

Seattle University School of Law

Seattle University School of Law Digital Commons

I. Core TJRC Related Documents

The Truth, Justice and Reconciliation
Commission of Kenya

1-24-2012

Public Hearing Transcripts - Coast - Kwale - RTJRC24.01 (Kwale) (Women's Hearing)

Truth, Justice, and Reconciliation Commission

Follow this and additional works at: <https://digitalcommons.law.seattleu.edu/tjrc-core>

Recommended Citation

Truth, Justice, and Reconciliation Commission, "Public Hearing Transcripts - Coast - Kwale - RTJRC24.01 (Kwale) (Women's Hearing)" (2012). *I. Core TJRC Related Documents*. 15.
<https://digitalcommons.law.seattleu.edu/tjrc-core/15>

This Report is brought to you for free and open access by the The Truth, Justice and Reconciliation Commission of Kenya at Seattle University School of Law Digital Commons. It has been accepted for inclusion in I. Core TJRC Related Documents by an authorized administrator of Seattle University School of Law Digital Commons. For more information, please contact coteconor@seattleu.edu.

**ORAL SUBMISSIONS MADE TO THE TRUTH, JUSTICE AND
RECONCILIATION COMMISSION HELD ON TUESDAY, 24TH
JANUARY, 2012 AT THE KENYA NATIONAL LIBRARY HALL,
WUNDANYI**

PRESENT

Tecla Wanjala Namachanja - **The Acting Chair, Kenya**

Nancy Kanyago - Leader of Evidence

(The Commission commenced at 10.20. a.m.)

(Opening Prayer)

Ms. Nancy Kanyago: I greet all of you fellow women. My names are Nancy Kanyago. I work for this Commission, especially in matters regarding women, children and the disabled. We thank you for accepting our invitation to this forum.

This is a women's meeting. Feel free to speak. Even though you see some men here, feel free to speak. They are part of us in this job. They are here as our employees. What you will say here will be taken into consideration. These people are here to record what you will be saying.

People have registered with us what they would like to share with us. Since the time is short, when given an opportunity to speak, please, be brief. Tell us your name and where you come from here in Kwale. Also give us your recommendations, that is, what you would like this Commission to do.

I will hand you over to the Acting Chair of the TJRC.

The Acting Chair (Commissioner Namachanja): How are you fellow women? Since we started our sittings in Coast Province our Kiswahili has really improved. Even Nancy's Kiswahili has greatly improved. I too want to try to speak good Kiswahili. We are almost coming to the end of our hearings and I would like to give you my testimony. We might not have another women's forum like this one.

I am Tecla Namachanja Wanjala. I am the Acting Chairperson of the TJRC. I am a mother of five children. I did social work because I come from a community where women are really struggling. I did social work so that I could assist my fellow women. I finished my studies here in Mombasa. I took my certificates to a church hoping that I would join women groups to work with them. They gave me a job. I was taken to Utange Refugee Camp. In 1991 Somalia had internal conflict and there were many refugees in our country. There were 30,000 Somalis in a camp that had been fenced. They were living like cows in a cowshed. I worked there. My husband was transferred to Isebenia and I quit the job. I went back home in Bungoma. In 1992 I took my certificate to the Catholic

Diocese of Bungoma. I was told to report for work the following day. I was pregnant; in fact it was the month of delivery. I thought they would give me an opportunity to go and deliver the baby and then come back.

My first born was five years old. When I looked at him I decided to be part of the problem that the refugees were undergoing. I bought gloves and I would walk with them. I started work in the camps. I cried with my fellow human beings in the camps for almost six years. I am the one who started the Peace Net of the Peace and Development Network organization. I engaged in issues at the national level. All of you understand why the TJRC was formed. This is where we were rejected. At that time I was very sick and I was not part of the group that had come here. When our chairperson was rejected, we wondered who would take over. I volunteered. I had cried with the women from 1991. The Commission was going through problems. Surprisingly, I started sessions here in Mombasa. I met women here in Coast Province. I was prayed for and I believe your blessings have made this Commission stay firm. We have come this far. We are remaining with a few months. I thank you for supporting us.

We have women hearings because we realize that there are issues women cannot air in the presence of men. I welcome you to speak to the Commission. What you will share with us will form part of our report. Talk to us from the bottom of your hearts. Thank you so much.

Ms. Nancy Kanyago: Thank you, Madam Acting Chairperson. I now welcome Madam Zainabu.

Ms. Zainabu Chidzuga: How are you my fellow women? I will be very brief. My names are Zainabu Chidzuga. I am the Chairperson Maendeleo ya Wanawake Kwale County, which has four constituencies, that is Matuga, Msambweni, Kinango, and Lungalunga. We cover all those areas.

Women like peace. We have tried our level best to preach peace in all the forums that we attend. Women are faced with a lot of challenges. It is difficult, for example, for the woman of Kwale to inherit any property of the husband or the father. She is seen as one who is there to leave. She cannot speak before a council. It is after joining various organizations spearheaded by Maendeleo ya Wanawake that women have realized that they have a voice.

We found ourselves being oppressed by our men. They insist that the boy child should go to school while the girl child remains at home. We have sensitized women on this matter. We have told them that the girl child too has a right to education. Today, as I speak, you will realize that most families in Kwale have been uplifted by the girl child.

In Kinango, there are a lot of cases of school girls being forced to get into early marriages. They are misused in those marriages. Most times they are married off to men the age of their grandfathers. We report such cases to the relevant offices. The children are then counseled. This has not been easy.

Rape cases are also common. The unfortunate thing is that when these cases are taken to court, matters are taken round and round and that is the end. Women fear speaking about rape ordeals and so there is never sufficient evidence to help in the cases. I do not know how this Commission will help us in that regard.

We are ready to go round to talk to women and empower them. However, Kwale is very big. We are asking for more and more organizations to come to the grassroots to help us. We need to educate women on many issues. We have a Constitution that will help women to be self-reliant. A woman of Kwale is very poor. We may look decent here, but we are suffering. There are women who are born leaders, but laws do not allow them to exercise the leadership qualities. We want the Commission to help us to be given leadership opportunities for as long as they can read and write. From that point on, we will have women leaders.

The women of Kwale are poor. The banks charge high interest on loans. We cannot access loans. We do not have title deeds to use to get money. How do women buy plots, yet they do not even have money to buy food for their families? The Government should look into this issue. We cannot go into business. We want peace, but it cannot be present if we are not empowered to do business. Our children apply for jobs, but they do not get employed. Our youth have now started taking drugs. We know the drug dealers.

Kaya Bombo is a Coast Province outfit. It was supposed to defend our good things. However, there are people who came in and spoilt the objectives of the group. We were speaking for our rights. Women will tell you that they lost their men in the hands of the police. Women were beaten up and raped. Up to today nobody can reveal that she was raped because it is viewed as a shameful act. We have undergone a lot of painful experiences. We expect to get help in form of donations and sponsorship that will enable us traverse all the villages here. We just know there is a new Constitution, but we do not understand it. Will our grandmothers know how to vote for six people? We need to be empowered to have businesses, so that we can attain leadership positions. We are not looking for the 30 per cent; rather, we are looking for fifty-fifty scenario. We are not satisfied yet.

I appeal to you to take into consideration what our women will say here. Without enjoyment of our rights, we cannot attain the peace that we are looking for.

Ms. Cecilia Mwandime: How are you, my fellow women? I want to thank God for this Commission. We should be happy for this opportunity. Diani has a lot of problems. We used to meet a number of us to talk about our problems. We did not have people to help us. When we heard that the Commission was coming here we decided to come before it. I was here yesterday and I heard all the speeches. Our plots are being sold. We ask the Commission to give us people who will record our problems. We need to educate our girls. Let us not just talk of our girls not being able to complete school. We need to fight for their rights to get educated.

We recorded our statements about the Kaya Bombo. If we get aid, we will be happy. There are those women who were raped and they need assistance. We need to form a group at the grassroots that will work hand in hand with the TJRC.

Ms. Nancy Kanyago: Thank you so much.

The Presiding Chair (Commissioner Namachanja): You all heard what the men said in the public hearings about the agony they went through during the Kaya Bombo. I want to urge you to take courage and tell us what happened to you. This will help us avert such a situation in future. All over the country, we were told what happened to women during the Shifta War and what happened to women in Mt. Elgon during the SLDF operations and so on. If my sister has composed herself to continue, I will encourage her to continue.

Ms. Cecilia Mwadime: Thank you so much. We will just persevere because we are about 700 women, so that they do not stay idle. We also have elderly women. When we meet them, we talk and crack jokes. This makes them happy. It is just like that. I have seen some other wrongs and we are asking for another commission to be set up, so that when we see problems like a girl not going to school and other problems, it will be available to help us. Such a commission will help us get aid. For example, if a girl is raped we really feel pain. When we go to report the case, we are told that we women should not make noise, and we go away. So, we want women to talk to each other and advise one another on how to solve some problems. I want to ask you to go to schools and talk to our girls, even if it is for just one day. This is just to help them because we should not allow children to commit the same mistakes that we committed when we were young. Thank you so much. I talked about Kaya Bombo. I was affected because I had to jump through the window. We had young children and for five days we had not eaten.

(The witness sobbed)

The Acting Chair (Commissioner Namachanja): My sister, we understand. It is fine.

Ms. Regina Murugi: How are you women? Many of you know me. I am Regina Murugi and I used to teach in a primary school. I am a local here. I started living here in Makavuni in 1970 and I am well known; there is a fund at Diani. I know you want to hear about the Kaya Bombo. During Kaya Bombo, no one knew what was going on. Everyone was just hearing rumours of war. I was also asking my elders about it and they told me that they did not know. This problem affected women most. Some women were forced to sleep with their own sons. They stood there and made sure that you made love to your son. After finishing with your son, then another man was told to sleep with his mother. So, many women were raped. That was why there were about 300 women who were raped and we should advise them on how to go on with life. That was not enough. They would rape you from the front and also from behind. It was very uncomfortable. Some children were killed before their mothers. Some children are now physically challenged. Many of the affected women have problems and some have high blood pressure. When

they hear a car hooting or a motor vehicle hooting loudly, they just fall down, yet they are not sick. This is because of the previous wound.

So, most of us were sleeping in the forest for many days but that was not all. Our health deteriorated as a result of all this torture. The women in Coast Province do not have a lot of strength. We went through a lot of pain and torture. Many women here have that problem. When we go to the banks for loans, they follow us the following day for their interest. Even where we are now, they give women a grace period of two to three days to prepare themselves. You are given a loan today and tomorrow you start repaying it, and that is not good. I think you remember where this problem began. As women, that is the biggest problem we had with Kaya Bombo. We have not gotten any aid from that time. We came and organized ourselves with our men. We came up with a group. We call ourselves the people who have been affected by Kaya Bombo. That is what has made us come here and air our grievances. No one has been compensated. No one has gotten aid from anywhere. The 2007 IDP victims have been compensated but we, the 1997 victims, have not been compensated. There is a lot of poverty around. For many of us, getting our daily bread is a problem. If a woman has not eaten for three days, how will she go on looking for food? She does not even have a child to help her because most children were killed. Madam Chair, we are asking if we can get any help and if possible, kindly help us, so that we can be compensated. Thank you so much.

Ms. Nancy Kanyago: Thank you very much for representing that group. We have heard what you have passed through. Could you give examples of other women who have been affected in ways like being raped? The families here separated. Husbands ran away from home because their wives were raped, or because of other problems like pregnancies as a result of the conflicts. There are children out of that incident. What problem does this bring to the family?

Ms. Regina Murugi: To say the truth, those who were raped got pregnant at that time but the problems increased because they did not want to say that they were raped. They did not want to identify themselves because if one said it they would be chased away. There was a madam who was affected because she had gone to school. She was raped in the presence of her family. She got pregnant and she has a child who is 12 years old. The child is a half-cast. She is the only one who had the courage to say that before other women; other women do not want to identify themselves. They hide. Many were divorced because of the rape ordeals. We did not have peace because the raiders and the General Service Unit (GSU) were chasing us and disturbing us.

Ms. Nancy Kanyago: Did you go to the Government hospitals to get any assistance?

Ms. Regina Murugi: At that time those who were able to go to hospital went and they were treated. There was a man who was slashed and he still goes to hospital up to today. Others did not go to the clinics because they are permanently disabled now.

Ms. Nancy Kanyago: What about the women who did not go because maybe they got injured after being raped?

Ms. Regina Murugi: They still live with those problems. I have told you that very many women do not want to identify themselves because they fear being divorced, laughed at or talked about.

Ms. Nancy Kanyago: What are the recommendations that you want to air? How can we get to those women now, so that they can be helped? Can we reach them? Give us a recommendation, so that we can see what we can do; it may be treatment or hearing the women in private, so that they are not ashamed of talking? What can you recommend so that people can register themselves?

Ms. Regina Murugi: The recommendation I want to give is that we could get people who can help us. We can have a commission from the grassroots, because if we do not start at the grassroots we cannot know what is going on. For example, just the other day, another woman was killed by the husband because she had gone to Kenya Women Finance Trust (KWFT) and taken a loan of Kshs80, 000. The husband decided that the money was much more important than the woman and so he killed her and dumped her body. So, there has to be a commission that is going to help us.

Ms. Nancy Kanyago: Thank you, Mama. I know there are very many people who were affected by the Kaya Bombo affair; due to missing a chance to speak, I would like to give them a chance to identify themselves. Those who had registered can stand up so that we can see you.

(Victims of the Kaya Bombo violence stood up in their places)

Ms. Nancy Kanyago: Thank you very much.

Ms. Miraji Abdallah Mwadzema: I greet you all in Islam. My names are Miraji Abdallah Mwadzema and I have come here today before you to say what I underwent in previous years. My husband died and I was locked up by the GSU or the police in my house. They came forcefully inside my house. When they came, I was tied up. They beat me up and told me why I was not speaking out. They even stripped me naked. They took off my *hijab*. They knocked me against the wall. Then a young girl in the house said that it was better they beat her than me. She told them that I had a problem since I could not speak to them. She further told them that it was better for her to be beaten than me. They took Kshs15, 000. Outside there were children and they were taken in a hurry. My own child was chased into the forest. My own child was one of the people who were shot and died. There are very many of them. They were rounded up, put into the vehicles and taken to hospital. Then they looked for the other children. They heard that there were other children who were coming from Ngomeni and they had been killed, and they were taken to Msambweni. The people went and looked at the dead bodies. They wanted the dead bodies to be taken back home for burial but, they were told that that could not happen until the murderers had been found. The bodies were taken to the mortuary and on the sixth day, the murderers were found. My sister's child was also killed by the

police. A neighbour chief was also killed because he was mischievous. They were taken to Makadara. On the second day, he was taken back home. That was what happened.

We really underwent a lot of problems. People were just in hiding and went without food. The police even took our food from our *sufurias*. My friend underwent the same; she has some scars. They also invaded her house. She was beaten. They wanted to be shown guns. There were some on the other side but not here on the roadside; when they came they wanted to beat up people. They pushed us and we fell down. Then we were kicked. We have pains up to date. Even our legs are weak. Our knees are injured since they were knocked on stone walls. We really suffered. Our children, who could be assisting us with food, were killed. Now, I go to my fellow old person for help but usually I am not given anything. I am not strong. I cannot be given a loan because of my age. I cannot manage to do casual labour. We really suffered. The whole town suffered.

My younger brother's child was also beaten, yet he was suffering from epilepsy. He was beaten on the head with gun butts, kicked and he fell down. The child did not do anything wrong. Within two days, he died. It was really bad. We suffered badly. Leave that lady to cry. We did not know what to do. One person suggested that we report to Diani Police Station but it was the Government which was committing the atrocities. How could we report the Government? If we went there, they would have told us to pray to God.

Ms. Nancy Kanyago: We are hearing you. Thank you very much. We are very sorry for what you have undergone.

Yes madam; tell us your name and about the injuries you suffered.

Ms. Hadija Hamisi: Thank you very much. I was beaten with a gun butt on my leg. Also, my child, who is at home, was beaten. I cannot manage to walk in the morning. I just have to stretch my leg until I manage to wake up. My child is called Mwanakombo Abdallah. My son was also beaten and he is suffering from epilepsy. My parents also suffered. One of my children went to England for 20 years and when he came back a certain chief invaded his house. My son went to Mombasa to do his shopping and then came back. The chief came to my son's house and shot him. My son died. Since that time, I have really suffered. I have pain in my heart. I even went to be examined by a doctor and he told me that I have a heart problem. My son was killed and I do not have anybody to give me food. During Ramadhan, I fast because of my religion. I can take strong tea but I am just praying to God. I want to start a case against the chief who shot my son. I am not old; I am still young but look old because of the pain in my heart. Whenever I pass Ukunda, it is as if I see darkness because my problem is really bad. I suffered bad things. Even a child can give me money for food. My problems are big.

Ms. Nancy Kanyago: We are very sorry for what you underwent. Since we do not have enough time and the commission wants to solve problems, let us give others an opportunity. For those who have not recorded their statements, please do so today. If you do not get a chance to talk now because we only have five minutes, you can sit with our officials and record your statements with them. As we continue, we are going to talk

about guns. In the KCPE, Coast Province did not do well. So, there are those who want to speak about girls. You can also give us recommendations and not only problems, so that we know how we can help you.

Ms. Hadija Hamisi: Thank you so much. I am Teacher Hamisi. I am the Chairlady of Maendeleo ya Wanawake at Kinango. It is not far from here. I am going to talk about child protection and education of children. In Kinango, we just hear of Kaya Bombo. The problem of school children, especially the girl-child, has really affected us. I have got a case where a child slept with her father. This was a Standard Six girl. There were also two school going children, a girl and boy. The girl is beautiful and her father slept with her and the mother could not inform her neighbour, because we women are very afraid. We are so oppressed that we cannot tell our neighbours our problems; if we speak out, we are chased from our homes. Many of us cannot take any action.

However, another neighbour saw this case and brought it to me. I took the case to other women and we reported the case to the police. When the mother was called to be a witness she did not go. The girl does not go to school but the boy goes to school. Another case was where I was called a Digo woman who has come here to educate our children. We are called prostitutes by our men. They tell us that they do not want to see us with their wives. So, we even do not know whether it was Kaya Bombo people who were behind this. There was a mother who was beaten in Kinango. She came to me in the morning; she had been cut on the head. The child had even taken the mother's blood to the gender office. We recorded a statement and were told to take her to hospital. We took her to hospital.

You will find that men who have not gone to school beat their wives without any reason. If they get younger wives, they beat the elder wives but the cases are not reported because of lack of evidence. That is our small Kaya Bombo. When you say that you are not feeling well, you are beaten. You just have to accept everything. We suffer from slavery and we do not know what to do. A boy is told to go to school but not a girl. If you speak on such issues, you are called a prostitute. We had a meeting somewhere where we gathered women to promote the girl child. We told the girls who had given birth to go back to school. That was what spoilt my ambitions. When I vied for councillorship, I did not make it. They said that this prostitute will not win; they asked what was wrong with me. So, it contributed to my downfall. I do not know what to do. Even our own leaders oppress us; these people like the Members of Parliament and councillors. They oppress us from behind the scene because they do not want to be seen in front; but if you succeed you will be able to educate others.

The other day I saw a situation where people could not defend themselves in Likoni. I have a house in Likoni which I have rented to people from upcountry. When I opened a shop, it was robbed. People with weapons came and we were told to come out. I was inside in the room with my husband and we were told to come out. In that house there were two Luos and they helped us. Everything in the shop went. The policemen were there and they told them to rob us but not kill us. Now, where can I stand? The two Luos who were in that house spoke in dholuo and the robbers left. That was how we escaped.

Another case was back at home, where inheritance is also a problem because a woman in Kinango does not have any say. You cannot speak before a man. I do not know what we are going to do about that. Those of us who try to speak have been labeled as prostitutes. We are not allowed to speak to other married women. So, how can we help them? The old men are the stumbling block. These are the old Duruma and Digo people. Even yesterday, two old men followed us and asked us whether we wanted to sell them. They followed me and Mama Hamisi. We had not even left the commission and we were attacked. What about outside there? We are trying but we get defeated. For a girl to go to school is a problem. How will we get women governors if girls do not go to school? Girls are supposed to be married off, so that men can get wealth.

Ms. Nancy Kanyago: Let me ask you a question. We have heard that kind of problems, but we are not getting any recommendations about the girl-child's education. The reason as to why they are married off is poverty; we also know that when a girl attains the age of menstrual period she is vulnerable. She can be given Kshs100 and sleep with a boy. So, what is your recommendation to help these girls to, at least, finish primary education and join secondary school education?

Hadija Hamisi: According to me, the Government can establish boarding schools for the girls and these should be fully equipped with everything for the girl. They should assist us in that way. When I say everything, I mean sanitary pads and everything that concerns the girls.

Ms. Nancy Kanyago: Are there female teachers in the areas of Kinango, Msambweni and Kwale?

Ms. Hadija Hamisi: There are very many female teachers and they can assist if at all there will be such kinds of schools especially in Kinango. Kinango is very remote and also, there is a problem of wildlife. We are living with wild animals and it affects children who go to school early in the morning. That is because there are elephants. A child starts nursery when he is ten year old. When will he or she finish education? We are really trying because we are next to KWS but still it is a problem. It is also bringing down the level of education.

Ms. Nancy Kanyago: Because you are here as a leader, allow me to ask you one question about water. Do you have access to water in schools and homes because that is also a challenge to the education of the girl-child and also the boy-child?

Ms. Hadija Hamisi: Water is the major problem and I do not know when it will ever come to an end. There is permanent drought in Kinango and water is a major problem. Just in Kinango Town, there is a pipe that at Marere and it does not even serve Kinango and the location itself cannot be served by that one pipe. It is a very big problem to the other side.

Ms. Nancy Kanyago: When we have such a forum with the men, they cannot speak about water because they are not the ones who fetch it. As mothers, you have to speak

about such issues because it is you who encounter such problems. We have issues of land. I will now give Ms. Kibibi Rashid an opportunity to talk to us and after her, we will have Mwanahawa Salim.

Ms. Kibibi Rashid: How are you? I will speak about the issues of land. I am Kibibi Rashid Mwaka. I am the Vice-Chairperson of the Kwale Women Network and also the Vice-Chairperson of the Land Dispute Tribunal in Matuga. We have had many cases in Matuga concerning land. The women have been thrown out of their homes and they are not taken care of. The lands have title deeds that are hanging in the land office. I have gone there to peruse and I have seen that most of the title deeds bear the names of men and not women. Women are not even consulted and involved. The brothers come together and do what they want and they take the title deeds. I have investigated many things and I have seen that the title deeds are as if they do not have owners. If the owners of the title deeds died, the titles need to be taken so that we can also develop. We say that we are poor and we do not have knowledge as to why we are poor. But it is because we have not been sensitized and that is why we remain the same. Those title deeds that are hanging there are very important things that can make you to be very rich and develop, but we are ignorant. I am really pained because of the cases that we have handled. We handled a case of a woman who came to file a case about land that belonged to her brother but, amazingly, when we tried to judge those cases, it becomes a war. We are being fought especially as the Chairperson. They ask me: "Since when has a woman been on the frontline of doing things?" They tell me that it is as if I am a prostitute and I am teaching the other women things that are not right.

Women should wake up, be firm and move forward. There is nothing that will make another person say that you will be killed or you will die. If the TJRC has come here to educate us, we should not be shameful. We should follow the people who have also been affected. I witnessed in 1997 how the youth and women were affected but we are leaving it to God. The youth have been mentally handicapped because they have been affected by such kind of incidences. In Ukunda, there is a youth called Malago who ran away until he became mentally challenged. He is my brother's son. He was beaten by 25 policemen in the head and back and they were rounded and given guns. The women were told to open up their private parts and give them guns. How can a gun go through your private parts? Which kind of gun is that but what can you do? What is past is past but let us wake up and unite. There are those who have committees in the grassroots so that we can also bring those who are hidden and those who fear because in Islamic religion, they say that if you stand up here, it is shameful but people have problems. Let us wake up and form those committees to have a way forward so that we can tell those who do not want to come out to take heart and explain what they encountered.

With those few remarks, thank you very much.

The Acting Chair (Commissioner Namachanja): When you say that title deeds are just hanging, what do you mean?

Ms. Kibibi Rashid: Title deeds are there and the people involved do not want to go and take them. When I asked why the title deeds were there, I was told that if you have ten acres and it belongs to your father and your father dies, you need to have a death certificate in order for you to pick it. Most of us do not have death certificates and we do not also have the knowledge of how we can get them. We are not informed, so we do not really know anything about it. I have gone to Msambweni and there is a committee of the six clans. I educated them on how they can take the title deeds and how to fight for their rights. If you find that you are being oppressed, go to the office where you can be assisted.

Ms. Nancy Kanyango: Congratulations for being the chair of that committee which is very important. I would like to tell you to help the other women to join the tribunals. Tell them how people get such opportunities, so that you will not be alone. Women should join leadership positions in the grassroots especially in the issues of land. We are very happy with the women here because you have come to that level. That is a very important seat, and continue representing the issues of women and educating them just the way you are doing at the moment.

Ms. Kibibi Rashid: I want to tell you that when the vacancies were announced in the county level, we were about six women who were shortlisted but the other women did not qualify. We were three but one of them left because of the frustrations and intimidations. We were followed and told that we will face the music. We were told that we were using witchcraft. So, you have to be very courageous. So, the other one feared. When we go to visit boundaries in the site, they refuse to go saying that there is some witchcraft that has been done in the other side. I am still fighting for women. We are not courageous enough and I do not know what we fear. Even if witchcraft is used, who is the person bewitching you? Just pray. Who do you believe in witchcraft? Why do you fear?

Ms. Nancy Kanyango: She has spoken so well especially on education issues. If we do not educate our women and such opportunities come up, without education, they will not get that opportunity.

Ms. Mwanahawa Salim: How are you? I want to thank the Presiding Chair and congratulate you for being a good example to our women. We really want women like us so that when we stand before our girls, they will recognize that we can do anything. My name is Mwanahawa Mwakombo Salim. Yesterday, I spoke but I did not go into detail because what came up was something shocking. As I stand before you, I was raped. I have a beautiful daughter of twelve years who is now in Class 8 and I do not know whether she is a Kamba or a Luo but I really love her. I cannot hate that girl because she is innocent. She is a respected lady and she is so obedient and I love her. On 30th August, I woke up without any problem. I used to live in Likoni but my home is in Tiwi. So, I left Likoni to Tiwi. I did not know that Likoni Police Station had been attacked. On the second day as I was going to Likoni, when we got to Jamaa, our vehicle was stopped. Then the GSU told us to come out. We alighted from the matatu and the women were asked where their husbands were. I told them that I left my husband at home in Likoni. I was an activist since I was in school. I was a head girl and that is why I was given a

responsibility so that I do not get problems in school. I started quarrelling with them and they told me that I have a big mouth and I should tell them where the guns were. At that time, Shonda was just a forest without any developments. I was taken there and I was really raped. I am a woman and I did not enjoy but I did not die. They left me there. I struggled and went to the road. I went home in Likoni. On getting there, I found my mother and her in-law crying and my first born who was seven years at the time told me that police women had gone and stripped their grandmother. I was then told that they had been raped. My grandmother had not slept with a man for ten years since my grandfather died. My father was coming from work and as Kibibi has said; my grandfather was arrested and told to produce guns. My father died of stomach cancer and one part of his body was paralyzed. Those people beat me thoroughly and my dad died when he could not even make love to a woman. He was beaten and got injured.

We struggled and went back to Tiwi and people started getting sick. My mother had diarrhea and my grandmother kept asking herself whether she had been raped. It was bad and in 2006, my grandmother passed on and my mother on seeing how the issue was went to the hospital. There was no security at the time and there was a woman who went to the police station to report that she had been raped. She was told to repeat the act practically. That was our Government and those were our own policemen. I took my mum to hospital and she was found to be HIV positive and now she is on ARVs and I am with her at home. On seeing that, I also went for testing and I thank God that I am negative. I did not get it. I am a Commissioner with the Scouts Association and as a leader, I am a role model. I am not a professional counselor but sometimes I stay with the girls because I have cases amongst my scouts. There are things they cannot speak to their mums about, but I tell them that I was also raped. When I tell them, they get the reality. The truth is that we have really gone through so many challenges and though I was married, I am now divorced because after my husband found out that I was pregnant, he told me to go to the husbands who raped and impregnated me. I thank God that he gave my daughter his name. I have been explaining to the girl because if you do not behave like a girl, you cannot be a good counselor. We talk about everything in our scouting group. The truth is that if I was not courageous--- I did not get any professional counseling but we counseled ourselves within our own family. If I knew a lady who was raped, I would go and we encourage one another. We expected our Government to be our defender but it turned against her subjects. So, we did not do anything. I am very strong and I live very positively and it has been 14 years. Yesterday, I did not even hear what you were asking me because I was out of my mind. I was reflecting back on those 14 years and sometimes it comes and I always pray that it should not happen again. Maybe, there are people who are celebrating because of war but war between two people is not good. That is because I know the consequences of war.

Women are really oppressed but we welcome some oppression because we do not want to defend ourselves. We are waiting for people to come and defend us. If we are not courageous, who will come and defend us? I lead a group whose clients are teachers, principals and students and I thank God that the DO is so happy because they know that if a teacher messes around, as a teacher, I can never allow a man to seduce a girl. Women, let us defend ourselves. I am a member of that group of Kaya Bombo and we are

really trying to unite though it is so difficult. The majority of men and women do not want to join us. They are ashamed and they wonder how they can stand before people and say that they were raped. We were raped and I am not saying that because I am Mwanahawa. I know that there are other women who have been raped but they do not want to speak. It is not just women in Coast Province but also in Nyanza. I have had an opportunity to visit Mount Elgon and Migori, and I saw what happened there.

I am praying to the Commission to tell the President that we need an independent body that can deal with rape cases apart from FIDA. That is because if an official in the Government rapes me and I go to report the incident to the police, who is going to listen to me? If the inspector in Kwale rapes me, will he listen to me? We need an independent body which will not be interfered with by politics where people who are raped can go and report. Two, there is another issue that is affecting us as women, and it is NHIF. That Fund is so useless. It is like we are being robbed. My uncle was attacked and he died on arrival at the hospital. When I went for a refund, I was told that he was supposed to finish 24 hours so that it can be affected. That money is not even benefitting his own children. NHIF is supposed to benefit the widow and her children but for almost 20 years, all that money just got lost. We do not know what the Government is thinking about those funds. If it is not benefitting me when I am alive and when I die, it is also not benefitting the people I leave behind, then it should be done away with. If it is going to remain, let it benefit those I leave behind when I die. Women, we are still struggling.

Ms. Nancy Kanyango: Thank you so much. You are really courageous and I really respect you for the way you have spoken. There is something you have talked about. You said that you are really persuading those girls in the group and they tell you what they have undergone and you also tell them what you have undergone, so that they can know it is normal. They should know that those issues are happening, but it is not normal. We want to live in a country where such issues are not normal. You have given your recommendations and one strong recommendation that you have given is about the independent body. I have not heard where people were touching about the issues of police. Should the police have more female officers and have the female officers also been influenced by their brothers; the men?

Ms. Mwanahawa Salim: First of all, I do not even understand the criteria that they use to recruit people into the police force because last year, they selected only two ladies out of the many that were there. It is only one girl who joined the Navy and we are really discouraged because I also tried in 1988 but it is as if the men were favoured. The women are being allowed to go and give birth and they are given maternity leave but previously, such kind of issue was not there. We should be given at least 40 percent of the slots. If there was someone from the Police Department, he should have told us how they do their things so that we can have a way forward on how we can include our girls. I still think there is need for the Government to mount more courses for the police. I have also seen that the men are the majority in their hierarchy. We should give our girls an opportunity to also rise through the ranks. I should not just run here for them to know that I can join the police. We do not need runners.

The Acting Chair (Commissioner Namachanja): Thank you so much for bringing up the issues concerning the clashes. Sorry for what happened to you. I think what she did not share with us which is in her statement is that the grandmother died immediately. She did not live for long. Thank you for accepting your child. We have read cases in Rwanda where many women were also raped. When they gave birth to the children, they called them according to the names of the militia who raped them. They are called small Interahamwes. I thank God that you accepted your baby. I have one general question that I have observed with situations of armed conflicts. Whenever we have armed conflicts, there are two groups that suffer but at the end,, the focus is only set on one group. I remember in 1997 working for a national NGO, I travelled all the way from Nairobi to come to the coastal area to access the situation of the IDPs. Some were camping at the Likoni Catholic Church and others were in the main church in Mombasa. But what we did not realize was that there are also the locals who suffered the same and no attention was given to them. The same situation is in the Rift Valley where we have had a series of ethnic clashes. The focus is given to the IDPs in camps. For example, if I had not come to this Commission, I would not have realized how the indigenous people here suffered the way you suffered. Being vocal the way you are, why did you not advocate and create awareness that among the indigenous people, we also had people who suffered? What recommendations do you have that in the event that we have such a situation again, that whoever comes to intervene does not just lean on one side but consider the locals also?

Ms. Mwanahawa Salim: In our religion, it is really shameful to stand before people. Our religion really hindered us from coming forward publicly. As I told you, the sensitization on such issues and organizations teaching people about their rights were not many. I cannot say that I could have attached myself to any organization, at least, to advocate for peace or anything. Nowadays, I am involved with the community and also with my scouting body so that I can do it. At times, the Muhuri people also call me as part of their organization who advocate such things. If they were there, they managed to cater for very few people and they did not come to the grassroots level but they were just in top offices.

The Acting Chair (Commissioner Namachanja): What recommendations do you have?

Ms. Mwanahawa Salim: We have so many organizations like Maendeleo Ya Wanawake, my youth organization and other organizations. In conjunction with the TJRC, those organizations should sensitize the people. We should also have funding because you cannot reach people when you have no funds. If at all we can have a kitty, it can be brought to Maendeleo Ya Wanawake or we can have organizations within that place or any other place to preach peace and to reach the victims.

Ms. Nancy Kanyango: Time is running late and we are about to come to the end. I have some issues that we have not touched, and Priscilla Daniel wanted to mainly talk about widows.

Ms. Priscilla Daniel: How are you? I thank the Commission for uniting us here today as women from different parts of Kwale. My name is Priscilla Daniel and I come from Kinango. I was born in Rwanda but I have been married here. My fellow sisters, I am

sorry for whatever begot you also got me when I was in Rwanda. At that time, I had gone to visit my parents but I witnessed my father die but as we always say, we leave it to God. It is our responsibility to be ready to forgive anytime. It has happened but as women, it is us who get more problems than the men. It is very important that this Commission has come to the women, so that we may get some help on sensitization at the grassroots level.

We, as women, many times, we undergo so many challenges when we are ignorant about where to get assistance from. Men have said that women are not brave. I came here in 1978 and I have stayed with the Mijikenda people since that time. That is why I want to speak about widows. There are problems that widows undergo. When your husband dies, you will experience problems from your husband's family. You will find that your mother-in-law is afraid of speaking up because she is afraid that she will be chased out of that family. That widow is always oppressed and she keeps quiet because she is afraid. Apart from fear, if your husband died and left you with some wealth, you will find that the family is not happy about it. They start to threaten you. That widow has little education and she does not understand who to turn to. She is also afraid and she cannot go to consult another woman to share that issue.

We are praying for the Commission to look into the plight of the women at the grassroots level. Women at the grassroots level are really undergoing so many challenges. They are being oppressed by their in-laws.

Amongst the Mijikenda, a woman has no voice in that family where she is married to. Even if she sees an issue that is going wrong whereby she can lend a hand, she does not have a voice. Not all are brave and not all have the gift of speaking. But you will find that that woman who can be able to speak does not have any voice because of the kind of family she is married to.

My husband is a Kamba. He was born here in Kinango in Magulani. A woman in that family does not have any voice and as such, I am like an outcast in that family. I do not want to see anything going wrong and that is going to oppress me or anyone there in that family. I am always told I am tough-headed. The problem is that those who are married in that family, if they see that you do not fear, they say that you are shameless. That is the problem. That is the label we get. We would wish this Commission to take our grievances into consideration so that we can be proud of our independence and also our vote. It is us who vote in the Members of Parliament and the councilors. It is us, women, who voted the Constitution. We are happy that the Constitution has identified us as women but we pray that this Commission should emphasize to our Government on the issues of women so that many organizations can come and sensitize the women at the grassroots level.

I would like to tell my fellow women that I have witnessed a lot of issues that happened back in Rwanda. I saw it with my own eyes. I ran here and there till I was helped by the United Nations. I entered Tanzania. From there when they said that there was no war any more, I wanted to go back home to see who died and who did not die because you would hear that a bomb has hit 1,000 people running away and hundreds could die. You could

never get back to go and see who died. The other day, we saw that some boys had been taken to court. I do not know whether they were being trained on war. Can we speak to our children at home? Do not fear your child or your fellow woman's child because that child is behaving in such a manner because of lack of employment in our country. Poverty has gone beyond the borders in Coast Province.

I would like to urge my fellow women, can we speak to our children? You do not have to speak to your own child only. Even your neighbour's child is yours. If your neighbour's child has become successful, if he comes across you, he will give you a hand. I would like to emphasize to women that if you see your neighbour's child has gone astray, do not keep quiet. You do not know about tomorrow. That child might help you tomorrow. That child might not help you, but he might help your grandchild. So, can we try to speak to our children, our brothers' children?

I talked to two of those boys who had been taken to court and told them: Can you stop being used. I have witnessed the war in Rwanda and I know what war means. You have been told to go somewhere but you are being cheated. Whoever is telling you, why does he not tell his own child? Why you? You think the person who came telling you does not have children? He has children! Why can he not go and tell his children because they are also your agemates? Why not? I told them, do not accept to be used for only Kshs2, 000 which cannot help you tomorrow. You are just here, but do not pray to witness what happened in Rwanda.

Those of us who have television sets in the house, we can see what is going on in Somalia through "Operation Linda Nchi". When it is time for news, you are eager to see how our forces are faring on in Somalia. We saw how they were sleeping in hospital because they had been cheated to go to war so that they can be paid US\$600. They are in hospital and they do not even have medicine. Their legs have been cut. They do not even have eyes. Some are dead and those are just our children. That is why when I see a young man, I always want to talk to him about chaos. Whatever begot Mwanahawa it also begot me. I thank God that I was not raped but I was not far from being raped. I got help because I was pregnant. That is how it was in Rwanda. I was arrested but I was lucky that God did not allow something to happen to me. There were gunshots. There came another team which said, leave her alone. That is how we escaped. That is why I always like speaking to young children because they do not know anything.

So, I am asking the Commission to continue to look after us, women. When we look at the camps, most of those who are affected are women. It was not here only. We can see others are IDPs in their own countries. So, women, let us educate one another. Let us educate our children. Let us educate our brothers. With those few remarks, I would ask that that you kindly continue educating us, especially widows. They are oppressed, because they are hurt and they are in pain. Thank you.

Ms. Nancy Kanyago: Thank you Priscilla. You have said that it is the culture of the Mijikenda. We have seen in our work as a Commission that when it comes to problems facing women, there is no tribe. In all places of Kenya, women face similar problems. So,

it is better to come together. We know that our tribe is the women. It is to be a mother. Thank you.

The Acting Chair (Commissioner Namachanja): I think Ms. Priscilla is a God-send to us. She says she is from Rwanda and she has shared with us the experiences from Rwanda and the cost of war. She has also shared with us the cost of the war in Somalia. Somebody mentioned what happened in Mt. Elgon. I come from Mt. Elgon. Now I am talking as Tecla, as a woman, as a mother and not a commissioner.

What we experienced in Mt. Elgon, it is my prayer that it will never be experienced anywhere else in our beloved country, Kenya. She has mentioned how we are incited. The incitement is usually from the politicians.

Have you heard how many sons of politicians got lost during the Kaya Bombo? Maybe none. When they incite our sons to go to war, theirs are in safe custody, maybe schooling outside Kenya. As we talk now, we may have lost a whole generation in Mt. Elgon because of the SLDF and the military operation. This will be off the record:

Three quarters of youth in Mt. Elgon from what we hear were castrated. Pray that we never experience any other military operation in our beloved country. As much as commissioners were doing their best to highlight these issues so that we push for justice, we need to defend our children. Let them not get excited because of incitement. It is us the mothers who will lose our children; our sons, a whole generation.

Ms. Nancy Kanyago: I will request Mary Maina to speak on young and orphans.

Ms. Mary Wangare Maina: My name is Mary Wangare Maina. I would like to speak about orphans because I am an orphan and what they are passing through is what I have also passed through. There are people who do not even have somebody to hold their hands to see the way forward. Is the Government there as the orphans are suffering? You finish Standard Eight, you have passed and you are an orphan with siblings who also need you to help them because there is no any other parent that is there, how will you help if you cannot be educated? The youth in the streets are also looking at you. If you cannot move forward, that is the next option. If you do not get education, they will be there to marry you.

You find that when you finish school you want to continue with your education but with the bursaries that are there, even the assistance that is there, there is long process involved. If you do not know when your mother died, at times they reject your appeal. You are taken here, some take you the other side. You do not have a permanent home. You do not even have anybody to guide you to get the death certificates. When you go to get Government for assistance, you have to prove you are an orphan. When you go to the office, somebody just chases you away in a mischievous way and tells you go and look for this or that. He does not even give you a guideline. When I finished Standard Eight, I did not have anybody to pay for me school fees. There was an organization that wanted to sponsor me and they said that because I am an orphan, I was qualified to be helped by the

Government. I went to the organization where I was guided to go. I went to the Government to help me. When I went there, the conditions that were there, I could not manage them. How was I to start looking for the death certificates and personally I do not even have food to eat? Where will I start looking for the death certificates? You need money to do that. There is no one helping you. Every person does not even remember that you were related. The process is too lengthy. We went through a lot. I am lucky I got a certain organization to assist me. I joined school and finished Form Four. I had passed and I had attained the proper qualifications but to join there, they require a lot of money. There is nobody who will help you. The Government sends you to stay in a place to use a computer and you are not computer literate and you cannot even download the information. We cannot be helpful to the community if we cannot get the community to assist us. We are really pained because of the Government. There are very many children in the streets and those who get assistance are very few. The more we are oppressed not to get the assistance, we still remain like that. The vulnerable and orphan girls are impregnated by men. Others become prostitutes.

I am looking forward to getting a very goodwju job. But if I had been cheated some years back, where was the Government? We just hear that the Government is there but for sure, we do not receive any assistance. The issue of orphans is not even being addressed. There was war and some parents were killed and the children remained behind. We are there, the orphans, but our issues are not even being addressed.

My recommendation is that the Government should change the system because we are not benefiting from whatever it is doing. They should change the system. If you complain about the bursaries, you will be told that the bursaries are there. How many are getting the bursaries? Even the qualifications, death certificates are not there. Our parents were illiterate. They did not follow up. They do not even have identity cards. If you want to be given a death certificate, you should go with the ID but my parents did not have IDs. There are very many complications. We do not feel that we are being helped. We are there. We are going down. The generation is really deteriorating and there are people who can assist the orphans. If we get assistance, Kenya will change. We are there and we can lead. But if we are being left in the streets, we are not being helped. Others are being referred to Government offices. Some Government officers are very rude. They discourage you, you walk out and give up. It is not our wish. It is because of what we have passed through. You do not have food but you are going there for more than three days. You go, you come back and you are turned away without being given any help. You are not given any direction. Whoever is there expects that you know everything.

Ms. Agnes Wayua: We have heard that some have committed suicide because they do not care. When we are here in the villages we say that it is the girls from the towns who do not care, but we do not know how we have contributed to the situation here in the grassroots. We do not know what to do because they are many and they are there. When we look at the children on our side, we say that we want them to be educated, but if you stopped supporting them, they become illiterate.

I have been told by my colleague that, if you send a girl somewhere she will bring you some flour. She will go and bring the flour but you will not know where she got it from. We have heard women who tell their girls to go and bring flour to cook for their younger children. Children are really crying with their parents and, for sure, she will go and bring the flour, but you will not know where she has got the flour from and then you say that our towns have become bad. The children are engaged in prostitution and you would ask where it has come from. When we die, our children will carry on the baton. I have heard it from this lady here that she does not have any document which gives information about her parents. If I asked her today to give me the national identification card of her mother, she does not have. Perhaps, she was born in single-mother family.

If you got a child from the village and brought her to town; take her to school in town and pay for her--- If I am given that girl from the village, I can pay school fees for her. She should give me the girl so that I pay for her. If the girl goes to report, perhaps, my uncle has done this and that, we are told that is not true and it is not right.

Even in the children's offices, I do not really blame them. How many children officers do we have even here in Kwale? Kinango, where we come from, or whichever place, how many children officers or volunteers are there in the villages today? They are very few. It is not because they do not work, they do their work but they are very few to cater for the number of children in the community. So, such kind of children cannot---

(Power interruption)

Now, I am crying with these children because I walk with them, even now I walk with them and it is really painful to me. For example, you bring an orphan from Kisumu or from Kinango and you bring them to the town and when she makes mistakes you chase her away. When she looks for some assistance you tell her to go her own way. She will go to the streets and, even after she goes to the streets, you go to tell the teacher that this girl is always talking with men every day, and you cannot pay school fees for her. And you insist that she goes to upcountry. Where will she go to in upcountry and there is nobody who can take care of her? It is only the grandmothers who are there and who cannot even manage to feed her, though they are the only hope.

I apologize for the teachers who are here. There is a lot of stigmatization on the children who come from single parent families. The children who have been abused sexually, the moment the teacher recognizes that this is happening, the child is abused. He will tell the child: "You are very stupid because you walk with men every now and then" That is why you see very few children in school, especially those who come from single mothers. They give up and say: "If that is the situation, let me go and loiter around instead of being abused every now and then." They feel that they are not valuable any more.

It reaches a time when the same children learn with difficulties because the mind has a lot pain due to violations. When they fail in exams, you say: "we knew she was going to fail because she used her time talking to men. She was just a prostitute! The mother is a prostitute and that is why she was raped." When you are raped, you are told that you

allowed it. So, those children give up in life and when she becomes tired, they are always blamed for taking fatal decisions like committing suicide.

I have a case of a child who wanted to kill herself two weeks ago because she could not take in any more stress. She could not manage it. So, when you see the girl-child going to the streets and doing wrong things like practising prostitution, those are the ones who have been abused and are keeping quiet. Let us not blame them. When I see those women whom you call prostitutes, I do not blame them.

I can now give my recommendations.

My first recommendation is that, we are told that there is money for the orphans. Do you know how much it is? It was increased in October, last to Kshs4, 000 from Kshs3, 000 for two months. If it is for an orphan who has passed K.C.P.E, will he/she join Form One? We hear about bursaries for the needy children.

If you are given Kshs3 million for 3,000 children; how much will each child get? Will he/she join Form One?

We know of foundations which help children who join Form One. If a child gets 400 marks at K.C.P.E or for Equity Bank, 350 mark, how about those who get 345 marks? Where will they go? Our recommendation is that, when we talk about education for children because that is the main inheritance that a child can be given---

Let the children get what they deserve. If it is school fees, like the schools for this area, they charge up to Kshs19, 500, besides the Kshs10, 250 which the Government pays. That is what the parent should pay and it is school fees only. School requirements are separate and that it is a day school. If it is a boarding school, it is Kshs37, 000 for a provincial school. If you took your child to Mama Ngina School, you will be expected to pay Kshs63, 000. A mother without any source of income finds it hard to take a child to such school? Will a woman who gets Kshs2, 000 be able to take her child to such school? When the child drops out of school you blame the mother. I am appealing to the Government to know that education is a right and our children should get it. Those hindrances over school fees should be removed. School fees should be scrapped completely and teachers should not be given powers to suggest how much money should be paid by parents. So, the cost of education should go down.

I am appealing to the Government and to the women who are seated here today; stigmatization against children from single mothers should be stopped. We should give them an opportunity as any other children because they will also be important people in community.

Another recommendation is that there are different organizations that give out community services in this country and most of the time they do not get Government assistance. We are appealing to the Government to help those organizations so that they can give their services to the community because down at the grassroots they are

churning money every day. They should be helped so that they can give the service that is required to the women.

Another appeal is that, there are different policies and there is some money that comes from different communities. Do you know what it says about the women and the children? We hear that there is a law governing children affairs and we also have laws governing the Sexual Offence Act. We do not know anything to do with those laws and policies. I appeal to the Government to simplify matters at all levels, not only on the Constitution, but also all the policies that concern the communities. If you do that even the woman who did not go to school can understand the Constitution. This could be very good because they will be able to know their rights. But the information that is in the Constitution cannot be understood because women do not know how to read. If you gave me the Constitution today and you told me to read it and yet I did not go to school, will I really understand it?

Another problem is that our children have moved from upcountry to the towns. We hear that those agents from South Arabia and Qatar do not go away. When children finish Form Four and they are desperately looking for any resources to support themselves, especially the girls, they are told: "Come, you will be given a passport, visa and you will go to the Arab Countries." Many of our children have gone there and some have come back dead. Others die there and they are never brought back. Some come back maimed. We do not know what is transpiring in those countries. But if you are told what happens there, you will never want to go to the Arabian Countries.

Some of us, who live in Ukunda or around the coast, hear a lot of stories about the whites. You go and look for a white person who will marry you. You go by flight and when you arrive--- There is one girl who came back and on arrival at the airport, instead of going home, she was taken to Kenyatta Hospital because of what she had undergone on the other side. A fellow takes you to the outside country and instead of you being his wife; you become a wife to many men and a source of income for him.

I am asking the Government to protect our girls against this exploitation. They are taken from here as vessels of income to people of outside countries. Is there a law on human trafficking that is supposed to protect us? There is no law on that. If I go there and I come back, there is no service that the Government will give me. It is the organizations that cater for those people. But what is our Government doing? I do not know. It is a cry from us women.

Another issue is poverty. There is poverty and 51 per cent of the people who live below one dollar a day are many. What will we do? We have been told that there are micro-financial institutions which give money to women. If they are there, it is people at the high level who will get them and the person who will get the money is the rich. But the poor women who do not know how to apply for the service cannot get such service.

The Government set aside money for the Women Enterprise Fund. The Government should consider women who are vulnerable. This is because if you think of going to

Kenya Women Finance Trust (KWFT), how much is their interest? It is around 13 per cent and, if I am given money today, then the next month I will start repaying.

Just recently, there is a woman who tried and she was given money to start a business and before she could stabilize her child fell sick. By the time she was to start repaying the first installment, she delayed for three days and she was fined Kshs 300 plus the interest. I got the woman crying. Are we really helping these women or we are killing them?

I might have gone to look for a loan to perhaps, start a business and I give my radio, bed, TV *etcetera*. If I do not pay back the loan, they will come and take all the property that I had given as security. If you take my property from my house, this will demoralize my child. Then the neighbours and colleagues will start laughing at me. We should change our attitude. Women also oppress each other; let us help each other. Let us help each other so that this country can be a better country. My child should be yours and your problems should be my problems. We should also think about the woman who is dying at the grassroots.

We are fighting poverty and ignorance. It is really painful to me, if I became sick I know that I will be told to go to Makadara, which is where everything lies. When I go to Makadara, Coast General Hospital, or to a provincial referral hospital the first thing is to pay Kshs100. Then I will be told to go for many examinations but the sad thing is that some of the services like X-ray are not available. I am talking from experience. Without those facilities, you cannot be given prescription.

If I went there with Kshs500 for fare, I will come back without being attended to. A child who is from a single mother or an orphan, will she really get medical services? Those who are financially able will go to Aga Khan Hospital and will be attended to. What is the Government doing to help us?

In Government hospitals, there are people who are given up to five or six months' appointment. Some of us give up and die and it is not one person or two. By the time I come for that appointments after five or six months, they will say: "Now this problem of yours is complicated; it will force you to go to Kenyatta National Hospital (KNH)". I do not know anybody in Nairobi, I even do not know where to get the ticket to go to KNH. People have been lucky enough to go to KNH. You are asked whether you have somebody around there so that you can stay there. Those of us who do not have any family members in Nairobi will not know what to do. Though we are saying that we are fighting diseases in this country, what is the Government doing? We are just praying and if it will be possible, those hospitals, at least, at the district level, to be fully equipped to cater for us. If I cannot get that service, for sure, this country will not move anywhere. If we cannot uplift the women in terms of education and to see that their health is good, and to empower them economically, this country is not going anywhere!

The Government should cater for medical attention of Kenyans sufficiently----

(Technical hitch)

Ms. Nancy Kanyago: It is an issue that we have not heard, but it is an issue that we are really going to look into. So Agnes, kindly your time is up and we want to go. Please, use five minutes to summarize.

Ms. Agnes Wayua: How are fellow women? My name is Agnes Wayua. The way you see me standing here, I am here to talk about one issue which I have not heard even our own government deal with or discuss.

I am talking about prostitution. I am telling you, first of all, prostitution is not an easy thing, but we are parents. You practise prostitution because, for example, I am a mother of three children. I want my children to go to school just as I was taken to school, but I do not have a job. I work in a bar and I am given Kshs2, 500 as my salary. The owner of the bar wants you to do what the customer wants then you can continue with work. If you refuse, you will miss the job.

I am staying in a rented house where I leave my children and those children are looking at me to provide them with basic necessities. They have to eat, put on clothes and go to school. In my heart, I do not want my child to go through what I am going through. It forces me to accept what the customer wants so that my child can go to school, eat and get clothes to put on. There was one organization that held my hand and I cannot forget it. Whatever comes out, it is blamed on the woman. If a man is HIV positive and he has come to me and I am HIV negative, I will be blamed for infecting him. People will say, "That is the woman who gave you the virus". So, I am asking whether the Government is really caring about prostitutes.

We have gone to school, why can the Government not give us a job? Those of us who go to Koinange or Casablanca or wherever prostitution is done, why does the Government not give us jobs? I am talking through experience. I have slept with all people and it was only once that I was given Kshs3, 000. If one wanted to have sex with me without a condom, he could give me Kshs5, 000. When I look back, I have children who want to eat and go to school, I ask myself: "Can I leave this Kshs5, 000 or I just go and have sex with that person so that I get the money?" So, I end up sleeping with that person to get Kshs5, 000 in order to feed my children.

Why can the Government not look at the issues of prostitutes? It is not our liking to practise prostitution, but it is very hard to start and even to sustain it. It is hard; you will meet a man who tells you that he wants to do it from behind because he is so used to doing it from the front. I do not have otherwise, so I have to accept.

So, it is my recommendation that the Government stops oppressing us but help us. What aid is the Government going to give those of us who do prostitution? They say that it is us people who are spreading HIV/AIDS. When you are married and you are at home you are not called a prostitute. But when you are in a bar, you are told that you have HIV virus. So, how is the Government going to help us get out of this problem? It is not that we did not go to school, but the problem is that we do not have a job, how will they give us a job? I am educated but I do not have a job. When you go to look for a job, somebody tells

you that he wants to use your body before he gives us a job. If you do not accept, you will just go back to the bar so that you can take care of your children, just like the hen takes care of its chicks. The man can leave you but you cannot leave your children. He can even come and want to sleep with your children, but you will never want to sleep with your son. But a man can sleep with his daughter. So, does the Government really know us? Why it is that people who have ranks are the ones who are coming to oppress us?

One recommendation is that they should come up with an organization that is called Women Prostitutes or the Wanderers Organization. I walk with a condom because I can get a client anywhere and I have left children at home and I do not want to get HIV/AIDS. So they should give us a job or see what they can do to help us so that we can get out of this situation. I am speaking with a lot of pain in my heart because of what I am going through the way you see me here. It is bad and you do not even know what I did today. I told you I have a child who has a child. She was told in school: "You are just a prostitute like your mother, you left your child at home." So, can this girl really go to school and understand anything? She will also join me in prostitution. Does this Government really care about us? I am only praying that, even if it has forgotten us, it should now remember us also.

Let the Government form an organization which will take care of the wanderers and give us jobs. If you sleep with someone to give you a job, then when you ask him to give you a job, he tells you: "I have paid you, why do you want a job from me again?" If you make a mistake of making a phone call, you find that you were given a fake number. So, I pray for the Government to take care of us so that HIV/AIDS can pass far away from us. We will never live a life like other women because if I am a prostitute and my child is a prostitute she will tell you: "You are also a prostitute, why are you asking me not to be one?" But it was not your liking; you wanted her to go school. I will bring HIV virus to the house and my daughter will do so. To reduce the spread of HIV virus, the Government should give us a job. We have gone to school! Even if we did not go to school, we can do business; one can sell *sukuma wiki* or do any other job and develop oneself. No one wants to be a prostitute or no one wants to serve two men per day because my body is the temple of God and, the temple of God does not want to be dirtied. I am asking the Government to take care of us so that we can stop the spread of HIV/AIDS.

Ms. Nancy Kanyago: We are very sorry, Agnes. You have spoken with a lot of courage. As a Commission we will see that there is a group---

(Witness wails)

The Acting Chair (Commissioner Namachanja): It is okay. Let her cry. We are all going through a normal process and we are human beings. What my sister has done is to remind us of painful situations. So, we are journeying with her. Just take time. We shall continue, but we need to give ourselves time to process just what we have heard.

Ms. Nancy Kanyago: Thank you Agnes and your other co-workers who are here, for your courage and honesty in bringing out an issue that is not spoken about. The first way to solve a problem is by speaking about it. So, we appreciate that you have spoken to the Commission and we will consider it seriously as we are considering all the other issues.

I have received a memorandum written by a group of women and the experience that they face as sex workers. So, we have received this as the Commission and we will give it to our chairperson. We thank you very much, especially the women here for supporting Agnes and even the other ladies who had spoken before, for sharing each other's pain and comforting each other.

Agnes is our last speaker for the day and we appreciate the wide range of issues that have been spoken about here. What we will now do as a Commission is to go and write our report and then hand the report over to the President in the month of May.

We do not want you to lose hope that our report is like or may be like other reports; that we just come and seek your opinion and then go and put it somewhere. That is not how we are.

The Act that established the Commission had said that, our recommendations are mandatory and that is why we have been asking you: "What are your recommendations?" This is because when we write them in our report, they have to be implemented. After we write our report and give it to the President, he will then present it to Parliament and it will be up to the Minister for Justice, National Cohesion and Constitutional Affairs to follow up after every three months. After every three months, the Minister will want to know where the implementation of our recommendations has reached. But, as you heard me say, it is Parliament that is going to implement or rather to follow up to ensure that those recommendations are implemented.

So, when you have forums with your current Member of Parliament and the one that will follow after the elections, you have to ask them: "Where have you reached with the implementation of the recommendation of TJRC?"

It is very important, even as the campaigns go on for elections because by that time, our report will be before Parliament. Ask all the candidates what they are going to do with the recommendations of the TJRC Report.

So, we thank you very much and for those who still want to present the issue before the Commission, we have the two officers here. She is one of them and we have another gentleman outside; they can record statements from you.

Please, see them and they will help you write a statement. I thank you very much. I will hand it over to our Chair for her closing remarks. After she has closed, we will get somebody to pray to close. If the Commissioner will leave, we can stay behind and have a soda together.

The Acting Chair (Commissioner Namachanja): Thank you very much, Ms. Nancy, for facilitating this very important session that has enabled us to have dialogue with our dear sisters and mothers. Before I close, I have two women here who have worked on issues of women, and issues of human rights. So, first, the sister from the Kenya National Commission on Human Rights who is seated behind there can come and talk to you. She can introduce what she does, so that in case you have issues to raise with her, you know where to find her.

Ms. Stella Wangechi: My name is Ms. Stela Wangechi; I come from the Kenya National Commission on Human Rights. Our offices are situated in Nairobi and the nearest office is in Wajir and Kitale. Very soon, we will open an office in Mombasa this year. So, I would like to thank you very much for coming.

We have spoken out like women. I would just urge you to have a healing heart. As lawyers, we make sure the recommendations that you have given before us will be implemented. If any person wants her case to be followed up, about violation of human rights, you can communicate with me. I will be outside there, when we finish this meeting. We will hear your case. I am very grateful and we will continue communicating. Thank you very much.

Ms. Nancy Kanyago: Thank you, Ms. Stella, for those who understand that is also a Commission that was there before the new Constitution was enacted. It will still continue to be there to make a follow up on human rights violations.

Our Commission is coming to the end of its work in May, but the Kenya National Commission on Human Rights does not have time limit. It will continue looking into human rights violations.

The Acting Chair (Commissioner Namachanja): Next, I would like to invite the Chief Executive Officer of the TJRC, Madam Patricia Nyaundi. I know how much Patricia has struggled on issues of women because TJRC poached her from FIDA.

The Commission Secretary (Ms. Nyaundi): How are you my sisters? We would like to thank you as residents and locals of Kwale the way you have come out, and you have contributed to the work of the Commission. You have contributed a larger part of our success to the work that we have been given by the Government. I think a lot has been said about the process of the Commission and also what we can say is that we should look into the issues of women. The Commission will look into the issues that you have spoken about today. May God bless you. I thank you very much.

The Acting Chair (Commissioner Namachanja): My sisters we have come to the end of our meeting here. It has been a rich meeting. We shared from the depth of our hearts on various issues.

We have heard you on the impact of Kaya Bombo. Some read about Kaya Bombo as if they are stories. But people suffered and you have shared how you have suffered, how

you were raped, how you were deformed, how you lost everything, and how you lost your children. You have talked about rape cases. You have called for an independent body to deal with these issues because you feel they are not being handled through the mainstream Judiciary system.

You have talked on issues about awareness, especially on the promises within the Constitution. Women voted for this Constitution because of what it promises to us. But we cannot get what it promises to us unless we know what is in it for us. We cannot know what is within it, unless, we are educated. So, you are calling for awareness.

You have talked about leadership. The stress on professionalism before one becomes a leader. But you have said that some of us are born leaders, so long as we know how to read and write, we should be given that opportunity to lead our people, especially at the County.

You have talked about the impact of poverty and the high interests on loans and its impact on girl's education. You have talked about unemployment, especially for our youth, and you feel this is the reason why our youth are misused, especially by our politicians.

You have talked about land issues. You have talked about orphans, how they suffer and nobody takes care. You have shared what it means to be a single parent and how some of us are pushed to prostitution just to ensure that we put food before our children, or give them the meagre education that they need.

We thank you. We honour you and we feel honoured for coming before this Commission and it was not for free. You have given us recommendations and we are going to ensure that those recommendations are reflected in the report that this Commission will come up with. So, thank you so much for coming before this Commission.

I would like to thank the whole team that was involved into facilitating this dialogue, statement takers, who have mobilized for you to come here, our regional co-ordinator, HANSARD people, interpreters and everybody who was involved. We have come to the end of this meeting. But the Commission will continue with its hearings in Wundanyi. After Wundanyi, we will have finished with coastal region hearings. We will also have hearings or thematic hearings in Nairobi.

The schedules for hearing are normally published in newspapers. We would like to ask you to watch out for those of you who get them, inform women, especially thematic issues on gender, or institutional hearings that teach on the military, because some of us have suffered from them. So, thank you so much. That is the end of our hearings, God bless you all.

(Closing Prayer)

(The Commission adjourned at 1.15 p.m.)