



FORMATIVE FEMINIST RESEARCH ON SOCIAL NORMS ON

PAID AND UNPAID CARE INFRASTRUCTURE IN KENYA

JULY 2025



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Finally, we recognize the Oxfam Kenya Team, whose dedication to this work was evident throughout the process. Their expertise at different stages of the study was vital in ensuring both accuracy and the successful completion of the research.

This is not just a research report but a learning document that highlights the existing formative feminist social norms surrounding unpaid care infrastructure in Kenya and explores strategic interventions that can contribute to a decent and safe working environment for both paid and unpaid caregivers.

2. EXECUTIVE SUMMARY

This report documents findings from empirical research commissioned by Oxfam-Kenya. The research explored the complex social norms surrounding paid and unpaid domestic and care work and the gendered dynamics that shape the distribution of responsibilities in this sector. Adopting a feminist lens, the study interrogated the extent to which social norms influence the perceptions, experiences, and lives of individuals performing paid and unpaid care and domestic work. It focused on the experiences of four target groups namely, women over 65 years, girls under 18 years, migrant workers, and the LGBTQI+ community. Further, the research sought men's perspectives informing social norms shaping paid and unpaid domestic and care work. Qualitative data was collected through key informants' interviews, focus group discussions and literature review.

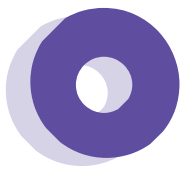
Overall, the research revealed that the insidious undervaluing of domestic and care work is widespread in Kenya, disproportionately affecting women and girls who are culturally and socially expected to perform these roles. This report flags out distinct challenges for each target group. For women over 65 years, it highlights that this category is often burdened with unpaid care work for family members due to family dynamics, financial necessity, and adversity like the death or imprisonment of their adult children. On the other hand, women in this category are increasingly seeking paid work to meet their obligations arising from the stated dynamics. There exists a glaring policy gap for this age group which perpetuates barriers like ageism and social marginalization. The report confirms that migrant workers are predominantly from East Africa who take advantage of the East African Community's Protocol on free movement of goods and services. The workers are largely undocumented and therefore lack access to formal support structures which leaves them vulnerable and subject to exploitation, poor working conditions.

For the underage girls, the report confirms that despite laws prohibiting child labor in domestic work, the girls are routinely engaged in this work, often through secretive family arrangements. Poverty is a significant push factor for this category. The invisibility of their work and a lack of enforcement agency resources make it difficult to address the issue. With regard to the LGBTQI+ community, a key finding captured in this report is the role of stigma as a push factor in resulting to paid and unpaid domestic and care work as a readily available option. The community is also at a higher risk of sexual abuse by employers and face challenges in reporting violations due to the criminalisation of their identity. Interrogation of male perspectives on all the above categories confirms that domestic and care work is, to a large extent, informed by perceptions of masculinity, thus perpetuating overburdening of women and girls with domestic and care work. Further, the conceptualisation of masculinities defines the limited domestic and care work suitable for men.

This report provides a range of recommendations, including enhanced enforcement of existing laws and policies as well as law reform to address gaps; community sensitisation through strategic platforms like media, religious gatherings, and community forums to raise awareness on challenges experienced in as well as dignify domestic and care work; empowerment and support to provide skills development, psychosocial services, and safe houses for vulnerable groups; strengthening inter-agency collaboration and investing in additional empirical research with disaggregated data to inform targeted interventions for specific groups.

The report is timely and essential as it is designed to inform Oxfam's Time To Care (TTC) project which seeks to address the structural inequalities faced by women and girls in the care and domestic economy.

1. INTRODUCTION

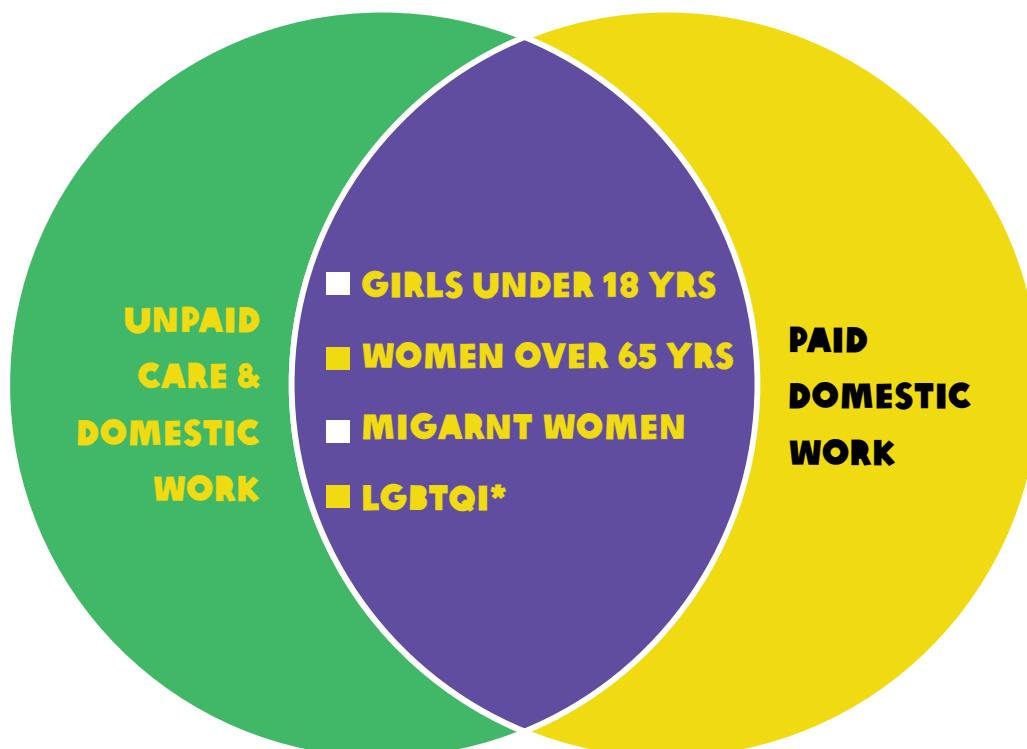


xfam Kenya is implementing the Time to Care project, which aims to address inequalities faced by women and girls in the care economy. The project focuses on interventions to recognise, reduce, redistribute and reward care and domestic work. It also seeks to facilitate the representation of care workers in decision-making platforms (Oxfam, 2023).

Underpinning gender inequalities in paid and unpaid care and domestic work are retrogressive social norms and narratives. Thus, one of TTC's projected outcomes is "Increased adoption of gender-equitable social norms in support of women and girls in Kenya's care infrastructure" (Oxfam, 2023). This research was designed to inform the TTC project, particularly concerning women over 65 years, girls under 18 years, migrant workers, and persons identifying as LGBTQI+ engaging in paid and unpaid care and domestic work in Kenya. It sought to interrogate social norms and narratives in care work and infrastructure. Analysing the care burden on women and girls, the research engages with norms and narratives which reinforce the feminisation of care roles, thus alienating men and boys.

The primary objective of this research was to collect data to inform the delivery of the TTC project and enhance the engagement of key stakeholders in care work. Its findings were intended to influence change in retrogressive care policies and practices, thereby contributing to the achievement of gender equality. The specific objectives were, firstly, to understand the social norms regarding the engagement of young girls (under 18) and the elderly (over 65 years) in paid and unpaid care and domestic work in Kenya and the impact on their needs and interests. This included their perceptions on and lived experiences in care work, as well as the societal construction of masculinities shaping the invisibility of men and boys from care and domestic work. Secondly, to understand the intersectionality of the LGBTQI+ community and domestic work and the challenges faced by paid domestic care workers. Thirdly, to understand the impact of being a migrant worker within the care work sector and the challenges faced by migrant domestic workers.

Figure 1: Research Scope



This research adopted the OECD definition of unpaid domestic and care work (2020). Unpaid domestic and care work refers to all non-market, unpaid activities carried out in households – including both direct care of persons, such as children or the elderly, and indirect care, such as cooking, cleaning or fetching water.

Paid care work in this research refers to “direct care for persons performed within a household or institution for pay or profit” (UN Women, 2022). However, this research focuses on care work within households. Article 1 of the Domestic Workers Convention defines domestic work as ‘work performed in or for a household or households’. Adopting this definition, in this research, paid domestic work refers to work performed in or for a household or households for pay. In many instances in Kenya, domestic workers are engaged to undertake both domestic and care work. This research, therefore, nuances domestic and care work within the contextual realities in Kenya.



2. CONTEXT

Unpaid care and domestic work remain insidiously undervalued. Notwithstanding their significant social and economic value, they are often relegated to a private contribution whose significance in the public economy is overlooked (Oxfam, 2023). Similarly, paid care and domestic work are underrated, overlooked and underfunded (Oxfam, 2020). Moreover, social norms construct care and domestic work as women's roles, thereby alienating other social categories from the care economy (Davis & McMaster, 2020). This gendered conceptualisation of care and domestic work results in a disproportionate burden on women (ICRW, 2023; Oxfam, 2021). This is exacerbated by the intersectionality of their multiple identities, including age, ethnicity, religion, gender identity, socioeconomic status, or disability. Ultimately, this has a negative impact on women's access to and retention in the formal economy.

Feminist research interrogates these social norms and deconstructs the paid and unpaid care and domestic work infrastructure to address the enduring gender inequalities (Peng, 2019). Critically examining the care and domestic work infrastructure, a feminist lens highlights the nuances that disadvantage women and girls and the limitations imposed upon them as they bear the disproportionate burden. This necessitates, first, a recognition of the actual value of care and domestic work as a contribution to the public economy. Secondly, establishing policy, legislative, and social frameworks to advance equality and address the challenges experienced by care and domestic workers (Antonopoulos, 2008).

On the other hand, a masculinities lens examines the social construction of "maleness," which dictates the roles that men undertake. Masculinity connotes a multifaceted set of attributes, functions, values, and behaviours that are considered important to men in a particular culture (Connell, 2005; PAHO, 2019). With respect to unpaid and paid care and domestic work, patriarchal masculinity constructs and reinforces

unpaid care and domestic work as incompatible with male identity (Chambers & Grover, 2023). Dominant masculinity, for instance, advances certain masculine norms, such as physical strength, among other norms often referred to as the 'man box' (Ragonese, Shand, & Barker, 2019). This approach to masculinity places domestic and care work outside the purview of male-appropriate roles, thus reinforcing the burden on women and girls.

Kenya mirrors the global trend of disproportionate care and domestic burdens on women and girls (ICRW, 2023). A Kenyan time-use survey conducted in 2023 revealed that "women spend five times more time on unpaid care and domestic work than men", and that this disproportionate burden cuts across women of different ages (UN Women, 2023). Further, the Kenyan care economy makes a significant contribution to the country's GDP (UN Women, 2022). Acknowledging this contribution, in the face of the enduring undervaluing of the care economy, a National Care Needs Assessment was undertaken, informing the development of Kenya's National Care Policy (UN Women, 2023). The Policy articulates the need for continued measurement of unpaid care work and its inclusion in the National Accounts.

The development of the National Care Policy reflects an increasing recognition of the need to address broader concerns within the domestic and care economy. However, a more nuanced approach is further required to identify the uniquely lived realities of the diverse domestic and care workers. This research, therefore, examines the lived experiences of women over the age of sixty-five, girls under the age of eighteen, migrant workers, and workers identifying as LGBTQ+ in unpaid and paid care and domestic work. Findings on these selected categories are intended to inform appropriate category-specific interventions. It also examines the narratives, norms and practices that position elderly women and young girls, in their multiple identities, for paid and unpaid care and domestic work.

3. METHODOLOGY

A feminist lens was adopted as a framework of analysis in this research. However, a non-binary conceptualisation of gender informed the analysis relating to the LGBTQ+ category. A grounded approach was also employed, thereby developing the research focus and identifying additional respondents as the research progressed.

Both documentary research and field research were conducted. The geographical scope was limited to Nairobi, Mombasa, Kiambu, and Nakuru, which are the counties covered by the Time to Care Project.

A) DOCUMENTARY REVIEW

The documentary review involved an examination of both primary sources, including domestic statutes, regional and international legal instruments, case law, as well as secondary sources. The latter included a review of policies, guidelines, and reports.

B) FIELD RESEARCH

Focus group discussions and in-depth interviews were conducted. Given the focus on respondents' interpretations of existing norms and narratives surrounding care work, a qualitative study was conducted.

In-depth Interviews:

Figure 2 below illustrates the research framework and the selection of respondents. The selection of respondents was purposive, as the research involved vulnerable categories that were not

immediately identifiable. Researchers began by identifying a few well-known key informants and individuals from the selected categories who were willing to share information. These individuals then snowballed to other respondents. Using a grounded approach, the actual data collection deviated from the research plan, which had envisaged conducting interviews with children. Informed by safeguarding concerns, particularly considering the outlawing of child labour in domestic work, children were not interviewed. Instead, key informants, with knowledge on engagement in domestic and care work, such as Children Officers, police officers, religious leaders and officers drawn from the County Commissioners' offices, and adult domestic workers who started as minors, were interviewed. Nevertheless, the ages of migrant workers interviewed were difficult to ascertain as they did not have identification documents. The researchers, therefore, relied on their narratives.

The interviews were conducted both face-to-face and virtually. Participating respondents were as follows:

5 children's officers; 2 labour officers; 1 immigration officer; 1 police officer; 1 County Gender Officer; 1 Deputy County Commissioner; 2 Chiefs; 1 Nyumba Kumi leader; 2 religious' leaders; 35 elderly women; 4 LGBTQI+ members; 5 migrant workers; 7 Non-Governmental Organizations officers and one domestic workers' employment bureau owner.

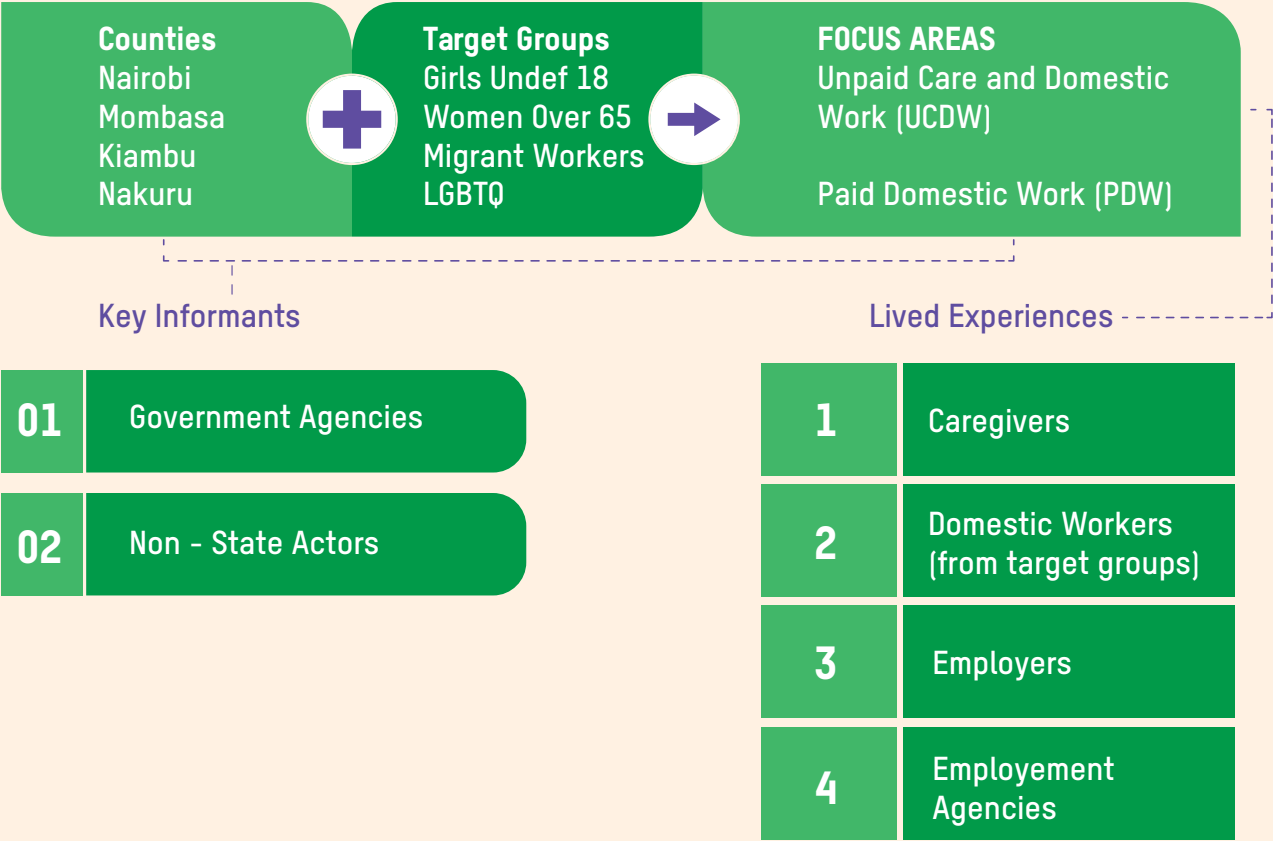
Focus Group Discussion (FGD):

The following focus group discussions were held:

1. One physical FGD in Mombasa
2. One virtual FGD for Nairobi respondents
3. One virtual FGD for male respondents drawn from Nairobi, Mombasa and Nakuru



Figure 2: Overview of Field Research



4. RESEARCH FINDINGS

The global trend of undervaluing and underfunding domestic and care work is replicated in Kenya. Thus, women, being the most domestic and care workers, are disproportionately impacted by this trend. Social, cultural and economic factors largely orchestrate women's and girls' engagement as domestic and care workers. A respondent aptly captured this position:

"Culturally, housework is assigned to women and girls. Girls are expected to do more. It is like it is their responsibility. Many boys think it is shameful or **"not for boys." So, they avoid it or do less. R1**



This research revealed that push factors are intricately connected. Overarching social and cultural construction of women and girls as the 'natural' caregivers and domestic workers, are economic factors. As a result of poverty, women and girls engage in paid domestic and care work which are at their disposal. On the other hand, they are the default unpaid domestic and care workers in their households when need arises. This scenario is replicated for migrant domestic and care workers.

Research on LGBTQ+ domestic and care workers yielded similar findings. Notably, the social and cultural factors distinctly impacted the entry point of LGBTQI+ individuals into care and domestic work. Stigmatisation of LGBTQI+ individuals often leads to destitution, which then leads to domestic and care work, which is readily available.

Engagement with male respondents revealed that various social and cultural constructions of masculinity rendered men averse to specific paid and unpaid domestic care and work. In particular, household tasks, such as dishwashing, are often deemed unmasculine and avoided in comparison to work done outside the house, like gardening. The same applies to caregiving, which is often considered a traditionally feminine role. Given the socio-cultural attitudes and perceptions of the dominant masculinity, the research revealed that in many quarters, it is considered shameful for boys to engage in housework.

The group-specific findings are discussed below.

4.1 ELDERLY WOMEN

4.1.1 INTRODUCTION

The gendered dynamics of domestic and care work that are evident in childhood continue into adulthood and old age. Domestic and care work remains predominantly a woman's affair even in old age. This pattern is shaped by the patriarchal division of labour that constructs women as nurturers, wives, mothers, caregivers and providers of domestic labour. Socio-cultural and economic attitudes and narratives about masculinity further reinforce this pattern. The dominant masculinity view perpetuates the disengagement of men in care roles. Given the socio-cultural attitudes which render domestic and care work unmasculine, elderly men shun these roles. They still prefer strength-related domestic labour such as gardening.

4.1.2. NATURE AND PREVALENCE

Most of the domestic and care work carried out by this category is unpaid. This includes caregiving to sick husbands, children, grandchildren, and peers at home and in hospitals when they are admitted; babysitting grandchildren; attending grandchildren's school meetings; taking children to hospitals; providing grandchildren with food and shelter; performing farm work for subsistence; and picking coffee on other people's farms for pay.

There is, however, an emerging form of paid care work for women over 65 years old in urban areas. This is where retirees are turning their homes into daycare centres for young children. Information on this is scarce due to concerns about regulators and potential tax implications. In some cases, they are also hired as caretakers for elderly people. Regarding geographic distribution, most unpaid domestic and care work performed by elderly women occurs in rural areas. In Kiambu, there is an evident correlation between alcoholism and the prevalence of unpaid care work among elderly women.

4.1.3. INFLUENCING FACTORS

This study has categorised the structural, social, cultural, and economic issues that make it acceptable for elderly women to engage in paid and unpaid care and domestic work into the following: Family dynamics, financial considerations, adversity, culture and religion.

4.1.3.1 FAMILY DYNAMICS

These relate to care work tied to the larger family's needs. For instance, daughters who are single mothers may assign domestic and caretaking work to their elderly mothers so that they can earn money to take care of both their parents and children. In the case of well-to-do families, elderly women often take on caretaking and domestic responsibilities when their daughters secure lucrative opportunities, such as abroad. Notably, socio-cultural perceptions, including religious aspects, construct the dominant masculinity, thus contributing to elderly women taking up these care roles. While in this case they may have domestic workers employed, they still have overall supervision obligations and childcare responsibilities, which include ensuring that the children are well taken care of, as described in the Coast region: "Kuwa nyumbani kama jicho" (being in the house as an extra eye).

Other scenarios include children being taken to live with their grandmother after separation or divorce; an elderly mother taking over the caregiving of an alcoholic son and his children,

or an alcoholic spouse; and taking care of spouses with geriatric and lifestyle diseases such as dementia, Parkinson's, Alzheimer's, diabetes, and others. Divorces are happening later in life, and divorced women who previously depended on their spouses must now earn a living to survive. In other cases, parents abscond and leave their children with their grandparents. Some elderly women opt to live with and take care of their grandchildren and other relatives as a way of dealing with isolation and loneliness. Many women also end up as caregivers of their parents without prior notice or planning. For instance, one may take a parent to the hospital, thinking it is a one-day assignment and end up as a permanent caregiver as they stay with the parent for follow-up hospital visits.

4.1.3.2 FINANCIAL CONSIDERATIONS

Some elderly women engage in domestic and care work as a source of income due to poverty. Moreover, elderly women living alone often do their chores, such as laundry, cooking, and cleaning, as they cannot afford to pay for assistance. In urban areas, some retired citizens are converting their homes into daycares to generate extra income. Additionally, high unemployment rates and the inflated cost of living have compelled many elderly women to become caregivers for their adult children and their families.

4.1.3.3. ADVERSITY

The death of their children necessitating taking care of orphaned grandchildren, mental illness of an adult child resulting in taking care of the grandchildren together with the adult child, looking after their own children with physical disabilities, imprisonment of children, thus requiring them to take care of grandchildren left behind.

4.1.3.4. CULTURE AND RELIGION

Extended family expectations of an elderly woman are that she should be welcoming and caring towards all, especially her grandchildren. This is occurring in the context of changing

cultural dynamics and intergenerational disconnect as the traditional care structure collapses; children are increasingly failing to support their aged parents, and women have to make a living now. In some communities, for example, in the Coast region, most elderly women do not perceive looking after their grandchildren as work, but rather as a way to nurture values and protect the family. They argue that having children raised by domestic workers is a threat to their moral and religious values, and they see themselves as the protectors of the family. Rural-urban migration, where people leave their children with their parents due to space and financial constraints in urban areas, also contributes to this caregiving arrangement. Despite the traditional care structure changing, old people are still doing what they saw their parents do, and thus continue looking after their grandchildren.

4.1.4 EXISTING NARRATIVES, PERCEPTIONS AND ATTITUDES

Whereas in traditional African communities, the elderly were highly regarded and taken care of, there is a growing trend of ageism and disrespect. Those overwhelmed by unpaid domestic and care work compounded by poverty are rejected by a segment of society, like landlords who see them as serial defaulters of rent and by neighbours who think they are always begging or borrowing. Elderly women willing to engage in paid domestic and care work find it difficult to find work as they are perceived to be too fragile or old to be productive.



In Mombasa, private employment bureaus generally prefer younger individuals and tend to avoid hiring individuals over the age of 65 for paid domestic and care work, unless specifically requested by a client, which is rare.

Discrimination at the workplace pushes over 65 out of paid care as they are deemed to have worked enough and compete for scarce resources with the young. While young people view the elderly as vulnerable, frail, potential victims, the elderly view them as perpetrators and holders of negative attitudes towards the aged. The elderly are viewed as having few expenses and therefore having resources to spare, as captured by a respondent:

‘There’s a perception that older people have money that they do not want to declare and resources they do not want to share, so they are forced to look after their children.’ R2



Elderly women are often perceived as having a lot of time on their hands, so they are expected to utilise their time doing care work. On the other hand, elderly women engaging in paid care and domestic work are perceived as disorganised women who did not plan well, as articulated by a respondent:



“You would not be working if you organised your youthful days.” R2

However, others see older women seeking paid work deemed as people in pursuit of healthy ageing through social interaction. Overall, elderly women are marginalised in all aspects, including as caregivers, as stated by a respondent:



Africa is viewed as a youth continent, so resources are channelled there. There is a youth council, as well as a Minister for Youth and Sports. Have you heard of a minister for old people?’ R3

Elderly women are marginalised when it comes to awareness of opportunities, public processes, and initiatives. This is because the information is conveyed through televisions, radios and electronic media that they may not have access to or the time to use. For instance, a sizable number are unaware of the Inua Jamii initiative and how it is implemented. They miss the monthly stipend, however small and have to labour for every aspect of their livelihood.

4.1.5 IMPACT

Elderly women who engage in domestic and care work are impacted both positively and negatively. The impact is experienced at multiple levels, both personally by individual women and within their families, as well as society at large.

4.1.5.1 POSITIVE IMPACT

Providing care work within the family contributes to meeting a need that would ordinarily be outsourced at a cost. The emotional support offered by the woman is often stronger than that provided by a paid caregiver, and those receiving the care tend to feel safer, as they trust the woman from the family. Additionally, elderly women serving as caregivers can pass on family, religious, and cultural values, which helps strengthen family bonds. The act of caregiving also provides psychological benefits to the women themselves, as it enhances their sense of self-worth and reduces feelings of loneliness and isolation by making them feel needed and valued.

Caregiving can also lead to the acquisition of new skills, particularly in palliative care, such as taking basic vitals, changing diapers, and feeding the sick. Moreover, when elderly women look after their grandchildren whose parents are deceased, ill, or imprisoned, it reduces the number of children in need of care and protection within the community. Ultimately, income earned from paid domestic and care work enables women to meet their financial obligations, providing them with a degree of economic empowerment.

4.1.5.2 NEGATIVE IMPACT

Being elderly comes with diminished energy levels, yet domestic and care work is demanding and energy-consuming. Elderly women who engage in the daily routine of domestic and care work are more overwhelmed compared to their peers in retirement. Those in paid work usually juggle their paid work with their domestic duties.

“I am taking care of five grandchildren and have to farm, rear chicken and goats to be able to meet my grandchildren’s needs. I do not have resting time, and my body is unable to manage the long hours”. R4

Unpaid domestic and care work is financially draining to an elderly woman who may already be funding age-related medical needs. The social impact is often ignored as caregivers are isolated. Given their roles, they miss many social events, and many get depressed. Furthermore, family support in terms of resources is often directed more towards the care receiver than the caregiver. Inua Jamii’s interpretation is narrow. Not all elderly caregivers qualify for the Inua Jamii programme.

In Kiambu County, it emerged that elderly women, looking after their alcoholic adult children and spouses, often endure sleepless nights and general insecurity as these drunk children and spouses cause trouble every night. In this context, a multiple masculinities lens discloses unique socio-cultural, economic attitudes, identities and scripts about masculinity. One of the masculine norms and expected behaviours of socialisation revolves around the consumption of alcohol in Kiambu County. This practice results in men's ill health or death, and by extension, negatively affects the family unit and disproportionately affects elderly women. Such socio-cultural and economic masculine norms of health-risk behaviour and limited self-care, specifically in Kiambu County, are reflective of some of the problematic masculine norms which negatively affect elderly women. The elderly women often endure the most of addressing the outcome of alcoholism, which impacts paid and unpaid domestic and carework.

Many suffer from chronic back pain due to manual domestic work like farming and coffee picking besides housework. Other health problems include tremors, depression, age-old diseases like arthritis, hypertension and diabetes. Raising grandchildren by elderly grandparents while simultaneously earning a living (especially in cases where children are orphaned) has been identified as a significant source of high stress levels (World Bank, 2023).

See <https://www.youtube.com/watch?v=02leGdeyAj4> on the impact of caregiving on a 72-year-old woman looking after her mentally ill 38-year-old daughter.

Most elderly women caring for children and elderly spouses are often unable to afford essential care tools, such as gloves and adult diapers. The responsibility of caring for grandchildren further strains their already meagre resources, negatively impacting their nutrition and access to healthcare. Children who are brought up exclusively by their grandmothers often exhibit behavioural challenges. Despite the grandmother's best intentions, it is doubtful that she can respond effectively to emerging delinquency or adequately meet the child's disciplinary needs. In the absence of appropriate role models, these children may repeat the same patterns that led to their being raised by grandparents in the first place, such as dropping out of school, teenage pregnancy, alcoholism or drug and substance abuse.

In many cases, elderly women also face outright exploitation by family members. Some relatives demand that their mothers look after their children as a matter of entitlement, abandoning them at their doorstep and leaving the elderly women with no say in the matter. Once this cycle of exploitation begins, it often continues until the women's final days.

4.1.6 POLICY AND LEGAL FRAMEWORK

Currently, there is no specific statute or policy that addresses domestic and care work for individuals aged 65 and older. The proposed Older Persons Bill 2024 is currently in the initial stages of development. The Bill proposes the establishment of the National Council for Older Persons, which would provide a valuable platform for advocating policies on paid and unpaid care work for the elderly. This is, however, a money Bill requiring approval by the cabinet and is likely to take a long time to be realised.

Despite the lack of specific laws and policies, the following are helpful pointers on the policy and legal status of certain aspects relevant to paid and unpaid care and domestic work by elderly women. Senior citizens, including women, enjoy special constitutional protection. Under Article 57, the State is obligated to ensure that older

persons fully participate in the affairs of society, pursue their personal development, live in dignity and respect, are free from abuse, and receive reasonable care and assistance from their family and the State. The same Constitution defines an older person as anyone who has attained the age of 60 years. Furthermore, the Constitution recognises treaties and conventions ratified by Kenya as part of our law. In this regard, Kenya has ratified the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Older Persons in Africa, whose objective is to protect and promote the rights of older persons, ensuring they fully enjoy their human rights, the protection by both the Constitution and the Protocol to the Charter provides a firm legal basis for claiming rights for the domestic and caregivers of this age bracket and the court has clarified that parents have no legal obligation to look after their adult children except in exceptional circumstances.

In JNT v JWO & another [2019] KEHC 12009 (KLR), the judge clarified that:

'Quite unfortunately, the appellant has no legal obligation to provide for his adult children. He may have a social responsibility, but it is not a legal one.'

The court has further expounded on the exceptional circumstances under which parental responsibility may be extended beyond the age of 18 years to include disability, the need for specialized care, or an illness or ailment requiring medical attention. With regard to the institutional framework, the Ministry responsible for senior citizens is the Ministry of Labour and Social Protection in the Directorate of Social

Development. Incidentally, this is the same ministry that is responsible for labour and children's issues. It therefore has a bloated mandate, and it is not uncommon for the agenda of senior citizens to be overshadowed by more pressing matters, such as industrial and labour crises.

As far as the distribution of functions between the national and county governments is concerned, Schedule IV of the Constitution allocates the tasks of labour standards and social security to the national government. The Ministry has developed the National Policy on Older Persons and Ageing (2014). The Policy acknowledges that inadequate skills, social support, and access to credit constrain the capacities of older persons in terms of employment and income security. Declining physical strength, poor health, unfair labour practices and inadequate preparation for retirement often compound this.

The Policy, however, acknowledges that many older persons are endowed with skills, resources, and expertise that could be tapped and utilised for development. It also recognises that many older persons are in informal employment and are also employers. Under the policy, the government undertakes to provide a favourable environment, including continuous training, a legal framework, and credit facilities, to enable older persons to participate actively in the formal and informal sectors of employment. It also commits to intensifying pre-retirement training and counselling programmes in both the public and private sectors, which will help individuals develop the necessary coping skills to prepare for emotional, psychological, and socio-economic challenges in retirement. Additionally, it will institute measures that promote equity and fairness in access to and control of productive resources.

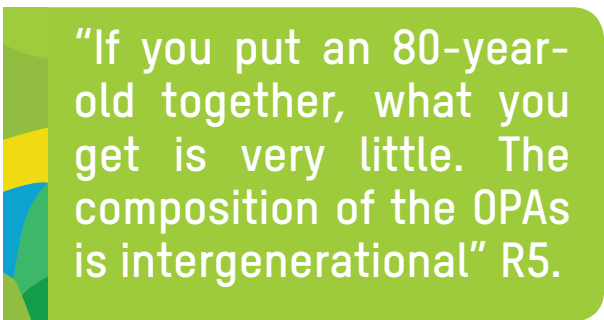
A more recent Policy is the Kenya Social Protection Policy 2023, which formed the policy basis of the Inua Jamii program, a government of Kenya's flagship National Safety Net Programme. This programme supports poor and vulnerable

citizens by providing them with a bimonthly stipend to cushion them against poverty and vulnerabilities, thereby improving their welfare. Despite the constitutional architecture allocating labour and senior citizens' issues to the National government, several county governments develop social protection strategies that also address the needs of senior citizens.

4.1.7 INTERVENTIONS

4.1.7.1 INITIATIVES IN PLACE

Economic empowerment initiatives for elderly women through skills development and establishment of self-help groups; With the support from HelpAge International Kenya, which supports older people through income security, health outreach, and advocacy for their needs, Aging Concern Africa (ACA) has, among other interventions, focused on the income and livelihood of older people using the Engage, Enrich and Empower approach. Under Engage, they have established model associations of older people (OPAs) in the Counties. For effectiveness, they have incorporated the young, not-so-young women, men and persons with disability based on the following reasoning:



"If you put an 80-year-old together, what you get is very little. The composition of the OPAs is intergenerational" R5.

Additionally, the OPAs meet regularly, on a weekly basis. monthly, bimonthly, to agree on projects to engage in. Using the Enrich part of the approach, they engage in income-generating projects tailored to their local circumstances, ensuring economic security for the elderly. Such projects include animal husbandry, soap making, and poultry keeping. Finally, the Empower initiative focuses on advocacy, where older persons are empowered to have a voice in issues that affect them through sensitisation of their rights and entitlements.

The partners identified across the counties to work with older people in partnership with HelpAge International include: ACF (Aging Concern Africa) in Nairobi, who Chair the consortium of older persons organisations; Haki Africa in Mombasa County; Liberty of Hope in Kiambu County; Center for Aging and Sustainable Development in Nakuru County; the initiative of pesa ya wazee through Inua Jamii; it is paid monthly, and older individuals can use it as collateral to secure a loan and The Association of Caregivers serves as a support group for caretakers, including elderly persons.

4.1.7.2 RECOMMENDED INITIATIVES

The proposed initiatives focus on strengthening the legal and policy framework, as well as supporting the implementation of existing policy commitments. One of the key gaps identified is the exclusion of individuals aged 60-70 years from relevant policy provisions. While the Constitution defines a senior citizen as a person aged 65 or above, social protection benefits are currently only extended to those aged 70 or above. There is, therefore, a need to realign social protection policies with the constitutional definition. Best practices from other countries and counties can offer guidance. For example, Uganda ensures representation of older persons at all levels of governance, including in Parliament. Domestically, policies should be developed to address the welfare of elderly people more comprehensively, including access to healthcare and social services. A good model can be seen in Murang'a County's Kang'ata Care initiative, which provides access to healthcare for the elderly.

There is also a growing need for interventions to address alcoholism and drug and substance abuse which are increasingly forcing women above the age of 65 back into both paid and unpaid domestic and care work. These efforts should be supported through partnerships with existing, though often underfunded, initiatives led by both County and National governments. Furthermore, more empirical research on elderly women is needed to inform decision-making and design more targeted interventions. Importantly,

data collected should be disaggregated by age in greater detail. Current policy documents, such as the Population Health Survey, often generalise age groups under the label “59 plus,” which fails to capture the nuanced needs of older populations.

4.2 MIGRANT WORKERS

4.2.1 INTRODUCTION

Migrant Domestic Workers (MDW) are individuals, often women, who move from their home country to another country to provide household services for pay. In Kenya, it includes those who enter the country from other countries and Kenyans who leave the country to work as domestic workers in other countries. This study has a bias towards foreign MDWs who leave their countries to work in Kenya. The study, however, has referred to Kenyan MDW, noting that the social norms, narratives, and practices surrounding both have many commonalities.

4.2.2 NATURE AND PREVALENCE

The geographical spread of MDW is informed by the locations of the four counties that are the subject of this research: Mombasa, Nakuru, Nairobi, and Kiambu. Respondents revealed that: Mombasa mainly attracts a high number of MDWs from Tanzania because of its proximity to the border; Nakuru is a transit town, hence a hub for migrant workers. Informal agents facilitate the migration of workers from Uganda and the Democratic Republic of the Congo. Additionally, once a migrant worker settles, they often encourage other migrant workers to follow them to Kenya. Nairobi is a melting pot of all East Africans, including those from Tanzania, Uganda, the DRC, Rwanda, and Burundi. The EAC free movement facilitates Ugandan migrant workers. A unique phenomenon in Eastleigh is the high numbers of MDWs from the Karamoja area in Uganda. Most of the Karamoja girls come from one place, the Napak District; Kiambu though a rural county is more or less a suburb of Nairobi and the demographics of MDW reflects Nairobi.

The domestic work carried out by MDWs includes household chores, such as opening and closing the gate, gardening, housekeeping, cleaning the house, cooking, laundry, caring for the sick and those with various levels of disabilities, and babysitting. The domestic work carried out by MDWs is also significantly gendered, and the perceptions and attitudes that determine the kind of work sought by MDWs and their employers are fairly similar in terms of the nature and prevalence of the paid domestic care and work done. There is therefore a gendered distribution of roles among MDWs and perceived gendered skills that can clearly be attributed to the dominant and hegemonic masculinity in the societies involved. Consequently, the labour market structures for MDWs reflect this gendered distribution. The place of economics, culture and religion is significantly more dominant in reinforcing the constructed norms of masculinity that interplay with the labour market structures, such as hiring practices for MDWs. They typically have long working hours, between 5:00 a.m. and 11:00 p.m. Usually, they are given off-hours, not off-days.

4.2.3 EXISTING NARRATIVES, PERCEPTIONS AND PRACTICES

These narratives and practices are shaped by a combination of how people view domestic work, foreigners from specific countries, and foreign countries. Certain aspects of the narratives and practices, however, are intensely coloured by personal perspectives, something akin to the story of the blind men defining an elephant based on the part they had touched. For instance, what is generally perceived as oppressive may not be so to an MDW as they compare what they are offered with their circumstances back home.

The following are the prevailing narratives and practices. They are clustered as follows: the MDWs, their work destinations, the role of the state, and the employers’ attitudes.

4.2.3.1 THE PROFILE OF MDW

The media has profiled MDW (both in Kenya and the Gulf) as exploited (economically and sexually), poor, illegal, undocumented, with limited or no choices, and targets of discrimination and violence. In some instances, such as the Karamoja girls, the MDWs are underage (14 to 17 years). This, however, is difficult to prove, as they deny it and claim to have no identity cards, stating that they are 'forced to leave them at the border'. Some of the respondents revealed that the poor working conditions are often seen as usual and are not necessarily considered oppressive. With respect to the Karamoja girls, the community views them as violent warriors, as they do not hesitate to defend themselves collectively when one of them is attacked. However, mistrust and discord may arise in certain instances, e.g. where 'old' Karamoja girls act as 'agents' for 'new' Karamoja girls.

Often MDWs are perceived them as 'illegals' and primitive. Due to language and cultural barriers, they are treated with either suspicion or apathy by the citizens of the host country, as few identify with their plight. The work they do requires no skills. It is seen as what women do naturally, and the only qualification is your gender, not even age. This points towards the socio-economic and culturally constructed notions of masculinity, which feminises domestic and care work. For some migrant workers, language barriers exist. They are often exploited and without a support system. They are disconnected from their families, and many employers take their identity documents to curtail their travel. Many are overworked and mistreated, as they lack a ready recourse. Given their immigration status, accessing healthcare is a challenge. Some live in brothels and work as domestic workers during the day and as sex workers at night. Some MDWs who have lived in Kenya for extended periods and raise families in the country also turn to their fellow MDWs for domestic and care work, especially the underage girls. They are reputed to pay extremely low salaries and often refuse to pay, arguing that providing them with food and shelter is sufficient compensation.

4.2.3.2 THE GREENER PASTURES MENTALITY

The MDWs in Kenya are drawn to the strength of the Kenyan currency and higher pay compared to their home countries. For instance, a domestic worker earns the equivalent of Kshs 1,500 per month in their home country. An offer of Ksh 10,000/= or even Kshs 5,000/= may appear to be a great bargain despite being way beneath the statutory minimum wage threshold. They are often running away from something in their host country. This includes collapsed businesses at home, early marriage, insecurity, conflict, and poverty.

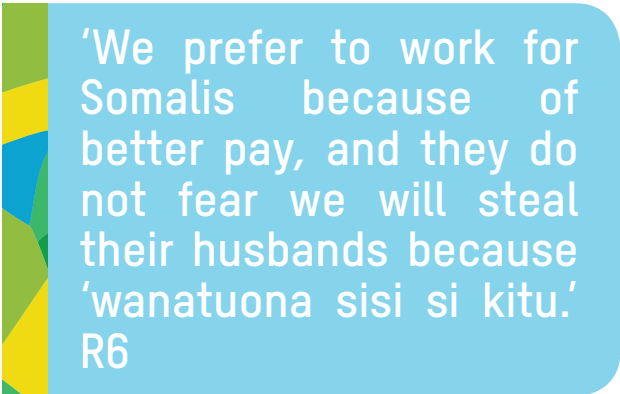
Kenyans who leave the country for the Middle East as domestic and care workers are perceived as more ambitious and progressive than those who work locally. Affinity for domestic work outside Kenya is driven by elevated levels of unemployment, lack of work experience and harsh economic times. Therefore, one does whatever is available. At times, it is the only job available, even for university graduates. For example, an accountant who had been unable to find work for over two years opted to take on domestic work in the Middle East.

4.2.3.3 ROLE OF THE STATE

MDWs in Kenya are not prioritised by their embassies and operate beneath the radar and concern of the Department of Immigration, as they are not considered expatriates. This makes them invisible to the authorities. The ease of cross-border migration facilitates undocumented MDWs. Furthermore, immigration laws are not strictly enforced, which enables them to work in Kenya without much scrutiny from government officials. Many MDWs' recruiters and agents operate illegally. MDWs are therefore unprotected, rendering them vulnerable to exploitation and abuse.

4.2.3.4 EMPLOYERS' ATTITUDES

Some communities, such as the Somali, have large households that require more assistance with domestic and care work. Such employers, therefore, prefer MDWs who can endure long working hours, given their low bargaining power. Similarly, MDWs may have preferred employers for various reasons. For instance, the Karamoja girls prefer Somali employers over other employers, whom they refer to as 'waKenya'. A respondent explained:



'We prefer to work for Somalis because of better pay, and they do not fear we will steal their husbands because 'wanatuona sisi si kitu.' R6

Some white community in Mombasa, on the other hand, prefer Ugandan MDWs for their proficiency in English, as local domestic workers are mainly fluent in Swahili. Many other Kenyans' preference for Ugandan MDWs is informed by their culture of kneeling, which gives the impression of humility and obedience, both of which are desired characteristics for domestic and care workers. There are communities, such as the Somali, who have a reputation for basing most of their transactions on trust. They do not hesitate to hire undocumented foreigners as long as there are referrals from people they trust. Many others see undocumented MDWs as high risk due to problems with traceability should anything go wrong.

Further, many employers are genuinely ignorant of labour laws and the rights of their employees. They do not see themselves as duty bearers when it comes to their employees' rights. Many MDWs are, therefore, taken as inconsequential and not entitled to any rights. They find nothing wrong with having them work without days off or leave, apart from a brief window period on Sundays, provided they complete their chores.

Some employers do not allow the MDWs the liberty to practice their religion if it is different from their own. They may not, for instance, be allowed to carry Bibles to the work premises and their phones are periodically checked to confirm there are no online versions. Agents for Middle East employers prefer Muslim ladies who are already familiar with the culture. Non-Muslims are often at risk of a cultural clash that has partly been attributed to the loss of limbs and lives.

This, therefore, resulted in a preference for ladies from the coastal region, where there is a large population of Muslim ladies. It further illustrates that the dominant masculinity in the coastal region has socio-economic, cultural and religious similarities to the dominant masculinity in the Middle East. While there also exists a similar preference for muslim men, it is apparent that the dominant masculinity has specific gendered preferences in terms of the kind of work they can do in the Middle East, together with particular expectations of behaviour.

4.2.3.5 THREATS AND OPPORTUNITIES

4.2.3.5.1 THREATS

MDWs in Kenya have reportedly been diverted to recruitment into domestic and transnational crime, such as robbery, prostitution, and terrorism. For example, some came to Mombasa expecting to work, and they were then transferred or trafficked to work in a brothel. One respondent explained how he spent months in a brothel and was required to sleep with various men. He had a friend from another country who also thought he was coming to work in Kenya. The friend was eventually picked up by a man, never to be seen again. They are undocumented and do not appear to fit into any budgetary category of either the Kenyan government or their country of origin. There is therefore no financial allocation for repatriation for those who wish to go back home. Many end up being at the mercy of individual well-wishers, churches and NGOs.

MDWs are often subjected to deplorable working conditions. They sleep on thin mattresses in ad hoc spaces, such as stores, corridors, sitting rooms, or kitchens. When they fall sick, they are fired. They are referred to using derogatory names like 'Mboch' and endure round-the-clock insults by their employers and/or their children and family members. The terminology 'Mboch' is in and of itself heavily gendered and is used to refer to female paid domestic workers, and never really applies to men. The utilisation and development of this slang or 'sheng' word displays that there is a dominant and hegemonic masculinity in the society that has embraced particular masculine norms and does not envision men in such socio-economic spaces.

4.2.3.5.2 OPPORTUNITIES

Some migrant workers come from culturally rich backgrounds. For instance, the Karamoja culture is rich in song and traditional apparel such as beadwork. This aspect can be promoted and monetised, allowing migrant workers to assist their families back home economically, which is vital. This often eases the pressure on family resources, thus maintaining family cohesion. Some MDWs populate a locality in their hundreds. For instance, the Karamoja girls are found in Eastleigh and Kamkunji in Nairobi. They meet every Sunday for worship and socialisation. The numbers ensure them a degree of safety as they look out for each other.

4.2.4 POLICY AND LEGAL FRAMEWORK

The Constitution in Article 27(4) prohibits discrimination based on social origin and culture; Article 43 guarantees enjoyment of socio-economic rights such as the right to food and health; Article 28 recognises the right to dignity, and Article 29(f) offers protection from inhuman or degrading treatment; Legal Notice 164 of 2024 on the Regulation of Wages is prescriptive regarding minimum wages, which vary depending on the type of work and geographical location; Employment Act and Rules Cap. 226 regulates employer and employee relations; The Protocol on the Establishment of the East African Community

Common Market provides for the free movement of goods, people, labour, services, and capital within the East African region. Finally, the ILO Convention 182, the Worst Forms of Child Labour Convention, classifies child trafficking under the worst form of child labour and the Kenyan Social Protection Policy also includes Migrant workers and undertakes to establish a Migrant Welfare Fund to cushion migrant workers against risks and shocks.

4.2.5 INTERVENTIONS

4.2.5.1 INITIATIVES IN PLACE

The Kenyan government currently has agencies that train domestic workers for export to work in other countries. Church-based organisations have intervened to alleviate the suffering of Migrant workers. For example, St. John's Church in Pumwani offers pastoral and psychological support, as well as a space for congregating on Sunday evenings for worship. They also have volunteers who provide basic literacy skills to the girls, most of whom have hardly received a formal education, and the media has actively created awareness about the plight of Migrant workers in both Kenya and the Middle East.

4.2.5.1 RECOMMENDED INITIATIVES

There is a need to support the development of policies, such as the Policy on Domestic and Care work. Further, existing structures like Nyumba Kumi should be utilised in community sensitisation as well as the enforcement of minimum protection standards for domestic and care workers. Benchmarking of best practices in other jurisdictions and adoption of the compatible standards should be undertaken. Moreover, employers should be sensitised to ensure maintenance of proper documentation and legal employment, particularly in the case of migrant domestic workers, to prevent trafficking and exploitation. The preparation of Shadow Reports to the ILO should be enhanced to bring visibility to MDWs and counter any silence in the country's reports. Social media should also be utilised to create awareness on the rights of MDWs in the

community. This should also include awareness programs to address cultural mindsets and promote respect for domestic workers. MDWs with skills like hairdressing or assisting them in establishing start-ups, e.g. in handicraft business, should be empowered to offer them alternative livelihood. A multi-agency approach, where the Labour office, police, ODPP, County, and national governments address the issue collectively, should be established. Intervention is also needed to ensure the affordability of a passport, as the cost of obtaining one remains a significant hindrance for workers wishing to leave the country.

4.3 UNDERAGE GIRLS

4.3.1 INTRODUCTION

The employment of children below the age of thirteen is outlawed (section 56(1), Employment Act, 2007). However, the Employment Act permits the employment of children between the ages of thirteen and sixteen, but with strict guidelines regarding the nature of work that this category of children can do. The Fourth Schedule of the Employment (General) Rules lists the key tasks in domestic work, namely housekeeping, food preparation, and laundry, as Activities Harmful to the Health, Safety, and Morals of a Child.

Nevertheless, this research confirmed the ILO and UNICEF's analysis that many children undertake unpaid domestic and care work within their households (ILO & UNICEF, 2021). In particular, respondents disclosed that it is mainly girls who are engaged in domestic and care work, while boys are involved in other forms of work, such as crushing stones in quarries and caring

for livestock. This illustrates the difference in socialisation that results in gendered labour tracks achieved through social practice. Furthermore, it is apparent that the rough form of masculinity remains dominant hierarchically among the potential multiple masculinities within the society. This rough form of masculinity, through which boys are socialised, requiring them to crush stones in quarries, is exploitative and unsafe. It reinforces and sets the boys on the path of aspects of the dominant masculinity which systematise and mandate self-sufficiency, strength and rigid gender roles among these underage boys despite the occupational hazards. This path subsequently, at an adult age, culminates in occupational immobility and calcification that ensures they remain mired in occupations with higher risk due to attendant masculine norms and hegemonic masculinity. However, it is noteworthy that this research focuses on the engagement of underage girls in domestic and care work that goes beyond light routine activities that do not interfere with their development and education.

4.3.2 NATURE AND PREVALENCE

Underage girls are primarily engaged in the following activities: caring for younger siblings within their family households, caring for other children as paid domestic workers, washing dishes, washing clothes, cleaning houses, cooking, and fetching water.

The following statements made by a respondent describe the general engagement of underage girls in domestic and care work.

"Assigning domestic and care roles to girls is still happening, but nowadays, some parents let boys help too. Not as much, though. A few boys in Kenya engage in paid or unpaid care and domestic work, but not as many. Mostly, they are tasked with doing outside work, such as fetching water or helping with the animals. Girls are socialised to do domestic work

while boys are socialised to do 'other work. Parents expect it, and sometimes there is no one else to take care of it. If the mother is working, the girl must step in to care for the child. People think it is part of growing up. That it prepares girls for marriage". R7

The engagement of underage girls in paid domestic and care work takes place in different ways. Firstly, there may be family arrangements to have the girl engaged in a household connected to the family. Secondly, girls are also trafficked into households with which no previous connections exist. Slums and mining areas are known to be breeding grounds for trafficking. Thirdly, in some cases, the girls actively seek domestic and care work as a means of escaping their dire circumstances. Underage girls are routinely engaged as domestic and care workers across the country. However, respondents pointed out that there exists a preference for Luhya, Luo, and Kamba workers. Ethnic stereotypes inform this preference for trustworthiness, obedience and quality of work.

During the research, it was further noted that there are lower numbers of Muslim underage girls engaged in domestic and care work, perhaps owing to the community support. A respondent also suggested that there may be a decline in the engagement of underage girls in domestic and care work as identity cards are increasingly a prerequisite for employment. However, this is not related to attempts to reduce the employment of underage girls. It is an emerging security measure as a result of increasing crimes committed by domestic and care workers.

4.3.3 INFLUENCING FACTORS

4.3.3.1 SOCIAL/FAMILY FACTORS

Some of the factors include socialisation. Girls are socialised from an early age to undertake domestic chores as a rite of passage and preparation for marriage. Boys, on the other

hand, are often directed towards tasks such as herding or working in quarries. Despite some shifts, the dominant expectation remains that caregiving is a girl's responsibility. Similarly, the dominant masculinity maintains the societal expectation that the boys should herd or work in the quarries, thereby maintaining gendered roles in socialisation and social practice.

Children living with vulnerable parents, e.g. those with disabilities, are forced to fend for the family. The invisibility and secrecy surrounding underage girls engaged as domestic workers is rife. Many underage girls are engaged in domestic and care work through family arrangements. Thus, many girls are unable to resist the engagement, and, being a family matter, law enforcement officers are unlikely to interfere. Often, the family member engaging an underage girl claims that they are 'taking care of the child'. Generally, privacy in people's homes makes it challenging for enforcement agencies to address the engagement of underage girls as domestic and care workers. This situation is further compounded by the proliferation of informal settlements, where the administration of law and order is challenging. In Mombasa County, for instance, it was disclosed that there were only four documented cases in the Child Protection Management System Online, which the Directorate of Children Services manages. The involvement of underage girls in domestic and care work is undisclosed and often only becomes known when a crime, e.g. defilement, is being reported or when they apply for identity cards; and Breakdown of social relations - in certain instances, underage girls who fall out with their parents escape from home and pursue domestic and care work.

4.3.3.2 ECONOMIC/FINANCIAL CONSIDERATIONS

Poverty is a significant push factor for girls to engage in domestic and care work. It manifests in various ways, including school dropout. In poor families where resources are scarce, families opt to support the boys. While in principle there is free education, there are many attendant costs that these poor families cannot afford. With no education, girls are forced to engage in domestic care work. Further, when children from low-income families are routinely sent away from school for financial reasons, they become disillusioned and opt to drop out.

The market preference plays a role in perpetuating the engagement of underage girls. These girls often receive lower pay as domestic workers, making them more marketable, particularly in families that need a domestic and care worker but are unable to pay a higher salary.

4.3.3.3 ADVERSITY

The death of parents leads to destitution, and girls end up looking for employment as domestic and care workers for sustenance. In those circumstances, many are misled by relatives under the guise of being taken to school, only to end up in exploitative domestic work. Furthermore, orphaned girls are often forced to care for their younger siblings. The separation of parents can have a profoundly negative impact on children. Usually, parents choose their new partners over their children after divorce, thus rendering the children needy.

Teenage pregnancies often cause teenage mothers to pursue paid domestic and care work as their mothers become caretakers of grandchildren. In many cases, the girls do not go back to school because of stigmatisation in schools. Additionally, physical and sexual abuse at home leads underage girls to both paid and unpaid domestic and care work. The latter often happens when a girl seeks refuge in households that are unwilling or unable to educate her.

4.3.3.4 CULTURE AND RELIGION

Culturally, domestic and care work is feminised, thus predisposing underage girls to this work whenever the need arises. This applies to both paid and unpaid domestic and care work. As discussed under the other categories of factors, whether the factors are economic or social, the social construction of domestic and care work as feminine work normalises underage girls who are domestic and care workers. Similarly, culture expects girls to assume domestic and caregiving responsibilities within their households. The dominant masculinity informed by socio-cultural and religious norms does not envision other forms of masculinity as tenable. The dominant masculinity in society reinforces these socio-economic and cultural gendered roles. If other forms of masculinity are embraced, it could alleviate and distribute domestic and caregiving responsibilities within households.

4.3.4. IMPACT ON GIRLS

Firstly, education is disrupted. Many girls miss school or drop out entirely. Secondly, underage girls experience mental and emotional strain. These girls, carrying out domestic and care work, experience fatigue, depression, and stress. Girls are not psychologically, emotionally and physically prepared for domestic work. A respondent aptly summarised this:

‘They are particularly emotionally stretched as this work is beyond their years. They become overly stressed when handling the numerous challenges that come with domestic work. For instance, they are not adequately equipped to handle other children’. R8

Thirdly, underage girls' posture of obedience and hard work leads to gross overworking as described by a respondent:

'They are seen as obedient and hardworking. But no one asks if they are tired or overwhelmed.' R9

Fourthly, underage girls are exposed to abuse. This includes emotional, physical, and sexual abuse. Underage girls' financial, physical, emotional and childhood vulnerability predisposes them to sexual abuse by their employers and their immediate families;

Fifthly, the engagement of underage girls in domestic work perpetuates poverty. It limits future economic opportunities and can lead to early, abusive relationships and generational poverty. Sixthly, as a result of dropping out of school and the difficult circumstances they work in, many end up in abusive relationships. They end up with men of no means, and the cycle of poverty continues.

4.3.5 EXISTING NARRATIVES, PERCEPTIONS AND ATTITUDES

Conflicting societal attitudes persist towards the plight of underage domestic workers. They range from sympathy to apathy and a general feeling that it is a private matter, as articulated by a respondent:

"Many are of the view that 'hiyo ni mambo ya nyumbani' (domestic matter)". R10

In addition to acceptance or indifference to the engagement of underage girls in domestic and care work in some societal quarters, there lies a preference for these girls, who are considered obedient and impressionable. Families are complicit in the illegality, as illustrated by a respondent:

'They lie, "Tulituma nanii akaishi na auntie yake na Nairobi" (we sent her to live with her auntie in Nairobi) while the child is employed as a domestic worker. This makes enforcement of laws against the employment of children difficult.' R11

The varied socio-cultural perceptions and attitudes towards the engagement of paid domestic and care workers who are below the age of 18 are influenced by similar factors as those that lead underage girls to domestic and care work. A respondent explained that:

"Some people think it is okay for an underage girl to work as a domestic and care worker, while others look down on them. Some think that it is better than idleness or engaging in other 'bad things. Unfortunately, many ignore the risks that these children are exposed to." R12

The general lack of regard and agency for children manifests in domestic and care work. Underage girls engaged in domestic and care work are mistreated, undervalued and rendered voiceless as described by a respondent:



“They are nobody. They cannot sit on the sofa; they are beaten, made to eat outside and denied food. Their meagre salaries are delayed. They have no privacy and some experience sexual harassment.” R13

4.3.6 POLICY AND LEGAL FRAMEWORK

The Constitution extends protection to children as a special category by providing that every child has a right to be protected from hazardous or exploitative labour. Furthermore, Kenya has ratified the ILO Convention 138 on the Minimum Age and the ILO Convention 182 on the Worst Forms of Child Labour. Both Conventions place a blanket prohibition against ‘employment or work which by its nature or the circumstances in which it is carried out is likely to jeopardise the health, safety or morals’ of the child. The Conventions do not, however, provide a catalogue of specific work, which leaves the categorisation of this work to the state parties; Part 7 of the Employment Act 2007 Cap. 226 has express provisions on the protection of children. It further empowers the Cabinet secretary to make rules declaring any work or activity harmful to the health, safety or morals of a child. Under this, Schedule 4 of the Employment (General) Rules 2014, titled Activities Harmful to the Health, Safety and Morals of a Child, categorises domestic work as harmful to children.

Section 38 of the Basic Education Act 2013 Cap. 211 [section 38] prohibits the employment of a child of compulsory school age in any labour or occupation that prevents such child from attending school; Section 18 of the Children Act 2022 Cap. 141 prohibits the subjection of children to child labour, domestic servitude, economic

exploitation or any work or employment which is hazardous, interferes with the child’s education or is likely to be harmful to the child’s health or physical, mental, moral or social development. It, however, defers to the Employment Act on the specifics of protection of children within the context of employment. The Children Act also provides for the establishment of child rescue centres for children in need of care and safety. Section 144(w) of the Children Act 2022 categorises children subjected to prohibited work as children in need of care and protection. The rescue centres are few and poorly funded.

The Protocol on the Establishment of the East African Community Common Market provides for the free movement of goods, people, labour, services, and capital within the East African region. This makes it easy for underage girls to be trafficked into the country as domestic workers. A strong administrative framework at both the county and national levels supports the legal framework. In Nairobi County, for instance, there is a Department of Social Services with Directors, deputy directors, child officers, social workers, and caregivers. However, gross underfunding and a lack of political will undermine the realisation of the framework’s objectives. Sessional Paper No. 1 of 2015, National Policy on Elimination of Child Labour, provides an in-depth situational analysis of child labour and interrogates emerging issues and challenges.

4.3.7 INTERVENTIONS

The following interventions are recommended to address the concerns raised. Reintegration of underage girls engaged in domestic and care work back to their families should be supported. Further, girls should be equipped with life skills to empower them with alternatives to domestic and care work.

“Nyumba Kumi” should be utilised as the starting point of the reporting mechanism. The development of policies such as the Child Protection and Safeguarding Policy, and the Policy on Domestic Work should be supported. The best practices in other jurisdictions should be benchmarked.

Community sensitisation on laws and regulations regarding hiring underage girls should be done in strategic places such as religious gatherings, chiefs’ barazas, etc. Inter-agency collaboration among the Labour Office, police, ODPP, and DCS should be strengthened. At the County level, funding for the Department of Social Services should be enhanced.

County Child Labour Committees should be established and strengthened. Education related policies such as children not to be sent home for payments should be established. Overall school interruptions that disillusion children should be minimised. The stigmatisation of teenage mothers to encourage them to resume studies should be addressed.

Proactive responses to cases such as rescuing underage mothers who would otherwise end up as domestic workers should be undertaken. Stakeholder partnerships with County Governments to address factors that lead underage girls to domestic work should be pursued.

Novel and practical interventions for underage girls in domestic work, such as Greenland group of schools - a boarding school that admits teenage mothers and their babies should be supported. Institutions that exist specifically for the rescue of children should be established and mapped out.

4.4 LGBTQ+

4.4.1 INTRODUCTION

The perceptions of gender as purely binary remain prevalent for both paid and unpaid domestic and care workers. Furthermore, the patriarchal gendered dynamics of domestic and care work that are prevalent in childhood, among migrants, underage girls and women over 65 remain present. There is an intersectionality between patriarchal perceptions of gender roles and labour with heterosexual perceptions of gender. Domestic work remains predominantly a female affair with strong binary heterosexual perceptions of gender. However, it is also apparent that there are occasional outliers to these perceptions.

Further, there are also socially and culturally constructed norms or attitudes of masculinity that reflect a preference for certain forms of masculinity. Hierarchically, there is clearly a preference for heterosexual masculinity. Furthermore, the preferred, exalted and predominant form of masculinity remains rooted in patriarchal relations and perceptions. This masculinity is hegemonic as it reinforces the socio-economic, political and cultural attitudes of masculinity. It also clearly intersects with the patriarchy and heterosexual perceptions of gender roles and labour for both paid and unpaid domestic and carework.

It is, however, important to note that apart from the preferred forms of masculinity forming a basis for discrimination, hegemonic masculinity rigidly reinforcing gender roles for LGBTQ+ individuals for both paid and unpaid domestic carework was not evident in this research. More fluidity in the allocation of domestic work was revealed.

Furthermore, it is evident that the dynamics around paid and unpaid domestic care work are unique within the LGBTQ+ community. First, there is a substantial number of community members who are engaged in both paid and unpaid domestic care work. Secondly, there is a transitory dynamic in which domestic care work, initially paid, is converted into unpaid work due to a range of factors and circumstances. Thirdly,

there are various socio-economic factors, perceptions and biases both from within and outside the community that drive and maintain the prevalence of unpaid domestic care work in the community.

Discrimination remains prevalent in Kenyan society, particularly in the engagement of members of this community in both paid and unpaid domestic and care work. Members of this community, therefore, predominantly undertake such work without disclosing their sexual orientation to avoid the various discriminatory undertones that come with disclosure. However, their work is constantly at risk once, or if, their employer finds out their sexual orientation, which can result in dismissal or exploitation. There is, therefore, a regulatory lacuna that needs to be addressed to safeguard members of this marginalised community undertaking paid or unpaid domestic and care work.

4.4.2 EXISTING NARRATIVES, PERCEPTIONS AND ATTITUDES

There is a belief that there are very few or no members of the LGBTQ+ community engaged in paid or unpaid domestic and care work. Most of the time, heterosexual women are thought to be the ones who should be doing paid and unpaid domestic and care work. The perception of gender is furthermore still predominantly binary, in particular male or female. During an FGD with members of the LGBTQ+ community, one of the respondents noted that once employers question your gender, they want to ascertain whether you are male or female, including a strip search. There is also a belief that if you have members of the LGBTQ+ community doing paid and unpaid domestic and care work, they could influence or groom your children to become part of their community. Some people believe that if you have members of the LGBTQ+ community doing paid and unpaid domestic and care work, they could influence or groom your spouse to become part of their community. Some allege you could steal or influence them. A respondent narrated:

“Wewe sikutaki hapa na hicho chakula chako kizuri, utaiba bwana yangu.”

(I do not want you here with your good food, you will steal my husband) R15

There is also a belief that there are no free things. If you are on the run and are rescued either in a shelter or the house of a community member, you may be required to provide free labour. Hosting is a widespread practice, but it is often viewed as not being free. Many believe this community has a lot of donor money. When they ask for assistance or beg, they are met with reactions like:

“Umenenepa tena watuitisha pesa.” (You have put on weight, and you now want money) R16

There exists heavy stigma. They are ridiculed in the community and given undesirable nicknames, sometimes with heavy religious connotations or implications. One respondent referred to a common Islamic statement referring to them as good as dead:

“Innalillahi waina ileyhi rajiun.” (To you we belong and to you we return) R19

Their sexuality is not disclosed. Many employers are unaware of the sexual orientation of domestic workers; if they knew, they would probably dismiss them, as expressed by a respondent:

“I do not bring my sexuality to work.” R17

Most people consider LGBTQ+ akin to a communicable disease, and associate it with HIV and sexually transmitted diseases. Many in the LGBTQ+ community are judged by their dress. This is also symptomatic of the intersectionality between patriarchy, hegemonic masculinity and heterosexual perceptions of gender. Further, LGBTQ+ is often associated with pedophilia. There is a general common belief that they do not deserve to be paid because they are being assisted. This view is also held or practised by a few within the community itself. Safe houses create more damage than they help. Accommodation is provided for only three months, and no transition plan is in place. The LGBTQ+ community is also associated with curses. A respondent remarked:

"There are those who cannot eat my food when I cook. They call it 'chakula cha laana.'" R18

There is also a belief that paid or unpaid domestic and care work is the best that members of this community can do, implying that there is something wrong with them. This belief has undertones of hegemonic masculinity in that only certain forms of masculinity deserve recognition or economic rewards, absent which, power, privilege and financial domination are utilised to greet or deal with the anomaly. Those who disclose their orientation are looked at as 'available' and are at times sexually harassed by the men of the household, as disclosed by a respondent:

"They knew I was a man. The wife gave me a dera to wear in the house, but whenever I stepped outside, I would dress like a man. The man of the house always asked for sexual favours whenever the wife was away. I kept away from him." R19

4.4.3 INFLUENCING FACTORS

4.4.3.1 SOCIO-ECONOMIC CONSIDERATIONS

A key factor is that domestic and care work does not require high academic qualifications. Thus, it is an option for those with low qualifications. Poverty is another recurring factor that influences many to take up domestic and care work. Domestic work is also readily available and required by many in society in one form or another. There are also a few members of the LGBTQ+ community who seek out and need domestic and care workers from their community due to privacy concerns. Furthermore, a few individuals perceive members of this community as more caring than others. This, however, was an outlier that influenced the factor. Respondents narrated:

"I got a job as a domestic worker because of my LGBTQ status. I work for an LGBTQ couple who prefer an LGBTQ domestic worker as they find them more accommodating." R20

"I got a job as a chef, and when the individuals I cooked for realised I was a member of the LGBTQ+ community, they made an effort to get my contacts for future references and work as they could feel comfortable in my presence." R20

Domestic and care work is also work like any other work and has its value and place in society to earn an honest living, as articulated by one of the respondents:

"Kazi ni Kazi, and I have learnt that in life you should not despise any work." R21

4.4.3.2 PRIVACY AND DISCRIMINATION DYNAMICS

The concerns and fear of being outed as a member of the LGBTQ+ community make domestic and care work easier for some, as it requires less interaction with members of the public. A respondent noted:

"Some of us simply prefer to work in a household where it's easier to work without too much scrutiny, in comparison to working in some public office where you interact with many people and they will start to follow up on why you look or dress a bit differently." R22
"Watu wamewatenga kwa hizo ofisi." (There is ostracisation in the offices) R22

There is also a general feeling of more safety and privacy when one is engaged in domestic and care work; they are not unduly exposed to public scrutiny and observation. There may also be less discrimination and scrutiny when working in a private household that is either neutral or accommodating, thereby making it easier and better for members of this community.

4.4.3.3 FAMILY, CULTURAL AND RELIGIOUS DYNAMICS

Family disagreements or suspicion over the sexual orientation of an individual sometimes result in escape from the family home. This often leads to further isolation from the family, and they then seek any available work to make ends meet. The collapse of the immediate nuclear family structure and the extended family often leaves them overwhelmed, or they choose not to assist. This could be due to death or abandonment. A respondent noted that they ended up having to do domestic work when the parents died and the extended family failed to step in. Since then, that is the work they have known and done to survive. Some members of the LGBTQ+ community look visibly vulnerable and desperate due to the challenges they have faced in life, and some people take advantage of them just as they are likely to take advantage of other vulnerable individuals. Most religions and cultures shun the LGBTQ+ lifestyle. As a result, many relocate to avoid religious backlash.

4.4.4. FACTORS INFLUENCING UNPAID DOMESTIC WORK

Hosting is a common practice among community members who need a place to stay, usually a result of family rejection. It frequently begins as purely unpaid domestic work, as a guest, and at other times, it starts as paid domestic work, then slowly transitions into some form of unpaid domestic work. Safe houses play an essential role for those seeking refuge from abuse and other social ills. However, some safe houses also engage in significant forms of unpaid domestic work. A respondent explained:

"Some of these safehouses can cause more damage than help, especially because of the amount of unpaid labour they expect from the people living there"



and particularly because accommodation is provided for only three months without any transition plan back into society.” R23

Easy availability of basic needs for those who have been chased or have run away from home. Basic needs, such as clothes, a place to sleep, bedding, and a place to eat, make unpaid domestic and care work attractive to some. A respondent noted that:



“As long as you have somewhere to live, as opposed to staying in the street, at that point you are grateful.” R24

4.4.5 IMPACT

Vulnerability to human trafficking because of the highly private or secretive manner in which members of the LGBTQ+ approach some of the work opportunities in domestic or care work. It enables predatory human traffickers to take advantage of the complex situation, and victims have a challenge in obtaining legal recourse due to existing legal challenges. In this context, one respondent noted with regard to migrant as well as local workers:

“I applied for domestic work and later found myself in a compound in which the work instead involved sleeping with several men who would come and leave.

However, I was not able to leave. A friend of mine who was a migrant worker was

also with us; however, one day a man came for him, and I have never seen him since that day.” R26

Additionally, human rights violations like strip searches to confirm identity, being catfished or raped. Some employers engage in strip searches to ascertain gender of their workers especially when they suspect or hear rumours about the sexual orientation of their domestic and care workers. Other individuals or employers also catfish members of this community to ascertain their gender and at times it results in rape. Some of these acts are indicative of the preference for certain masculinities in line with the dominant masculinity and an attempt at enforcing and safeguarding the binary rendition of gender in society. One respondent narrated that:



“When an employer heard rumours and suspected my friend’s sexual orientation, he asked them to strip to ascertain their gender if they wanted to continue working.” R27

There are bottlenecks with respect to reporting when one is violated due to criminalised aspects of LGBTQ+. It becomes challenging to report violations to members of the community due to the criminalised aspects, as there is a fear that it could result in criminal charges. Victims of sexual abuse by employers due to the prevailing existing narratives, perceptions and biases about members of the LGBTQ+ community. They easily become victims of sexual abuse from predatory employers. Individuals involved in domestic and care work continue to do so in secret without disclosing their sexual orientation to avoid discrimination and ostracisation by society and employers. This often leads to other potential

complications such as summary dismissal, non-payment of salary for period they have worked, significant underpayment of salary after discovery of sexual orientation, increased levels of discrimination at the workplace after discovery as they are now viewed as an oddity and even potential violence (physical abuse) when their employers later discover their sexual orientation.

One of the respondents noted that when the sexual orientation of one of their friends was discovered, the family members of the household he was working in would deny him food and told him they were doing him a favour by letting him continue staying in their home.

Another respondent indicated that when the boss's son discovered his sexual orientation, he began to seek sexual favours from him so as not to tell his father, and the respondent had to comply for a while so as not to be dismissed.

Poor and unregulated working conditions. A poor socio-economic and cultural perception of domestic and care workers already exists in general. This poor perception is made worse when it then intersects with an even worse perception and narratives of members of the LGBTQ+ community. This has resulted in inadequate and unregulated working conditions for this group of people, whose existence in the domestic and care work sector remains largely secret, denied, and therefore unregulated.

4.4.6 POLICY AND LEGAL FRAMEWORK

Currently, there is no specific national legislation governing domestic and care work exclusively. Neither is there any policy or legislation that specifically addresses the issues of domestic and care workers within the LGBTQ+ community. However, it is essential to recognise that the Constitution of Kenya 2010, along with the accompanying bundle of labour laws, already governs and regulates employment generally, which includes domestic and care work. These laws include: The Employment Act, 2007; the Labour Relations Act, 2007; the Occupational Safety and Health Act, 2007; the Work Injury Benefits Act, 2007 and the Labour Institutions Act, 2007.

The Constitution of Kenya, 2010, on the other hand, has various provisions on the guiding principles of labour law in Kenya. Chapter Four of the Constitution of Kenya, 2010, outlines the Bill of Rights, which guarantees the freedoms and rights of individuals. The general principles in the Bill of Rights are anchored to encompass the internationally accepted standard of labour rights. These include the following relevant express provisions, which have amplified the various implicit provisions of the existing labour laws: **Articles 25(b) & 30** prohibit slavery and servitude, **Article 27** provides for non-discrimination, **Article 36** guarantees freedom of association, including the right to join trade unions and employer associations, **Article 37** that protects the right to industrial action, **Article 41**, which guarantees the right to fair labour practices, **Article 43 (1) (e)**, which provides for social security and **Article 47**, which provides the right to fair administrative action.

Various international laws are applicable and relevant to the Kenyan jurisdiction, as per Article 2(5), Article 2(6), and Article 259(1) of the Constitution, which enable relevant treaties or conventions ratified by Kenya to form part of the law of Kenya. Further the Constitution should be applied in a way that advances human rights.

Some of these human rights and labour international laws include: C029-Forced Labour Convention, 1930 ;C100- Equal Remuneration Convention, 1951; C105- Abolition of Forced Labour Convention, 1957; C111-Discrimination (Employment and Occupation) Convention, 1958; C138-Minimum Age Convention, 1973; C182-Worst Forms of Child Labour Convention, 1999; C131-Minimum Wage Fixing Convention, 1970; C088-Employment Service Convention, 1948; C097-Migration for Employment Convention (Revised)1949 and the International Covenant on Civil and Political Rights- Article 22 (1)

This existing policy and legal framework is bolstered by existing case law specific to the LGBTQ+ community. There is existing case law that further lays a foundation that secures interests and rights of the LGBTQ+ community. *The supreme court case of NGOs Co-ordination Board v EG & 4 others; Katiba Institute (Amicus Curiae) (Petition 16 of 2019) [2023] KESC 17 (KLR)* is pertinent. It is relevant in this context as it established: "The case was not about the legalization or decriminalization of LBGTQ+ or the morality of same-sex marriage but was instead about whether refusal to register an organization of persons who fell within the LGBTQI contravened the fundamental rights and freedoms of association guaranteed in the constitution and whether the rights to freedom of association and freedom from discrimination of those persons seeking to be registered were infringed upon.; "It would be unconstitutional to limit the right to associate, through denial of registration of an association, purely based on the sexual orientation of the applicants.... LGBTQI had a right to freedom of association which included the right to form an association of any kind. All persons, whether heterosexual, lesbian, gay, intersex or otherwise, would be subject to sanctions if they contravened existing laws, including sections 162, 163 and 165 of the penal code.

By refusing to register the proposed NGO, the persons were convicted before they contravened the law. Such action was retrogressive. The appellant violated the 1st respondent's right to freedom of association under article 36 of the Constitution" and "To allow discrimination based on sexual orientation would be counter to the constitutional principles. Therefore, the appellant's action of refusing to reserve the name of the 1st respondent's intended NGO on the ground that sections 162, 163 and 165 of the criminalized gay and lesbian liaisons was discriminatory in view of section 27(4) of the Constitution. The 1st respondent's right not to be discriminated against directly or indirectly based on their sexual orientation was violated by the appellant.

The various issues and challenges faced by domestic and care workers from the LGBTQ+ community can be addressed through litigation under the rubric of rights and more specifically article 36 on freedom of association and article 27 on non-discrimination. The various issues of underpayment or summary dismissal are also addressed in statutes and case law, and can also be tackled under the different labour laws.

Nonetheless, there is a need to expand labour laws to be more inclusive and to adequately address the concerns raised. Existing law should address unpaid care work, especially in circumstances where the same is exploitative to the persons involved. It is through this avenue that some of the challenges related to work being converted from paid to unpaid can be resolved. Furthermore, the concept of unpaid work in general can also be addressed with parameters that are expounded upon, thereby tackling some of the issues emerging from hosting; the various challenges faced by members of the LGBTQ+ community. Labour laws can be expanded to consider isolating and recognising these issues as stand-alone issues in policy and legislation, just like other vulnerable groups are recognised. Meanwhile, more can be done to pursue their issues under the rubric of individual rights, particularly in addressing discrimination and

policies that specifically tackle the issue of discrimination should be enacted. They should specifically include members of the LGBTQ+ community about aspects of discrimination in line with the Supreme Court case [2023] KESC 17 and strategic litigation plays a crucial role in advancing human rights. It is usually utilised to enforce or defend legal rights. In human rights litigation, it is strategic when it is consciously designed to advance the clarification, respect, protection, and fulfilment of rights. The various issues and infringement of rights arising in relation to domestic and care workers who are from LGBTQ+ community should be tested further and advanced through strategic litigation as well. This would facilitate the securing and clarification of these rights especially within the context of labour laws. It is worth noting that the importance of strategic litigation as a tool is evident when one juxtaposes to the supreme court case of [2023] KESC 17 and reads it together with the Court of Appeal case of *COI & another v Chief Magistrate Ukunda Law Courts & 4 others* [2018] eKLR. which banned anal examinations by the state as an evidence collection mechanism to prosecute individuals. The numerous rights secured through litigation for members of the LGBTQ+ community in both cases are vital in addressing some of the concerns surrounding prosecution in the context of this study. Strategic litigation is a long-term, continuous process. Therefore, it should be utilised to develop further and clarify the evident issues surrounding human rights and labour law affecting domestic and care workers, particularly in relation to issues such as summary dismissal and underpayment.

4.4.6 INTERVENTIONS

The following interventions were proposed: firstly, legal reforms to address the challenges highlighted impeding meaningful engagement in the domestic and care economy. Secondly, initiatives to enhance the implementation of labour rights for the LGBTQ community in domestic and care work should be undertaken. Thirdly, best practices such as signed contracts and the formation of Unions for LGBTQ Domestic workers

should be adopted. Fourthly, the safe houses for stigmatised/ostracised LGBTQI+ members should be established and supported. The safe houses should be equipped with counsellors. Fifthly, gender desks should be established in all labour offices. Sixthly, psycho-social support in place of criminalisation should be provided. Seventh, toll-free numbers should be set up to respond to emergencies. Eighth continuous sensitisation on the treatment of domestic workers through Chiefs Barazas, and social media should be undertaken.

4.5 MEN'S PERSPECTIVES

4.5.1 INTRODUCTION

While the research focused on underage girls, elderly women, migrants and the LGBTQI+ community, it sought male voices regarding the social norms informing the domestic and care economy. This was done at three levels. First, the two FGDs for the LGBTQ+ groups had male participants. Secondly, male key informants were interviewed. Thirdly, an FGD with male participants was conducted to gather the perspectives of men specifically.

The men's FGD focused on two aspects:

- a. Their own experiences and perceptions regarding paid and unpaid care and domestic work, both paid and unpaid, and narratives as well as social norms that shape men's engagement in the care economy.
- b. Their views as men, and existing narratives regarding girls, elderly women and migrant domestic and care workers.

The research revealed that men's engagement in domestic and care work is, to a large extent, informed by perceptions of what is considered masculine, thus making it suitable for men. Discourses on multiple masculinities posit that there is no single masculinity construction as it is based on practices that are socially constructed and therefore differ mildly or significantly through different periods of history and in various societies. Consequently, it follows that different

cultures will exalt, honour, or admire certain forms of masculinity over others, and at times, to the complete exclusion of others.

An emerging view from this research is that cultural and even religious perceptions and attitudes have significantly shaped the masculine identities of men, which in turn inform their engagement in care and domestic work.

4.5.2 SOCIALISATION/ CULTURAL POSTURING OF DOMESTIC AND CARE WORK

Respondents defined domestic work as activities and chores performed within households. Respondents summarised domestic work as:

“Daily management of the home unit...daily running of the house activities including cleaning, cooking.” R28

“The activities that go on in a home to support the enjoyment of the family, including cleanliness and meal preparation” R34

The posturing of domestic and care work was framed by respondents from a historical perspective and their lived experiences, as discussed below.

4.5.2.1 ALLOCATION OF DUTIES

Respondents explained that domestic and care work were historically assigned to women. A respondent described the allocation of duties as follows:

“Zamani zile za kina babu na nyanya zetu, mke alikuwa anakaa nyumbani na mume anaenda kutafuta, kuchuma anaitea familia yake nyumbani. Majukumu nyumbani yalikuwa yanafanywa na nyanya zetu au kina mama zetu.” R29.

During our grandparents’ and grandmothers’ days, a wife stayed at home, and a husband went out to provide for his family. Our grandmothers or mothers undertook domestic work.

The binary structure of work was not only fixed but was also communicated to children as they grew up, as narrated by a respondent:

“Katika rome wasichana walikaa na mama zao na wavulana walikaa na baba zao na kufunzwa majukumu yao”. (R29)

During the community teaching forums, girls sat with their mothers and boys sat with their fathers and were taught their respective duties.



Beyond the African context, the conceptualisation of masculinities is drawn from the historical processes. For instance, with the Industrial Revolution came the portrayal of men as providers of physical labour for factories and, in turn, as providers for their families through industrial work.

The respondents' lived realities mirror this historical social structure. They explained that when they were growing up, their mothers and sisters undertook household chores, while their fathers and brothers did other work, such as trimming fences and caring for livestock. A respondent stated:

"I find it tough to remember the men that I saw in my life doing domestic work." R30

A respondent illustrated the societal push to maintain the binarity of duties:

"Mama alipokuwa mgonjwa na sisi ni watoto wa kiume wengi, tulipokuwa tukimwanguka, majirani walituzingira wakisema haitakikani". R33

When our mother got ill and my brothers and I were taking care of her, neighbours dissuaded us that it was not proper for us to be taking care of her.

It therefore emerged that historical, socio-economic, cultural, and religious perceptions of masculinity informed the dominant concept of masculinity. The preference for certain forms of masculinity that involve attributes such as non-nurturing roles remains the dominant form

of masculinity, as illustrated by the statements highlighted verbatim above. This is also evident in the comments below, which demonstrate an understanding of masculinity based on how men are nurtured and guided in society. This plays a significant role in shaping male perceptions of paid and unpaid domestic and care work, and further explains their preference for certain forms of domestic and care work that can be performed outside the home. Consequently, this creates several missed opportunities in the domestic and care work sectors, as well as within the family structure. As a result, the distribution of the labour market structures of paid and unpaid domestic and care work remains gendered.

Respondents explained that the education of women and their entry into the workforce rendered them unable to undertake all the domestic and care work in their households solely. This led to the engagement of domestic and care workers for pay, as aptly explained by a respondent:

"Kwa sababu ya mfumuko wa elimu wasichana wa kike walipelekwa shule na kuajiriwa. Sasa wanihitaji usaidizi wa majukumu nyumbani kama kufua nguo, kusafisha nyumba, kuosha Watoto na mengineo. Kwa sasa tunawategemea wale ambao tumeajiri." R29

As a result of their education, girls are now employed and require assistance with household responsibilities, such as washing clothes, cleaning the house, bathing babies, and others. For now, we rely on domestic and care workers that we employ.

The realities of a modern, middle-class home differ significantly from the traditional setup. Respondents explained that:



“When you have the advantage that you can employ someone to help, and you go to work, and your wife is going to work, you do minimum work, but when the househelp is away, you chip in once in a while”, R36

“Progressively, there is a culture change. In several cases, men are becoming involved in domestic work, especially when both partners are working. ... men also support payment for the domestic work” R33

Notably, there are gradual changes in the constructed notions of masculinity, particularly within the middle class, especially in families with employed women, as illustrated by R36 and R33 above. Nevertheless, the research revealed that hegemonic masculinity continues to inform the domestic and care economy. Furthermore, while individuals may not ascribe certain forms of masculinity with respect to immediate family, some revert to those forms of masculinity when dealing with paid and unpaid domestic and care workers. Thus, hiring practices of domestic and care workers reveal the underlying dominant perceptions of masculinity.

While there are gradual cultural shifts regarding domestic work, there are cultural gatekeepers opposed to the disruption of what is termed as societal structures that should not be dismantled. A respondent narrated:

“When I was about to get married, my uncle told me, ‘I hope you know that now that you are getting married, there are certain things that you should not do...such as going to the kitchen.” R30

The respondents further explained that socialisation of domestic work as feminine influences the choice of female over male domestic and care workers:

“...I have become accustomed to women undertaking domestic work. Whenever you need some assistance at home, we tend to prefer women over men. For men, we engage them in things you cannot categorise as ladies’ work, e.g. washing the car or cleaning the compound.” R30

“In our house, we have always had women domestic workers doing kitchenwork, housecleaning and the male workers cleaning the compound. In my Asian side of the family, they prefer women cooking as there is a perception that women are better at cooking.” R31

Further, there are certain attributes considered to position women as better domestic workers and caregivers, as explained by a respondent:

“There is a way women are wired to take care of children. They have motherly instincts. Also, when I hire a temporary domestic worker, I can trust a woman with my house keys and not a man.” R32

The statements above reveal how social influence, pressure, socialisation and culture play a key role in advancing and maintaining certain forms of masculinity, which often intersect with patriarchy. Consequently, this results in a dominant form of masculinity in society. Furthermore, because of such past and current constructions of masculinity, the same is learned, displayed, performed and socially practised by boys, men, girls and women knowingly and unknowingly. This is particularly significant given that children perceive masculinity as socially constructed.

On the other hand, respondents noted that in some families, children are socialised differently, which impacts their perspectives on domestic and care work. A respondent described having been socialised differently:

“Wengine tumefunzwa na mama zetu. Yale ambayo tunasema kwamba ni wanawake wanafaa kufanya ...pia wanaume siku hizi wanafanya.” R33

Some of us have been taught by our mothers. We also do what is traditionally done by women.

Also, respondents noted that there are different forms of contribution to domestic and care work. For instance, some men focus on financing domestic and care work. A respondent narrated:

“When my dad was ill...you want to be there to care for him, but you need the money for treatment, and so I had to go to work to get the resources to help.” R30

Notably, they highlighted that participating in the recruitment and remuneration of a domestic worker is a contribution to domestic and care work. However, it is imperative to appreciate that the social and psychological pre-requisites and impact of domestic work, and more so care work, are often significantly different from its financing. The aspect of primarily financing domestic and care work, while noble and necessary, may indicate, display and fall into the negative aspects of professional masculinity. Professional masculinity can easily mimic and display negative traditional and historical aspects of masculinity. Notably, R33 and R30 represent a part of the younger generation of men who have been socialised differently. This, therefore, shows that age, education, background, and exposure contribute to men embracing other forms of masculinity that are not the dominant form of masculinity. Furthermore, younger men may be less rigid about specific forms of masculinity and are likely to be more willing to take on paid and unpaid domestic and care work.

Different scenarios also arise regarding unpaid family care work, whereby sons become personally involved in caregiving for their parents, especially fathers, particularly in urban settings. While this is not necessarily the norm, there is some change due to different socialisation and urban dynamics. This change is also present in paid carework where male careworkers are sought for sick, ailing men who may be immobile. This

shows progress and creates an opportunity for acceptance of other forms of masculinity. It is an opportunity to note the increasing acceptance of other forms of masculinity and to further engage boys in aspirational masculinity, which involves a positive examination of male identity.

4.5.2.2 UNDERVALUING OF DOMESTIC AND CARE WORKERS

Domestic and care work are critical components of the social and economic fabric, as aptly described by a respondent:

"We rely on them so much... they are an integral part of making the running of the home effective, without which it becomes difficult to operate." R32

Despite this acknowledgement, generally, domestic and care workers are undervalued and mistreated. Apart from the gendered construction of domestic and care work, there are historical occurrences that have shaped the positioning of domestic and care work. A respondent explained:

"Historically, domestic workers have been looked at as literally people of the lowest level ... when you look at the names they have traditionally been given - houseboys, housegirls-. ... This is universal; the Kenyan domestic caregivers in the Middle East are treated no better than horses and donkeys. ... The historical slave trade permeates a very lengthy historical

period. Remember the biblical story of Joseph as a worker in the Commander's house..." R32

Thus, domestic work is pursued by those who may not have other options. A respondent noted:

"Most of these are people who possibly do not have other sources of income", R33

Respondents noted that domestic and care workers are underpaid, and many employers do not adhere to the minimum wage. Thus, the need for culture change, as articulated by respondents:

"We need to remove our 'mind block'...we need to be more compassionate to our domestic workers." R31

"We need to start respecting and having better regard for these domestic caregivers".

The undervaluing of domestic and care work in general can be traced back to aspects and practices of colonialism. Domestic and care workers were not only seen as collaborators of the colonial state, but the colonial structure and system were subsequently inherited, adopted and duplicated by Africans after colonialism. However, before colonialism, the place of slavery in the shaping and understanding of domestic and care work is of relevance. Of relevance is the Indian Ocean slave trade or the Arab slave trade along the East African Coast. It is instrumental as it also shaped perceptions and culture around domestic and care work, both locally and in the Middle East. It also added a significant racial component to such work and its corresponding devaluation, just like the colonial state that came after it.

Today, domestic and care work continues to be undervalued. These constructions and perceptions have therefore become part of the dominant masculinity for decades. Some men appreciate the importance and role of domestic and care work. However, these constructions, perceptions, and attitudes about masculinity prevail as the dominant form of masculinity. There is a fear of stigmatisation by breaking away from cultural norms and a lack of role models, as men did not traditionally engage in such work except outside the home. The comments by R30 and R31 aptly illustrated this.

4.5.2.3 WORKPLACE SUPPORT FOR MEN'S DOMESTIC AND CARETAKING OBLIGATIONS

Discussions with respondents revealed that the deep-seated binary gender structure relating to domestic and care work permeates the workplace. This structure further perpetuates the public-private divide; men can distinguish their private, which includes domestic and care obligations from their public, which is the workplace as a respondent explained:

Most men do not mix work with domestic obligations. Raising your child is personal and you figure out the balance.

On the other hand, society acknowledges women's domestic and care obligations. A respondent, who is an employer narrated:

I am conditioned not to call female colleagues after work. R32

The predominant role of women in domestic and caretaking obligations colours the practices and policies in the workplace. Not only are the policies skewed against male employees wishing to take time off for domestic and care obligations, but in practice, male employees hardly seek the support, as explained by respondents:

Policies supporting male employees are not well defined. Even paternity leave is short. It is also traumatising for men to request leave to take children to the hospital. R33

Except for multinationals, which have policies that cater to every level of employee, locally owned businesses often do not factor in men's and domestic care, as well as raising a family. R32

They do not get much support as women... Kama mwanaume kazi yako ni gani? Unafaa kwenda kukimbia ucchumie jamii uregee na pesa ili mama aangalie Watoto awapeleke hospital (the societal expectation) R31 (As a man, what is your work? You are expected to go and fend for your family to enable your wife to take care of the children and take them to the hospital.

4.5.3 PUSH FACTORS

Respondents noted that often domestic and care work, paid or unpaid, is not out of choice but as a result of a myriad of factors, including those discussed below:

4.5.3.1 SOCIAL FACTORS

As noted above, the feminisation of domestic and care work contributes to the disproportionate number of female workers in comparison to men. With respect to children, families with financial constraints often opt to support male children's education and encourage girls to pursue domestic and care work. The same approach is taken when children do not excel academically.

A respondent illustrated:

"Family members put them [girls] in those positions because of their low grades. This work is their only source of income, and they work for their families." R31

Further, some families prefer children's domestic and care workers, who are considered compliant and non-problematic:

"Children do not lash out when they are told what to do. They are more receptive." R31

Regarding elderly women engaging in domestic and care work, changes in the societal fabric are leading to increased obligations. For instance, in the Central region, alcoholism is contributing to a rise in the number of elderly women taking care of their adult children and grandchildren, as described by a respondent:

"Alcoholism in the Central region is a serious matter. Elderly parents are suffering from taking care of adult children." R34

4.5.3.2 ECONOMIC FACTORS

Intricately linked to social factors are economic factors. A vicious cycle is created when children drop out of school and are left with few options for earning a living. Furthermore, other social factors, such as being orphaned, teenage pregnancies, and dysfunctional families, among others, render individuals destitute. A respondent described the cycle:

"There is an alarming trend. Children who drop out of school are orphaned or are from dysfunctional families. They become domestic workers and are molested." R34

Similarly, many migrant domestic and care workers are from destitute backgrounds. Moreover, some cultural practices encourage migrant children to be domestic, as narrated by a respondent:

"Watoto hawa tunawashughulikia wanatuambia ya kwamba kule kwao wana-shauriwa ya kwamba wamekuwa wamama na wanafaa kuwa wameolowa." R33

(The girls we support disclose to us that back home, they are advised that they are now women and should be married.)

4.5.3.3 GOVERNANCE RELATED FACTORS

For children and domestic care workers, a predominant push factor is education-related challenges. As stated above, dropping out of school reduces livelihood options, and in most cases, school dropouts are from indigent backgrounds. Lack of education opportunities and support is essentially a governance issue. While free primary education was introduced, in practice, there are many other attendant costs which indigent families are unable to support. A respondent illustrated the link between education and engagement of children as domestic and care workers:

“In Central, when education was really free, the number of children employed as domestic workers had gone lower, but it has gone up again.” R33

With respect to elderly women who shoulder caretaking responsibilities, in the absence of strong community support, there is a need for wider social protection. The diminishing community support enhances their burden, as articulated by a respondent:

“The traditional society had a safety net for the elderly, which is no longer the case.” R34

Respondents also noted the need to enforce labour rights for domestic and care workers, particularly relating to working hours and remuneration.

4.5.4 INTERVENTIONS

The respondents noted that there are a myriad of factors leading to the engagement of underage girls, elderly women and migrants in domestic and care work. Thus, a holistic approach must be pursued and summarised by a respondent:

“There are many social issues that we are facing as a country ...we are moving to towns. You know, the traditional African society had a safety net for the elderly...but now we are leaving the old in the rural areas. The poverty level...you know, we often talk about this middle level, but the middle class is only found in small classes of estates. However, do we look at the larger society? The majority are living from hand to mouth. You have orphans. We do not have jobs for everyone, so you force families to release their children early. The economic situation of the country, the breakdown in family values, the breakdown of family cohesion...all these combined, you have these over 65 and underage girls...How can we create a society that protects the vulnerable and provides people with employment opportunities? We need a wholesome approach,” R34

Possible interventions were suggested by the respondents, which fall into three categories: social change, policy framework, and governance.

4.5.4.1 SOCIAL CHANGE

Respondents noted that the unsuitable engagement of elderly women, underage girls and migrants in domestic and care work is hinged on undesirable social norms. Similarly, the mistreatment and violation of labour rights are connected to the negative societal perception of domestic work. Social change is therefore imperative, as captured by a respondent:

“The discussion takes me to my culture, the exposure or lack of exposure, and how I contribute to the equation of change. ...have conversations that go beyond the ten people in the room. What is my role?”
R32

“Change starts with me.” R33

Respondents, therefore, emphasised the need for interventions that promote social change. Strategic forums, such as churches, should be targeted as platforms for sensitisation.

4.5.4.2 POLICY FRAMEWORK

Respondents highlighted the need for a robust policy framework, noting that other forms of work have more elaborate policy frameworks. In particular, the working conditions and obligations of both the employer and the employee need to be clearly outlined, given the unique domestic contextual realities.

Employers should be sensitised to the changing family dynamics, hence providing a supportive environment for male employees with domestic and care obligations.

4.5.4.3 GOVERNANCE

There is a need to enforce the existing laws that relate to the categories of domestic and care workers analysed in this research. In particular, it was noted that there is a need for effective implementation of immigration laws to curb illegal trafficking of underage migrant workers. Furthermore, there is a need to support the education framework better to ensure that indigent children do not drop out of school.



5. CONCLUSION AND RECOMMENDATIONS

The research revealed that the target categories, namely, elderly women, underage girls, migrants and LGBTQI+ individuals, engage routinely in unpaid domestic and care work. Notably, unpaid domestic and care work is prevalent among elderly women.

Further, individuals from the target categories also engage in paid domestic and care work. As demonstrated by the research findings, the societal construct of domestic and care work as a feminine role renders it a ready employment option for women and girls facing economic challenges. Moreover, it perpetuates the overburdening of women and girls with domestic and care work and alienates men or boys who distance themselves from these 'women's' roles. This burden applies not only to biological females but equally extends to males who display traditionally feminine characteristics in appearance, behaviour, or expression, as is common in the LGBTQI community.

Overall, the underlying trigger for the target categories to engage in domestic and care work is mainly economic. Even unpaid domestic and care work, which is to an extent instigated by social and cultural factors, is exacerbated by financial factors. Economically empowered families, for example, engage paid domestic and care workers. Nevertheless, the social and cultural factors account for the feminisation of care and domestic work. However, social, economic and cultural factors intersect in determining the nature of and environment in which care and domestic work are undertaken. The study did, however, identify interesting outliers such as a respondent who was headhunted for domestic work specifically because of their sexual orientation.

5.1 GENERAL RECOMMENDATIONS

Given the multiplicity of factors leading to the engagement of the target categories in domestic

and care work, as well as unfavourable working conditions, interventions must be multipronged and multilayered.

Firstly, interventions promoting social and cultural change towards the redistribution of domestic and care work should be undertaken. This requires a shift in norms to construct domestic and care work as masculine practices as well. In practical terms, this involves interventions profiling domestic and care work as dignified work that both men and women can do. Programmatic focus should therefore target changing the nomenclature of domestic and care work. For instance, rebranding domestic and care work from derogatory titles such as 'mboch' through positive messaging. Additionally, depicting domestic and care work as roles that men also carry out. As this strategy relates to social change, interventions should be designed with a long-term focus. Potential platforms for positive messaging include mainstream and social media, school curricula, the performing arts, religious forums, and community-based forums.

Secondly, interventions should be designed to promote humane working conditions and adherence to labour rights for paid domestic and care work. Strategic interventions include strengthening the capacity of state agencies to enforce the minimum standards, including minimum wages, stipulated by law. Furthermore, there is a need to raise awareness of these minimum standards among both employers and workers. Thirdly, the need for social protection for caregivers should be amplified. Concerted and consistent advocacy for the inclusion of caregivers in social protection frameworks should be undertaken to inform policy and resource allocation. Fourthly, linked to social protection is the enhancement of public care services. Advocacy and support for public care services, such as affordable childcare, should be integral to the realisation of human rights. Fifthly, there

is a need for robust civic education on labour laws, particularly for migrant workers, children, and generally on employment standards such as minimum wage, as the populace is largely uninformed about these matters. Strategic platforms such as religious and community forums should be leveraged.

Overall, there is a need for further research to generate fact sheets on the time use of each category of domestic workers.

5.2 CATEGORY SPECIFIC RECOMMENDATIONS

Informed by this framework for interventions, specific and practical recommendations for the Time to Care project are outlined below.

TARGET GROUP	RECOMMENDATIONS FOR PROGRAMMATIC STRATEGIES
Underage Girls	Community sensitisation and awareness in strategic places, e.g. in religious gatherings, chief's barazas, media, etc., on: The law regarding hiring underage girls, including the penalties for violation of the law. • The negative impact of domestic and care work on children • Proactive responses to cases of child protection. • The child protection toll-free number (116), through which cases of children in need of protection can be reported. Use of social media influences to craft and disseminate attitude-shifting messages geared towards reducing engagement of underage girls. Capacity building for relevant enforcement agencies, community and religious leaders to discourage employment of underage girls, including: • Benchmarking best practices in other countries. • Sensitisation on the law regarding hiring underage girls. • Strengthening inter-agency collaboration, especially between the Labour Office, police, ODPP, and DCS. • At the County level, enhancing funding for the Department of Social Services. • Strengthening County Child Labour Committees Establish programmes addressing the push factors for domestic work, e.g., education financing, sensitisation, and empowerment, to prevent teenage pregnancies: • Reintegrating the young girls back to their families (for those who run away from home to engage in paid domestic work while still underage). • Equipping the girls with life skills. • Use of "Nyumba kumi" as the starting point of the reporting mechanism. • Adopt Novel interventions - Greenland group of schools - a boarding school that admits teenage mothers and their babies. Support the development of policies, such as the Child Protection and Safeguarding Policy and the Policy on Domestic Work. Education policies should also be addressed, including ensuring that children are not sent home for financial reasons, and that interruptions that disillusion children are minimised. Additionally, address the stigmatisation of teenage mothers to encourage them to resume their studies.

Elderly Women	Advocacy initiatives for: • Policy development to include caregivers in social protection and health care frameworks. These include cash transfers and affordable housing. • Enhancement of public care services, such as public childcare facilities. • Aligning the social protection gap experienced by those between 60 and 70. Whereas the constitution defines a senior citizen as a person above 65, policies on social protection only cover those above 70. • Ring fencing of pension through various ways, including tax relieve. Sensitisation and awareness creation on the negative impact of unduly burdening elderly women with domestic and care work. Positive media messaging that dignifies domestic and care work to promote men's engagement and lessen the burden on elderly women. Benchmarking with other countries, which ensure that there is representation of older persons from parliament to all levels; and with counties such as Murang'a with enhanced access to healthcare for the aged (Kangata Care) Initiatives to respond to alcoholism that is pushing women over 65 years back to unpaid and paid domestic and care work. Assisting with resources for implementation through partnering with existing but struggling or underfunded County and National government programs. More empirical research on older people is needed to inform decisions for more targeted interventions. Data should be disaggregated by age, more specifically, in all policy documents, instead of stopping at '59 plus' as is the case with the Population Health Survey.
Migrant Domestic Workers (MDWs)	Sensitisation of MDWs and communities that hire MDWs, e.g. through Art and drama, media messaging and community forums through existing structures like Nyumba Kumi to: • Profile MDW as rights holders and employers as duty bearers. • Educate employers and employees on relevant laws and policies; develop simplified leaflets in English and Swahili. • Alert them of the penalties for breaching the law, including engaging underage migrant workers. Inform them of the need to have proper documentation to prevent trafficking and exploitation. Support the development of policies, e.g., the Policy on Domestic and Care Work. Support the preparation and presentation of Shadow Reports to the ILO to bring visibility to MDWs to counter any silence in the country reports to the ILO Committee. Advocacy for state intervention in support of Kenyans who wish to work as MDWs abroad, including making the process and the cost of obtaining travel documents more bearable and affordable. Design a national multiagency strategy to address trafficking, violation of rights, operation of illegal recruitment agencies and other concerns affecting migrant workers.

LGBTQIA+ Community	Establishment of gender desks in all labour offices to enhance access to services without discrimination. Provision of psychosocial services to address psychosocial needs arising from the ostracisation and mistreatment of the LGBTQIA+ community. Setting up toll-free numbers to respond to gendered abuses of LGBTQIA+ domestic and care workers. Sensitisation and awareness creation on labour rights through Art and drama, media messaging, and community forums mobilised through existing structures like Nyumba Kumi and Chief's Barazas to profile domestic and care work as an honourable career path, deserving respect and protection, and those who work in it as rights holders entitled to dignity without discrimination.
Boys & Men	Strategic sensitisation profiling domestic and care work as dignified work that both men and women/ boys and girls can do. School curriculum review to incorporate positive messaging of boys and men engaging in care and domestic work. Role modelling of influential men engaging in care and domestic work. Policy review and engagement with employers to enhance: • Non-transferable, paid paternity leave. • Work flexibility to enable men to handle caretaking obligations. Structured discussions on masculinities and domestic and care work in strategic platforms such as schools, barazas and religious fora.



REFERENCES

- Antonopoulos, R. (2008). "The Unpaid Care Work-Paid Work Connection." <https://ssrn.com/abstract=117661> (last accessed March 2025).
- Davis, J. & McMaster, R. (2020), 'A Road Not Taken? A Brief History of Care in Economic Thought, *European Journal of the History of Economic Thought*, 27(2) 209-229.
- Dixon, D. & Martson, S. (2001), 'Introduction : Feminist Engagements With Geopolitics', *Gender, Place & Culture*, 18 (445-453).
- ICRW (2023), 'Unpaid Care Work in Kenya: Evidence From the WEE Community of Practice Learning Agenda', https://www.icrw.org/wp-content/uploads/2023/07/Technical-Brief-Unpaid-Care-2_uid_64be3e40b7b18.pdf (last accessed March 2025).
- Kinyanjui, M. (2019), 'A Lone Ranger: My Journey Towards Becoming a Feminist Geographer In Nairobi, Kenya', *Gender, Place and Culture*, 26(7-9).
- Nadasen, P. (2017), 'Rethinking Care: Arlie Hirschchild and Global Care Chain', *WSQ: Women Studies Quarterly* 45(3) (124-128).
- Oxfam (2024), 'Reframing Narratives Around Care and Informal Work in Kenya, the UK & Zimbabwe', <https://oxfamlibrary.openrepository.com/bitstream/handle/10546/621587/rr-reframing-narratives-around-care-050224-summ-en.pdf?sequence=5> (last accessed March 2025).
- Oxfam (2023), 'Time to Care', Canada: Oxfam.
- Oxfam (2020), *Measuring and Understanding Unpaid Care and Domestic Work: Household Care Survey Part A: Guidance for planning, implementing and using the Household Care Survey*, <https://oxfamlibrary.openrepository.com/bitstream/handle/10546/621082/gd-household-care-survey-toolkit-part-a-301020-en.pdf;jsessionid=D2CA8CCDFDA0309773F21FF1111E8A3?sequence=1> (last accessed May 2025).
- Peng, I. (2019), 'The Care Economy: A New Research Framework' <https://sciencespo.hal.science/hal-03456901v1/file/wp-89-ito-peng.pdf>, (last accessed March 2025).
- Syed, I. (2021), 'Feminist Political Economy of Health: Current Perspectives and Future Directions', *Healthcare*, 9(2) 233, <https://doi.org/10.3390/healthcare9020233> (last accessed March 2025).
- Thompson, A. (2003), 'Caring in Context: Four Feminist Theories on Gender and Education', *Curriculum Inquiry*, 33(1), 9-65.
- UN Women (2022), 'National Care Needs Assessment - Kenya - Preliminary Report' https://data.unwomen.org/sites/default/files/documents/Publications/2024/NationalCare-Needs-Assessment_Kenya.pdf (last accessed March 2025).

UN Women (2023), 'Kenya: 2023 Time-Use Survey Report and Care Assessment', https://data.unwomen.org/sites/default/files/documents/Publications/2024/Kenya_time-use_care-assessment_summarybrief.pdf (last accessed March 2025).

UN Women (2022), 'A Toolkit on Paid and Unpaid Care Work: From 3Rs TO 5Rs', <https://www.unwomen.org/sites/default/files/2022-06/A-toolkit-on-paid-and-unpaid-care-work-en.pdf> (last accessed May 2025).

World Bank (2023), 'Addressing Care to Accelerate Equality' <https://openknowledge.worldbank.org/server/api/core/bitstreams/3143d837-1027-4e6d-9db4-154bcc737c9a/content> (last accessed April 2025)



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