Care, Work and Property: How is Care Labour Valued? Addressing SDG Goal 5: Target 4 in Plural Legal Systems
Two-day workshop to be held at the British Institute in Eastern Africa, Nairobi
12 -13th September 2017

Day One
8.30 – 8.55 Registration

9.00 - 9.30 Welcome (hosts) and Introduction (Professor Ann Stewart)
- Making care visible; recognising and protecting care givers and care recipients – where and how?
- Using rights? The role of law in different contexts
- SDG 5 (4) – what relevance? how to use?
- Case study of woman to woman marriages - understanding caring in plural legal contexts
- Workshop methodology

9.30 - 11.00 What is “Caring”? Older Persons: The Policy Context
Chair and discussant: Prafulla Mishra, Regional Director, HelpAge International

Winfred Lichuma, National Gender and Equality Commission
Dr. Jaco Hoffman, Oxford Institute of Population Ageing
Dr. Isabella Aboderin, African Population and Health Research Centre, Nairobi
11.00-11.30 Coffee/Tea break

11.30 – 13.00 Workshop Discussion
Focus: present socio-legal framework relating to the rights of and responsibilities towards older people (with an explicit gender perspective)

Presentations: Representative from Ministry of East African Community, Labour and Social Protection; National Human Rights Commission; Self-Help Advocate (40 minutes)

- Tackling neglect, violence, dispossession, familial support, rights and protection of widows, welfare provision and delivery – accountability and transparency, the relationship between older persons’ rights and carers’ rights

Possible agenda for action: group discussions (50 minutes)

- Compilation of ‘elder law’ measures/provisions – for particular audiences – educational providers; legal practitioners, courts, dispute resolvers; government officials; civil society advocates; easy to use guides?
- Guidelines for institutions working with and for older persons, implementing the Older Persons Bill with a human rights and gender perspective.

13.00 – 14.00 Lunch

14.00 – 15.30 Gender, Property and Work: Contexts of Care Recognition
Chair and discussant: Dr. Pacificah Okemwa, Kenyatta University

Professor Patricia Mbote, Faculty of Law, University of Nairobi
Dr. Nancy Baraza, Faculty of Law, University of Nairobi
Dr. Sarah Dsane, National Film and Television Institute, Institute of African Studies, University of Ghana

15.30 - 15.45 Coffee/Tea break

15.45 – 17.15 Workshop Discussion
Focus: present socio-legal framework relating to ‘carers’

Presentations: civil society advocates; Albert Njeru KUDHEIHA; Pamhidzai Bamu WIEGO Africa (40 minutes)

- Who are they? Wives/spouses, children (male and female)? Spatial/social economic differences? Recognition in family law, property/inheritance claims, state provision? In the existing rights framework, what would a progressive carer policy/rights framework look like? What would a right to care look like? Use Uruguay as an example?
- Care workers – are domestic workers “stranger carers”? Protection, development of a market in care services? Institutional context? Regulation and training?

Possible agenda for action: group discussions (50 minutes)

- Developing a social care perspective within education and training contexts – model courses, training material?
- Implementing ILO Domestic Workers Convention in a national/local care context
- SDG 5 (4) and family policy development; Implementing SDG 5(4) in family/property law contexts

17.15-17.45 Round up Day One, depart for workshop dinner

Day 2

8.40 – 8: 55 Arrival with coffee/tea
9.00 – 11.00 **Customary caring: woman to woman marriages research findings**

Chair and discussant: *Dr. Celestine Nyamu-Musembi, Faculty of Law, University of Nairobi/Zambia*

Professor Ann Stewart, Law School, University of Warwick
Dr. Agnes Meroka, Faculty of Law, University of Nairobi and David Ngira Otieno, Mount Kenya University Law School
Jenny Lander, Law School, University of Warwick

**11.00 – 11.15 Coffee/Tea break**

**11.15 – 12.45 Group Discussion**

*Focus: Reflecting on woman-to-woman marriage research*

*Presentations: Professor Catherine Wawasi Kitetu, formerly Egerton University, Nakuru County Executive Officer, Dr. Mildred Lodiaga, Kenyatta University*  
Lessons learned from/issues arising in relation to WTW specifically – recognition within customary, court and marriage registration contexts; recognising care and succession rights; bringing a care perspective to the issue

**12.45 – 13.45 Lunch**

**13.45- 15.15 Challenges to recognition of Woman-to-Woman Marriage**

Chair and discussant Hon. Justice Prof. Jackton Ojwang, Supreme Court of Kenya

Professor Chukwuemeka George Nnona, Faculty of Law, University of Nigeria
Dr. Duncan Ojwang, Faculty of Law, University of Nairobi
Emily Kinama, Judicial Clerk to the Supreme Court
15.15-15.30 – Coffee/Tea Break

15.30 – 17.00 **Workshop discussion**

**Focus:** Building on woman-to-woman marriage research: dispute resolution

*Presentations:* Hon. Lady Justice Ruth Sitati, High Court of Kenya/Hon. Lady Justice Martha Koome, Kenya Court of Appeal; Ondeng Ongango, KELIN; Janet Anyango/Agnes Rog, FIDA customary dispute resolvers (30 minutes)

- How can customary law, paralegal support, alternative justice forums, and courts support existing recognised processes, whilst infusing them with constitutional norms such as gender equality and the rights of older persons?
- What is the future of woman-to-woman marriage in the courts?

*Possible agenda for action:* group discussion (50 mins)

Providing briefing/training for community/paralegal leaders, and family law practitioners

17.00 – 17.30 **Concluding and moving on**