taveta County, where systemic inequality continues to limit access to land and property. The findings reveal that approximately 30% of women in the county lack the basic identification and legal documents required for land acquisition, succession processes, and broader economic empowerment.

This data is particularly significant because it highlights how administrative exclusion intersects with gender-based violence, discriminatory legal structures, and deeply entrenched patriarchal norms. Immigrant women, especially those from neighbouring Tanzania, are disproportionately affected, often



1 An app developed by three organizations - the Kenya Land Alliance, TMG, and the Rainforest UK

facing legal invisibility that denies them participation in land inheritance, ownership, and justice mechanisms. Without proper documentation, their ability to assert rights, access public services, or participate in economic life remains severely restricted.

2.2 Challenges Faced by Immigrant Women in Their Quest for Property Rights

The following are the key cross-cutting challenges faced by immigrant women;

c)Legal Documentation and Citizenship Barriers

Access to land and property in Kenya is closely linked to legal identity and citizenship status. Although Article 15(1) of the Kenyan Constitution permits foreigners to apply for citizenship after seven years of lawful residence, this pathway remains largely inaccessible to many immigrant women, especially those residing in border counties such as Taita Taveta. Several studies have identified lack of awareness, bureaucratic delays, language barriers, and fears of deportation as primary hindrances to regularizing immigration status. According to the Kenya National Commission on Human Rights Report, *Identity Crisis? A Study on the Issuance of National Identity Cards in Kenya*, these challenges often result in what researchers have termed “legal invisibility,” whereby immigrant women are unable to obtain national identification documents that are essential for land ownership, inheritance, and access to public services. In their study on empowerment indicators, Zegeye et al. highlight how refugee and immigrant women in Kenya due to lack of documentation, have significantly lower access to health, education, and legal protections. Without documentation, women cannot participate in land adjudication or inheritance proceedings, effectively barring them from exercising property rights guaranteed under national law.

b)Cultural Norms and Patriarchal Practices

Even when legal avenues are in existence, deeply entrenched cultural norms often prevent immigrant women from exercising property rights. In many border town communities, land tenure is governed by customary norms, which prioritize male members of the family and treat women in general as property. According to *Women’s Land and Property Rights in Kenya: Challenges and Recommendations*, a report by the Federation of Women Lawyers (FIDA Kenya), this cultural exclusion is exacerbated when women lack family support. Traditional justice systems frequently fail to acknowledge customary marital unions or land and property claims made by immigrant women, especially when dowry remains unpaid or documentation is lacking. This marginalization has resulted in high rates of landlessness and disenfranchisement among immigrant women.

c)Conflicting Legal Systems

The Kenyan legal framework does not automatically grant citizenship to children born to non-Kenyan mothers, unless paternity is legally established and the father is a Kenyan citizen. Where Kenyan spouses are absent, estranged, or unwilling to assist in legalising status, both women and their children can fall

² KNCHR. (2020). *An Identity Crisis? A Study on the Issuance of National Identity Cards in Kenya*.

³ Zegeye, B., Ayele, W. & Muriuki, M. (2023). *Determinants of Women Empowerment: Case of Refugee Women Living in Nairobi, Kenya*. *Economies*, 13(2), 35

⁴ FIDA Kenya. (2018). *Women’s Land and Property Rights in Kenya: Challenges and Recommendations*.

into de facto statelessness. Statelessness renders them ineligible for participation in land adjudication or succession processes, which demand national identification status. According to a study conducted by the IDLO, *Women, Customary and Informal Justice Systems in Kenya: Bridging the Gap for Access to Justice*, this exclusion is intensified by the high costs of legal aid, birth registration, and citizenship application, making legal redress unattainable for many low-income immigrant women.

2.3 Immigration Status, Land Access, and the Influence of Cultural Norms on Immigrant Women in Taita Taveta

Taita Taveta County, situated along the Kenya-Tanzania border, hosts a significant population of Tanzanian immigrant women who have resided in Kenya for decades. Despite their deep-rooted presence in the community, these women face a myriad of legal, structural, and sociocultural barriers that prevent them from regularizing their immigration status. This lack of legal recognition critically affects their ability to access land, an essential resource for livelihood, security, and empowerment. Cultural norms and gender dynamics further reinforce their exclusion, leaving many women in a state of legal invisibility and economic dependency.

a) Immigration Status and Access to Land

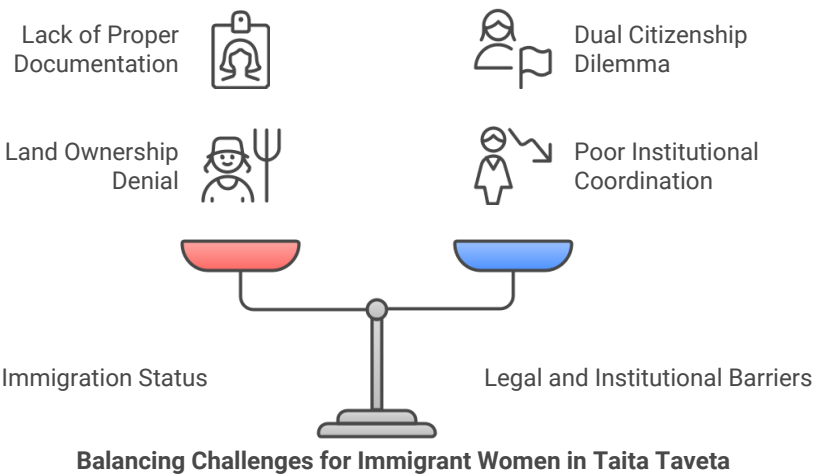
At the core of immigrant women's marginalization in Taita Taveta is the challenge of lack of proper documentation. Many Tanzanian women living in the area do not possess valid identification either from Kenya or Tanzania, largely due to historical migration patterns, the high cost of official documents, or reliance on informal border crossings. Without recognized legal status or identification, these women are effectively locked out of processes and denied the right to own or inherit property under Kenyan law. Informal processes facilitated by community elders often backfire, as they do not confer legal security and instead expose women to further vulnerabilities. Their undocumented status undermines their ability to assert claims to land ownership, even when they have lived and worked on the land for decades.

b) Legal and Institutional Barriers

The legal frameworks governing citizenship and immigration present significant structural obstacles to land access. Tanzania's prohibition of dual citizenship creates a dilemma for immigrant women who must choose between maintaining ties to their home country, where they may have inherited land or family obligations, and gaining legal recognition in Kenya. For many, the emotional, social, and economic cost of this choice is restrictive. The study will show how these women confer these rights to neighbours and strangers who also disinherit them, claiming rights to their children.

c) Systemic Inadequacies and Knowledge Gaps

Poor institutional coordination across immigration offices and local administration leads to inconsistent application of existing laws and confusion about entitlements by immigrant women. These systemic gaps mean that even women who are eligible for documentation often lack the knowledge and support needed to navigate the system. Moreover, a persistent lack of awareness and legal literacy among immigrant



women significantly limits their capacity to claim land rights. Many women are unaware of the procedures for securing identity documents or asserting land rights.

d) Cultural Norms and Gendered Power Relations

Beyond legal obstacles, cultural norms around land inheritance and ownership deeply disadvantage immigrant women. In many cross-border communities, land is traditionally passed through male lineage, and women, especially those considered “outsiders” by their nationality, are often excluded from customary land rights. Immigrant women married to Kenyan men are often perceived as temporary members of the community, lacking full rights to family land. In some cases, patriarchal connotations outrightly block efforts by immigrant women to seek citizenship, fearing it may threaten existing land claims in succession claims. These dynamics entrench women’s dependency and silence their agency in land matters. Even where women cultivate land for years, their tenure remains insecure, often revoked upon separation, widowhood, or conflict with in-laws.

The Case of Taita Taveta

Taita Taveta County illustrates the exclusion faced by immigrant women. Despite decades of residence and community integration, many Tanzanian women remain undocumented, lack land rights, and are excluded from decision-making. Upon spousal death or separation, they face a heightened risk of eviction. The intersectionality of the restrictive immigration laws, cultural norms, and administrative inconsistencies makes these women more vulnerable.

Map of Kenya highlighting the location of Taita Taveta County



2.4 Legal and Policy Framework on Women's Land Rights in Kenya

Kenya's legal and policy landscape offers a framework that can potentially safeguard the rights of immigrant women living in border counties such as Taita Taveta. However, in practice, this framework often presents complex and overlapping challenges. Despite years of residence and social integration, many immigrant women in Taveta Sub-County continue to live in a legal limbo. Their ability to access citizenship, land rights, and legal protection is often hindered by the intersection of international obligations, constitutional guarantees, and inconsistently applied administrative processes.

Legislative Framework	Provision	Challenges in Practice	Implications
Constitution of Kenya 2010 Article 2(4);	Upholds constitutional supremacy, ensuring that no law, practice, custom, or policy, whether local or national, can override the rights and freedoms guaranteed by the Constitution.		Immigrant women are denied land ownership or evicted after a spouse's death, with no effective recourse despite constitutional protections.
Art 10	Outlines the national values and Principles of Governance, which include inclusiveness, equality, non-discrimination and human rights	Discrimination in local institutions, cultural and ethnic biases, limited enforcement in rural areas and exclusion from public participation forums	Marginalisation in accessing local services and exclusion from decision-making processes
Constitution of Kenya 2010 Article 15(1) Article 15(1)(b);	Stipulates that individuals who have lawfully resided in the country for at least seven years are eligible to apply for citizenship by registration. Provides a clear pathway to citizenship for foreign spouses of Kenyan nationals.	Bureaucratic delays, lack of awareness, and inconsistent application at the local level.	Many immigrant women remain undocumented despite their eligibility.

Legislative Framework	Provision	Challenges in Practice	Implications
Article 27(3)	Highlights Kenya's obligation to uphold the rights of all individuals regardless of sex, marital status, or ethnic origin.	Gendered, ethnic, and legal status-based discrimination persists.	Undermines women's ability to access and assert their rights to Land and property.
Article 35	Speaks to the right of Access to Information	Language and literacy barriers, bureaucratic and digital hurdles, fear of government institutions and lack of awareness of the right itself	Disempowerment in asserting rights or seeking justice and exclusion from civic engagement
Article 40;	Affirms every person's right to acquire and own property.	Customary laws and norms override statutory rights; need for legal identity to register land.	Many immigrant women are denied land ownership despite marriage.
Article 60(1)(f);	Calls for the elimination of gender discrimination in matters related to land.	Patriarchal connotations continue to inhibit the implementation of this provision.	Women are forced to subscribe to cultural norms, and are at times under pressure to abide, even when the practices are against them.

Legislative Framework	Provision	Challenges in Practice	Implications
Article 68(c)(iii);	Mandates the development of laws to ensure women's rights to own and inherit land.	Lack of awareness of these laws prevents immigrant women from accessing their rights.	Unscrupulous members of the community take advantage of their lack of knowledge by disinheriting them.
Art 232;	Outlines the values and principles of public service. These principles apply to all state organs and public institutions, aiming to guide their operations and ensure they serve the public effectively	Limited service delivery, corruption and lack of accountability	Discrimination when seeking government services and a lack of trust in public institutions
Registration of Persons Act (Cap. 107);	Mandates the issuance of national identity cards to eligible residents.	Arbitrary denials, lack of awareness, and administrative inefficiencies.	Women without IDs are excluded from enjoying their land rights, financial services and legal protection..
Land Registration Act (2012); National Land Policy and the Matrimonial Property Act	Creates foundations for the protection of Women Land Rights.	Ineffective enforcement at local level and documentation requirements excludes undocumented women.	Women's land rights remain insecure, especially in customary settings.

Legislative Framework	Provision	Challenges in Practice	Implications
CEDAW (Convention on the Elimination of All Forms of Discrimination Against Women)	Obliges the government to remove legal and practical barriers that perpetuate gender inequality.	Weak implementation and limited awareness of obligations at the local level.	Stresses the need for law enforcement to be sensitive to gender issues.
Maputo Protocol	Requires states to eliminate all forms of discrimination against women	Deeply rooted patriarchal norms, Weak enforcement of anti-discrimination laws and Cultural resistance to gender equality	Exclusion from inheritance and land ownership and difficulty accessing justice for rights violations
1954 Convention Relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness,	The Convention states that the country is obligated to prevent statelessness and provide legal avenues for affected individuals to gain nationality.	Lack of knowledge of procedures to resolve statelessness in practice.Lack of goodwill by the host country.	Risk of statelessness among undocumented immigrant women and children.

CHAPTER THREE: METHODOLOGY

3.1 Study Design

A descriptive cross sectional survey design with both quantitative and qualitative methodology was adopted. The study engaged 237 community respondents, six (6) key informants and conducted eight (8) focus group discussions to gather detailed information about women's land tenure situations, documentation challenges, and economic barriers to Tanzanian women residing in Taveta, Kenya.

3.2 Data Collection Methods

The instruments of data collection used included a self-administered community survey questionnaire for the community members, interview guide for key informants, focus group discussion interview guide to interview various stakeholders, validation meeting report, and desk review of secondary data sources.

3.2.1 Community Questionnaires

Quantitative data was collected using community questionnaires. Data was collected at community level and included personal interview with the selected respondents. This questionnaire had three sections (see Annex I). The first section of the questionnaire focused on introduction and consent of respondent. The next section comprised of basic information on the location details, date and interviewee name which was optional. Last section entailed general information of the respondent and questions which addressed the objectives of the baseline study. Items in this section consisted primarily of closed - ended and open ended questions.

3.2.2 Interviews

Interviews with a range of stakeholders were conducted face to face. The key informants included board members and local partners such as area administrative officers and community leaders. The interviews took an average of 40 minutes, and facilitated and translated where necessary by facilitators. The full interview guide is attached. (Annex II)

3.2.3 Focus Group Discussion

Focus group discussion interviews with a range of stakeholders were conducted face to face. The sessions took about 40 minutes on average to completion and comprised of both sexes with young and elderly discussants. The number of participants per FGD ranged between 6 - 8 individuals.

3.2.4 Validation Report

The report validated the findings of the baseline study examining the multifaceted challenges faced by Tanzanian women in Taveta, Kenya. The analysis and reporting considered both legal framework and humanitarian concerns, while addressing the complex interplay between national security interests, human rights considerations, and practical implementation challenges.

3.2.5 Desk Review

The reviewed documents entailed the following sources; international frameworks, regional frameworks, national frameworks, relevant subsidiary legislations and government policies and case laws.

3.3 Selection and Training of Field enumerators

Nine enumerators were engaged to offer support during the period of this assignment. The enumerators were identified and selected from each affected ward based on academic qualifications, relevant past experience, knowledge of Kiswahili. Successful candidates were trained and exposed to survey framework and objectives, various survey instruments, data collection methods and interviewing techniques. Data collection took place concurrently on the 22nd to 25th of October 2024.

3.4 Pre-testing of Data Collection Tools

The focus group discussion and the KIIs tools were pre-tested, discussed and revised accordingly so as to make them more effective. The pre-test of the tools was done in Mahoo.

3.5 Data analysis and Presentation

Quantitative data was collected using community survey questionnaire. The data was cleaned, edited, coded, classified, entered and analyzed using the Statistical Package for Social Sciences (SPSS) version 24 and MS Excel. The result of analysis presented in charts and narratives.

For qualitative data, notes and recordings were taken during key informant interviews and focus group discussions. The process of qualitative data analysis was performed concurrently with fieldwork in a reflexive and analytical process. Following field data collection, hand written notes mainly from the FGDs and Key Informative Interviews (KIIs) were assembled and typed into a word processing program - Microsoft Word.

The notes were read thoroughly and coded manually. Coding helped to classify responses into categories so as to bring out their essential patterns and significance. This closely followed the main themes of the survey/study. The codes were carefully developed to ensure that they are mutually exclusive, exhaustive and representative. Consequently, if an idea resembling, or closely related to one previously labeled in the text, a similar label was attached. The text segments with similar codes and meaning or referring to related issues were then grouped together for presentation. The results of key thematic areas used to triangulate the finding

Data Analysis and Presentation Process



CHAPTER FOUR : STUDY FINDINGS

STUDY FINDINGS

4.1 Demographic Profile

The demographic information of the respondents obtained from the analysis of questionnaires included; sex and age of respondents, marital status of the respondents, and highest level of education attained.

4.1.1 Sex of Respondents

Figure 1 demonstrates the percentage distribution of the sex of respondents who participated in the study. Out of 237 respondents, 87% of the respondents were female whereas 13% of the respondents were male. The representation of female respondents in the study empowers women through participation in advocating for implementation of policies and laws enacted to strengthen women land rights.

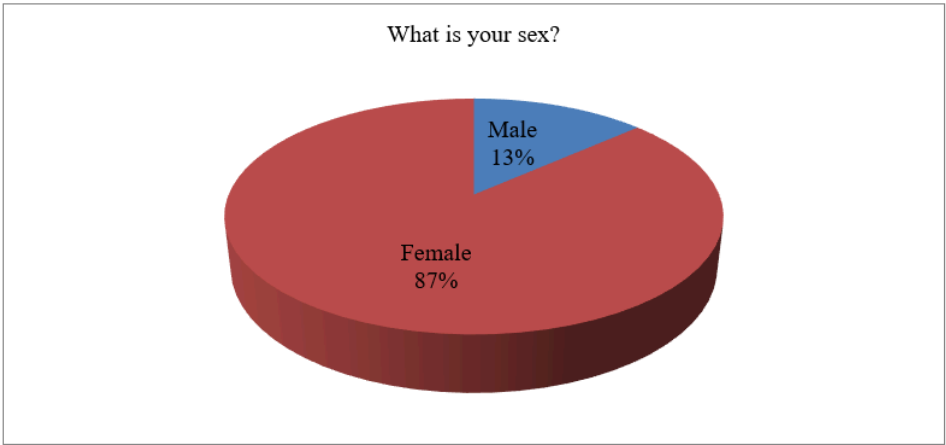


Figure 1: Percentage distribution of sex respondents

4.1.2 Age of Respondents

Age is an important demographic factor which determines land ownership. For instance, children cannot own land in their own right not unless it is held on trust by an elderly person.

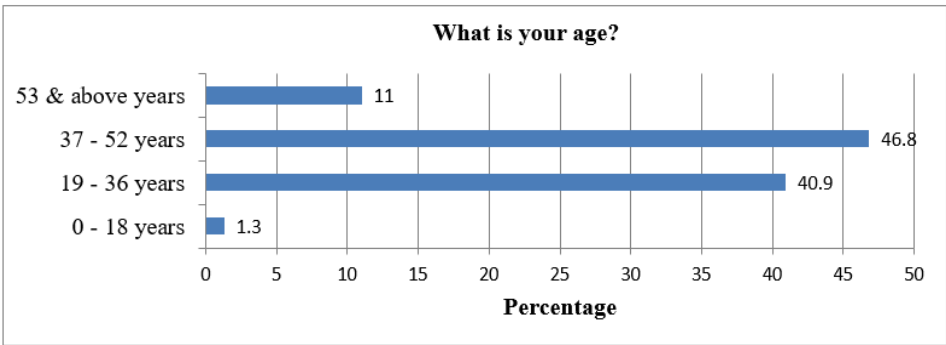


Figure 2: Percentage distribution of age of respondents

The result in figure 2 illustrates that 46.8% of the respondents were aged between 37 and 52 years, 40.9% of the respondent were aged between 19 and 36 years, 11% of the respondents were 53 years and above, and 1.3% were aged 18 years and below. The finding indicates that majority of the population of study constituted of young and middle aged adults. A further analysis, noted that some of the respondents aged between 19 and 36 years reported that they were unable to enroll for examination, register to school, access bursary, and had difficulty registering for birth; thereby indicating the difficulty and challenges residents of Taveta Sub-County experience because of lack of relevant identification documents.

3.1.3 Highest Level of Education Attained

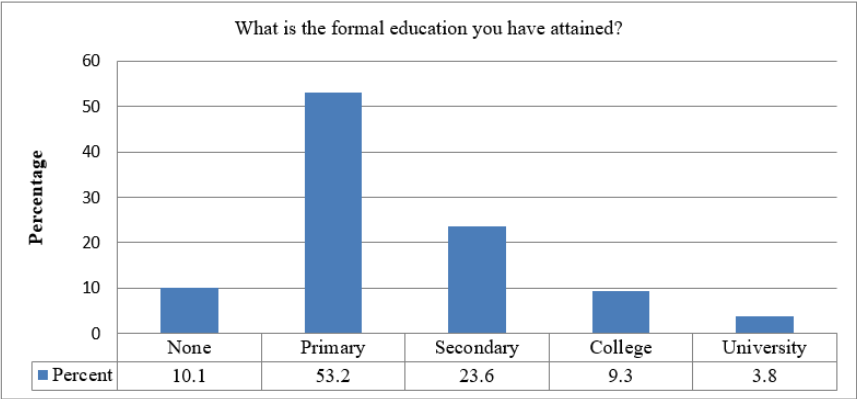


Figure 3: Percentage distribution of highest level of education completed

Figure 3 shows that out of 237 respondents, majority, at 53.2% of community respondents attained primary education, 23.6% completed secondary education and a further 10.1% had no formal education while 9.3% of the respondents reported completing college education and 3.8% attained university education. The finding suggests low literacy levels in the population of study in Taveta Sub-County.

4.1.4 Marital Status of Respondents

The rights to land of young women are through their male relatives (fathers, brothers or husbands) and depend on their marital status or their relationship to a male. In patrilineal systems, sons inherit land, while daughters are assumed to be married to men who have inherited their own land, and couples settle in the husband’s village and vice versa. Figure 4 illustrates the percentage distribution of marital status of the respondents.

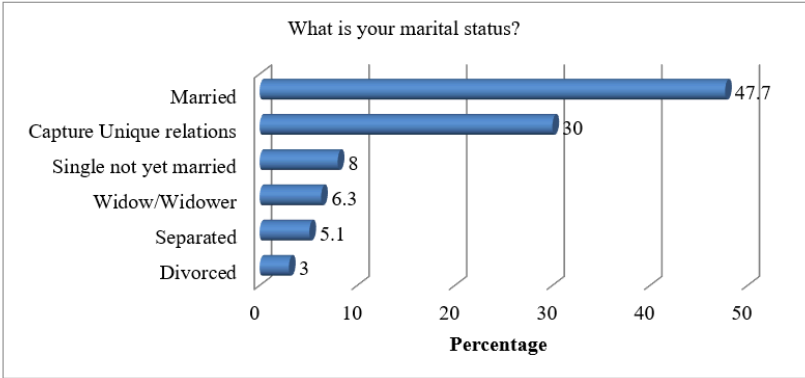


Figure 4: Percentage distribution of marital status of respondents

It was established that 47.7% of the respondents were married, 30% of the respondents reported unique relations whereas the remaining 22.4% of the respondents comprised of single not yet married, divorced, separated, and widowed. This suggests that nearly 50% of the respondents were married.

4.2 Strengthening Women Land Rights

On strengthening women land rights, the baseline study sought to determine the status of local government support, awareness creation of policies, and effectiveness of local leaders in addressing land rights of women, particularly those from Tanzania and having been married in Kenya for over seven years but lacked proper documentation.

4.2.1 Status of Local Government Support for Women’s Land Rights

Figure 5 shows that out of 237 community respondents, 41.8% of the respondents who participated in the study were somewhat unsupportive, 24.9% of the respondents were very unsupportive and 22.8% were neutral whereas 10.6% of the surveyed respondents reported that local government was supportive for women’s land rights.

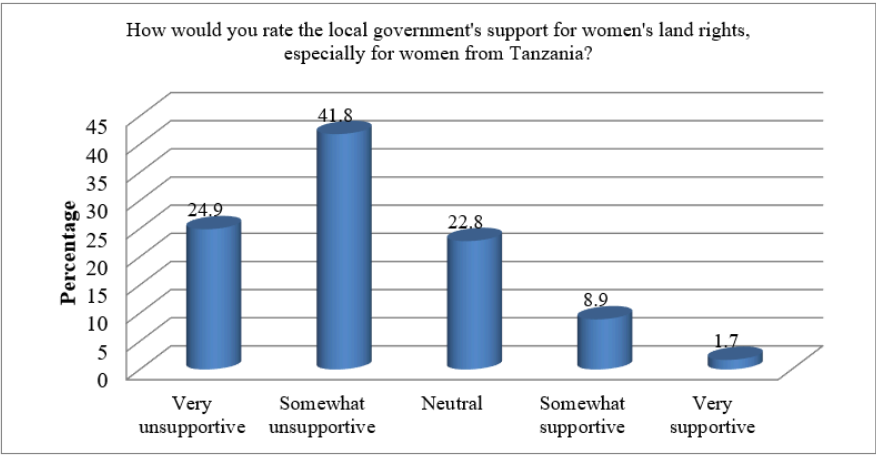


Figure 5: Percentage distribution of local government support

Overall, the result indicated that about 65% of the respondents reported that local government was unsupportive of women’s land rights. Some of the local government support for women’s land rights could be through awareness creation campaign on land rights.

4.2.2 Status of Awareness on Policies addressing Women’s Land Rights

In reference to awareness of policies that address the land rights of women, figure 6 articulates that 47% of the respondents lacked awareness, 14% of the respondents expressed uncertainty, and 39% of the respondents affirmed awareness of policies that address land rights of women who have been married in Kenya for over seven years but lacked proper documentation. The result implies that about 40% of the community members residing along the border of Tanzania and Taveta Sub-County are aware of the policies that address land rights of women who have been married in Kenya for over seven years but lack proper documentation.

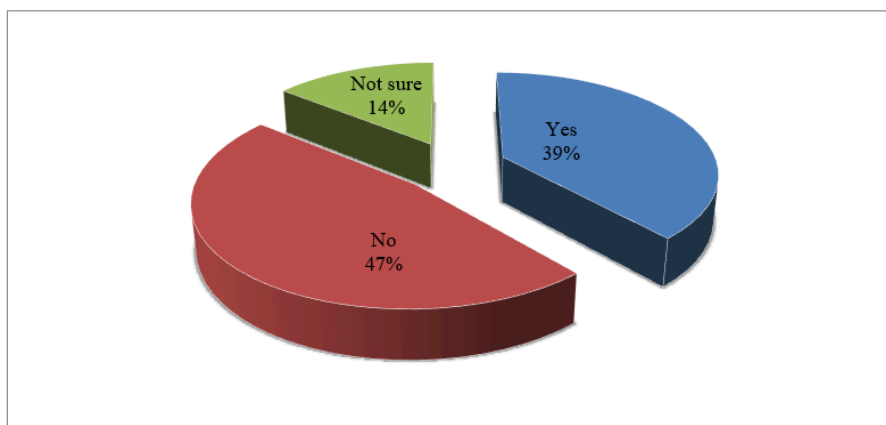


Figure 6: Percentage distribution of respondents' awareness of policies addressing land rights

A further analysis noted that respondents from Ngaringashi location reported significant awareness of policies and laws that address and protect women's land rights whereas respondents of Mahoo and Kitobo locations reported lack of awareness of policies and laws that address and protect women's land rights.

4.2.3 Effectiveness of Local Leaders in Strengthening Women's Land Rights

Figure 7 illustrates that participants generally agreed that local leaders were somewhat effective in addressing women's land rights; with 27.4% of the respondents indicating that there was no effectiveness in addressing women's land rights, 24.5% affirming somewhat effective, 20.7% agreeing that local leaders were effective, 14.3% very effective and 13.1% not very effective.

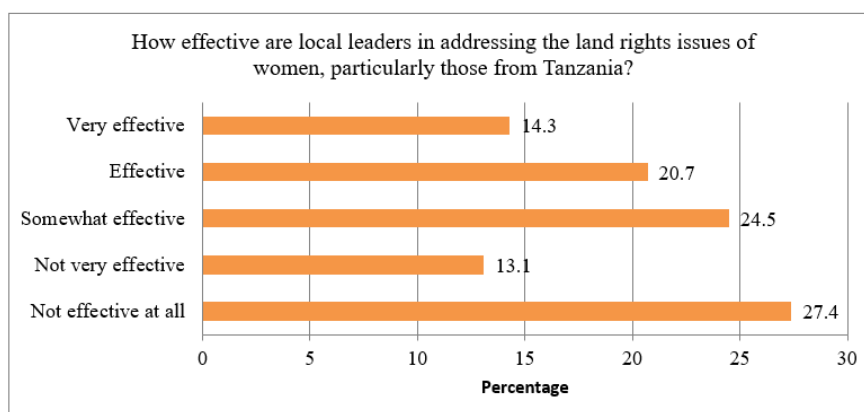


Figure 7: Effectiveness of local leaders in addressing women's land rights

Effective leadership in women's land rights involves fulfilling the obligation to eliminate all forms of discrimination against women. Similarly, such leadership advocate for effective implementation of constitutional provision to secure women's land rights.

4.3 Impact of Social Factors on Women's Land Rights

The social factors analyzed in relation to women's land rights were; educational, marital status, nationality, and age. Figure 8 present the result of analysis.

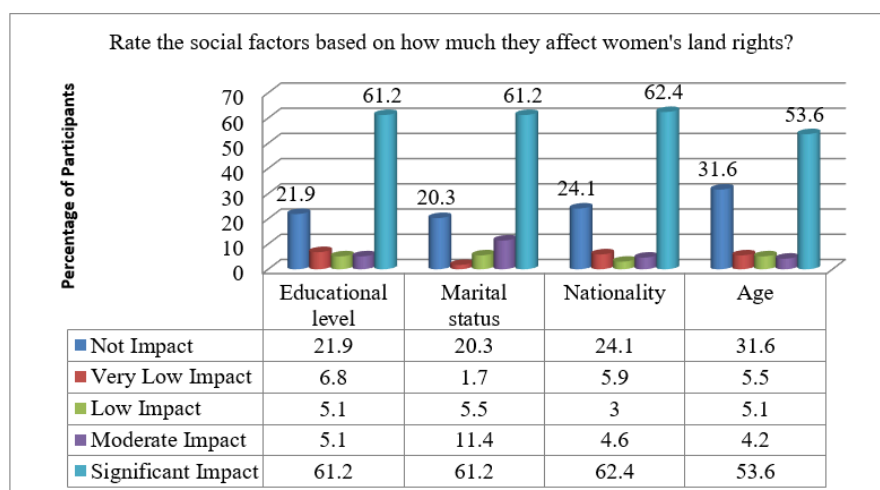


Figure 8: Impact of social factors on women's land rights

The result in Figure 8 indicates that respondents perceived educational level, marital status, nationality and age to have significant impact on women's land rights. Nationality had the greatest impact, followed with educational level and marital status, and age.

4.4 Legal Protection of Women's Land Rights

This section assesses women's land rights in terms of awareness of the laws, effectiveness of the laws in practice, impact of legal barriers, and access to legal aid clinic.

3.4.1 Effectiveness of Laws Protecting Women's Land Rights



Figure 9: Awareness on laws protecting women's land rights

Among the 237 respondents, it was found that 40% reported having awareness on specific laws protecting the land rights of women who have been married in Kenya for over seven years but lacked proper documentation while 60% of the respondents reported lack of awareness. The finding concurs with FGD's finding that they were not aware how current laws and policies affect women land rights.

Similarly, effectiveness of the laws were assessed and the result presented in figure 10

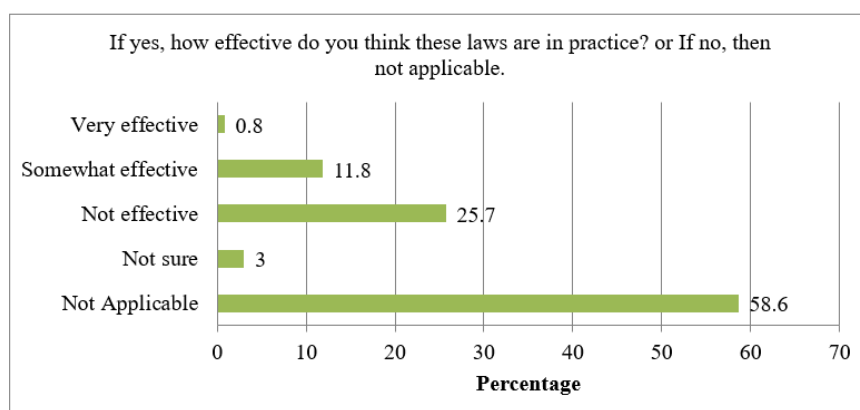


Figure 10: Effectiveness of laws protecting women's land rights

Among the 40% of the respondents, a bigger percentage at 25.7% reported that the laws were not effective in practice while 11.8% agreed that the laws that protect women's land rights were somewhat effective. In addition, the FGD's indicated that current government policies in protecting cross border women land rights were not effective.

4.4 2 Impact of Legal Barriers on Women's Land Rights

Impact was analyzed based on four legal barriers; lack of national ID, citizenship requirement, complex succession laws, and traditional land laws Figure 13 displays the result of analysis.

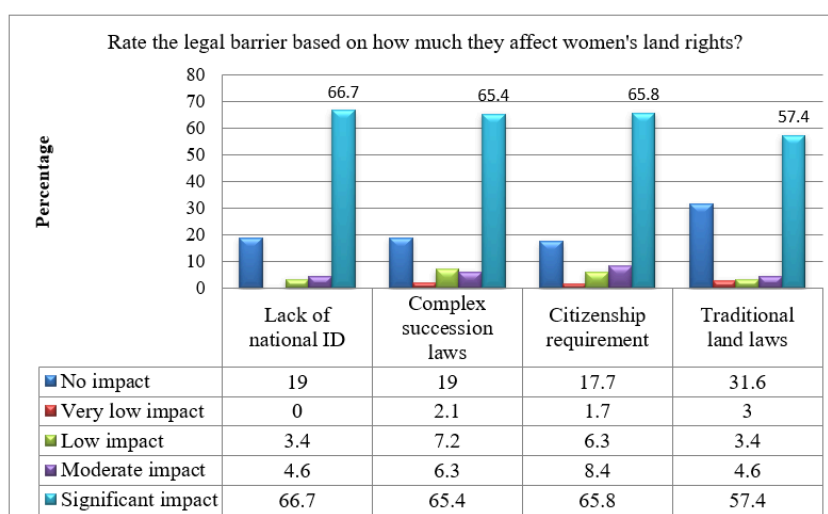


Figure 11: Impact of legal barriers on women's land rights

Overall, Figure 11 illustrates that legal barriers had significant impact on women's land rights. In particular, 66.7% of the respondents reported that lack of national ID, followed by citizenship requirement at 65.8%, then complex succession laws at 65.4% and finally traditional land laws at 57.4%. Therefore, suggesting that the biggest challenge in securing women land rights is when an individual lacks national ID and does not fulfill citizenship requirement; without ID, women remains informal without legal protection. Similarly, the FGD's reported that lack of identification documents was the biggest challenge cross border women face in securing land rights. Some of the comments were;

"Cannot own or inherit land without ID"

"No ID, you can't own, control or inherit land and property"

4.4.3 Access to Legal Aid Clinics on Land Rights

Figure 12 presents the result of analysis on accessibility of legal aid for women seeking their land rights.

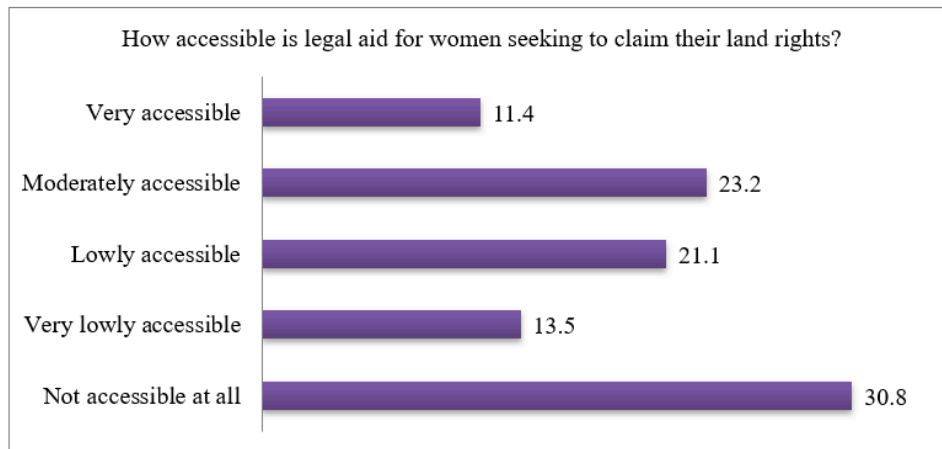


Figure 12: Access to legal aid clinic for women seeking to claim their land rights

The result revealed that legal aid for women seeking to claim their land rights was accessible with only about 30% of the respondents reporting that legal aid was not accessible.

4.4.4 Women's Land Tenure Security

The Key informants acknowledged that cultural norms or practices in the local communities to a small extent contribute to land tenure insecurity since the communities prevalently practice patriarchy and the husbands in the area believe in the finality of traditional marriage and are not willing to legalize or register the marriages as per the Marriage act. This finding is consistent with FGDs finding that reported entrenched Patriarchal norms in the community.

4.5 Status of Women's Economic Empowerment

Economic empowerment refers to women's ability to secure equal access to and control over economic resources, assets and opportunities as well as long term changes in social norms and economic structures. In this study, economic empowerment entailed women access to financial services and the value they attach to ownership of land.

4.5.1 Access to Financial Services

Access to financial services is one pathway to women economic empowerment. Therefore, increasing access to and use of financial services to women is essential to inclusive economic empowerment and poverty reduction.

Figure 13 illustrates the perception of residents of Taveta Sub-County on the status of women access to financial services.

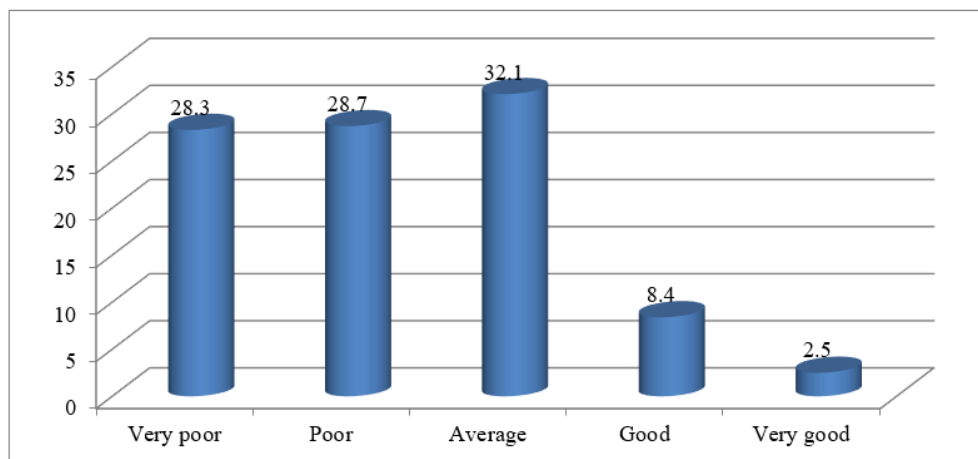


Figure 13: Women access to financial services.

The result in the figure 13 revealed that about 43% of the respondents rated women's access to financial services as average, good and very good while a total 57% of the community respondents reported that women access to financial services was very poor and poor. This result suggests that majority, 57% of the community members hold the view that access to financial services was generally poor. Thereby, indicating that women in Taveta Sub-County face greater financial exclusion.

4.5.2 Land Ownership

On the importance of land ownership for women's economic empowerment, the community survey responses were as presented in figure 14.

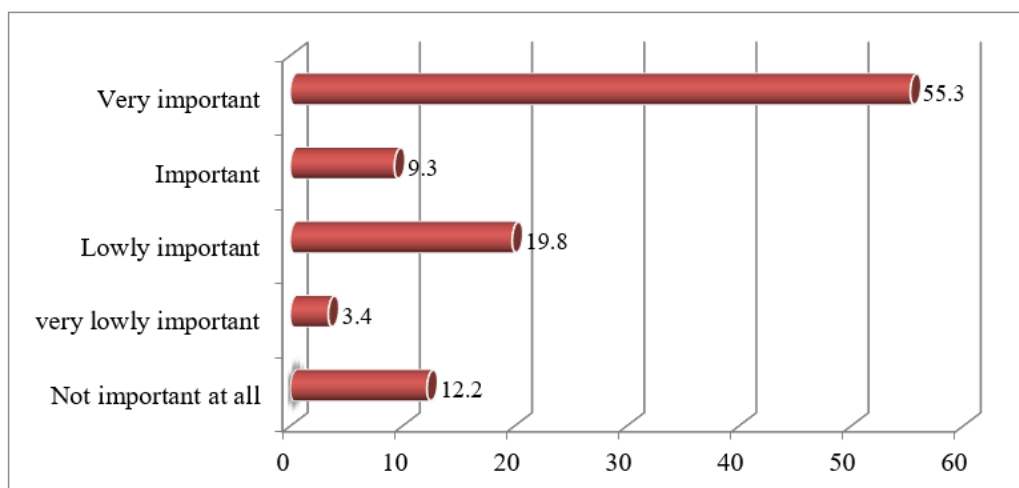


Figure 14: Importance of land ownership for women economic empowerment

The result shows that 55.3% of the respondents perceive land ownership as very important for women's economic empowerment. This finding suggests that the communities in Taveta Sub-County view land ownership as a path to women's economic empowerment.

On the question; how has the disparity in land ownership between cross-border and indigenous women affected agricultural productivity and poverty rates in Taita Taveta County?

The Key Informants made the following remarks;

Since the women know they are not permanent they do not invest much

They do not do much in agriculture due to the fact that they are not sure if they will be evicted

Poverty rate is high due to the fact that they cannot invest in large scale or do much to agriculture because they do not own land

Poverty rate is high due to the fact that they cannot invest since they are not settled and can only plant short term subsistent crops

From the key informant interviews, it is provided that the citizenship and immigration status of the cross-border women negatively affects their participation in agricultural productivity and led to increase in poverty among cross-border immigrant women in Taveta, Kenya.

4.6 Documentation Challenges

This study assesses the value of identification documents by examining challenges in access to public services and government programs, participation in community development initiatives and decision making processes, and challenges faced in regularizing immigration status.

4.6.1 Challenges posed by Lack of Identification Documents

In regard to how lack of national ID cards affected women's participation in land succession processes and economic activities in the region, it was noted that lack of legal ID card deprived the cross-border immigrant women their power to assert economic and social participation. Some of the KII's responses were;

- Yes, it is hard to acquire land due to lack of documentation
- Hard to operate a business
- They cannot inherit due to lack of documentation unless they give it to their children
- Cannot own land for inheritance
- Cannot be registered in their names because of lack of proper documentation
- Cannot start a business in their name or register an account number
- They are unable to do succession and end up being victims of harassment by in-laws

They cannot participate in economic activities or travel for businessThe findings were consistent with FGD findings indicating that lack of identification documents among cross border women negatively affected their participation in development program, land ownership and economic opportunities. Some of the comments they made included;

"Can't own, lease, buy, or inherit my husband's land"

"Can't freely travel and obtain business permit"

"Cannot get loan from bank or open bank account"

Further analysis of KII's revealed that the immigrant women from Tanzania lacked feeder identification documents to enable the government process or provide IDs to women married from Tanzania and residing in Taita Taveta County. As regards to legal or administrative changes necessary to improve the process of obtaining identification documents for long-term residents from Tanzania; the key informants suggested policy changes, sensitization in border towns, longer periods for temporary passes, reduced duration for married people, chiefs can be used as referees to shorten the period and reduce the period for getting citizenship for those who have been in the country.

On the strategies to educating cross boarder women about their land rights and succession laws, and ensuring the information reaches the most vulnerable women; the key informants suggested for;

- Partnerships between NGO's and leaders for sensitization
- Training sessions to empower them
- Training them directly in the villages as opposed to being in towns
- Sensitization in border towns
- Going down to the villages
- There is a need for sensitization and awareness campaigns

In relation to improving cross-border cooperation between Kenya and Tanzania, to address the challenges faced by Tanzanian women married in Kenya; the key informants remarked that:

- It will help so that they can work easily and reduce stringent rules to accommodate each other
- Cross border cooperation is possible with a policy document accommodating all partners' even police officers for criminals' chiefs since they know their residents and immigration officers.
- Cross border cooperation to include both NGOS and government stakeholders
- Bringing all stakeholders on board and addressing challenges the different stake holders face
- More use of local structures to sensitize the women from both sides on the immigration issues

4.6.2 Barriers Preventing Women from Getting Proper Identification Documents

The qualitative analysis of KII's noted that the most barriers preventing women, especially those from Tanzania, from obtaining proper identification documents in Taita Taveta County included;

- Lack of feeder documents
- Most women gained entry to the country illegally and some had their documents expire and failed to regularize immigration status.
- Some came to work and stayed
- Lack of information on immigration requirement
- Fear and illiteracy
- Most of the women do not understand what is needed for the process of registration.
- Lack of valid passports

Additionally, FGD's findings revealed the following barriers for Tanzanian women who sought regularization in Kenya;

- Tanzania's prohibition of dual citizenship
- Long-term residence patterns of Tanzanian women in Taveta, Kenya
- Birth registration does not confer automatic citizenship right when one parent is not Kenyan
- Current prohibitive fee structure for immigration processes
- Fraudulent documentation
- Systemic challenges in implementation and enforcement of immigration policies.
- Kenyan spouses discourage citizenship applications

CHAPTER FIVE

SUMMARY OF KEY FINDINGS, CONCLUSIONS AND RECOMMENDATIONS

5.1 Summary of Key Findings

Based on the multidimensional analysis of the study findings on data collected from community questionnaires, key informant interviews, focus group discussions, and desk reviews, the following key findings were made;

5.1.1 Women’s Land Rights and Economic Empowerment

5.1.1.1 Strengthening of Women’s Land Rights

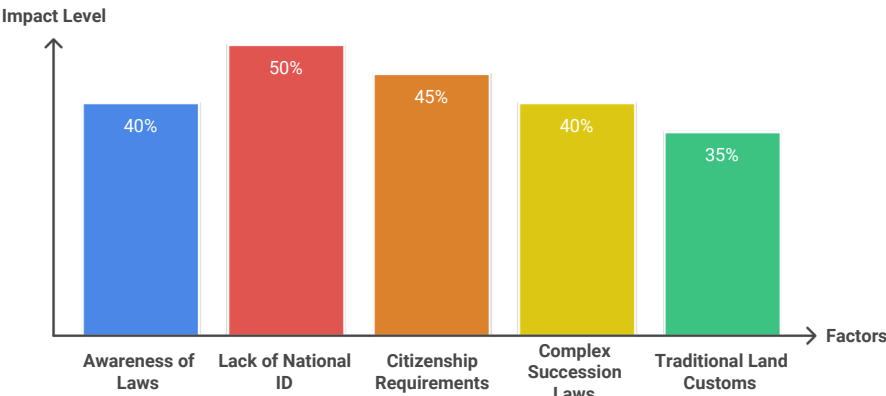
On strengthening of women’s land rights, the study established that;

- 1.Nearly 60% of the community members were unaware of specific policies that address the land rights of women of Tanzanian origin, making them vulnerable to land tenure insecurity.
- 2.About 65% of the community members reported local government’s unsupportiveness in strengthening women’s land rights.
- 3.Local leaders were somewhat effective in addressing the land rights of Tanzanian women residing in Taveta, Kenya.
- 4.Nationality was rated to have the greatest impact on women’s land rights compared to the impact attributed to educational level, marital status and age.

5.1.1.2 Legal Protection of Women’s Land Rights

On legal protection of women’s land rights, the study noted that:

- i.Approximately 40% of the respondents reported awareness on laws protecting women’s land rights, and that these laws were somewhat effective in practice.
- ii.Lack of national ID had the greatest impact on women land rights, followed by citizenship requirements, complex succession laws, and traditional land customs.
- iii.There is limited access to legal aid for women seeking to claim their land rights.



Factors affecting women’s land rights

5.1.1.3 Status of Women’s Economic Empowerment

On economic empowerment, the respondents reported that;

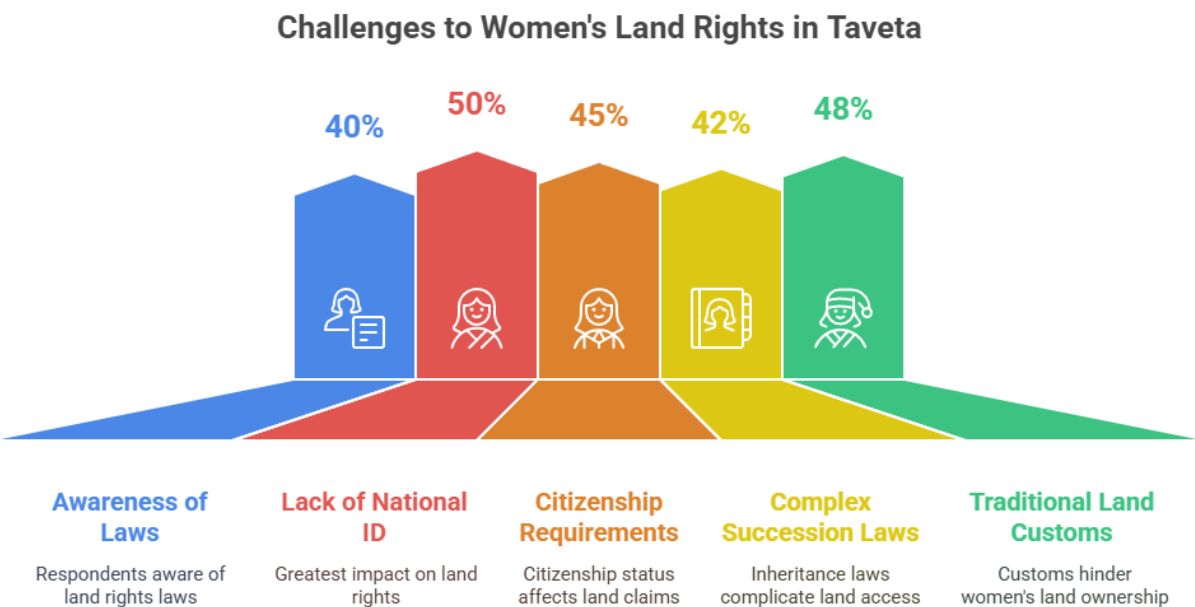
- i.Nearly 60% of the respondents held the view that women access to financial services in the community was poor leading to financial exclusion.
- ii.About 55% of the respondents indicated that women’s land ownership is very important for agricultural productivity and poverty reduction.
- iii. Lack of land tenure security negatively affected agricultural productivity, resulting into food insecurity and increase in poverty among cross-border women residing in Taveta, Kenya.

5.1.2 Challenges in Regularizing Immigration Status of Tanzanian Women inTaveta

5.1.2.1 Lack of Proper Documentation

On lack of proper documentation, the study noted that Tanzanian women residing in Taveta face multifaceted and complex documentation challenges. That:

- i.A significant number of women lack valid passport or proper documentation from their home country, often due to historical circumstances or the prohibitive cost of obtaining such documents. This situation is further complicated by the fact that many women have bypassed formal border crossing procedures entirely, either due to lack of awareness, financial constraints, or the practical realities of cross-border community life.
- ii.Local authorities, including chiefs, have occasionally facilitated irregular documentation processes, often responding to humanitarian considerations or community pressure. While well-intentioned, these informal arrangements have created additional complications for future regularization efforts and have sometimes exposed women to exploitation or uncertainty regarding their status.



5.1.2.2 National Legal Framework Issues

The study established that legal landscape presents several significant barriers to Tanzanian women on regularizing immigration status, including:

i. Tanzania's prohibition of dual citizenship creates a fundamental barrier for women seeking Kenyan citizenship while maintaining ties to their country of origin. This restriction forces women to make difficult choices between maintaining legal connections to their homeland and family versus securing their status in their adopted country. The situation is particularly complex for women who have inherited property or maintain family responsibilities in Tanzania.

ii. Birth registration in Kenya presents another significant hurdle. While children born in Kenya receive birth certificates, this documentation does not automatically confer citizenship rights when one parent is not Kenyan. This creates a challenging situation for children of Tanzanian mothers, who may find themselves in legal limbo despite being born and raised in Kenya. The interpretation and application of relevant citizenship laws have been inconsistent, leading to confusion and uncertainty among affected families.

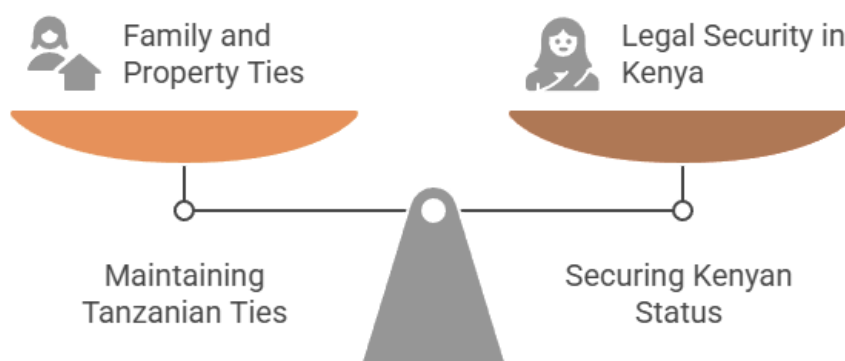
iii. The current fee structure for immigration processes in Kenya has become increasingly prohibitive. Application fee, documentation requirements, and associated cost have risen substantially in recent years, creating an insurmountable financial barrier for many low-income applicants. This particularly affects long-term residents who might otherwise qualify for citizenship or permanent residency based on their duration of stay and community integration.

5.1.2.3 Systemic Issues

i. There is notable poor coordination between relevant government departments, including immigration offices, local administration, and national registration bureaus. This lack of coordination often results in conflicting requirements, duplicated efforts, and inconsistent application of policies.

ii. Public awareness and information dissemination about proper procedures remain insufficient. Many women lack access to accurate information about their rights, obligations, and available pathways to regularization. Language barriers and limited access to official information channels further compound this problem.

iii. Border porosity has contributed significantly to irregular migration patterns, particularly in areas where traditional community movements predate current national boundaries. While an immigration system exists, it faces substantial challenges in implementation and enforcement, often struggling to balance security concerns with the practical realities of cross-border communities.



Balancing citizenship choices for Tanzanian women

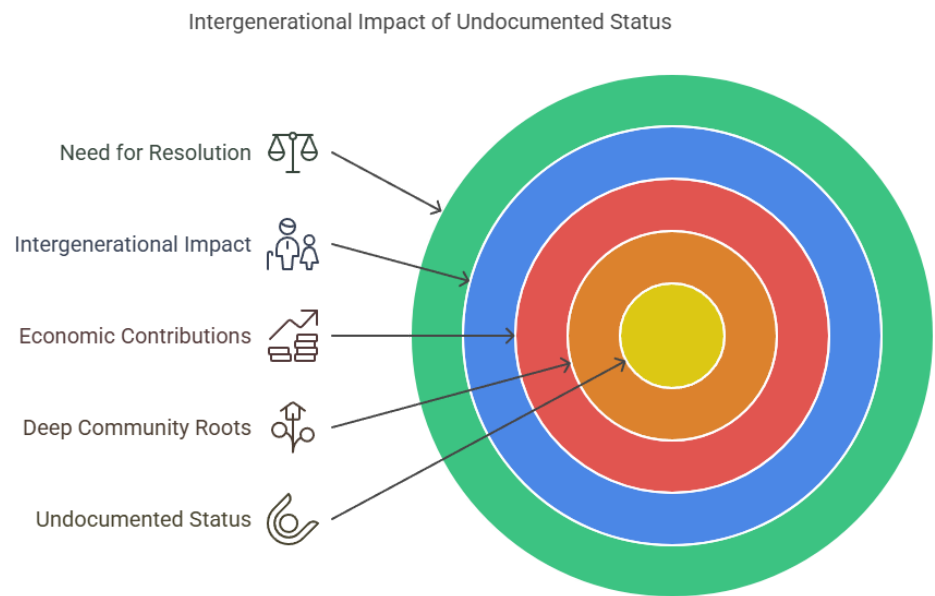
5.1.2.4 Humanitarian Concerns

The long-term residence patterns of Tanzanian women in Taveta present compelling humanitarian considerations that cannot be ignored. In evidence, it was established that;

- i.Many of the women have lived in Kenya for over three decades, hence developing deep roots in their communities. They have established families, built homes, and created lasting social and economic ties. Cases where grandchildren have successfully obtained identification documents while their grandmothers remain undocumented highlight the intergenerational impact of this issue and the urgent need for resolution.
- ii.The socioeconomic factors surrounding long-term residence patterns of Tanzanian women in Taveta demonstrate both the women’s vital role in the community and their vulnerability. The women provide essential labor in the local economy, particularly in agriculture, small-scale, trading, and domestic work. However, their undocumented status leaves them vulnerable to various forms of exploitation, including below-market wages, poor working conditions, and limited access to legal recourse.
- iii.Some Kenyan spouses actively discourage citizenship applications, often due to concerns about property rights or desire to maintain economic control. This creates an additional barrier to regularization and can perpetuate cycles of dependency and vulnerability.

5.1.8 Political Issues

- i.The study established troubling inconsistencies in the application of immigration laws. For instance, there have been documented instances of political actors exploiting documentation gaps for voter registration purposes, particularly during election periods. This highlight a stark disconnect between the political willingness to bend rules for short-term political gain versus the rigid application of requirements for legitimate residency documentation.
- ii.Some politicians advocate for more lenient approaches to long-term residents, while others emphasize strict enforcement of immigration laws, creating confusion and uncertainty among affected populations.
How does this present an opportunity for disenfranchisement of the women that lack documentation

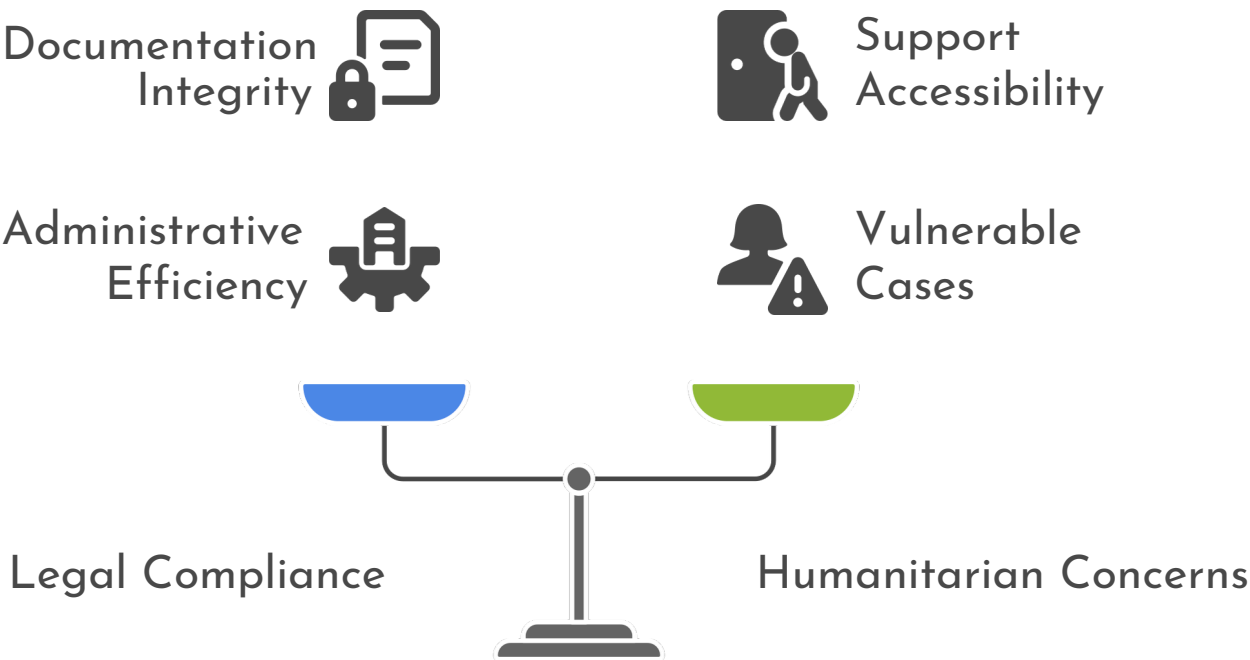


5.2 Conclusions

In light of the main findings, the study concludes that;

- 1.Although a significant number of community members in Taita Taveta County acknowledge somewhat effort in strengthening women’s land rights, securing legal protection and promoting economic empowerment; lack of proper documentation among Tanzanian women in Taveta limits their participation in economic empowerment programs and sustainable development. This situation calls for resolution of the challenges in order to facilitate promote women’s economic empowerment in the affected population.
- 2.While Kenya maintains specific legal requirements for citizenship and immigration, the situation of Tanzanian women residing in Taveta requires a balanced and nuanced approach that considers both legal compliance and humanitarian factors. This is because historical oversights and systemic challenges have created a complex situation requiring thoughtful, comprehensive resolution. The lack of proper documentation and legal framework challenges deprives the women of their rights to land and financial inclusion. Consequently, suggesting a need for reformed administrative processes, enhanced accessibility of legal documentation, stronger support systems for vulnerable cases, and clear pathway for regularization of long-term residents. However, these solutions must maintain legal integrity while addressing humanitarian concerns and practical realities on the ground.

Success in addressing these challenges will require sustained commitment from all stakeholders, including government agencies, local authorities, NGOs, and community leaders. The outcome will not only affect the lives of thousands of women and their families but will also set important precedents for handling similar cross-border community issues in the future..



Balancing legal integrity and humanitarian needs.

CHAPTER SIX

RECOMMENDATIONS

Following our continuous engagement with the vulnerable women groups in Taita Taveta, the following are some of the key recommendations from the study;

1. Policy advocacy is vital in advancing a much-needed positive social change in Taveta. This can be achieved by engaging duty bearers and decision-makers to get their buy-in the conceptualization, adoption and enforcement of the requisite policies that address key needs in the society thus improving people's lives.

The Imarisha Wajane study shows that there is a critical need for urgent policy intervention. The ongoing asset stripping of immigrant Tanzanian widows due to lack of clear status documentation is not only a land and property rights issue, it is also a human rights abuse. Since the impacted women are considered to be “foreigners”, their ability to access legal protection, justice, healthcare, education and financial services is not guaranteed inspite of them proving that they are/were married to Kenyan spouses. This exacerbates their exposure to abuse and exploitation. Together with her partners KLA should do the following to enhance policy dialogues;

a) Facilitate local multi-stakeholder platforms and conversations that advance the women’s land rights agenda. Policy dialogues can be convened to bring together County and National government officials, local duty bearers, custodians of culture, affected community members and cross-border authorities to raise awareness and increase the visibility of the issue. This is not just for awareness creation purposes but it will also go a long way in regularizing documentation processes and policies.

b)Document and share evidence

KLA should undertake more community-focused research, such as the Imarisha Wajane’s ‘Undocumented and Disempowered’ study, in order to support impacted widows to access justice, document case studies, and collect data. This information can then be used as evidence to shape policy briefs, position papers, and media awareness campaigns that influence both county and national decision-makers. These efforts should include clear information about rights, procedures, and available support services in languages understood by the target population.

c)Support legal and administrative reforms

Through its access to justice and legal aid initiatives, KLA can engage in advocacy to reform the handling of land and property rights affecting cross-border immigrant women living in Kenya.

d)Build capacity of local leaders and women

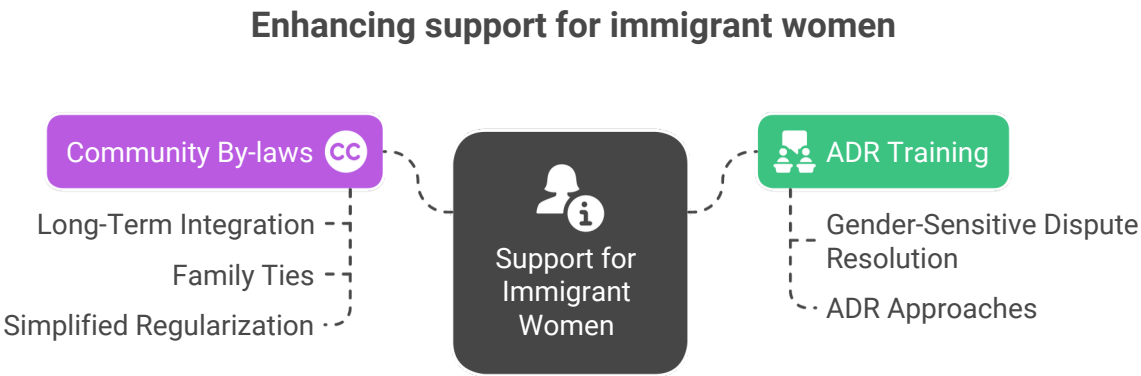
Through capacity building workshops and access to justice focused training, KLA can undertake trainings of local chiefs, community elders, religious leaders, Nyumba Kumi leaders and local level administrators on women’s land rights and the legal implications of being “undocumented”. These trainings can be part of the initiatives to impart legal literacy and legal knowledge that the immigrant women direly need.

2.) The County administration level administrators can be trained to become effective agents of change and offer support to the immigrant widows.

The Local level administrators e.g., the County Commissioners, Sub County Officials and Chiefs) possess authority to facilitate access to legal documents and can identify the local residents, consequently, when meaningfully involved, they can become advocates for inclusive administrative processes such as registration of immigrant Tanzanian women in Taveta. To have them be part of the solution means it will be easy to break down formal administrative barriers, easy to overcome legitimacy and trust challenges, and expedited documentation processes.

KLA should do the following to enhance the collaboration efforts with county level administrators;

- a)Undertake legal awareness and sensitization campaigns;**
Legal education has been amongst KLA’s key strategies to support lay indigent women including widows. KLA can work with chiefs and county administrators to conduct community forums and sensitization workshops aimed at educating immigrant women and the wider community about women’s land rights, possession of matrimonial property and arising legal opportunities available for ‘undocumented’ individuals to access land justice.
- b)Advocate for policy inclusion;**
KLA can engage county-level policy makers and chiefs in the development and implementation of inclusive land policies that are community responsive and recognize cross-border marriage challenges. Besides legal aid, historical justice issues that touch on documentation irregularities, mechanisms can also be highlighted and addressed by both Governments. These measures must balance legal requirements with humanitarian needs, recognizing complex societal and family ties that have developed over decades.
- c)Training on ADR mechanisms for better conflict resolution;**
KLA can train chiefs and administrators on gender-sensitive dispute resolution and ADR approaches to land and property disputes. Local NGO-government collaboration should be enhanced to identify and support eligible cases, providing legal aid, documentation assistance, and advocacy where needed.
- d)Local community responsive by-laws especially in the context of Communally held lands;**
Together with local authorities, KLA can work towards developing supporting communities to be more sensitive to the plight of the immigrant widows and consider their needs in the drafting ang and adoption of Community protocols, for example; a simplified regularization process for those who can demonstrate long-term community integration and family ties. These special provisions can then be adopted as sign of good faith.



3. Collaborative advocacy involving both State and Non-State actors would go a long way in addressing the challenges faced by immigrant women due lack of proper information and documentation.

The Imarisha Wajane study provides evidence of the dangers the immigrant women have to face in their pursuit of their matrimonial property. Issues such as systemic exclusion from land and property rights processes, social exclusion, discrimination on the basis of gender and other societal ills. Non-state actors can bridge some of these gaps by offering legal aid, advocacy, and community sensitization to empower the impacted immigrant women, thus restoring their dignity and move them a step closer to meaningful participation in economic and social processes. KLA should do the following to enhance collaborative efforts with county level non-state actors;

a)Establish local level multi-stakeholder forums to guide the immigrant widows especially in regard to legal and psychosocial support;

Kenya Land Alliance (KLA) should convene regular dialogue platforms with county-level NGOs, grassroots organizations and CBOs in order to promote collaboration. Local partnerships would go a long way in expediting and coordinating support efforts, sharing data, and in cases where initiatives overlap, working to align strategies.

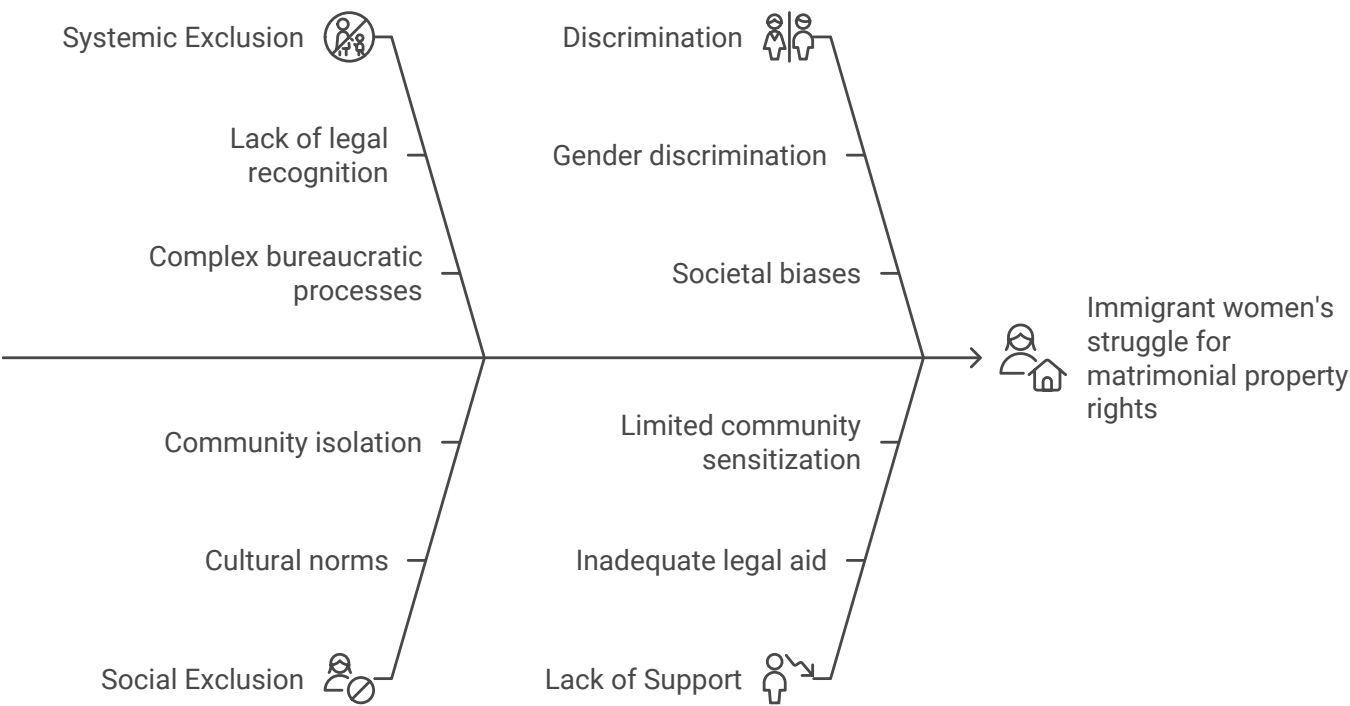
b)Capacity building and technical support;

KLA can continue offering training, Legal Aid, and resource materials to empower local non-state actors to identify, document, and support affected immigrant women in handling their land and property rights challenges.

c)Joint advocacy and policy engagement

The KLA Secretariat and her members should partner with local actors to drive unified advocacy campaigns with the aim of addressing policy gaps while pushing for reforms in both administrative processes and legal frameworks.

Challenges Faced by Immigrant Women in Matrimonial Property Pursuit



4. "Nothing about us without us"



Local women should be encouraged to own their struggles as well. To understand their rights and claim them vehemently thus entrenching the practice of involvement of women in decision making processes, more specifically in regards to the women land and property rights conversation.

Immigrant women owning this conversation together with community actors can bridge gaps between local authorities and marginalized women thus providing an anchor for the development and implementation of inclusive policies, and community inclusive knowledge on land and property rights. Our report shows that in the absence of local engagement and women owning the conversation, systemic exclusion and inequality will persist, if the complainants are still left out of the important conversations that impact their lives. KLA should do the following to enhance community level efforts of inclusion and support the impacted immigrant women to own this dialogue;

a)Strengthen community structures;
Kenya Land Alliance should build the capacity of grassroots networks (women’s groups, local leaders, and paralegals) to champion women’s land rights (WLR) in order to ensure that the voices of women are central in WLRs conversations within local land governance processes in the context of immigrant women.

b)Facilitate inclusive dialogue platforms
Through the already existing Kenya Land Alliance InfoHubs in Taita Taveta County, there is a need to establish safe spaces for cross-border and inter-community dialogues. In these spaces, immigrant women can engage with local authorities and share experiences as part of seeking lasting solutions.

Strategies to support immigrant women's land rights

Strategy	Description
 Strengthen Community Structures	Build capacity of grassroots networks
 Facilitate Dialogue Platforms	Establish safe spaces for cross-border dialogues



KENYA LAND ALLIANCE

P.O BOX 2177 - 201000, Nakuru
TEL: +254 731 282 207

Email: info@kenyalandalliance.or.ke
Website: www.kenyalandalliance.or.ke