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**ORAL SUBMISSION MADE TO THE TRUTH, JUSTICE
AND RECONCILIATION COMMISSION ON
FRIDAY, 22ND JULY 2011 AT ST. VINCENT
CATHOLIC CHURCH CENTRE, KISII**

PRESENT

Gertrude Chawatama - **Presiding Chair, Zambia**

Margaret Shava - **Commissioner, Kenya**

(Opening prayers)

(The Commission commenced at 9.50 a.m.)

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

(Mary Obonyo Marigwa recited a poem)

Mrs. Mary Obonyo Marigwa: I want to talk because I know I will not have another chance. This is our day today. I just want to say that we are learned women but we have no work to do. I am 50 years old and still can present a poem. I did my CPE in 1975 and the English is still stuck. Is that not a wonderful thing?

I have three children in secondary schools; two in provincial secondary schools and one in a district school. I am asking to be helped by being given work to provide tickets in the market so that I can get some money to educate my children. I have a problem of finding school fees for my children.

I did KCPE again in 2008 and if you want to know if that is true, you can go to Nyamira District and see my results. I passed English; I had a C+ but I failed in the other subjects because I was a woman. I have seven children and I did KCPE in 2008 with my son. That child is in Form Three now. I did not go to secondary school because I had three children and I did not want to compete with them.

Ms. Rahab Roby: Thank you for the poem. Women, when we come here, I will be calling out names. We are many here and I told you we only have two hours. Take at least two minutes and talk on behalf of those who are not here.

I will give this chance to the Director.

Ms. Nancy Kanyago: Good morning fellow women. My name is Nancy Kanyago. I work with the TJRC. My work is to ensure that problems pertaining to women can be heard by this Commission. As Rahab has said, we are here with our Commissioners. We have been having public hearings but we said that we must have a special hearing for the

women. As you know, this Commission was established to look into injustices in Kenya since independence up to 2008 during the post-election violence.

On women issues, we are looking at how we are affected. As we know we are the people who are affected in more ways compared to men. God created us that we be affected in many ways compared to men. That is why we said we must have such a meeting today so that you can feel free to speak about your problems.

So we want to listen to your problems; especially we want to know your recommendations about the solution to the problems. You are the ones who live in this community and, therefore, the ones who know the solutions to the problems. We want to know how you have been affected. We have heard many issues; issues about land grabbing and how people do not have plots. A man can get inheritance but a woman cannot. Those are the issues that we want to know. We also want to know how we can help you.

We know of issues concerning the Female Genital Mutilation (FGM). Why is it happening? Do the girls have a right? Is it a practice that they want? Why do they not have the powers to say “no”? We want you to feel free. We want to know whether you have hospitals which are sufficient. Do they have doctors? Do they have enough medicines?

Are women getting equal opportunities as men in school and employment? What problems do women living with HIV/AIDS face? Those are the issues we want to listen to.

We also want to listen to issues of rape and defilement of women and girls. Do you get assistance when you go to the police station or courts? In your own view, what are the solutions to these problems? All those are issues we have heard in other parts?

This is your chance. I will not talk much about it. Feel free to speak.

There are two issues I have forgotten; one of them is leadership. We know that we are nearing the general elections in 2012. Those women vying for the different seats; what problems do you face? Can you vie for those seats equally as men? We want to hear the women who are vying for leadership positions.

We have also heard the issues of IDPs from the post-election violence in 2007/2008. I know you are going to speak about that issue.

Lastly, we have heard various groups that started as security committees but there is still no security. We want you to speak freely on how you have been affected by all those issues.

When you come to speak, mention your names, where you come from and then briefly speak on how you have been affected.

We have invited various officers from other Commissions and departments of the Government. We invited an officer from the gender office in Kisii. We have also invited various counselors from various hospitals. They are going to listen. We also have a doctor. We will give them an opportunity so that they can say what kind of services they render to women and how they can help them.

At the moment, I would like to give this chance to women. Raise your hands up so that we know how many you are.

I also did not explain to you everything. Even though it is a women's hearing, you have seen some men around. These men are also working with the Commission and their work is to ensure that whatever you talk about is in the record of the Commission. Do not get worried and start thinking that, may be, this is for the television. This is the Commission's video camera and whatever you are going to discuss here is not going to be broadcasted anywhere; it is for the Commission's use. So, feel free to speak.

Mrs. Esther Mwangi: My name is Esther Mwangi from Nyamira District. I would like to say the following, because we have been affected. Let me say "hi" to all of you, including Nancy and Roby. We were together with Roby in Nyamira. How are you all? Are you happy today?

My name is Esther Mwangi from Nyamaiya Division, Nyamira District. Because I want to represent all the women, I know very many of them have been affected from 1992 up to 2007. When we left that place, many of us were sent away and some are not even here. We ran away naked. Even our children did not go to school well although some are still in school. So, we are crying before you, Commissioners, please keep remembering us. See all these women here; let us be assisted by small things so that we can do business in order to support our children. When our children are sent away from school, they come to *mama* and not their father. They say: "*Mama*, I have been sent away from school." Have you not seen that? When children are sent away from school, they run to their mothers and say: "Mom, give us some money."

We have small pieces of land that we were given by our friends, because we had bought land and we left our land there. We came with nothing. So, the small piece of land that we got, we cannot even get the money to buy fertilizer. I do not have much to say other than to wish you well. When you go, please, remember us.

Thank you very much.

(Applause)

Mrs. Jackline Kwamboka Gesicho: Thank you very much for giving me this chance. My names are Jackline Kwamboka Gesicho from Borabu/Sotik border, Kinene Location. I am happy to be with the women in this hall today and I greet you all. How are you? We all know that we were affected by the 2007/2008 elections.

(Loud consultations)

Why are they hostile?

The Presiding Chair (Commissioner Chawatama): Please, ladies, when one of you wants to speak, respect her. It is not civil to disturb someone when they are speaking. You can see that your sister is hurt; if we do not carry one another's burden, then what kind of people are we? So, when a person stands up to speak, you must accord her the respect that she deserves, and that is why we are here – to hear your testimonies.

Jackline, you are welcome. On behalf of Commissioner Shava, I welcome you to this very important meeting for all women and it is your turn to speak. We will listen to you. Thank you.

Mrs. Jackline Kwamboka Gesicho: Thank you very much, the Presiding Chair. I was saying that all of us, as we are here, have been affected in one way or the other by the 2007/2008 elections. My husband was killed in Sotik---

(Jackline broke down into tears)

The Presiding Chair (Commissioner Chawatama): Jackline, if you want to be talked to first and then come back to speak to us, then that is okay. But if you want to talk to us right now, it is also okay. The choice is yours. Would you like a bit of time to talk to our counselors and then come back or do you want to talk now?

Mrs. Jackline Kwamboka Gesicho: I can speak now. During the violence of 2007/2008 we had border points. The Kalenjins came and killed my husband because we live along the border and they are our neighbours. They came and shot him dead. Since that time, we have gone through a lot because he is the one who was providing everything for us. I am really struggling to provide for the family. I do not have any job and that is why I have appeared before this Commission today. I am sorry for taking this long but it is because I am in pain. That is why I have appeared before this Commission to see how we, the people who are affected---

Now I have three young children. At that time, my last child was one year old and the first child was six years old while the second one was just four years old. They are all young and they are in primary school. I do not know how this Commission can help us; we the affected people.

The other thing is that we are women and we have children, especially sons, who are young. What can we do so that we are not used by politicians because I am sure that during that time, it was not the old men who were fighting; it was the very young people who were fighting because we could see how they would come in uniform from the Kalenjini side. As women who have given birth to our sons, what shall we do so that our sons do not get involved in this fighting militia? How can we advise our children when

we are in our houses? We know that there are employment problems and that when young men are idle and they go out; it is very easy to be misused by politicians. So, what can we do so that our children are not misused by politicians to do bad things?

I would like women to take up positions of leadership so that out of ten positions, at least, forty per cent of the leadership positions should be given to women. This is because it is a woman who carries a baby for nine months and she is the one who raises the children. Therefore, you feel a lot of pain when you see children getting into bad groups or into the militia. For example, right now, almost all over the country, there are these small militia groups which are fighting others. They are called *Mungiki*, *Chinkororo* and *Taliban*. At least, let us have counseling. Let many women counsel their young sons so that they do not engage in these activities.

The other thing is that when politicians start looking for votes during the campaign period, they look for votes all over. Like yesterday, we saw some coming to apologize. What are they coming to apologize for? Now, they are looking for votes and whatever they are saying should be listened to keenly. If I was in a position and somebody incites people to war, he or she should be taken away.

That is all I have to say. Thank you.

The Presiding Chair (Commissioner Chawatama): Thank you very much, Jackline. You have raised some very important points. Commissioner Shava and I are mothers, as well, and we really worry about our children and the future of our children. We are wondering what kind of husbands our sons will be or what kind of fathers they will be. We worry about our daughters and what kind of mothers and wives they are going to be. So, what you have said is very important for each and every woman who is gathered here.

The first speaker spoke about the importance of family. Do you know that there are many governments, apart from the Government that rules us? So, for those of you who are Christians, the first Government that God created when he created Adam and Eve was the family Government. So, when families go wrong, the society goes wrong. I want all of you to remember Jackline and to pray for her, because she has opened the door to many issues that we are all going through as women.

I thank you, Jackline.

Ms. Nancy Kanyago: Thank you very much, Jackline, for your bravery and for talking on behalf of many women who were affected. I wish to request you to put your hands up again; those of you who were affected in a similar way – may be, they are Internally Displaced People (IDPs) like Jackline – so that we can see them by show of hands?

Commissioners, you can see by show of hands that there are many people in this room who are IDPs. So, thank you very much, Jackline. I thank all of you who have come here. I know that maybe not all of you may get a chance to talk, but it is my hope that those who will talk will talk on your behalf like Jackline has already represented you and that

you will feel that your issues have been listened to and have been presented before us. I also hope that you will support her and what she has said, and that you agree with what she has said.

So, thank you very much, Jackline.

Is Joyce Nyagaka here?

Mrs. Joyce Nyagaka: Thank you very much. My name is Joyce Nyagaka from Nyagieko Location, Nyansioma Sub-location, Kiong'ong'i Village. I am talking about women who are old in our village. We have not seen the assistance which is supposed to be given to women who are 65 years old and above. We know that women in other places are receiving this assistance, but in our village, especially the women who work with me--- So, this is what made me want to come and talk about the aged women. They are almost 80 years old and above. We heard that the Government had initiated assistance for this kind of women. So, if this assistance is coming, I want to say that the Government should look at all places in the country so that all the aged women in the country can be assisted.

Therefore, I just wanted to say that, please, let this assistance come very fast and the Government should help our women because many of them are just languishing at home hungry. They are told that the Government is helping the aged women, but then they ask: "Where are we supposed to go and get this assistance?" So, this has made me appear before you. I heard that the Commission was meeting women today. So, I have come to ask that, on behalf of all the aged women. My mother would have come, but she was unable because she is disabled. So, what I wish to say is that these aged women do not know where to go to get this assistance. If we are to get this assistance, please, select a few people who can help them so that they can know which way to follow so that they can get this assistance. This is all I wanted to say.

My name is Joyce Nyagaka once again. I come from Kiong'ong'I Village.

Thank you.

The Presiding Chair (Commissioner Chawatama): Do we have an officer from the Ministry of Special Programmes here?

Ms. Nancy Kanyago: Thank you very much, Joyce, for talking on behalf of the aged women. She has talked about the assistance which was initiated in 2005, where each woman aged 65 years and above was to be given Kshs1, 500. We have listened to what she has said and if the officer concerned from the Ministry of Special Programmes comes, we will give her a chance to tell us what they are doing concerning that matter on the aged women.

Yes, Penina Kwamboka!

Mrs. Penina Kwamboka: Thank you very much for giving me this opportunity. My name is Penina Kwamboka. I am from Borabu; that is between the border of Borabu and Sotik. For sure, the women of Borabu and Sotik were really affected during the post-election violence. You know and we know the weakness of women. As women, we are weak. During the post-election violence, many women were raped in Borabu. A woman does not have strength and when a man comes from front, even if he is a young man, and the woman is elderly, she cannot fight him. Most women were affected by the post-election violence in Borabu because they did not even have a place to sleep. For example, in Chebilat, the fight started like at 9.00 a.m. in the morning when the children were in school in Siema, Elimu and Maralel. At that time, there was no security and the children were enclosed in the schools. For example, in Elimu School, the children from outside, especially the young girls, were carried away. At the moment, I cannot even say what happened after that. Other people were just sympathizing, for example, our neighbours. Others looked after the girls so that they were not violated. Our young girls, middle aged women and even the elderly were really misused and since that time, we have never seen any action being taken to assist the single mothers. Single mothers in Borabu and Sotik have large pieces of land. If you are single and you hear that there is land somewhere, you go and lease it and then you cultivate it to get food to feed and take care of your children in terms of education. Very many single women were there in the boundary of Borabu and Sotik. Because those mothers were known to be single, they were really violated. For most of them, their houses were the first ones to be burnt and all their properties looted. Even when the Government started saying that the women should go and register, the officer who had been mandated to register the people or the victims would question us. This is the case and yet the officer knew that women are weak and cannot defend themselves. They were even asking us: "Do you have a husband? Where did you get money to buy land here?" As a result of all these questions, we became defeated. I was defeated when I started explaining where I got the money to buy the land.

We did not even have time to harvest our farm produce. They were harvested by people we did not know. If it was not harvested, the livestock was taken and grazed the farms. For sure, we were affected and the situation was very bad in Borabu and Sotik. We have heard that Ruto has gone to that side, western and Kisumu. But in Borabu, we have never seen any Hon. Member come and say: "I want to see the victims of post-election violence."

I appeal to the Government to go and look at this matter deeply in order to find out where the victims are. If it is through announcements, we should be told so, so that we know. If there is a donation, the single mothers should be considered first.

(Applause)

Recently, when we were in a meeting with the TJRC, a councillor stood up and said that Borabu does not have IDPs. They said that the problem in Borabu is cattle rustling. I want you to know that the person who has wealth, land, children and lives in a house does not care about those whose child or children died because of the violence. They think that cows should be taken care of and not human beings. The women at the border

point are being used as slaves and yet slavery was abolished in Kenya after we got Independence. Kenyans have freedom, even if it is a man or a woman. Even a married woman or woman who is a single mother has freedom. He or she is supposed to be taken care of and protected. I would like to tell our officers that they listen to us, women. We are the weaker sex but, for sure, even if we are weak vessels, sincerely speaking, we are very important people. We are important people in our families; we are very important people to our children and we are people of great value. We are proud of our value, but there is no platform for that. We do not have a person who can sympathize and defend us. Where have the leaders of Maendeleo ya Wanawake been since I was displaced? It is those women from Maendeleo ya Wanawake who should know the problems we, women, face. They were appointed to take care of women because they are mothers and they understand the problems faced by mothers. They also know what women are going through. How can a man understand what a woman is going through?

Please, the Government should protect women. The money that was given – the Kshs10, 000 for the IDPs – we, the women, did not get it. There are even some old men who did not get this money. We have even heard that there are some people who have been given Kshs25, 000. Here is a person who was affected but has not been given the Kshs10, 000 or the Kshs25, 000. This is the case and yet others have been given Kshs35, 000. I think a person who was affected, her house burnt, property destroyed and has not got even a single cent, especially at this time when the price of maize has gone up - it is around Kshs 120 per kilogramme--- I am a woman who was affected by this violence and I cannot afford this price. Just think how that woman feeds. Think about the woman who was raped and was even infected with HIV/AIDS. Very many women here are HIV positive as a result of the raping during the post-election violence. You know that there is nothing that you can pay to a woman who has been raped. Even if it is your husband, he cannot agree that you are his wife or accept you back. So, women are really suffering. As a mother, if you were raped, even if you are HIV negative, a man cannot accept you back. Even if you were not raped, but that word has spread and it is just general that women were raped. So, we are appealing to the Government to remember us, to take care of us and to sympathize with us so that we can get back our property.

(Applause)

(Off record)

Ms. Nancy Kanyago: Is Florence Moraa here?

Mrs. Florence Moraa: Our officers who have just come to see what has brought us here, how are you? The women who have come here, how are you? My name is Florence Moraa Nyang'au. I have come from Nyamira. What has brought us here is that we have a problem. From 2007, we have been undergoing problems and we got those problems from where we were living in Kericho. When we stayed in Kericho, we thought that it was peaceful. In December, some people came to our houses and attacked us and we ran into the tea plantations for safety. Traditionally, a boy is not supposed to share a house with his mother. So, we left that boy in the house. We came to Ikonge and stayed there.

After four days, I found where my boy was. He had been brought without anything, full of injuries. I did not know what to do from then up to now. I have nothing to do because I am helpless. I am just the way you are seeing me. We have a problem because no one is there for us; who is there for us? We came here to you, officers, so that you and the Government can help us. We are like children. A lot of fear was instilled in us and we were afraid. We have a problem because we do not have enough food. We work as casual labourers where we live for Kshs40 per day. We are asking for your sympathy; help us. My son used to sleep in his own house, but when we were attacked, we ran away and left him in his house. When they came, they found him in his house and they beat him up, leaving him for dead. Our neighbour is the one who got him out and hid him, then after four days, that is how I found him at Ikonge. I got him there the way he is. That is how he is up to now. I did not even have money to take him to hospital and, up to now, he is just like that.

The Presiding Chair (Commissioner Chawatama): Does she know what type of injuries he sustained?

Mrs. Florence Moraa: He sustained injuries on the legs.

Ms. Nancy Kanyago: Commissioners, my understanding is that she has not been able to say it, but her son was affected and became mentally affected.

The Presiding Chair (Commissioner Chawatama): Thank you very much, Florence, for talking. We really sympathize with your suffering. We have seen that you have your son here. Is he your son? I am still thinking about Florence and her son and Commissioner Shava and I would like to know how old he is and what is his name, first and foremost?

Mrs. Florence Moraa: He is Jeff Nyang'au and he is 20 years old.

The Presiding Chair (Commissioner Chawatama): Do you have other children?

Mrs. Florence Moraa: I have two more children. This is the third one.

The Presiding Chair (Commissioner Chawatama): And your husband?

Mrs. Florence Moraa: He died long time ago.

The Presiding Chair (Commissioner Chawatama): Can you remember the year?

Mrs. Florence Moraa: I have forgotten, but my children have the record.

The Presiding Chair (Commissioner Chawatama): What sort of help would you want?

Mrs. Florence Moraa: I just request for any help.

(Loud consultations)

The Presiding Chair (Commissioner Chawatama): Please, ladies!

Mrs. Florence Moraa: I want my son to get well. I have no food; I stay alone in a rented house and the owner wants me to pay the rent which I cannot afford because I have stayed there all this time.

The Presiding Chair (Commissioner Chawatama): How much is your rent?

Ms. Florence Moraa Nyang'au: I pay Kshs500 per month.

The Presiding Chair (Commissioner Chawatama): Thank you very much. We have now gathered enough information on what happened to your son and what you are going through. We are sorry for your pain. As women, when we give birth to our children, we look forward to them looking after us in our old age, but because of certain decisions that were made, you found yourself in a very unfortunate situation. The violence that occurred has caused a lot of harm to your son and yourself. We cannot imagine what you go through day by day in looking after Jeff and the other children. We are really sorry.

Mrs. Penina Kwamboka: Good morning all of you. It is a great pleasure to be here today although our hearts are sad at this time. The Government has remembered us. My name is Penina. I was in Kericho when I was affected. I have gone through difficult times.

I have a child who fell from a storey building where we had gone to hide. When he saw fire all over him, he took a rope and came down rolling with the rope. He got hurt. When we reached here, he became unwell and we did not have money to get him to hospital. It is last year that I took him to Hema Hospital. Someone gave me a card to go to another hospital but the guard at the gate took the card and my son's jacket. He even removed the drip. He left the sick person suffering there. The next day, I went to the police. They arrested the guard, but the case was dismissed.

I am requesting the Government to help me. They even took the Kshs1, 000 that I had been given. The prosecutor told me to go away. I am an IDP and I did not know where to go. I had been given the money by other people. I request that this case be followed.

I come from Kisii Central. About 52, 000 people went to the cathedral church. The people who were registered by the Government to get assistance were 3, 725. The Government had its own register and an NGO person also had his own book. We have many problems in Kisii Central. One was supposed to provide a passport size photo during the registration. So, you would find that when money was being given out and, say, the name Jane is called out, the photo against that name was a man's. So, you would be told that you had already received the money.

It is the church which has been helping us all this time because we have not received any assistance from the Government. We formed groups and we asked them to give us tents.

We have not got anybody to help us and we do not see the political leaders. We do not know whether they went to the USA or Nigeria. We do not know where they are.

There was a DC called Ndirangu who assisted us. During his time, we got food from the Government. Since Ndirangu left, we have never received food and we are in a lot of problems. Some people have been living in trenches. Please, we need your assistance. Do not leave us alone here. We were being chased away like dogs and that is still happening. We are not yet settled. In Central Province, people have been built houses. They have even been given Kshs35, 000 and others Kshs80, 000. However, here in Kisii, we have not seen anything.

People were full in church. They had come from Kisumu, Eldoret and everywhere else and the Cathedral was the centre. This is where we were helped because the Government just forgot us. We did not get anything from the Government. People were now getting sick and yet there was no medicine. At hospital, we would be given cards, but if you go back, the card is taken and thrown away. Where are we going to? Are we not Kenyan citizens, we, the people from Kisii?

We know there is assistance that comes from people in Huruma. There are people who buy blankets but they do not reach us. These things are given to the rich. There are people with vehicles who come, the things are put in the vehicles and then they zoom off. We are really suffering because of the Government. We have suffered for four years now and another voting season is coming.

We do not have land. We went to look for money so that we can buy land and settle. When violence broke up, the politicians used our sons to kill people. Our people have died and we have really suffered. We have no direction. We have no leader who can defend us. We tried to form organizations so that we get loans. I even have a certificate here from the Department of Social Services. We were asked to form groups so that we get Kshs2, 000 each. When you go to the bank, you are asked how much you have in your account in order to be given money. We are dying as we walk. Help us, please and remember us every time. So, we are afraid. If there is land, buy it for us. Money should not be given to those who are not IDPs. The Government officials give the money to the aunties, sisters and so on. Our children have died. We have widows and orphans and there is no one to look after them. If you are our second god and you have come to Kisii Central, why can you not help us to carry this load? Why can you not carry all these women so that they become your load so that their children can go to school?

There are forms which were being filled here yesterday. We were told that the forms were being sold for Kshs100. I have been sitting here for two days wondering what is going on. A tin of maize is going for Kshs150 and our children are going hungry. We do not have security. I do not know what you will give women today to go home with. When they saw you today, they became hopeful. Help us and do not leave us like this. The world is coming to an end and if it so, God has sent you as angels. Let the TJRC be our God. Give us shelter and take us to the bank so that we get money. The world is coming to an end and it is in Kenya where it will end first.

You talked about security issues. If I go to the police to seek assistance, they ask for money. They ask for Kshs1, 000 to fuel their vehicle. We should not be against the community policing because it has good people who are gentle. They are like elders. However, with the policemen, you have to give them Kshs1, 000. They threw away my case because I did not have money. The person who removed the drip from my child and took away his money gave the police money and the prosecutor told me to go away. Why can you not help us? You are our gods. Do not let these women continue suffering. Give us something small so that we go and buy food today.

(Applause)

Ms. Nancy Kanyago: Thank you very much, Kwamboka. You, people, were clapping because you agree with what she was saying. Kwamboka, you spoke about the TJRC forms and you said that they were being sold. Is there anybody here who was asked to pay money for the TJRC forms?

(Loud consultations)

Were you told to pay the money by someone from the TJRC?

(Loud consultations)

Mrs. Penina Kwamboka: They were not TJRC forms.

Ms. Nancy Kanyago: The TJRC forms are for free. If you are afraid to speak out here, you can speak to me or Mrs. Nyaundi after this. I have been made to understand that those are the forms on the donations for IDPs.

Ms. Penina, you said that there is a certain NGO that issued a fake list of IDPs. What is the name of the NGO? You also mentioned a DC called Ndirangu who was assisting you. Could you tell us his full names? Could you also tell us the name of the person who replaced Ndirangu?

Mrs. Penina Kwamboka: The DC was called Njoroge Ndirangu and the NGO man was called Evans Misati. He said that he had been sent by the Government to give us money but he never gave us the money. It was a cat and mouse game.

Ms. Nancy Kanyago: We are grateful that you have represented the other women here. There is an officer here from Gender. I will give him or her an opportunity so that you know him. I also would like him or her to speak about the money women are being given to start businesses. He or she will also tell us how that office can help the women in this area.

The Presiding Chair (Commissioner Chawatama): Ms. Kwamboka, you are a powerful woman. You were born a leader. Please vie for an office. My prayer for you is that you

become a councilor and you speak for those without voices. My sister, you are a leader and do not run away from your calling.

Ms. Emily Murage: My names are Emily Murage. I am an officer from the Gender Office. I stay here in Kisii. During the post-election violence, I was still working here. During that violence, I was at home and I was also affected, but I understand that there are those who were affected extremely.

I am with you because I understand what you went through. As a mother, I understand what mothers went through. They had a responsibility of looking after the families. The violence added your responsibilities. I arrived here when you were opening your hearts and you were telling it as it happened. It is like it happened today because you have been reminded.

The Government is trying to support us as we try to understand the world we are living in now. We have a responsibility to play our part because we are like people who have fallen down. When you fall down, you wake up because life must go on.

As a Department of Gender, the Government normally gives money, not only to the IDPs, but also to members of the community. You are members of the community. Like I said, we have to wake up, clean ourselves and continue with life. We need to organize ourselves.

Ms. Kwamboka who is here used to come to our office and she talked about the IDP group. She even went ahead and got it registered. But she has not got the people organized so that they can come for the funds. I would like her to continue and apply for the funds. Continue visiting us in our offices so that when we have the funds you can benefit together with the other IDPs.

We have the Women Enterprise Development Fund (WEDF) which is for empowering women economically. Those women who are doing the smallest business like selling groundnuts, bananas, vegetable and so on need to come together, a minimum of ten of you and have something that you want to do. Apply for the funds and the first loan will be Kshs50, 000. The second loan after repayment will be Kshs100, 000. The third one will be Kshs200, 000. So, those of us who were affected, have already woken up, cleaned ourselves and are in those small businesses, let us come together so that we can access this fund.

There is a lot of money in the market provided by the Micro-Finance Institutions (MFIs). This money is expensive, but the WEDF is very cheap because the Government has subsidized it. So, for Kshs50, 000, you only pay back Kshs2, 500 while for Kshs100, 000 you only pay Kshs5, 000. So, come forward and we will give you the details of the fund. Let us not be scared.

The Government recognizes the women who are willing to pay. They are not putting ropes round your neck. You can pay. You can default one month, they will understand and you will start repayment. The issue is reorganizing ourselves.

Amongst us there are people who are cunning. So, it is upon us to look out for such people and not allow them to spoil for us. Those who really understand our problems, let us come together and organize ourselves to access this fund.

We also have grants for community members. The money is given to you to help you on a specific project. So, if you do not have that specific project, it will not be possible for you to get that money. You must have a small business. I appeal to the women here that it is our responsibility to help ourselves. The Government is like a parent with very many children. Sometimes the parent can fail to look after the children properly, but each child will wake up and try to do something.

The violence happened and there is nothing we can do about it. We can only prevent it from happening tomorrow. Let us find how we can wake up and continue with life. Thank you.

The Department of Gender and Social Development is within the DC's compound. It is commonly known as "Social Services". You are welcome.

There are two categories of the WEDF: The Constituency Women Enterprise Development Fund which is branded "TUJIIINUE". This one goes to groups. There is another one with financial intermediaries. Some of them are MFIs while others are the banks like Family Bank, Co-operative Bank and *Wakenya Pamoja*. You can access those ones as an individual and they can give you up to a maximum of Kshs500, 000. There are conditions which you will be told when you apply for it. You can still come to our office and get the details.

Commissioner Shava: I have two questions before you sit down. We have heard that women access the money, but they are unable to repay. One woman says she got Kshs20, 000 to start a business and she gave it to her husband. She never knew what became of the money and her group is annoyed with her because they have to pay the money. That told us that she had no training in project design or financial management. Is your department offering the women any kind of training?

Ms. Emily Murage: We do some training and even the MFIs do a lot of training. An organization like Kenya Women cannot give their money without training. They have continuous training. These are people in business and their money is protected by the savings. They have a system of savings before they can give the money. So, it is up to you to make sure that you have used it properly and are able to return it.

The Presiding Chair (Commissioner Chawatama): In moving forward, some of the issues that we would like addressed are issues of disinheritance of females and widows, domestic violence, female circumcision and the serious issue of witch burning.

Ms. Nancy Kanyago: Thank you. You have heard the officer from the Gender Department. She said that she is in the DC's compound. We request that you visit her so that you can get answers concerning the money she has talked about.

We know women are affected in various ways. We would like to hear from you concerning land and property inheritance from the husbands. There is Ann Moraa, a widow, who is going to talk about widows and inheritance issues. We also wish to hear about female circumcision.

Here in Kisii we have been reading about witch burning. Sometimes these women are not witches but just elderly women. Is being an elderly woman a dangerous situation in this community? We wish to hear more on this. Ann Moraa, please, stand up wherever you are.

Ms. Anne Moraa: My name is Anne Moraa Nyamoke from Kisii Central. Thank you for giving me this chance. I am happy to be here to represent widows. I am a widow and I have decided to represent widows. I am a widow and I have small businesses. I have realized that many widows have problems. When a woman loses her husband and she is left with children, brothers-in-law look at what property you have been left with and interfere with it. They even go and check the account. They also go for the land.

My husband was involved in an accident when people were being evicted from Kericho. My brothers-in-law took the body from a Government mortuary and took it to a private one. The body stayed there for almost three months. They then took the money from the account and up to day, I do not know where the money went to. The Government gave them permission to receive the money. He was involved in accident with the Akamba bus. Up to day, I do not know where the documents went to. I experienced many problems including hunger. I could not even afford rent so I just went away. I left my things behind and they are still there up to now.

My brother-in-law followed up the money and he has now bought a piece of land. I am told that he even wants to buy a vehicle. I am urging the Government to look at the plight of widows. There is also another widow whose husband died and she has been sent away. The land has been taken away and she is now living with other people. The Government should intervene for the sake of the widows especially regarding property. The Government should assist widows when their husbands die.

The question is, how are you going to live when your property is taken away? Many women have been infected with diseases because of poverty. A woman will meet someone who promises to assist her but maybe he is infected. Many women have been infected with HIV/AIDS because of poverty. Women give in because they have to feed their children but after a short time, they start being sick. So, many widows have died and others are on treatment. The Government should assist those women so that they can start their own businesses.

For me, I have gone through two hurdles. I had a friend who used to work with the Kenya Army. He would come to see me often. He later on went at the border to work as a Special Branch officer. I am lucky because I did not get a disease from him because one lady advised me to protect myself. When he came back I just served food and told him that I am going to work for night shift. So, I left him in the house. I went to sleep at my workplace. When I went in the morning, I did not find him. My children told me that after he ate, he left. This went on for quite some time. One day he came back and told me that he had a cold. He informed me that he was going to Nairobi. I also told him that I had moved from my house. He was very annoyed with me because of moving from the house. I told him that I could not afford rent. He promised to give me money the next day for another house. In the morning, he gave me Kshs4, 000 and told me to get a house with two rooms. I went to see my sister in Nyabondo and stayed with her for three weeks. When I came back, I found him again and I informed him that I did not have money to ferry my items. He added me another Kshs5, 000. At that time, my sister had passed on.

Ms. Nancy Kanyago: *Mama Moraa*, I just want you to shorten your story and respond to what the Commissioner asked you. What problems are you going through especially concerning inheritance?

The Presiding Chair (Commissioner Chawatama): What *Moraa* will tell us will help so many people. She got out of a very sticky situation. It is not just an interesting story but it is a way of helping people who find themselves in a situation that is typical. So, let her finish what she has to say then we will ask her questions.

Ms. Nancy Kanyago: Please proceed with your story.

Ms. Anne Moraa: When my sister died I went to bury her. I am saying this because many women have been infected with diseases because of poverty. I have seen that there are many men who wear suits and look well but out of ten only four are well and the six are infected. When someone has a disease it cannot be seen especially when they eat well and they are not ailing. That is what I am telling fellow women. Let us not be in a hurry to get assistance from people. That assistance can endanger one's life. I want to thank the Commission for giving me this chance to say those few words.

Ms. Nancy Kanyago: Thank you very much. I hope you have heard what she has said. You have heard about the tricks that she used to avoid being infected.

I would like to call upon Mrs. Agnes Nyagaka Kwamboka to speak about orphans then Risper will follow.

Mrs. Agnes Kwamboka Nyagaka: I want to take this opportunity to greet you once again. My name is Agnes Kemunto Nyagaka from Nyamira District, Nyamaiya Division. I want to speak about orphans. When I talk about orphans, I get very depressed because of how they are suffering. I have an experience because I stay with the orphans. I teach these young children in the ECD. I have been teaching there for 16 years and I have enough experience. I have seen that the orphans suffer so much. Most of them stay with

elderly women who do not have money to educate, feed or cloth them. Most of those children get overworked at home and yet most of them are very young. I know how these children suffer. Some of them are told to ferry water from the streams. Sometimes we stand in for them and support them. Those children do not have clothes and do not go to school. How are we going to help these orphans? Their parents died during the clashes in Kericho. When these children grow up they cannot even get employment. These things are true. Who will help these children so that they can go to school? We have been promised some funds but nothing has come.

They do not even have shelter because they are told to go away from the houses left by their parents. Getting food is even a problem because the cost of living is too high. The children do not have enough energy to work and fend for themselves. Most of them are now in the streets. The girls have now been infected due to poverty. How are we going to help these children? There are groups which assist children but the officers only help their friends and neighbours at the expense of the orphans. We should not just cry about it but we should seek ways of helping them.

The Presiding Chair (Commissioner Chawatama): How many children do you look after?

Mrs. Agnes Kwamboka Nyagaka: I have around 200 children in that district but there are others from the neighbouring districts so they can total about 1,000. There are others who we do not even know.

The Presiding Chair (Commissioner Chawatama): The burial certificates that you talked about, are they for their parents?

Mrs. Agnes Kwamboka Nyagaka: Yes.

The Presiding Chair (Commissioner Chawatama): Are these children in an orphanage? You mentioned that some of them are in the homes that belonged to their parents and where are others?

Mrs. Agnes Kwamboka Nyagaka: Madam Commissioner, they just live with elderly grandmothers, women or their aunties.

The Presiding Chair (Commissioner Chawatama): Is there an established organization so that when people want to help, they can approach such an organization and what is the name of the organization?

Mrs. Agnes Kwamboka Nyagaka: It is called Matumaini Support Centre. There is also Nyata Women Group and Matangamano. I have around five groups. We work together to assist the children. We only try to help where we can.

The Presiding Chair (Commissioner Chawatama): You could write the name of the organization and the telephone number so that we can have them in our records. This will

assist us in case we come across people who are willing to help we can know where to direct that help.

We thank you very much for your efforts in looking after orphans. As Christians, we know that orphans and widows are very close to God's heart and the nation is blessed when orphans and widows are well looked after. So, we thank you very much for your contribution this morning and let us have your particulars.

Mrs. Agnes Kwamboka Nyagaka: Thank you very much.

Mrs. Nancy Kanyago: It is now the chance for Risper Kemunto.

Mrs. Risper Kemunto: I greet you my fellow women. Today is a great day for women because they can come before the Commission and give out their stories. My name is Risper Kemunto Maina and I come from Sotik-Borabu border. I am the representative for the Internally Displaced Persons (IDPs) along the border. I just want to talk about my personal life.

Since 1992, I have been a victim because my permanent house was burnt down and all the property looted. The tea plantation was slashed down and burnt. All the trees were cut down and burnt. All the houses for the children and also the workers' houses were destroyed in 1992. Since that time, I have tried everything possible but I have not got any assistance. During the clashes, I ran away. I have stayed out for three years and when I came back to that land, I put up temporary shelter and started staying there. After five years, there was a general election and what I had built was also burnt down and everything was looted. I went back to where I was. I stayed there for some time and went back to my original farm because where I was staying, at the shops, life was very difficult. When I went back to the farm again during the multi-party election, we were told to go away and everything was looted. We were told to go back where we came from.

I am a Kisii but I had bought land in the Kalenjin community. They looted everything including all the animals and burnt down the houses. In 2007, we had again gone back and rebuilt it. Even the children had already built their house. I have three boys and three girls. Again during the clashes of that time, the houses were all destroyed. Since 1992, I have been running away from the farm and going back again. I have stayed out at the shopping centre but I am now back in the farm. Some good Samaritans constructed a small house for us. My boys have also built some small houses and are living there. I have gone through so much.

(The witness broke down)

Commissioner Shava: I am sorry for you. Please, be calm. We shall wait until you are ready to go on.

Mrs. Risper Kemunto: Since 1992 to date, I have undergone very difficult times. I suffer from time to time and I also developed diabetes. My husband went away and left me with the children. He just went away in 2004 and he does not care how the children are even in terms of their education. When I was sick, he did not even want to come to see me or take responsibility to know what was happening.

The Presiding Chair (Chawatama): Can we sing a song?

(The women sung)

Mrs. Risper Kemunto: I can now continue to speak. Just from nowhere, my husband just ran away and left me with the children. When I became sick with diabetes, I could not work in the farm anymore so I could not fend for my children. Some of my children have children who also depend on me. It reached a time when they had to drop out of school. They could not even finish their college education. One of them is working and he is the one we are depending on. Another child is a driver and sometimes he does not work. All the others are just at home because they could not continue with education. They only have form four certificates and are just at home. I am sure they desire to go back to school.

When I was sick, I went to see my child in school. He is in the United States of America (USA) but he is still studying so he cannot assist us. The girls who are at home always encourage me to try and assist them to go back to school. When I listen to them, I get depressed because their father is there and he is not taking any responsibility. He refused to take up his responsibilities. I cannot even afford medicine. The clinic is in Nairobi and I cannot reach there because of transport costs. So, I usually go to Litein and Kapkatet because it is a little bit cheaper.

As I am speaking, I do not have a house. The house I stay in right now leaks when it rains. I live there with my children who dropped out of school. The one we depend on has his own wife and children. So, sometimes I just get ashamed of asking for assistance from him because he has his own family.

I have written my personal story here since 1992. I have detailed what we have undergone. I took the letter to the chief to assist me. This is the letter that the chief wrote back to me. You can see that I am saying the truth. There are cards that I use for my clinic visits. I am sorry because I am crying but it is because of the pain that I feel.

I am appealing to the Commission to look into the issues of women. It is not me alone whose husband ran away. There are so many women out there but they cannot speak out. I am appealing to you to listen to women issues because they go through a lot of suffering. There are others who were raped during the clashes of 1992 and 2007/2008. Others are ashamed of saying that they were raped. Others are afraid of coming to a public place like this one to speak about what happened to them. Please, look for a way of visiting them in private so that they can tell you what happened to them. There are very many of them at the borders but they are just silent. There are those who lost their

husbands and there are children who lost both parents. I have a record because I take care of them as an IDP leader. There are those who are old and those who were taking care of them died. So they do not have anybody to look after them. So, they just beg for food day by day. There are those who were raped and infected with diseases. Other women started engaging in prostitution so that they could feed their children. In the process, they got infected but they have not taken a step to go for testing and diagnosis.

In Borabu, there is no way out. Many houses were burnt along the border, from Chebyulat to the interior. A lot of houses were completely burnt along the border. Some were permanent houses, while others were semi-permanent. A big school like Elimu Academy in Chebyulat was completely destroyed. The owner of that school was helping us. There were computers. Our children were becoming computer literate but the school is no longer there. The land is just bare. Sunrise Academy, which was also along the border, was completely destroyed; everything was looted and the land occupied. Due to all those issues, we have lagged behind in terms of development. As a result, children have been affected. Parents are now taking their children to far away places.

I am grateful to this Commission because it has come to the ground to hear our issues and listen to what we are saying. We hope that you are going to help us. Along the border, there are about 600 people, who are victims of the post-election violence. Others have filled these forms, which are said to be sold for Kshs100 each. Others have not yet gotten the forms because those who were taking the data found that the people were so many and the forms were few. I am appealing to you that you at least spare some two weeks, so that everybody can register because people are blaming me, saying that I chose only a few. So, please, look into this issue and help us.

Thank you very much.

The Presiding Chair (Commissioner Chawatama): Thank you very much for your testimony. We appreciate that you have also spoken for so many others. We are sorry to hear about what you went through. I am sitting here, trying to imagine so many instances where your property was looted or burnt down, and how you managed to just start again and again, and you never gave up. You are an example for many of us who are gathered here in never giving up.

I am sure that the people you have represented today are very grateful that they have you in their lives. What is very sad is that people such as yourself, who are doing such tremendous work, are not receiving the help that you need; even just to give you forms, so that those you represent can fill in their details and state their cases. I do not know if an action like that one can bankrupt such a rich nation. We will do our part. We are so glad that you found time to come and share with us. Continue with the good work you are doing and never ever give up. We are grateful that the Lord gave you children, who have been a blessing to you, and blessed is the fruit of your womb.

We thank you so much.

Ms. Nancy Kanyago: Thank you very much for representing the women who have been IDPs from 1992 to 2008. Women, we are running short of time. We do not have a lot of time. We know that women are affected in very different ways. Most of you have been affected by the post-election violence. We know that you are still being affected in one way or another.

Our work, as the Commission, is to find out how women are still being violated. So, I am requesting your history. We want to hear the different stories that you have. Everybody can see that you are very many. So, not everyone will speak. I am just requesting that we listen to the different stories on how you have been affected because you are not affected in the same way.

So, at this moment, I would like to ask a woman to speak about widows and the challenges they are going through as widows.

Ms. Mary Kerubo: My name is Mary Kerubo from Kisii Central. I am a widow and a victim. My husband had a piece of land in Elburgon. People burnt everything we had. Even my maize got burnt. My husband was a police officer, with the Criminal Investigations Department. In 2009, he was shot. My first child was also shot. They both died at the same time. My son was in the university. He also died. Both my husband and my son were shot in Nairobi. I remained with four children, without anything to support us. To date, I have problems. I have developed high blood pressure. I went to hospital and received treatment. I am now a little better. My husband and my university-going son had a vehicle. The vehicle had not been registered. To date, that vehicle is with the CID. I went there to find out about the vehicle. They do not want to give it to me. I have not even been officially told the circumstances under which my husband died.

My husband was called on mobile phone. The police even told me who called him last but they do not want to talk. They just said: "We saw the phone on which he was receiving calls, but we have not seen the phone he was being called with." I inquired more: "I thought the records were with Safaricom." They told me: "No, we cannot see anything. We can only see the received calls but we cannot see the number that was used to call him.". So, to date, I am very shocked. I do not know why the police are not following up the case.

My son was doing his examinations. I had taken him through school for 18 years. I feel really bad. I feel sorry for myself. It is only this year that I have regained my strength. I wonder why the police do not want to follow up and establish how my child and my husband died. Why are they keeping my husband's vehicle? They do not want to give it to me, yet I am the widow. When I go there, they tell me that if I do not have the documents that were used to import the vehicle to Mombasa, they cannot release the vehicle to me. The documents were with my husband when he was killed.

So, what am I supposed to do? To date, I am in trouble. Even as I speak, I do not understand why this is happening to me. I have children going to school. One of them is

in university. Another one is in secondary school and the police do not want to give me my husband's property, not even his vehicle.

I am, therefore, requesting this Commission to see how you can help me. I do not want to say more. I feel like I can faint. I have documents, including the burial permits, the death certificates and the letter that I was given by the CID concerning the vehicle, indicating the engine and the chassis numbers. I have submitted them.

The Presiding Chair (Commissioner Chawatama): Mary, we are so sorry for your double tragedy. It is also shocking to hear that an institution such as the police, where your husband worked, have not given you the help and the information that you wanted. It is this information that would help to bring some closure of the matter, because you seem to have a lot of questions that deserve to be answered. We thank you for the documents that you have given us. These documents will help us. My prayer is that on the questions that you keep asking yourself, you will be able to get some answers to them.

I am sorry for your pain and loss. We are just celebrating your life because you, and your remaining children, have somehow carried on with life; the children are doing well in life. This is all because of the person that you are. Keep on encouraging them, and they will do well in life.

We thank you for sharing with us. We have an obligation to help you, where we can.

I will ask Commissioner Shava to say a few words.

Commissioner Shava: My sister, I would like to associate myself with the comments that have just been made. I cannot imagine the pain that you still feel when you think about what has happened. So that we can help you, if you can manage, I would just like you to put on record the names of your husband and child – the one who died just like your husband.

Ms. Mary Kerubo: My husband was Henry Lumumba Anunda and my son was Josphat Omambia Anunda.

Commissioner Shava, Kenya: Were they in the car when they were shot? Where were they?

Ms. Mary Kerubo: My son was in the university. He was going on with his examinations. My husband was on duty.

Commissioner Shava: Was he driving the vehicle when he was shot?

Ms. Mary Kerubo: Yes, he was driving. He was in his vehicle. It had not been registered yet. They were found dead on 1st March, 2009. They were found in Kiamunchu, near

Kamiti. That was where their bodies were found. They had just been shot. They were taken to hospital. My husband had been shot nine times and my son five times.

Commissioner Shava: We have now understood the situation in which you are. As the Presiding Chair, Commissioner Chawatama, has said, we will do our duty to help you, where we can. We see that you have already started the process of trying to gain access to the property. We will see how we can help in that process. I am very sorry for your pain.

Thank you for coming to share with us your story.

The Presiding Chair (Commissioner Chawatama, Zambia): I would like to encourage the women gathered here. I saw my sister in the room, and I thought I saw a person who was whole. So, it is not until we hear the testimonies of people that we can understand where they have come from, and what they have gone through. As women, you must be each others' keeper. Do not be quick to dismiss one another, because I will look at you and think that it is well with you, until you have spoken.

Be your sisters' keepers. Take time to listen to one another. You do not know, maybe, you are the one who has the solution to your sister's problem. So, be patient with one another. Love one another and support one another.

Ms. Nancy Kanyago: Thank you, ladies. For those who have already spoken and those who have not had a chance to speak; we are happy that you have come to this meeting. Our time is almost over. I want to give this chance to a counsellor from the hospital, so that he can tell us what kind of assistance Government hospitals offer women. There are many women here who have not had a chance to talk to a counsellor. So, I wish to give this chance to the counsellor, so that she tells you what kind of help the Government can give you, women, especially on counselling.

Ms. Ruth Mogaka: Thank you very much, Nancy, for this opportunity. I greet all the women. How are you? My names are Ruth Mogaka. I am a doctor and also a counsellor from Kisii District Hospital. Together with me is Ruth Ayenga, who is also a doctor from Kisii University Campus. Together with us is our in-charge, Dr. Bahati. She can say "hi" to you. I have been given five minutes to speak but I will also give two minutes to Dr. Bahati, because she has something very good for the women to know. At Kisii District Hospital, there is a programme called "Counselling". Most of the women here do not know the meaning of "counselling," because I have not seen many of you like this.

Obviously, our fellow women who have spoken are breaking down. That means since the time they were widowed, they have never gotten time or gotten a person to speak to them, so that they can cry in the way they have cried before our fellow women here, and so that we could also speak to one another. In the counselling programme, we do not have answers to every question. It is you personally who has the questions. You only need space, or a platform, to open up, so that you can also start thinking about how you can help yourself. That service is being given free of charge at Kisii District Hospital.

In my section, I see very young girls who have been defiled. What pains me most is the fact that the parents of children who are defiled collaborate with the rapists. The rapists pay some little money, ranging between Kshs2, 000 and Kshs3, 000, and the parents forgive them. Many of the young children I attend to have been defiled by their fathers. When such a child goes out and says that she has been raped, because her mother wants to defend her husband, she says: "Let this issue be resolved at this place."

This trend is affecting the lives of our girls because after some time, the girl becomes afraid of men. Men defile girls ranging between one year and four years. Right now, there is a girl whose parents have died. They are two children who were left in the hands of their grandmother, who later on also died. The uncle of the children took them in and said that he was going to take care of them. However, instead of taking care of them, he started misusing the one aged five. It reached a time when that child opened up and said: "My uncle puts me on his thigh and then pushes something hard into my private parts."

That child was infected with sexually transmitted diseases. She had to be taken to theatre, so that her private parts could be examined, and so that some growth that had developed in that part because of her uncle's action, could be removed. Sometimes, we, women, are the ones who protect the perpetrators of such indecent acts. I am, therefore, asking you to be friendly to your girl children from today.

There is also a case of a Standard Four girl who was defiled by her cousin two weeks ago. The girl could not tell her mother what had happened, and her mother could not even look into the child's eye. Even the girl's walking style had changed. When she went to school, her teacher noticed her walking style and wondered why. The teacher befriended the girl and asked her what had happened to her. The girl explained to her teacher what had happened. That was when the girl's mother was called by the school management.

Let us be friends and keepers of our children. This is not only affecting girls. Even boys are being affected too. So, let us be friends with and keepers of our children. Please, come and be counselled because of the post-election violence that followed the 2007 elections. Maybe, you are infected by HIV/AIDS. Counselling in that area is also free. Come and get counselled. You will be examined, and if it is established that you have been infected, there is also a free Government programme. You will be registered and start taking medicines. You will get counselled at all times.

If you suspect that the people you left home are affected, do not just judge by the looks of somebody and conclude that he/she is HIV positive. Encourage her to go to hospital, so that she can be examined. I have told you that there are free medicines. If at all you have a child and you realise within 72 hours that she has been defiled, there is also a programme at the hospital under which she can be given medicines which can protect her from HIV/AIDS infection. In case the rapist has HIV/AIDS, the child cannot be infected if she takes the medicines within 72 hours of the rape. That service is also free.

We thank the TJRC for organising this meeting because we are getting informed. It is time for every woman to come here, so that she can get additional information as opposed

to the women who have stayed at home. If you go to any hospital, especially Government hospitals, there are very many free services. If you go there, try to see whom you can confide in, and God will give you someone who will listen to you. If someone listens to you and he does not help you, you can approach another person to help you.

If you are treated at a Government hospital and you happen not to have a way of paying for the treatment, there is a way you can get assistance from the hospital. Do not stay at home. Everybody who has been infected with HIV/AIDS should come for counselling and start taking medicines, so that she can live on and take care of her children to an age when they can take care of themselves.

I give this opportunity to Dr. Bahati to also tell us something. Even after this session, if you have something you would wish to speak to us about, you can take us aside. We can talk and give you a date on which you can come to our place, so that we can discuss a lot of issues.

Dr. Mary Bahati: My name is Dr. Mary Bahati. I am a doctor at the District Hospital. I am going to talk on issues that affect our health as women.

One thing we commonly see is maternal death, which comes during delivery. I would like to encourage all of us to be going to a health facility for delivery services. We are losing so many young women due to complications related to birth, and other complications like fistula, which can be avoided by close follow up of our women at health facilities.

Another issue is child mortality. We are the closest keepers of our children. We are losing many children under the age of five years due to malnutrition, diarrhoea, malaria and HIV/AIDS. It needs to be known by all of us that healthcare for children below the age of five years is free in Government hospitals. Medication and admission into the wards is free of charge. As our sister has said, even if you do not have funds, come in. We will treat you. We will deal with the issue of money after you are cured.

The other big issue I have seen affecting our women in this community is abuse – both physical abuse and sexual abuse. This is something which no one has spoken about but our women in this community are brutally beaten by their husbands, but they sit back and say; “it is okay”, because he is a man. He is paying school fees for the children. He is buying food. He is the one providing the upkeep of the family. I need to say to everyone here that it is not right for any human being to be beaten by another human being. When it happens to you, please, come to hospital. Most of the time, you come at a very late stage. Most of the time, you do not bring yourself; you are brought by a neighbour. You come in when it is too late. By the time you go in for surgery, we lose some of you on the table, just because your husband beat you up. When you are asked: “Why did he beat you up?”, all you say is: “There was no food” or “I did not go to the *shamba*”. Is that a reason for someone to beat you to death? Women, let us be empowered. You are a human being who was created by God, and you have a right to every facility.

Sexual abuse is also common amongst our children. Sister has spoken about it. You should also seek attention for both girls and boys, as well as for yourselves as adults. That is another thing that happens, because you are women. You are actually raped but you do not want to say so because you are a woman. You think it is right. It is not right. What I am trying to say is that you should not be forced to do something you do not want to do. Do not do it just because you are married to that man. It can be your husband. It can be your brother-in-law. It can be anyone. So, let us protect our bodies because there are diseases, and you can get pregnancies you do not want to get.

Last but not least, we have a programme which takes care of breast cancer in the hospital. Every woman in the reproductive age of above 18 years should undergo an annual check up of the breasts. In the last week of November and the first week of December, we will be having a free breast camp at the hospital. Please, pass this information to every woman anywhere and everywhere to come for this service. Cancer in this community, especially breast cancer, has been associated with cheating. It is believed that any woman who has breast cancer has been cheating on her husband. We need to say that you should not believe any such thing. It is a disease that comes like any other disease.

You should not sit down and say: “I have breast cancer but I am going to sit here”, and then later come to hospital with a very advanced case of the disease. If you come early, something will be done. At whatever stage it is, please, come. Come one, come all! We are here for you. We shall support you in every way possible.

Thank you.

Ms. Nancy Kanyago: Thank you very much, doctor and the counsellor. Ladies, as you heard, there is free medication in Government hospitals. So, please, just visit the hospital, so that you can access those services.

Lastly, concerning breast cancer, the doctor has said that there will be a clinic for testing in the last week of November and the first week of December, this year, at Kisii District Hospital. So, you can go there and have a diagnosis. There will be free testing. So, we urge you all women, to make use of that opportunity.

Nancy Ayienda is also a counsellor from the hospital. She can add onto what the others have said.

Ms. Nancy Ayienda: I would like to talk about cultural practices. There are very many things we can get rid of, if we can do away with some traditional practices. I am going to talk about HIV/AIDS infection amongst married women and widows. Our culture does not allow us to talk about or negotiate for safe sex in our houses.

Our culture does not allow us to negotiate for safe sex in our marriages. This produces challenges. Even if you know that your husband is unfaithful, and is having sex with a woman who is unwell, you will still give in to having sex with him without protection. I want to encourage the mothers who are here. Let us protect ourselves. Let us talk about

safe sex with our husbands. We know that doing so is a taboo, but it is good to talk about sex openly.

(There was a technical hitch)

I was talking about culture and safe sex, and said that our culture does not allow women to negotiate for safe sex with their husbands. You should know for sure, that your husband is moving with someone else out there but he will still come home, and you will not want to protect yourself simply because culture says that you are a woman, and you have no right to talk about such a thing. We cannot talk about sex, by the way! How many of us here, who are married, can negotiate for safe sex with their husbands? I want to encourage you to negotiate for safe sex with your husbands.

How many of us here who are married can negotiate for sex? I want to encourage you that let us talk and negotiate about safer sex because it is the only way we can protect ourselves, so that we remain alive to take care of our children. It will protect us from HIV/AIDS and other infections that will cut our lives short. Let us try to break the culture that is harmful to us.

I have not heard anybody talk about female circumcision and yet we know it is quite rife here. Every child has a right to live the way they were born. By the time you cut the child, during child bearing it becomes very difficult. Those are the cases that mostly end up in Caesarian Section which is traumatizing. For your child to go through FGM, it is a great psychological trauma. They never understand what was done to them and the reason it was done. It affects a child for the rest of their lives. So, can we be responsible for our children and ourselves?

Thank you for giving me this time.

(Applause)

Ms. Nancy Kanyago: You have heard her well. She has said that we need to take care of ourselves and our children, especially the girl child. Our time is almost lapsing. We are unable to listen to everybody, but we thank those who have talked to us. We know they have represented those who did not get a chance to talk.

We are going to look into everything that you have told us here in Kisii and Nyamira. There are statement forms from TJRC which are being issued for free and people are filling them. Our officers are out here continuing to take statements. So, we are encouraging you to stay behind and talk to the statement takers outside there. If you do not get a chance to do that, we are telling those who have been affected to join and write a statement as a group. We have a lady who has given a statement on behalf of the victims at the border area. She has given us a list of 500 people who were affected. I know there are groups of people from Kericho and other places. You do not need to have individual statements. You can make group statements.

I wish to give this chance to the Commissioners, so that we hear what they have to say. We will then close with a word of prayer.

The Presiding Chair (Commissioner Chawatama): When I was growing up, my report card always had these words: “Very talkative in class”. Today, I am lost for words because of the weight of the pain and sorrow. I promised a few of my friends that today, I will not cry. Had I cried, I would feel better. I came all the way from Zambia to do this work. I did not know that on this day, I would be hearing such horrific stories of what has happened to you. I can only pray to God to continue to bless you and give you strength to face each day.

When you wake up in the morning, just celebrate the fact that you are alive. When you look at your children, celebrate the fact that they are alive. When you eat, even if it is a banana, celebrate the fact that you have an opportunity to eat something. Let us take one day at a time and rely on God to take us through.

I do not know why God allowed me to come to Kenya, but I know this is one part of my life that I will never forget. God bless you.

Commissioner Shava: Thank you. I am not from this part of Kenya. I am from Central Kenya and I am married in Western Kenya. I have travelled to many parts of Kenya, but I have never been to Kisii. First, I would like to thank you for offering me an opportunity to come to this very beautiful part of Kenya. I also want to thank you for responding in such huge numbers to our invitation. I can see there are women standing at the windows.

We have been going round the country. So far, we have gone to Wajir, Garissa, Mandera, Moyale and so on and the stories of women resound with the stories we have heard here. When we look at women, we can say they are the foundation of any nation. We are the ones who give birth and so, the nation is in our hands. So many of the stories we hear are so disempowering about women. However, it is we to decide how our country will be. We are the largest grassroot organization in this country because 52 per cent of this country is women. We spend most time with the people who lead this country. Today, we have been wondering what kind of future our boys are going to have if they are going to be fighters; are they are going to be killed whenever we have elections?

Our young men are incited by politicians who are mostly men. Who raised those men? Who sleeps in the same bed with those men? Who has the power to influence those men if it is not us? We need to ask ourselves these questions.

When we look at our girls, they are women in the making. They learn from what we say and do. They watch what we do and that is what they will copy. Women work day and night. I enjoyed the story of the woman who told us about her survival tactics and techniques. Although we work hard and all the time, we are denied access to property, positions of leadership, space where decisions are made and so on. How many of you are leaders in you churches? Are you leaders in the women wing? How many of you are pastors? I can see two women only. Any woman bishop here?

Now, as you become more powerful, you find fewer women. I am so happy to see that there are women here who are in leadership positions. We are leaders even in our homes. We have listened to your stories, including stories from widows who have been disinherited by the husbands' families or the system. We have heard how life is for women who have done hard work and are now in the twilight years and they are still working because they are looking after orphans. We have not discussed, but we have heard of the dangers that these women face with regard to witchcraft. Many women have been killed. We have heard of women who have been raped and some of them are now infected with HIV/AIDS.

What I hear here is hope. There is a poem by an African American woman called Maya Angelou and she said that despite all these tribulations that a woman goes through, still she rises. So, I am filled with admiration for the women of Kisii for the things they have gone through and still you rise. You are here, you are continuing, you have plans, you have hope. This Commission will stand with you in helping you to go on with your lives and ensure that these things do not happen again.

We take your recommendations very seriously and they will be in our report. The Report will be handed over to the President – not necessarily Kibaki - after which it will have to be implemented. That is what our Act says. So, what you have done here is a very powerful thing because you have put your voice in the report and Parliament will ensure that the recommendations are implemented.

Thank you all.

Ms. Nancy Kanyago: Thank you very much women of Kisii for coming here in large numbers. We started with prayers and we will close with prayers.

Thank you.

(Closing prayers)

(The Commission adjourned at 12.50 p.m.)