Public Hearing Transcripts - Nairobi - RTJRC21.02 (Charter Hall, Nairobi) (Women's Hearing)

Truth, Justice, and Reconciliation Commission
ORAL SUBMISSION MADE TO THE TRUTH, JUSTICE AND RECONCILIATION COMMISSION HELD ON TUESDAY, 21ST FEBRUARY, 2012, AT CHARTER HALL, NAIROBI

(Women Public Meeting)

PRESENT

Gertrude Chawatama - The Presiding Chair, Kenya
Rebecca Mutuku - Leader of Evidence

(The Commission commenced at 10.00 am)

The Presiding Chair (Commissioner Chawatama): Good morning ladies, my colleagues sent their apologies. The acting chair is sitting with the men in the public hearings because according to the law there must always be a woman on the panel. Commissioner Shava is recording a programme at KTN and should she finish quickly, she will join us. All the same, on behalf of the Truth, Justice and Reconciliation Commission, I welcome you to today’s women meeting.

We have travelled all over Kenya, we have covered over 37,000 Kilometers and we have met many women because it has been the practice of the Commission that on the second day of our hearings, we should always have a women’s meeting. It was important for the Commission to have an opportunity to gather women on their own so that we can hear from them some of the challenges that they have been facing and also to make recommendations. What has been interesting is that we have had women from different walks of life talking about issues that relate to family life. Of a lot of interest or concern was the future of their children. We have spoken to widows who lost their husbands through the post-election violence, cattle rustling, at the hands of the police and in so many ways. We have spoken to widows concerning the difficulties that they experience when it comes to inheriting property left by their husbands. What has been very sad is that many young widows who have lost their husbands have no means of bringing up their children and have asked us to ask the Government to support them.

We have covered a lot of topics and I know today that you are here because you have something to share. Please feel free because after we have done our work, we are going to write a report where we are going to make recommendations according to the law. Our recommendations are mandatory meaning that the government or any person or institution has no choice in the matter but to implement our recommendations. Please speak up and let us share. I know that we will share things that are painful and that we will share difficult truths, difficult in the sense that some violations may have taken place even maybe 25 or 30 years ago and maybe you have not had an opportunity to open up and talk about these things. We are ready because from where we have come from, we have handled very difficult matters and we are here to listen as a Commission and to support you. Thank you very much for your attention. Today is your day and not mine.
Ms. Rebecca Mutuku: Thank you very much judge. I would like to explain the procedures we are going to use in this meeting. First of all, I ask that we switch off our mobile phones or we put them on silent mode so that when the meeting is going on, people do not go outside to pick up phone calls. Secondly, as the judge has explained, women do not get a chance to tell their views, they just speak about the community and about their children and husbands but we do not talk about our own issues. We stay with them until God takes us with the secrets in our hearts but today, it is your day for women in Nairobi to speak about how as a woman you have been violated since this country got independence until the post election violence in 2008. You will tell us how you have been violated and what injustices have been committed to you, what pain you have that you would like to tell the Government of Kenya and this Commission.

When the Commission went around recording statements, not many women recorded their statements and we do not know why. Was it because the statement takers were very young and the women felt shy to speak about their issues or was it that they were busy in their daily chore? If you are here and you did not record a statement, please speak to us so that we can record the statement. The issues that you are going to say here will remain here. If you have a neighbor or a friend and you hear her speaking about how she has been violated, you should not go from here and speak about it. We have said that today is the day for women and we are speaking about women issues so whatever we are going to talk about today is for us only. You should not feel shy because we have to tell our country how we are feeling and give recommendations of what we would like to see being done in our country for women so this is our chance. If you do not speak today, you will not have any other opportunity to do so. Let us speak today and talk to our Government.

I would like the counselors that are here to stand up so that we can recognize them because sometimes, what we are going to talk about are painful issues and they may bring problems in our hearts. The counselors are here to speak to you if you are in such a condition. We have three and they are working with the Commission and if you see them speaking to you do not see them as strangers because they are our workers.

I would like us to start our meeting and we are speaking about historical injustices since we got independence until 2008, on how women’s rights have been violated. Is it rape, is it grabbing of their property, is it domestic violence, is it early marriages or detention? We are speaking about all the historical injustices that women around Kenya have gone through since we got independence. Have we understood? Is it cultural practices that violate our rights where you are told you cannot go to school or work because you are a woman, when you go to work you are paid a low salary while a man is paid a higher salary because he is a man? You are going to speak about all the problems that you as women have gone thorough. Do we all understand Kiswahili so that it can be used on the floor?

If you have something to say, you will raise your hand and I will ask that you stand in front of the TJRC banner so that you can speak and you should not fear or be shameful.
Are you ready women? I would like us to stand up and sing one song so that we can begin. Who will lead us in one song?

(A song was sung)

Ms. Rebecca Mutuku: I would like us to sing another song that says that women do not rest. Women, we do not have time to sleep. We have to struggle because we have come from far and God has blessed us and we will still win. I would like to hear women responding. Are we going to win? Let us stand together, we struggle together and we pray to God. I would like us to start the meeting because we are now more excited. I explained that if you have an issue that is affecting you in your heart, please raise your hand. We are talking about historical injustices and how women’s rights have been violated from independence until February 2008 when we had the post-election violence in our country. We know that at the time, women and children were affected a lot but we thank God that He gave us this time to come and speak to the Commission and to the Government about what you have gone through and to give them recommendations on how we would like our country to treat women. Who will start the hearings?

Ms. Jane Macharia: Praise God my fellow women. My name is Jane Ngina Macharia or Mrs. John Muriuki. I want to speak about my life and how I have been oppressed. After secondary school, I joined a teachers training college back in 1985 as a P1 teacher and I was posted to a primary school called Ndururumo in Nyahururu. That is where I was married to John Muriuki and we were blessed with three children who are all boys. In 1989, my husband tested HIV positive and it was a difficult time because at the time, Kenya had not accepted that there is HIV/AIDS in our country. Everybody was in denial including the Government of Kenya. Those people who were infected were discriminated against. People could be buried in polythene papers. That time, my husband decided to go public. When he went public I accompanied him to the HIV/AIDS campaigns. He was all over the newspapers and the media. Back in 1990 the World AIDS Day was hosted at Makadara grounds and the theme of the day was the Role of Women in the Fight against HIV/AIDS. I was invited to go and present a paper on the role of women in the fight against HIV/AIDS. After that, the Daily Nation newspaper wrote a very big story about me and about my role as a HIV negative woman married to a HIV positive man; that is a discordant couple. That was in December 1990.

In January 1991, I went back to school. At that time I had left Nyahururu and I was in Nairobi so that I could join Muriuki who was working at the City Council. At that time, the doctors were saying that he would only live for six months, so I left the countryside and came to Nairobi so that I could be with him for the short time he was to live. I was transferred to Heshima Road Primary School. Upon opening school on the first term of the year 1991, I went to school and I was shocked because when I got to the gate, I found a watchman who told me that I was not supposed to enter the school. I asked why because I did not expect such kind of a scenario. He told me that the headmaster had said that I should not enter the school compound and then he went and told the headmaster that I had arrived. I was taken to the office and the headmaster told me that everybody had read my story in the newspaper and that I went public about my husband’s status and
the whole school, the parents, the children and the teachers do not want me to teach at the school. He told me that as the head teacher of the school, he is not allowed to accept me into the compound and that I would not attend the assembly of the opening day and I should not proceed to class or even to communicate with anybody in the school.

I tried to talk to him and told him that I was not HIV positive but he would hear none of that. He told me that the best he could do for me was to give me a letter and go to the staffing officer at County Hall and present my case. I left the school very discouraged and very disappointed and at that time, I was still a young mother going through the challenge of having a husband who was HIV positive. I went there and met a lady who was the staffing officer.

The Presiding Chair (Commissioner Chawatama): Is Jane speaking in Swahili?

Ms. Jane Macharia: I went and met the staffing officer and I told her that I was sent to her office by my head teacher. I realized that she already knew my case. I told her that my husband was HIV positive and I had joined him in the awareness campaign and I participated in the awareness campaign the previous year and upon going to school, I was denied access. She told me that she was aware of my case and what they had decided as a Ministry was to ask me to stop those campaigns and they were going to send me to a school where I was not known and upon going to that school, I was to be silent about my HIV status. I was to withdraw from all HIV campaigns and I was to make sure that my husband did not come anywhere near the school and nobody was supposed to know that I was his wife. I told them that it was very difficult for me because I could not stop Muriuki from going public neither could I stop people from coming to my home. It was possible that a teacher could come to my house and eventually meet my husband and my children as well. The community that I was living with in Umoja Estate was aware about us so there was no way I could have lived in secrecy. With that, I realized that I was not able to work in any school. There was no school that was willing to take me in as a woman who was affected by AIDS so, I withdrew from teaching.

Up to this time, I have never received any letter from the ministry and my salary was terminated immediately. This had a very big effect on me because I had chosen a career of being a teacher. After that, I started doing HIV work as a volunteer. This affected my children and me so much. At the same time, when my husband went public, my children also suffered a lot of stigma. I remember one day I went to the school that my son was in and I found that they had segregated him to a corner. I had gone because he was performing very poorly and I wanted to find out why he had deteriorated and I found that they had put him on a separate desk alone. The teachers were not accessing his books and nobody could play with him and this had a big effect on him. I sought another school and I went there and I discussed with the teachers and they accepted my child. The community as well was not friendly.

I lost friends. I used to do a small business of selling rice and from that time, nobody wanted to buy from me so all my sources of income stopped. That has had a lot of impact on me. As a result of that, it has affected my way of investment and even my children’s
education was affected. I remember one of my sons’ who was in Alliance Boys left the school with a balance of over 200,000 and one of my other son who is doing a degree, had to stop the degree that he was doing and take another one because time had overtaken him since he was in and out of class. This has had a lot of impact on my children and as a family generally.

My request to this Commission is that they may look into injustices against people affected by HIV/AIDS. I am glad that out of our struggle, we fought a lot of stigma and now there is an act that protects people living with AIDS against discrimination on issues of employment. Before the Bill, many of us suffered discrimination, rejection and this caused a lot of suffering psychologically, physically as well as economically. It has always been my joy to be a teacher and to prove that, I am doing a programme on education that caters for orphans and vulnerable children. I would love to go back to teaching. Thank you so much.

The Presiding Chair (Commissioner Chawatama): Jane, thank you so much. As you were speaking, it reminded me of a life of a pioneer. When you are a pioneer, there is so much sacrifice and so much suffering because there is need to break ground. I hear you, I hear your suffering and I hear your pain but I also celebrate the fact that you are a very courageous woman. You stood by your man when most of us here I think would have ran away. Most of us would have felt a lot of shame and would have opted to get out of that marriage but you stayed. You stayed not only for him but also for your children. I think that now that they are older, they look at you with a lot of respect that you were able to stand with the family. It is a shame that the ministry to which you belonged dismissed you. Yours was a dismissal and you have to be compensated for the dismissal and for the pain and suffering. To kill your dream of being a teacher is not right. We have heard you and I assure you that Emily is here, she is a lawyer in the TJRC and this is one case that we need to take up and deal with the issue of dismissal, the pain and suffering and all the compensation that goes with that. Please note it and let us not lose it. It is a straight forward matter and it is not complicated. You will share with Emily your contact in case we have one or two issues that we want to find out from you and if you have any letters or any documentation, please let us have it. Your testimony has laid a good foundation for women to begin to just speak. As women, you have heard what Jane has suffered so please let us speak so that we can put as stop to some of the sufferings of women. Thank you very much my dear sister.

Ms. Rebecca Mutuku: Thank you very much Jane. Sorry for what you have gone through but I would like to thank you and your husband because when you started educating people concerning HIV/AIDS in Kibera and Korogocho, Joe was there at the frontline and you saved a lot of lives. I thank you very much. Who else would like to share with the Commission what they have gone through?

Ms. Irene Wangui: Hello everybody. My name is Irene Wangui from Dandora. I was affected by the Post Election Violence (PEV). My house was burnt to ashes. It was on 31st December. When I was sleeping, although I knew something was happening I did not know that I was a victim. Before it came, I had already told my family to shift from the
house and leave me alone. There was somebody who passed information to me before. The man was a friend to my daughter. When he came three weeks before elections he said something that was bitter to me. He told me, “Mathe, do you know something?” I told him I did not know. He then told me, “We are ready to finish you like the Ibos of Nigeria”. I just kept quiet and did not speak anything. However, when he went I asked my daughter, “Did you hear what your friend is telling me?” She told me, “Mom just leave Melvis alone”. I just kept quiet but I knew there was something. Therefore, I told them to shift.

When they shifted, they went to Kariobangi to another friend of mine who is a Luhya and they stayed there. On 31st chaos erupted. I heard somebody speaking outside the house saying, “Haki yetu, haki yetu! We were given by somebody and we have to take it”. I did not know what was happening. I then heard something burst like a bomb. I came to realize there was fire all around my front door. I just kept quiet in fear. I started breathing in smoke. I had already fainted. However, there was a man moving outside. I heard him shouting, “There is a mother with children here. Come and help us”. They broke the wall behind the house and picked me up. I was taken outside. I watched my property burning. I was left with ashes.

I waited for the morning. I went to another place; we were hiding in a storey building. I did not know where to go. We stayed there, I watched things happening. I am telling you people are murderers. I stayed with the people in Dandora in fear but kept quiet and hid everything in my heart because there are so many things that I saw. I was then called by another woman who told me not to ask for where to sleep anymore and that we should go to the camp. I went to St. Monica’s Dandora. That is where I shed a lot of tears. People could torture us there. People could help us with food but there were other people coming from the surrounding area. They could come and say that they were cooking for us but they carried everything away. Sometimes they would give us raw food which we could not eat. We stayed there until the church started controlling everything. I then decided to go away. I said I love myself and my family and what I was depending on was already finished.

When I went away, I decided to do one thing; I said I would become a Chokora who would not fear anything. I went to Mukuru the damping site. I could pick things from there and eat. Because I am asthmatic, I could not survive there. I decided to walk around the streets. I looked for something to eat until when I was called by another woman. She told me she would give me money to save then she would show me where to take a loan. I took the loan and went back to where my house was burnt. I set up another structure.

However, when I was building a man came by and showed me a card. Those cards were being given to them by the United Nations (UN). They used to be called peace makers. He put the card on my nose and told me, “Mom, do you see this? This will finish you in 2012”. I just kept quiet. After ten minutes, I saw a gang of men who came and demolished my house. They took away the materials. I said I would not keep quiet. I decided to sue them. That is what I did. However, before I sued them, I called the media. They came and took photographs. The OCS was not happy with that, he asked why I had
not informed him about the issue. I went to the chief who chased me away. I continued with my case. I got hold of one man who had brought those people. We went to court with him. The chief and the councilor were among those people but I did not see them.

I had gone through difficulties because even getting relief food was a problem. I used to go there and there was a woman who would tell me that the chief wanted to send me somewhere. I could leave the queue without food. I did not care about anything; I knew at the garbage site there was something to eat.

That man bought his way out of Makadara Court. At the court, I was put somewhere by the clerk and the prosecutor. People went out when the court adjourned. I found the prosecutor and asked him where the accused and the policeman were. He asked me: “What are you doing in court No.8 and the case is being finalized in court No.3?” I told him on the notice board it was indicated that the case was in court No.8. He just pushed me away and I fell down. I then screamed, he came and stepped on me. He kicked me on the stomach and pinched me on the back. I had patches all over. He was lucky there were no media people there. They then took me to the cell.

Because I did not have money I have not been treated. I kept that as a secret to myself. We continued with the case because they were unable to finish it there. When my witness heard me screaming he ran to Court No.3. The man had already been called by the judge. He told them the one who had accused the man was the one being battered by the policeman. The judge adjourned the case and set another date.

We continued with the case until that man came and told me to forgive him. Earlier, I wanted to forgive him but he refused. I told him I would forgive him when I wanted. Later I decided to forgive him but on condition that he had to buy timber and material to build my house. He was unable, but all the same I forgave him. I even know the people who burnt my house and even today we are always together. He could not believe that I forgave him. He told me he would give me Kshs15,000. I told him it was okay. He told me he was just apologizing. I told him I would let the court know. He was in fear but I told him I had decided to forgive everybody who was bad to me.

We went and I informed the court. However, when I went to tell him that I was going back to my place, he said that he was going to build a police camp there. I just kept quiet. I continued with kuchokora. Everybody knows me in Dandora. I am called many names; Chokora sugu, chokora mama and others. I am called many names but I am proud of my work. I am waiting for a helping hand because one day I will leave that job and people will speak about something else. They will call me another name but not chokora mama.

Thank you.

The Presiding Chair (Commissioner Chawatama): Thank you very much. My understanding is that the matter was discontinued at the court. You are a very brave woman and a very good hearted woman. One of the things that we are endeavoursing to do is to reconcile Kenyans. You have demonstrated that heart of reconciliation. You went
through so much and lost so much but yet you were able to forgive those who burnt your house and who reduced your life to a life of poverty. The people who call you *chokora mama* do not know you. They must see the greatness of a woman who has decided not to give up in life. Kenya will soon be going for elections. When you think that this time is coming and it could come in December or early next year, what are your thoughts on that?

**Ms. Irene Wangui:** There is something I did not say. I am very happy because that man who burnt my house, just when I told him I had forgiven him, he became a preacher. He was naughty and a drunkard but today he is walking with a Bible, preaching to people and telling them to reconcile. He tells people to love one another. I even pity him. Even my family buys his *mandazis* although sometimes he tries to hide his face. I just let him know that there is nothing wrong with that.

I was not given the Kshs10,000 that others were given to console themselves. When I went to the Ministry I was tortured. I have letters in my bag there and I think you can help me.

**The Presiding Chair** (Commissioner Chawatama): What we can do is to get a statement from you on that issue to do with your plight at the Ministry of State for Special Programmes.

Thank you very much.

**Ms. Rebecca Mutuku:** Thank you very much. We agree that we are all ladies, we are going through a lot but we will win. Let us say that we are all winners.

We have heard of discrimination due to HIV and violations by the PEV. What about our cultures and traditions? How do they violate our rights? How have we been oppressed as women since independence? Is there anyone who wants to tell us how our tradition oppresses the women?

**Ms. Zahra Ali:** How are you ladies? As women we have suffered a lot. During the first elections after independence we were well off. We were respected by everybody. My name is Zahra Ali from Kibera.

I was born in Kibera and my parents were both born in Kibera. We lived with a lot of respect. During the reign of the first and second Presidents, we lived well. But towards the end problems began. We have had many problems in Kibera. In Kibera women do not have any means. Some of our houses were grabbed. People are living in our houses without paying rent. We have tried to go to the chief and the DO but we do not get our rights.

We have children who have graduated from Standard Eight but we have no means to educate them. They are just at home. They have been left to work in car washes to get some money to buy soap and second hand clothes. We have rights as house owners but
they have been grabbed from us. However, we thank God because He gives us what to eat and drink to date.

As women we still pray. I am a grown up woman, my mother was born in Kibera and I was also born there. The life in Kibera gives us sorrow. However, we pray to God. Everything has an end but we should be strong as women. Let us look ahead, let us not just sit. God is there and He will assist us.

We have many problems as women but nothing is beyond God. Everything has an end. Let us unite as women. That is all I have.

Thank you very much.

The Presiding Chair (Commissioner Chawatama): I know that you belong to the Nubian Community. I would like to know whether or not the women in the Nubian Community are able to inherit property once the husband dies. Who then looks after them after the death of their husbands?

Ms. Zahra Ali: I can tell you that as women of Nubian community we suffer a lot. We are strangers in Kibera. My parents were both born in Kibera but we have no rights in Kibera. We are pushed around and now we have been pushed to the wall. As we are on the wall with our children we are still being pushed. Most of our husbands are dead. We are trying to fight for our rights in Kibera.

When your husband dies, according to our religion, the wife and children are taken over. We are supposed to inherit but we are being pushed around. According to our religion, the right to property belongs to the wife but we do not get this. This happens because we do not have documents.

I cannot go to Limuru and put a beacon, nobody will allow me. They will tell me to go back to Kibera. We have the right to inherit but we are being denied. We are still struggling to get it. We will not stop struggling up to the end.

The Presiding Chair (Commissioner Chawatama): You mentioned a committee; do you have women sitting on this committee?

Ms. Zahra Ali: Yes, they are there.

The Presiding Chair (Commissioner Chawatama): What does this committee do?

Ms. Zahra Ali: The committee takes care of that but we are being pushed. We are suffering. We have called the Kenya Human Rights Commission to Kibera to look into our rights. We are trying to push on but for 15 years we have not got any positive response.
The Presiding Chair (Commissioner Chawatama): Thank you very much and thank you for coming.

Ms. Rebecca Mutuku: Thank you for what you have shared. Who else would like to tell us anything?

Ms. Naomi Wamaitha: How are you my fellow women? Peace be with you. My name is Naomi Wamaitha, I come from Pumwani. I am going to speak about our houses at High Rise Estate. When we were being given the houses, we were told the prices would be low but now you find that the residents of that place cannot manage to pay rent because it is Kshs10,000 and above. They are now being given notices to leave. The houses now are not helping the poor. They belong to the tycoons.

The youth in Pumwani as a whole are being killed day in, day out. They say they are robbers and thieves. Most of them are Muslims, but they are said to be Al Shabaab. When we die as parents we do not even have the next generation.

Let me tell you something, those who possess guns are not killed, it is the innocent who die. When those with guns escape, others who do not have guns are killed and then pistols are placed on them. Some of them are just street children. There is one who was accused of being a thief and shot eight times. We are appealing to the Government to do thorough investigations on this matter.

I could have said a lot but I can cry. I apologize for that. Let me leave.

The Presiding Chair (Commissioner Chawatama): Thank you very much for coming and speaking to us. You have requested that the Government should come in and investigate to find out what is happening, and that is the recommendation that we will make, based on what you have shared with us today.

Thank you very much.

Ms. Rebecca Mutuku: Thank you. I am still asking you. How are our traditions oppressing us as women? What about domestic violence? We keep on believing that tomorrow things will be better but your husband remains the same. You continue to persevere. As much as you stay silent, the oppression continues but you do not want to speak out. Why is that the case? I want us to speak out today.

Ms. Rosemary Wanjiru: How are you, ladies! My name is Rosemary Wanjiru. I am born again. I am a preacher. Praise God.

I have come here today in order to defend women. There are many issues that affect me. I have been violated for being a woman since 1985. I can speak about that a bit. My husband divorced me in 1984. Before then, I used to think that when a woman is married, she cannot have any problems. On the property I was working for, I used to tell my husband we should do this and that but in 1984, he kicked me out and married another
women. That was when I learned that a woman should be making a bit of savings for herself because when your husband leaves you, you will have a lot of problems.

That was when I went and met other people. There was a farm which was being surveyed in Laikipia. I went there and got a plot. We were allocated the plots in 1987. In 1992, we went to develop the land but, again, we were kicked out by the Turkana people. We tried again in 1992 but we were kicked out again. The same happened in 1997. So, we have lived without land yet we still have our title deeds. In fact, I have two title deeds in my house but I wonder how they will benefit me. They are not helping me in anyway even though I have some land. When you go and try to build a house, you are kicked out.

In 1997, they used guns to chase us away. The Turkana were given guns by the former President. So, we now live in Soweto in Kayole. We are tenants even if we have land, which we bought. We are holders of title deeds. In spite of all that, we were kicked out of our land.

Violation of women is not a new thing. It has been there. I am 64 years old. When the Mau Mau war was going on, I was there. I witnessed that war. Our mothers were also violated a lot by the colonialists. They were being beaten. We were in a village. We had been surrounded in the village. They used to wake us up at 3.00 a.m. to go and work on their land. Anyone who was there then knows what I am talking about. We would get food at 7.00 a.m. and then they would lock us up again in the village. I was one of the Mau Mau fighters. I am the one who registered former Mau Mau fighters in our area, in Kayole.

Up to now, I have registered a lot of people. We have an officer here in town. When the Mau Mau war was going on, women were violated a lot by the colonial soldiers. Women were beaten and raped. Batons were inserted into their private parts. Do you hear that? I do not know if you have heard of that? Have you heard of such things – that our women were beaten up and raped by the colonial soldiers, and that batons were inserted into their private parts? Do you know where our private parts are? You can imagine a bottle being pushed in and then you are left there or beaten.

So, that matter did not start now. Right from the Mau Mau war, as we fought for Independence, the woman was oppressed. The woman was violated. I was a middle aged child. So, I witnessed this. Even now, the Government should have mercy on us. It should cater for our plight because the woman does not have a residence. Sometimes you are thrown out of the house by your husband at night. Your children are sometimes also thrown out. Sometimes you suffer with your children. You work hard to provide for your children. You educate the and later, when your husband comes in the night, he demands food. Is that not true?

Even as at now, we are being oppressed. You have heard of how men are being beaten up in Nyeri. It is because a man leaves in the morning. He does not care what the child eats. He does not care about where the woman gets income from. When he comes back drunk in the evening, he demands food. If he comes home drunk and demands food and he did
not provide it, how can you not question him? Is that not oppression? He married you when you were a young lady, and you agreed that you would assist each other, but later, he finds it best for him to become a drunkard. He comes home in the evening. The lady has been working as a casual labourer. He had gone to look for some income. Later, he comes to demand food. Where did he get the money to drink but not to cater for the children?

We are being oppressed by the Government. We are being oppressed from all corners. When you come to town to sell your wares, you are thrown out by the City Council askaris. When you try to sell your oranges, the City Council does not allow you to do that. They cannot allow you to sell your wares anywhere. If you go to Kamukunji, if you do not have a stall, you are thrown out. When you go home in the evening to try and calm down, there comes your husband, drunk and asking: “Where is food?” What will you tell him? He married you. If he demands food, will you not explain it to him?

Women, we have a lot of problems. Maybe, God will help us. The Government might help us. Maybe, the truth will also help us. The woman does not have a place in society. Let me tell you the truth. Only God can help us because the woman is in a bad place. Even as at now, it is just that you are afraid of standing up and talking about your issues. Perhaps there is one person who did not sleep in her house because she was thrown out at night. She has been beaten up and thrown out at night with her children. Your husband may have said that he did not want you in the first place, yet he married you when you were a young lady.

Let me leave you with that. Do not be afraid. Stand up and talk. Speak of how you have been oppressed. Speak of how we have been deserted by our husbands. Speak of how the Government has also deserted us, so that we can see if someone will think of us.

Thank you.

The Presiding Chair (Commissioner Chawatama): Thank you very much. As a Commission, we have been able to hear about some of the violations that women suffered during the Mau Mau war. You have confirmed that there were rapes that took place, and that women were beaten up. We have also heard that bottles were inserted in their private parts. So, what you have said is true. As a Commission, we are looking into that.

You also gave us some words of wisdom – the importance of saving. When I was growing up, my father always said to me: “Education is important because you might marry a rich man but there are so many things that happen in life. He can divorce you. He can die or he can lose his wealth.”

So, I am sure that the women have noted what you have said. Every time you have Kshs200 and you buy your vegetables, even if you are going to save Kshs50, put it somewhere for a rainy day, when you will need it.
Thank you very much for speaking to us and for encouraging all of us to speak. I hope that the women have heard you and that they will speak.

Thank you very much.

**Ms. Rebecca Mutuku:** Thank you, mama. We appreciate. I would like to let you know that we will close this gathering at one due to time constraints, and because our Commissioner also has other duties to take care of. So, do not wait until we close and then you leave without speaking to us. So, if you have an issue, please, speak out. If it is about oppression by men or if it is about domestic violence, or if it is issues of inheritance or if it is an issue of how you are oppressed as you looked for leadership positions. Please, be brief to give everyone an opportunity to speak. So, when you come, kindly, take as short time as possible, so that everyone can have a chance to speak.

**Ms. Hafsa Abdi:** How are you fellow women? My name is Hafsa Abdi from Kibera. I have come to speak about the Nubian community. I am speaking about our children.

We, the Nubian community, are suffering and it is as if the Government has forgotten us. We are being oppressed. Our youths are not happy. The Government is really oppressing our youth. When our youths venture out, they are arrested and taken away. If it is known that you are from the Nubian community, you will be taken to court. If you are not taken to court, the OCS will say: “The parents of this youth should pay Kshs30, 000 or Kshs50, 000.”

I am person who is not employed. I am not even a casual labourer. People are staying in houses but they are not even paying rent. I do not have any job to do that can sustain me and enable me to get the money to take them to court. When the child stays there, you hear that he is now a thief. After some time, the child disappears. When you go there, you are told that you are a community that has been forgotten. The Government should tell us how we have been forgotten. Will we really get our rights? Every year, we are told that we will be given our rights.

We are now moving closer to the general election. This is the time they will come to cheat us. We are used to being cheated. Even when we have a problem, the Government cannot say: “This community has a problem. Let us get a solution for their problems.” There is no way we can solve our problems. We just come together, so that we can see how we can help our people to solve the problem they are facing.

Thank you.

**The Presiding Chair** (Commissioner Chawatama): Thank you very much. We had an opportunity to listen to mama Zahra yesterday. As my colleague said then, you are Kenyans. This is your country. You have no other country apart from Kenya. So, we will take care of the sentiments that you have raised in our recommendations to the Government. Thank you for talking on behalf of the children.
Ms. Rebecca Mutuku: Thank you mama. This lady will speak. When she is done, the lady seated at the corner will step forward. Please, you have five minutes.

Ms. Jemimah Debra Rono: Thank you. Women and everybody else; how are you? Today is our day to be heard. It is better we use this time in a very wise way.

My names are Jemimah Debra Rono. I come from Njiru – a new place which has a lot of problems. I am very happy for coming here. I have met women from our area.

First of all, I am going to speak about the issue of children. Due to the intimidation that we face, we cannot take our children to primary schools to get education when we, as their parents, suffer. This problem is found amongst middle-aged women. They have found themselves in that situation – the children to be taken to school. There is no otherwise but you find that even though primary education is free, it cannot help them.

Secondly, the children are in an environment that is not conducive. Families have no proper foundation. There are parents without proper parenting. For that reason, I would like the Government to consider us because the burden of bringing up children has been left to women. The men there just drink. If you pass by, you just find the men drinking. The police just pass by. You cannot even understand what is happening. We are appealing to the Government to help us, so that we can have a good generation of children who will be important tomorrow, and not alcoholic people.

For example, where I come from children who go to school really struggle; they go to school without food. There is no proper care in the family line. There is a lot of desperation on the faces of those children, and something has to be done immediately to support those children. Without a good foundation, they will not make it. They will continue to be drunkards. That is one area which has to be addressed where I come from.

I am urging the Government to assist us so that we can have families that have good foundation. Families are breaking down. One looks like a big child in a family. That is what I will speak about.

The women that you see here, if they can truly speak, you will find that in most of our families, there are daughters who have two or three children, and they are staying with their parents. They have given birth there. What is the Government doing about these people and about those men who stop our girls from going to school? Girls are left at home to care for young children whereas boys are free to learn up to university level. Are we getting somewhere?

We are really crying in our families. Due to time constraints, let me just end there. There is an issue I wanted to talk about – the peace builders when I was at Njiru. Due to the many things I keep hearing like people calling me all the way from Nakuru and Naivasha. I have six families who keep on calling me. I do not know them. They were looking for help. I was also tortured mentally after hearing through the telephone what was happening there. I could hear people screaming. I could hear what people felt about the
burning of the houses. I could hear them tell me that they were in a police station but they could not get any help.

Although I was not there, I also got tortured mentally. The same torture is coming back to me now. I am with the villagers; even today in the morning, I had three mothers in my house, who had come to look for help. In the village, we have a big problem. We do not know where to go or what to do, especially for education. We are now in February and children should be going to school. If could go to my village, I will give you data showing that a number of girls who are in Forms I, II and III are not going to school because they have no finances. So, they end up coming to my little house. The torture still continues, just like during the emergency time. I was a little girl of about six years. The same pain is in me.

I am now appealing to the Government to do something to save the lives of the village people down there. It is like poverty is coming down but there seems to be no one coming up to help the people living in the villages. As I said, I am also tortured when they come to my house. I am a helpless mother because I am not working. I have nothing to give them. Although I counsel them, there is something that needs to be done beyond counselling. I believe that if the Government puts things into place, those families can be strengthened, especially those who come from the burnt down places in the Rift Valley. We have them scattered everywhere. We have them in Njiru. We have them in Choka. We have them in lower Gatuoro in Ruai. We have them in Soweto. We have them everywhere. They have the right to live. Those people have the right to be listened to by the Government.

Coming to the old people, I heard a story about the old people. Today, I heard three women talking about the old people. I happened to be involved in the village with old peoples’ issues but there seems to be no answer anywhere. I was surprised when a gentleman said that they had started sorting out people, because in our area we have not heard of any programme for old people.

That is all I can say. I have a lot to say, but for now I will stop there to allow other people to speak.

Thank you very much.

The Presiding Chair (Commissioner Chawatama): Thank you very much. I am sure that the women in this room will join me in celebrating your life as a peace builder. Kenya needs people like you because everywhere we have gone; one of the things that the women have said is that they want to live in peace. The women are saying that they have lost enough. They have lost their husbands, their children and their property. So, they are crying for peace. You are right. One of the things we have also found out is that it is the women who are looking after the children and the homes. Definitely, the foundation of family life has broken down. People are now looking to the Government to be their saviour, forgetting that “family government” is the first government even before civil government.
So, please, continue in your work of encouraging and counselling. You personally have been tortured. So, we will find ways of counselling you. One of the ladies will sit with you, so that you can just talk about some of the things that are still in your heart, but thank you for participating in the meeting today.

Ms. Rebecca Mutuku: Thank you, mama. I want this other lady to come and speak to us. The one wearing the red dress will be next. Please, step forward and take only five minutes.

Ms. Grace Mbaruki: How are you my fellow parents? I have only a few things I would like to talk about today; they are about how women are being oppressed and how they are suffering. I want to speak about disabled children. Parents who have disabled children know how their condition is. I have a deaf child myself. If you have a disabled child, you are not respected in the home you are married. People despise you. Even your own husband despises you.

In my own experience, when I got the disabled child, I thought I was the only one with a disabled child. However, as I walked round the hospital, I met other parents with disabled children. I can tell every parent who has a disabled child that I struggle with the child alone. The father does not know how the medical expenses of the child are taken care of or who feeds the child.”

I come from Kibera. We meet at a school on Saturdays as a group, where we discuss and share our thoughts. Other mothers have been thrown out of their houses because of their disabled children. There is one mother who told me that their child was seven years old. Whenever he was picked to be taken to school, the father would ask: “Are you coming to pick your fellow woman to walk around with her?” According to him, that is not his child but is of another woman.

I am speaking from experience. There is nobody who respects me where I live. I struggle with the child alone. When I gave birth to that child, he was not deaf. He was in perfect health but he subsequently suffered from meningitis but his father did not bother. When he discovered that the child could not speak, he did not want to know what medical attention should be given to the child. When he found out that the child had meningitis and that he could not talk or see, I was told that such a child should be taken to Kenyatta National Hospital.

However, every time you go to Kenyatta, they want money and your husband does not want to know how the child is being treated. We came back and the child could not walk. His back was also affected. He could not sit. When the child crawls, he uses his back, unlike other children. So, we get a lot of problems and a lot of stress. When you are given another appointment, they ask for money. At Kenyatta National Hospital, they never charge less than Kshs3,000 or Kshs4,000. I thank God because when the child was sick, I was working somewhere as a casual labourer but that has since ended.
When people see my child walking, they ask me: “What did you?” I tell my fellow parents: “Try as much as possible. Look for casual work. Do not look up to a man.”

Those parents who have disabled children are suffering in their houses. They ask: “Where do I take this child?” Other men say that they cannot live with a mother of such a child in Nairobi. He does not want his friends to see the child. Other men say that the children are not theirs. They accuse their wives of having gotten the child outside the marriage. Women have a lot of problems. Many women are very sad. They cry all the time. I usually tell them to be strong. If you find a good home, you find that it is a woman who built it. How can we help our children? Even taking them to school is a problem. Many women do not have jobs. You cannot afford to take your child to a boarding school. Other women say that they will run away and leave the child with their father for him to sort the child out, but we advise each other and tell such women: “Be patient. Just wait.”

We are discriminated against. As I stand before you today, I cannot say that I am afraid. If we ask all the ladies here, we will find that all of us have problems. I have a lot of pain because of that child. That is my third child. Even as I speak, I have not been taken to be his own wife because they do not know where I got my disabled child. I do not have a house just because of my disabled child. It is very painful. Other men threw out their wives. They claimed that they did not know where the disabled child had come from.

The Presiding Chair (Commissioner Chawatama): Thank you very much. I am sorry, I did not get your name.

Ms. Grace Mbaruki: My name is Grace Mbaruki from Kibera.

The Presiding Chair (Commissioner Chawatama): Grace, thank you for sharing with us. We have made it a point every time we have had hearings in different parts of Kenya---We have given an opportunity to people with disabilities to speak to us. We have also spoken to mothers who have children with disabilities. What you have said is what we keep hearing – that the fathers of these children keep blaming their women for the children’s disabilities and they do not support them. We have also heard that the Government is not doing enough to help, in terms of providing specialised schools, equipment and even opportunities for employment. So, as a Commission, we have heard you and we are going to make the right recommendations, which will make your lives a lot better.

I am encouraged to hear about the meetings that you have on Saturdays, because there is need to encourage one another and to draw strength from each other. You probably will never know how many lives have been saved and how many relationships have been saved because of the group that you have. People live in a lot of ignorance. You bring a lot of awareness into the challenges that you face as a parent of the child who lives with disability. It is a pity that your child was not treated on time. If he had been treated, I am sure he would have been okay.
Continue the good work. Do not give up. Even if a person has a disability, they are precious in the eyes of God. They deserve to enjoy their lives. They also have rights. We will make this very clear in our report.

Thank you very much.

**Ms. Rebecca Mutuku:** Thank you, mama. After the lady in red speaks, this other lady will speak after which I will go to the other side.

**Ms. Mary:** How are you fellow women? My name is Mary. I live in Korogocho. Many people hear of Korogocho. Those of us who live there are the ones who know where Korogocho is.

As a mother, I want to talk about the past election. As women, we carry the burden. Women suffer. I decided to start a school so that I could help myself and assist other children. I could not believe on 28th December, 2007, when I was called and told: “Mary, go upstairs.” I asked: “Why should I go upstairs?” I witnessed with my own eyes as they broke into my school. You could not tell who they were. They carried away the doors, the books and everything else. The rest that was left, we could just see someone walk in and throw it out. I was shocked.

As a mother, I believe that we should be given our rights. Everything falls on the women. When a child falls ill, it is the responsibility of the woman to fend for him. When a school fee is required, the woman is the one to pay. I was requesting this Commission to look into the plight of women. You can find that a lady is talented but did not get an opportunity to get education. You understand how things were in the years that have passed. Parents used to reason: Why should I educate the girl?” So, you can find that a woman is not educated but she has the heart to help her children. So, I kindly ask this Commission to defend us. Women have a lot of problems.

If you come to Korogocho, you will not believe it. The woman goes to school, picks up the children and tells them: “Let us go and look for scrap metal.” This woman goes to school, picks the children and goes to look for scrap metal to sell, so that they can get some food. It is not that this woman does not have a husband or the husband is not around. We have many problems. So, defend your fellow women, so that we can see how we can help our children. You cannot find a father living with his brother’s children and catering for all their needs. Such work belongs to the woman. You cannot also find a man saying that he wants his child to go to school. Men do not have that kind of heart. Very few of them are bothered.

If a woman goes and sells her wares, when she comes back, she is beaten up. You are beaten up yet you went to look for food for your child. You find your husband just seated there. Where will we go? What sin did women commit? Kindly, defend the woman. The Government should consider educated and uneducated women. They should be assisted because all the responsibility of the homestead falls on the woman’s shoulders. If a child is unwell, the mother is expected to meet the medication costs. When a child is disabled,
as my sister here has said, it is very painful because such a child becomes the woman’s burden.

Please, fight for women.

Mrs. Rebecca Mutuku: I will give a chance to one lady from the other side.

Mrs. Judith Mahindu: I greet all of you. My name is Judith Mahindu and I live in Kibera Slums. I have had a lot of experience with deaf women. I am also a deaf person and a woman. As a deaf person and as a woman, that is double tragedy and double suffering. I know that many people do not have experience with deaf people. There is a lady who has talked about her experience with a deaf child. Personally, I was not born deaf. I became sick and that resulted in me being deaf. I did not get an interpreter even in the schools that I went to. Life was very difficult in the family. There were three other children who were treated more special because they were not deaf. As a deaf child, I was ignored. It feels very bad to live in a community when you are being treated like that. You are just hidden at home and nobody cares about you. The parents pay school fees for the other children while we remain at home. When we grow up, we do not even know where to go because we have not gone to school. We also do not have experience of life out there. We do not know what to expect out there. When do deaf people go after they grow up? Even deaf women also need to get married. They have do not have an opportunity to learn about culture. They do not know their culture and the issue of self-employment. Who is going to employ them because of the language barrier? They need to get a job because that is their right.

Employment is a right but how do they get that job if they have been oppressed from home all along. My own father rejected me. He told my mother that she had given birth to a disabled child. My mother carried the burden alone. My mother never planned to have a disabled child. I grew up as a much oppressed child and my mother was also oppressed because of me. There are no laws that protect children with disabilities. What was the Government doing? There are very many deaf women who are looking for jobs but they are ignored. Nobody is ready to employ a deaf woman. We know that there is free education in this country but that is not the case for deaf people. When deaf children go to school, they must pay for boarding fees. Disability goes together with poverty and most of them come from poor families. So, their parents cannot afford to pay for them fees.

While everybody else is developing, nobody ever thinks about deaf people. We are sisters, mothers and aunties, so it is important that we remember that there are deaf people we need to move together with. We should not think that the deaf do not know anything or cannot do anything. The only challenge is that they cannot hear. Right now, I am here and I can communicate with you using an interpreter. If I did not have an interpreter, I would not be able to communicate with you. You have heard a lot about Internally Displaced Persons (IDPs). There are also deaf people who are IDPs. They suffered more than the others because there was nobody to help them in the camps. I had
to go to different camps to see deaf people. I found out that they had lost their homes but there was no one to help them.

I just want the Truth, Justice and Reconciliation Commission (TJRC) to recommend to the Government that they must think about deaf people and how they can help them improve their lives because deaf people are people and deaf women are like other women. They are suffering just like the other women. Nobody plans to have a child with disability. It is only God who decides and He has a reason why He gave you a child with disability. If you tap a deaf person and you find out that the person is deaf, you walk away very fast because you do not want to be associated with them. Why would you do that? If you find out someone is deaf, try to sit with them and even try to relate to them instead of walking away. It is important to work with us, be with us and interact with us. As we give our issues to the TJRC, it is important for us to know that there are deaf women out there. There are also deaf people who are also blind. These people are rejected. We also need to embrace those who are deaf and blind. These are people who live with us in this society. We are all women. Therefore, I would like to propose that you should remember that there are deaf women who are suffering and need to be taken care of. They also need to be supported to become better people. Thank you very much.

The Presiding Chair (Commissioner Chawatama): Thank you very much. I am so glad that you were given an opportunity to speak to us in order to bring the awareness and the plight of women who are deaf. I also celebrate the work that you are doing in the community that you work with. You have talked of the difficulties of living in the family. You have also talked of the difficulties you experience in schools and in the community. You have asked that we should remember that there are deaf women and we should urge the Government to help them improve their lives. Thank you very much and we will make the appropriate recommendations based on what you have told us.

Mrs. Rebecca Mutuku: Thank you. I would like the other lady to come and speak briefly because of time.

Ms. Irene Njeri: I greet you all. My name is Irene Njeri and I am standing before you to speak about cross-cultural marriages. I met my fiancée who was from a different tribe. I have really suffered because of that. During the post-election violence, I suffered together with my children. Up to now, my husband has not even tried to protect us in any way. When there was tension, he did not bother to protect us. The properties that we had acquired together were in his name. He threatened me and injured my leg. I also have some other injuries that I cannot explain here. As a result, I was evicted from that place and I went back to my maternal home. Up today, he has never bothered about us. He sold all the property that we had acquired together and he says that he cannot be taken anywhere because the property was in his name. I am appealing to the Government to see how they can defend people like us.

The Presiding Chair (Commissioner Chawatama): How long had you been married?

Ms. Irene Njeri: I was married for more than 20 years.
The Presiding Chair (Commissioner Chawatama): Have you tried to go to court?

Ms. Irene Njeri: I was depressed because of what I had gone through. I tried to go to FIDA but I could not continue to follow up because I fell sick. I cannot even walk properly. Those who knew me previously cannot even recognize me because I look different due to depression. My doctor also said that I have post-traumatic disorders. When my child who is in Form Two found out that I was in that situation, he cried so much. He came back to the house to take me to the doctor for an appointment because he is also undergoing trauma. I am appealing to the Government to handle those people who have no regard for their families. I was married formerly and it was amazing to see what happened.

The Presiding Chair (Commissioner Chawatama): That is indeed very sad. We have come across a number of cases like yours. Many marriages came to an end due to post-election violence and the women have suffered. In the country that I come from, the courts are now giving women 50/50. If you divorce, you should get 50/50. The only thing that you would have to show is that you were married to that man at the time that the property was acquired. It does not matter whether the property is under his name. If you were to go to court, you would be given your share. I know you have told us that you have a condition but you do not know where part of your healing lies. Maybe if this matter went to court and the court did justice and gave you what you are entitled to, it will help you to heal and bring some closure to the matter. So, I would encourage you to give your name and number to Emily, who is our lawyer, and then we shall see what we can do. You cannot work for 20 years and go away like that. What the courts are doing all over the world now is to just decide based on the facts that you were living in that home, gave birth to children, washed somebody’s shirts and trousers, cooked and cleaned. Even if they want to treat us like a maid, how much would they have paid that maid who has worked for 20 years? Nowadays even the court thinking has changed. I would be a very happy person if by the time we are winding up; I could hear that you have received what you are entitled to because you have worked hard for it. It is not only for your sake but also for the sake of your child. When your child sees you depressed, he also becomes depressed. I know it is hard to have gone through what you went through and bring your life to complete standstill but let us work together and see what we can do. Please, give your contacts to Emily. Thank you very much for sharing your story with us. There are so many women who are also going through what you have gone through.

Mrs. Rebecca Mutuku: We are sorry for what you have gone through. Fellow, women, I would like to tell you that there is a law that protects us. We were given names by our mothers. If you buy something, put it in your name. We should sensitize our daughters on their rights.

Ms. Mary Ndovo: I greet you all. My name is Mary Ndovo. In 2000 I was harassed in an office by a man. When women talk here, I get so inspired. I lost my job because of saying no to sex. There are so many women in our society here who are going through so much in their offices and places of work because their bosses have asked sex from them. I was
employed in a company and I had a boss who was a Kisii. When I went through the interview and went back to Nakuru, he asked me to have sex with him so that he can confirm me because he had to write a recommendation. I said no to it. I said that I would rather stay without a job than give in to him. He harassed me so much until one day after office work when I was going to my house, I did not know that he was following me. I prayed to God to help me remain strong despite all that I was going through in the office. I decided that I will go to the police if that man pursues me. He organized a gang of two men who followed me from a salon. They caught me on the neck and my boss was hiding in the bush. He came to me with his trouser open. I thank God because I escaped. After that I informed my landlord and the following day, I went to the police in Nakuru. The police went and arrested the man. I had scratches all over my body.

In Nakuru Court, the magistrate was the late Stella Muketi. The Standard newspaper also ran a story on me. I was supposed to come with it but due to time, I could not search for it. When I was in court, I did not know that the media was there. I was courageous enough and gave the whole story in court. I had written letters to the head office but there were only men in those offices. They went through my complaints but took no action because they also do it. They thought that that was something normal. They wanted to know what was special with me. I thank God because that man was transferred from Nakuru. The magistrate told me that if it were not for my witness who did not give enough evidence, the case would have gone through. FIDA helped me but because of the threats from that Kisii man, I had to move from Nakuru to Nairobi. I want to encourage women that what men see in you is not what God sees in you. When men saw a barren woman in Sarah, God saw a mother of a great nation.

When I came to Nairobi, I joined the teaching profession. I am now a principal at a school in Murang’a. I want to recommend to the Government to educate girls. In my work as a principal of a secondary school, I have been able to tap talent in girls despite the many problems in our society. Girls engage in prostitution to look for their school fees. If the Government can work hand in hand with schools and identify children with talent, then they can be of great assistance. If you are educated, you will be able to educate your own children through your income. It is not the wish of girls to engage in prostitution.

Through interaction, I have known the circumstances that lead them to prostitution. I have personally sold a plot and paid school fees for some girls. Even now, I have many who are waiting to go to Form One. I am begging this Commission to work hand in hand with schools in identifying the needy children. By so doing we will be solving a big problem in our society. God Bless You.

The Presiding Chair (Commissioner Chawatama): Thank you very much. Was the case criminal or civil?

Ms. Mary Ndovo: It was a criminal case.

The Presiding Chair (Commissioner Chawatama): And he was acquitted?
Ms. Mary Ndovo: Yes. He was acquitted for lack of enough evidence from my witness.

The Presiding Chair (Commissioner Chawatama): Did you lose your job or you just left on your own? Were you dismissed?

Ms. Mary Ndovo: I was dismissed. They said that they did not want to see me.

The Presiding Chair (Commissioner Chawatama): Did they put anything in writing?

Ms. Mary Ndovo: No.

The Presiding Chair (Commissioner Chawatama): Did they pay you your dues?

Ms. Mary Ndovo: They did not pay me.

The Presiding Chair (Commissioner Chawatama): Give your number to Emily and we shall discuss and see whether we can do something, but you seem to be very settled and happy in what you are doing right now.

Ms. Mary Ndovo: Thank you.

Ms. Rebecca Mutuku: Thank you, Principal. Because of time, I will just take two more people from this side and two more from the other side. Everyone is entitled to five minutes.

Ms. Catherine Syombua: My name is Catherine Syombua from Dandora. I am a young mother. I would like to say that I am happy with this Commission because it has come out to assist women. I would also like to speak about orphans. Orphans in Kenya are not taken care of. My mother died due to HIV/Aids when I was young in marriage. I only had one child. When she died, there was nobody to help us. I had to start taking care of the other siblings. My grandmother stayed with one child. My brother dropped out of school and went away. I stayed with my younger sister. We have an uncle who is employed but he could not help at all. Nobody assisted me to bring up my younger sister. I was also told to go and take my younger brother who was at home. I took him also and we suffered together. I struggled to take him to school. I do not have a good job. I collect garbage for a living. I could not manage to educate all those children. Later on, we formed groups which started assisting me. I managed to take them to school due to the assistance from the groups. Up to today, I am still staying with those children.

In Dandora, there are very many people who are educated but they have no jobs. The Kazi kwa Vijana programme came but we could not get a chance to work. It is the Government which contributes to the youth engaging in crime. I appeal to this Commission to take care of the youths. There are very many who are just in the streets without jobs. The girls are getting married at a very tender age. I would not advice somebody to get married at a tender age because of the experience I have.
If I narrate the story of my parents, I feel so depressed. I recall the time when my mother was sick. She was discriminated and I was the only one who had to look after her. I was called to go and take care of my mother despite the fact that I had a very young baby. My baby was also sick and I was supposed to go to Kenyatta National Hospital (KNH). When I went home, I did not see my mother.

(Women broke into song and dance)

I apologize for that but I feel a lot of pain. When I recall that incident, I become sad. I am the one who has to take care of my younger brother. I was not educated because my parents were sick. Nobody could assist us and that forced me to get married at a tender age. I have two children in addition to my siblings. They are calling me to go and take another child at home. I am being told that if I do not go to take him, he might die. I do not know what to do because my husband and I do not have jobs. We are just casual labourers. I am appealing that orphans should be taken into consideration. If you are living with a person who is infected, do not hate that person. It is not the wish of that person to be infected. It is just by bad luck.

Someone might be infected because of trying to find what to feed children. Others are infected through rape. So, do not discriminate against those who are infected with HIV/AIDS. Orphans should be catered for in terms of school, food, clothing and shelter. If I would not be taking care of my brother, he would not be in school. My uncle works at the city council and he earns over Kshs40,000 but he cannot take care of the child. I do not get assistance from anybody. I wonder whether my mother wished to be infected. I am sure she also wanted to live long and take care of us but because of the disease, she could manage to live long. That is how God planned. When she died, I had to take up the role of bringing up children.

The Presiding Chair (Commissioner Chawatama): Thank you so much, Catherine. When you left your seat to come in front to speak, you walked with so much energy and joy that I did not even think that you had a story to tell. Sometimes we may meet people and we might not even know the kind of suffering that they have gone through. Your story makes me sad because it is clear that as Africans, we are no longer living the way we used to. We do not take care of widows and orphans. This is un-African!

I am so sorry for all that you have gone through. You are young, full of wisdom and courage. As a Commission, we would be failing in our duty if we do not talk about your story and your struggles. That is not only your struggle but the struggle of so many orphans in Kenya. Whether this nation likes it or not, there are many orphans and there is need to make a decision on what we are going to do to assist them. They have a right to be educated from primary, secondary, colleges and universities so that they can have a life. It is either that or we will have a generation that is full of bitterness and pain.

We will come and look for buildings in towns and wonder why they have had to live such poor lives. Thank you very much. You are truly my hero and I will never forget you.
Before I leave, we just have to hug. I just have to hold and love you. I ended up with four boys and maybe you are the daughter that I should have had.

Thank you so much. Do not run away.

(Applause)

Ms. Rebecca Mutuku: Thank you very much. There was a second lady on the other side. Please, be very fast and brief because we are running short of time.

Ms. Rose Maina: How are you all? My name is Rose Maina. I want to speak about the sufferings domestic workers face in their places of work.

A few days ago, I got an opportunity to work for a businesswoman. I would say that it was domestic work because I was working in a shop in town and we would sleep in her home. So, I would do all the domestic chores. It was saddening because the earliest you could sleep in her house was 1.00 a.m., and at 4.00 a.m., we would wake up to start the day. It got to a point that she gave us an off-duty during Easter and when we came back, we found that she did not want us to work for her anymore. Since she had recruited me from an agency, she told me to go to the agent and claim my benefit and pay from there. But when I went to the agent, I found that they did not have my money. When I went back to her, she said that she did not have any money for me. I followed up the issue and went to the labour offices. However, she colluded with police officers and they arrested me in Gikomba labour offices. They took me to Muthaiga Police Station where I was detained. When I asked why I was being detained, it turned out that, that lady had colluded with the officers and said that I had stolen Kshs70, 000 in the form of US$500. I had left two children in my house and it was my neighbour who took care of them. I called somebody up and was released at 2.00 a.m. I found that a Good Samaritan had taken in my children. Again, I started following the lady for my money. She accused me of stealing. I went back to the labour offices and the officer who was in charge of my case did not want to see me. She told me to go where I wanted to. I came all the way to Vigilance House and complained about the policemen who had arrested me because they were related to that lady. They were called and that was when the OCS of Muthaiga said that I was not guilty and they let me go. I tried to follow that money and up to date, I have not got it. When I went to the labour offices once again, they told me that three months had passed. So, the case ended there and I was not able to go forward.

Shortly, I will speak on behalf of domestic workers. I believe that those are the people who do the most difficult and important jobs. That is because none of those employers can carry their houses to their places of work. There has to be this critical person who is the domestic worker. This is the person who is oppressed and gets very low pay. She is also accused of stealing and suffers a lot of violations. So, I beg this Commission to also look into the plight of domestic workers. They suffer and get very low pay. Perhaps, they are also educated but did not manage to get their certification. So, the only job they can get is domestic labour. Since you do not want to involve yourself in negative things, you just get something small so that you can feed and educate your children.
The Presiding Chair (Commissioner Chawatama): Thank you very much for your testimony. I would also encourage you to see Ms. Emily from our legal department. I do not think that we have heard so many testimonies from domestic workers and there is need for us to highlight their plight and possibly see what we can do to assist, especially also in this case. So, please, we need to take that one up. We will study your case. Give us your contact number and we will see how we can assist.

Ms. Rebecca Mutuku: Thank you, mama. Sorry for what you went through. We have two ladies. Please, take five minutes each.

Ms. Fatuma Mahamud: How are you, my fellow women? My name is Fatuma Mahamud. I come from Kibera. I am sad because women in Kibera or even generally in the country--- There are Ministers who were born through the help of traditional birth attendants, but we do not get our rights. Women are very important in our country. Even in religion, we are told that the mother is the second God, but we are being oppressed in our country. The traditional birth attendants help women a lot. The mothers who gave birth earlier are still struggling to get their birth certificates. There could be a woman who got pregnant and her husband deserted her and now she is a single mother. When she tries to get a birth certificate, she is told to look for the father of the child. We want this Commission to help us.

There are also women who give birth in the villages and do not have any means. We assist them with our low income. Other women should help them because they have a lot of problems. When you go to the chief, he demands for money and you do not have it. What will you do when your child is in Standard Eight and requires a birth certificate? So, we are begging this Commission to look into our plight.

I do not have a lot to add. Thank you.

The Presiding Chair (Commissioner Chawatama): In our travels and when talking to women, we have found that what the birth attendants do once a woman has delivered, it is up to the woman to go and register the birth of that child with the chief. Then the chief prepares something that then allows them to go and get the official birth certificate. Is this not happening in Kibera?

Ms. Fatuma Mahamud: No, it is not happening.

The Presiding Chair (Commissioner Chawatama): Then we will have to look into it. Thank you very much for bringing this to our attention because we thought that what we found happening in other parts of the country is also happening there. Even though, I must add that in some areas, especially in North Eastern, women are still struggling to get birth certificates and identity cards for their children. So, we will look into your complaint.
Thank you very much.

Ms. Rebecca Mutuku: Thank you, Mama. This is our last speaker for the day.

Ms. Hamza Ahmed: How are you? My name is Mama Hamza Ahmed from Kibera. I have come here to talk about the Nubian Community because we are marginalized. The Nubians are a minority group and even in elections, it is hard for us to elect one of our own to Parliament. So, my opinion is that all political parties should nominate a woman in their parties. In our culture, our men do not discriminate us. All these ladies seated here have been allowed to exercise our culture. Even the religion says that it is only wrong to go outside the religious teaching but it does not stop us from doing what we want.

That is all I have to say.

The Presiding Chair (Commissioner Chawatama): I did not get your name.

Ms. Hamza Ahmed: My name is Hamza Ahmed.

The Presiding Chair (Commissioner Chawatama): Are you vying for a political office? Is that something that you are interested in?

Ms. Hamza Ahmed: I do not want to vie for any seat. I am a woman leader and have a lot of things to do. Even my age does not allow me, and they say that older people should go home. But I would like the nomination of all parties--- We cannot nominate anybody even if we vote because we are few. So, I am just appealing to political parties to nominate women from the village.

The Presiding Chair (Commissioner Chawatama): Thank you very for your recommendation, but you are not old.

Ms. Rebecca Mutuku: Thank you very much. Even if we want to vie for those seats, we will go for them and continue even if we are in our 70s. The men are in the Government and are 80 years old. Why not the women?

Lastly, I would like the women political alliance to present their memorandum to the Judge, so that we can close the meeting.

Ms. Fatuma Salim: Thank you, Presiding Chair. I am Fatuma Salim. I work for Women Political Alliance. They have presented a memorandum in conjunction with Social Reform Centre and the World Match for Women.

We are from various organizations under the umbrella of Women Political Alliance and recognize the importance for women to participate in this process. Acknowledging that the women of this country are the backbone of this nation; aware that the women of this country have gotten a raw deal in all fronts politically, economically and socially; bearing
in mind the fact that wherever there is instability of any nature in this country, ranging from ethnic clashes, election violence, operations of police, fight against terrorism, hunger and diseases, it is women who bear the burden; hoping that this process will address the past injustices that have forced Kenyan women into; we wish to state the following:-

The history of this country has never been written in script and does not recognize the role the women have played both before and after Independence. We would like the history of this country to be written taking into recognition that women of this country contributed more, if not equally, for the first and second liberation of this nation.

The land question in this country has left many women suffering. The history of land acquisition after Independence should be well researched and documented, so that the myths, speculation and causes of dissatisfaction are brought to rest. All those traditions that discriminate women against owning or acquiring properties because they are married should be outlawed because it is discriminatory and punitive because they place a woman as a second citizen. Although the Constitution outlaws all harmful cultures that are against the Bill of Rights, the Government has not taken the necessary measures to enforce the law. To date, female genital mutilation is rampant within some communities living in the remote parts of the country the worst being the fact that the girls who face the knife get married off and do not go back to school.

The fight against terrorism, which at times takes the suspects abroad, does not take into consideration the rights of the wife and children to information and visitation. The case in hand is where a husband was sentenced to life imprisonment in America. The wife was left with two young children who know nothing about their father nor can they travel and see him.

Extrajudicial killings and forced disappearances in this country are never investigated, and mothers suffer in silence. They too are threatened with death whenever they try to follow up the cases where police are involved. We ask the TJRC to set aside a date or two where women can come and air their grievances, because each of them has a story full of bitterness and helplessness. Those women are in Murang’a, Kirinyaga and Kiambu. In Nairobi, they are in Dandora, Majengo, Kamukunji, Soweto and other slums like Kibera. We feel that they need a session by themselves off-camera. This is because even after the UN Special Report to us recommended that the investigations on extrajudicial killings and forced disappearances be carried out, nothing has been done for almost six years.

The mothers with young children are sentenced on remand with children. The children undergo a lot of suffering in prison, yet they are innocent. The children who are left behind also suffer a lot, because they are left at the mercy of neighbours, relatives and even at times, the husband who may have been responsible for the woman is jailed. The Government should take full responsibility of these children. They should provide them with food, make sure that they go to school, have access to their parents through visitation and even provided with care givers, to continue with their life without their mother.

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Finally, women have been discriminated upon from political leadership positions. The TJRC should put pressure to ensure that corrective measures are put in place as soon as possible. We should not go to the next general elections without those laws being put in place.

Thank you.

(Applause)

The Presiding Chair (Commissioner Chawatama): Thank you very much. On behalf of the TJRC, I would like to thank you for your memorandum to us. We shall look at it and take into consideration all the recommendations that you have made. I am sure that some, if not all, will find themselves in our report. You have helped us - and also a lot of women - by highlighting all the things that you have said. Indeed, everything that you have said is part of the mandate of this Commission. So, we accept your memorandum, but what you have not given us your contact number. I would encourage you to put it at the bottom, so that if we need to follow you up, we can do the same.

Thank you.

Ms. Rebecca Mutuku: As she writes the contact number, I would like to take this opportunity to thank you very much, the women of Nairobi, from Kibera, Dandora, Korogocho, Mwiki and wherever you have come from. Thank you very much for leaving your work to come to speak to the Commission and tell the Government what you have passed through and the type of country that you want to see the women and children to live in.

At this moment, we have come to a closure. Before we close, I will ask if the Judge has something to say.

The Presiding Chair (Commissioner Chawatama): Mine is to just thank you for coming. You have made a contribution that is worthwhile. Wherever we travelled all over Kenya, I have always wanted to have a women meeting where it would be all joy, but this was not so. This is because the women of Kenya have experienced a lot of violations.

This meeting is the last of the meetings organized by the Commission in this manner. We are going to come up with a complete and accurate historical record of violations that have taken place between the years 1963 to February, 2008. What you have said to the Commission today will be part of that record. It will also serve for the Commission to come up with recommendations. My prayer is that the recommendations will impact on the lives of Kenyans at large, but also specifically, on women; better your lives and open up new opportunities for women. As a non-Kenyan, it is also my prayer that events that have taken place and continue to take place such as the post-election violence do not happen again. It should not be allowed to happen again. As women, please, preach peace and reconciliation. This is because it is women who are being left widows, whose sons
are dying and often raped and lose their homes. I have often said that when a woman is healed, the family, community and nation are healed. I still stand by that.

Once as women, if we are healed, your nation will be healed. Spiritually, it is a woman who has a womb and gives birth. So, as women, what are you birthing for this nation? When you cry and pray, what are we birthing? Are you birthing peace, reconciliation or a new nation free from corruption and where when you go to hospital, you will find doctors and medicine; a nation that takes care of the poor, widows and orphans? So, women of Kenya, I urge you to hold hands and make sure that some of the things that have happened do not happen again. Surely, this is not the state that you want to continue to bring up your children in. Having come here to your beautiful country, I will always keep an eye out for what is happening in your land. I will want to know that in the Senate and Parliament, there are women that govern us and holding those positions. I will also want to know that in the Judiciary, there are more women judges and magistrates.

I can only wish you the very best that life has to offer you and your families. Remain strong and preach peace, unity and reconciliation. On behalf the TJRC, I thank you most sincerely for having been faithful and attentive. You are special people because you came and because of that, our work will be a lot easier.

Thank you very much. God bless you!

(Applause)

Ms. Rebecca Mutuku: Thank you very much, Commissioner, for the time that you have stayed with us and the words that you have just given us. If you spoke or did not speak today, please, see us so that you can record your statement with the Commission. We have a registration list that was going round. If you have not recorded your name, just record it right now.

I would like us to stand up and sing one song, so that we can release our Commissioner to leave.

(A song was sung and prayer said)

(The Commission adjourned at 1.20 p.m.)