



# TRAINING MANUAL

MODULES FOR FIELD STAFF  
TO TRAIN FARMERS  
ON TIP & GENDER ISSUES



CONTAINS 6 MODULES, ROLE PLAYS AND PICTURES

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## GENERAL GUIDELINES

### ON TRAINING:

To reach both men and women, and to address gender issues, following a participatory approach is crucial. In adult education the technic of a teacher standing in front of a group and lecturing, is not suitable. Adults have their experience and learn more if they discover something themselves, discuss it with others, try it out etc.

Therefore during training organized by TIP it is necessary to use different training methods; discussion in small groups; roleplays; pictures; games; etc. One of the effects is that more shy participants get a more natural chance to speak, and you often see, that groups of women and men mix, while before they were sitting far apart.

Training is transfer of knowledge and awareness raising. "Knowledge is power", and should be spread equally in each society.

In all training organized by TIP make sure that men and women are represented equally. Organize extra training for women if you see it is necessary: that they need an extra step to catch up with men, who in many cases have already been more exposed to training and education.

### POINTS TO REMEMBER:

1. The aim of the training should be made very clear, to avoid confusion. In the invitation letter the subject and the aim of the training should be mentioned. In the introduction of the training the aim should be explained and written down, and checked with a few participants. (Who can explain what the aim of today is?)
2. The aim of each exercise should be linked to the overall aim of the training. The facilitator repeats in the conclusion of the exercise the aim of the training and how it is linked. For instance the communication training and the exercise Who am I? The aim of the exercise is that women realize (through a competition game) that they have many skills and professions, is linked to the overall aim to raise women's self confidence and to give them a more positive self image. Therefore in the concluding remarks can be stressed that women have many skills and that they do have a right to talk in meetings and that their opinion is valuable.

3. Always make a 'cosy' atmosphere, sit in a circle, where you can see all participants and all can see you. Do not give them the change to hide themselves behind each other on the second row. For active participation of all this is very important.
4. For the gender awareness training: Link the role play of the good example with equal gender relations with maendeleo: good canals, well organized water distribution, get advise of extensionists, terraced shamba, put manure and plant trees.

#### HOW TO USE THIS TRAINING MANUAL:

The aim of this manual is to assist in field training, have the programme of the module, the material, the role plays etc combined, so it can easily be used.

Most of the modules and training exercises compiled here, are already used for some years in the varies district teams. Other modules have been developed more recently, but have been already trained in the field. If you need support or more experience before you can train certain exercises in the field, please contact one of the other teams to assist. For the legal issues module you will probably in most cases need a resource person, for instance from KWIECO, Moshi, mrs. Betty Minde.

Several modules contain role plays. In many cases it are short and easy plays which can best be done by the facilitators together with VEW's or farmers.

In other cases, for instance chapter 1 role plays of gender in TIP, can easily be trained to village technicians or catalysts, who can perform it in villages close to their own. In Same for instance, the catalysts performed the role plays with a group, and made a tour around the WUG's. The same is valid for the role plays in the legal issues training, also a tour by farmers can easily be organized.

Remember that the modules can be adjusted and changed, in to any other form, which the trainers prefer! The exercises are often interchangeable, different combination can be made, and of course new exercises can be added.

Most important for the trainers is to be flexible, adjust were you think it is necessary.

Five of the six modules are meant for men and women: in the training it is important that both are addressed. In doing real gender training, the benefits for more equality are made clear for men and women.

The only material that is not included in this manual are the drawings of the gender awareness module, which are over 50 "activity" and "wealth" drawings. If you do not have them (any more) you can contact 1 of the other teams, or the TIP coordination office in Dar es Salaam, and ask for a new set.

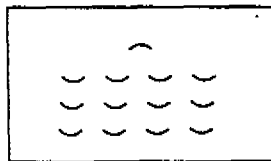
HOW TO FACILITATE A GOOD MEETING:

POINTS TO REMEMBER WHEN IN FACILITATING A MEETING:

DON'T:

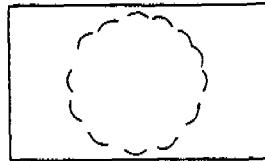
1. Don't dominate the discussions
2. Don't be rigid and inflexible when leading a meeting
3. Don't force your opinion on the participants
4. Don't limit participation of group members
5. Don't introduce your own agenda points as a facilitator
6. If you are the facilitator: Don't leave it to participants to organize and lead themselves during a meeting

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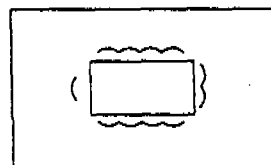


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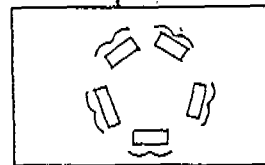
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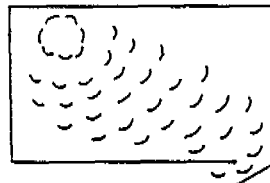
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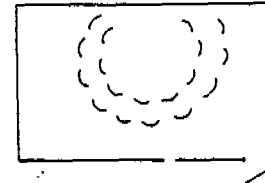
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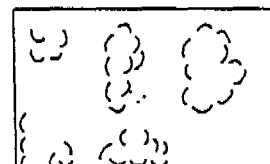
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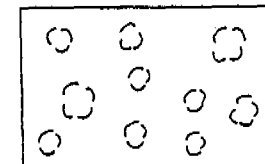
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Katika mviringo



Vikundi vya ki-holela



Vikundi vidogo

## HOW TO FACILITATE A GOOD MEETING:

### POINTS TO REMEMBER WHEN IN FACILITATING A MEETING:

#### DO:

1. Set the meeting room in a participatory way
2. Participants should get the change to receive and prepare the agenda
3. Arrive early and start on time
4. Appoint a recorder
5. Make your opening count. Be sure to define the purpose and set the timetable for the meeting
6. Stick to your planned agenda
7. Remain impartial
8. Balance the discussion, give participants an equal change to talk
9. Restate the purpose and objectives periodically
10. Listen attentively to other group members
11. Summarize the group's decisions or progress at intervals during the meeting
12. Diffuse hot debates
13. End with a summary of the decisions made
14. Highlight the action that should be taken by whom and when.



# ROLE PLAYS

## "GENDER IN TIP SECTORS"

### WHY:

To introduce the topic of gender in TIP sectors to the water users, as the first step of awareness raising, and opening the discussion.

The plays are aimed at mobilizing women to participate in and ensuring their benefits of development activities (irrigation, afforestation and soil & water conservation).

### WHEN:

During implementation phase 1 (awareness raising and fulfilling conditions).

### WHO:

Because of the nature of the exercise a large group can attend, so invite the whole water users group.

### WHAT:

- |   |  |        |
|---|--|--------|
| 1 | INTRODUCTION                             | 15 min |
| 2 | PLAY BY TECHNICIANS/CATALYSTS/PERFORMERS | 20 min |
| 3 | PLAY BY FARMERS                          | 30 min |
| 4 | DISCUSSION                               | 60 min |

## 1 INTRODUCTION (15 MIN)

Make sure the physical setting is sufficient. Ensure that as many as possible people can comfortably look: a circle, people in front sit etc. Also ensure women are part of circle, and can see the performance well.

Introduce yourselves, the programme and the aim of the gathering: a role play about gender and in afforestation (or irrigation or soil conservation).

Explain what will happen: first a play by technicians (or catalysts or performers), then a play by the farmers themselves, and finally a discussion on what they have seen.

## 2 PLAY BY TECHNICIANS/CATALYSTS/PERFORMERS (20 MIN)

Here 6 examples of plays are given, 2 for each sector. Many others are possible, and can be developed by team members themselves.

## 3 PLAY BY FARMERS (30 MIN)

After finishing the first play, convince the farmers to also play. Assist them where necessary, by whispering the next step in the play. In many cases farmers play without hesitation and put in the real situation in their area, which gives TIP the additional change to learn something that will help project implementation.

Sometimes it takes a while before the message of the role play is well understood. It is possible to ask a second and third group of farmers to also play, you can repeat the same play several times. You will see that new points come out when the farmers are used to the contents and become more free to improvise.

## 4 DISCUSSION (60 MIN)

The discussion afterwards is a very important part of this awareness raising module.

Ask the farmers (men and women):

- \* What they have seen?
- \* Whether they recognize the situation?
- \* What can be done to improve it?

If the group is very big it is wise to split it up into small groups, with the same questions, and let them present it back to the plenary meeting. You can make mixed groups, but also separate men and women, to give women a good chance to formulate their opinion.



## ROLE PLAY FOR SOIL AND WATER CONSERVATION GROUP:

### Participants:

1. TIP staff/technicians/land use planners.
2. Female farmers/water users.
3. Male farmers/water users.
4. Team leader or any other person necessary for your play.

Use the checklist on 'Soil & water conservation', 'land, crops and income' to make this role play.  
Adjust your play, if necessary, for the lowland.

### Scene 1:

In the village a meeting is called to discuss conservation methods. Male and female farmers are present. The technicians only discuss with the men. Women are silent, though sometimes show 'kidole', but that is not noticed by the technicians.

The conclusion of the meeting is a list of names of men who want their plots to be measured for SWC. No women are on the list, though they do own plots: on steep slopes, and cultivate part of the family land independently.

### Scene 2:

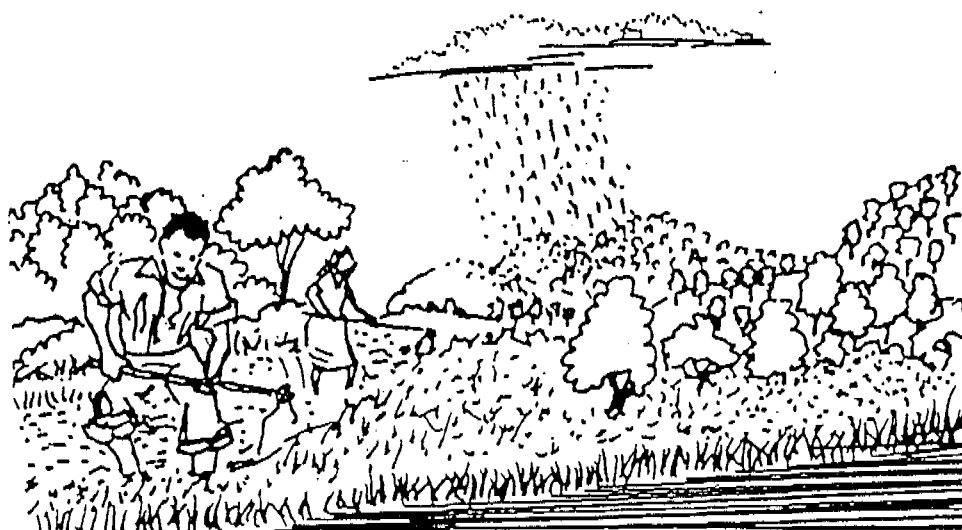
Women discuss among themselves that they will not profit from this development activity: the plots that will be terraced are mainly for cash crop, and the women do not have much say about the profit. They discuss the good and the bad sides of SWC for women (use check list: terracing is heavy work; though it gives more harvest, less erosion etc).

### Scene 3:

One or more technician(s) have evaluated the meeting and concluded that the land on the steep slopes (owned/cultivated by women) is not on their list, nor are they happy with only men talking and participating in SWC. Therefore they have decided to visit the women and mobilize them to participate in SWC. They explain them different ways of SWC, that the work is not heavier than ploughing, and can be done in groups etc.

### Scene 4:

The situation after one year....



The focus of this scenario is on the different reasons people have for getting involved, or not, in communal labour of some sort.

The information you have is as follows. Use this information to develop a small dialogue/drama/role play in which the different points of view are brought out and the reasons behind those points of view.

One of the families in a hamlet wishes to organise a Kiwili on their shamba. They have already taken some soil and water conservation measures on their shamba but they have been unable to take as many as they would like. The family are sufficiently successful to feel that their food stocks can supply the necessary food for the event. They are not so sure that they can provide quite as much pombe as people would like to drink but they will try their best.

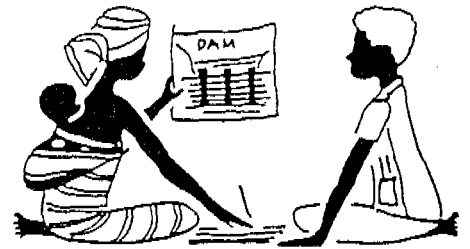
Their immediate neighbours are not as successful as them and have yet to take any soil and water conservation measures on their shamba. They realise that they should have but feel the pressure of time is too great. The male members of the household are usually away trying to generate extra income through casual labour while the female members of the household have much work. They would like to help their neighbour but are worried that it will be a day without any extra income from cash labour, only some food instead. On the other hand they want to take part so that if they are able to organise their own Kiwili they will be successful as they have contributed to other peoples Kiwili.

The neighbours the other side are a more successful family who have already covered almost all of their shamba with Fanya Juu and some Makinga Maji Makuu. They have done this through their own efforts (there are several grown up children) and by spending some money on casual labour. They are somewhat unwilling to join in the Kiwili because they don't feel that it will benefit them. There is nothing left on their shamba which needs a Kiwili.

A third neighbour, who is not quite as close, is very keen on a Kiwili. This family, who have the biggest shamba of the hamlet, have been using their land very badly and have big problems of erosion, rills and gullies etc. Although they are not normally very friendly to our first family they see that by participating in the first Kiwili they will be in a better position to call an even bigger one on their shamba in future.

The central issue for your group to build a dialogue/drama around is the discussion between these families concerning the request for a Kiwili.

Please remember to regard your audience as rural people and also to consider the physical arrangement (ie not necessarily in rows facing you) that you might find in a rural area. You may involve your audience in your presentation in any way you wish....



#### ROLE PLAY FOR IRRIGATION GROUP:

An irrigation programme starts in a village. The team of project staff comes to the village to do a PRA.

#### Roles:

1. Irrigation technician nb 1: Is blunt in his/her performance. Asks very direct questions, farmers feel embarrassed. He/she does not probe the answers, excepts the first answer. For example: 'Is there a taboo here that women should not open the ndiva?' Woman answers: 'No'.
2. Irrigation technician nb 2: Starts his/her interviews as a conversation and makes farmers feel comfortable. Women tell him/her their problems concerning irrigation.
3. Female Water User nb 1 is being interviewed: answers how according the traditional norm a woman should answer: no problems, just except, that is how it is; Meetings and irrigation are male issues, she does not know etc.
4. Neighbour with whom the female water user nb 1 reflects upon the interview. Together they mention many problems they face, but how to change? They also evaluate the interviewer; how embarrassing to be asked those sensitive issues (in front of men, husband?)
5. Female Water User nb 2 is being interviewed: answers freely, how the situation really is. 'If you do not tell your problems at the spot you go home with them', is her opinion.
6. Team leader: Is responsible for gender integration in the team and the programme, but does not yet know precisely how.
7. Any other person necessary for your play!

#### Scene 1:

Irrigation technician 1 interviews Female Water User 1: Use the checklist 'water' and 'communication' to make a short interview.

#### Scene 2:

Female WU 1 and her neighbour reflect on the interview: she did not dear to say anything, but this is what problems we face in irrigation: use checklist 'water' and 'communication' (and add if necessary).

#### Scene 3:

Irrigation technician 2 interviews female WU 2: a relaxed conversation, in which the women explains many problems and gives possible solutions: use checklist on 'water' and 'communication'.

#### Scene 4:

The team sits together and discussed the research findings and the follow up that is needed.

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The focus of this scenario is on how a group who share the same secondary canal organise themselves.

The information you have is as follows. Use this information to develop a small dialogue/drama/role play in which the different points of view are brought out and the reasons behind those points of view.

There are only five families who share this canal and they are fairly equal in terms of income level etc. However, two of the families have a large number of children and three do not. The traditional taboos concerning women and water are no longer taken seriously in public. However, some people, both females and males, still worry that the taboos are true.

The two causes of conflict/debate are:

The allocation each male gives to his wife. As is common in water users groups, the husband is given the water by the furrow committee and it is then his right to divide it amongst the family fields as he sees fit. An increasingly common pattern is that the cash crop shambas (mainly under the husband's ownership) are given more than their share of water. This makes the job of feeding the family (including the husband!) even harder than it already is. Insufficient irrigation is not helping the female members of each household to produce sufficient harvests.

When a husband is away he usually allocates responsibility for opening the gate to his shamba to his nearest neighbour. Although everyone will say in public that this system of mutual help is working well, in private people know that it does not. People know that when they are away their neighbour will allocate a very small amount of water to their shamba and their wives (quite rightly!) are wanting to use even this small amount on the food crops. People also know that when their neighbour is away they will do exactly the same to him and use the extra water on their shamba.

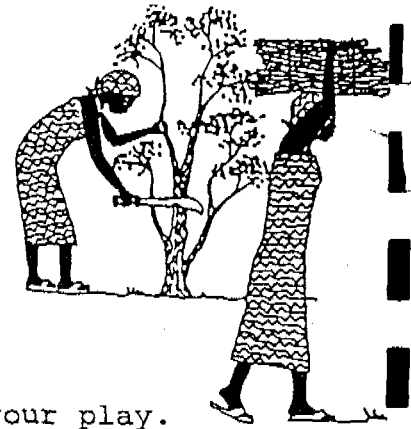
The central issue for your group to build a dialogue/drama around is the debate amongst this water users group as to how the water should be properly shared both between different shambas and within the shambas themselves.

Please remember to regard your audience as rural people and also to consider the physical arrangement (ie not necessarily in rows facing you) that you might find in a rural area. You may involve your audience in your presentation in any way you wish....

## ROLE PLAY FOR AFFORESTATION GROUP:

### Participants:

1. TIP staff/technicians/forest officers
2. Female farmers/water users.
3. Male farmers/water users.
4. Female/male tree nursery attendants.
5. Team leader or any other person necessary for your play.



Use the checklist on 'afforestation' and 'women's rights'

### Scene 1:

Female farmer nb 1 is at the tree nursery to ask for tree seedlings, registers them at her husbands name. She meets a female attendant and they discuss: are you paid? No, my husband etc (use checklist 'afforestation')

The woman goes home, plants the trees on her husbands shamba, water them for 2 years.

### Scene 2:

Female farmer nb 2 is at the tree nursery to ask for tree seedlings, registers them at her own name. Discusses with the female tree nursery attendant: Why do you do the work and your husbands gets paid?

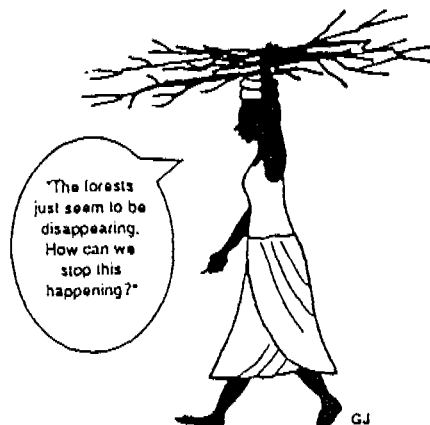
The woman goes home, agrees with her husband that she part of the shamba will be hers to plant trees on. She plants the trees and waters them for 2 years.

### Scene 3:

TIP technician(s) visit the tree nursery and meet the female attendant (doing the work, who is not on the pay list), and the 2 women who have taken and planted trees. They discuss lack of firewood (workload), tree rights etc (use checklist).

## THE ENVIRONMENT AND DEVELOPMENT

It involves rural women who walk further and further to find wood for their stoves...



SMALL-SCALE NURSERIES OFTEN CAN BE EASILY ESTABLISHED CLOSE TO THE AREAS AND NEEDS OF THE FARMER. THIS HAS MANY ADVANTAGES OVER LARGE-SCALE, CENTRALIZED NURSERIES INCLUDING EASE OF TRANSPORTING SEEDLINGS FROM THE NURSERIES TO THE FARMS.



## ROLE PLAY ON AFFORESTATION: HOMESTEAD NURSERIES

### Participants:

1. A female farmer
2. Her husband
3. A technician (forester or village technician/catalyst)
4. Other villagers of choice!!

### SCENE 1:

A woman walks home with a heavy burden of firewood on her head. She says it becomes increasingly difficult to find firewood close by.

Her husband comes home from work in the village nursery, and complain that other people have not irrigated the trees, and now his work of weeks is lost. Also he says the trees will not be enough for everybody.

### SCENE 2:

A technician comes to visit them, and they explain what their discussion was about.

He/she asks why don't they start their own homestead nursery? They discuss the pro's and con's (for example pro's: select species you prefer, raise the amount of trees that suits your situation, con's: a lot of work, you need water close by etc)

They say that there is a indigenous tree species that increases the water in the shamba, and another that gives very good timber, is it possible to raise those? The technician explains the benefits of traditional species.

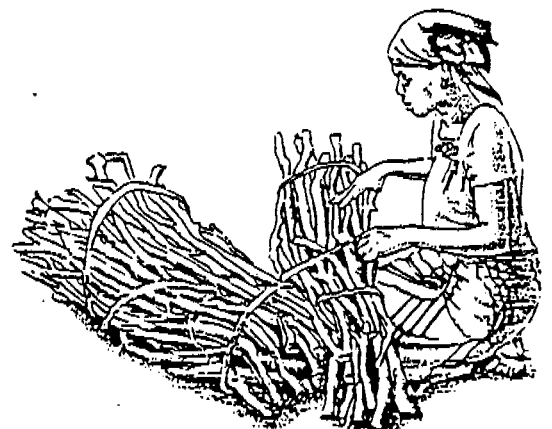
### SCENE 3:

The woman is working on the nursery, irrigating the seedlings, and thinks aloud: 'this is really a heavy job, and am I really going to benefit? Or do I get only the branches of the timber trees for firewood, which still will not be sufficient!' 'I would like a plot were I can plant trees for firewood, and maybe some fruit trees, fruits for the children and to sell.'

She goes and discusses it with the husband and the technician.

### SCENE 4:

Five years later....



# PICTURES

## WHY:

"A picture says more than a thousand words"

Pictures are a good awareness raising tool, and can be used for many messages. Here some examples are included that can be used to raise awareness on unequal division of work between men and women.

## WHEN:

During meetings or training. For instance if women are not present when you want to hold a meeting in a water users group, you can use these pictures to start the discussion on why they did not attempt. (Too much work? No role in development? etc)

## WHO:

For any group, you can make as many copies as you like, and discuss in small groups, or plenary.

## WHAT:

- 1 Show picture
- 2 Ask what is shown on the picture and what it means
- 3 Draw a conclusion and formulate solutions

# KAZI YA MWANAMKE HAIMALIZIKI KAMWE

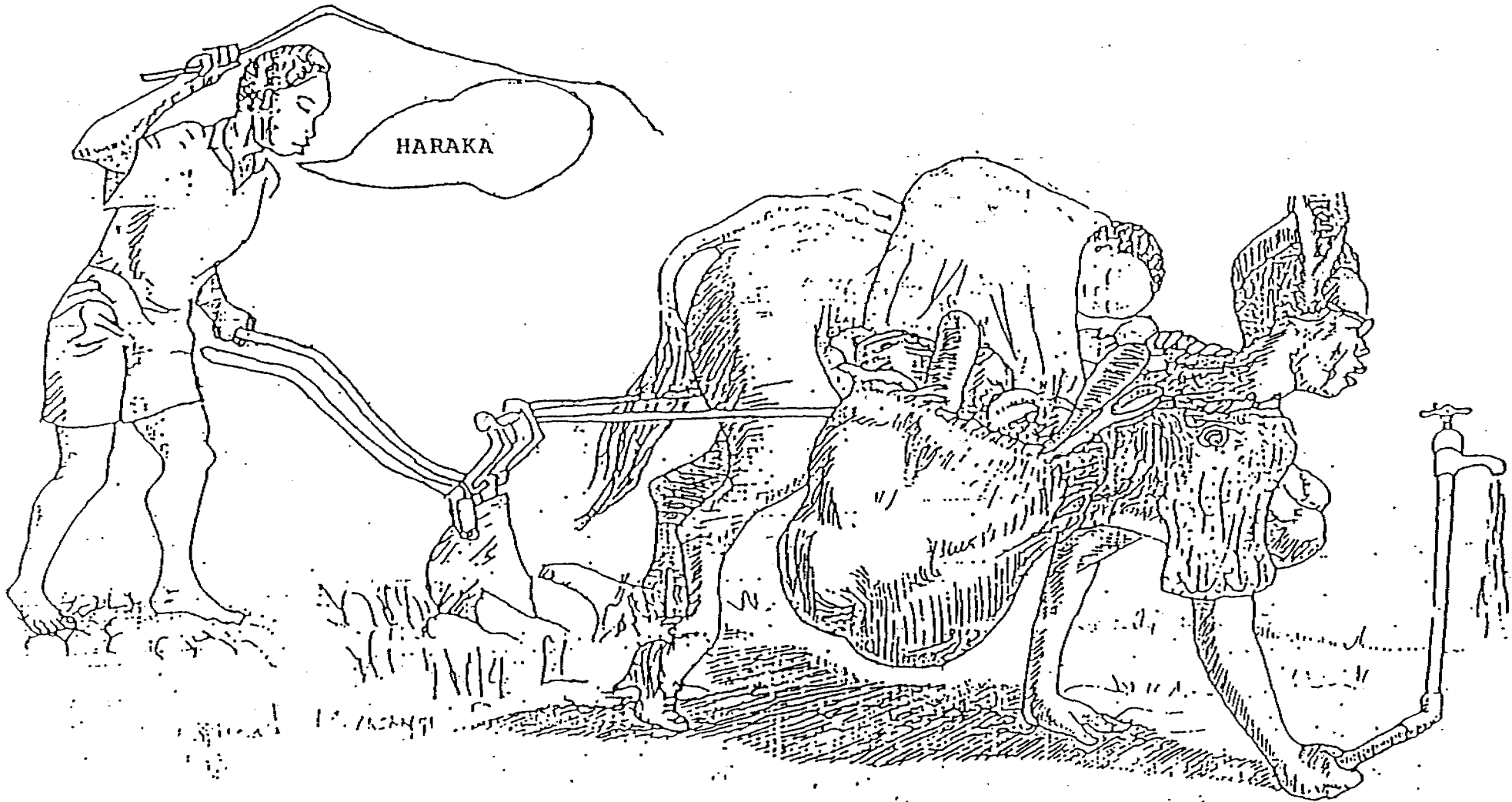


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HUFANYA KAZI KARIBU THELUTHI MBILI YA KAZI YOTE DUNIANI  
LAKINI PATO LAO NI MOJA YA KUMI YA PATO LA DUNIA  
NA HUMILIKI ASIMILIA 1 YA MALI ZOTE DUNIANI



SIFA ZA MWANAMKE WA KIAFRIKA

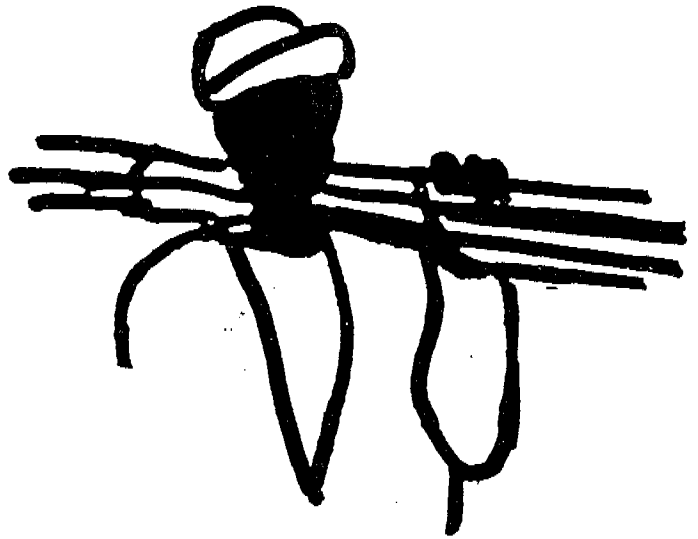
1. Mnyama mwenye uzoefu mkubwa
2. Mkulima wa ardhi yote (ambayo hamiliki)
3. Kiwanda cha watoto asiomiliki
4. Mzoefu mkubwa wa kubeba maji badala ya bomba



(from: paper by hon. Maria RK Matembe, Arusha 1990)



Forum '80, Copenhagen, 1980



# GENDER & COMMUNICATION 1

## WHY:

To raise self confidence of women to talk in public, in meetings and participate in decision making, through practising in different situations.

Also the module aims at raising awareness on existing traditions and customs that hinder women's assertiveness and participation in formal debates and creating a more positive self image of women.

## WHEN:

During pre-agreement period, when elections are needed, or in implementation phase 1, during awareness raising.

## WHO:

About 20 women.

This module is primarily aimed at women to practise communication in different situations, in order to gain self confidence. In general men have less problems with speaking in public. Also if the group is mixed the danger exist that men will dominate, women not getting enough possibility to practise.

## WHAT:

9 am	Introduction
9.45	My values
10.15	Who am I?
11.00	Role play: furrow committee meeting
11.30	Puppet play: gossiping women
12.30	Lunch
1.30 pm	Skit 1 & 2
3.30	Conclusion & Evaluation

### 1 INTRODUCTION

30 MIN

After welcoming the participants and introducing yourselves and TIP, start with explaining the aim of the training. After that explain the programme of that day, what time lunch, what time closing etc.

Then do a self introduction exercise with the participants:

Ball game introduction of participants: all mention their name and for instance whether they are married and have children; or what they did yesterday; to make all participants at ease to contribute; the ball is thrown to the next person, who repeats the name etc. from his/her predecessor, and then introduces him/herself, thus around until all the participants had a change.

The advantage of this exercise is that the participants laugh and become relaxed and are already used to saying something in public.

## 2 MY VALUES

30 MIN

(Adapted from: 'Women working together, Suzanne Kindervatter, OEF International)

AIM:

The aim of this exercise is that the participants will discover some of the things they like, and see that people have different values.

Also they practise in formulating their opinion, often the question 'what do you think about this' is not familiar to women.

STEPS:

1. Explain that there are no right or wrong answers. We are all different and need to respect each others differences.
2. Read the first question and ask for volunteers to answer. (If the group is small everybody can answer).
3. Go through all (or select few) the questions the same way, it is not necessary to write down the answers.
4. For discussion: What did you learn about yourself?  
Are you used to formulating your opinion this way? Why (not)?
5. Conclude that everybody has an opinion, that all are valuable and interesting to listen to. The same is valid in meetings. there is no reason to be shy to give your opinion.

**MY VALUES QUESTIONS:**

- \* What is your favourite food?
- \* What qualities do you want in a friend?
- \* What makes you happy?
- \* What makes you angry?
- \* What are the qualities of a good husband?
- \* What would you say if you meet the president?
- \* What would you like to change in your neighbourhood?
- \* If you found 10,000/=, how would you spent it?

### 3 WHO AM I?

(Adapted from 'Women working together' Suzanne Kindervatter, OEF International)

#### AIM:

To promote the participants self confidence in expressing themselves, and discover the many this they are able to do.

#### STEPS:

1. Explain that this is a contest and that we have to split up in 2 groups.
2. Put the flip chart on the wall, for each group 1.
3. Explain that there are many things women are able to do, that they have many roles, and that we will list then down. The group with the most roles wins.
4. The first group can start with mentioning 1 role (farmer, teacher, cook, etc) The responses formalize the roles women perform often without even knowing: for instance they sell their products on the market, which makes them a 'seller' (Mfanya biashara) or they take care of sick children, which makes them a 'nurse' or 'daktari')
5. Continue until all answers are drawn from the group, to make the lists as long as possible. Roles can only be put by 1 group!!
6. Point out the winning group.
7. What do they concluded themselves, looking at the list?
8. Explain that they are all winners, look at the long lists of professions, roles they have. They are able to do so many things!!
9. Discuss      Which roles do you like most & why?  
                  Which roles do you not like & why?  
                  Are there roles that you would like to be or do but that are not on the lists? How could you do or be these things?
10. Conclude that women have many roles, even many they do not like, but have to do. They have some influence in choosing or changing the roles.

#### 4 ROLE PLAY: FURROW COMMITTEE MEETING

Participants: about 5 men; about 5 women; 2 technicians (if possible, not necessary).

All are present at the meeting of the furrow committee about water distribution.

Agenda of the meeting:

1. Meeting schedule: How often should we meet?
2. Water rotation schedule
3. Participation of women.

One woman explains problems she is facing concerning water distribution (at night, last in turn, in a rotation group with 2 men she gets water last, etc).

The other women do not say anything, but show their disapproval for the woman who talks.

One mzee is shocked about the talkative woman, and wants to hold the meeting at the intake sight where women are not allowed to reach.

The chairman and the secretary are prepared to listen a bit to the woman and do not agree with the mzee, but are also rather traditional.

#### Aim:

Practice talking in meetings, the role of chairman, secretary talkative woman and mzee. To show what happens if you do or do not talk in a meeting;

You can repeat the play 2 or 3 times, in order to let people get used to their roles, and practise more!! *Practising is more important than the message of the play*

Evaluate: How did you feel in the different roles? What did you see? (Shortly)



## 5 PUPPET PLAY: GOSSIPING WOMEN

The puppets introduce themselves (names, village) and as being part of the meeting we just saw of the furrow committee.

They gossip about the woman who talked freely in the meeting, and give all the reasons, traditions why she should not have talked.

Although they recognize the problems that she mentions, it still is not proper to speak out.

They discuss the problems the woman mentioned in the meeting, and agree that it happens and exists, but what can women do? It is not good to talk in front of men and village leaders, women should not be involved in cleaning the canals: it is men's business, decent women do not give their opinion etc.

### Aim:

To discuss the traditions preventing women from talking in meetings and the result if you do open your mouth. Why are women not talking? What happens if you do not mention your problems? What happens if you do?

Repeat: After the first performance of the puppets ask the participants to also come and play. Repeat this 2 or 3 times.

Evaluate: What did you see? Do you recognise it? How can these problems be handled?

Conclude: Women together can talk (so where lays the communication problem?)  
Traditions and customs prevent women of talking freely.

6 SKIT 1 & SKIT 2

AIM:

To solve community problems women may need assistance from authority figures, like the village chairperson, water distributor, DED, donors, etc. Women are often hesitant to communicate with these people, most of whom are men. This activity provides the participants with practice in approaching and making requests to authorities.

STEPS:

1. Divide the participants in 2 groups (if there are many not everybody can participate, continue with the rest with repeating the puppet play themselves).
2. Explain and practise the skit for about 15 minutes. A skit is a short drama or play. The players themselves create the words and story. Encourage each group to make the skit lively and interesting.
3. First performance in class, discuss what happened in the play, what does it show us?
4. Repeat the skit 2 or 3 times. You will see that it improves and that people feel more comfortable in their roles. You can also change the casting. Practising communication is very important here!
5. Second performance in class, the same procedure as skit 1.

SKIT 1:

A donor visits a village to start a project. The village government prepared a full day programme, but women are not invited, nor part of the programme.

There is a women group, who want donor assistance for a water storage on their plot.

Scene 1:

The women try to talk to the chairman, to get a change to talk to the donor.

The village chairman has his own plans and does not want the women to talk with the donor. He sends them away.

Scene 2:

The women try again, and address the DED and the donor straight away. They get a chance to explain their proposal.

5 Participants: 2 women, 1 Chairman, 1 DED, 1 Donor

SKIT 2:

A woman wants to get an independent shamba. She wants to cultivate a cash crop (for instance: rice), to obtain some income for her children to go to school and for herself to start a small project. Her husband agrees with the idea and supports her.

Scene 1:

The woman goes to the village government office to talk to the chairman, secretary and a member of the village committee. She is shy, does not explain well why she wants the plot. The village leaders ask many questions which she can not answer, and they accuse her of wanting to leave her husband. She leaves without getting the plot.

Scene 2:

The woman has discussed the issue thoroughly with a friend. They have their story clear and they decide to go to the village government together. They talk to the same people, but now they are aware of their rights, have prepared their arguments, and present the issue with self confidence.

The woman gets her shamba, and a registration paper.

5 Participants: 2 women, 1 village chairman, 1 village secretary, 1 member of village committee.

## 8 CONCLUSION & EVALUATION

### Concluding questions:

What have you learned today?

What are reasons for women not to talk easily in meetings, in public?

What will they do in the future?

What suggestions do they have?

### Explain as conclusion:

Women are not free to communicate:

- \* If men are around
- \* If important people are around
- \* If the occasion is formal

The result is that their contribution to decision making is limited to the informal sphere. This training is aimed to increase their active participation in furrow committees and decision making in general.

As causes for this problem were identified:

- \* Lack of self confidence of women. (this is just my opinion, what if nobody supports me?, they will laugh at me).
- \* Tradition/customs/values of the society. (Women should not talk in front of their father in law, or their husbands; a decent women does not give her opinion in a meeting, just follows the advice of men etc)
- \* Negative self image of women (akina mama si akina mama tu?)

### Evaluation:

Make a round and ask the participants to give their opinion on today's training: What they like best? What less? How can we improve?

After that give a piece of paper to the participants to write down any comments (if they can not write, they leave it, or ask help from somebody who can).

# GENDER AWARENESS 1

## WHY:

The aim of this module is to raise gender awareness on division of work and wealth, and to link equal gender relation to development.

## WHEN:

During implementation phases 1.

## WHO:

Participants are about 10 men and 10 women.

## WHAT:

- |       |  |
|-------|--|
| 9 am  | Introduction                                     |
| 9.45  | Exercise 1: Who does what?                       |
| 11.00 | Exercise 2: Who owns what?                       |
| 12.00 | Lunch  |
| 1 pm  | Role play 1: Example of unequal gender relations |
| 2 pm  | Role play 2: Example of equal gender relations   |
| 3 pm  | Conclusion                                       |

## 1 INTRODUCTION

Aim of the training  
Explain programme

Ball game (introduction of participants: all mention their name and for instance whether they are married and have children; or what they did yesterday; to make all participants at ease to contribute; the ball is thrown to the next person, who repeats the name etc. from his/her predecessor, and then introduces him/herself, thus around until all the participants had a change.)

## 2 EXERCISE 1: WHO OWNS WHAT?

### AIM:

Raise awareness about the division of labour between men and women in that water users group.

### STEPS:

1. Let the participants sit in a circle, if the group is big, divide them in 2 groups, both with their own facilitator.
2. Put the picture of the 'woman', 'both' and 'man' on the floor, make sure that all participants can see them, that they sit in a circle.
3. Divide the pictures of activities among the participants.
4. Let the participants put them under the picture of the man, woman or both. It is important to stay neutral: let the participants choose themselves, play only a facilitation role.
5. Then go slowly to each picture and discuss whether it is at the right place, or should be moved, Who does what? If it is done by both, ask who does the biggest percentage?  
Again: it is important to stay neutral, the discussion should be held by the farmers, only facilitate the discussion by asking questions!!
6. Ask whether there are important activities that are missing, if yes write them down or sketch them fast, and add them to the other pictures that are laying on the floor.
7. Ask the participants what does this show us? How come? What to do etc?

### 3 EXERCISE 2: WHO OWNS WHAT?

1. Introduce the next exercise: "Who owns what?"
2. Put the pictures of 'woman, man and both' on the ground again, repeat the same procedures as in the former exercise.
3. Stay impartial, let the farmers decide where to put the pictures. Facilitate through asking questions: "If this chicken is owned by man and woman, can the woman decide to slaughter it, without the husbands permission? And the other way around?"
4. Discuss: what do they conclude?  
How do they compare 'Who does what' and 'Who owns what'  
What are the consequences of this situation?  
How can we change it?

### 4 ROLE PLAY 1 & 2

1. Prepare the role plays with 4 participants. It is also possible to do the first performance yourselves, together with the village extension worker etc.
2. Perform the both plays in class, discussing can be held later. *Crucial to the plays is to link equal gender relations to development.* For instance because the second woman can talk to the VEW, and goes to meetings, both husband and wife can work on development (terraces, trees), instead of only 1 person in the family.
3. In the play of equal gender relations make clear that husband and wife are equal: not the wife dominating!! They cooperate and have equal say.
4. Invite participants to also play. You will see that they perform the real situation in their area, and put many extra points in it!
5. Repeat the plays 2 or 3.
6. Discuss what is shown in the plays, what does it teach us, what can we do to improve, what solutions do they have?

### ROLE PLAY 1: EXAMPLE OF UNEQUAL GENDER RELATIONS

MAMA Mwajuma:

- 10 Children
- Cultivates a food crop shamba independently (spinach, sweet potatoes)
- Does not about erosion, SWC, no access to irrigation
- Is not registered as water user
- Does not attend meetings (her husband says it is not necessary)
- Is not aware of irrigation water schedule, plans for maintenance, construction etc.
- Has a very heavy workload, on the shamba, in the house, to fetch water, firewood
- Has hardly any say in harvest, income; only small amounts she can sell at the market to buy sugar, sold.

BABA Mwajuma:

- Is 'kali', knows how to discipline women
- Decides about everything in the house (SWC, irrigation, harvest/income)
- Does not involve mama in any decision making
- Goes to all village meetings, therefore knows irrigation schedule, plans for maintenance, construction

#### SITUATION:

Baba Juma is sad about something and goes to the pub to get drunk. He becomes very drunk, and on his way back home, falls down and has to go to the hospital in town to get treatment. He is gone for 2 months.

In the village construction of an intake,, terraces and tree planting is going on. Because mama Mwajuma is never involved in any meetings, decision making or development activities, she is not aware of the activities that are going on. Even if she hears she is to shy to become involved, because her husband never allowed her.

The result is that the family does not participate in self help of the construction, so they do not get irrigation water turn. Also the whole village has terraces, but that family not, so everybody plants vegetables (tomatoes, cabbage) and earns a lot of money, but this family is behind, still cultivates on steep slopes, with little harvest.

Further all women planted trees for firewood and timber, to decrease their workload and earn some income, but mama Mwajuma does not know what is going on, has to much work and is to shy to take any decision, so also here she is not benefitting.

Baba Juma comes home and finds his family in poor health, they had to work all (children could not go to school) and behind in modern agriculture and development activities. They are always sad, poor and behind in development.



## ROLE PLAY 2: EXAMPLE OF EQUAL GENDER RELATIONS

MAMA Sofia:

- 3 children in good spacing
- Cultivates a shamba independently, her husband simulates her to grow also modern crops.
- Has learned/heard about erosion and SWC
- Has an irrigation turn independently
- Is registered as water user
- Attends meetings and self help activities together with her husband
- Is aware of irrigation water schedule, plans for maintenance, construction etc.
- Shares heavy workload, on the shamba, in the house, to fetch water, firewood with her husband
- Has an equal say in harvest, income; they decide when to sell and where together, and share the income

BABA Sofia:

- Is modern, friendly character, likes to cooperate
- Decides about everything together with his wife (SWC, irrigation, harvest/income)
- Does involve mama in any decision making
- Go together to all village meetings, therefore know irrigation schedule, plans for maintenance, construction

### SITUATION:

Baba Sofia has worked hard on his shamba, bad luck, is bitten by a snake and has to go hospital in town to get treatment. He is gone for 2 months.

In the village construction of an intake, terraces and tree planting is going on.

Because mama Sofia is involved in all meetings, decision making or development activities, she is aware of the activities that are going on. If she hears something new, she is interested and becomes involved, because her husband always stimulated her.

The result is that the family does participate in self help of the construction, so they do get irrigation water turn. The family is the first to construct terraces and therefore mama Sofia plants vegetables (tomatoes, cabbage, modern maize) and earns a lot of money.

Further also mama Sofia planted trees for firewood and timber, in her women group, to decrease their workload and earn some income. The trees grow fast and they expect to harvest firewood after 1 to 2 years.

Baba Sofia comes home and finds his family in good health, the children went to school) and the family is ahead in modern agriculture and development activities. They plan together their development activities for the future and live happily ever

## 5 CONCLUSION & EVALUATION

### Concluding questions:

What have you learned today?

What are reasons for women not to talk easily in meetings, in public?

What will they do in the future?

What suggestions do they have?

### Explain as conclusion:

The gender roles as they are defined at present are negative for women:

- \* Unequal division of work (heavy workload for women).
- \* Unequal division of wealth (men own practically all; traditionally including the wife).
- \* Unequal gender relations hinder participation of women in development activities.

The aim of the training is to raise awareness on the above mentioned problems, through facilitating discussion and training.

The second aim of the training is to link 'equal gender relations' to modern agriculture and TIP aspects: terracing, tree planting, good canals and well organized water distribution. At present men sharing household tasks with their wives are ashamed about that and say, for instance, that they have fetched wood for repairing their house, while it is firewood. Through the role plays in the afternoon equal gender relations are linked with development issues, which can be a very powerful strategy to change something.

### Evaluation:

Make a round and ask the participants to give their opinion on today's training: What they like best? What less? How can we improve?

After that give a piece of paper to the participants to write down any comments (if they can not write, they leave it, or ask help from somebody who can).

# GENDER & WATER DISTRIBUTION

## WHY:

This module presented here below concerns gender issues in water distribution. It is meant as a tool to measure changes (improvements) in the position of women in irrigation.

Problems are identified during PRA and training (which we hope have improved), related to gender in water distribution.

The first part of this module now measures and discusses the changes, strengthens the decisions and formulates action points. The second exercise is meant to strengthen the group, show the benefits of cooperation.

## WHEN:

During implementation phase 1 or 2, as a follow up of discussions on gender in water distribution during PRA, meetings and other training.

## WHO:

Maximum of 15 men and 15 women.

## WHAT:

- 30 min Introduction exercise: Drawings
- 45 min Jump-in theatre
- 30 min Small group discussion
- 45 min Presentation of small groups  
Plenary discussion on solutions  
Overview of former decisions  
Formulate action points  
How to implement these action point?
- 60 min Group strengthening exercise: "Built with what you have got"
- 30 min Conclusion, winding up

### 1 DRAWINGS:

(Adapted from 'Training for transformation' A.Hope, S.Timmel, C.Hodzi)

#### AIM:

This is an introduction exercise, it is meant to build confidence for the more shy participants. It gives men, and women a change to mix naturally, while in the beginning sometimes they sit separately.

#### STEPS:

1. Form groups of 5 - 6 people. You can also decide to let the whole group share all introductions.
2. Instruct them to draw a symbol of what they are, or what is important to them. (People are often hesitant to draw at first as they feel they are not good artists, but if you make them realize this is not an art competition. You can, for instance, say that it helps you to understand their lives and their village).
3. When they have finished each person introduces her/himself and explains the drawing they have made in the small group, or plenary.
4. You can vary the exercise by letting the participants interview each other about the drawing they made, and then also introduce each other.

## 2 JUMP-IN THEATRE

### AIM:

The aim of this exercise is to stimulate farmers to come up with different scenes on what happens in their village, and how they try to find solutions. When it is time for the farmers to 'jump-in' the facilitator has to stimulate people: if they whisper 'Syo hivyo kwetu' Nenda kuonyesha! 'mimi ningesema hivi' Ebu tuone! etc For the people who 'freeze' it might mean that it will take a while, before farmers take over, that does not matter, just stay frozen, until somebody jumps in!

The scenes can be repeated as often as possible, first showing problems, then possible solution.

### SCENE 1: Played by facilitator 1 and 2

A female farmer looks at her shamba, and says it is dry, needs irrigation

She goes to the water distributor to ask for an irrigation turn

He says: 'I already gave your husband water, so what do you come looking for?'

Mama goes home, no water, still dry shamba

### SCENE 2: Start with facilitator 1 and 2; 3 and 4 jump-in later and take over

A female farmer looks at her shamba, and says it is dry, needs irrigation

She goes to the water distributor to ask for an irrigation turn

(FACILITATOR 1 AND 2 FREEZE; 3 AND 4 TAKE OVER)

He says: 'I already gave your husband water, so what do you come looking for?'

Mama says 'I have my own plot, food for the family, so I do need water!'

Water distributor says: 'OK, I will give you water tonight, from saa 4 to saa 8'

Mama: 'At night is difficult for me'

He answers: 'More maneno, I already gave you water'

Mama goes home, next morning: no water, still dry shamba,  
She says: Baba is on safari, I have no male children and no money to irrigate

SCENE 3: FACILITATOR 3 AND 4 START, FARMERS TAKE OVER

A female farmer looks at her shamba, and says it is dry, needs irrigation

She goes to the water distributor to ask for an irrigation turn  
(FACILITATOR 3 AND 4 FREEZE; FARMERS TAKE OVER)

SCENE 4 - ...100?

The same start, with different problems/solutions!

3 SMALL GROUP DISCUSSION

After finishing the 'jump-in theatre' the group can be split up in 2: men and women, for discussion.

Discussion questions:

1. What have we seen?
2. How is the situation here?
3. Does it improve?
4. Did the situation change this last year?

Example that can be discussed, depending on the PRA:

- \* Women are not recognized as water users
- \* Women miss irrigation turn
- \* Women get irrigation turns at night
- \* Taboo to reach the intake sight
- \* Female representatives, that are put on advise of TIP, are not known to other farmers
- \* Women are not involved in leadership nor irrigation committee

4 PRESENTATION OF SMALL GROUPS AND PLENARY DISCUSSION

- \* What will we do to improve these points?

Give an overview of decisions taken by farmers during former training, for instance:

- \* Discourage hindering traditions
- \* Women to participate in meetings and development activities
- \* Women try to be self confident
- \* Women no irrigation turn at night
- \* Include active women in committee

Formulate action points with group, and how to make them effective (for instance putting in the agreement, making 2 people per committee responsible for gender etc)

## 5 BUILD WITH WHAT YOU'VE GOT

This exercise helps a group to look at problems of co-operation and communication. It can be great fun, (sometimes also frustrating) and good for an evening activity.

### Procedure

- a. Before the exercise, the group leaders need to collect boxes of rubbish, filled with such things as old pieces of cloth, coloured paper, pipes, tools, sticks, stones, bottles, etc. Each box should contain about 15 or more items and each box should be different from other boxes. You need to make one box for every 5 or 6 participants.
- b. When you begin the exercise, you explain that one of the difficulties in development (youth groups, etc.) is putting co-operation into practice. Rather than having an abstract discussion on co-operation, we will try to co-operate.
- c. Ask the participants to divide into groups of 5 or 6 people (only) and go stand around one of the tables in the room. Then give each group a box full of rubbish.
- d. The instructions for the exercise are then given:
  - (1) Each group has a box of things, and the task of each group is to build something that has meaning — it can be a symbol or something real.
  - (2) The group must work in silence (without words and no writing notes to each other). They have to find other ways of communicating with each other.
  - (3) They can bring 3 things from outside the box to add to their creation, if they want to.
  - (4) A prize will be given to the group that builds the most creative and clear thing. (This can be a box of biscuits or something that the winners can share.)
  - (5) They have 15 minutes to complete the task.
- e. After giving instructions and answering any questions, give the signal to begin work.
- f. After 15 minutes (or when it seems most groups have finished) stop the exercise.
- g. Ask everyone to go around and look at each thing that has been built, seeing if they can recognise what it is.
- h. Then have a vote by clapping. No group can clap for its own production but all others can clap. The group that gets the loudest clapping wins the prize.

### Discussion Questions

1. What helped co-operation in your group?
2. What hindered co-operation in your group?  
Were their times when you felt frustrated? Why did you feel so? What could the group have done to help you work better in the group?
3. What have you learnt about co-operation?
4. Do these things also happen in real life? How?
5. What ways can these difficulties be overcome?

These questions 1 – 3 can be answered in the small groups.

In the large group, each group can report back on question number 3 and then the group leader can ask questions 4 and 5, putting on newsprint the points of question number 3 and 5 only.

**Time** About 1 hour.

**Materials** Boxes full of rubbish as described at the beginning of this exercise. One box for every 5 or 6 participants. Newsprint, tape, felt pens.

# GENDER & COMMUNICATION 2

## WHY:

This module presented here below concerns gender issues and communication. It is meant as a tool to measure changes (improvements) in the way women communicate and participate in meetings and development activities

Problems are identified during PRA and training (which we hope have improved), related to gender and communication.

The first part of this module now measures and discusses the changes, strengthens the decisions and formulates action points. The second exercise is meant to strengthen the group, show the benefits of cooperation.

## WHEN:

During implementation phase 1 or 2, as a follow up of PRA, and other training modules. There should be 2 to 6 months in between the first training and this follow up.

## WHO:

Maximum of 15 men and 15 women.



## WHAT:

- 30 min Introduction exercise: "The pie"
- 45 min Exercise: "Tulipotoka, tuliko, tuendako"
- 30 min Presentation of small groups  
Plenary discussion on solutions  
Overview of former decisions  
Formulate action points  
How to implement these action point?
- 60 min Group strengthening exercise: "Ng'ombe"
- 30 min Conclusion, winding up

### 1 THE PIE

(Adapted from 'Training for transformation' A.Hope, S.Timmel, C.Hodzi)

#### AIM:

This exercise is meant as an introduction and gives the participants a chance to think about themselves before sharing it with the whole group.

#### STEPS:

1. Give each person a piece of paper and a pencil.
2. Ask each person to draw a circle, which represent their day (you can also adjust and say it represents yesterday).
3. Ask them to think on how they spent their days: did they travel, work on the field, wash cloths, rest, visit neighbours etc) Make an example on a flip chart of your own day (or what you did yesterday)
4. Invite each participant to introduce him/herself to the group, and explain their drawing.

## 2 TULIKOTOKA, TULIKO, TUENDAKO

This tool is meant to show changes in gender relation since the time of our grand parents, to now, up to what we expect for our children.

It shows that gender relations are not rigid, and that they are constant changing. The aim is to influence these changes positively, and formulate possible action point 'how to change'.

The group will be divided into 4 small groups:

- 1 women above 35 years;
- 1 men above 35 years;
- 1 group women below 35 years;
- 1 group men below 35 years;

Each group will answer on the following topics:

1. Meetings (Mikutano)
2. Marriage (Ndoa) (Mahari, Uchaguzi wa mchumba, Kuachana etc)
3. Gender roles in society (Mahusiano ya jamii)

Questions to answer:

How was it in the past? (specify for men and women)

How is it now? (specify for men and women)

How will it be for our children? (specify for men and women)

For example health:

Past: Traditional healers, plants as medicines,  
traditional birth attendants (wakunga wa jadi)  
etc

Now: Combination of traditional healers and medicines and  
hospitals, doctors, chemicals etc

Future: Less knowledge of traditional medicines, more focus on  
chemicals and hospitals (?)

## 3 PRESENTATION SMALL GROUPS AND PLENARY DISCUSSION

After the small group discussion the results will be presented plenary.

Do you agree with the presentations of other groups?

What does this show about gender relations?

What do you hope for the future?

What can we do to make those hopes come true?

Formulate action points

Conclusion:

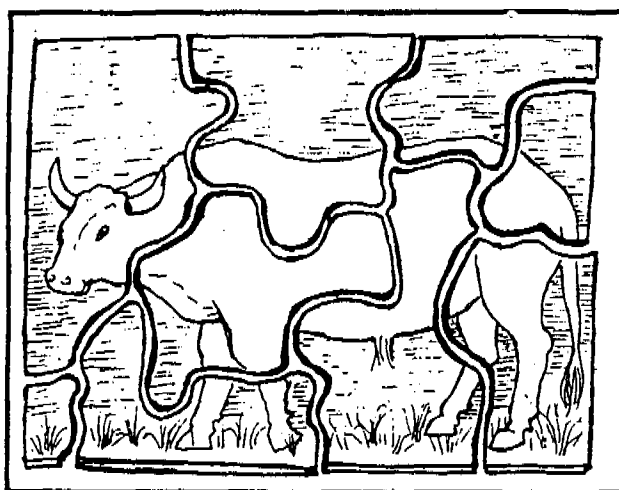
Traditions and customs are always changing, and so are gender relations. We can try to influence these changes positively.

#### 4 JIGSAW COW

The aim of this exercise is to show the importance of co-operation in a group. The animator prepares a puzzle by cutting the pictures of two cows (one white and one black cow) into small pieces like a jigsaw puzzle.

##### Procedure

- a. Divide the group into two smaller groups. Give out all the pieces of the white cow to one group. Give the other group all the pieces of the black cow except two, which the animator quietly steals and hides.
- b. Explain that each piece is a piece of meat from the cow and each group must put their pieces together to make one complete cow.
- c. The first group will finish quickly because they have all the pieces. The second group will probably struggle for a long time, and may call others to help. When they realise that some parts are missing they will start searching for them.
- d. Eventually they should find them in the pocket of the animator, and then they can fix the cow. The animator then stops the game and asks the following questions.



##### Discussion Questions

1. What were you doing during the game?
2. Why did the first group finish before the second?
3. How did the second group feel?
  - a. When they could not complete the cow?
  - b. When they found the pieces in the animator's pocket?
4. Do you ever see anything like this happening in real life? Give examples.
5. How do others feel if one person fails to make any contribution in a meeting or in a work project?
6. What are the results of some people contributing nothing?
7. What can we do to prevent this happening in our group?

**Time** About 1 – 1½ hours.

**Materials** Two pictures of cows cut into pieces.

# GENDER & DIVISION OF WORK AND WEALTH 2

## WHY:

This module presented here below concerns gender issues and division of work and wealth. It is meant as a tool to measure changes (improvements) in the way work and wealth is divided among men and women in the society.

Problems are identified during PRA and training (which we hope have improved), related to gender and communication. The first part of this module now measures and discusses the changes, strengthens the decisions and formulates action points. The second exercise is meant to strengthen the group, show the benefits of cooperation.

## WHEN:

During implementation phase 1 or 2, as a follow up of PRA and other training modules. There should be 2 to 6 months in between the first training and this follow up.

## WHO:

Maximum of 15 men and 15 women.

## WHAT:

- 30 min Introduction exercise "Chapati game"
- 60 min Exercise: "Division of work"
- Presentation of small groups  
Plenary discussion on solutions
- Overview of former decisions  
Formulate action points  
How to implement these action point?
- 45 min Exercise "Kisa Mkasa"
- 60 min Group strengthening exercise: "Squares"
- 30 min Conclusion, winding up

### 1 CHAPATI GAME:

#### AIM:

The exercise is meant as introduction, and to come into the topic 'gender roles'.

#### STEPS:

1. Form groups of 2 people, by counting 1, 2, 1, 2 etc. (This will mix men and women)
2. Inform them that they will interview their colleague, and then present the answers, so their colleague to the whole group.
3. Write down the questions on a flip chart:
  - \* You name
  - \* Profession
  - \* 1 activity done by the opposite sex that you would not like to do (so for men: an activity done by women that you would not like to do)
  - \* 1 activity done by the opposite sex that you would like to doYou can vary the questions, make up other questions etc.
4. Give the participants 10 minutes time to interview each other (each interview 5 min), let them write down the answers if necessary
5. Invite the first couple to introduce each other, and continue like that until the everybody is introduced

## 2 DIVISION OF WORK

This tool is meant to discuss division of work between men and women, and discuss possible changes.

Divide the group in small groups, mixed men and women.

Give the first set of pictures (men carrying firewood on his head; women carrying firewood on her head)

Ask: "What is realistic in your area?"

Do this with the whole set of pictures

Conclusion: women have a heavy workload, show picture of a 'bad' family: mama tired, fat baba, dirty children

Present decisions of former training

Did it improve in the last year, did men help women?

Start with second set of pictures, possible solutions (man carries firewood on his shoulder, man brings child to the hospital etc)

Ask whether these are possibilities, whether they can mention other examples.

Conclusion: each men choose at least 1 thing to start this week to help their wife.

## 3 'KISA MKASA'

Read story of baba Mkali na mama Mpole

Ask: How do you find this family?

What happened?

Does it exists here?

How can we solve it? (mention former decisions)

Read story of baba Mkarimu na mama Mdadisi

Formulate action points.

## MAPATO NA MATUMIZI KATIKA FAMILIA.

### 1. FAMILIA YA KWANZA.

Ngoja niwasimulie hadithi fupi inayohusu familia moja. Baba wa familia hiyo anaitwa "Baba mkali" na mkewe anaitwa "Mama mpole". Familia hii ilikuwa na watoto sita (6). Kazi yao ilikuwa ni kilimo. Katika msimu wa kwanza, walilima shamba lao la mahindi na maharagwe. Walishirikiana vizuri, na walitumia juhudi kubwa, hivyo waliweza kuvuna mavuno mazuri mno. Mahindi walipata magunia hamsini (50), na maharagwe walivuna magunia kumi (10).

Baba mkali aliyauza mazao hayo na alipata kiasi cha shilingi laki tatu na nusu (350,000/=). Mama mpole hakujuu kiasi cha fedha zilizopatikana. Lakini baba mkali alimpa mama mpole kiasi cha shilingi elfu kumi (10,000/=) kwa ajili ya matumizi ya nyumbani, na kununua doti moja ya khanga. Nusu ya fedha zilizobakia alizitumia kununulia shamba lenye miti ya miembe. Baadaye alifunga safari kwenda kumsalimia ndugu yake Dar-es-salaam, ambako alizimalizia fedha zote zilizobakia.

Kwa sababu baba mkali alikuwa ni mkali, hakumshirikisha mkewe; na kwa sababu mama mpole alikuwa ni mpole, hakuweza kuuliza juu ya matumizi ya fedha hizo. Mwaka uliofuata, mama mpole alionekana kukata tamaa ya kushiriki kwenye kilimo kwa sababu hakuridhika na matumizi ya mavuno ya msimu uliopita.

Kwa sababu mama mpole hakuridhika, na pia fedha za matumizi alizopewa zilikuwa ni kidogo, familia ilionekana kuwa na afya mbaya. Msimu uliofuata, walivuna magunia machache kwa kuwa mama mpole hakuwa na moyo wa kulima. Baba mkali naye hakujuu dukuduku la mkewe.

## 2. FAMILIA YA PILI.

Katika kijiji fulani, kulikuwa na baba mmoja aliyekuwa akiitwa Mkarimu, na mkewe aliitwa Mdadisi. Walikuwa na watoto wao wanne (4).

Pia walikuwa na shamba lao dogo lililokuwa la ekari moja. Kwa pamoja, walilitayarisha shamba lao vizuri na bila ya kutumia pembejeo za kisasa. Walipanda maharagwe na mahindi bila ya kutumia mbolea za kisasa wala madawa ya kuulia wadudu.

Kwa kuwa waliweza kushirikiana vizuri katika shughuli zote za kilimo, waliweza kuvuna magunia kumi ya mahindi, na magunia mawili ya maharagwe.

Kwa pamoja, walijadiliana kuuza sehemu ya mavuno waliyopata na kubakisha sehemu ya mavuno kwa ajili ya matumizi ya familia (chakula).

Jumla ya fedha walizopata zilikuwa ni shilingi elfu hamsini na moja tu (51,000/=). Kwa pamoja walikubaliana kuweka kiasi cha fedha hizo katika benki, na kiasi kilichobakia kwa ajili ya kununulia nguo na matumizi mengine ya familia.

Msimu uliofuata, waliamua kuchukua kiasi fulani kutoka benki na kununulia pembejeo za kisasa za kilimo, ikiwa ni pamoja na mbolea za kisasa na madawa. Matokeo yake ni kwamba, mavuno yaliongezeka sana na baada ya misimu mitatu kwa pamoja walijadiliana na kununua mabati kwa ajili ya kuandaa kujenga nyumba ya kisasa.



#### 4 SQUARES

This exercise helps a group to analyse some of the elements of co-operation to look at their own behaviour when working in a group. It is a good exercise for an evening activity. (It is best to use the exercise with people who have a similar formal educational background. This exercise is based on geometry and some people who have little formal education may find the game too difficult and it could re-enforce their feeling of 'not being educated'.)

##### Procedure

1. The animator begins by explaining that we want to look at what is essential to successful group co-operation.
2. Ask the participants to form groups of five and to sit around a table. (It is possible to have one extra person to observe each group.)
3. The animator then reads the instructions to the whole group.

**Instructions:** Each of you will have an envelope which has pieces of cardboard for forming squares. When the animator gives the signal to begin, the task of your group is to form **five squares of equal size**. The task will not be completed until each individual has before him or her a perfect square of the same size as those in front of the other group members.

##### Rules

- a. No member may speak. The task must be done in silence.
  - b. You **may not take** or ask for a piece from any other person but you **can give pieces** to others.
4. Ask if there are any questions and answer them.
  5. Give each group of five a set of squares in the five envelopes.
  6. Ask the groups to begin work. The animator watches the tables during the exercise to enforce the rules.
  7. When the task is completed, ask each group to discuss the following questions.

(From: 'Training for transformation' A. Hope, S. Timmel, C. Hodzi)

**Discussion Questions**

- a. In what way do you think each of you helped or hindered the group in completing its task?
- b. How did members feel when someone holding a key piece did not see the solution?
- c. How did members feel when someone completed a square incorrectly and then sat back without helping the group further?
- d. What feelings did they think that person had?
- e. How did members feel about the person who could not see the solution as quickly as others?
- f. How are some of the things you learnt from this game true of real life and problems you have in your own situation?

After these questions are discussed in small groups, call the whole group together for a discussion on question number 6. Add a final question for the whole group.

- g. What have we learnt about co-operation?

This question can be discussed in groups of 3's and then shared, putting up points on newsprint.

**Summary**

Some points that may arise from the group can be summarised by the animator in the following points:

- a. Each person should understand the total problem.
- b. Each person needs to understand how to contribute towards solving the problem.
- c. Each person needs to be aware of the potential contributions of other members in a group.
- d. When working co-operatively in groups, we need to recognise the problems of other people in order to help them to make their maximum contribution.
- e. Groups that pay attention to helping each other work well are likely to be more effective than groups which ignore each other.

**Variation**

If you have observers or if one group is having real difficulty in finishing the task, the observer or a member from a different group can tap someone in the group having difficulty and take their place. However, that person can refuse the 'aid' if they do not want help.

**Time** About 1 - 1½ hours.

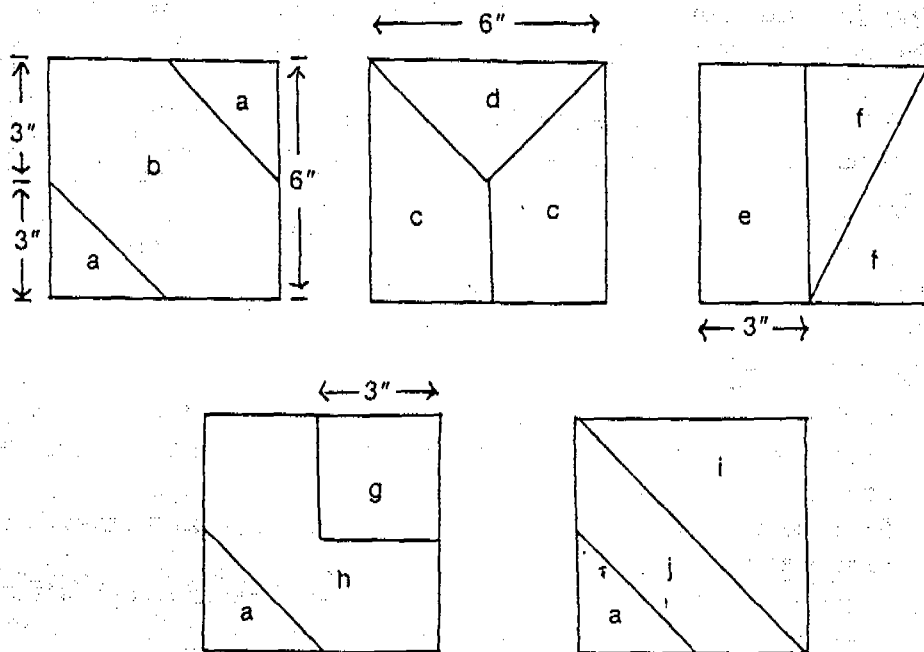
**Materials** A room with enough tables and chairs. Sets of broken squares made up for the number of participants in the group, newsprint, tape, felt pens.

(From: 'Training for transformation' A. Hope, S. Tinnel, C. Hodzi)

**Directions for Making a Set of Broken Squares**

A set consists of five envelopes containing pieces of cardboard cut into different patterns which, when properly arranged, will form five squares of equal size. One set should be provided for each group of five persons.

To prepare a set, cut out five cardboard squares, each exactly 6" x 6". Place the squares in a row and mark them as below, pencilling the letters lightly so they can be erased.



The lines should be so drawn that when cut out, all pieces marked 'a' will be of exactly the same size, all pieces marked 'c' of the same size, and so on. By using several combinations, two squares can be formed, but only one combination will form all five squares, each 6" x 6". After drawing the lines on the squares and labelling the sections with letters, cut each square along the lines into smaller pieces to make the parts of the puzzle.

Mark each of five envelopes A, B, C, D, and E. Distribute the cardboard piece in the five envelopes as follows:

- Envelope A has pieces, i, h, e
- Envelope B has pieces, a, a, a, c
- Envelope C has pieces a, j
- Envelope D has pieces d, f
- Envelope E has pieces g, b, f, c

Erase the pencilled letter from each piece and write, instead, the appropriate envelope letter, as Envelope A, Envelope B, etc. This will make it easy to return the pieces to the proper envelope for subsequent use another time.

# GENDER & LEGAL ISSUES

## WHY:

The aim of this module is to raise knowledge on how legal issues are related to gender. What the rights are of men and women regarding the national and the customary law, and how these 2 relate.

## WHEN:

During implementation phase 1 or 2. After longer time TIP intervention in the area. Farmers should already be aware of what gender issues are, and the other modules should have been trained first.

## WHO:

In this training it is possible to invite a large group of farmers (up to 60). Another group is possible: train village technicians (up to 25). In most cases it will be necessary to invite a resource person, who knows the law very well (for example Mrs. Betty Minde from Moshi).

WHAT:Day 1:

9 pm	Introduction participants	
9.30	Who is an African woman? (See page 15 - 19, pictures)	
10.00	Introduction Gender and legal issues	1
11.00	Case study Land Law in small groups	2
12.30	Lunch	
2 pm	Presentation of small groups	
3.00	Discussion	
3.30	Explanation Land Law	3
<u>Day 2:</u>		
9 pm	Case study Law of Marriage	4
10.00	Presentation of small groups	
11.00	Discussion	
11.30	Explanation Law of Marriage	5
12.30	Lunch	
2 pm	Case study Law of Inheritance	6
3.00	Presentation of small groups	
3.00	Discussion	
3.30	Explanation Law of Inheritance	7
<u>Day 3:</u>		
9 pm	Preparation role plays	
11.00	Play 1	8
11.30	Discussion	
12.30	Lunch	
2 pm	Play 2	9
2.30	Play 3	10
3.00	Discussion	
4.00	Conclusion and Evaluation	

Role Play on Legal Issues  
EFFECTS OF USING LAND WITHOUT PROPER  
REGISTRATION.

Introduction: According to TIP Policy we assists women to access to land.

- Mzee kuona shamba na kikaratasi cha sigara chenye maandishi kuwa amekubali kutoa na kwenda kuwaonyesha eneo lenyewe.

Wanawake - Wanalima na kuvuna.  
 - Matuta na miti imepandwa.  
 - Kupanua shamba.

Mzee - Kuona uzalishaji umeongezeka , na mipango ya akina mama inaanza kushamiri. Akapatwa na wivu.

- Asubuhi, alikwenda kwenye eneo la kikundi na akawakuta. Kuanzia msimu ujao msilime tena hili shamba la mtoto aliyeoa atafika hapa wiki ijayo.

Mama - Shamba ni mali yetu kwa sababu umetupa kwa maandishi mbele ya mashahidi sasa utalichukua je ?  
 - Sisi hatukubali.  
 - Nendeni popote shamba ni langu na atakayeingiza miguu hapa nitamkata mapanga.

Rush Layes - Akamshaushi mzee toka lini mwanamke akapewa shamba.

TIP - Pokea Tatizo la kikundi cha akina mama la kurvang'anywa shamba.  
 - Elimu ya land rights tukatoa ushauri tufanye kikao ambacho kutakuwepo na viongozi wa kijiji na kata.  
 - Kutoa utaratibu wa kumiliki ardhi., itaelezewa na Technician ambapo atawazungumzia assessers, clan elders  
 - WID - ataelezea kuhusu mila na desturi zina-vyo wa kanda-miza wanawake, na jinsi ya kuyatatua.

LAW AND GENDER

Increased awareness on gender issues of necessity requires a deep examination of the law. Gender refers to the relationship between men and women; and such relationships are socially construed and are thus subject to change. Sex on the other hand concerns the biological differences between men and women and cannot be changed. Women issues concern issues defined by the biological, role women have for instance giving birth.

Men and women have different gender roles which <sup>are</sup> ~~are~~ classified into three main categories:-

- a) Domestic and household tasks. These are also referred to as Reproductive tasks.
- b) Looking for resources for the household.  
These are called Productive tasks.
- c) Social or Community tasks

Gender relations are a creation of man and are defined by beliefs, traditions politics etc. The underlying values are part of an ideology in which subordination of women is common. Thus the relationships between men and women find expression in the law. Law written or unwritten always give a reflection of the wishes of those people who have the power. Power is men centred and the law over the years has given prominence to men and some times even forgot that women need protection.

The struggle to change gender relations is also a struggle to overhaul the existing legal system.

Customary law for instance, regards women as inferior with little or no rights at all and with no power to make decisions. Major issues of concern to the community as a whole and the family in particular are men issues. Household issues <sup>often</sup> ~~are~~ regarded inferior belong to the domain of women. The majority of the population are governed by such law.

Even the modern law that is passed by Parliament mainly styled under the British system, the interpretation reflects the customary law and practice. Outlook. The Constitution contains the saw called Bill of Rights, according to which all people men and women alike are regarded as equal before the law.

But the very constitution recognises Customary law which does not afford equal opportunity to all. This is the critical issue of concern hence the struggle for change.

The overall legal environment in which gender issues are introduced is hostile and it is the objective of this training to discover the hostile aspects with the view to struggle for change.

## MFANO KUHUSU ARDHI

Naziki ameolewa na bwana Elinazi. Wana watoto wanne wote chini ya umri miaka kumi. Naziki ni mwanamke mchapakazi kijini kwake na anafanya kazi katika shamba la mume wake ambalo lina kahawa, ndizi na mahindi. Anafanya kazi siku nzima kuanza saa kumi na moja asubuhi hadi saa nne za usiku. Mume wake ni mfanyabiashara Mwanza. Hufika nyumbani kwake katika kijiji kiitwacho Heikeyu mara moja kwa mwaka wakati wa Krismasi kwa muda wa wiki tatu tu.

Watumishi wa idara ya ushirika na wataalamu wengine wanatembelea kijiji cha Heikeyu na wanamkuta Naziki anavuna kahawa. Wataalamu hawa wanataka kujua kama Naziki ni mwanachama wa chama cha ushiriki na iwapo amewahi kuhudhuria semina mbalimbali zilizoandaliwa kwa ajili ya wanachama wa ushirika. Semina za kilimo bora na umwagiliaji. Naziki anaonekana kutokuelewa na anapatwa na bumbuzi.

Naziki ijapokuwa anafanya kazi zote katika shamba la kahawa ikiwa ni pamoja na kubeba kahawa, kupeleka katika chama cha ushirika kuuza, hahurusiwi na mume wake kushiriki kama mwanachama au hata kupokea fedha za mauzo ya kahawa. Fedha zote huwekwa kwenye akaunti ya bwana Elinazi ambaye ndiye anahesabika kama mwanachama. Naziki amechukia hali ya mambo ilivyo lakini yeye ni nani kubadili mambo?

Mama mkwe wake aliwahi kumwambia mara moja kwamba ni dalili ya mwanamke mwenye tabia mbaya kuuliza mambo ya wanaume. Naziki anamwamini mama mkwe wake kwani anajua sifa zote nzuri na mbaya za mwanamke. Naziki pia amemuona mama yake akipitia maishi ya aina hiyo na alipata sifa nzuri.

Elinazi alifika Desemba kama kawaida yake lakini safari hii anaonekana dhaifu sana. Naziki anashangaa kitu gani kimempata mume wake? Mama mkwe naye ana wasiwasi mkubwa. Kwa ujumla familia yote inahofia maisha ya Elinazi. Mbuzi za kutambikia zinachinjwa kujaribu kuomba msamaha kwa waliotangulia kufa iwapo kuna aliyekasirika. Hata hivyo siku moja kabla ya Krismasi Elinazi anafariki.

Mapambano sasa yanaanza kufuatia kifo cha Elinazi. Nani atakuwa mrithi kwani Elinazi ana mali Same, Mwanza na Moshi? Siku ya matanga, wanawake wengine watatu wanafika, kila mmoja ana watoto wawali, wote chini ya umri wa miaka kumi. Ukoo unasisitiza watoto wachukuliwe na Naziki ijapokuwa maoni yake hayaulizwi.

Tuvako ni mdogo wa Elinazi. Ukoo umemchagua yeye awe mrithi na anarithi mali, Naziki na watoto wote wa manahemu. Tuvako ana sifa kijiji Heikeyu ya kujua kukomesha wanawake. Naziki ambaye alizoea kuishi peke yake bila bugudha, angalau miezi kumi na moja katika mwaka, sasa ana mume ambaye anampiga angalau mara mbili kwa mwezi.

Naziki anaona shida sana na anapanga kuondoka. Lakini aende wapi na watoto wengi hivyo? Kaka zake Naziki wamesikia mpango wake na wamemuonya asithubutu kufanya kosa kama hilo.



Mali yote iliyokuwa Mwanza hajawahi kuiona na hathubutu kuuliza. Hali yake Naziki inazidi kudidimia siku hadi siku na anafanya uamuzi wa kumwambia Paroko wa enoe lake. Paroko anamshauri asali sana kila siku. Paroko pia anamtembelea nyumbani kwa sala.

Watoto wa Naziki hawawezi kwenda shule kwa sababu hakuna fedha. Hata hivyo, baba yao marehemu alikuwa hana elimu lakini alikuwa na mali. Jambo hili linamuudhi sana sana Naziki lakini afanyaje? Shamba lake pia limegawanywa ili kuwapa nafasi watoto wa wanawake wengine walioletwa siku ya matanga.

Ijapokuwa maisha ya Naziki yalijaa matatizo alionekana anatabasamu kwa sababu hayo ndiyo maisha ya mwanamke wa kiafrika na anatarajiwa ajivunie hali hiyo. Jitihada yoyote ya kuuliza hali ya mambo ilivyo itajibiwa kwa kukumbushwa mila na desturi za Wapare ambazo kwa karne nyingi zimedumishwa na zimeweka jamii pamoja.

#### MASWALI:

1. Je, huu ni mafano halisi?
2. Je, matukio kama haya huathiri kazi zenu?
3. Unatatua vipi tatizo kama hili?
4. Toa mifano mingine.
5. Kwa nini wanawake hawaruhusiwi kuirithi?
6. Ni wakati gani wanaruhusiwa kurithi?
7. Ni sehemu gani ya mali za marehemu mwanamke anaruhusiwa kurithi?
8. Je, watoto nje ya ndoa wanaweza kurithi?
9. Ni nani watoto nje ya ndoa?

CASE STUDY

Madedo is Married to Ndekiro. They have 4 children all below 10 years old. Madedo is an active lady in the Village she works in the Shamba of her husband where they grow coffee, bananas and maize. She works all day long from 5 am to 10 pm. Her husband works in Mwanza as a businessman. He comes home during Christimass for three weeks every year.

The cooperative officers and other extension staff visit the villages and they find Madedo busy picking coffee. The officers wanted to know whether Madedo is a member of the cooperative Society and whether she has attended any of the seminars organized for Cooperative members. Seminars for better farming methods including the possibility of irrigation. Madedo looks blank as she does not understand. Madedo although she does all the <sup>work</sup> in the coffee shamba including <sup>carrying</sup> ~~camping~~ the coffee to the Society for marketing, she is not allowed by the husband to participate either as a member or even to collect the proceeds of the sale of coffee. The money is credited into Ndekiro's passbook within the Society. Madedo hates the way things are but who is she to change things. Her mother inlaw once told her it is a sign of bad woman to question things about men. Madedo believes her mother in law who knows all the good qualities of a Woman and bad ones. She herself has seen her mother go through the same experience and she was happy and proved to be a woman and earned a great reputation for being a well behaved woman.

Ndekiro comes in December as usual and this time he looks very weak. Madedo wonders what has happened to her husband. The mother in law also is worried and all family members. Goats are ~~slaughtered~~ <sup>slaughtered</sup> to consult the great grand parents who may be annoyed - but nothing. A day before Christimass Ndekiro dies. The struggle now begins. Who will ~~inherit~~ <sup>inherit</sup> Ndekiro who had properties both in Moshi and Mwanza? On the Matanga day three other Women appear each with two children also below the age of ten. The family insists the children must be taken by Madedo, whose opinion is not required. Ndekiro's younger brother Madio inherits Madedo and the children. Madio has the reputation in the village, he can disipline Women. Madedo who was used to being alone for at least 11 months in a year now has a husband who beats her at least twice in a month. Madedo wants to leave the Matrimonial home but where can she go with so many children? Her own brothers warned her never to make the mestake of leaving the home where she belongs.

All the 'property' which was allegedly in Mwanza she never saw it and she cannot ask. Her condition grows worse each day and she decides to confide to a Parish priest. The advise she gets is that she must pray everyday. The priest even visits the home sometimes for prayers.

Madedo's children cannot go to school because there is no money after all their father was not educated but he had wealth. This frustrates Madedo but what can she do? Her Shamba has also been subdivided so as to accomodate the other children who were brought on the matanga day.

Although Madedo's life was full of miseries she was full of smiles because thats the life of an african Woman and one must be proud of it! Any attempt to question the status quo, one would be reminded of the cardinal rules of the Customary law of the tribe which over the years have kept families closely unit together.

#### QUESTIONS:

1. Is this a typical experience in your field?
2. Do such experiences frustrate your Pursuits in the field.
3. How do you takle them?
4. Give other examples.

## SHERIA ZA ARDHI

### 1.0 UTANGULIZI

Ardhi ni nyenzo mojawapo muhimu katika maendeleo ya binadamu. Ardhi huhifadhi uhai wa viumbe na mimea kwa kuwapa chakula na mahitaji mengineyo. Upatikanaji wa rasilimali kama madini, misitu na wanyama hutegemea ardhi. Hivyo upatikanaji wa matumizi yake kwa binadamu ni masuala muhimu.

Sheria za nchi zimeweka taratibu za kumiliki na kutumia ardhi. Sheria hizo kwa ujumla hazitoi haki sawa kwa watu wote na hivyo kuchangia maendeleo duni ya baadhi ya watu.

### 1.1 SHERIA ZA ARDHI ZITUMIKAZO TANZANIA

Tanzania inasheria zifuatazo zinazosimamia umilikaji wa ardhi.

1

#### (b) Sheria zinazosimamia ardhi iliyoandikishwa

Kwa mijiibu wa sheria ya ardhi sura ya 113 ya sheria ya Tanzania, ardhi yote iliyokaliwa na isiyokaliwa ni mali ya umma. Mtu yeyote bila kujali ni wa jinsia gani anaruhusiwa kuomba kumiliki ardhi. Haki za kumiliki ardhi iliyoandikishwa hutolewa kwa vipindi visivyozidi miaka 99 na hati ya umilikaji hutolewa.

Hati za umilikaji zitolewazo zina masharti maalum ya ustawishaji wa ardhi katika muda fulani, kawaida ni miaka miwili. Ardhi isiyostawishwa katika muda uliopangwa inaweza kuchukuliwa na serikali na kugawiwa mtu mwingine. Masharti haya ya ustawishaji ni kikwazokimojawapo kikubwa kwa wanawake walio wengi ambao kipato chao ni kidogo. Wanawake wengi wanaoishi mijini huishi kama tegemezi kwa wanaume au ndugu wengine. Baadhi ya wanawake ni wafanyi biashara wadogo wadogo na pato lao huwawezesha kuishi siku hadi siku tu. Halitoshelezi kujenga nyumba. Kuna baadhi ya wanawake mijini ambao wana kipato pengine sawa na wanaume au zaidi, lakini kutokana na msimamo wenye mwelekeo wa mila na desturi ambazo hautambui umilikaji ardhi kwa wanawake; baadhi ya wanawake katika miji hawajishughulishi kuomba ardhi na kujenga.

4

#### (a) Sheria za Mila na Desturi

Sheria hizi hazikuandikwa. Kila kabila lina sheria zak zinazosimamia umilikaji wa ardhi.

Sheria hizi hutumika kwa ardhi yote ambayo haikuandikishwa. Hii ina maana kuwa sehemu kubwa ya nchi inasimamiwa sheria za mila na desturi. Maeneo yote ya vijiji ambayo hayajaandikishwa hufuata mila na desturi.

Haki ya kumiliki ardhi kwa mujibu wa mila na desturi makabila mengi Tanzania ni ya wanaume. Wanawake huhesabiwa kama mali nyinginezo hivyo, humilikiwa ama kwa wanaume zao au baba, kaka, au ndugu zao wa kiume walioteuliwa. Kusimamia ardhi inayohusika. Kwa mujibu wa mila na desturi za makabila mengi mfano wachagga, haki ya mwanamke katika ardhi inayotambulika ni ile ya kutumia ardhi wakati wote uhai wake tu. Matumizi hayo hata kama amefanya mastawishaji ya kudumu kama kujenga nyumba na kuotesha mimea au kudumu na kuishi katika ardhi hiyo kwa muda mrefu msimamo haubadiliki. Mwanamke haruhusiwi kuuza, kumrithisha, au mtoto wake au mtu mwingine, au kutumia ardhi kama dhamana ya mkopo bila idhini ya mume au ndugu wa kiume anayesimamia ardhi inayohusika.

2

Msimamo huu umezaa matatizo mengi kwa wanawake ambao wameolewa lakini hawakuzaa watoto wa kiume, na wanawake ambao hawajaolewa lakini wamezaa.

Matatizo ya kutokuwa na uhakika wa maisha, ukosefu wa uhuru na wanawake kutotambulika kama washiriki binafsi katika vyombo vya uchumi kama vyama vya Ushirika, matumizi ya ardhi ni baadhi ya matatizo yanayowakua kwa wanawake vijijini. Aidha mtazamo wa mila na desturi umepitwa na wakati kwani hauzingatii matatizo ya jamii kwa wakati huo. Idadi ya watoto wanaozaliwa nje ya ndoa sasa ni kubwa ukilinganisha na siku za nyuma na jamii haiwezi kupuuza haki na usalama wa watoto hao. Kuna suala pia la haki kwa watoto kwa ujumla wawe wa kike au wa kiume. Wote hawana ni binadamu sawa mbele ya sheria na Katiba ya nchi inayowaruhusu haki sawa. Ubaguzi wa kijinsia unaoimarishwa na msimamo wa mila na desturi ni kinyume cha Katiba ya nchi kwa kumilikiwa kikubwa. Mahakama katika kutafsiri sheria za nchi na haki za wanawake zimekuwa zikizingatia na kutoa uzito mkubwa kwa mtazamo wa mila na desturi. Hali hii imechangia katika kukatisha wanawake tamaa. Hata hivyo kuna haja ya wanawake wengi zaidi kudai haki zao ili kuifanya mahakama iliyo muhimu wa kubadili mtazamo wake.

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maana kuwa masharti ya ustawishaji yanaruhusu hata watu wenye kipato kidogo kuendeleza viwanja vyao kwa awamu.

(iii) Utaratibu mzima wa kuomba viwanja na kupewa una urasimu mrefu ambao hukatisha tamaa kwa mwombaji yeyote. Urasimu huu ni pamoja na watu wengi kuhusika katika ugawaji wa viwanja na kuweko na waombaji wengi kuliko idadi ya viwanja. Kuweko na urasimu kumezaa hongo na upendeleo kwa watu fulani wenye uwezo na au wenye kujulikana.

Wanawake wengi wanalemewa na majukumu mengi kwa kiasi kwamba ufuatiliaji wa karibu wa maombi ya kiwanja huwa ni tatizo kubwa kwao. Aidha tatizo la upatikanaji kwa wanawake katika miji mikubwa kama Dar es Salaam, Tanga, Arusha, Mbeya, Moshi na Mwanza ni mkubwa, kwa sababu hii ni miji ya biashara na watu wanaohitaji viwanja ni wengi. Katika hali kama hii suala kubwa ni nani mwenye uwezo zaidi na mapambano haya huwashinda wanawake.

(iv) Wanawake wengi wenye kumiliki viwanja wana hati za muda mfupi za kumiliki ardhi. Hii inawanyima wanawake hao kutumia hati hizo kwa kuomba mikopo benki ambazo hudai hati ya kumiliki ardhi kama dhamana.

Katika hali halisi wanawake walio wengi hawamiliki ardhi mijini kutokana na sababu zifuatazo:-

(i) Kuanzishwa kwa makazi mijini kihistoria kulifanywa na wanaume ambao walihama vijijini kutafuta kazi za kuajiriwa na biashara. Wanawake na watoto waliachwa vijijini. Mkoani Kilimanjaro wanaume walio wengi wanaishi na kufanya kazi mijini na wake na watoto wao kuachwa vijijini. Hii ilifanya wanaume kupata nafasi kubwa ya kumiliki ardhi mijini. Aidha wanawake walio ongozana na wanaume zao mijini walikuwa kama tegemezi na hii haikutoa mwanya kwa wanawake hao kumiliki ardhi. Hali hii bado haijabadilika.

(ii) Masharti ya ustawishaji kama yalivyoelezwa hapo juu yamechangia kiasi kikubwa katika kukatisha tamaa wanawake walio wengi kutaka kumiliki ardhi mijini.

Hata hivyo ni maoni yetu kuwa, hali hii ya woga imekuzwa kupita kiasi kwani utekelezaji wake hutegemea kama mastawisho hayakufanyika kabisa. Kama mastawisho yameanza mfano, msingi umejengwa, ama vifaa vya ujenzi ama mchanga au mawe yamekusanywa katika kiwanja hicho.

**1.3 MWISHO**

Pamoja na matatizo yaliyotajwa hapo juu, umuhimu wa kuongeza uwezo wa wanawake kupata umiliki ardhi ni suala yeti. Kuna haja ya suala hili kupewa kipaumbele katika majadiliano ya mara kwa mara katika jamii ili kuharakisha na kuleta fikra mpya kuhusu mtazamo uliopo kuhusu umilikaji ardhi. Hili ni jukumu la serikali, masharika ya Umma na mashirika yasiyo ya kiserikali.

(v) Mtazamo wa mila na desturi kuhusu umilikaji an unamnyima mwanamke haki ya kumiliki mali. Mtazamo h umechangia katika kufanya wanawake wasiombe ardhi na p wanapoomba hutumia majina ya watoto wa kiume au ka zao. hii ina maana kuwa wanawake hao hawawezi kutun ardhi hizo kama mdhamana bila idhini ya wamilikaji. Ku haja ya wanawake na wanaume kuelimishwa kuwa katiba sheria za nchi zinawahusu watu wa jinsia zote kumiliki m kama ardhi aidha kumiliki mali kwa wanawa kutawahakikishia uhuru wa kutumia hiyo ardhi na uhuru maisha kwa ujumla.

**1.2 UTOAJI WA HATI ZA KUMILIKI ARDHI VIJIJIN**

Kwa kiasi kikubwa ardhi vijijini inamilikiwa kwa msingi mila na desturi. Chini ya mfumo wa mila na desturi haku utaratibu wa kutoa hati za kumiliki ardhi.

Hata hivyo huweza kutolewa kwa maombi maalum. Inapobi hivyo inafanyika. Maombi hutumwa kwa maandishi k Afisa Maendeleo ya Ardhi Wilaya, kupitia kwa Halmashat ya Kijiji, Katibu Kata, na Tarafa. Kazi ya Halmashauri

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Kijiji ni kujadili na kutoa mapendekezo yake kwa Katibu. ombi lifikiriwe na kijiji kiweze kutoa mapendekezo mazuri, lazima kwanza mwombaji awe mmiliki halali anayetambulik katika eneo la kijiji hicho. Baada ya maombi ngazi ya kijiji Kata na Tarafa, Wilaya huchora ramani, na kutayarisha hati y kumiliki kwa jina la mwombaji.

Utaratibu wa kusajili ardhi vijijini ni gharama kwa sabab inabidi mwombaji kulipa gharama zote za kupima na kucho ramani yeye mwenyewe. Gharama hizi kwa mtu mmoja mmo vijijini ni kubwa ukilinganisha na mijini ambako kwa kawaid eneo ni kubwa na linahusu watu wengi.

Ardhi vijijini humilikiwa na wanaume. Hata hivyo ardhi hiy inaweza kusajiliwa kwa majina ya mume na mke. Hii inasaid kupunguza matatizo ya wanawake kutokana na haki ya kumili ardhi vijijini. Inapokuwa hivyo wanawake wanataktiv kushiriki katika maamuzi muhimu yahasuyo ardhi, kan kuiuza na matumizi mbalimbali ya ardhi hiyo, aidha usajili v pamoja utawahakikishia wanawake maskani ya kudun kinyume na hali ya sasa ya woga wa kuachika kufukuzwapindi mume anapofariki. Kupimwa kwa ard kutaleta siyo tu matumizi mazuri zaidi ya ardhi bali pia hifad ya mazingira na vianzio vya maji.

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Kuna haja ya serikali kutilia mkazo suala la kupima kuandikisha ardhi vijijini ili kupunguza au kuondoa makali mila na desturi.

Ni wazi kuwa katika juhada za kumkwamua mwanamk mwanamke mwenyewe anapaswa awe mstari wa mbele kati kuitikia mapambano haya kisheria. Bila shinikizo kutoka k wanawake wenyewe hali iliyopo itachukua muda mrefu sa kubadilika.

MIFANO SHERIA YA NDOA

Ni wakati gani mwanamke anahesabika kama mke wa ndoa ?

Mfano wa 1

Tuvako na Nakijo wana ndoa ya Kanisani na wana watoto.

Baadaye Tuvako anaishi na Kimada aitwaye Safina na wanazaa watoto 4.

Tuvako hajampa talaka mke wake wa ndoa.

a) Tuvako akifa je watoto wa Safina wanaweza kurithi ?

b) Tuvako anapata Kimada wa pili aitwaye Neema na anazaa naye pia.

Anamlipia Neema mahari yote kwa mila na desturi za Wapare.  
Je Neema atahesabika kama mke mwenye haki zote ?

c) Neema anajihisi kutekelezwa na mume wake. Neema amehudhuria Semina mbalimbali zinazosisitiza umuhimu wake wa kupigania haki zake. Anakuja kwa ushauri. Je Neema anaweza kumpa talaka Tuvako na kupata haki yake ya 50% ya mali ?

MFANO 2:

Tuvako na Nakijo wameoana kwa mujibu wa mila na desturi za Wapare mwaka 1978.

Mwaka 1980 Tuvako alikutana na Grace Dar es Salaam na wakaamua kuoona Kanisani.

Je hali hii ni ya kawaida katika eneo lako.

Je Nakijo ukimlinganisha na Grace mwenye cheti cha ndoa ana haki gani kisheria ?

## 'Law of Marriage'

## C A S E S T U D I E S

=====

When is a woman regarded as a wife?

CASE 1 :

X and Y go through a formal christian Marriage and have Children.

Thereafter X cohabits with Z and has 4 children with her. X has not divorced his 1st wife.

- a) X dies can Z and her children inherit?
- b) X acquires yet another woman B and has children as well.  
He pays brideprice according to customary law.  
Is B a wife for all purposes?
- c) Z feels neglected and has been to seminars that emphasize that she must fight for her rights and comes to you. Can she validly divorce X and get a 50% share?

CASE 2:

X and Y are married according to chagga Customary law. This was in 1978.

In 1980 X meets G in Dar es Salaam. and decides to have a church marriage with her.

Is this common in your area?  
What is the legal position Y as opposed to G who has a certificate of marriage?

# HAKI ZA WANAWAKE KATIKA SHERIA YA NDOA TANZANIA

## 1. UTANGULIZI

Ndoa ni mwanamke na mwanamume kuamua kwa ridhaa yao wenyewe kuishi pamoja maishani mwao.

Sheria ya ndoa inaruhusu ndoa za aina mbili:

- (a) Ile ya mke mmoja.
- (b) Ile ya mke zaidi ya mmoja.

Ndoa ya mke mmoja inaruhusu mwanamume kuoia mke mmoja tu kwa wakati mmoja.

Ndoa ya zaidi ya mke mmoja ni ile ya mwanamume kuruhusiwa kuoia mke zaidi ya mmoja wakati ndoa yake ya kwanza ingali ipo.

Ndoa ya aina hii iko katika sheria ya ndoa ya Kiislam na ile ya mila na desturi.

Ndoa ya aina nyingine ye yote ile inatazamiwa kuwa ni ndoa ya mke mmoja tu na mwanamume haruhusiwi kuoia mke wa pili ikiwa ile ndoa ya kwanza ingali ipo.

Kama ndoa ya mke mmoja imefungwa Tanzania inaweza kubadilishwa na kuwa ndoa ya zaidi ya mke mmoja. Hali kadhalika ndoa ya zaidi ya mke mmoja inaweza kubadilishwa na kuwa ndoa ya mke mmoja kufuata masharti yafuatayo:-

(i) Mke na mume wote wawili kutoa tamko la maandishi mbele ya Jaji au Hakimu mkazi au Hakimu wa wilaya kwamba wanataka kubadilisha aina ya ndoa yao.

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(ii) Kama ndoa ilifungwa baina ya mke na mume wenye dini ya Kikristo katika kanisa, na kama wote wawili wanafuata dini yao, hiyo ndoa haiwezi kubadilishwa kuwa ndoa zaidi ya mke mmoja, hata kama ilitangulia kufungwa kiserikali.

Ndoa inaweza kutenguliwa kwa sababu zifuatavyo:-

- (a) Kwa kifo cha mume au mke.
- (b) Kwa hukumu ya mahakama kueleza kwamba kifo cha mmoja wapo kinadhaniwa.
- (c) Kwa tamko la mahakama kwamba hiyo ndoa ni batili.
- (d) Kwa hukumu ya mahakama kutoa talaka.

## 2. SHERIA YA NDOA INAKATAZA NINI?

(i) Mwanamume ambaye hajafikia umri wa miaka 18 au mwanamke ambaye hajafikia umri wa miaka 15 hawezi kuoia ama kuolewa. Msichana ambaye hajafikisha umri wa miaka kumi na nane kabla ya kuolewa apate idhini ya baba mzazi na kama baba amefariki apate idhini ya mama mzazi. Ikiwa wazazi wote wawili wanefariki apate idhini ya mlezi wake Mahakama ikiridhika kwamba idhini ya yeyote yaliyotolewa inakataliwa bila sababu maalum basi inaweza kutoa idhini yake.

(ii) Mwanamke haruhusiwi kuolewa na babu yake, mtoto wake, mjomba wake, mpwa au kaka yake. Mwanamume haruhusiwi kuoia bibi yake, mtoto wake, shangazi au mama mdogo, mpwa au dada yake.

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(iii) Ikiwa pana undugu wa damu baina ya watu wawili hata kama huo undugu umetokana na uzazi wa nje ya ndoa basi amewahi kufunga ndoa ya Kikristo kanisani, na mke wake hawaruhusiwi kuoana bado yu hafi na ndoa hiyo haijavunjwa.

(iv) Mwanamke kuolewa au mwanamume kuoia bila ya ridhaa yake - Ikiwa mwanamume wa Kiislam ana mke mwingine kulinganisha hali yake ya kiuchumi ndoa ya pili italetwa taabu kwa mke wa kwanza na watoto waliokwisha zaliwa katika ndoa hiyo. Mrajisi wa ndoa hiyo anapopata taarifa ya kipingamizi atawajibika kuisimamisha hiyo ndoa.

## 3. HATUA KABLA YA KUFUNGA NDOA

(a) Kabla ndoa haijafungwa lazima hatua zifuatazo zichukuliwe:-

- (i) Kutoa taarifa ya siku 21 kabla ya ndoa.
- (ii) Majina ya wale wanaotarajia kufunga ndoa, umri, majina ya wazazi wao na mahali wanapoishi yatajwe.
- (iii) Tamko kwamba wanaotarajia kufunga ndoa hawana uhusiano unaokatazwa kufunga ndoa kama ilivyoelezwa sehemu ya pili.
- (iv) Tamko kwamba wanaofunga ndoa ni wajane au wameachika au hawajawahi kufunga ndoa.
- (v) Tamko kama ndoa inayotazamiwa kufungwa ni ya mke mmoja au ndoa ya zaidi ya mke mmoja.
- (vi) Tarehe na mahali ambapo hiyo ndoa itafungwa.
- (vii) Ikiwa wanaotarajia kufunga ndoa ni wa dini ya Kikristo na wanatarajia kufunga ndoa kanisani, mwanamume anapaswa kutoa tamko rasmi kwamba yeye hana ndoa ye yote. Baada ya tangazo kutolewa mtu ye yote mwenye sababu za kutosha anaweza kupinga kufungwa kwa ndoa iliyotangazwa, kwa mfano:-

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## 4. KUSAJILI NDOA

Ndoa inaweza kufungwa Kiserikali au kwa madhehebu Kikristo au Kiislam au kufuatana na mila na desturi za wanaofunga ndoa. Ili mradi hiyo inayofungwa isajiliwe na msajili wa ndoa.

- (i) Kila ndoa inapofungwa lazima iwe na mashahidi wawili.
- (ii) Ushahidi kwamba ndoa iliyofungwa inatokana na cha ndoa ambacho kinatolewa baada tu ya ndoa kufungwa.

## 5. HAKI ZA MWANAMKE KATIKA NDOA

- (i) Mwanamke aliyeolewa anayo haki sawa na mume wake ya kuwa na mali kama nyumba, shamba, n.k.
- (ii) Ikiwa ndoa ni ya zaidi ya mke mmoja basi wake wote wana haki sawa katika hiyo ndoa na wanatambulika sawa

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- ye ya sheria ya ndoa na sheria yeyote ile ya nchi.
- (i) Mwanamke ana haki ya kutoa idhini ikiwa mume atarajia kuuza mali ya nyumbani hasa ikiwa anatarajia kuwa nyumba ya familia hata kama ile nyumba imesajiliwa jina la mume.
  - (ii) Mwanamke ana haki ya kuendelea kuishi katika nyumba ya familia iwapo mume atamkibia.
  - (iii) Mwanamke ana haki ya kupewa matunzo yeye na watoto wake.
  - (iv) Lakini ikiwa mume hawezi kufanya kazi kutokana na majiwa au ajali yeyote, basi mke anawajibika kumtunza watoto wake.
  - (v) Mtu yeyote yule iwe ni mwanamume au mwanamke anayehusikiwa kumpiga au kumjeruhi mwenzie.

### HATUA ZA KUCHUKULIWA IKIWA HAKUNA MAELEWANO KATIKA NDOA

ikiwa hakuna maelewano kati ya mke na mume na ikiwa mume amefika ambapo kuishi pamoja haiwezekani basi hatua za kumtunza zifuatazo lazima zichukuliwe kabla ya kutenganishwa au ndoa kuvunjwa na mahakama:-

Kwanza kabisa ndoa haitavunjwa na mahakama ikiwa mume amefika miwili ya ndoa haijafikia ila tu kama itathibitishwa kuwa itakuwa ni taabu kubwa sana ikiwa wataendelea kuishi pamoja hiyo ndoa. Haitaruhusiwa, kuleta mahakamani kutokumjali mlalamikaji kwa makusudi.

- (i) Kutengana kwa hiari ya wote kwa muda wa miaka mitano.
- (ii) Mlalamikiwa kupewa adhabu ya kifungo cha maisha au kifungo cha muda usiopungua miaka mitano.
- (iii) Mlalamikiwa kuugua kichaa kisichotibika.
- (iv) Mlalamikaji kubadili madhehebu ikiwa wote walikuwa wanafuata dini moja wakati wa kufunga ndoa.

### HAKI ZA MWANAMKE BAADA YA NDOA KUVUNJIKA

baada ya Ndoa kuvunjika mwanamke ana haki zifuatazo:-

**Mgawo wa mali waliochuma pamoja wakati wa Ndoa.**  
Mwanamke ana haki ya kupewa mali ambayo imechuma kwa pamoja katika ndoa yao hata kama mke amefika kuwa ni mama wa nyumbani, kwani hiyo inahesabiwa kuwa ni mchango wake katika hiyo familia yao na kuchuma mali kwa pamoja.

**Matunzo ya mke.**  
Mahakama ina uwezo wa kuamuru mume kutoa matunzo ya mke wake ikiwa:-  
(i) Mlalamikiwa au amedharau kutoa matunzo.  
(ii) Amemkimbia mkewe wakati shauri linaendelea kusikilizwa mahakamani.  
(iii) Mwanamke anayehusikiwa kumtunza watoto wake au kumtunza watoto wa mke na mume na pia kufuata mila na desturi.

**Matunzo ya mtoto.**  
Mwanamke ana haki ya kupewa matunzo ya watoto wake ikiwa mume amefika kuwa ni mama wa nyumbani. Kwa hiyo mama kutokuwa na kazi au kipato cha maisha hawezi kuwatunza watoto isiwe ni sababu ya kumnyima matunzo kwa haki ya hifadhi ya watoto wake.

**Haki ya kutokubughudhiwa.**  
Mwanamke ana haki ya kuachiwa uhuru wake na kudai mahakama itoe amri ya kutokubughudhiwa na mtalaka wake.

kuwasuluhisha mke na mume. Baraza la usuluhishi lipo kilikata.

- (b) Mlalamikaji anaweza kuleta shauri mahakamani bilikupata barua ya Baraza atakapo thibitisha kwamba:-
  - (i) Amekimbiwa na mwenzie na hafahamu alipo.
  - (ii) Mlalamikiwa anaishi nje ya Tanzania na uwezekano wote yeye kurudi Tanzania chini ya miezi sita haupo.
  - (iii) Mlalamikiwa alikataa kuhudhuria Baraza la usuluhishi baada ya kupata taarifa ya kuhudhuria katika Baraza.
  - (iv) Mlalamikiwa yuko katika kifungo kisicho pungua miaka sita au amefungwa kifungo cha maisha.
  - (v) Mlalamikiwa ana kichaa kisichoweza kuaguliwa.

(c) Sababu zinazoweza mahakama kuamini ya kuwa Ndoa imevunjika kiasi ambacho haiwezi kurekebisha tena ndoa kama zifuatazo:-

- (i) Uzinzi uliotendwa na walalamikiwa ikiwa kitendo hicho kimefanyika zaidi ya mara moja dhidi ya mlalamikaji kulalamikia kitendo hicho.
- (ii) Mlalamikiwa kufanya mapenzi kwa njia ambayo sio ya kawaida.
- (iii) Ukatili dhidi ya mlalamikaji au watoto waliozaliwa ndani ya ndoa.
- (iv) Mlalamikiwa kutokumjali mlalamikaji kwa makusudi.
- (v) Mlalamikiwa kumtoroka na kumtupilia mbali mlalamikaji kwa muda zaidi ya miaka mitatu, na kwamba mahakama imeridhika ni kwa makusudi ya mlalamikiwa.

za mke na mume kama maisha ya pamoja walikuwa wanafuata hizo mila na desturi.  
Mwanamke atapoteza haki ya kulipwa matunzo ikiwa mume amefika kuwa ni mama wa nyumbani baada ya kuvunjika kwa ndoa yake yote kwanza.

(c) **Hifadhi ya watoto.**  
Mahakama ina uwezo wa kutoa amri nani kati ya mke na mume apewe hifadhi ya watoto.  
Hivyo ina maana kwamba mwanamke anayo haki sawa na mume ya kupewa hifadhi ya watoto wake baada ya ndoa kuvunjika. Ila tu mahakama itatafakari yafuatayo kabla haijatoa uamuzi wa kuwa nani apewe hifadhi ya watoto.

- (i) Matakwa ya wazazi wa mtoto /watoto.
- (ii) Matakwa ya mtoto ikiwa amefikia umri wa kuweza kujieleza mwenyewe bila ya kushawishiwa na mtu yeyote yule.
- (iii) Kufuata mila na desturi za wazazi, kama wazazi walikuwa wanazingatia hizo mila na desturi.  
Mara nyingi inaonekana kuwa mtoto akiwa ana umri chini ya miaka saba (7) ni vizuri ahifadhiwe na mama yake. Hivyo haimaanishi kwamba anapovuka miaka saba (7) basi moja kwa moja baba ndio mwenye haki ya kuwa na hifadhi ya mtoto huyo. Mara nyingi sana mahakama inakuwa na maoni ya kuwa sio vizuri kuruhusu mtoto kuhamishwa kutoka kwa mzazi mmoja na kumpeleka kwa mzazi wa pili ikiwa mtoto alikwisha pata hifadhi ya mzazi mmoja wapo.

(f) **Kuamua kuishi anapotaka.**  
Mwanamke ana haki ya kuamua kuishi anapotaka baada ya ndoa kuvunjika.

(g) **Haki ya kuolewa tena.**  
Mwanamke ana haki ya kuolewa tena baada ya ndoa ya kuvunjika.

MIFANO - SHERIA YA MIRATHI

Kwa nini wanawake hawaruhusiwi kurithi ?

Ni wakati gani wanawake wanaruhusiwa kurithi ?

Ni sehemu gani ya mali za marehemu mwanamke anaruhusiwa kurithi ?

Je watoto nje ya ndoa wanaweza kurithi ?

Ni nani watoto nje ya ndoa ?

## HAKI ZA WANAWAKE KATIKA SHERIA YA MIRATHI TANZANIA

### UTANGULIZI

Sheria za mirathi zina lengo la kuweka taratibu za kurithi hali na kusimamia mgawanyo wa mali za marehemu.

Sheria zitumikazo kwa sasa hivi zimegawanyika katika makundi matatu kama ifuatavyo:-

- (a) Sheria ya Kiserikali.
- (b) Sheria ya Mila na Desturi.
- (c) Sheria ya Kiislamu.

Sheria ipi itumike kutegemea tamko la marehemu kama hali, au maisha ya marehemu. Kwa mfano:-

1. Iwapo marehemu ameacha wosia wa maandishi au matamshi kwamba mirathi yake itafuata sheria ya Kiislamu, basi sheria hiyo itatumika katika kugawa mali yake.

2. Iwapo hakuna wosia au tamko lolote, basi mfumo wa maisha ya marehemu huangaliwa katika kuamua ni sheria gani itumike. Kama mfumo wake ulikuwa na mwelekeo wa mila na desturi basi mila hiyo itatumika katika kugawa mali yake.

3. Iwapo tatizo litakalojitokeza katika uchaguzi wa sheria ipi itumike ni kwamba, uamuzi unafanywa bila kuzingatia hali yake, wakwa ya mwanamke mjane, au watoto wa kike.

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- (c) Mtu aliyeandikiwa wosia amefariki kabla ya aliyeacha wosia huo.

4. Wakati mwingine marehemu huacha wosia ambao himegawanywa katika sehemu tu ya mali yake. Hali hii itajitokeza, huhesabika kwamba kwa mali ambayo himegawanywa hakuna wosia.

5. Mtu muhimu wa sheria iwapo mume au mke anapofariki hali yake, au kuacha wosia mali inabaki na mume au mke au mwenyewe au lugu wa marehemu hurithi.

6. Mgawanyo hufuata misingi ifuatavyo:-

1/3 mjane na 2/3 watoto

7. Kama hakuna watoto mjane hupewa 1/2 na wazazi na lugu wa mume wa karibu hupewa 1/2 iliyobaki.

8. Watoto nje ya ndoa hawarithi kama hawakuhalalishwa wakati wa uhai wa marehemu au wosia unaowapa urithi huo.

9. Sheria hii inasisitiza umuhimu wa kulinda haki za familia za marehemu na wale wote waliokuwa wanamtegemea marehemu.

10. Sheria haina ubaguzi katika mgawanyo wa mali ya watoto wa kike na wa kiume.

11. Tatizo kubwa la sheria hii ni kwamba hutumika mara kwa mara sana katika kugawa mali ya marehemu. Hii itokana na ukweli kwamba:

- (a) Sheria yenyewe haifahamiki na
- (b) Wale ambao sheria hii imekusudiwa itumike hawafungwi na hii bali wanaweza kuchagua sheria nyingine, mfano ile ya mila na desturi.

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Suala la uchaguzi wa sheria huwa muhimu kunapotokea utata kati ya wale wanaogombea kusimamia au kugawa mali ya marehemu. Vinginevyo uamuzi wa sheria hufanywa na wazee wa ukoo bila majadiliano yeyote.

### 2.0. MGAWANYO WA MALI

Mtu akifariki bila kuacha wosia matatizo mengi ya kugawa mali hujitokeza kwa wale waliokuwa wanamtegemea marehemu huyo.

Tatizo la uchaguzi wa sheria huwa kubwa zaidi. Hii ni pamoja na ukweli kwamba, sheria yeyote itakayochaguliwa ina upungufu wa namna fulani hasa haki za mjane na watoto wa kike.

#### 2.1. SHERIA YA KISERIKALI

Sheria inayotumika ni sheria ya urithi ya India ya mwaka wa 1963 ambayo imehalalishwa na sura ya pili ya sheria za Tanzania. Sheria hii inawahusu Wakristo na watu wenye asili ya Kizungu.

Kwa mujibu wa sheria hiyo, mtu huhesabika kuwa hana wosia iwapo hakuna matamshi au maandishi yeyote yanayoweza kugawa mali yake.

Mtu atahesabika hakuacha wosia kabisa iwapo:-

- (a) Hakuandika wosia.
- (b) Wosia ni batili mfano haukuthibitika kisheria

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#### 2.2. SHERIA YA MILA NA DESTURI

Sheria hizi zimetamkwa katika kanuni za urithi-Tangazo la Serikali na 436 ya 1963.

Sheria ya mila na desturi hutofautiana kufuatana na makabila na kuna tofauti kadhaa katika mgawanyo na usimamizi wake. Sheria hii haikuandikwa hivyo haijulikani na ni vigumu kuifahamu kwa urahisi. Mara nyingi mgawanyo chini ya sheria hii hauzingatii haki kwa wanawake na watoto, hasa wa kike.

Sheria hii imejaribu kutumia sheria ya mila na desturi pale ambapo mtu amefariki bila kuacha wosia. Sheria hii huzingatia makabila ambayo hurithisha upande wa kiume (Patrilineal societies) makabila yanayorithisha upande wa kike hayahusiki.

Kwa mujibu wa sheria ya mila na desturi iliyotamkwa na Serikali, mali ya marehemu hufuata kwa misingi ifuatayo:-

- Watoto wa kiume ndio warithi wakuu na kwa kawaida mtoto wa kwanza wa kiume wa mke mkubwa hupata sehemu kubwa zaidi.
- Watoto wengine wa kiume hufuata katika kupata sehemu ya urithi.
- Watoto wa kike kwa baadhi ya makabila hupata sehemu ndogo kushinda makundi mawili yaliyotajwa.
- Mjane hana haki ya kurithi iwapo kuna watoto.
- Mume mfiwa hawezi kurithi mali ya mke aliyekufa bila kuacha wosia, isipokuwa kama mke hakuacha watoto wala ndugu.

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- Watoto nje ya ndoa hawarithi kama hawakuhalalishwa wakati marehemu akiwa hai au wosia unaowapa urithi.
- Iwapo marehemu hakuacha watoto au wajukuu, kaka na dada zake watarithi. Kaka mkubwa atapata sehemu kubwa zaidi. Kisha kaka wengine na mwisho dada wote watapata sehemu ndogo kuliko wote.
- Kwa mujibu wa tamko la sheria ya kimila na desturi, watoto wa kiume hurithi mali isiyoondosheka. Wanawake hurithi mali isiyoondosheka tu kwa matumizi wakati wa maisha yao. Wanawake hawaruhusiwi kuuza mali ya urithi.

Kwa ujumla sheria hii imepitwa na wakati na haitili maanani haki za binadamu kama katiba ya nchi inavyosisitiza. Katiba inasisitiza usawa wa binadamu wote na inakataza ubaguzi wa dini yeyote.

Mila na Desturi zinapingana na sheria nyingine kwa mfano sheria ya ndoa ambayo inatambua kuwa mwanamke anachangia kuzalisha mali ya familia na hivyo kumpa haki ya kudai asilimia hamsini iwapo ndoa inavunjika.

### 2.3. SHERIA YA KIISLAMU

Sheria ya Kiislamu ya kugawa na kusimamia mali ya marehemu ni sehemu ya Quruan tukufu.

Urithi chini ya sheria hii hutegemea uhusiano kati ya mrithi na marehemu. Haja ni uhusiano wa kutokana na Ndoa au ndugu.

-Wafuatao hawawezi kuachwa katika urithi mume, mke au wake, baba, mama na watoto. Kama hawapo basi ndugu

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Mahakama ya Mwanzo. Kwa kibali maalum kutoka mahakama kuu mirathi inayosimamiwa na sheria ya Mila na Desturi au Kiislamu inaweza kufunguliwa na mahakama ya Wilaya au Mkoa.

- Ufunguzi wa mirathi hutangazwa rasmi katika gazeti la Serikali au gazeti jingine (Uhuru /Daily News)
- Tangazo lina nia ya kufahamisha Umma na yeyote mwenye kipingamizi kupinga uteuzi wa mwombaji kama msimamizi.
- Upingamizi iwapo upo utapokelewa na maombi yataendelea kama kesi na uamuzi kutolewa kisha uteuzi kufanyika.
- Msimamizi wa mirathi si mrithi. Msimamizi ana jukumu la kukusanya mali ya marehemu na kuigawa kwa wanaostahili.
- Iwapo msimamizi atakiuka wajibu wake anaweza kuondolewa kama msimamizi na mahakama.
- Msimamizi anatakiwa katika muda atakaopangiwa na mahakama kutoa taarifa ya jinsi alivyogawa mali ya marehemu na kulipa madeni ya marehemu. Mahakama ina wajibu wa kuridhika kama mgao umezingatia sheria. Iwapo msimamizi ataonekana kuwa amekiuka sheria basi mahakama itaamuru ugawaji ufanyike tena. Jalada la mirathi litafungwa na mahakama baada ya kuridhika kuwa ugawaji umefanyika inavyotakiwa na sheria.

wengine wanaruhusiwa kurithi kama wajukuu, babu bibi.

- Wajane wasiozidi wanne hupewa  $\frac{1}{8}$  kama kuna watoto au  $\frac{1}{4}$  kama hakuna watoto.
- Watoto wa kiume hupewa mara mbili ya watoto wa kiume.
- Watoto nje ya ndoa hawarithi kama hawakuhalalishwa wakati marehemu akiwa hai au kuwepo wosia unaowapa urithi.
- Iwapo mtu si mwislamu haruhusiwi kurithi mali ya mwislamu hata kama mtu huyo ni mke wa marehemu.
- Quruan inakataza kurithisha zaidi ya  $\frac{1}{3}$  ya mali ya wosia, isipokuwa kama kuna makubaliano ya warithi wote baada ya kifo cha mweka wosia.

Sheria ya Kiislamu ya mirathi inajaribu kulinda haki za wanawake kwa kuweka viwango maalum. Hata hivyo sheria hiyo haitambui usawa katika mgao. Sheria inaleta matatizo kwa familia zenye dini tofauti.

### 3.0 HATUA ZA UTEUZI WA MSIMAMIZI WA MIRATHI HADI FAILI LA MIRATHI KUFUNGWA

#### 3.1. UTEUZI

Nani ateuliwe? Mtu yeyote aliyemhusu marehemu anayedai kuwa mrithi wa marehemu anaweza kuteuliwa. Maombi ya msimamizi hupelekwa mahakamani na hati kifo kuambatanishwa. Iwapo mgao utafuata sheria ya Mila na Desturi au sheria ya Kiislamu, maombi yatumwe

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## ROLE PLAY:

## AIM OF THE ROLE PLAY:

- \* To practice our knowledge about legal issues.
- \* To practice the mentioned solutions in the discussion:  
'What can TIP do on legal issues in the field?'

CASE: Consider a group of women cultivating together since 4 years. They have made terraces, dug irrigation canals, planted trees etc. They thought they owned the land, but the former owner chases them from the land and claims it as his property again. They are visited by a TIP field worker also giving extension/training on legal issues.

ROLES:

1. TIP field worker (irrigation technician, WID officer etc)
2. Former wife
3. Filled in by group: for instance: girlfriend, wazee, judge, other women, father, other relatives etc.

ASSIGNMENT: Develop a role play of about 15 minutes.

Develop the history and story around this case, based on the groups' field experience.  
(remember: property, shamba, clan, age, etc)

Work out the legal aspects based on the information in your file; the lectures from Betty, etc. and include them in your story.  
remember: \* registration of land,  
\* customary law,  
\* primary court assessors,  
\* clan elders,  
\* etc

You can ask assistance of Betty if you need more clarification on legal issues!!

Suggest possible solutions for the woman to address.

Develop extension material (leaflets, posters, booklets etc) for dissemination of the information, to be used during your role play.

ROLE PLAY:

AIM OF THE ROLE PLAY:

- \* To practice our knowledge about legal issues.
- \* To practice the mentioned solutions in the discussion:  
'What can TIP do on legal issues in the field?'

CASE: Consider a couple who is going to divorce. The woman has to leave the home and go somewhere else. She has 4 children under 10, 1 boy, 3 girls. Since 3 years the husband has a girlfriend, whom he has 2 children with. Part of the husbands' land was registered, all of it was aquired after marriage. The former wife is visited by a TIP field worker also giving extension/training on legal issues.

- ROLES:
1. TIP field worker (irrigation technician, WID officer etc)
  2. Former wife
  3. Filled in by group: for instance: girlfriend, wazee, judge, other women, father, other relatives etc.

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remember: \* registration of land,  
\* customary law,  
\* primary court assessors,  
\* clan elders,  
\* inheritance aspects,  
\* 'when is a woman a wife'  
\* etc

You can ask assistance of Betty if you need more clarification on legal issues!!

Suggest possible solutions for the woman to address:

Develop extension material (leaflets, posters, booklets etc) for dissemination of the information, to be used during your role play.

## ROLE PLAY:

## AIM OF THE ROLE PLAY:

- \* To practice our knowledge about legal issues.
- \* To practice the mentioned solutions in the discussion:  
'What can TIP do on legal issues in the field?'

CASE: Consider a woman who is a widow, who is forced by her husbands relatives to leave the matrimonial home after her husbands death. She goes to her parents with 5 children under 15, all girls, leaving behind an illegitimate child of the husband. This woman is visited by a TIP field worker also giving extension/training on legal issues.

ROLES: 1. TIP field worker (irrigation technician, WID officer etc)  
2. Widow  
3. Filled in by group: for instance: wazee, judge, other women, father, other relatives etc.

ASSIGNMENT: Develop a role play of about 15 minutes.

Develop the history and story around this case, based on the groups' field experience.  
(remember: property, shamba, clan, age, situation at parents etc)

Work out the legal aspects based on the information in your file, the lectures from Betty, etc. and include them in your story.  
remember: \* registration of land,  
\* customary law,  
\* primary court assessors,  
\* clan elders,  
\* inheritance aspects,  
\* 'when is a woman a wife'  
\* etc

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Suggest possible solutions for the woman to address.

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