

The Realities and Agency of Informal Sector Workers: The Account of Migrant Women Workers in Nairobi

Feminist
Participatory
Action
Research



Federation of Women Lawyers - Kenya
(FIDA-Kenya)



Global Alliance Against Traffic in Women



RESEARCHERS:
Alice Maranga
Nkirote Laiboni

RESEARCH CONTRIBUTORS:
Joyce Mutoka

PUBLISHED BY:

Federation of Women Lawyers - Kenya (FIDA-Kenya) and Global Alliance Against Traffic in Women (GAATW)

All Rights Reserved 2010

Women know their lives best! They know their strengths. They know what they want changed. In Feminist Participatory Action Research (FPAR), women research the issues that affect their own lives in order to bring about needed change. As a community, they analyse their stories and talk about what actions they will take and what needs to be changed. As opposed to traditional research, women are active participants in the research process; they are not ‘researched on’.

FPAR requires a certain attitude - one that believes women can steer change; one that embraces and values the complexity of women’s lived experiences; and one that highlights the strength and resourcefulness of women in the face of disempowering and discriminatory circumstances.

This FPAR initiative follows an FPAR process facilitated by the Global Alliance Against Traffic in Women (GAATW) in 1999 and 2000 which worked with several groups to explore what trafficking was and how it manifests in women’s lives. Ten years on, GAATW and like-minded anti-trafficking advocates have come to the FPAR process again, this time looking at how trafficking is connected to broader parts of women’s lives - to their experiences of gender, migration and their work.

GAATW conducted a methodology learning workshop with NGOs and Self-Organised Groups (or groups led by members of the target group themselves) in the Americas, Africa, Europe and Asia in 2009. Researchers went back to their communities, or to the communities they work with, and acted as catalysts for the FPAR process. Research groups included: the Federation of Women Lawyers in Kenya (FIDA-Kenya); Legal Resources Center - Untul Keadilan Jender Dan Hak Asasi Manusia (LRC-KJHAM) in Indonesia; Asosiasi Tenaga Kerja Indonesia-Jakarta or the Association of Indonesian Migrant Workers (ATKI-Jakarta); Self-Empowerment Program for Migrant Women (SEPOM) in Thailand; RESPECT Netherlands together with TRUSTED Migrants and the Commission for Filipino Migrant Workers in the Netherlands; Researchers Noushin K and Fereshteh in Canada; Akina Dada wa Africa (AkiDWA) in Ireland, La Strada Moldova; Movimiento De Mujeres Unidas (Modemu) in the Dominican Republic; Sociedade De Defesa Dos Direitos Sexuais Na Amazônia (Sodireitos) in Brazil; and Centro de Apoyo Aquelarre (CEAPA) in the Dominican Republic.

At the end of this FPAR process one Self-Organised Group said: ‘This is a feminist process’. The anti-trafficking sector has often been accused of determining what’s best for women ‘for their own good’. This initiative seeks to counteract that idea by documenting how women are steering change in their communities. We are proud to share their knowledge and their stories of resilience, hope and strength.

ACKNOWLEDGEMENTS

RESEARCH TEAM:

RESEARCHERS:
Alice Maranga
Nkirote Laiboni

RESEARCH CONTRIBUTORS:
Joyce Mutoka

PUBLISHED BY:

**Federation of Women Lawyers - Kenya (FIDA-Kenya) and
Global Alliance Against Traffic in Women (GAATW)**

All Rights Reserved 2010

Designed and Printed in Kenya

TABLE OF CONTENTS

PREFACE	5
ABBREVIATIONS.....	6
EXECUTIVE SUMMARY	7
1.0 INTRODUCTION	9
1.1 Informal Sector Workers in Kenya.....	9
1.2 The Status of Women in Kenya's Informal Sector	10
1.3 Linking Migration of Women with Kenya's Informal Sector	11
1.4 Legal Protection and Rights of Informal Sector Workers	13
2.0 BACKGROUND INFORMATION ON STUDY LOCATIONS.....	16
2.1 Kawangware.....	16
2.2 Kangemi	18
2.3 Kiamaiko.....	20
3.0 RESEARCH PROCESS	21
3.1 Selection of Research Sites	21
3.2 Methodology	21
4.0 FINDINGS.....	23
4.1 Migration.....	23
Migration Narrative: The Story of Makeda.....	23
Case Studies of Human Trafficking Identified from the Research.....	24
4.2 Living Standards: Infrastructure and Services	26
4.3 Women and Labour	28
4.4 Linking Gender to Experiences of Women in the Informal Sector	32
5.0 WOMEN'S AGENCY AND POWER	34
5.1 Why is Forming a Collective Important?.....	34
5.2 Challenges of Organising in the Informal Sector.....	36
Jitahidi Women's Group.....	36
Good Hope Women's Group	37
Bunge la Wananchi.....	37
6.0 REFLECTIONS ON FPAR PROCESS AND METHODOLOGY	38
6.1 Research Process	38
6.2 Action.....	39
7.0 RECOMMENDATIONS AND WAY FORWARD.....	40
BIBLIOGRAPHY	41
APPENDIX I	43
Guiding Questions	43
Migration of Women.....	43
Women's Work.....	43
Women's Strengths and Weaknesses.....	43
Forming a Collective	43

PREFACE

This report shares the lived experiences of female migrant informal sector workers, working and living in Nairobi, Kenya. The report is part of the 2009 Feminist Participatory Action Research (FPAR) project that sought to explore the linkages between migration, labour, gender and human trafficking. The FPAR project was coordinated by the Global Alliance Against Traffic in Women (GAATW) and carried out by migrant women and activist researchers in various parts of the world. This particular research was carried out by GAATW's Member Organisation, the Federation of Women Lawyers (FIDA-Kenya) whose mandate is to promote and protect women's rights in Kenya through advocacy and promotion of legal awareness, legal support, research, monitoring women's rights and psycho-social support.

As an approach, FPAR focuses on democratising the research process by allowing research participants - usually marginalised groups of women- to take control of knowledge generation and translate this information into concrete actions that impact social change. In this regard, the women who participated in this research were actively involved in not only shaping the research process but also in seeking solutions to their challenges.

With this report, we hope to influence the much-needed improvement of policies affecting women informal sector workers locally, regionally and internationally. It is also our hope that this report can be used by informal workers as well as women's rights and labour rights advocates in Kenya as a basis for policy dialogue with local government and law enforcement authorities.

This report is the result of collaborative efforts of a committed group of activist researchers, community facilitators and women working in the informal sector. FIDA-Kenya acknowledges with gratitude the invaluable contributions made by the research assistant, Joyce Mutoka, in conducting this research as well as the role played by John Kariuki, Eunice Muthoni, Anne Muniu and Monica Wangare in mobilising research participants in Kangemi, Kawangware and Kiamaiko. We also appreciate the support given by the government district offices in the three research areas for providing researchers with background information.

Finally, we are indebted to the guidance offered by the FIDA-Kenya's Executive Director Patricia Nyaundi and by GAATW International Coordinator Bandana Pattanaik at the inception of the research, as well as the support given by staff and board members of both organisations.

Grace Maingi Kimani
Executive Director, FIDA-Kenya

ABBREVIATIONS

CEDAW	Convention on the Elimination of Discrimination Against Women
FGD	Focus Group Discussions
FGM	Female Genital Mutilation
FIDA-K	Federation of Women Lawyers Kenya
FPAR	Feminist Participatory Action Research
GAATW	Global Alliance Against Trafficking in Women
GOK	Government of Kenya
ILO	International Labour Organization
KShs	Kenya shillings
MSE	Micro and Small Scale Enterprises
MSME	Micro, Small and Medium-size Enterprises
NCC	Nairobi City Council
SACCO	Savings and Credit Cooperative Organisations
SAP	Structural Advancement Programme
UNHCR	United Nations Office of the High Commissioner for Refugees
US\$	United States Dollars

EXECUTIVE SUMMARY

The rapid rate of urbanisation in Kenya coupled with reduced socio-economic opportunities in rural areas as well as conflicts in neighbouring countries have largely influenced the increase in rural-urban and international migration in the country over the years. Increasingly, rural migrants move to cities and urban centres in Kenya not to enter the formal job market but to work in the unprotected and unregulated informal sector. Furthermore, the fact that Kenya's law forbids refugees to live in urban areas means that most refugees who migrate to the country's cities and towns can only work in the irregular informal sector. Although the informal sector contributes greatly to the country's economy, it continues to be ignored by policy makers. Additionally, the role that migrant women play in the sector has also been overlooked. This negates the fact that women play a large role within this sector.

Employing the feminist participatory action research (FPAR) methodology of research, this study sought to understand the experiences of women who migrate to Kenya's capital city, Nairobi, and set up businesses or get employed in the informal sector. Through interviews, focus group discussions as well as community mapping exercises, the researchers spoke with women from three of Nairobi's large slums - Kangemi, Kawangware and Kiamaiiko - to understand the ways that they negotiated with their realities as migrant female informal sector workers. The major issues covered included their migration process and experiences, their living standards and work conditions, as well as the way that gender informed their experiences in the labour market.

From the research, it is clear that migrant women's realities and experiences are influenced and nuanced by many varied factors including their dual roles within the household as well as at work. Issues such as gender based violence not only within the home but also within their work spaces and the different ways that they experienced their work environment as compared to their male counterparts came out of the discussions and were some of the major problems that the women dealt with. Lack of proper business skills and labour rights knowledge as well as the lack of capital to start and sustain businesses were other challenges for the women. Perhaps the biggest difficulty faced by migrant women working in Nairobi's informal sector is the officially sanctioned marginalisation and discrimination that they face in the form of sporadic arrests and confiscation of goods, lack of access to infrastructure and services, over-taxation, physical and sexual abuse, and a lack of legal protection and rights by the government.

FPAR methodology encompasses action, and in this particular research, 'action' consisted of the process of forming collectives of women informal sector workers with the goal of gaining access to labour rights. The process of unionising has been identified as one successful way that informal sector workers can collectively bargain for their labour rights and welfare needs. In this regard, participants in this research formed membership based associations in order to address various social and economic challenges that they face as women working in the informal sector. For the research participants, the associations are not only a means to access their rights within the labour market, they also act as a support system in challenging situations.

The importance of policy support of the informal sector by the government and the role that this would play in the lives of migrant women working in the sector cannot be overemphasised. One important recommendation within the report, therefore, is that there should be a review of the policies and laws that are currently in place to ensure not only that the informal sector is recognised, but also that those who face the brunt of discrimination in the sector, that is women and migrant workers, are protected and

supported. Of great importance is governmental support through infrastructure upgrades and the creation of safe working environments.

The continued support of marginalised groups by civil society organisations such as GAATW and FIDA means that the experiences of women working in the informal sector do not go unheard. It is through reports such as this that the issues experienced by these women are brought to light and lasting change begins to be instituted in their lives. This report hopes to influence the much-needed improvement of policies affecting migrant women workers in Kenya's informal sector, and subsequently, positively impact on the lives of all informal sector workers in the country.

1.0 CONTEXT

1.1 Informal Sector Workers in Kenya

Kenya has a dualistic economy, consisting of both the formal and informal sectors. The latter has for many years been perceived as no more than a survival tactic for the poor in urban Kenya¹. However, the significance of the informal sector in providing opportunities to generate wealth for Kenyan citizens cannot be undervalued. Indeed, it is clear that informal activities make an enormous and, in many countries, increasing contribution to the incomes of households and nations². The importance of this sector can be gauged by the role it plays in employment creation in an economy. The government estimates that 76.5% of Kenya's labour force works in the informal sector, and that this labour force continues to grow each year (employment in the informal sector is estimated to have grown from 7.5 million in 2007 to 7.9 million in 2008)³. Thus, the majority of Kenya's urban population survives on the informal sector.

Kenya's informal sector consists of varied and dynamic small-scale activities and employment relations that are not registered with the Registrar of Companies and are characterised by low productivity and income. By comparison to big enterprises in the formal sector that have a large number of employees, most businesses in the informal sector are own-account enterprises. The majority of firms in the informal sector are Micro and Small Enterprises, often referred to in the acronym MSEs⁴. MSEs include hawking, agro-businesses, food merchandising, the service industry, artisanship, clothing and textiles, and informal housing.

Nairobi has the highest concentration of informal sector workers, as compared to the other 7 of Kenya's 8 provinces. Although most of the people engaged in Nairobi's informal sector are generally poor, it is worth noting that participation in the informal sector includes people from all sectors of society. Of note is the relationship between the informal and the formal sectors and the transitory nature of workers, with many of them operating in both sectors⁵. By way of illustration, one woman who participated in this research bakes and sells cakes from her house and also waitresses on a part-time basis in a hotel. Other examples here would be a teacher who operates a neighbourhood kiosk after school hours or a civil servant who 'moonlights' as a taxi driver on weekends. Accordingly, the diversity of activities in the informal sector and their connections with the formal manufacture, services and agriculture industries make it hard to draw clear boundaries.

The informal sector requires very little per capita input to create jobs, as compared to the formal sector. The sector also requires cheaper infrastructure to flourish, it conserves scarce foreign exchange, and still depends largely on local raw materials. The role of women within this sector is significant though largely underestimated.

¹ Kinuthia, 2007

² Bullock, 1994, p57

³ Oparanya, 2009, p.20

⁴ Mitullah, p.5

⁵ Supra note 1

1.2 The Status of Women in Kenya's Informal Sector

Kenyan women are making a large (though frequently "invisible") economic contribution, particularly in agriculture and the informal business sector. Research has found that women form only 29% of the workforce in the formal sector, and that the majority of informal sector workers are in fact women⁶.

In terms of the division of labour, there exists a distinction between informal and formal sectors of the economy on the basis of gender. The extent to which the informal sector is a "female" sector varies geographically and over time, especially as unemployment rises. Nevertheless, in Kenya, the possibilities of women getting into the formal sector remain even more limited than men's and the informal sector may be their only option; not simply the last resort. This is not necessarily because of lack of choice; for some women, the flexibility of working arrangements and diversity of opportunities are the positive side of informal activity. As families split up because of migration or inadequate incomes solely from the men, women are drawn into own-account work or wage labour on whatever terms they can get. As one respondent from Kangemi noted, *"You can't wait for your husband to bring back money. It is the responsibility of the women to take care of their children and it is us who face the most hardship and are responsible for our families"*.

Women in Kenya are also time-poor because of their dual roles in the household as well as in the labour market. On average, women work longer hours (12.9 hours) compared with those of men (8.2 hours), yet they earn less because these hours are not remunerated⁷. Women make up nearly half of all micro, small and medium enterprises (hereafter MSMEs), but their businesses tend to be smaller, are less likely to grow, have less capital investment than male-owned firms and are twice as likely as male owned firms to be operating from home.

Within the informal sector of the Kenyan economy, women are major actors. Although current sex-disaggregated data is not available, the government's most recent statistics indicate that women own almost half (48 percent) of the 1.3 million MSMEs in Kenya (see Table 1.1 below). Even though a significant 85% of female-owned MSMEs are in the informal sector and two thirds are located in rural areas, the average MSME generates a gross income equivalent to more than twice the average minimum wage in the agricultural sector (the country's main industry) of US \$76 per month. It is estimated that MSMEs generate as much as 20% of Kenya's GDP⁸; however, female-owned MSMEs report only 57% of the income earned by their male counterparts. They also have fewer employees: The average number of employees in a female owned MSME is 1.54, compared with 2.1 for a male owned one. As a result, 60 percent of total MSME employment is generated by male-owned and 40 percent by female-owned enterprises⁹.

Table 1.1. Ownership and Location of MSMEs in Kenya¹⁰

Location	Male owned MSMEs		Female-owned MSMEs		Total MSMEs	
	No. of firms	Total employment	No. of firms	Total employment	No. of firms	Total employment
Urban	213,262	470,380	227,886	338,940	441,148	809,320
	(48.3%)	(58.1%)	(51.7%)	(41.9%)	(100%)	(100%)
Rural	457,465	994,270	384,961	607,660	842,427	1,551,930
	(54.3%)	(60.8%)	(45.7%)	(39.2%)	(100%)	(100%)
Total	670,727	1,414,650	612,847	946,600	1,283,575	2,361,250
	(52.3%)	(59.9%)	(47.7%)	(40.1%)	(100%)	(100%)

⁶ As cited in Macharia, 2006

⁷ As cited in Ellic, Cutura, Dione, 2007

⁸ Government of Kenya, 2006

⁹ Government of Kenya, 1999

¹⁰ Adapted from the Government of Kenya (1999)

In terms of the actual nature of the businesses of women working in the informal sector, this also differs from that of men. A sexual division of labour, reinforced by poverty, also exists within the informal sector. Studies in various developing countries show that women in the informal economy are likely to be in self-employment, rather than in wage employment¹¹. Women in self employment rely on skills and experiences that they already have and so they are involved in different sectors including food processing and trading, domestic and personal services, clothing, agro-processing, horticultural and food-production sectors (Seventy-five percent of enterprises headed by women are in the trade and service sectors¹²).

Women are especially numerous in the lowest-paid and most exploited categories of work: In small enterprises where they may work in sweatshop conditions or as outworkers; in the simplest types of self employment, with minimal capital, tools and raw materials; as unpaid family workers; in domestic work and in commercial sex work. The businesses of women within the informal sector are also invariably smaller. More than 85 percent of enterprises owned by women do not have any employees apart from the owner. Another factor of enterprises of informal sector female workers is that they are less likely to grow. Male headed-firms are estimated to grow on average by 11 percent per year compared with 7 percent for female headed firms. The enterprises owned by women are also founded on less capital investment than those of their male counterparts. This is mainly because women are less likely to own property or have access to and control over financial resources. Even where there are efforts to empower women economically such as the Kenya government's Women Enterprise and Development Fund, women lack awareness about the existence of these schemes and the capacity to access them¹³. Finally, the female-owned enterprises within the informal sector are twice as likely to be operating from home as compared to male-owned firms¹⁴.

1.3 Linking Migration of Women with Kenya's Informal Sector

Of note is that the majority of the population in Kenya, like many other African countries, resides in rural areas and this fact accounts for the main internal migration trend in Kenya: Rural-urban migration¹⁵. Women have been migrating from rural areas to cities like Nairobi and other urban centres since the colonial period. Although mobility is no longer restricted and the push factors for migration have since shifted, economic empowerment as a reason for rural-urban migration of women has remained constant.

Additionally, some of the same patriarchal and discriminative customs that pushed women to migrate to urban centres during colonial times apply even today. For instance, under customary law, a large percentage of women in rural Kenya are still not entitled to inherit land and property. In fact, one respondent was forced to migrate to Nairobi because her deceased husband had not included her as a beneficiary in his will, leaving her to face banishment from her marital home by his family. There are over 75 land laws in Kenya, which create a confusing and outdated legal framework that fails to recognise women's land rights¹⁶. The existing marriage and divorce laws rob women of their matrimonial property rights resulting in decisions that undervalue and dismiss the immense contribution of women to their families and households. Regardless of whether the marriage is formalised under statute or custom, women often have no more than mere use

¹¹ Chen 2004 p.17

¹² McCormick 2001 p14

¹³ FIDA Kenya, 2009

¹⁴ Government of Kenya, 2005

¹⁵ The government estimates that 41% of the population lives in urban areas, and 59% in rural areas

¹⁶ Kenya Land Alliance (KLA)

rights to the matrimonial land, revocable at the will of the husband. Married women rarely enjoy equal rights to control, alienate or transfer matrimonial property¹⁷. Some of these factors are what has led to the increasing trends of feminised migration in Kenya¹⁸.

A direct consequence of migration from rural to urban areas has been rapid urbanisation whereby cities in Kenya have grown at a very fast rate¹⁹. The fact that the rapid urban growth has not been accompanied by industrialisation and proper policy support has led to high unemployment rates. Due to the scarcity of jobs in the formal sector and also because women are less likely to have the right education and skills to enter the formal job market, women have been migrating to urban areas “not so much to find a formal sector job but instead to enter the urban informal economy”²⁰. It must be noted though, that there is still a small number of women who migrate to Nairobi with the hope of getting a job in the formal sector only to find themselves in exploitative situations which makes them opt to work in the informal sector. A case in point is that of a research participant - a migrant - who left her job in a large manufacturing firm to start a small business in Kangemi on the basis of unpaid dues and long working hours in the firm. All in all, female migrants in Nairobi have highlighted broader opportunities in urban areas as well as the flow of remittances to their rural families as some of the benefits of migrating from rural to urban areas. As one respondent observed, *“there is more business in the city. If you tried to carry out some of the small businesses that we do here back in the village [like washing clothes or selling cooked food], people would think you were crazy.”*

Besides rural to urban migration, another migration trend of note is that of migration of refugees from Kenya’s conflict-ridden neighbours, mainly Somalia, Sudan and Ethiopia. The United Nations High Commission for Refugees (UNHCR) estimates that there are currently approximately more than 374,000 refugees residing in Kenya²¹. A large number of those, possibly well over 100,000, reside in Nairobi²².

The 2006 Refugees Act sets out the legal and institutional framework for managing refugee affairs in Kenya and makes it an offence for refugees to live outside refugee camps or transit centres without permission from the government²³. While the Act is largely welcomed by civil society, it has been undermined by a lack of institutional capacity, and the absence of a clear national policy outlining the necessary steps for its implementation. In practice, this means that many refugees have different types of documentation and many are not sure what papers they should apply for or how to apply for them. This confusion is further compounded by fears voiced by many refugees that they may be deported or sent back to the camps when brought in contact with law enforcement authorities in urban areas.

The *Kakuma News Reflector*, a news magazine operated by refugees in Kakuma camp, outlines four categories of urban refugees in Kenya: Recognised refugees who are permitted to live in urban areas and are assisted by UNHCR, recognised refugees who have a legal permit to live in urban areas without assistance from UNHCR, recognised refugees mandated to stay in refugee camps who are living in cities and towns without permission, and refugees who are not recognised by UNHCR or the government and are living in urban areas (mainly Nairobi) illegally. Thus, the reality is that despite the government’s policy that all refugees in Kenya should stay in refugee camps, thousands of undocumented and

¹⁷ Kenya Land Alliance (KLA)

¹⁸ Wainaina, 2008, p.4

¹⁹ Macharia, 2003

²⁰ Macharia, 2003

²¹ UNHCR, 2010

²² Human Rights Watch, 2009

²³ Refugees Act, CAP 13 of 2006, Section 25(f)

unauthorised urban refugees are settled in Nairobi and are carrying out business in the city.

Unauthorised and undocumented urban refugees are not accorded legal protection and as a consequence cannot access material benefits such as work permits and business permits or licences. Consequently, they cannot be employed in the formal sector and are also unable to run enterprises that are recognised. Therefore to survive, undocumented and unauthorised urban refugees in Nairobi either engage in some form of 'informal' work through casual labour or by running businesses, or rely on their social networks for support. According to the Refugee Consortium of Kenya, "21% of refugees in urban areas are employed, while 43% are self-employed and 36% depend on remittances from relatives living abroad"²⁴. The enterprises run by refugees in Nairobi vary from lucrative shopping malls to small-scale activities like hawking and street vending. While no official information is available, it can be deduced from observation and discussions with female urban refugees in Kiamaiiko that the smaller and less profitable activities like street vending are carried out by women urban refugees. Because the undocumented urban refugees working in Nairobi have no legal status, it is difficult to make a distinction between the formal and informal economy in their areas of operation. This is because while a considerable number of enterprises in areas inhabited by urban refugees such as Eastleigh have characteristics of businesses belonging to the formal economy (such as high profits and a substantive number of employees); they operate outside the regulatory framework.

Thus, urban refugees operating businesses in Nairobi generally face similar challenges faced by Kenyan informal sector workers, including harassment and extortion of bribes from local government and law enforcement officials. Migrant Somali interviewees in Kiamaiiko reported that they are regularly mistreated by government officials, and that they are forced to bribe City Council officials in order to avoid harassment or to get services. These structural conditions make the refugees vulnerable to more exploitation and abuse, particularly human trafficking. Neighbourhoods dominated by refugees such as Nairobi's Eastleigh estate are increasingly becoming human trafficking hubs. As a source, transit and destination country for trafficking, Kenya sees people trafficked both into and out of its borders. Women and children are trafficked to Kenya from neighbouring countries including Ethiopia, Eritrea, Somalia, Uganda and Rwanda. There are also increasing trends of Somali and Ethiopian refugees residing in camps, as well as residents of Kenya's North Eastern province being trafficked into Nairobi's Eastleigh estate. Civil society activists have reported cases of women being trafficked from Somalia to Eastleigh for sexual exploitation, as well as urban refugees in Eastleigh being trafficked to South Africa and the Middle East (notably Saudi Arabia, UAE and Lebanon) for domestic work and sexual exploitation²⁵.

Another challenge faced by urban refugees is the growing xenophobia mainly against Somali refugees from the local population as well as arrests targeting illegal migrants²⁶. Yet, like micro and small business operators in the informal sector, urban refugees and especially Somalis in Eastleigh area have had a major impact on the development of Nairobi's economy.

1.4 Legal Protection and Rights of Informal Sector Workers

Although the informal sector is important for the country's economy, the Kenyan government has not fully addressed the sector and does not in fact create an enabling environment required for facilitating those operating in the sector. The informal sector

²⁴ Pavanello, S., Elhawary, S. and Pantuliano, S. (2010).

²⁵ Interview with Amina Kinsi of Ngazi Moja Foundation in Eastleigh, November 2009.

²⁶Otieno, 2010

has had to justify its existence and fight for recognition from the State²⁷. Researchers have noted that the government has attempted to address the informal sector by impelling it to formalise without recognising “that those operating within the informal economy have their own dynamics that require policy, legal, infrastructure and service support”²⁸.

This is compounded by the fact that masculinised occupations within the informal sector, such as manufacturing and artisanry, receive more policy support than feminised occupations such as street vending to which attention from authorities has been punitive²⁹. This male bias largely arises from the viewpoint that men are breadwinners who provide for family members, including women, children and the extended family³⁰. All in all, the current legal and regulatory frameworks that address the sector are quite inhibitive and gender-biased.

While it is recognised that the Kenyan government is taking steps towards addressing the informal sector by drafting a law that specifically covers MSEs - the MSE Bill - this law is yet to be passed. In the absence of such a law that specifically deals with the informal sector, micro and small businesses within the informal sector currently operate under the Local Government Act. It should be noted that other labour statutes such as the Employment Act are largely designed for formal enterprises and not for small own-account enterprises in the informal sector. Thus, the informal sector does not generally comply with existing labour laws, which makes the passing of the MSE Act as an applicable law for the sector quite critical.

The Local Government Act, which has not been amended since 1977, is criticised for being outdated, restrictive and giving local government officials discretionary powers³¹. The law gives Local Authorities wide-ranging powers including the authority to prohibit and control peddling, hawking and street vending in Section 163 and the power in Section 145 to charge unspecified fees for licences and permits as a way of controlling public sales and places of any sales. These provisions are often implemented irregularly by local government and law enforcement officials, who often use their authority to harass informal sector workers and violate their property rights, much to the detriment of their businesses. There are plenty of media reports of long-standing tensions between street vendors and enforcement authorities³².

These tensions usually take the form of riots by informal workers against authorities - the bane of contention being the trading restrictions against street vendors by government officials - sometimes with disastrous results. For example, violent clashes between street vendors in Nairobi and City Council police over the traders' return to the Central Business District in June 2009 led to several arrests, various injuries of hawkers and citizens, and the death of one woman. City Council officials and police have also been known to confiscate goods and demolish the property of informal sector workers without notice, including entire kiosks or shops under the pretext that workers are operating without licences or on public space without permission. Some respondents in this research complained that when City Council officials confiscate their goods, they never get them back. One woman stated, *“They arrest us and take away our goods. If it is food we sell, they eat it and if our goods are imperishable [like clothes], they tell us that they will give them to children’s homes. Even after being released upon paying fines to the City*

²⁷ Kinuthia, 2007

²⁸ Mitullah, 2003

²⁹ Macharia, 2003

³⁰ The African Executive, 2010

³¹ Mitullah

³² Ogosia, 2009; Muyanga and Mwajefa, 2009

Council, we never get back our goods." This is a clear example of government authorities profiting from women's losses.

This restrictive and aggressive environment has led to the evasion of regulations laid down by local authorities by most informal sector traders, which in itself has repercussions. Indeed, there are high costs of non-compliance to regulations including paying bribes to avoid punitive action, and the financial consequences of punitive action by authorities such as confiscation of hawkers' goods. In fact, informal sector workers and undocumented urban refugees are likely to pay higher bribes to enforcement officials than their counterparts working in the formal sector.

The International Labour Organisation (ILO) has emphasised the importance of workers' rights in its Declaration on Fundamental Principles and Rights at Work, which applies to all formal and informal workers regardless of employment relationship. The ILO notes that its aim is to promote decent work in formal and informal economies, in ways that focus on poverty reduction and gender equity³³. To achieve decent work, those who are in the informal sector have to be recognised by law and have rights, have legal and social protection and have representation and voice³⁴. Additionally, special policy attention should be given to those who are disadvantaged or usually discriminated against in the labour markets including women and migrant workers.

In this regard, the Kenyan government needs to ensure that the rights of informal sector wage workers and entrepreneurs are protected and that they have an enabling work environment. Addressing discrimination and rising xenophobia against urban refugees would be one step to achieving this. This would involve changing the current law on refugees to reflect the reality, which is that thousands of undocumented refugees are living and working productively in urban areas. Already, the government has passed the 2008 National Cohesion and Integration Act to outlaw discrimination on ethnic, religious and other sectarian grounds. However, this is not enough as it does not specifically address the plight of urban refugees. In addition, the government should work towards improving local governance and providing better infrastructure and services to workers. All in all, a shift is required in the official perception and policy of regarding informal sector workers as obstructive and illegal to seeing them as important contributors of the country's economy.

³³ ILO 2002

³⁴ Ibid.

2.0 BACKGROUND INFORMATION ON STUDY LOCATIONS

This research sought to investigate the realities of female informal sector workers in Nairobi. Employing a feminist participatory action research (FPAR) methodology, the research involved actual participation of informal sector workers not only in providing and analysing information about their realities but also in finding solutions for identified common problems. The study focused mainly on street and market vending, as occupational categories within the informal sector. It should be noted, however, that a number of the FPAR participants carry out their businesses either at formally designated areas or from home, and others are both informal waged workers and small-scale entrepreneurs. Participants of the FPAR were female informal sector workers of various ages living in three of Nairobi's informal housing settlements: Kawangware, Kangemi and Kiamiko. This section provides some background information on the three communities.

2.1 Kawangware

Kawangware is a slum that is situated in the western outskirts approximately 12km from the Nairobi Central Business District. It spans approximately 3 square kilometres and has a population of approximately 800,000 people. The settlement sits on privately-owned land and though the residents have not faced the threat of eviction, they are aware that this could change. Kawangware holds many diverse ethnic backgrounds. This informal settlement is associated with poor living conditions; no access to piped water, deficient sewage systems and it is characterised by shanties, overcrowding, and a high rate of crimes due to unemployment. Sanitation-related diseases like typhoid as well as diseases like HIV/AIDS, TB and malaria are very common.

The cost of living in Kawangware is one of the highest of informal settlements in Kenya after Kibera and Mathare respectively. The health facilities available to the residents are located at Kawangware (run by the Nairobi City Council) or Mungai Health Centre (private).

Majority of the residents are self-employed in the informal sector. Casual labour and trade in household consumables feature prominently amongst the male and female residents respectively. Unemployment is a big problem in the slum and a very small number of residents are in full-time employment.

HIV/AIDS is a prominent problem in the communities. The usual coping mechanisms for caring for people with AIDS, orphans and widows through extended social networking appears to be overwhelmed. As a result, community members are noting an increase in the number of street children, prostitution, suicide and isolation of infected individuals. Nevertheless, silence and denial still prevail among people living with HIV/AIDS in the slum.



Figure 1: Research participants take part in community mapping in Kawangware

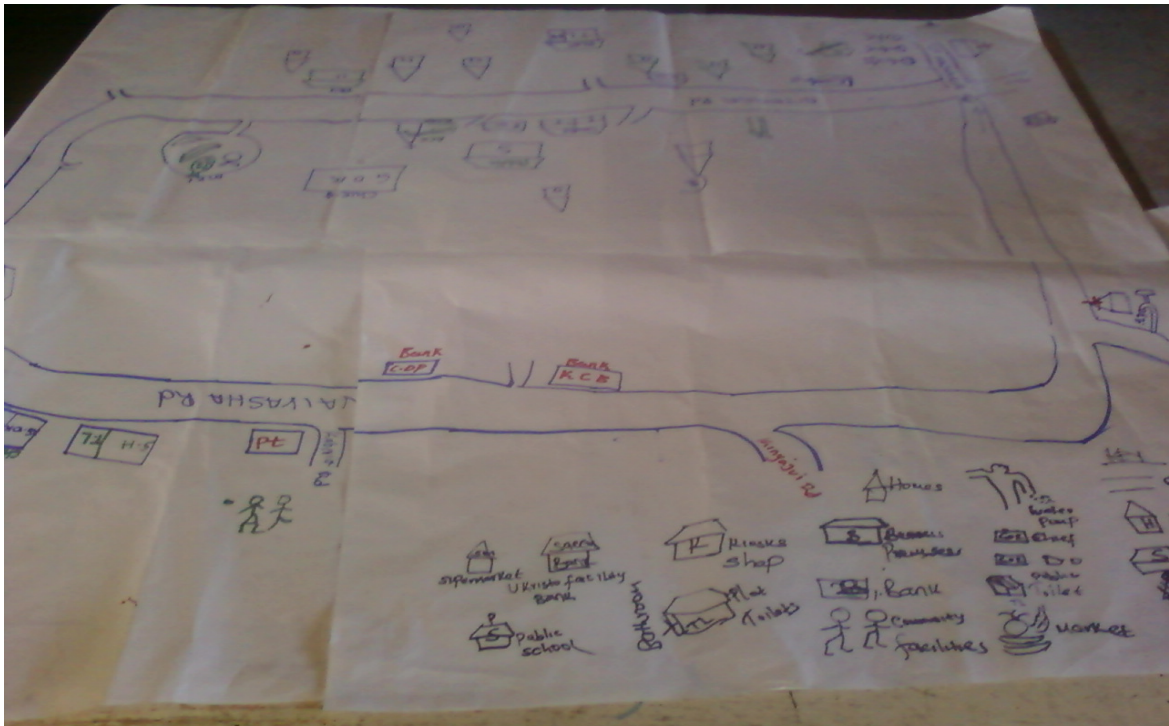


Figure 2: Kawangware community map by research participants

2.2 Kangemi

Kangemi is a low-income housing settlement that is home to urban migrants from various parts of Kenya, attracted to the area largely because of its proximity to Nairobi City Centre. It is situated 5 kilometres north of Nairobi Central Business District and is on the main highway that connects Kenya and the Tanzanian border. The slum is densely populated with an estimated population of 450,000 people, most of whom are young people under the age of 30 years. To earn a living, Kangemi residents mostly engage in informal wage employment in nearby affluent suburbs and in industries within the city, and also run small informal enterprises selling goods like farm products, food and second hand clothes. The informal settlement has an open-air market that provides space for about 2,000 traders.

In terms of services and infrastructure, Kangemi, like other slums in Nairobi has major sanitation and waste disposal challenges. Most of the residents do not have access to running water in their homes, and can only access water from communal taps which sometimes do not work. The water problem is compounded by the fact that water supply to communal water points is irregular: Participants in this research complained that the water company sometimes closes off supply to the community. Garbage is not collected by the Nairobi City Council but by private companies, and those residents who cannot afford to pay for these services dispose of waste at a cemetery and river in the community. Water from this river is sometimes used by residents for household tasks, posing various health hazards. Residents have observed that even though they pay levies to the City Council, they do not get proper services in return, and thus feel neglected by the local authorities.

Health care in Kenya is expensive, largely due to the 1990s Structural Advancement Programmes (SAPs) advocated for by the World Bank. The SAPs led to reduced funds for social welfare services to communities and Kangemi as a result was affected. Currently, the government runs a cost-sharing health programme in government and municipal hospitals, clinics and dispensaries. In Kangemi, there is only one dispensary operated by the Nairobi City Council. Usually, the dispensary lacks medicine and for this reason, Kangemi residents prefer to go to private clinics where medicine is always available and at a cheaper rate. Most of the time, residents prefer to buy medicine over the counter, without doctors' prescriptions, as consultation is very expensive.

Most schools in Kangemi are privately owned. There is one government high school and about 3 primary schools owned by the City Council. Private primary schools are approximately 15 in number while private high schools are about 6. The private schools exist because of the rising population of Kangemi and they therefore admit students who would have otherwise missed joining school.³⁵

³⁵ Bikundo (2007)



Figure 3: Research participants from Kangemi during a community mapping session



Figure 4: Researchers and participants during a focus group discussion in Kangemi

2.3 Kiamaiko

Located in the North of Nairobi, Kiamaiko slum is situated close to the Mathare slum in the Starehe constituency of Nairobi. It has a population of approximately 50,000 with more than a quarter of this being single women who migrated to the city for various reasons including the death of spouses or lack of means to sustain their families in rural areas to mention a few. The area has a diverse ethnic make-up with a significant number coming from neighbouring Ethiopia, Somalia as well as the Oromo and Borana communities of North Eastern Kenya.

Road access is mainly by Juja Road but due to high population and poor urban planning, internal accessibility is poor, with most of the paths having been taken over by residential structures. Children mainly attend government-funded schools though congestion at the facilities poses real challenges to the learning process. A number of schools are privately managed, and they offer alternative opportunities at a fee of approximately KShs 400 (about \$5.7) per pupil per month. Private clinics are relied on by the residents to provide common health-care needs, while some seek outpatient services for common ailments (malaria and typhoid) from Mathare Dispensary. They say even though private clinics are expensive we just have to go there for treatment. If one goes to the public hospitals the best you can be given is painkillers.

Residents maintain narrow open drainage channels for liquid waste disposal into Mathare River but the risk of flooding is high especially during heavy rains. There is no common waste disposal site and Mathare River receives most of the domestic wastes from the settlement. There is also no electricity supply.

As with Kawangware, majority of the residents are self-employed in the informal sector, with casual labour and trade in household consumables featuring prominently amongst the male and female residents respectively with incomes ranging from KShs 150 (\$2) to 350 (\$5) per day. Unemployment, idling and substance abuse amongst the youth remains a matter of critical concern to the residents. There are a few others who are domestic workers and gardeners in the nearby middle-class housing estates of Lavington. A very small number are in full-time employment.

HIV/AIDS is a problem within the community but as a result of awareness campaigns, the numbers are decreasing. Amongst the Muslim population however, there is much less awareness from the government and cultural practices also hinder the effectiveness of campaigns on HIV/AIDS awareness. The prevalence of female genital circumcision (FGM) does not help to curb the spread of HIV/AIDS as the circumcision methods are archaic and tools used are not sterilized.

3.0 RESEARCH PROCESS

The overall objective of the research was to generate information and document the lived work experiences and living conditions of migrant women working in Nairobi's informal sector. The research also examined the participants' level of awareness of laws and policies affecting their work and how they respond to these regulations. The research also explored the process of organising by women in the informal sector. While the main research objective was to explore the inter-linkages among labour, migration and gender, the theme of human trafficking came up during the research.

3.1 Selection of Research Sites

The selection of Kangemi, Kawangware and Kiamaiko as research sites was informed by the following factors:

- The sites fall within the reach of the offices of Federation of Women Lawyers in Kenya (FIDA Kenya), the focal organisation conducting this research in collaboration with Global Alliance Against Traffic in Women (GAATW). FIDA has had long-term engagement with the three communities and has carried out various activities there, including awareness creation campaigns and training workshop on human rights-related issues. Additionally, various women from these communities have benefitted from FIDA's legal aid clinics.
- The sites have unique characteristics that are relevant for the research: They are inhabited by marginalised women, a big proportion of who are widowed or single mothers. There is also a large number of migrant women who do menial jobs, and various gender-related rights violations such as gender based violence are high in the areas.
- FPAR takes the Rights Based Approach where the women themselves are the experts rather than the external researcher, hence it is easy to monitor and observe the process since FIDA is both near and already has presence in the communities. Since FPAR encourages action within communities, it will be convenient and less expensive for collective formation.

3.2 Methodology

The research sought to investigate four key issues: The link between migration of women and Nairobi's informal sector, women's working conditions in the informal sector, living conditions of informal women workers, and organising among women informal workers. The research relied mostly on primary data which was collected using Focus Group Discussions (FGD), individual interviews, community mapping and direct observation. At least three FGD were conducted in each of the three communities and a total of 10 individual interviews were carried out. Researchers also visited the communities to observe the process of group formation (organising) and to listen in during the weekly group meetings held by the women. Community mapping was also carried out in each of the communities. Secondary data included data from the district officers on areas covered, laws and policies on migration, labour and gender in Kenya. Data analysis was collective, and community led action built.

The research focused on a total of thirty (30) women of varying ages living and working in the informal settlements of Kangemi, Kiamaiko and Kawangare. In Kiamaiko community, the researchers chose to concentrate on women who have migrated from neighbouring countries into Kenya. It must be noted that as the research progressed, additional numbers of women participated in FGD and informal meetings. This is largely due to the

recruiting of other community members into the labour-based self-organised groups that the women formed as the research was being conducted, as well as because of general interest. Participation in the research was largely dependent on the women's work and familial obligations, and not all women would be present at all group discussions and informal meetings. As part of follow-up to preliminary information gathering, a training workshop on Kenyan labour laws and labour rights was co-organised by FIDA-Kenya and GAATW in July 2009, upon requests by research participants. Information gathered from discussions and presentations by the women during this training workshop also fed to the research.

Mobilisation of research participants was done by four Community Watch Group members whom FIDA-Kenya regularly employs to facilitate community projects. The community facilitators live in the three communities and they mobilised women of various ages and different socio-economic background ranging from small-scale businesswomen, domestic workers and casual workers. The main aim was to cover migrant women in different sectors of informal labour as much as possible. Two of the community mobilisers were also research participants, while the remaining two would sometimes sit in during the discussions. It was interesting to observe the shift in group dynamics in the presence of the two community mobilisers who were not participating in the research. One of them was male and his presence put into perspective gender relations and the dominant position enjoyed by men in society. Some of the research participants, for instance, would look to him to provide answers or solutions to outlined challenges during interviews and group discussions, forgetting that his role was facilitatory. This issue of dominance did not only come up because of the presence of male presence in the research, but also in the presence of a female community mobiliser who was educated, articulate and a community leader. To overcome this challenge, researchers frequently reminded participants that the research was in their control, and encouraged them to own the achievements and complexities in their lives. The researchers also reiterated that the solutions to participants' problems would have to come from them. Also, because some participants were clearly not comfortable discussing some issues in the presence of a man, researchers requested the male mobiliser not to attend FGDs whose topics were sensitive.

The researchers made sure all participants felt involved and felt free to share information through climate setting. The labour training workshop, which was held at the beginning of the research, helped in breaking the ice and encouraging rich and motivating discussions. As the participants got used to the researchers, they were able to build confidence with them and easily open up. Names of the interviewees are disguised for the purpose of confidentiality.

4.0 FINDINGS

The research findings are clustered under four main themes: migration, living standards, women and labour, and gender and women's experiences.

4.1 Migration

A majority of the research participants migrated either from rural Kenya or from neighbouring countries to Nairobi. In Kangemi and Kawangware communities, participants stated that they had moved to Nairobi from various parts of Kenya, including Central Province, Rift Valley Province and Western Province. Most of the participants migrated from areas that are near Nairobi like Limuru and Kirinyaga in Central Province and Nakuru in Rift Valley Province. This implies that proximity to destination points influences migration, whereby potential migrants in rural areas that are close to cities are more likely to migrate than those who live further from the city. In Kiamaiko community, all participants in the first FGD stated that they were Kenyan nationals, had in fact been born in North Eastern Kenya which borders with Somalia and Ethiopia, and had moved to Nairobi when they were younger. They also claimed to hold Kenyan national identity cards. At a later FGD, they all stated that they were Somali or Ethiopian migrants and had not been born in Kenya. This is more believable as very few of them speak Kiswahili, Kenya's national language. It is clear that they were originally not comfortable disclosing the fact that they are migrants, perhaps because the law forbids refugees to live in urban areas, and also because of fear of harassment.

Migration Narrative: The Story of Makeda

Makeda was born in Meki, in East-Central Ethiopia. She personally experienced the negative and demoralising repercussions of the Ethiopian civil war that began in the 1970s when all her brothers were killed by militias. Her husband was also killed in the war. Following threats made by these same militias to her life, she decided to leave the country in 1983, especially as people told her about the chances of having a better life in Nairobi, Kenya. Together with her children, Makeda hid in a truck transporting domestic animals from Ethiopia to Kenya. On the way to Kenya, Makeda and her family faced many challenges: They lacked food and water (they went three days without any water), her children got really sick, they did not know the language spoken in Kenya, and the terrain that they travelled on was dangerous with bandits and wild animals being a common occurrence. When they got to the Kenya-Ethiopia border, Makeda and her children had no form of identification and the immigration officials tried to make her pay a bribe. The border was full of people migrating in from Ethiopia and there was a man who spoke her language who managed to smuggle her through the border.

When she got to Nairobi, she went to Eastleigh because she had heard that there were many Ethiopians living in the neighbourhood. She was then taken in by a man in Eastleigh who took care of her and her children. She started selling roast groundnuts and her children also got casual jobs in butcheries or wherever they could find them. She says that when she does not have any money (she only sells the groundnuts when she can afford to buy the raw nuts) her children provide for her. She cannot afford to take her children to school and she says that it is harder for them to get jobs compared to Kenyan citizens. Regarding employment, she explains that while it is difficult for poor Kenyans to get jobs, it is more difficult for refugees: "*Wenye wanazaliwa hapa wanakosa kazi, wangu watapata kazi aje?*" (If Kenyan children can't get jobs, how will mine be able to get them?). She has never gone back to Ethiopia out of fear and also because she feels there is nothing there for her. Currently, Makeda lives in Kiamaiko with her children.

Reasons for migration were mainly economic and socio-cultural, although conflict in neighbouring countries was also a push factor for migration. For all the Kenyan women interviewed, Nairobi offered more economic opportunities than their rural homes: this reflects the differential development between cities and rural areas in Kenya and is a push factor of rural-urban migration. Some women moved to Nairobi either for marriage or together with their husbands. A large majority of the women left their rural homes for Nairobi with the hope of bettering their livelihoods. Many of them dropped out of rural schools due to lack of resources and migrated to the city in search of work.

While some of the participants were hoping to enter the formal job market in Nairobi, most of them migrated and went straight to the informal economy. By way of illustration, one of the participants left Limuru for Nairobi and on arrival, decided to get into the hair dressing business in Kangemi. Nairobi appealed to most of the participants not only because of opportunities but also because of its cosmopolitanism and the anonymity it affords them as compared to their small rural communities. However, some of the participants preferred rural life and only moved to Nairobi because they had no other option. A case in point is that of a woman who moved to Kangemi after her husband died in the village, and who now lacks the material and emotional support given to her by her deceased husband. A diabetic, she is not able to support herself and she claims, *“If it was possible, I would go back to the village”*.

Many of the women faced various problems in the areas they used to live, including those whose husbands died and left them with no means to support themselves or their families. Some of the disinherited widows were pushed out of their rural homes by male relatives on the basis of discriminatory cultural practices that do not allow women to inherit their husband’s land and property. Some of the women migrated to escape such discriminatory practices, only to find themselves in similar exploitative or abusive situations in Nairobi, including human trafficking. While the focus of this research was not human trafficking, interviews revealed that a number women were brought into Nairobi either by relatives, family friends or agents with the promise of getting an education or jobs only to be forced into domestic servitude or sexual exploitation. This reflects Kenya’s internal and external trafficking patterns, whereby a substantial number of women and children are trafficked from neighbouring countries (particularly Ethiopia, Somalia, Burundi, Tanzania and Uganda) and within Kenya for the purpose of forced labour and commercial sexual exploitation. Some of the cases that were identified as trafficking are outlined below:

Case Studies of Human Trafficking³⁶ Identified from the Research

The Case of Njeri:

Njeri was born in Mathare slum, Nairobi in 1977 and her family moved to Kiambu in Central Kenya where she lived for several years. After completing her high school studies, Njeri’s mother died and her father could no longer afford to pay fees for her to continue with her education. She migrated to Kiamaiko with her maternal uncle in 2002, who had promised to fund her education in a Nairobi college. On reaching Nairobi, however, her uncle’s wife fired her maid and forced Njeri into domestic work. She frequently asked about the course her uncle had promised to enroll her into and he kept telling her to be patient. Life in her uncle’s Nairobi home was difficult; Njeri did not feel like she was part

³⁶ Human trafficking is defined in the Palermo Protocol as, “The recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.”

of the family. When her uncle and his family were unwell, they went to private hospitals. When she got sick, she was sent to the free City Council clinic whose services were wanting. She was not allowed to eat certain foods and she worked long hours ('all day and most of the night') without pay. After a while, Njeri's uncle began to harass her sexually. He would leave work and come home as early as 11 a.m. when his wife was absent. Like Wamaitha below, Njeri saw marriage as a survival mechanism and the only way to get out of an abusive situation. While Njeri had hoped to build a career and work for some time before getting married, she escaped from her uncle's house and went to live with her current husband.

The Case of Wamaitha

Due to her family's financial constraints, Wamaitha was forced to drop out of high school after her first year of studies. She migrated from Murang'a in Central Kenya to Nairobi in 1992, when she was 18 years old. Her neighbour in Murang'a, whom she refers to as 'uncle' out of respect, helped her move to Nairobi with the promise that he would enrol her into a tailoring school as she had some dressmaking skills. Instead of taking her to school, Wamaitha's uncle took her to a woman's house in Nairobi where she was forced into domestic work. He never contacted her again after that, neither did he come back to see how she was doing. As she did not have any money for bus fare back to Murang'a, she had no choice but to stay in her new employer's house and work. She lived with her employer for over a year, during which she endured many challenges. For instance, her employer had agreed to pay her KSh.400 (\$5.1) per month but she never received any salary in that period. She was also not entitled to days off. She had not signed any employment contract and felt that she had no way to claim her rights from her employer. During Christmas break, months after Wamaitha had begun work, her employer gave her money for the bus fare back to Murang'a. After the December holidays, her employer sent for her and since she had no other alternative source of income, Wamaitha went back to Nairobi to continue working as a domestic worker. She left her employment when she met her current husband. Wamaitha now lives in Kawangware with her husband and three children where she works as a small-scale trader. She admits that her marriage is difficult (her husband, a *matatu* driver, is both frequently absent and not supportive of her and their children) and that she only got married in order to escape her exploitative employment and hardships.

The Case of Nuru

Nuru was born in Ethiopia. She is eighteen years old. When Nuru was 10 years old, her family's neighbour convinced her parents to let her accompany him to Nairobi on the premise that he would take care of her education in Kenya. Her parents, being poor and struggling to feed seven other children, agreed. The neighbour offered Nuru's parents some money and they started the journey to Nairobi. They walked some distance from Ethiopia to the Kenyan boarder and then boarded a truck that ferried goats from Northern Kenya to Nairobi. At the time, Nuru did not have any identification or travelling document as she was still a minor.

When they got to Nairobi, the neighbour took her to a house in Nairobi's Eastleigh estate where she was forced to work as a house help. She never saw the man who brought her to Nairobi again. The family she worked for originated from Somalia. Culturally, Somali extended families usually live in one house. So, Nuru's workload was heavy and she would sometimes work for as long as 21 hours non-stop. The men who lived in the house took turns to sexually abuse her. She was never paid any money for the period of three years she worked for the Somali family. Wherever she fell sick was not taken to hospital. Her freedom of movement was restricted: She was not allowed to talk with other people and whenever the family went out she was always left behind.

One day, Nuru got a chance to share her life experience with an elderly domestic worker who was working for a family neighbouring Nuru's employers. The older woman advised Nuru to accompany her to her home in Kiamaiko the following day, which she did. She provided Nuru with accommodation and later gave her a small loan of KShs 200 to start a business as a vegetable vendor in Kiamaiko. When she made a profit from the business, Nuru rented a small room and moved out. Today, she lives off her vegetable business, which makes a profit of between KShs 20 and 100. She has never contacted her family back home, and cannot go back to Ethiopia as she does not have legal papers to be in Kenya.

She says: *"I hate men; my Somali employers kept raping me repeatedly in turns. I never conceived although I did not use protective measures. I once tried to live with a man as my husband for one year, but he would come home with other men and force me to have sex with them. I moved out of the marriage. I am now staying on my own."*

The research participants acclimatised to city life with the help of religious institutions (churches and mosques) as well as through social support networks. Some participants noted that meeting with women who are also small scale business people has greatly helped them to adapt to city work life. According to one participant, people help each other more in the city than in the villages.

They say:

- *"Nilihama kutoka Limuru. Unajua Limuru ni ushago na huku Nairobi ni city."* (I migrated from Limuru, which is a rural area, to Nairobi, which is a city. There are more opportunities in the city.)
- Somali migrant in Kiamaiko: *"Mimi ni Mkenya!"* (I am Kenyan!)
- *"Nilipofika, sikuwa na pesa na walinifanya niwe house-girl. Niliteswa sana na nilienda hata siku tatu bila kula"* (When I first got to the city, I had no money and they [the relatives who brought me] made me a domestic worker. I was mistreated and could go up to three days with no food).
- *"There is more business in the city. If you tried to do some of the small businesses that we do here back in the village (for example washing clothes or selling cooked food) people would think that you were crazy."*
- *"Shamba zimekuwa ndogo sana nyumbani na ni afadhali kuishi hapa."* (The farms have become much smaller in the village and it is better to live in the city.)
- *"Nyumbani, mtu akitaka sukuma, ataichuna shambani, hatainunua kutoka kwako."* (Back in the village, if someone wants some vegetables, they will get them from the garden, they will not buy them from you.)

4.2 Living Standards: Infrastructure and Services

It was established that because of the high costs of living in Nairobi, most migrant informal sector workers can only afford to live in informal housing settlements where living conditions are poor.

Only one of the women interviewed was both a house owner and a landlady: all the other participants were tenants who rented houses from house owners. Landlords in Nairobi's informal housing settlements include community members, local authority officials and middle-class businesspersons. Participants from Kangemi complained of high rents, and the tendency of landlords to increase rents sporadically and without prior notice. Most tenants do not get tenancy agreements from their landlords, making them vulnerable to

violations of their rights by landlords. A participant gave an example of a landlord that removed the roof of his tenant's house due to a late rental payment. Another example is that of tenants being asked to vacate premises without prior notice from landlords. In some situations landlords collude with local government authorities such as local chiefs to forcibly remove tenants from premises. There are clearly poor relations between landlords and tenants in the communities. Participants pointed out that the rights of tenants were being violated repeatedly by landlords, and that tenants needed to be properly educated on their housing rights. It was also noted that laws relating to housing and tenancy in Kenya's informal housing settlements need to be clearly defined.

Housing in Nairobi's slums mostly consists of poorly-built wooden, iron-sheet and stone houses. The houses that most of the participants rent constitute small single rooms in compounds (plots) of on average 30 single rooms. These rooms usually accommodate more than one person and in many situations, whole families. Houses are poorly maintained by landlords and have no proper ventilation and lighting. Provision of basic amenities like water and sanitation is a challenge. The usual practice is for landlords to build few toilet and bathroom facilities so that a plot with about 30 rooms (accommodating at least 30 people) would have 1 toilet and 1 bathroom to share. One toilet is sometimes shared by more than 50 people. While some communities like Kawangware have public toilets, these are inadequate, not easily accessible to all community members, not properly maintained, and can only be used on a charge basis.

Local government authorities are both unwilling, due to neglect, and unable, due to rapid urbanisation and lack of proper urban planning, to adequately provide social services such as water, garbage collection and waste disposal. A large number of residents of Kangemi, Kawangware and Kiamaiko do not have running water in their homes and can only access water at communal water points for a fee. This is compounded by the fact that water supply to the slums is not regular: Sometimes residents can go up to a week without water. Despite the irregularity and inadequacy of water supply, water bills from the Nairobi Water and Sewerage Company (a subsidiary of the Nairobi City Council) are both regular and high. Sometimes, water bills have mistakes on them (participants noted that water bills often times have "estimate" written on them), implying that residents are wrongfully billed and possibly overcharged. Garbage in the three communities is collected by private companies: The Nairobi City Council only collects garbage from the public markets. Those who cannot to pay private garbage collectors throw their garbage in nearby rivers (Kangemi and Kiamaiko), in cemeteries as well as in garbage mounds around the neighbourhoods. There are also no proper systems in place to dispose of sewage. Both landlords and the City Council have failed in this aspect: The former either do not put up septic tanks in their premises or build toilets that dispose of sewage in the rivers while the latter rarely collects waste. These poor sanitation issues pose health hazards to the community residents, particularly women who spend more time working from home and within the communities than men. The fact that residents use water from the rivers where waste is disposed for household purposes places them in danger of contracting sanitation-related diseases such as cholera and intestinal worms.

Facilities and resources in the communities are not adequate. While there are public dispensaries operated by the City Council in both Kangemi and Kawangware, there is no health facility in Kiamaiko slum (pregnant women rely on mid-wives and residents go to neighbouring areas for medical attention). Research participants in Kawangware and Kangemi noted that the services in public hospitals are poor: They do not dispense medicine, service is slow and public health officials choose whether or not to serve patients. Private clinics in the two communities are plentiful but they are expensive and many of the women cannot afford them. In terms of social facilities, there is only one social (meeting) hall in Kawangware community, only one market in Kawangware which

serves both this and a neighbouring community, and insufficient play grounds for children in all the three communities.

Insecurity in the three communities is also a major concern for the women, with Kiamaiko reporting high incidents of rape and defilement of children. Surprisingly, women feel unsafe both because of criminals and law enforcement officials. For instance, women in Kawangware confessed to being afraid to walk in some parts of their neighbourhood past 7pm due to irregular arrests and harassment by officials policing the areas. Some women observed that the 2007-08 post-election violence brought up ethnic tensions in the communities but this has ceased to be an issue in recent months.

External migrant women (particularly if they are from Somalia) bear the brunt of hardship and prejudice not only because of poverty and gender bias but also because of the xenophobic and discriminative attitudes towards them from the general Kenyan public. The fact that there is a Somali ethnic group in Kenya, which shares customs and a language with Somalis in Somalia is worth mentioning. Kenyan Somalis have for a long time been marginalised and are often perceived as not being 'Kenyan enough'. Some Kenyan-Somali residents in Kiamaiko, for instance, pointed to the harassment meted out by law enforcement officials who accuse them of being urban refugees and refuse to acknowledge their national identity cards as real. Somali and Ethiopian migrants in Kiamaiko stated that their Kenyan neighbours look down upon them and often refer to them as 'refugees' and '*wariah*'³⁷, regardless of whether they have Kenyan citizenship or not. There are differences in the amount of rent the migrants pay: where Kenyans are charged KShs 1,000 (\$14) per month, some migrants are charged KShs 3,000 (\$42). One woman recounted that her family had just been kicked out of their house without any prior warning and they could not take this up with the authorities because they do not have national identity cards. Getting assistance from law enforcement officers is very difficult as government officials also take part in mistreating migrants. Oftentimes migrants in Kiamaiko have to bribe law enforcement officials to get services or to avoid harassment. It is difficult for migrant women in Kiamaiko to access justice for themselves and their children in cases of abuse because of this discrimination by officials. Also, community leaders (mainly Muslim men) say that following up the rape and child defilement cases is an embarrassment to the (Somali migrant) community.

They say:

- *"A boy of 7 years was recently raped by a 40 year old man in this community. It is difficult for us single mothers and women of Somali/Borana community to exercise our rights and our children's rights in such situations."*
- *"I cannot file complaints of abuse to law enforcement officials or else they will say that I am a refugee and kick me out of the country."*
- *"A Kikuyu (Kenyan ethnicity) is charged 1000 shillings for rent while Somalis are charged 3000 shillings because they are apparently refugees."*
- *"Maji ni shida na hata ukienda kuichukua, uta simama kwenye queue kwa muda wa masaa mawili"* (Water is a really big problem and you can stand in the queue at the communal water points for up to two hours trying to get some water.)

4.3 Women and Labour

The research looked into the conditions of women working in the informal sector. Of interest was the nature of their work as well as their working standards. The women who participated in this research were informal sector small-scale entrepreneurs and wage workers, including a home baker (also employed at a hotel on a casual basis), a cyber-café

³⁷ Derogatory slang word used to refer to foreigners of Somali ethnicity

operator, hairdressers, domestic workers, shopkeepers, meat vendors, a carpet vendor, charcoal vendors, kiosk operators, roast maize vendors, grain and vegetable vendors, milk vendors, cooked food vendors, hawkers, and clothes vendors. The sense of freedom that work offers them and independence that they get from their husbands was a common thread among the women. Another positive aspect of their work was the option it gave them to keep busy and help in the provision of basic needs for their families.

They say:

- *"I am doing well and my ambition is to expand the business into a wholesale shop or supermarket. I also hope to expand the cyber café and to open a computer school in a separate place (bigger), and eventually, to go back to university and get a degree in Information Technology."*
- *"I enjoy customer service and getting some money to support my family from my work."*
- *"My work enables me to meet new people every day and ensures that I am not idle. I also enjoy making profits!"*
- *"My work entails going to Gikomba market at 6.30 am as at these time the roads are not jammed by traffic. I get back from the market at 9.00am. I leave my child with my neighbour who I pay Kshs 30-50 to watch. I have to go to strategic points within the market to be able to find goods."*
- *"My work entails selling rice from one place to another. I get the rice from Mwea which is 50 kilometres from Nairobi City, where I live. When going to Mwea I have to wake up at 5am and then be back to Nairobi by 3.00pm. I later repackage the rice at home before distributing. Most of my clients are house wives, and some local food kiosks."*

It was ascertained that female informal sector workers mainly operate on premises that are not designated for trade and are exposed to inadequate and unsafe working conditions including long working hours, insecurity, irregular and low income, discriminatory practices, and harassment from officials. Many of the women not only buy their goods of trade in small quantities and on a regular basis, they also spend a considerable amount of time looking for places to set up and sell. For street traders who sell their goods out in the open, the weather affects their work: The rain not only affects sales but also it affects public transport costs, which go up.

They say:

- *"If I had a more permanent place to do my trading, such as a kiosk, I would be able to bring my child to work with me."*
- *"I would wish to be assigned a place to carry out my trade. This way, I could bring my child to work."*
- *"Sometimes I'm forced to sell maize on credit to my regular customers but this is a challenge because daily earnings are used to buy the next day's raw products."*

The women noted that the prejudiced perceptions and practices they face form one of the biggest challenges in their work. Men (including husbands and relatives) question their capacity as female entrepreneurs: They have a perception that women should only be employed in 'minor' positions as secretaries and in domestic work. There are also some cases of sexual harassment as some men will regularly visit their premises pretending to be customers but with a different agenda. A common thread for all the women traders was the fact that they feel harassed by the Nairobi City Council and that they are made to pay taxes that are irrationally high compared to the amount of turnover that they make from their businesses. Traders are expected to pay bi-weekly rates to the City Council (between KShs 25 and KShs 50 depending on the size of the business) so they can conduct business yet they are not informed what this money is for. Women traders who cannot

afford to pay these taxes are sometimes arrested and their goods confiscated by the City Council. They do not get back their goods even after paying fines at City Hall, and this leads to major losses. During arrests, traders are sometimes mishandled by City Council officials: They are thrown roughly into the City Council vans and then forced to share cells with suspected criminals. There were also reports that the city council officials would sometimes beat up street vendors.

Corruption among law enforcement officials is rife: Residents in the three communities feel that they have to bribe officials in order to survive. Corruption is so ingrained in the system that local authority and law enforcement officials arrest the traders without cause and make-up offences to charge them with (loitering, shouting, making noise, etc.). Traders are forced to bribe officials even when they have done no wrong. Police not only target traders but also the general public: Innocent people are arrested and charged falsely with serious crimes such as robbery with violence, which have no bail. The officials act with impunity: They steal from traders, and when they arrest and charge traders it is traders' word against the police.

They Say:

- *"The men should be better trained on how to change their [sexual harassment] behaviour and on human rights."*
- *"The City Council askaris (guards) are very arrogant. If we threaten to complain about them mistreating us, they tell us to do whatever we want."*
- *"Corruption among officials discourages people to start businesses and encourages further corruption."*
- *(Hairdresser): "We are really harassed by the City Council officials. They come to Kangemi twice a week and if you don't pay the bi-weekly rates [50KShs if you have a designated spot to carry out business and 25KShs if you do not have a designated area to trade], they confiscate your goods. They take my blow-drier and yet that is my hoe [tool of trade]."*
- *"If it is food they have confiscated, the City council officials unapologetically claim to have eaten it and if it is other goods, they claim to have given them to children's homes!"*
- *"The City Council charges high penalty charges which can 'finish' our businesses."*
- *"The City Council should reduce the daily charge fee and the police should provide security round the clock. Sometimes we have to bribe the askaris (guards) so that we can avoid fines."*

It was also established that all categories of informal workers are exposed to decent work deficits, and that although they are forced to pay taxes to the City Council on a regular basis, they receive no support or services from the local authority in return. The environment in which many of the women work is not very safe. Most of the food and vegetable vendors leave for the markets where they buy their wares as early as 6.00am. At this early hour, it is safer for the vendors to be accompanied by other women; it is more secure if men are present. Unaccompanied women are at a risk of getting harmed by thugs and having their goods stolen.

They say:

- *"Security is a major problem. My kiosk has been broken into severally and it costs me a lot of stress and financial loss. I only need to get funding to expand my business and it would be better. Other problems within the community are crime, prostitution and drug abuse, lack of money to pay school fees especially in secondary education for my daughter as well as paying rent for my house."*

- *“There is no security. You have to carry your goods all the way home everyday to ensure that they are safe. The semi-formal structures are the most unsafe as people can just saw into them and take their goods.”*
- *“I open at 6am and close shop at 9pm. I work with my husband and we have employed a security guard. I also buy goods during the day and not too early in the morning. This ensures that I feel safe in my work.”*

Additionally, informal sector workers have low awareness on their labour rights as well as little or no education and skills. Many of the women interviewed felt that they lacked vital technical knowledge, such as business planning and record keeping. All participants acknowledged that they knew little about existing employment and labour laws as well as about their labour rights as workers in the informal sector³⁸. In this regard, they found it difficult to know what steps to take for redress in situations of abuse by employers and authorities. However, they did observe that being aware of labour rights does not necessarily help reduce violations of these rights by authorities. The women felt that they still would not be able to realistically exercise their rights against law enforcement authorities, regardless of their knowledge on their labour rights. Some participants also feared that they would not get jobs or would lose jobs if they insisted on getting written contracts from prospective employers. Regarding their right to have a contract, those participants who were employed (as domestic workers and casual labourers) stated that their employers would be hesitant to provide contracts. This is because many employers prefer to avoid the binding legal obligations that come with a contract, such as minimum wage and annual or sick leave. It was also noted that generally, employers prefer to hire informal sector employees who are less aware of their rights: *“If you show the City Council that you know about your rights as an informal sector trader, more beatings will follow.”*

Women in the informal sector also face the challenge of inaccessibility of capital, so that in as much as they want to revive, expand or improve their businesses they lack the finances to do so. The baker, for instance, wishes to make more cakes but she cannot afford an oven and had to contend herself with a charcoal brazier, which limits production. The roast maize vendor does not have enough capital to buy as much maize as her customers demand, especially as the prices of maize have gone up. One of the main stumbling blocks is the lack of security: Most of the research participants do not own property, without which they cannot get loans from banks. Furthermore, banks require loan applicants to have personal savings accounts, which they research participants cannot afford to have. The few traders who can access bank loans consider borrowing money too risky: Loans have high interest rates and banks and micro-credit cooperatives allow short periods for repayment. Therefore to raise capital, research participants sometimes join together to form savings and revolving fund groups, although capital accessed from these groups is much less compared to what they can get from established financial institutions. The women felt that because of this capital issue, they are not able to compete with their counterparts in the formal sector who easily access capital and are able to buy more goods at a lower price and make more profit.

On a final note, the impact of the global economic crisis is being felt at a national and micro level. Interviewees pointed to the rising prices of raw goods, as well as their increased spending in rent and electricity as some indicators of this. One respondent, a hairdresser, stated that she has been in business for 20 years and 2009 was one of the worst years for business.

³⁸ From observation, the level of awareness on the participants' labour rights has increased, especially among those women from Kangemi and Kawangware communities that participated in the labour rights workshop held in July.

“A few years back the market was good as the products were sold at affordable prices but due to an increase in demand and high cost of living the profits are not so good. I make Kshs 500 from every 90kg sold; the commodity I sell (rice) is usually on high demand during holidays and during ceremonies. Also, when it comes into crediting there is a high risk of losing some money. Also, there are days when I do not make any money.”

4.4 Linking Gender to Experiences of Women in the Informal Sector

‘Gender’ refers to socially constructed roles, behaviour, activities and attributes that a particular society considers appropriate for men and women. This differentiation of roles and behaviour may give rise to gender inequalities, that is, differences between men and women that systematically favour one group in social, political, cultural and economical areas. The perception of women as submissive, second-class citizens is one that is widely upheld in Kenyan society. This perception is reflected explicitly in cultural norms that impeach on girls’ and women’s rights such as the right to education and the right to own and inherit property, and implicitly through the lack of government action towards eliminating these discriminative practices. Discrimination of women and gender-based violence are international human rights issues that are addressed by international conventions including the Convention on Elimination and Discrimination Against Women (CEDAW), which Kenya has ratified. While Kenya is bound by CEDAW to address the various cultural norms, traditions and stereotypes around the role of men and women that contribute to discrimination against women, the government has done little to modify or eliminate these problems.

Therefore, it is not surprising in such a patriarchal society that the women participating in this research would find their work and life experiences differing greatly from those of men. In Kiamaiko community, some respondents asserted that their husbands do not support them financially yet they disallow the women from going out to work, on the basis that the women will engage in prostitution or have affairs. Some of the men insist that only men can perform well in trade and other professions, and they claim that women should be involved only in office (administrative) work and other lighter jobs.

Such cultural norms and stereotypes of relegating women to the home reflect the unequal status of women in Kenyan society. Indeed, gender discrimination trickles down to the work situation so that the informal sector is segmented along gender lines, with men and women working in different economic activities, which are associated with different levels of earnings. The tendency is for female informal sector workers to be own-account workers, unpaid family workers and domestic workers. On the other hand, male informal sector workers often work as informal employers or wage labourers. Men’s businesses also tend to be bigger than women’s, and to have more employees as well as higher turnovers. According to research participants, men have more access to capital (and can thus buy more raw materials) and better skills (such as customer relations). They also seem to have more work experience compared to women. Respondents observed that suppliers (in markets) prefer to sell their wares to male vendors because they buy goods in larger quantities. For example, a grain and vegetable vendor would only buy a few cobs or a can of grains while her male competitor can afford to buy a whole sack of grains. The above issues explain in part why the gender segmentation of the informal economy exists.

Other cultural and social norms that are disadvantageous to women are those related to widow inheritance and forced evictions from marital homes by male relatives, and constitutes one of the push factors for female rural-urban migration in Kenya. One participant in Kiamaiko was evicted from her husband’s ancestral land after his death. She lives in the slum today, struggling to make ends meet without a place to call home. Thus

social norms and practices that discriminate against women affect informal sector workers at all levels, including their migratory, work and life experiences.

They say:

- *"Happiness is for men and suffering is for women."*
- *"Our husbands do not want us to work. They accuse us of being prostitutes when we go out to trade or say that we will desert them when we start making money."*
- *"The men leave or threaten to leave us if we start to work."*
- *"There are some things men can do that women can't. For example, men are physically stronger so they can go out and buy heavy things and carry them, men have more technical and technological know-how such as on how to fix computers."*
- *"I prefer working with men, mostly those who sell to us. They are considerate and always respect women, but most females who sell products are rude and arrogant towards fellow women."*
- *"One of the biggest challenges in my work is transportation. I have to transport my commodities using public means. 'Loaders' who we pay to carry and load our goods on matatus [public mini-vans] are all men; they usually take advantage of us women and they increase service charges any time they feel like it."*
- *"Men like to harass me sometimes especially when they try to convince me that I would get favours of money if I sleep with them."*
- *"Many women in Kiamaiko community are single mothers and thus have greater responsibilities than men. I am the father as well as the mother of my children. If I don't feed them, who will?"*

5.0 WOMEN'S AGENCY AND POWER

"Organise, don't agonise!" - Tajudeen Abdul Raheem

FPAR methodology encompasses action. The purpose of this research was not only to determine the realities and challenges of migrant working women on low income but also for the women to set up ways of addressing these challenges jointly and individually. Findings indicate that actions occurred on individual and collective levels, and that some actions were ongoing while others came up as a consequence of the women's involvement in the FPAR project. The process of organising formed the main action of the FPAR in the three communities.

As part of the action of the research, the participants in Kawangware and Kangemi chose to come together and form associations in which they would address the challenges they face as women and as informal sector workers. While a women's movement already existed in Kiamaiko at the time of the research, the research project played a role in uniting the migrant women who are also members of this women's movement. This section details the research participants' process of organising including challenges of organising, as well as their plans.

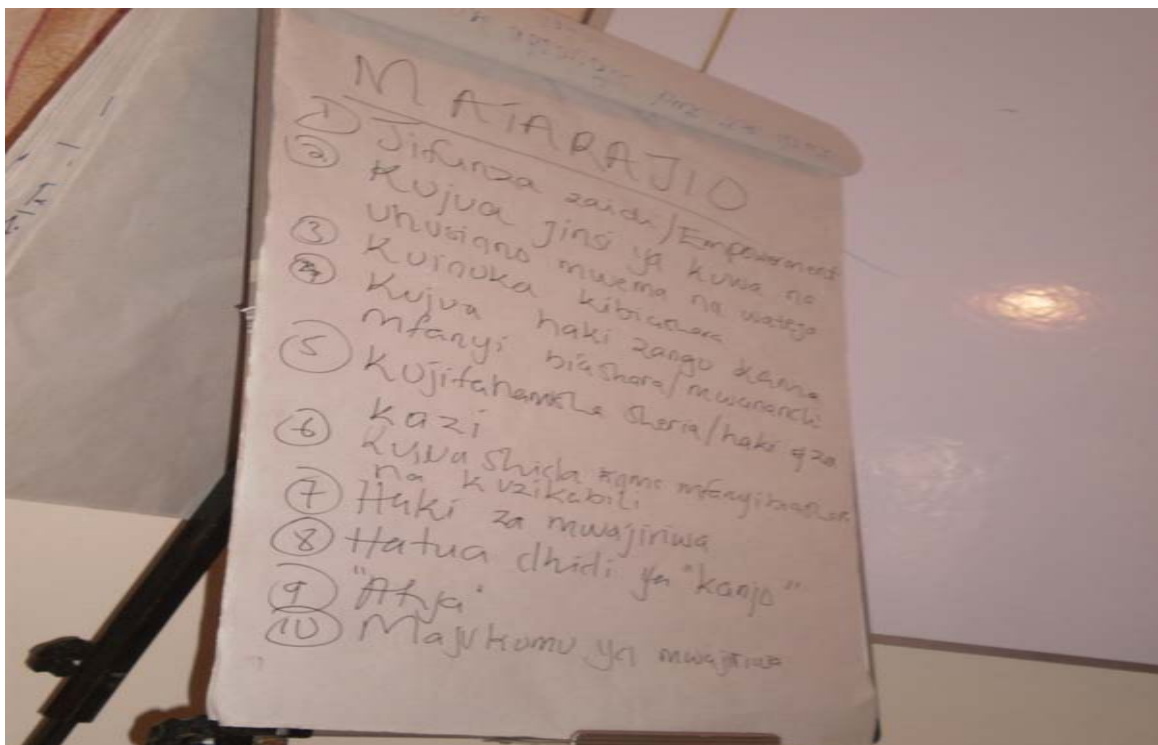


Figure 5: A board displays the participants' expectations during training

5.1 Why is Forming a Collective Important?

As established in this research, women's lives are complex and full of challenges - more so those who are marginalised due to economic reasons. The process of organising forms one way of addressing some of the complexities experienced by women. Organising in the informal sector involves the establishment of membership-based groups or associations of workers, which gives workers the power to collectively bargain for recognition and inclusion in State policies as well as for labour rights. Labour organising can also play a

welfare role in situations where workers' priorities are access to services such as capital and infrastructure.

It is clear that the research participants fall under the category of workers whose main concerns are welfare by nature, and specifically, access to capital. Thus, while the women recognise the importance of using their groups to bargain for better working conditions, their priority is to improve their livelihoods by expanding their businesses. Thus the groups formed are more of revolving funds or savings and credit cooperatives (SACCOs) by nature rather than labour unions. When interviewed, the women said that organising is a way for them to access loans which will help them expand their enterprises.

The women are using their groups to address various social and economic challenges. The associations are a support system for the women in challenging situations. One woman exemplified this by stating, "When creditors have traders arrested, women here come together to contribute money so as to help them pay the debts." Another case in point is that of the Kangemi group, which has tried to include women who are HIV positive in their collective, to provide them a venue to share with other women about the challenges they face as people living with HIV. One woman observed that before she did not have people to share her happiness and sorrow with but with the group, she now has a system of support not only business-wise but also as a woman. The collectives are also important because of the opportunity it gives members to access and share information. The women who participated in the July 2009 labour training workshop, for example, have tried to give back to their communities by sharing what they learnt (on labour rights) with new group members. Research participants felt that, even at the beginning phases of group formation, organising was giving them more power. They observed that the organising allows them to have a common voice, which enables them to access their rights. They also feel more empowered and courageous enough to defend themselves against the City Council. In this regard, they saw the process of organising as giving them a means to start accessing their rights as women and as informal sector workers.

They say:

- *"I hope that the group will be true and will help in terms of lobbying the government. There should be no talk without action! I hope this will not be the case in our group."*
- *"Wakinisumbua sasa, I am more empowered. Najua haki zetu na limits zetu."*
If they [NCC] harass me now, I am more empowered. I now understand my rights and my limits.
- *"Yes the group is working and it gives me a platform to raise my concerns and those of other members openly. All we need is support and we can reach great heights."*
- *"Imetusaidia kwa sababu sasa hauwezi lala njaa"* (It has helped us because now we can never sleep hungry)
- *"Kushikana, ni kuelewana na kusaidiana."* (Coming together is understanding each other and helping each other)
- *"We want to move forward, not behind."*
- *"In my business, I do not keep stocks and records; I put money where I can. I only have a record of the debts and so record-keeping is something which I need to learn!"*
- *"The one who got the money [from the weekly group revolving fund contributions] will be able to eat chapati and some meat tonight! It is great."*
- *"Being in a group is a nice way for me to socialise with other women."*

5.2 Challenges of Organising in the Informal Sector

Research participants spoke of the challenges they faced in organising, and this informs to some of the complexities of taking action in FPAR. Of note, too, are the realities of the participants versus the expectations of the researchers. Specifically, the reality is that the participants are own-account low-income workers who have to work on a daily basis in order to maintain their livelihoods. Therefore time spent on the collective equates to time away from work and subsequently, loss of potential earnings. Additionally, even as they organise, their main concern is for immediate benefits (such as capital for their businesses) and not necessarily for long-term advantages of organising such as representation and lobbying. Another concern is for the sustainability of the collectives. This relates not only to the individual priorities of the women, but also to the fact that they lack capacity for managing their associations and pulling the required resources. The women recognise that capacity-building is a major requirement for their associations to successfully lobby for informal workers' rights, for an enabling work policy and for better infrastructure and services. They added that capacity-building needs included group structure, including assigning leadership roles to members. They recognised that unity and proper planning were vital for group success. Some women also stated that group members have different expectations and this might be a challenge in terms of commitment from some members.

They say:

- *"If for example we were to receive training on budgeting, business planning and management we would go even further with the group."*
- *"Mtoto mdogo anaanza kutambaa kabla atembea"* (a small child must crawl before she begins to walk / Rome wasn't built in a day): In reference to the fact that organising has made a difference in the women's life but a lot more needs to be done by the women individually and as a group.

Below is a description of the associations that were formed in Kangemi and Kawangware communities as a result of this research, including some of their plans³⁹. Information on the Kiamaiko collective, which had already been established before this research was undertaken, is also provided.

Jitahidi Women's Group

The Jitahidi women's group was formed as a result of a workshop co-organised by FIDA and GAATW on the rights of female informal sector workers. With about twenty members, the group meets every Wednesday at local community centre for two hours. The group has adopted the name Kawangware Jitahidi - a Swahili name meaning "work hard" - Women's Group. The registration process under the Ministry of Gender in partnership with the Ministry of Social Services has been instituted. The group has established a governance structure and officials, including a chairperson and a secretary, appointed through voting. The women have a simple constitution.

Most of the group members run small businesses within the community and have been members of similar community based groups prior to this one. They have a rotating kitty with the women each contributing KShs100 each week. Some of the problems that the women face as a group include a lack of basic skills such as leadership, record keeping and resource mobilisation. Other issues include the lack of a central meeting place as well as inadequate income sources to mention a few.

³⁹ Please note that the Kiamaiko People's Parliament was not established as a result of this research. This research focused on migrant members of the organization, with the aim of encouraging self-organisation among the migrants.

The Jitahidi Women's Group is currently considering entering into the charcoal business. Their plan is to ensure the group business grows before venturing into other activities. They eventually would like to be able to enter the property market and "*they know that they can do it*". They said that this would be a way to help themselves as well as other women in their community. When asked what types of activities they would engage in outside of making money, the women said that the group helped them feel empowered and like "*they could do anything.*" They asserted that the business is just a starting point and after this, they can do anything they want.

Good Hope Women's Group

Similar to the Jitahidi Women's Group, the Good Hope Group is made up of approximately 20 women from the Kangemi community. Most of the women are informal sector workers with businesses ranging from food production and sale to services offered for example salons. The women meet regularly and also have a kitty which they each contribute KShs 20. They are also in the process of registering their CBD and have a constitution as well as officials. Some of the problems that they have include the fact that they have no training in business skills and they also have different skills as business owners which makes it harder to support each other in terms of capacity building. The women in Kangemi are better trained in home based care programmes where they take care of other members of the community with HIV/AIDS. More than half of the women's group in Kangemi is trained. There is a stigma from the families of these patients and so the women take care of them as volunteers.

Bunge la Wananchi

The women from Kiamaiko have been able to participate in community advocacy activities through the help of Bunge la Wananchi (People's parliament) - a nongovernmental organisation which help grassroots community to raise their voice towards national building through supporting community based organisation in conducting advocacy activities and events. Kiamaiko women have been able to hold a series of activities, including mobilising women to participate in forums and meetings as this is a platform for women to air their views on what they feel are the issues affecting them. These are then compiled into reports. One such forum was organised in conjunction with FIDA and GAATW on the 16th of September 2009 and among the issues captured at the forum, youth issues, security and female genital circumcision (FGC) featured. One of the major challenges of the community is discrimination. A distinction is made between the 'Kenyan' and the 'foreigners'. The latter are often referred to in the derogatory *wariah*. They are sometimes not involved in decision making and for example, at the forum organised, they say that they were not aware of how much had been donated toward the 16th September 2009 event. They said they were not involved in writing the budget, but were only involved in doing the catering for the participants. As well, there is a language barrier between the Somali/ Oromo and their Kenyan counterparts, e.g. in forum as well as in the meetings and focus group discussions, the languages used are Kiswahili or English and in some cases, even Kikuyu.

6.0 REFLECTIONS ON FPAR PROCESS AND METHODOLOGY

The research methodology if carried out correctly can lead to valuable insights from the women. Based on the observations made, an important thing to note is that the process has to be about the group empowering themselves. All the ideas on how to start a business and how to deal with the problems that they encounter need to be suggested as well as agreed upon by the women. It was also encouraging to see the amount of work that the women's groups have managed to do in such a short amount of time and how encouraged they are by each other.

6.1 Research Process

In terms of the participation aspect, it is important to keep in mind that the relationship was initiated by the researcher and so ultimately the researchers decided the way the discussions are moderated and in what forums the issues are discussed (be it through a focus group discussion, community mapping, interviews, etc). This is unavoidable in research though and in some of the groups such as Kiamaiko, there needed to be more moderation than in the other communities because of the dynamic between the different women. Also this was unavoidable as it was sometimes necessary to get certain information in different ways.

Ideally, an FPAR researcher should put her expectations aside when carrying out the research. However, it was interesting to recognise that the researcher does indeed have expectations and assumptions from the research participants in terms of their responses and their experiences. For instance, at one FGD in Kangemi the researcher was surprised at the positive responses regarding financial support from the women's husbands (the researcher had assumed that the women's responses on this issue would be similar to those of women in Kiamaiko which were negative). This is something an FPAR researcher has to consciously keep in mind.

The participants also had their own expectations. It may have sometimes been lost to the women that researchers were not from an organisation that was interested in funding their activities. In all of the communities, the women were keen to mention the ways that they needed help in getting loans or other forms of assistance (focus on individual versus collective benefits). However, researchers constantly reminded the women that their purpose was to conduct the research together with them, and that the solutions of their problems would have to come from them. In the end, it is improbable that it altered the information that we managed to get but it was still something noteworthy.

Of interest was the change in the dynamic when there were no men present during discussions (the community mobiliser was male, and there were situations where interviews were carried out in the women's homes or places of work in the presence of male relatives or customers). The women seemed to be more vocal about their experiences in a space with only women and this is indicative of the way that the gender imbalance in their day to day lives affects them. There were also power relations within the groups whereby in some instances, the groups had a clear power structure so that one woman controlled the tone of the discussions. However, other women were encouraged to share their points of view and in subsequent FGDs and discussions, they opened up.

6.2 Action

From observation, the groups are moving towards sustainability: the research findings show that the women have benefited so much in terms of their businesses as well as individually since they started meeting and it has helped them grow not only as business owners but ultimately as women.

In the end, the research process was successful. It was encouraging to see the women come up with the solutions to the issues that they faced and support each other not only financially-through the kitties - but also in learning about their rights as business people and just as women. It was also encouraging to see that they all were keen on spreading their knowledge and experiences with other women in their individual and one can only hope that what they have started will be sustained and continue to empower them.



Figure 6: Kawangware Market

7.0 RECOMMENDATIONS AND WAY FORWARD

Given the contributions that the informal sector has made to the Kenyan economy, the Kenyan government has a responsibility to not only recognise this but establish a policy framework that not only includes the informal sector in the national economic agenda, but also addresses the underlying factors that lead women to informal sector and to set up an enabling working environment for women in the informal sector. We believe that the recommendations below would contribute in making this happen:

- Government to adopt new measures to implement existing laws and policies that are largely to blame for the plight of informal sector workers in Kenya. Specifically harmonising local government by-laws so that street vending is not criminalised, dealing with the problem of trading spaces, and reviewing taxes charged to informal sector workers to reduce the abuse of power by the local government authorities would all go a long way in improving the current harsh circumstances under which informal sector workers operate.
- Government to invest more in both urban planning and improvement of infrastructure and services, and in particular, in informal housing settlements which are the most neglected to enable informal sector women work in a good environment.
- Government to gather detailed information about refugees; review the current Refugees Act and to take steps to protect these women from harm.
- Government to give equal labour opportunities to both informal and formal sector workers.
- Government to pass and implement laws and policies that ensure that the human rights of migrant informal sector workers are respected, including the Trafficking in Persons Bill and the MSE Act.
- Civil society organisations to team up with the government to provide awareness creation and training on labour, women's and migrants' rights to municipal and law enforcement officials.
- Government, civil society organisations and established trade unions to work together in building the capacity of informal sector workers as well as in supporting them in organising and collective bargaining.
- Government to pass the Family Protection Bill and the Marriage Bill to protect the women from the practice of violence.

BIBLIOGRAPHY

Bikundo, L.R. (2007). *Kangemi Situation April 2007*. Retrieved from <http://www.nabuur.com/en/village/kangemi/project/wiki/shared-document-help-bikundo-make-a-description-steps-and-tasks>

Bullock, Susan. (1994). *Women and Work*. New Jersey: Zed Books Ltd.

Campbell, E. H. (2005). *Formalizing the informal economy: Somali refugee and migrant trade networks in Nairobi*. Global Migration Perspectives, No. 47, September 2005.

COHRE. (2008). *Violations of Women's Housing Rights in Kenya's Slum communities*. Retrieved from <http://www2.ohchr.org/english/bodies/cescr/docs/info-ngos/COHREKenya41.pdf>.

Chen, M. (2004). *Rethinking the Informal Economy: Linkages with the Formal Economy and the Formal Regulatory Environment*. Paper prepared for presentation at the EGDI-WIDER Conference, Helsinki, Finland.

Ellis, Amanda, Jozefina Cutura, Nouma Dione, Ian Gillson, Clare Manuel, and Judy Thongori. (2007) "Overview." Foreword to *Gender and Economic Growth in Kenya: Unleashing the power of women*, xxiii. Washington DC: The World Bank.

FIDA Kenya (June 2009). *Women Enterprise and Development Fund: An Appraisal*.

Government of Kenya. (1999). National Micro and Small Enterprise Baseline Survey. Nairobi: Central Bureau of Statistics, Ministry of Planning and National Development.

Government of Kenya. (2005). *Kenya Gender Flier 2005*. Department of Gender, Ministry of Gender, Sports, Culture and Social Services Nairobi

Government of Kenya. (2006). *Private Sector Development Strategy 2006-2010*. Ministry of Trade and Industry, Nairobi.

Hertz, M. *Somali Refugees in Eastleigh*.

Human Rights Watch. (2009). *From Horror to Hopelessness*. Retrieved from <http://www.unhcr.org/cgi-bin/texis/vtx/page?page=49e483a16>

Kenya Land Alliance. *Critical Gender Issues*.

Kenya Land Alliance. *Women, Land and Property Rights*

McCormick, D. (2001). "Gender in Small Enterprises in Kenya: An Institutional Analysis." In *Realising African Development: A Millennial Analysis*, ed. P. Samanta and R. Sen, 309-30. Kolkata India: CIADS (Center for Afro-Indian Studies), in collaboration with IIDS (International Institute for Development Studies)

Mitullah, W. *Challenges of Protecting Labour Rights in the Informal Economy in Kenya*.

Macharia, K. (2003). *Migration in Kenya and Its Impact on the Labour Market*. Paper prepared for Conference on African Migration in Comparative Perspective, Johannesburg, South Africa, 4-7 June, 2003.

Muyanga, P. and Mwajefa, M. (2009). *Sh50 million fire engine burnt as Mombasa hawkers riot*. Retrieved from Daily Nation website: <http://www.nation.co.ke/News/-/1056/602058/-/ujoeek/-/index.html>

Ogosia, K. and Kibet, D. (2009). *Woman Shot Dead in Nairobi Battles*. Retrieved from the Daily Nation website: <http://www.nation.co.ke/News/-/1056/606546/-/ujrakl/-/index.html>

Otieno, O. (2010). *Faisal riots exposed the ugly face of Kenya*. Retrieved from Daily Nation website: <http://www.nation.co.ke/oped/Opinion/-/440808/847918/-/5qdtky/-/index.html>

Pavanello, S., Elhawary, S. and Pantuliano, S. (2010). *Hidden and Exposed: Urban Refugees in Kenya*. Retrieved from <http://www.odi.org.uk/resources/download/4786.pdf>

Saito, K., H. Mekonnen, and D. Spurling. (1994). "Raising the Productivity of Women Farmers in Sub-Saharan Africa." Discussion paper 230, World Bank: Washington D.C.

The African Executive. (2010). *Kenya Grapples with Skewed Labour Policies*
<http://www.africanexecutive.com/modules/magazine/articles.php?article=4505>

UNHCR. (2010). 2010 UNHCR Country Operations Profile - Kenya. Retrieved from <http://www.unhcr.org/cgi-bin/texis/vtx/page?page=49e483a16>

APPENDIX I

Guiding Questions

Migration of Women

1. Where you born in Nairobi or you moved to Nairobi?
2. Why did you move?
3. How old were you when you migrated
4. How was the migration process - terms of finances and decision making?
5. What challenges did you face during the migration process?
6. What are the difference between Nairobi and your previous place of living?
7. How did you adapt to the city life?

Women's Work

1. How did you get this business?
2. How long have you been doing it?
3. What does your job involve?
4. What do you do on a typical day?
5. What is the market like for your job?
6. For instance, who are your customers?
7. Is it easy to buy the products you sell?
8. What are the conditions in terms of pay, security, working hour?
9. What job conditions do you want?
10. What job did you do before this?
11. If you left, why and how?
12. What are the main work problems you and other women face?
13. What did or will make the situation better?
14. What do you enjoy about your work?
15. How are your experiences in work different from those of men?
16. What measures do you want the city council or police to take?
17. Who do you trust to help you if you have problems at work?

Women's Strengths and Weaknesses

1. What skills do you think you have?
2. What are your ambitions?
3. What are the biggest challenges you face in your working life and in the community?
4. What gives you strength?
5. Can you give me an example of a really good day?
6. And a really bad day?

Forming a Collective

1. How is the group formation, or association formation going?
2. What do you think of the process?
3. What could be better about it? What is good about it?
4. Is it working? Is being part of the group giving you strength to claim your rights? Will it give you strength once it is stronger?

