https://dspace.org/

Evaluating The Awareness of Women's Rights among Barmaids in Kenya

Kitheka Ndunga, Shadrack; E A Owakah, Francis

2023-12
Haki Journal of Human Rights
http://ir-library.kabianga.ac.ke/handle/123456789/1058
Ndunga, S. K., & Owakah, F. E. (2023). Evaluating the awareness of women's rights among Barmaids in Kenya. Haki Journal of Human Rights, 2(2), 65-77.

Downloaded from a DSpace repository. https://dspace.org/

Evaluating The Awareness of Women's Rights among Barmaids in Kenya

Shadrack Kitheka Ndunga[1]

University of Kabianga

Email: sndunga@kabianga.ac.ke

&

Francis E A Owakah[2]

University of Nairobi.

Email: francis.owakah@uonbi.ac.ke

Haki Journal of Human Rights Vol 2 No. 2, December 2023

hakijhr@uonbi.ac.ke

http://uonjournals.uonbi.ac.ke/ojs/index.php/hakijhr/index/

https://www.ajol.info/index.php/hjhr/index

eISSN:2789-9845 print ISSN: 2789-9837

[1] Shadrack Kitheka Ndunga is a Lecturer in Human Rights at the University of Kabianga and a PhD Student in Human Rights at the University of Nairobi.

[2] Francis Owakah is a Senior Lecturer, Philosophy, and Co-ordinator, Centre for Human Rights & Peace (CHRP).

Abstract

This paper is based on a study titled *Examination of Human Rights Awareness and Knowledge among Barmaids in Mathare Sub County in Nairobi County*[3].In today's society, educated women have the power to safeguard themselves against abuse and discrimination, thus fostering promotion of human rights. However, there many others still unaware of their human rights and protective mechanisms. In this paper, we evaluate human rights awareness among barmaids in Mathare Sub County, Kenya. Human rights are important because no one should be discriminated against and because everyone should have the opportunity to develop their talents. Sadly, many barmaids in Kenya do not have knowledge of these basic rights and freedoms. Human rights indicators are essential in the implementation of human rights standards and commitments, to support policy formulation, impact assessment and transparency. The paper focuses on barmaids, a marginalized group of women who face unique challenges in their workplace. A descriptive survey design was used with 88 barmaids from 59 bars and clubs being sampled. The study established no correlation between demographic factors like age, education level, and length of service and human rights awareness like the right to health care, emergency medical attention, political participation, the right to life, economic and social rights, equality and freedom from discrimination, the right to be free from arbitrary arrest, and due process in court and before administrative bodies, as denoted by X^2 (4, N = 81) = 1.28, P =.86, X^2 (5, N = 81) = 1.69, P =.89, and X^2 (3, N = 81) = 2.9, P =.41 respectively. The study concluded that human rights awareness and knowledge are essential for providing barmaids with a safe and equitable workplace. However, barmaids face abuse and discrimination due to their limited understanding of avenues available for the justiciability of economic, social and cultural rights. While the debate in the wider society on the justiciability of these rights is largely irrelevant, it is worrying that a section of society still lacks knowledge of how their human rights should be enforced and secured. The lack of this knowledge has largely been blamed for human rights violations in Africa.

Keywords: Human Rights, Women's rights, Barmaids, level of Awareness and Knowledge

Introduction

In today's society, educated women have the power to safeguard themselves against abuse and discrimination. Achieving gender parity requires knowledge of women's rights, their promotion and enforcement. Several countries have passed laws protecting women's rights within the framework of the Convention on the Elimination of All Forms of Discrimination Against Women CEDAW (1979). The CEDAW Convention is built on three foundational principles: non-discrimination, state obligation and substantive equality. Non-discrimination is integral to the concept of equality. As the international legal instrument that requires countries to eliminate discrimination against women and girls in all areas and promotes women's and girls' equal rights, the framework of the obligations under the CEDAW Convention is constructed on three main principles: the obligation to respect (equality in laws and policies); the obligation to protect (non-discrimination-direct and indirect) and the obligation fulfil (to uphold equality and eliminate gender discrimination in all spheres of life).

The Convention provides a complete definition of sex-based discrimination, described as any exclusion, restriction or distinction on the grounds of sex, which intentionally or unintentionally impairs or nullifies the recognition, enjoyment and exercise of women's social, cultural, political and economic rights. Through CEDAW, where legal protections are stipulated to enrich women to enjoy their rights. The Convention stipulates that women need to understand the laws that protect them. Each woman has inherent rights, and it is from these rights that the concept of women's rights emerges. Women have some rights that will never be taken away from them. In this context, CEDAW establishes the fundamental principles to safeguard women's rights and defines those rights.

Kenya acceded to CEDAW in 1984 in order to ensure gender equity and equality.[3] In an effort to implement the Convention, Kenya has undertaken several strategies from legislative, policy to programmatic. The process has been slow but steadily progress can be seen. There is evidence that CEDAW has proved invaluable in opposing the effects of discrimination, which include violence, poverty, and lack of legal protections, along with the denial of inheritance, property rights, and access to credit. In short, there are legislations and policy framework for promoting women's rights.

Barmaids and Women's Rights

We define a barmaid as a female employee responsible for serving beverages in bars and taverns. They frequently experience undesirable sexual harassment, life threats, emotional labor, and tension as a result of emotion management. Barmaids are essential in establishing a pleasurable ambiance and guaranteeing patron contentment. The level of service rendered by a pub or establishment substantially impacts its level of success within the culinary industry. This definition is categorizing and, in most cases, stigmatizing since the general public perceives this category of females as unable to find respectable work elsewhere. This creates

[3]Signing a treaty is only an indication that a country approves of it. It is non-binding. However, ratification or accession is the process by which a country makes the treaty binding law.

particular discrimination not just on account of their occupation but specifically on account of sex.
The authors are aware of the controversy surrounding the two concepts, sex and gender. We choose to clarify that in this article, sex will be used for the different biological and physiological characteristics of males and females, such as reproductive organs, chromosomes, and hormones. In contrast, gender will be used to mean the socially constructed characteristics of women and men, including norms, roles, and relationships of and between groups of women and men.

In assenting to CEDAW, Kenya was making a statement about her desire to improve women's rights, to promote, protect and fulfil. In light of this, women should have a unique chance to not only advance the cause of gender equality but also to protect the gains achieved which should spread across the society, with no one being left behind (Matagaro 2013, p.10). The Kenya Constitution of 2010 ushered in a new era for the country. It not only created a new political and administrative architecture, but also introduced a progressive and comprehensive bill of rights (See Republic of Kenya, 2010, The Constitution of Kenya, Cap 4). Before this, the growing calls for change and an appreciation of human rights from Kenya's civil society made the demand for human rights awareness more vital than ever.

Besides the Chapter 4 of the Constitution, the Kenya's government adopted Women in Development (WID) a framework that provided and based on a recognition of the importance of the roles and status of women in development process. WID was meant to give special attention to women's role, while extending development assistance as well as establish and bolster national machinery to advance and coordinate women's programs (Nzomo 1994, p.18).

However, there has been a persistent disdain for women's rights for many years not just in Kenya but Africa in general. Even though the nation has been independent for a considerable period, many Kenyans still do not have full knowledge and implication of the law. Awareness of women's rights and the protective laws in a nation may help propel their advancement in many areas of life, including academic, social life, politics, empowerment, and personal growth.
According to FIDA (2008, p.8), working as a barmaid is often seen as a negative reflection of one's character. Conservative and unfavourable cultural norms define the social conditions of women who work in bars. The term barmaid is deemed offensive and a menace to society's morality.

Forst (2018, 150) identifies various causes for this phenomenon, including religious bigotry, extremism, political intolerance, biased social evaluations of women, ineffective community leadership, and erosion of the rule of law, which contributes to the vulnerability of marginalized groups. Further, Forst highlights the escalating tensions due to development concerns and a lack of education on human rights issues, which perpetuates discrimination and injustice, emphasizing the need for comprehensive societal reform and educational initiatives (Ibid.).

Despite the rise in women's rights advocacy and the available structures and policies that favour progressive women's agenda, society has made it possible for barmaid rights to be violated. This ignores the fact that a violation barmaids' rights is a violation of women's rights.

In this paper we argue that, given the high likelihood of abuse by customers and society in the cause of duty, it becomes imperative that we evaluate the barmaids' awareness and knowledge of human rights. This information would go a long way in determining intervention strategies that would enable promotion and protection of their human rights.

Objectives

This paper aims to assess the level of human rights awareness among barmaids in Kenya. The specific objectives are:

1. To determine the level of knowledge and awareness of human rights among barmaids in Mathare sub-county, Nairobi.
2. To evaluate the impact of the level of human rights awareness on human rights violations among barmaids in Mathare sub-county, Nairobi.
3.

Methodology

The paper used a descriptive survey design to evaluate the extent to which barmaids are familiar with and knowledgeable about human rights (Ndunga 2018, p.23). A descriptive survey design allowed questionnaires to collect data to ascertain the population's current status concerning human rights awareness. Therefore, the design emphasizes on quantitative methods since it provides numerical data and statistical evidence to investigate phenomena under scrutiny

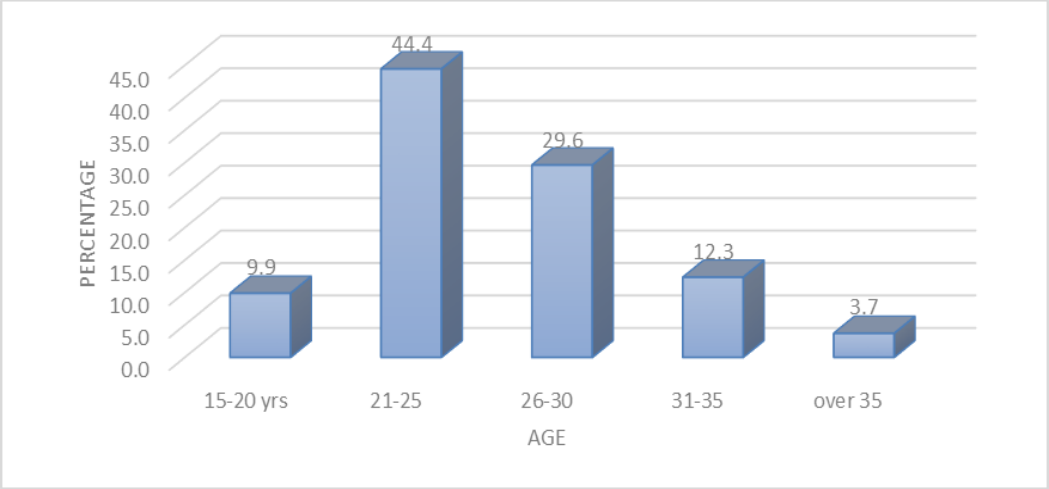
In addition, the study employed closed-ended questions to measure characteristics, compare levels of awareness, test relationships, and prepare for more in-depth studies. The study's participants were selected based on the following demographic characteristics: age, gender, ethnicity, education level, and socioeconomic status. A total of 88 barmaids from 59 bars/clubs in the Mathare sub-county were sampled through a simple random sampling (Ndunga 2018, 25).

Findings and Presentation

The obtained data was verified, processed, analysed and presented in tables, figures, and charts to illustrate insightful information on the level of knowledge and awareness of human rights for the barmaids working in Mathare sub-county. From the study's findings, conclusions were drawn based on objectives and research questions. Equally, the presentation of our findings was based on respondents' demographics.

Data gathered through questionnaires was analysed into descriptive and inferential statistics and became meaningful inferences, as displayed in the subsequent presentations. The organization and presentation of the findings were carried out in conjunction with the research questions and subjects that were addressed, followed by a synthesis of the issues that were discovered.

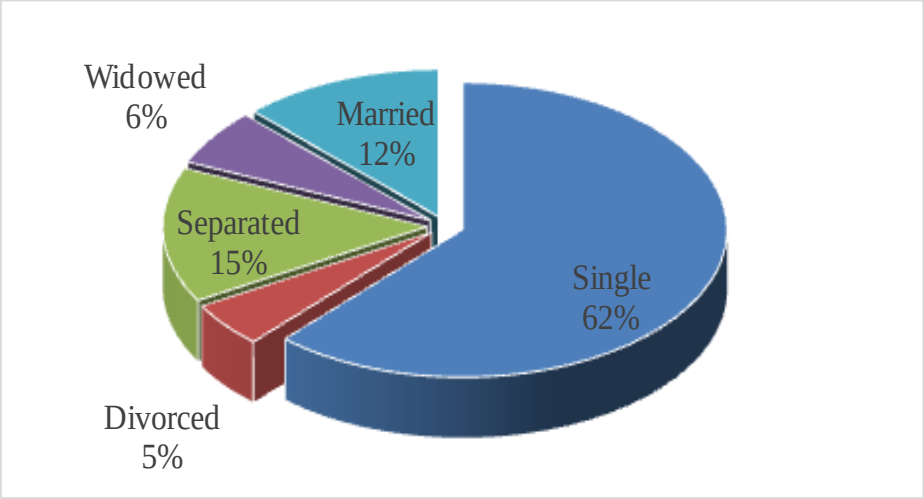
Figure 1
Age of Respondents



Source; Primary Data (Ndunga, 2018. p.29)

Figure 1 shows the overall age brackets of the respondents. These findings reveal a diverse range of opinions on human rights awareness in Mathare Sub County. Majority of respondents were aged 15-35, indicating a wider perspective on level of awareness of human rights. However, majority of barmaids were young adults, aged 21-25, suggesting higher levels of recent education and exposure to human rights concepts, possibly from secondary school or early tertiary education. The age distribution of barmaids in Mathare Sub County indicated varying human rights perspectives, suggesting a further research to understand their awareness within the Kenyan population.

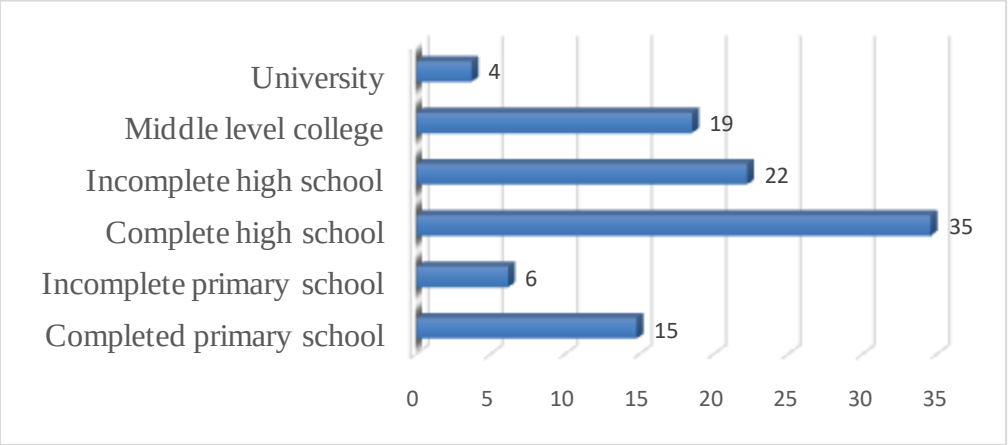
Figure 2: Marital Status



Source; Primary Data (Ndunga, 2018, p.30)

Figure 2 above tested knowledge of human rights based on marital status. 62% of the barmaids of the respondents were single, 12% were married, 15% were separated, 5% divorced, and 6% widowed (Ndunga, 2018 p.30). The results implied that barmaids' responses on the level of human rights awareness was sought and tested across marital status.

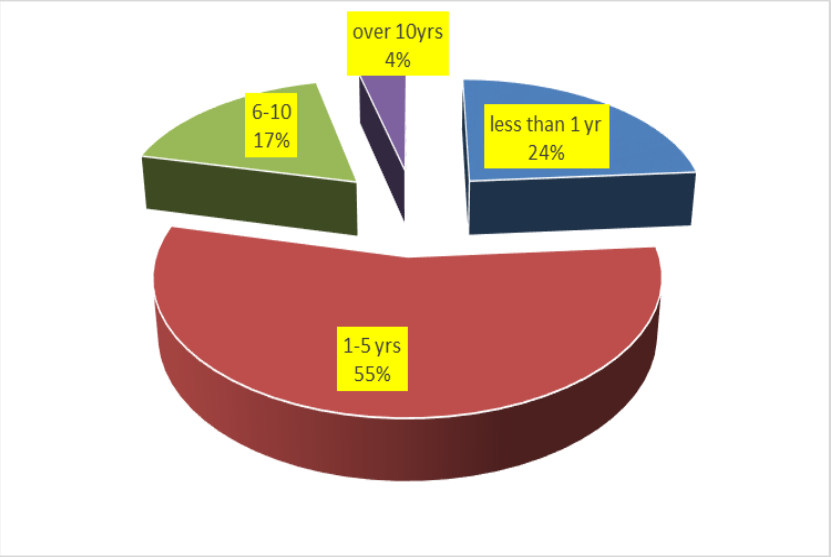
Figure 3
Level of Education of Respondents



Source; Primary Data (Ndunga, 2018, p.30)

Figure 3 shows the respondents' demographics on level of education. 35% had completed high school while 22% said they did not complete high school. Further, results indicated that 15% had completed primary school while 6% did not complete primary school. Notably, 19% of the respondents had a college education, while 4% had a university education (Ndunga 2018, p.31). This implies that barmaid responses on the level of human rights awareness were obtained across all levels of education. Further, findings revealed that most barmaids had acquired primary education and thus had some basic knowledge of human rights, their violations and promotion.

Figure 4: Length of Service for Barmaids



Source; Primary Data (Ndunga, 2018, p.31)

From Figure 4 show the period served as a barmaid per respondent. 55% said they had served for between 1-5 years, 24% had work experience between 6-10 years, and 10% said they had served for more than ten years as barmaids (Ndunga 2018, 31). As will be shown later, the knowledge and level of awareness of human rights increased with the length of time served by each respondent.

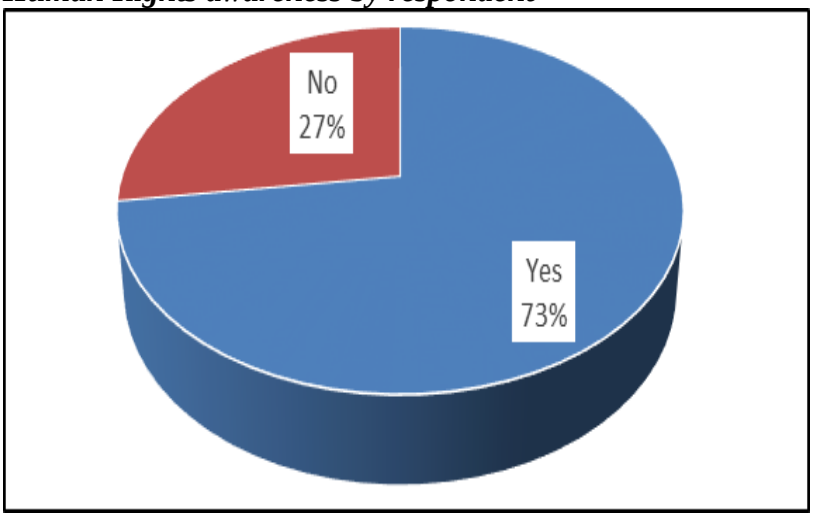
Table 1
Current Workplace Experience of Barmaids

Experience	N	Min	Max	Mean	SD
How long you have been employed here?	75	.10	25.00	2.4760	3.26732
Valid N	**75**				

Source; Primary Data (Ndunga, 2018, p.32)

Table 1 show the length of time in the current place of employment for barmaids, the study reveals that barmaids with 2-5 years of experience in their current workplaces and some up to 25 years, have potential human rights awareness. However, factors such as long-term exposure, acquired knowledge, specific work experience, formal training, and fear of human rights violations can influence their awareness. Long-term exposure to the work environment and interactions with customers and authorities may have sensitized them to human rights issues. The nature of the bar and its specific roles can also impact exposure to human rights issues. Formal training on human rights may not be available, and barmaids may not proactively recognize or report violations (Ndunga, 2018, 32).

Figure 5
Human Rights awareness by respondent



Source; Primary Data (Ndunga, 2018, p.33)

Figure 5 shows that most respondents (73%) had knowledge of human rights, while 27% did not have knowledge of human rights. Findings from the Focus Group Discussions (FGDs) supported this. It emerged that most barmaids had knowledge of and were aware of human rights (Ndunga 2018, 34). These findings on human rights awareness are consistent with a study conducted by Tantengco and Simeon (2015, 2) that showed that 95% of respondents across gender, race, education level, region reported being aware of human rights. In contrast, five percent claimed to know nothing about human rights.

Table 2
Barmaids' Demographic Status and Human Rights Awareness

Chi-Square Tests				
Demographic Factors		Value	df	Asymp. Sig. (2-sided)
Age	Pearson Chi-Square	1.275[a]	4	.866
Level of education	Pearson Chi-Square	1.693[a]	5	.890
Length of service as a barmaid	Pearson Chi-Square	2.909[a]	3	.406

Source; Primary Data (Ndunga, 2018, p.34.)

From Table 2, a Chi-Square analysis of age, education, and barmaid work experience was correlated with human rights knowledge among barmaids**.** The study found no correlation between demographic factors like age, education level, and length of service and human rights education like the right to health care, emergency medical attention, political participation, the right to life, economic and social rights, equality, and freedom from discrimination, the right to be free from arbitrary arrest, and due process in court and before administrative bodies, as denoted by X^2 (4, N = 81) = 1.28, P =.86, X^2 (5, N = 81) = 1.69, P =.89, and X^2 (3, N = 81) = 2.9, P =.41 (Ndunga, 2018, 35).

This suggested no difference in human rights awareness among barmaids of varying ages, education levels, and service lengths. Since 94% of barmaids in Kenya have completed at least a primary education, they are likely to have been exposed to information on human rights.

These findings controverted Osler and Starkey (1996, 103), and HRAPF (2011, 12), that demographic parameters, including age, gender, and level of education, are directly related to human rights awareness. Further, the findings contradicted those of Dehaghani *et al* (2012, 6), that human rights awareness is affected by demographic factors such as education, age, and gender.

Table 3
Sources of Information on Human Rights by Respondents

Source of information	**Responses**	
	N	**Percent**
Television/Radio	21	23.3%
Family/parents	7	7.8%
Newspaper/magazine	3	3.3%
School	36	40.0%
Internet/websites	3	3.3%
Legal documents	3	3.3%
Friends	17	18.9%
Total	**90**	**100.0%**

Source; Primary Data (Ndunga, 2018, p.36)

Table 3 show that 40% of the respondents, learned about human rights in the classroom, followed by the media (23%) and peers (19%). 8% said they learned

about human rights through their parents or other family members. 3% reported getting information on human rights from media, 3% derived knowledge on human rights from the internet, and, a further 3% from reading legal documents (Ndunga 2018, p.36).

The results mirrored those of research by Tantengco and Simeon (2015, p.2) who found that most respondents had first heard about human rights through formal education. The results align with the research of Ejieh and Akinola (2009, p.5), who in his research on human rights education in Nigeria found that some respondents learned about their human rights through media, while others got information on human rights from their parents. According to this research, 27% of respondents cited television/radio, and 8% cited parents as their primary sources of knowledge about human rights.

Table 4
Respondents' Knowledge of Human Rights

Human rights	High	Moderate	Low	Do not know
Reproductive health and emergency care	54.8	26.0	9.6	9.6
Right to political participation	54.8	30.1	8.2	6.8
Social and economic rights	58.3	23.6	8.3	9.7
The right to life	77.8	11.1	5.6	5.6
Equality and non-discrimination	59.2	26.8	5.6	8.5
Religious, moral, and philosophical freedom	70.8	18.1	4.2	6.9
Rights of the arrested person	43.2	25.7	16.2	14.9
Fair hearing and administration	36.1	26.4	13.9	23.6

Source; Primary Data (Ndunga, 2018, 37)

Results in Table 4 revealed that most barmaids (78%) reported a solid understanding of the right to life. Further, among respondents, 71% are aware of the right to religious, moral, and philosophical freedom, 59% are aware of the right to equality and non-discrimination, 58% said they were familiar with the right to economic and social rights, 55% aware of civil and political rights, 55% said they were familiar with the right to reproductive health and emergency medical treatment, while 43% reported being aware of the right of the arrested person. Finally, 36% of the respondents reported being aware of the right to fair hearing and fair administration (Ndunga 2018, 38).

Due to the nature of their work, working outside statutory hours, barmaids are likely to be the target of police harassment. As such, barmaids need to be familiar with the rights of the arrested, including the right to a fair hearing and protection from unfair administrative action. As a result, 15% and 24% of the respondents reported having been subject to abuse and discrimination by police officers, but this went unreported for lack of knowledge of the right of arrested persons and other procedural safeguards. These findings agreed with Hodgson (2002, 8) who argued that human rights abuse are attributed to lack of knowledge of the legal safeguards as well as retrogressive social-economic norms and discriminatory practices as significant contributors to human rights violations in Africa.

Table 5
Barmaid's Responses on the Impact of Human Rights on Everyday Life

Impact	Frequency	Percent
Not at all	18	24.3
To a limited extent	30	40.5
To a significant extent	21	28.4
Not applicable	5	6.8
Total	**74**	**100**

Source; Primary Data (Ndunga, 2018, 39)

Table 5 shows that most respondents (41%) said that even a basic understanding of human rights had helped them go about their everyday lives without infringing on their rights. Further, 28% of respondents reported that understanding human rights significantly helps them conduct regular activities in bars without being violated, while 24% believe that basic knowledge of human rights is not safeguard against human rights violations (Ndunga 2018, 39). This suggested that barmaids understood that human rights education creates a conducive environment at the workplace where they can do their jobs without fear of being victimized and their rights violated.

Table 6
How Human Rights Affect Barmaids on Daily Routine

Statements	SD %	D %	UD %	A %	SA %
Human Rights do not matter in my life	75	13	1	7	4
Kenya has no human rights issues	70	17	1	10	1
Human rights only benefit the rich	53	16	10	10	10
Kenyans have equal human rights for everyone	47	19	12	18	4
Human rights make society fairer	9	1	0	34	56

Source; Primary Data, (Ndunga, 2018, 40)

Table 6 shows that from the findings, majority (69%) of the respondents disagreed with the statement that only the wealthy benefit from human rights and that 88% of respondents felt that human rights were irrelevant to their daily lives. Further, 66% of the respondents believed that Kenyans enjoy the same basic human rights. Most respondents, 90%, believed respecting human rights is crucial to providing barmaids with a safe and equitable workplace environment (Ndunga 2018, 40). This implied that in Kenya, even the destitute enjoy their human rights. Additionally, barmaids value human rights in their professional and personal lives.

Conclusion

The paper evaluates the human rights awareness among barmaids in Mathare Sub County, Kenya; it reveals a significant lack of understanding about their rights and potential consequences for workplace safety and equality. The study emphasizes the importance of human rights awareness in creating a secure and fair environment for barmaids to earn their livelihoods. Despite some awareness, barmaids still face various forms of women's rights abuses and discrimination, such as police harassment, violence, sexual assault, verbal abuse, sexual harassment, death threats, and labour rights violations due to inadequate laws and enforcement procedures.

The study recommends prioritizing human rights awareness initiatives within the barmaid employment sector to include targeted training programs to enhance barmaids' understanding of human rights principles, intervention strategies tailored to their specific needs, and access to information and reporting mechanisms for detecting and addressing human rights violations. To this end, these intervention strategies seek to safeguard the rights of barmaids, who are vulnerable to mistreatment from customers and society.

References

Audrey Osler, *et al*, eds., 1997. "Teaching for Citizenship in Europe." In *Journal of Moral Education*. Vol. 26, No. 1, March 1997, pp 103.

Dehaghani Mashallah Valikhani, *et al*, 2012. *Evaluation of Factors Affecting People's Increase of Civil Rights Awareness (A Case Study: The City of Isfahan).*

Ejieh Michael and Akinola Oluwatoyin, 2009. Children's Rights and Participation in Schools: Exploring Nigerian Primary School Children's Awareness Level and Views. In *Elementary Education Online.* Vol. 8, No. 1, 2009, pp 176-182.

FIDA Kenya, 2008. "Documenting human rights violation of sex workers in Kenya." Nairobi: Federation of Women Lawyers.Vol.17, 2008, pp 8-9. https://kelinkenya.org/wp-content/uploads/2010/10/Documenting-Human-Rights Violations-of-Sex-Workers.pdf

Forst Michel, 2018. "World report on the situation of human rights defenders." University of Padua, pp 47-48

Hodgson, Dorothy L. "Women's rights as human rights: women in law and development in Africa (WiLDAF)." In *Africa Today*, (2002, pp 3-26. https://www.jstor.org/stable/4187496

Human Rights Awareness and promotion Forum-Uganda (HRAPF) 2011). "Annual Report." Namirembe, Kampala.

Matagaro, Lillian, 2013 "Implementation of International Treaties: A Focus on the Impact of Cedaw in Kenya." PhD Dissertation, University of Nairobi.

Ndunga, Shadrack K., 2018 "An Examination of Human Rights Awareness and Knowledge among Barmaids in Mathare Sub County in Nairobi County." Unpublished MA Dissertation, University of Nairobi.

Nzomo, Maria, 1994. The Status of Women's Human Rights in Kenya and Strategies to Overcome Inequalities. In *African Issues*. Vol. 22, No. 2, 1994, pp 17-20.

Republic of Kenya, 2010. *Constitution of Kenya.* Nairobi: Government Printer.

Tantengco, Nerissa S., and Florisa B. Simeon, 2015. "Assessment of Women Studies Specialization in Philippine Normal University: Basis for a New Gender Education Program." *ATIKAN. Vol.* 5, No. 2.

The Human Rights of Women, 2006. https://www.unfpa.org/resources/human-rights-women.

UN., 1979. Convention on the Elimination of All Forms of Discrimination Against Women. Accessed on April 20, 2023.