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# Public Hearing Transcripts - Coast - Kilifi - RTJRC17.01 (Moving The Goal Posts Conference Hall, Kilifi) (Women's Hearing)

Truth, Justice, and Reconciliation Commission

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**ORAL SUBMISSIONS MADE TO THE TRUTH, JUSTICE AND  
RECONCILIATION COMMISSION ON TUESDAY, 17<sup>TH</sup> JANUARY,  
2012, AT MOVING THE GOAL POSTS  
CONFERENCE HALL, KILIFI**

**(Women Public Hearing)**

**PRESENT**

Gertrude Chawatama - The Presiding Chairlady, Zambia  
Margaret Wambui Shava - Commissioner, Kenya

*(The Commission commenced at 10.40 a.m.)*

*(The Presiding Chair (Commissioner Chawatama) introduced herself and the other TJRC Commissioner)*

*(Opening Prayers)*

**Ms. Sylvia Chidodo:** Thank you very much, Mama Chume. I think there are some two or three things that we explain before we start the sittings. First of all, for anyone who will speak, I will ask that you come and stand on this side. It will be better because of the light and we want the camera to capture your image well. So, anyone who would like to speak will stand on this side. We have been registering your names and we will say who will start speaking using the names that have been listed on that list. We are asking that if there is any issue that has been spoken about, please, we should not repeat because of time. I know there are a lot of issues that are affecting women. Everyone wants to be given a chance to speak. So, if anything has been spoken about, please, do not repeat the same issue. Also, we are asking you that if you have a phone, that you switch it off or put it on silent mode because there might be some important phone calls. You might be here, but you are also required in another place. So, we are asking you to put your phone on silent mode, so that if there will be a missed call or any other thing, you will be able to take care of it.

To start off, let us welcome Commissioner Chawatama to come and say one or two words and then we can start.

**The Presiding Chair** (Commissioner Chawatama): Good morning. It is so good to be with you today. My name is Gertrude Chawatama. I come from a country called Zambia where I practice as a High Court Judge. I have had an opportunity to work with women. I have had an opportunity to deal with children and family affairs. I am qualified to be here not because I am a High Court Judge, but because I am a woman, a wife and a mother. It is good to be here so that as women we can share some things that have happened in our lives.

We shall be joined by a colleague, a fellow Commissioner whose name is Margaret Shava. She is a Kenyan and she is a lawyer by profession. So, you will see her come in, in a few minutes.

We have been all over Kenya. The Coast Province is the last province that we are dealing with. Everywhere we have gone we have had an opportunity to talk to women or for women to share with us some things that have happened in their lives. The things we have heard have been very heart breaking. We have discussed issues of marriages, relationships, we have listened to widows, young women who have lost their husbands as a result of cattle rustling, violence during the post election violence and other forms of violence that have taken place in this country.

We have listened to women who have told us that their husbands just walked out on them and left them with children to look after with no maintenance whatsoever and no support even in bringing up the children. We have heard such stories of husbands who are unemployed and who are in a very helpless situation that they cannot provide for their families.

We have heard from mothers about the impact that a number of incidents that have taken place have had on their children. The children have become addicted to drugs, children have taken up prostitution; there have been a lot of pregnancies and early marriages.

We have also talked about FGM and the health risks that this poses. We have received a lot of commitments from women that the practice of FGM will stop. They spoke to us frankly about the health risks that are involved.

We also talked about displacements. We heard from women who have lost their homes and property. They do not even have photos just to remind them of some of their loved ones. It has been very sad to sit and listen to the violations that women have suffered both in their homes and at the hands of the Government, institutions such as the police, armed forces and even the Judiciary.

I invite you to speak to us and to tell us about the violations that you have suffered because I am sure you have been told that, at the end of this process, we will write a report. In that report we will make recommendations. Our recommendations are mandatory and they have to be implemented.

We did not want women to miss out on this great opportunity because we do not know whether this opportunity will come again. So, let us support each other as people begin to share the experiences. Let us support them the way we know how as women and not to talk or to show disrespect because you do not know the story of the person who is sitting next to you. So, I invite you to pour out your heart. My prayer is that as we speak to each other here, you will find healing and peace. Thank you, very much.

**Ms. Nancy Kanyago:** My name is Nancy Kanyago. I work for this Commission. We will continue with the procedures. If you are given a chance to speak, you should mention

your name, say where you are coming from or where you live here in Kilifi and then you can tell us your issue. I know many women would like to speak. Therefore, when you get a chance to speak, please, be brief, so that most people can get a chance to speak about their issues. I would like to apologize because my Kiswahili language is not that good, but I know we will be able to communicate.

I will call the first one so that you can get the general problems of all the women here. I will call Naomi Sidi who would like to speak about issues in general which affect the women here.

**Ms. Naomi Sidi Kumbata:** Thank you all who have come here today. I really want to congratulate this Commission because you have remembered us and you have come to listen to us. We are the last people that you have come to listen to.

Women of Kilifi County have faced historical injustices. We have suffered for a long time. I have written something brief because I know the time is short. My name is Naomi Sidi Kumbata. I am from Kakuneni in Malindi Constituency. I am going to speak because I am vying for the senator seat in Kilifi County. We believe the elections will be held this year. I believe that the people will vote for me because I am vying for the senate seat.

I have volunteered to come here because I know our problems.

The major problem that is facing us, women of Kilifi County is that we are illiterate. We are not educated because of our traditions and culture. Our parents and grandparents felt that it was right to take the boys to school instead of the girl child. That is not okay. Perhaps, there are people who will come here to contribute on the same.

If you did not go to school, will you get a job? Without education you cannot even manage to write your name. You cannot get a job. So, we lag behind in terms of employment. There could be opportunities in employment, but the people who could get it are the boys. When we were girls we never got any formal employment. Our job was just staying at home. According to our tradition women are not allowed to speak. When you are married and you become a wife, your work is to give birth, take care of the goats and cows and cook. We are trying to fight against the family issues and also the law.

There is also the issue of land. We cannot even inherit land as Mijikenda women because we are the majority. If your father dies, you cannot inherit the land. So, according to our traditions we are not given land. We cannot develop ourselves because we did not go to school. We do not have employment. You cannot even establish a shop or business because you do not even have a piece of land. All the responsibilities of the family are left to us women. These responsibilities are farming, looking after the children, taking them to school. We are the people paying the school fees for them. Our husbands do not even know where we get the money from. But they just want us to take the children to school.

Those who are assisting are very few. I was lucky because I was born in a family that recognized the importance of educating girls. We were even taken outside the country to

be educated there and the Government gave us a job. But how many women of Kilifi County have reached my level? They are very few. We as women want to reform or make a change, so that things can be different. The most important thing that we have been denied for a long time is the political leadership. Since we got Independence 48 years ago, no Mijikenda woman has gone to Parliament. It is just recently that we started becoming councilors. One had to put in more effort to become a councilor because you could be assaulted and be called derogatory names. One had to put in more effort, so that you could be in a position to lead other women. You would be called a prostitute and all sorts of bad names. You would be told that you do not have respect and that you should stay at home. You would be told that a good wife should stay at home so that she can bring money.

Leadership in politics is the most important thing at every place. Politics is in our families and schools. It is everywhere. Nothing can happen without politics because since time immemorial it was the politics of Nairobi. We have to speak out. The men that we have elected as our political leaders, how have they helped the women? They have tried, but it was not enough. To me, I see it was not enough. Every woman who has reached a point whereby she has got land and the children have gone to school, it is because of personal effort. There is nobody who has chipped in to help the woman.

On the issue of domestic violence, we have been beaten. We have been raped. Just because you are married it is not a must that you sleep with a man every day. At times, you have a headache, but you are told that you must have sex because you are married.

I did not face those issues, but when doing research you have to look into the small issues that are happening to our people. Most have been said by our Commissioner here. She talked about the issue of FGM. We, the Giriama, do not have that culture but there are some women in Kilifi County that are still deeply rooted in such traditions. We should leave them completely. We should be assisted to deal with such issues, so that we can bring a change.

Historical injustices have happened. There are some injustices that have been done to women a long time ago.

We have a new Constitution. Therefore, we should be in the forefront in all the issues such as education, agriculture and politics. If we can do that, we can even get the one third. The problem is; will we come out? That is the main challenge as you can see today. How will you assist us the women of Kilifi County, so that we can also be at par with the men who are here?

After every five years, there are elections. However, I have not seen women from Kilifi County who are going into political leadership. We want to change that. Every year, our children perform poorly, and we are told that they are lagging behind in education. We want to address that issue, so that it is not claimed that our children do not go to school. Our children are going to school and there a few who pass. It is because we face hunger every now and then and we found that there is a high level of poverty in areas like

Dungisha and Bamba. According to a survey done, Bamba is the poorest district in this country and Bamba is in Kilifi County. That is not something to be proud of.

How will this Commission assist us so that we can make a fresh start because as you know, women are the best agents of change? How will we make these changes? If you want to start afresh you have to use the women. The women are not from other counties. We have also women from Kilifi County because we have to do very many things in unity.

If I am pregnant I carry another baby on my back, I cook and I do a lot of things. If you want to start afresh, especially in Kilifi County we are really appealing and we are demanding that you involve us in the development of Kilifi County. Thank you very much.

**Ms. Nancy Kanyago:** Thank you, Mrs. Naomi Sidi, for representing the women from Kilifi County and telling us about the general issues that are affecting the women and the problems that they are facing. You have asked very important questions: What will TJRC do? What we can do is what you will tell us; your recommendations. You have asked why the students in Kilifi are not passing any examinations. We do not have the answers, but you have the answers. You are saying there is poverty and hunger. So, what is the solution, so that the students from this county could improve in their school performance? That is what we want to hear from you. We are not professional experts in terms of the answers. You are the ones who have them. We are there to listen to you and find out what you will tell us and your recommendations. They are the ones that we will write in our report. That report is the one that we will give to the President who will present it in Parliament, so that Parliament can implement your recommendations. I hope you understand that. In terms of the issue that you have talked about we are not discriminating against Coast Province, so that you can be the last area to come to. We have even completed the hearings for Coast Province. We said we would like to start with Coast Province this year. So, we are happy to be here at this time, but we are not discriminating upon you. We will start with the other counties and then come to your county.

The media has been following up on this issue because these are our last hearings. So, your issues will be reported in the newspapers. So, we have not discriminated against you. As we continue, when you speak, please, talk about the recommendations, not just talking about the problems, but we would like to hear about the solutions. So, if you say you have this problem, you should say that the solution will be this one. As Naomi has just said, women are not in politics, so, what is the solution? That is what we want to hear.

The second person to speak will be Dorothy Chomo on issues of the girl child and education.

**Ms. Dorothy Chomo:** I will speak concerning the girl child education. I speak as a woman and as a mother or as I have been a girl child, those injustices happened to me. I was not taken to school because I am a girl child. My brothers were educated. The reason

why the girl child is not educated is because we are told the girl child is not beneficial to her immediate family because one day she will be married. When a girl child is married she takes the benefits to another village or clan. So the father or brothers do not see the importance of educating a girl child.

After growing up, struggling and looking for ways of educating myself, now that I am a grown up adult, this girl child issue has really affected me in my life. Most of the times when I see them suffer, I normally volunteer to help them. Why is it that the girl child should continue to suffer in such a way?

Sometimes one gives birth to girls only. There are no sons. They are then left at home. They are not educated. They are born and they have their brothers. The girl child is left at home. We grow up knowing the girl child will benefit the family. The reason is that there is no money. Lack of money forces the girl child not to go to school. However, some families feel that if the girl child is educated, she will help the community. It becomes a loss to the family if she is not educated. If it is like that, who should be blamed for that? The parents should be blamed or the community that we are living in or we as the mothers for not giving advice to each other to tell each other, let us help each other, so that this girl child can go to school.

When this girl child is left at home without education, she is forced into early marriage. Some become pregnant and they impose themselves on the men who have impregnated them. Sometimes those men are not employed. Therefore, they continue to suffer in their marriage life. In the end, they just decide to sell that child or to throw it away. We have had many such cases whereby the children are sold or thrown away. They are just living in the streets and they do not know where they should go because they are born by their fellow children. It reaches a point where they are living a life that is not good in the community or the country. They just go roaming around, being prostitutes. We see young girls, some as young as 15 years old just roaming around in the streets. The Government is not doing anything about this situation and it has become a common occurrence. They are not even going to school and even if they go to school, they attend schools which are helping them and they are put in football camps. The girls become lesbians in those football camps. The children start operating businesses. They are taken by drug barons and if she is looking good and she can be able to do that work then she is taken to be an agent. You see her at night roaming around, doing the business.

So, they are becoming vessels of drug trafficking.

We do not know what we will do with these children because most of the time when you take such cases forward, we as the community we start pointing fingers at each other asking why is she taking the children of a fellow woman to the police station and talking about them in a bad way? So, as the community we are contributing to such issues. This is not right because she is a child and she needs parental guidance from us. Most of the time you say let me go to school and explain why this child does not want to come to school. The child is chased away from school because she has such bad behavior that the teachers are now tired of her. This child just roams around and you cannot even understand her behavior. Even if you take her to the police station, she is told to go home.

A 15 year old is told to go and fend for herself. Our girl child is really struggling. Even here in Mnarani area, they are really suffering and they are having a lot of problems and I do not know how we will solve this.

Even if they give birth, we should have an organization that will look after the children who have given birth early in life so that they can be taught, even if it is just casual labour. This will enable them to improve their lives because street children are becoming more in our country. Women who do not have a way forward are becoming more and we will become a nation that will not be able to help ourselves. We cannot have senator who is a woman. Where will you find such? The organizations which are coming up should help us to be able to help and direct these children to follow the right way. God bless you for the few words that I have spoken.

**Ms. Nancy Kanyago:** Thank you very much. I know that most of you here know that this is an organization that is helping the girls in the problem of the girl child education. Here in Kilifi it is a great issue. I would like Regina Victoria to make her presentation but do not repeat what has already been said. You wanted to speak about single mothers and children issues such as trafficking and substance abuse.

**Ms. Regina Victoria:** I will start with the issue of single mothers. We have very many single mothers here in Kilifi. Why are we having single mothers? Where do the fathers of these children go to? Do they help the single mothers? If someone is a single mother it is obvious that she was once married and had a husband. There are some men who have taken advantage of the women to misuse them. Somebody cheats you that he will marry you and afterwards he leaves you with the children and the responsibilities.

At times you can go to those men and you start having conflicts and the case lies on the side of the woman. So, how will we help all these single mothers? What will they do? Right now we have the girls who are single mothers. We do not know who will take them to school. What will we do about this issue?

Secondly, as I am speaking there are very many girls who are in the streets. Even if you look here, it is only the women who are here. If you ask them you will find out that they have children that they are raising. Their daughters have all gone to Saudi Arabia to do jobs there. It is not their wish. They are suffering where they are. It is because of the problems in Kenya. We have not managed to solve our problems that we have brought upon ourselves.

Nevertheless, you can find an agent who wants to help you, but may be, you have reached at a point whereby you say you do not want to go. The agent becomes angry and takes your identity card and all your documents. You go back home; you do not have another passport. You do not know where to get your identity card. The agent says he has used a lot of money. There is no follow up. It makes that person, even if he or she did not want to go to Saudi Arabia to just go yet it was not the wish of the person because the documents have also been taken. How will we solve that issue?

Another problem that I want to speak about is that there are some people who know that they have been infected with HIV/AIDs and they want to spread the disease to these girls. These girls do not have money. They do not have a way of sustaining themselves. You will find that this disease keeps on being spread. Even if you tell somebody to use protection, when she meets these men she is cheated by being offered a lot of money. It is not her wish. It is because of the high level of poverty in the area.

Another issue that I want to speak about is that here we have the White people in Kilifi and also in Malindi. They have been misusing domestic house helps. Some of them are tortured and beaten. Some of these cases, even if you took them to court you find that you do not manage to win the case. It does not go through because the victim does not even have a lawyer.

These Europeans also take our boys and sodomize them and give them money. They are told to go and look for a virgin. We do not even have virgins. They are being given good money. The girls are being taken because of money. I do not know how this issue can be taken care of.

I am also going to speak about our companies. We have companies but how are these companies paying their employees? Most of the women are really working tirelessly day and night. What money are they being paid? You will find somebody cutting down sisal but she is not provided with gloves, gum boots or any protective devices. This woman can even be bitten by a snake. There are very many cases in Bagaringi where there is a salt company.

After doing this work you are paid Kshs100 per day. What will you buy with Kshs100? Which company can look into such organizations to see into the payment of the employees? It is very little money that cannot even sustain the lives!

Another issue that is really disturbing the people of Kilifi is that this is a place of fishermen. You will find that most of the fishermen come from Pemba and Zanzibar. When they come here, they say that they want to marry our girls. We marry them off well but when there is lack of fish, the fishermen just go away. They leave that girl with her children. She does not even know the home of the fisherman. How will we solve this problem? The number of single mothers is going up.

Another issue is about homosexuality. I know that the cases of homosexuality here in the Coast are going up. I think it just starts from home but the issue is now rampant even in schools. How will we solve this issue as the people of Kilifi?

**Ms. Nancy Kanyago:** Thank you Regina for talking in general about the single mothers issues here in Kilifi. As we are talking about the issues affecting the community, there is Ms. Hidaya Abdalla who wants to contribute. Hidaya Abdalla, you have the opportunity to speak.

**Hidaya Abdalla:** Hallo women! My name is Hidaya Abdalla; I come from Malindi, Gamba Location. I am here to speak about the responsibilities that we are given at home. I think there are some things which have been spoken about, but there are some small issues that are challenging. When our parents leave us at home with the children, we are the ones who take care of those children.

Your husband leaves you with the children and you are the one who is supposed to take care of them. You will find that a man wants to marry your daughter while he has three wives already. He takes your daughter and stays with her at home, after some time they separate and the girl is left with the children without anything to do. When the children grow up, their father comes again and demands for them. When dowry is paid for the girl, he wants to take it all without caring how the child was educated or how the child grew up. When the girl-child gets married, he comes and demands for bride price.

If he is refused, it becomes a case. May be if the mother is illiterate, it becomes hard to win in such case. The husband takes the dowry and uses it to take care of other wives.

The other thing is that, when we have our menses, our men force us to have sex. If you refuse, he accuses you having sex with other men, as he does not want to understand. Whenever you tell him that you are tired he refuses. That really make us suffer because they do not believe us, if you feel like having sex or not. They do not allow you to meet with other women groups because they say that you are going to get more education and, therefore, you are not allowed to go and meet in the women groups. May be there is a chief's baraza or a meeting at the chief's office or a meeting that can enlighten you on how to improve your life. But you are not allowed to go to such meetings. So, we are just staying at home and lagging behind and we are not able to develop ourselves.

On issues concerning women, if you have your daughter and may be somebody has come wanting to marry her, they say that if you are going there, you go by yourself. But we mothers when we advise the girl not to follow the man who wants to marry her because we know that the husband will leave her with the responsibility of taking care of the children which you may not be able to do. May be the man has three or four wives and your daughter will be the fourth or fifth wife.

**Ms. Nancy Kanyago:** Thank you very much. Perhaps, before you sit down, Hidaya, I have some questions which I want to ask you. You have said about the women being married to be the fifth wife. I know in the Islamic religion, four wives are allowed. Problems are in the communities in the Islamic religion and also in the Miji Kenda?

**Hidaya Abdalla:** Somebody might have the wife but she becomes a mistress. So, it is like I will be taking care of all your needs. So, the girl sees that she has found a husband, but in another way, she is not helped.

**Ms. Nancy Kanyago:** Have you tried to get some assistance, perhaps, from the Children's Department or from the Kadhi Courts? Is there any assistance that has been given to you?

**Hidaya Abdalla:** There are some women with whom we tried to take the case to the courts; although it took a long time; about five to six years, you could see whether the case is beneficial. If you do not have a chance to go to court, you just get oppressed and stay like that. This is because as I am explaining, even from October last year, the man has been forced to take care of the children; pay school fees and take care of their basic needs.

Five years ago, when the man died, she sold land and she left Malindi, and went to Mombasa. This was because when the man saw that he was going to be charged, he went to FIDA office in Mombasa and found another lady magistrate who ordered that the case be taken back to Malindi. So, it was taken back to Malindi and as I am talking right now the mother has been helped and that man is taking care of the children. If you do not have money to take the case to court, you will remain under oppression and you will not be helped in any way.

**Ms. Nancy Kanyago:** I do not know whether in the village where you are living, there is a chief who may help you especially a female chief?

**Hidaya Abdalla:** Yes, they are there. This is an issue where even women would not want to go to the chief's baraza because they will not feel free. May be if women do not go out there to get civic education concerning matters to do with the Constitution and elections, how will they get such education and knowledge? The solutions, like you have said, are to be free to go to the barazas in the villages.

**Ms. Nancy Kanyago:** We will like to know about your recommendations concerning that.

**Hidaya Abdalla:** Issues concerning the community, I would like to welcome Ms. Josephine Mwangi to talk about that.

**Ms. Josephine Mwangi:** My name is Josephine Mwangi, my husband died in 2004. I have tried to make a follow up on his terminal benefits but up to date, I have not been given even a single cent. I heard that there was some money in the bank and in May 2005, the money was taken and I have followed up and I have not seen the allowances. There are children who are supposed to go to college, but they could not manage because I did not have money to pay for them.

That is all I have.

**Commissioner Chawatama:** Was your husband working?

**Ms. Josephine Mwangi:** Yes. He was working with the Germany Embassy.

**Commissioner Chawatama:** For how long had he worked?

**Ms. Josephine Mwangu:** He was working but he had not retired and all the allowances were being sent through the bank here in Kilifi. He was called Bernard Otu and I was getting the money every month through a bank here in Kilifi.

When he died in April, 2004, I was still getting the money up to May. But from that time I have not received any money up date. I have tried to make a follow up, but nothing has come out of that. But all the files are there, I have all the documents with me.

**Commissioner Chawatama:** When you last went to the bank, what did they tell, you if you asked them?

**Ms. Josephine Mwangu:** They told me that when a person dies money is deducted and taken back. I started making a follow up and I was given all the documents. But I have tried to make a follow and up to date, I have not received even a single cent.

**Commissioner Chawatama:** Did you ever go to the late husband's employers?

**Ms. Josephine Mwangu:** Yes. I went there and there was a certain white person who tried to make a follow up and brought me some of the last money which was Kshs9, 000 and he said that I could get the money every month. But I did not receive any money, I have all the documents but I have not received any money up to date.

**Commissioner Chawatama:** Could we have a copy of the documents so that we can see if there are ways and means of following up what happened?

**Ms. Josephine Mwangu:** Yes, I have them.

**Ms. Nancy Kanyago:** Could we have Beatrice Chengo to give testimony?

**Ms. Beatrice Chengo:** How are you women? My name is Beatrice Chengo and I have been asked a question concerning the situation in life and how the widows are supposed to be helped. For example, when your husband dies and may be your family has been left and you have lived with your husband well, and you have developed with your husband. When he dies, your in-laws would want to grab your property. How can they grab the property and they do not know how you struggled with your husband to get such property? Imagine, you have been together with your husband and helping each to get that property, but your in-laws would not want to know how you got the property. When your husband dies, they say that when you were married, you did not go there with any property. So, they want to oppress you and they do not know how you had planned with your husband.

Even if he is the one who gave the money to buy the property, but they do not know the price you paid to help each other. He bought one thing and you bought the other one and it was a way of helping each other. In this community the in-laws say that you did not come with any property, you came empty-handed so they want to take away all your property. I do not know how this can be solved.

With those few words, God bless you.

**Ms. Nancy Kanyago:** Are you a widow?

**Ms. Beatrice Chengo:** I was able to inherit my husband's property. It was not a big problem, but from the stories I heard from other widows, they normally get problems.

**Ms. Nancy Kanyago:** There is Esther Kesi who is also a widow.

**Ms. Esther Kesi:** How are you women? My name is Esther Kesi; I come from Malindi in the side of Ganda and I am a widow.

My husband died in February, 2008 out of an accident. After he died, we were staying together, but when he died it was now a conflict. The father said that he will bury him at their place and I accepted and we went and buried him. Then I wanted to go back to my home where we had rented, but my father-in-law said that I will not move away, but stay there. I persevered and stayed.

The problem is that they were forcing me to be inherited by the younger brother. I used to wash them when they were young and now he is a big person. My heart could not allow me to be married to such a young person, because to me, he was a child. He could be my husband but he was too young then. So, my father-in-law said that I could not stay there if I could not accept that. He said that a person who does not have a husband cannot stay there. If that was the case, I should go back to my maternal home.

I wanted to be free so that I could look for employment because I was used to working when my husband was a life. I was doing casual jobs and we could help each other. Now, my father-in-law said that at his home a woman cannot do work. I said I have to work because I was used to work to bring up my children. Why now that my husband has died I should not look for a job?

It was now a conflict, I wanted to go and look for a job, my father-in-law did not want it. I stayed there from the time my husband died in February, until June. It was now too extreme and I could not manage it. My eldest brother-in-law who had four wives wanted me to be the fifth wife, he had his children and I had mine. I said I could not manage it because he had his wives and my husband had died.

My husband had said that if he died, I should not be inherited. It was better for me to go back to my maternal home. It was 4.00 p.m. when my children were at school, the elders came and I was being asked to name the husband who will marry me. I said that I will not be married and one grandfather said, in their tradition, when the husband dies the widow is married. If I do not want to be married then I should move out. I accepted to move out but I wanted to know what I was supposed to do and what was good before the eyes of God. I told them that I should not make them happy and mess up my relationship with God.

They chased me away and it was 4.00 p.m. approaching 5.00 p.m. they sent me away they abused me words that I cannot even mention. They really abused me and my father

in-law said that I was the one who killed their son, my husband. That I am the one who made him to die as if I was the one who caused the accident. It was just bad luck, but it turned out to be wrangles and abuses. My father in-law abused me until he got satisfied.

I took all my luggage, beds etcetera, and I put everything in a good position at home. From Msuloni to Ganda is not far. You could even board a motorbike because it is not far. I took my young child who was still crawling and others were crying as I was being assaulted. I left the elder children back, so that I could go home.

When I arrived at my maternal home and explained what had happened to my parents, they asked me where I had left the property. I told them that I had left everything there; my father gave me Kshs500 and told me to take a vehicle the following morning and go take my property home.

When I reached there the following morning, I greeted them in good faith, carried my property and went back to my home. Now, since that time, I am suffering with the children. Their grandfather does not come to even just look at his grandchildren see how they are fairing on. I am the one who has to look for food to feed them, I have to buy a book and a pen, I have to ensure that they dress properly, groom them and ensure they eat well; all that depends on me. I am the one who is responsible for everything. There is nobody on the side of their grandfather, the home of their father to even bring a kilogram of flour to come and say that they have come to find out how their grandchildren are doing.

It was really painful; the elder child was in Standard Six when my husband died. The same year he dropped in marks and he could not go to Standard Seven because of the shock after the death of his father. The following year he went to Standard Seven and he is now in Standard Eight. The question I am asking is: If my child passes in Standard Eight, what will I do?

I do not have a good job that would generate a good income; it is just causal labour that I do just to put food and other small items on the table for my children. I do not have money that can enable me take my children to school. That is why I am praying for assistance for my child.

**Ms. Nancy Kanyago:** Thank you very much. We are very sorry for what you have gone through and we thank you very much for your courage to come and share your problem with us.

Please, tell us the name of your husband who died in an accident.

**Ms. Esther Kesi:** He was called Johnson Kaindi Mulinge.

**Ms. Nancy Kanyago:** Was it a road accident?

**Ms. Esther Kesi:** No. He was shot dead.

**Commissioner Chawatama:** We have heard that he was shot. Do you know who shot him?

**Ms. Esther Kesi:** I do not know the people. They were policemen and I did not know them. On that fateful day I was just at home and it was around 5.00 a.m. I was told that your husband has been shot at Malindi. That is when I knew it to be true and he was with his colleague. They were both shot dead.

**Commissioner Chawatama:** Do you know whether the shooting of your husband led to any arrest or people being taken to court?

**Ms. Esther Kesi:** No. Nothing happened and, perhaps, they said that they were just thugs. I had not seen him being a thug because I knew he could go to work in the morning and come back in the evening. But that day he did not come at home, he slept there and that is when I heard the following morning that he had been shot dead.

I did not know the issue about him being a thug. I did not see anything bad about him.

**Commissioner Chawatama:** Did his family try to make any follow up to find out the circumstances surrounding his death?

**Ms. Esther Kesi:** They did not take any step.

**Commissioner Chawatama:** Sorry for what you have gone through. It is sad because you are so young and elders who have lived on this earth longer than you should have been able to give you the help you needed, instead of trying to force you to get married. This is because even that is something that you should consent to.

We celebrate your efforts as a women and what you have done for your children. We are really sorry for this very painful experience you went through.  
What kind of support are you getting from your own family; your father or your mother?

**Ms Esther Kesi:** When I moved from my matrimonial home---

*(Ms. Kesi was carried by emotions and sobbed)*

**Commissioner Chawatama:** Somebody to sing a song.

*(Song from the audience)*

**Ms. Esther Kesi:** When I went back to my home and when I arrived there, my parents--- My mother had already separated with my father and they were staying with my brother and his wife. Then the other one was still going to school. They were just born two boys and the one who was in school was the fifth born and by then he was in school. The other one was there with his wife.

When I arrived there they welcomed me well, but the most amazing thing, after two months, my brother said that he will not manage to take care of my children because they should go back to their home. I really cried and I wanted him to help me because I depended on him because my father is old and cannot do any job. He was saying that he cannot bring up my children and I had not really looked for any job. So, I do not have any support and I am just depending on myself for my children to eat food, if they get it is okay, if they do not get we sleep hungry.

**Commissioner Chawatama:** We have seen that being a widow is a very sad state to be. I do not know if there is a woman in the audience who is older than the witness and who has just spoken who can share with her experience and how she has managed to cope, after the death of her husband. This is because as elder women, we have a duty to share with the young women, not only on how to look after their marriages and their children, but also to share life experiences. I do not know if there is an older woman here who also lost her husband and who can tell us how she has managed to live.

**Ms. Saradama Chitavi:** How are you women? How are you once again? Perhaps, you can look at this young woman here, and the story you have heard from her. I think everybody has gone very low. Even if you would have not wanted to cry, I am sure you have shed tears.

I just want to, first of all, talk about the reason why the situation is the way it is. She was not educated as previous speakers have said. There is no employment for her and that is another challenge. Right now, if she was a director of a certain company, the situation could have been different.

The parents who did not take her to school are there but they are old, the brothers who did not go to school are there and that is why all that is happening. I think the previous speakers have said that we have responsibilities as women. If you see such issues happening near you, how are you going to help the situation?

Even if we want an organization to help us, it is not possible for an organization to come here and help us. First of all, we should know our responsibility. Perhaps, that is what happens. When you are not educated, the children of your sister or your in-laws, in the village where you are staying--- The situation that is being narrated, as Dorothy Chomo has said, your daughter has gone into lesbianism, what would you do as a parent? In most of the challenges, we use the words, “is it ours” or “does it concern us?” Later on it comes to a situation like the one we have now.

I am a widow and I was not also lucky previously. If you can hear the story about my education, you will be surprised. I went to school up to standard four and my parents said, I stop going to school and get married because my brothers were six and they wanted wealth and it had to come from me.

Fortunately, God gave me the strength and I refused. I told them: “If you do not want to take me to school I would move forward.” I just got a little education to a certain level,

but my little education gave me a job which is sustaining me up to date. The job was of teaching though it does not have good money, but it is something which can help. Even a job of a nursery school teacher, at times we just ignore but it is something that helps; a job that needs a document.

I am married and with my small job my husband said that I should not continue going to work. But I came and realized that it was not right and I went back to my job. My husband said that I was not submissive and he married another wife. He said that the Miji Kenda men can marry up to six wives. I said that let him stay! He married another wife who was third. When the fourth wife came in, I told myself, I cannot mix as she was an Islam woman. I said that I could not manage to be with a person who is not a Muslim.

I did not know where to go to as I could not go to my parents place. My father in-law said that I was envious to love one person. So, it was really difficult to sustain my three boys because I was not lucky to give birth to a girl. I thank God because the girls are being rapped and even at times you get annoyed and say: "Let it stay"

I want to say that, being a widow is not illness. Being a widow is not a curse because you have legs, hands and everything. But the most important thing what you do have to depend on you? Your father or your mother is not important after you have been married, you can depend on yourself.

So, when my husband continued doing that, he chased me away because an Islamic woman said that she could not want to share with us. Even my co-wives went away and at long last, my husband was left as everybody went away. My husband got sick and while he was in the ward, he started looking for the first wife. The father in-law did not like me, all the relatives did not want me but the husband was sick I was the one, the first wife, who was important.

I did not feel bad; I went back and treated him until he died. When he died, then the clan elders said: "You and the children, property and everything; you have to go back to your matrimonial home." It needs courage because if you are not courageous enough, you will not go. I want to assure you that women must be self-reliant. You must have something to depend on. It is not that every now and then, you say I have a husband, my what; No! Our husbands are not bad, they have their own badness. At least, you have a certain job, even if your husband says that you leave your job, you should not accept it because if you depended on him that is when he will oppress you the more.

I just want to confirm to you that there are people who have passed through a lot of problems like me and there are people who are self-reliant. But my question is: In the villages, if we get one person like the witness and then she will be open to us, will we need to have a Commissioner from Zambia to come and assist Esther? We are the people who are next to her; we are the people to give her assistance. Even if they will be taken to President Kibaki right now, just take them there, you have said you have a card and everything; but even if they were taken to that office, like Esther being taken from the ground, she will continue to suffer.

I am lucky, I have not been oppressed, but if I saw people and there is no conflict--- I took my children I went aside and I continued to educate my children and they are now old enough. Right now I am just alone and if there a person whom I can assist, I just tell her come we stay; I am a widow. But when adults want to go with her, there is no problem, but let us assist each other. There is nobody apart from God who will enable us move by giving us wise minds and then others will follow. Everything is possible through faith. Everything is possible.

*(Song from the audience)*

Lastly, if you depend on God and if you put God forward, Esther, the miracles you will not believe it. But without knowing God also, you will even go to the witchcraft and you will start doing weird things and you will not even manage. God is with you and may God bless you.

**Ms. Nancy Kanyago:** What is your name?

**Ms Saradama Chitavi:** You know me. My name is Saradama Chitavi; I am a woman here in Kilifi. But because of those challenges, they just took me to the west and I bought a piece of land in Teso.

**Ms. Nancy Kanyago:** Thank you for your advice. We are welcoming Commissioner Margaret Shava. Welcome Madam Shava.

We have been sharing with women from Kilifi.

Thank you for your courage, Esther Kesi.

**Ms. Nancy Kanyago:** There are still some issues that we have not touched. Right now, there are issues concerning rape. We have Supa Nabala.

**Ms. Supa Nabala:** Women, how are you? My name is Supa Rosylene Nabala. I am a literature evangelist. I live in Watamu Village. My work concerns evangelism of selling health books and God's books. When I sell those books from house to house, office to office, and I meet different challenges and different problems. There are some who have been raped, circumcised and others in very difficult situations. So, now in such situations, I decided to volunteer concerning child protection, human rights, and laws. I have been taught by people from Kituo Cha Sheria. We fight for the rights of the women, especially the girl-child.

I came into these issues because I experienced big issues. I would start by saying that in the community, we have problems that maybe you are raped and you do not know where to report. You do not know who to help you, so you are left. You teach yourself and you keep quite. You pray to God to help you. If it is to get well, then, you leave it upon God and life continues.

In this process of working, I was called because I am known because of volunteering in girl-child. I was told: "Supa, come; there is a girl who has been raped." So, I went and found that the girl has been raped. We took her to the hospital. We called the police station and luckily, the parents of the girl accepted to co-operate with us. My colleague and I took the child to the hospital and the man was caught. He was somebody who had HIV and the girl child started taking ARV treatment immediately. Right now, the child continues taking ARVs. When we talked to the policemen, the parent of the girl knew the police. So, they talked so that this man would not be arrested. So, when they said that he should not be arrested, we stood firm and told them that he must be arrested. When we realized that there was nothing that you are doing that was helpful, so I called the media people to help us. When I went to that madam and told her that there is this man who has raped a man and he should be arrested, the madam said, no, you know these issues concerning the Giriama community, they are very difficult issues. So, I told him that I was not going to struggle to fight with you, but you should know the media people know this issue. So, he was shocked. They know about this issue. I told her yes, they know, and you would explain, why you have not arrested this man. He was arrested, and I showed the newspaper to the police woman. When she saw the newspaper that is when she accepted and arrested the man. When the man was arrested the father of the girl went and bribed, so that the issue would not go forward. However, he was arrested and he paid for the bond. The mother of the girl is here with me. She is standing. We wish to thank the people whom we volunteered to help. She is one of those who have accepted to continue with the case. Most girls who are raped do not want to take the case to court. There is another girl who was raped by her father. He had given coffee to the woman---

**Ms. Nancy Kanyago:** *Tafadhali, Mama kidogo, kuna tafsiri inaendelea upunguze kasi.*

**Ms. Supa Nabala:** The second case was about a husband and a wife who had a conflict. The man wanted to slaughter the woman. The woman ran away and left behind her children.

So, there was a 14 year old girl who was left behind. She was in Standard Five at the time in Dabaso Primary School. The father calls the girl at night. The younger girl sleeps on the floor while the father sleeps on bed. So, at the night, the father comes down and rapes her. So, in such a way, the girl could not talk to anyone because she was threatened not talk with anybody about what was happening to her. She was threatened with death. So, she kept quiet and became the wife of the father.

One day, some boys started being jealous and when they saw the girl going to the shop, they ran after her. They tried to lure the girl, she was thoroughly beaten by that man. I recorded it into the phone. When we followed up the issue, he said, I was told not to talk about this. The girl said her father used to sleep with her. If he sees another man eyeing me, he could beat me up. So, when she is seen with the boys when she is in school, the father beats her up. That is when we found out that she was the wife of the father.

So, the mother of this child was supposed to come here, but she was really oppressed. She is heart broken. She has tried to follow up the case, but it is not successful. She

struggled, but she has left everything to God. There is a European who has tried to help the girl. He is paying for her school fees, so that she can be educated. People who are living with this child know everything that is happening to her. She is shameful about it. So, the woman could not come here. She cannot stand in front of people. She says she cannot even face a man who sleeps with his own child.

According to Kenyan laws, anybody who has obtained the age of 18 is regarded as an adult. There is also a pending case of a 19 years old girl who was raped and became pregnant. However, this case has been pending for a long time. It cannot be determined by somebody somewhere who has been bribed. She dropped out of school. The chief and the police wrote a letter to saying they could not help. So, if the chief cannot assist these girls to get justice, who else can do that? Where do we go to get help?

**Ms. Nancy Kanyago:** Thank you very much. I have some few questions to ask so that we get solutions to some of the problems you have highlighted.

You have spoken about problems concerning the community. Do you get help from the Government offices such the chief's or the police's, to follow up on this case, or what is your recommendation?

**Ms. Supa Nabala:** I have a letter here. This letter was written by a chief. Where do I start from because the chief says in this letter that he cannot help? For us to be assisted by police we have to bribe them. I do not know if it is salary that they do not get. I am appealing to the Government to give the police good salary, so that they stop soliciting bribes from *wananchi*. May be what they are earning now is not sufficient.

During holidays, I used to stay with a girl who was schooling in a boarding school. As she was going to school, she was lured by a motor cycle man. She stayed there for one month. When we investigated, I was told that she was not in school. I reported the matter to the police station. It was recorded in the OB. It was investigated and found out that she was staying with a man in his house. I called the police to inform them, but they told me to look for him. The girl was arrested. She was supposed to stay in the police station, so that we could arrest the man she was cohabiting with but she was freed by the police. She was lured by the motor cyclist.

I asked why the police released the girl. We had arrested her and taken her to the police station. We were told that this man bribed the police. The police knew this girl would go back to the man. Even now, the girl lives with the motor cyclist. The Government or its agents are not helping us. She is 15 years old. She dropped out of school in Standard Four. There was a sponsor who wanted to sponsor her up to university level. But now she is a wife to a motorcyclist. Is this not a problem?

I would like to tell you my own personal issue. I took up this job voluntarily because I was also affected. I am married by a Maasai. We are officially married. I gave birth to two children in town. The third child shifted to the village. As I was delivering my third born, I was in a lot of pain, but I was forcefully circumcised by some women. I asked

how and my in-law told me that I was going to be circumcised today whether I like it or not. I asked them why they wanted to do that to me, but they told me to relax because they would cut it without inflicting much pain to me. So, I stayed there and I was in labour pains. When they came, I tricked them. I cheated them that I wanted to go and relieve myself, but used the backdoor to run away. I went to DC's office to seek help. I told him that I was not a Maasai, but married to a Maasai man. I told him how they wanted to circumcise me by force. The DC directed that I be taken to hospital so that I could deliver.

I was confused while at the hospital due to labour pains. I feared. There was a representative of FIDA. I stayed there for few moments, and I gave birth. The Catholic Church paid my hospital bills and I was discharged. I left at 3.00 a.m. when the Maasai were asleep. That is what happened to me. So, I have my children.

After that, I came to Watamu, here in Malindi because that is where my parents were. When I went to take Malindi bus from Nairobi, I did not have clothes. But people helped me to get some clothes. I was given a lift to Malindi but I did not know where to start. I did not have an identity card and I did not have anything. I did not know how to continue with life. I am now living with my children, but I do not get any support for their upbringing. I was told to go to an office which would help me. But when I went there, I was asked for a bribe of Kshs45,000 so that I could be assisted in this case. I said let God take care of this issue. Currently, I sell books and feed my children. I do not know how I am going to be helped.

**Commissioner Chawatama:** The girl whom her father married, or treated as his wife, do you know whether she received any counselling?

**Ms. Supa Nabala:** That girl has not received any counseling.

**Commissioner Chawatama:** Where is she staying right now?

**Ms. Supa Nabala:** At the moment, we tried our level best to see that the mother also stays well at her home. She is staying with her mother and the mother is just struggling with life.

**Commissioner Chawatama:** Where are the brothers and sisters that he was looking after at the home?

**Ms. Supa Nabala:** When he heard that there were women who wanted him arrested. He ran away and left the children there.

**Commissioner Chawatama:** Thank you very much. Thank you for the work that you are doing. The cases that you have presented are very sad, indeed. We also thank you for sharing with us your own experiences. We are glad for your strength. You have an inner strength. Through all this, you can still smile, the work that you were doing and the experiences that you went through.

Did your husband try to seek you out and ask you to go back, or join and the children?

**Ms. Supa Nabala:** After I left the home, he married a woman from his tribe. That woman gave birth, but they also disagreed and separated. He is now married this woman for a short time and chases her away, and marries this and chases her away. So, he keeps on marrying and leaving them. So, recently, he looked for me so that I could go back. But If go back there, would they circumcise me?

**Commissioner Chawatama:** He would protect you; you are the love of his life. He cannot live with any other woman apart from beautiful you. So, may be, he would protect you. We do not know.

**Commissioner Shava:** How are you women from Kilifi? My name is Margaret Shava. I am a commissioner from Kenya. I am apologizing for being late. I heard to take care of at some other places.

Ms. Supa, you said that somebody asked you to pay money so that your husband could face Government processes, so that he could pay for his children. Do you remember the person who asked you to pay that bribe? Which office did you go?

**Ms. Supa Nabala:** Let me tell you the truth. I went to FIDA office in Mombasa and explained to them what I have just told you. They said they do not have an office in Malindi, let us write a letter and take it to Ms. Lekina so that she can train me so that I can defend myself personally.

So, when they heard that they are training her so that she can defend herself, I did not pay for the service. So, the first time I went, she was busy. The second time, she was busy. So, I had a child. I did not have an ID and job and I could not go there. I was told to go and see the lawyers. The lawyers told me to pay Kshs45, 000, which they said was fare from Malindi to Maralal.

**Commissioner Shava:** What about the Children's Department?

**Ms. Supa Nabala:** I went to the Children's Department. They wrote a letter and told me that I was the one who knows where the husband is, and I should take the letter to him. I sent the letter, but I do not know whether he received it or not. He did not turn up. I was told the date of the case. I went there with my children but I did not see anybody.

**Commissioner Shava:** What happened when he did not turn up?

**Ms. Supa Nabala:** They told me that, that person was far away. They wrote him another letter, but he did not turn up.

**Commissioner Shava:** Maybe that is something that we can immediately discuss with our Director Special Support Unit, Nancy, who is also a lawyer to see how we can help you because that is not how things are done. There is something which has gone wrong

because the Government is everywhere. You cannot say the Government is not in Maralal. Maralal is still in Kenya. So, the Children's Department is in Maralal or somewhere near Maralal, and they co-operate with the police. So, we would see how we can help you.

**Ms. Supa Nabala:** When I wanted to follow up with my mother, he said that he had divorced me. I did not sign any document. However, I still have the marriage certificate. I do not know where to go or who to assist me.

It is better even if a child is raped, we should take the child to hospital and leave alone the rapists. You chase cases when you cannot manage.

**Commissioner Shava:** So many of our problems in this country are because of this thing called impunity. Impunity means that people are allowed to do wrong things without being punished.

People should be pursued to the full extent of the law. Otherwise, this kind of behaviour will look as if it is normal and that if it is allowed in the society.

If we say we do not accept and we do not approve of it, then we have to persist. So, we would help you to the extent that we can, but we would encourage you to persist. You do so much good work for so many people and also do for yourself.

**Ms. Supa Nabala:** He was also a councillor. He was powerful to oppress women.

**Ms. Nancy Kanyago:** Thank you. Were you able to change your ID and get another one?

**Ms. Supa Nabala:** Yes, I took the ID with his name, because I had the marriage certificate. Luckily, I knew the ID number, so I went to the chief and explained to him why I wanted to take another ID and paid Kshs100. I was given the ID. He was left with the other one.

**Ms. Nancy Kanyago:** We have on the list other women to speak but time is lapsing. We are expected around 1.00 p.m. But I urge those called upon to speak briefly because we want to hear your case.

I will now call Rose Labala, Agnes Ngari, Mercy Mwagambo, and Zina Hamisi. Let us start with Rose Labala. Sorry, you are the one, Agnes Ngari.

**Ms. Agnes Ngari:** How are you? As you have heard, I am Agnes Ngari Kauki. I come from Magarini District, Maren Sub-Location. It is a place where there is salt mining. That is what has affected us a lot.

I want to talk about violations against women who work at the salt factory. For sure, Commissioners, before us, it is not bad, but I want you to know that in Kenya, let us not cheat ourselves that slavery is over. There is still slavery. For those who have not gone to Maren where there is salt belt. Women of Magirini or women of Fungishi Location are

like slaves. Most of these women have skin diseases such as rashes and scabies because of the salty water.

I work with the Marereni salt forum that is looking into the violations of the people on the side of the salt mines whereby firms were taken in illegally. That is when we formed that organization.

Salt in Magirini started in 1964 when I was born. I cannot say much about the past, but I joined this work in 1998. The problem of the salty factory is that, yes, the work is done by men and women but we witnessed oppression against women.

At the factory, women carry goods and do packaging. When I started working at the factory in 1998, I was paid 70 cents for packing 40 bundles in one sack. You have to work for 24 hours to get Kshs200 or Kshs300. This payment will depend on your speed so that you can get that money. When you come from there, there is nothing else that you can do. You cannot even do the household chores because you are too tired. We complained about 70 cents to the company Manager called Kay. He said there was no problem and every year, you would be added one cent. We continued up to the time where we were being paid Kshs1 in 2004.

We said why they were saying there was additional money, but it was not being increased. There was an Indian who was the director of the company. I cannot fear to mention them, he was called Benji. He said there is no single day a woman would be added money. We did not know the law or where to go and report. We used to work day and night shifts. Women appealed for salary increment. We were told there would be no salary increment for women. We were told if we were tired, we could resign and go home.

We asked ourselves what to do and decided to see the owner of the company. Husbands of the women workers were told to ensure their wives reported to work. We went to the Labour office to complain in 2004. We saw an officer called Mr. Jack. We identified five women to advocate for our rights. Most women worked as casual labourers.

We saw Mr. Jack. He said salary increment depended on profits made by the company. He threw the letter we gave to him into the dustbin. This salt company should be investigated. We also complained to the KNHCR. We appeal to the TJRC to assist us. Mr. Jack abused us. He said our work was worthless. He told us that as casual labourers, we had no rights. He gave us condoms. I told my fellow women I would not take it. He gave us condoms instead of salary increments. Which Kenya is this where a woman is enslaved year in, year out? I do not know anything about law, but our people understand law. Where is the law that protects casual labourers in this country?

If you go to Gongoni, which was a crystalline salt company, no single woman has been taken as a permanent worker. I am not cheating you, this is a true story. I have tried. My first born is in secondary, though I am single. Women here cannot take their children to

school. This woman is a good example. But her first born was married because she cannot take her to a tailoring course.

The issue of salt mines contributed to early marriages. There has been oppression in salt companies. There is poverty, but Kenyans are watching us. At times if a person gets pregnant, it is better for her to abort because where would she take the baby? I appeal to the TJRC to assist these women to get descent salaries.

If the child goes up to Standard VIII, there is no place that you can go to seek assistance. The leaders are all the same. They ask you to vote for them because you are not educated. They will tell you that after voting for them you can go and look for them in Nairobi but if you go, you cannot see them. What will the women of Kilifi or Magarini do? Let me end there because if I continue, I will cry.

**Ms. Nancy Kanyago:** Thank you. You have spoken very well. You have been courageous. We have a few questions. You talked about peace rate. Can you explain further?

**Ms. Agnes Ngari Kauki:** “Peace rate” is someone who knows the law. I went there and said I wanted to be given a job. After that, I was told that was the job. I was given a job where the salt was. I was then given a sack to fill the salt. After that, I went to Mr. Njagi but I do not know what peace rate is. Does it mean that I am working slowly or I am getting little money for the job I am doing? If you came and talked to Mr. Njagi, you would have asked him to explain this to you.

**Ms. Nancy Kanyago:** There are men who are working in the salt factories. Do they have permanent jobs or do they work just like women?

**Ms. Agnes Ngari:** They work at the salt factories in some parts where preservation is done. One day, I went to visit Magadi Soda and they told me that they work in contracts. This should be done the same way in the other areas so that we can get assistance. There was a place where salt was being washed and put in packets and packed into Lorries. You will find that there are experienced people who control the machines. There are different sections and other people put the salt into sacks. You will find that some men are in other offices and at least they can be taken on permanent basis. When they ask for a salary increase, they are considered. However, when they hear that some people are coming to look into the problems of the employees as women, they are told not to report to work and that instead we should go to the health people because we might be infected with the HIV/AIDs. With regard to men, their salaries can be increased because there are some who have been taken on permanent basis.

**Ms. Nancy Kanyago:** As employees, do you have a workers’ union for the salt mines?

**Ms. Agnes Ngari:** With regard to the excavation of salt mines, we do not know whether they belong to the Government or not because you are not allowed to join trade unions or to do anything concerning the law because that would cause them a problem. If they hear

that you have joined a trade union that would be your last day at work. They would tell you that the salt company does not recognize the trade union. All the trade unions which have tried to establish themselves there, some which deal with chemicals and food have been told that they cannot collaborate with them. With a group of employees where I work we have formed the Kenya Salt Based Right Group. We have formed that group to see if it can help the workers of salt factories. It is also difficult to get people so that it can become strong enough. They fear that if they joined, they would not be taken back to the salt mines and their contracts will be terminated. We do not know what we will do or how the Government will help us. I would like, if it is possible, that the law takes its course and the workers join trade unions so that we can come out of colonialism and we can show that the colonialists we got our Independence. It should not be *uhuru* and yet we have problems here.

**Commissioner Shava:** At this point in time, how much money are you taking home per month? That is somebody who is packaging?

**Ms. Agnes Ngari:** They are not paid per month. You pack up to 5.00 p.m., or whatever time you are tired, you can go home. The next day, they do some calculations on how much work you did and if it is Kshs200 or Kshs100 that is what you are given. They do not pay on a monthly basis. That is why they tell us to work and if one feels tired, he is asked to go home.

**Commissioner Shava:** If you struggled and worked hard, how much would you get?

**Ms. Agnes Ngari:** If you put in effort in one day, you can get Kshs200 or Kshs300 and after that, you will not be a person anymore. Let us speak the truth. If a woman worked while bending the whole day, from morning until evening, even if it is in farming, how would she feel? This has brought about the issue of miscarriages because of touching salt and being tired. There are things that are going on. I have full experience because I have worked there for six years. However, they chased me away in 2004. I will not forget Mr. Njenga wherever he is. If at all this Kenya knew the law, then it should be used against him because I believe he is still alive. He cannot take a woman and abuse her like that. He took me and told me to use condoms. Did I tell him that I live with condoms? It really annoyed me. Even if I will appear on television today or in a magazine, I will still say that it really annoyed me. I can be a witness. If a step is taken in any way, then that can be good. However, the leaders of Kenya are abusing us and we cannot accept. Let someone else accept but I cannot. Did I tell him that I am using condoms? Did I tell him that I was sick? Whoever sees Mr. Njenga, he should tell him that Agnes Ngari Kauki plus the other five were very annoyed.

**Commissioner Shava:** Thank you very much. I am sorry for what you have gone through in the hands of a Government officer. You have said that there was another commission which came, took your opinion and wrote a report. We have heard what you have said and we will come up with recommendations and a report. But as the judge said, the law which formed the Commission says that implementations are necessary and it is a must that they will be implemented. After these sittings in Coast Province, once we go

back to Nairobi, we will have other hearings and that is when we will be calling different organizations, offices and people to answer the questions you are asking concerning the labour officer. When we make our recommendations, they will be presented to Parliament and it will be upon them to implement our recommendations from our report. So, when we come to the General Election this year, we should elect our leaders wisely. We should ask them whether they saw the TJRC Report whose recommendations are mandatory. They are the ones who are supposed to make the laws. You should ask them how far they have reached with the implementation process. Do not fear because we have taken your recommendations and statements. We will look and see what step we can take concerning the laws that made this Commission to be formed.

I am sorry for the pain that you have gone through. Thank you.

**Ms. Nancy Kanyago:** As we said earlier, the women who are speaking in front here are courageous and we should respect them. Whatever we have said here should remain here. These should not be issues that people will speak about in the villages and streets.

Let us listen to Mercy Mugambo.

**Ms. Mercy Mugambo:** How are you? I am Lucy Mugambo. I used to work in Paradise Hotel Kikambala. I am a victim of the bomb blast in Kikambala. I have come here to represent my colleagues and explain how we are suffering because there are many issues that we try not to speak about. Yesterday, when I was called I thought about refusing to come to be interviewed or to explain our sufferings. I was a victim and I was working there. I was employed for about four years.

On 28<sup>th</sup> November, 2002, a car drove in. I was working as a receptionist. My work was to welcome visitors. As I was doing this, we heard a blast and we wondered where it had come from. Some people said that it was from Stanners because I was working with the Israeli people. Personally, when I was involved in the accident, I became unconscious. Some parts of my body like my hand and my legs are broken. I am limping. My face was also burnt. I want the commissioners to see how I was burnt. They can see the hands and clothes. I am dressed but I have a lot of injury in my clothes.

I am the first born of six children in our family. When I got the accident, I was taken to Mombasa Hospital. In the morning, at about 5.00 a.m., the owner of the hotel who is crippled said that he would take us to Israel and I would be treated there because my whole face was burnt. So, we went there and I was treated there for three weeks and I came back to Kenya. When I came back to Kenya, I found that my colleagues had come out of hospital. I asked how my other colleagues had been treated but I was not told. No one counseled me. I continued with life and my colleagues used to communicate with me..

Before I go far, there were some dancers who were welcoming visitors. On arrival of visitors, the dancers would welcome visitors. All these dancers were burnt and they became like charcoal. Their wives remained with children. There is one of them who is

called Mrs. Safari who remained with nine children. Mrs. Safari is suffering. We have said that we should get some justice and start afresh. Mama Safari is not here right now. There is also another woman called Mama Frida who was left with five children. The husband was a taxi driver in that hotel. At that time, we were having campaigns and President Kibaki came to see us. President Kibaki, during his campaigns said that he would give us Kshs3 million. Mr. Nyachae also promised to give out some money. They said that they wanted people to vote for them. After money was given out by President Kibaki after a “push” by the late Karisa Maitha, the people whose relatives had died were each given Kshs100,000 while the ones whose relatives had been injured were given Kshs50,000. How can one sustain himself or herself with Kshs100, 000 or Kshs50, 000? There is education to be catered for and even food. There are many things that a human being is supposed to do.

As for Mama Frida, whom I asked to come and she said she would come, is suffering. I, personally, was helped by my family. We are not well off but I thank my family for helping me. I told myself that life had to continue. If I said that I would not move forward and would continue suffering looking for aid, I would not have advanced. So, my family and friends helped me. Personally, in 2006, my leg started producing excess water. I had no money to take myself to hospital because we had come from Israel and I had not yet healed. I also did not have any way of helping myself. I got a sponsor to help me. I have been asking myself how I will work because I cannot stand for long or even for one hour because my right leg is shorter. I cannot finish two or three hours standing.

So, we started following up the case and the police officers took us to Nairobi to follow up the bomb blast issue. We took our papers and recorded statements. After receiving treatment, there is nothing that has been given to us by the Government. In the case of Ms. Frida, she has not been given anything by the Government. She is single and was a housewife who depended on her husband. She has struggled up to where she is. She also feels that she has to help her children.

She has a child who is in Standard Two. I wish she was here to explain herself and say how she is coping. I am suffering and yet I am struggling with work. We are helping each other. There is a time we wrote a letter to the Israel Embassy to find out whether they could help us. We were asking whether the owner of the hotel could give Frida or Mama Safari something so that she could educate her children. The answer from the Israel Embassy was not easy to come by. We were told that the Kenyan Government should pay us and the Embassy did not know how the hotel was operating. So, we are living a very difficult life. For sure, I wonder where our Government is. Last year, during our anniversary, we refused to come out of our houses to demonstrate because if we went out, we would just be burnt by the sun and nobody would hear us. Even if they helped our children, that would be something. Mama Safari and Frida have children and this is hectic for them. Yesterday, I was called by the TJRC and told to come here. I did not want to come because I felt that I was tired. I told Ali that I was tired of being interviewed and I did not want to speak anymore. I did not want to speak about the bomb blast in Kikambala because it makes me remember a situation which has no way forward. This is

the tenth year and there is nothing happening. It is only your parents who can help you. During the second surgery, I was also helped.

The Government has not helped us and we are asking you, Commissioners of TJRC, to take our recommendations. We do not have money to hire lawyers. If we have to follow up with the case, then we need money to pay a lawyer. We also need to take our children to school to help ourselves. So, will we take the money to pay for school fees for our children or pay a lawyer? So, we are living in darkness and we do not know where we are moving to. Sometimes, some sponsors come and take aid. There are people who have been coming here and taking the names of the dancers. However, when they get the money, they helped themselves. They also use me to present their issues because the newspapers have really highlighted my issue. They take me as their leader. They take me there and they even tell me that money has been given. They use me for their interviews and tell me that flour and other items have been given. We have now told them that we do not want anything and we just want to stay in our homes so that we can see---

Frida has come. She can explain to you how the bomb blast victims are suffering. The TJRC Commissioners, I am kindly, asking you deep from my heart to help us so that the children can be helped. I am supposed to go for an operation and money is needed for that operation. Sometimes I am told to stop doing the work I do. I work in a salon. I am told that I will cause my leg to be tired but if I do not work, how will I live? How will I feed myself? I still live with my family and I am not married. My family members are there but for how long can I live like this? I have to look for a business so that I can help myself. However, I have to stand up and do many things. My leg is paining and I need to undergo another surgery. I do not know where I will get money for another surgery. We want you to ask the Government to help us. We have raised these things to an extent that we are tired. We do not want to remember how much we have suffered.

**Commissioner Shava:** For the purpose of continuity, could we have Frida coming to speak to us? Is she here?

As I walked in, I saw this beautiful lady. I am happy that you have talked to us. Your face has been restored and you are working and making a living even though you said that you have your family which supports you. As one of our participants said earlier, we have to rely on ourselves. You are such a good example of that, courage and bravery. We are sure that you will not give in. For us, we will do what is within our power, under the privileges accorded to us by the law, to assist you.

We recognize the challenges that you have, like the operation that is coming up. We recognize how far you have come. We want to encourage you to keep up that spirit so that you can encourage others. We welcome Mama Frida. She could let us know a bit more of herself in her own words.

**Ms. Frida Mohammed:** Thank you very much. My name is Ms. Frida Mohammed. I am a victim because I lost my husband at Paradise Hotel bomb blast in 2002. At that time, he left me with a five-year-old child. The last one was six months. This is the tenth year and

since that time, we have undergone many challenges. I was a housewife because I was not working. I was forced to struggle and yet I was alone. My first born was seven years old and since that time; we have cried and begged the Government to assist us. However, I am sorry to say that we really do not have a Government. If we really had a Government, we would have received a lot of assistance in many areas. Until today, there is no assistance that we have got from the Government or from the owner of that hotel. Just to add on to that, we are told that there are things which are given out but we get nothing. We are never called. Right now, my first born is in Form III while the second born is in Form II. I am struggling with my family. I am glad to have my family because they are the ones who have been helping me all through. However, we have not received any assistance from the Government.

That is something that is really making us bitter. We have tried to push for things and I was in Nairobi with Mercy when she went for an operation until she was through. She has been a friend since then. We knew each other before then but after that, we became very close. We do everything together. There is no place she will go and will not call me. For instance, I came from Nairobi this morning to deal with a problem of school concerning my child but she has called me. She told me that even if I was tired, I should come because the issue also involved us. I came although I was tired. But the challenges and tribulations are very many because we have not been given any assistance. This is really paining us.

We have heard that people come to assist us many times. However, they interview us and go away and we are left without knowing our fate. We do not refuse to answer their calls but they do nothing. Some people have lost faith but I always tell Mercy that we should not give up because something might just come up and we do not know what is before us. On behalf of the people who have been with us like Mama Safari who has nine children and she was pregnant at that time--- When I look at her problems, I see that they are just like mine. I know that she is undergoing the same problems and it is very difficult to educate children when you are single. I am facing a lot but I comfort myself because my family tells me that there is God. So, I thank God that I am alive.

**Commissioner Shava:** Thank you for your courage. Do not go far, please.

How many victims are you?

**Ms. Frida Mohammed:** The ones who lost their lives were 12. Those who were injured were 24.

**Commissioner Shava:** In terms of victims, there are people like you who are survivors and other people who list their breadwinners. How many wives and children were affected? Do you know?

**Ms. Frida Mohammed:** Those who lost their breadwinners are around seven. I can remember Marion who was left with one child, Mama Safari was left with 10--- We have a list. I was called here very fast and did not come with it.

**Commissioner Shava:** I think it will be very helpful for us to have the list so that when we make recommendations, we make meaningful recommendations. The comfort is that we can make recommendations which are mandatory that can be implemented. So, I believe that you will do everything possible to equip us so that we can do our part. However, we will need quite a bit of information to assist us. I feel such deep sorrow. At the beginning of these hearings, I used to cry all the time and then I told myself that I would not cry again. You came along and it is not right that you should have been neglected the way you were, with your children. That is not right and it should not happen. It should not be encouraged. People, as they live have a lot of hope, faith and dreams. When those dreams are shattered and the hope is gone and the faith is lost, they have nothing to hold on to. I cannot imagine what goes through your mind when you look at your children and what plans that you and your husband had for them and the kind of life they should have lived. It is very disgusting that you have been neglected to this extent.

I read in my Bible that a nation that does not look after widows and orphans does not prosper. A nation that does not look after the poor does not prosper. I am not shocked to see the kind of things that this nation is going through. But you know what? God is a God of second chances. He will give our leaders a second chance but they must do what is right to the poor and for the widows and orphans. They must do right for those who are working in salt factories so that they get fair wages. I am very happy that you came. I have heard what happened. This was just like a story. However, you coming and appearing before us makes a real story. I can now put two faces to that incident of the bomb blast. As we write our recommendations, we will be able to remember your beautiful faces and say that this is for you. We will talk to you later so that we can seek more information that will assist us do our part. Thank you.

**Ms. Nancy Kanyago:** I am going to give the last chance for today to Ms. Roselinda Wawire.

**Ms. Roselinda Wawire:** How are you my fellow women? I am going to speak about the oppression against women. Most of the time, you find a husband who is HIV positive and the wife is negative. In such cases, this husband will force his wife to have sexual intercourse with him because he knows that he is positive so he wants to infect the partner. When the wife discovers that the husband is HIV positive and tells him that they should not have sex or if they have to, then they should use condoms, the husband will force her and sometimes even injure her. I do not know how you will help us in such situations. I am a health worker.

**Commissioner Chawatama:** I have a question; do you come across some of these cases as a result of the work that you are doing? Are those the complaints that you hear from women? What do you do to try and assist such women? What can you do or what are some of the challenges that you face trying to help such women?

**Ms. Roselinda Wawire:** Personally, I continue advising women to get assistance from their parents or the husband's parents and if it is not possible, then they should seek the Government's help.

**Commissioner Shava:** I think you have raised a very important issue about discordant couples and about the challenges that women face in negotiating safe sex. These are issues that are traditionally difficult to talk about in the open but what we have seen is that this kind of problem thrives when it is hidden so it is good to talk about it. It is very good that you have raised it. For me, in the course of my work, what I have seen is that this kind of issue requires attitude change. It is very difficult to change people's attitudes. The attitude that we are fighting is that women are property, women are not human beings and women do not have human rights the same way that other human beings have human rights. In a way, women are less than human beings and this is the cultural attitude that we all must battle against in everything that we do. My advice to you would be, now that you have identified this problem, identify people and groups that work with these kinds of issues and talk about them in the open. Discuss them and bring out statistics because you are in a very good position to know what the statistics are. Once you talk about statistics, you are talking about facts and it is very difficult to deny facts.

When I was working with a particular organization and we were trying to talk about sanitary towels, it was not fashionable at that time to talk about them and we had a lot of difficulty but we recognized as has been said in this forum, if the girls do not go to school, then you do not end up with empowered women. So girls must go to school. When you have a situation where girls squat over a hole in the ground for one week and they do not go to school then after that they give up all together and they never go to school and they get married. The way that woman will raise her family is very different from a woman who has managed to get a good education. When we were trying to talk about this and we went to see the person who was then the Minister of Finance, he was very shocked when we told him about the effects of having very expensive sanitary towels. He said that he thought that those things are maybe beauty products. He thought that maybe it was *mafuta* or something that we put on our hair so the tax on sanitary towels at that time was the same as the tax for a bottle of whisky or a packet of cigarettes.

It was deemed a luxury item and this was because there were no women in the committee that were advising on budget and so, our voice was not being heard. People are deciding for us and we were not involved in making the decisions so the attitude changed once we had talked and you can see that the tax for sanitary towels was zero-rated. They are still expensive for many women and girls but it is better. What I want to encourage you is to link up with people who are in a position to help you advocate for this change of attitude. Thank you again for raising the issue which is important.

**Commissioner Chawatama:** Nancy, there might be one or two burning issues. Maybe you would care to ask if there are one or two women who still want to share something, we can accommodate them.

**Ms. Nancy Kanyago:** The Commissioners have given me two more chances for people to speak today and it will be good if it is something that has not been mentioned and it should be somebody who has not spoken.

**Ms. Anisa Menza:** How are you? I am very grateful for this opportunity and I am going to speak briefly because we are running short of time. My name is Anisa Menza and I come from Malindi. I work with an organization called Malindi Education and Development Association (MEDA) and I am a women activist where I started the women desk. I am a counsellor by profession and what I want to talk about is the stigmatization of women. As women, we know that in everything that we do, our stigma is higher. If a woman is HIV positive, it is seen in a different perspective and if a woman does not have a husband, it is also seen in a bad perspective. If a woman is a drug addict, it also has its own perspective so anything that a woman does, the stigma is higher. We have heard all the women who have spoken and the root cause of all the problems is lack of education. When we talk about lack of education, it is not only about the education of sitting in class but we should have the wisdom and the knowledge. How much do we know the constitution? There is a woman who has spoken about the issue of a girl aged 14 years who was married off last month. At CPC in Malindi, we arrested a person who had married a girl of 15 years because according to the law, that is a child. The case was supposed to be taken to the child protection center and that child was taken back to her home. The most important thing we should have is knowledge.

I also want to talk about the disabled people. You will find that the disabled are really oppressed. People living with disabilities do not know their rights and you will find that the disabled people are married and after giving birth, they are chased away. It is not only the physically challenged who are oppressed but also the mentally challenged. How many are raped even by their teachers? There is a woman who said that we should start things from the grassroots so that we can start assisting our fellow people. I am one of the people who broke the veil because I joined an organization that did not even have a woman and I pushed on and now I am a program director. If you know your rights, you should push on and assist your people in the grassroots.

Lastly, I want to talk about the women livelihood in the village. A village woman wakes up at 5 am, prepares breakfast for her children and the same woman will go and do some farming or go and sell mangoes or pawpaws or anything that she has to sell after the children have left for school. Once she has finished selling her products, she will buy a packet of flour and then she will go back home. The husband just stays at home and does not go and look for a job. The tired woman will come back and cook for her children while the husband is just looking at her. She will ensure there is firewood and she eventually goes to bed after 11 pm to find the husband waiting. That is the fate of the village woman. When she comes back, she gives the husband some money to go and buy alcohol. Are women really empowered? Do we not have the right to say no? I have my own money and I have to budget for it. We have been beaten until we have become lame. Women should see what little they can do at the grassroots before the government can come and assist us. Right now, the new constitution has helped us and it will continue assisting us more and more. Thank you very much.

**Ms. Nancy Kanyago:** Thank you for advising your fellow women.

**Ms. Lydia Kasiwa:** How are you? My name is Lydia Kasiwa. I work with Moving the Goal Post organization as an advisor on health issues. I will speak about rape and defilement of children which is rampant here in Kilifi. Most of us are fearful and we do not want to speak about it. We have seen it and we have kept quite. There is a defilement case that I have been following from 2010 up to today where a 13 year old child in class four was defiled. The community knew and we involved the area chief who supported us and we took the child to hospital. She went to hospital in 72 hours but she was not given the PEP. They did not even know that she was at risk and when we followed up with the Ministry of Health, they said that the doctor was informed about the PEP. They told me that they will check if the child had been infected and it was not her fault. We continued with the case in court and in the end, the judge said that the age of the child was not known because the child said she was thirteen years but she did not have a birth certificate so they could not determine the age.

I have the court papers here where the judge said that it is true she was raped but since the age could not be determined, the case was dismissed. They said that the Sexual Act of 2006 recommends that somebody should be charged regardless of the age. We felt bad and we followed up with FIDA because we wanted to appeal. The head teacher of the school where the child was studying said that the case would not go anywhere. We have had many cases but we have not been successful. From 2008, we have been taken here and there and I have all the documents. When we ask women in such forums why they keep quite, they say that they do not get any help.

My recommendation would be that we should join hands and not keep quite when there is such a case even if it is not your own family. Most cases in Kilifi court are about rape. A person wrote me a letter saying that he does not understand what is going on in Kilifi because all the cases are rape cases and there is no justice. The children are being defiled and no justice is served. The judge said that the person was guilty. Why then did he set him free? People said that they were now going to rest because the man had been arrested because he had raped many people but no action was taken against him. People come for counseling and say that they were raped and when they reported to the chief, the chief told them not to say it because it is shameful. We should look at the risk of HIV infection and ask how this child will psychologically grow up. There is a girl who died in Kilifi Primary who was raped but the mother refused to say it because she feared that her marriage would end. We should enlighten one another and we should not be oppressed because we are women. Thank you very much.

**Commissioner Chawatama:** I need to help you on this one. You cannot have a situation with due respect my fellow adjudicator. I do not know whether it was a man or a woman, you cannot find somebody guilty of an act. The age only determines whether it is defilement or rape. If it is a child under the age of 18, it is defilement and if the person is over 18 then it becomes rape. What the courts do and what it should do if you are not sure about the age, then the child is sent to the hospital and the hospital has a way of doing

some tests with the bones and they then tell you what the age of that person is. It is not for the child to prove that she is 13. So what you need to do in that and other cases is to appeal and just say that the child should have been taken to the hospital. Go through the doctors and speak to them and find out how they determine ages and back your appeal with that. Do you understand? There is no need to feel helpless about these things and there is no need for this case to haunt you. It is pretty straight forward.

**Commissioner Shava:** The Sexual Offences Act provides a definition of rape. It provides a mandatory minimum sentence for rape. So, really, this should not be a difficult case to overturn if you have the perseverance to appeal. If, indeed, the magistrate said that he found that there was rape, then there is no reason for him not to apply the law. It does not need to only refer to Section 8. This is something that can be appealed. So we would encourage you to appeal because there is actually a sentence that is provided in the Sexual Offences Act once you find a person guilty of rape, whether it is rape of an adult or whether it is rape of a minor. There is a sentence for rape. So the magistrate will need to show why it is that he did not apply that sentence.

**Ms. Lillian Mwenda:** Thank you very much for giving me an opportunity to stand before you and speak. I am an activist and I come from a forested place called Arabu Sokoke and my name is Lillian Mwenda Jonathan. I am a resident of Kakuyuni and what is disturbing me as a woman is that we do not even know the law concerning the forest. I have been to many places where they get benefits from the forest but because we do not have the laws governing the forests, we do not benefit in any way. There are several issues in the forests like the cutting down of trees for firewood, issues of being bitten by snakes and sometimes people are injured by elephants. But when we started to follow the issues in the village, we were told to go to KWS. When we got to the KWS offices, we were given some forms to fill for a person who was injured by an elephant. It is now the third year since and we followed all the processes that we were told. The person was taken to hospital, a form was filled, I took the form to KWS and we were told to wait for compensation. What is so surprising is that we were told that the board would have a meeting and then the form would be taken to Nairobi. I tried to follow up and I was told that the form was taken to Nairobi and up to today we have not received any compensation.

We do not know the laws to follow for the victim to be compensated. I just pray that the Commission helps us to follow in top offices so that the victims can be compensated. Right now as I speak, we recently buried a person who was bitten by a snake. We tried to sensitize the villagers to follow up the procedures in order to get compensation but we have not seen any benefits. We are seen as though we are liars. I am praying for the Commission to help us so that the victims can get support.

Another issue is with the Kenya Forest Service whereas when we go to the forest to fetch firewood, the police oppress us. You find an illiterate woman going there and not knowing what to do and the police would want to have sex with them so that they can get firewood. As women in the forest, we really have problems. The issue of police who

really oppress the women should be looked at and we should be told which way to follow.

I am also a widow but I have also undergone many challenges as a widow. I was evicted from my husband's home because I was married in Western. We had lived together and we helped each other and in 1996, my husband died and I saw things that I had never seen in that family. I was told to move out of that home and I left everything. I had two children but I thank God because when I came back to my home, I joined a group of people working with the health services. We counsel people in the villages and it is assisting me. Before my husband died, my child was involved in an accident in Malindi Bus and my husband was the one following up the case. Unfortunately, when he died I did not get the compensation and the case was already with an advocate. When I tried to follow up with the advocate in Eldoret, they told me that I should take the documents that I had forgotten in Malindi. When I came, I did not get fare to take me back to Eldoret and my husband's family could have assisted me but they took everything from me.

I went back to my home and started life with my children. I struggled and went back to the lawyer's office but by bad luck, I found that he had moved and I do not know where he is. Up to now, I have not got any compensation for my child. Lack of education, like the previous women had said, is like darkness to us. I do not know where to go so that I can get my child's compensation. That is all I had and may God bless you. I have the documents at home but I did not know that such issues can arise. The company of the bus no longer exists but when I followed up, it is as if the money had already been given out.

**Ms. Nancy Kanyago:** Thank you. I have a last speaker who wanted to present issues of the disabled. The other women who did not get a chance to speak, it does not mean that your issues are not important and that we would not like as a Commission to hear them. Just know that we have officers here who are writing and recording statements. It is good to write a statement if you feel that there is something that needs to be addressed. You can record a statement if you feel that your issue has not been presented here or if you would like the Commission to know more. That is one way the Commission would know about your problem. I will give this last chance and then the Commissioners will say the last words before we close the hearing.

**Ms. Nuru Salim:** My name is Nuru Salim. I am a resident of Malindi and I work with Kenya Muslim Youth Alliance. I am in the project of peace, security and development in Malindi and Magarini districts. I work with the youth and we talk about peace issues and also security. One thing that has affected us as the youth is lack of security because most youth do not have identity cards. If you go to the offices that issue ID cards, they use small excuses to deny you one. If you are arrested, they say that you should give out your ID card so that they can know if you are a Kenyan or not. Another challenge is that if I go to some hotels as a security officer to know how they are going on with security issues, I am asked many questions and they start suspecting me. If I am dressed in Muslim clothes, when they see me, I do not know what they think in their minds.

We have a partnership with the US Navy marines who are in Malindi and we speak with fishermen. They have been given areas within which they should do their fishing. We are asking the Government to sit with these fishermen and the Mombasa Republican Council so that we can know their aim. If you go to Nairobi and they know that you are a Swahili you are asked some questions. They start asking me what I know about the Mombasa Republican Council. I would not know their aim. They formed the party and the Government should talk to them so that they can know their objectives and their aim so that we as citizens can benefit.

In terms of security, if I am seen speaking about peace issues, they start asking me what is happening. The Government should tell us what is happening in our country because we have been affected a lot as youth by lack of security in Kenya. Thank you very much for giving me a chance to speak.

**Ms. Nancy Kanyago:** I want to thank the women of Kilifi County. We have heard many issues and I am very grateful to those who have spoken. You have spoken about issues that are still painful but you had the courage and we are thanking you for your time. I am now going to give our Commissioners an opportunity to speak.

**Commissioner Shava:** First I would like to thank the women of Kilifi for taking their time to write statements, for coming here in large numbers and for discussing very openly and clearly what the issues are, that are affecting women in this area. We have heard a lot and it does not end there. We are going to analyze all the information that you have given us. There are some things that we can do fairly immediately but there are other things that may wait until our report comes out. If you do not see something happening about your issue tomorrow, please do not lose hope and think that we came and we went and we did not take your issue with the importance that it deserves. As Commissioner Chawatama has said, our report comes out on the 3<sup>rd</sup> of May this year. We will present the report to the President and then we will disseminate the report widely. That means that anybody in this room or in this gathering has the option and the capacity to acquire a copy of that report. That would be very helpful in ensuring that our recommendations which are your recommendations are implemented.

I want to talk about how our report will be implemented. The judge may have said that Parliament is going to have a hand in the implementation and the Minister for Justice, National Cohesion and Constitutional Affairs must answer in Parliament about the progress of the implementation of our report first after six months and then every three months.

These recommendations are similar to your recommendations. We can adopt those recommendations and now, because we have the power, those recommendations will have to be implemented. We do not want you to lose hope. Watch keenly and wait for our report and see with your leaders how you are going to play your part in ensuring that the law is followed and that those recommendations are implemented.

Thank you so much the wonderful women of Kilifi. You are here in such diversity; there are more mature women, younger women, women of all faiths and women of all cultures. That is how Kenya should be. We are all Kenyans. We want to live together. We want all our capacities to be recognized so that we can achieve our full potential as human beings and our country can reach its full potential because we are the nation.

Thank you very much.

**The Presiding Chair** (Commissioner Chawatama): I think I opened, and think it was only right and befitting that my dear sister and my friend should be the one to close. I do not think I should say anything except to thank you. I will tell you what is burning in my heart. It is something that I have not said to any group of women but somehow this is what I feel about you; *ninapenda wewe*.

**Ms. Nancy Kanyago:** Before we leave, maybe one of you will come here and tell me the name that we will give Commissioner Chawatama. It should be a nice name from this community, Kilifi. “Kadzo” which means pretty or beautiful. We started the hearing with a word of prayer and it is good if we finish with a word of prayer.

*(Closing prayers)*

*(The Commission adjourned at 2.05 p.m.)*