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Public Hearing Transcripts - Rift Valley - Kapenguria - RTJRC15.10 (Pokot County Council Hall, Kapenguria) (Women's Hearing)

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**ORAL SUBMISSIONS MADE TO THE TRUTH, JUSTICE AND
RECONCILIATION COMMISSION HELD ON SATURDAY, 15TH
OCTOBER, 2011 AT THE POKOT COUNTY COUNCIL HALL,
KAPENGURIA.**

PRESENT

Margaret Wambui Shava	-	The Presiding Chair, Kenya
Gertrude Chawatama	-	Commissioner, Zambia
Ms. Nancy Kanyago	-	Leader of Evidence

(Opening Prayers)

(The Commissioned commenced at 11.15 a.m.)

Ms. Nancy Kanyago: I want to take this opportunity to welcome all those who have been able to come to this women's hearing. This Commission was formed by law in 2008 after the post-election violence but we do not only look at what happened during the post-election violence; we look into different issues that have affected people since independence. We are looking at issues of gross human violations and injustices. Yesterday, you said that you wanted to speak in your mother tongue and today I do not know if you want to speak in mother tongue or Swahili. If you will speak in mother tongue, then you have to find somebody to interpret. I want to request you to switch off your cell phones. We have travelled in different parts of this country and before we came to Kapenguria, we were in Lodwar and from here we shall proceed to another place. What we are looking at is not only what people were looking for yesterday but also issues concerning land, tribal conflicts, killings and police or government treatment of people. We also look into issues of marginalization, lack of health service, education, not having good roads and so on. Different people from different parts of the country feel that they have been marginalized.

The Commission is looking into all those issues and not only the post-election violence. We are also looking into issues like cattle rustling between different communities, lack of food and so on. Those who were here yesterday saw that most witnesses were men. The reason is because those who spoke yesterday wrote statements which we had received in our office and so, we gave them the opportunity to speak. That means more men recorded statements than women. So, as a Commission, we decided to give women their own special forum so that we can hear from them. In every town that we have visited, we have had such forums. Women did not record statements for various reasons but after such a hearing, you will be told how to record statements. We know that there are issues that affect women and you would want to speak about them. Here before you are female Commissioners. Women fear or feel ashamed to speak about certain issues before men. That is why we have such fora where female Commissioners can listen to women. The men who are here are employees of the Commission. The Commissioners are on their way because they slept in Kitale but we are expecting them soon. As a Commission, we

are concerned about the problem that women undergo and that is why we give them this special forum.

I will give you an opportunity to speak about different issues and let Commissioners ask a few questions. Since our time is limited, I request you to be very brief so that we can give opportunity to very many people to speak.

I would like to know how many of you, by show of hands, are blessed with children and if they gave birth at home.

(Several women raised their hands)

Thank you. I would like to hear from you what was the reason you gave birth at home and not in the hospital. Who would like to contribute to that?

Mrs. Jebloso Losekwang: My name is Jebloso Losekwang. I gave birth at home because the hospital was very far. We live very far away from the hospital.

Ms. Nancy Kanyago: Is there a mother who has given birth at home and got complications? If there is no one, it is okay.

Ms. Eliza Lotam: My name is Eliza Lotam. There are so many women who get complications but they fear to talk about it. Many never even turned up today. One such woman is my mother. She gave birth at home and the child got complications in the brain because she was circumcised. When she was giving birth, she struggled so much. Another woman assisted her. She was about to die but she was assisted.

Ms. Nancy Kanyago: If you are given a chance, please, say your name first before you speak so that it can go on record.

These things are not easy to speak about but if you do not speak about them you will not get solutions. For example, the people who were in the hearing yesterday did not speak about the hospital issue. That is because it is the women who are affected most of the time. Despite the fact that the things we are going to talk about are very painful, if you do not speak about them then you will not get a solution. There is nobody who will speak on your behalf except yourselves. Men spoke and talked about marginalization and lack of roads. But they never said about how women are affected when there are no roads. When a woman is pregnant and wants to go to the hospital or clinic, they can even deliver on the road because it is a bad road. This is a chance that women have to speak. Even if it is not you who is affected but you know somebody who has been affected, it is very nice if you can represent others.

The first one who spoke talked about what her mother faced when she was giving birth. That problem was there because she had gone through the traditional Female Genital Mutilation (FGM). Do you have a name for the circumcision of women or FGM? If it is

something that is done among the Pokot, is it done to women or girls and how old are they?

Mrs. Leah Chepebsia: My name is Leah Chepebsia and I work with the Whistle Blower Kenya Organization. The girls are circumcised according to where they come from. For example, in Kacheliba, it is between 11 and 13 years old and in Kapenguria, it is from 15 years or 16 years. In Lomut, it is the same as Kacheliba.

Ms. Nancy Kanyago: After circumcision, what do they do next?

Mrs. Leah Chepebsia: After circumcision, they are secluded and they stay there for one month. After they come back, they do not go back to school because most of them are usually booked to be married by old men. Their fathers already took dowry from the men who will marry them. Those who go to school are very few because most of them are married off.

Ms. Nancy Kanyago: What is the reason for the circumcision?

Mrs. Leah Chepebsia: In the Pokot community, circumcision is done by women who want to get income. Those women are very old. Right now, they get Kshs1,000 for circumcising one girl.

When they circumcised the girls, there would be some little money but now the amount has been increased. Previously, they used to be paid Kshs500 per circumcised girl but the amount has since increased to Kshs1,000.

Ms. Nancy Kanyago: Is there a woman here who is one of those who do the job of circumcision?

Ms. Chebet Chepebsia: There are some who have since stopped doing that job, but they are here. If we say that they are still doing the job, it will be very difficult for them to come out. There are some who have stopped doing that job. They are now members of the traditional birth attendants group.

Ms. Nancy Kanyago: Is there a season when circumcision is done? Is it after they close school or is there a special month during which circumcision is done?

Ms. Chebet Chepebsia: It depends on the area. In some areas, circumcision takes place during the month of July or August. School-going girls come back home in August, and that is when they are circumcised. In Kacheliba, circumcision takes place in November. Most of the girls are circumcised in December, when people have harvested. During this time, people harvest a lot of maize and beans. So, the girls are circumcised in the month of December.

Ms. Nancy Kanyago: I do not know whether you know that there is a law known as The Children's Act which says that Female Genital Mutilation should not be done to girls who are below the age of 18 years. Are you aware of the existence of that law?

Ms. Chebet Chepebsia: That is what the Government has said.

Ms. Nancy Kanyago: But, from what you are saying, FGM is still being done. So, what do you think is the solution to this problem?

Chebet, before you answer, let us welcome the Commissioners. Karibuni, Commissioners. Ladies, we have Commissioner Shava, and I would like her to greet you.

Commissioner Shava: How are you women?

Women: We are fine!

Ms. Nancy Kanyago: We have Commissioner Chawatama, who is a Judge from Zambia but she has been working with this Commission. She likes talking about women issues a lot.

Commissioners, we have been talking about access to health. Most of the women here have given birth at home, and they have spoken about the complications that arose out of that. They mentioned FGM as one of them. So, we were in the process of discussing FGM, but before that we started with two beautiful songs.

So, we were just having a conversation about FGM, and we will now continue. We were saying that it is not just a question of passing laws about FGM because the law says that the practice of FGM should be done away with. So, what is the solution to this problem?

Ms. Chebet Chepebsia: As women from West Pokot, we made a declaration on 15th June, 2011 that women have rejected FGM. We are happy, and we are celebrating. This matter came from the Government, through the Social Service Office, to the local people. Most of the women present here feel that this campaign should be taken to the grassroots, so that we can teach women in the rural areas and come up with a decision that is agreeable all over. However, in this case, this initiative is from the Government. The women who are here heard about it and made the decision to abandon FGM practices.

The women brought the knives they used to circumcise girls and gave them to the DC. Therefore, I and my fellow women are going to carry out sensitization, so that other women can be aware of this development.

Thank you very much.

Ms. Nancy Kanyago: Thank you very much. Since you have decided to abandon FGM, I hope that in December, which is very near, the girls in this area will not be in danger. You should now start sensitizing people in the villages, so that girls are not circumcised.

Ms. Chebet Chepebsia: We have started sensitizing people, because we knew that 30 girls were circumcised in Kapkoris. One was circumcised in Karuos, and she died. So, we will monitor the situation and see how many they will circumcise in December, so that we can compare the data and see whether our decision has reached places in the rural areas.

Ms. Nancy Kanyago: We spoke with our fellow women in the Narok community, where FGM is practised. The women there said: “This is our cultural practice. It takes time to change cultural practices.” They heard our recommendation. We explained to them that there is a law in place which says that FGM should not be done to girls under the age of 18 years. If girls who are 18 years and above decide to have FGM done to them, that will be okay because 18-year old girls are not children any more. So, that is what the people in Narok decided.

So, I do not know if you guys have a similar recommendation because this Commission must come up with a recommendation. As we have said, there is a law in place. So, your recommendation should not be about the law. You, as women in the Pokot community, have said that you have put your tools of trade down. However, we do not want to have even a single girl circumcised. What recommendation would you give to this Commission? How can we help you, so that you can implement your decisions?

Ms. Chebet Chepebsia: When we decided to stop FGM, we said that we had refused to have the knives. So, we would like you to bring education to the rural areas, so that our children can access education. That way, we can stop FGM completely. When some midwives help young women to give birth, even without such a woman asking them for help, they just pass a knife on her private parts. So, such a woman comes to realise later that they have circumcised her. It is not that she really wanted it to happen. So, on that day, we decided that we have stopped using the knife completely. We do not want to go back to the knife after this hearing.

(Applause)

Ms. Nancy Kanyago: Thank you very much.

Ms. Lilian Plapan: My names are Lilian Plapan. I would like to speak about the issue of FGM. We are aware that there is a law which prohibits people from carrying out FGM. The law says that if you circumcise a girl, you will be fined Kshs500,000. If you are found to have gone and called people to come and sing for purposes of FGM, you will also be fined. As my predecessor has said, we have also resolved to abandon FGM. We have been sensitizing women on the need to abandon FGM right from the grassroots. In one week, we covered 9,100 square kilometres. Some women went to Leilan areas. Some women went to Kacheliba area and some went to Sigor area. Within two weeks, we had reached all the women in this county. We made our declaration at that time.

The big thing that we would like the Government to do right now is to domesticate the law. All the resources for the anti-FGM campaign should be taken to the grassroots. I came to realise that the UNDP has given a lot of money to the national secretariat in Nairobi, but that money does not reach the grassroots. Activists at the grassroots are not able to get that money. Some of us are benefiting from funds from other sources. So, we get little money to enable us to go to those areas.

The second thing I would like to say concerning FGM is that women have really dedicated themselves to its campaign. They need employment opportunities. In our declaration, they were promised that they would be employed and be paid Kshs1,500 for the work they are doing because they are old women. So, I do not know who will follow up this promise and ensure that they are given their rightful allocation. We will also try to follow up and ensure that they are paid the money.

Lastly, I would like to ask for permission to submit a memorandum to this Commission on behalf of the women. Another thing is that FGM has negatively affected women. This area has the highest number of fistula cases. Some women hide such a condition but we have helped them.

Another thing about FGM is that if you go to deliver at the District Hospital, you will cry. Nutritional aspects have also changed. Previously, we used to avoid eating certain types of foodstuffs when we were pregnant. However, women nowadays eat foodstuffs as stipulated by nutritionists. Traditionally, a Pokot woman owns one cow. When a man tries to have sex with you during marriage, he gives you one cow.

Another problem with FGM is with birth; it is difficult for the child to come out because your private parts are sewn when you undergo FGM. Therefore, if you go to deliver in hospital, you are operated. Some women have been found with cotton wool in their womb due to negligence by the doctors during such operation. They leave cotton wool in women's stomachs. Some of those women end up having swollen stomachs, which lead to their deaths. I have evidence from this woman here. She will tell you what happened to her daughter. She was left with cotton wool in her uterus during such an operation.

So, FGM has brought a lot of problems to women. If women have ears, they should stop FGM. Most of our daughters go to the United States of America (USA). Once they are there, they get married. While they are there, they find that they cannot deliver normally. The medical personnel there look at you and wonder why your birth opening is closed. So, we need to stop FGM.

Currently, we are telling our men to marry second wives. We have many women who are married as second wives. That helps when it comes to payment of school fees. At the age of 45 years, we have big scars. So, we do not want men to come near us. We tell them to bring another woman into the house. When they bring them, they infect us with HIV/AIDS.

(Applause)

Ms. Nancy Kanyago: Thank you. Women, you are representing your fellow women who are not here. As we have said, these things were not said yesterday. As women, you are the ones who are affected. So, it would be very nice for you to speak out openly; those of you who have spoken have done so openly. That is very good.

We know that another problem with FGM, apart from health issues, is that it contributes to girls not getting education. In the development of the communities, education is very important for the girl child. So, I would like to hear, especially on issues which hinder girls from accessing education as well as the challenges that girls and boys face within the Pokot community.

Ms. Dinah Helen Chebitoi: I am Dinah Helen Chebitoi. I work in the Education Department in North Pokot area. I will speak about the girls we have succeeded to retain in school.

We have two categories of girls. The first group comprises of those girls who ran away from home to escape FGM and sought refuge in school. The second group are those girls we have forced to come back to school. There was a time when we collected all the children and brought them to school – forced education. When we forced them to come to school, they got used to school and decided to stay in school. However, their parents followed them up to school.

Some of the girls had already been given away for marriage. Therefore, some men would come and claim the girls as their wives. So, we needed a lot of security in the schools. Most of the time, we have homeguards in the schools. Sometimes we have Administration Police officers within the school compounds to ensure that girls are not taken away by their “husbands”.

When the schools close, we do not release the girls. The schools have boarding facilities. If we release them to go home for the holidays, they will not come back when the schools reopen.

The other category is that of those who ran away from FGM. We had them in school but we did not have a programme for retaining them in school. We tried to take them to a place called Markus. They stayed there but the environment was not friendly. They also ran away from school because the schools were not girl-friendly. We do not have appropriate facilities to enable us retain the girls in school. For instance, some schools have only two toilets, one of which is reserved for boys and the other one for girls. In such cases, girls do not have privacy. So, they ran away and went back home.

Girls also do not have sanitary towels. This has been an issue to them. The Ministry promised that it would give sanitary towels but to date that is yet to happen. The girls find themselves getting complications and, therefore, they decide to go back home. So, they have returned home.

Dormitories also do not have mattresses. We do not have a nice place for the girls. In all the boarding schools, children sleep on mats or on the floor. Some dormitories are very dusty. So, such places are not comfortable to the girl child. So, they decide to go back home.

Those who have survived in this situation have sat for their KCPE examination, but we have no post-primary programme for them. They have been coming to our offices and asking: “You told me to come to a boarding school. I have passed my examination. Who can I go to for school fees, so that I can join Form One?” We do not have a post-primary education programme for those girls.

So, I would urge this Commission to look into the possibility of a post-primary education programme for the girls because those girls accepted to come to school. They survived the harsh environment and passed their examinations. The problem is that our organisation does not pay secondary school fees for the girls. So, where can they go after they sit their KCPE examination? They are just hanging around, waiting for what will come next. Sometimes we allow them to keep their fellow students company. If we do not do so, they will get married. The primary school head teacher asks: “For how long can we keep you here?” So, the girls decide to get married. Members of staff in offices have contributed some money for some of them. We have asked the headmistress of the secondary school to accept some of them for some time while we look for other means for them. However, they are sent home before the end of the term.

So, we have such challenges. As much as we feel they should come to school, and even if they have run away from FGM, there is no place we have set aside for them. As you were told yesterday, the northern Pokot area was under the administration of the Ugandan Government. Some of us studied under the Ugandan programme, where girls got free education. Boys would pay fees but girls would not. That was how we went to school.

In Kenya, we do not have such a programme. So, we need to have a way of reducing school fees for the girl child, or having a programme under which we can educate girls from rural areas. The Minister in charge of the development of arid areas can help in the development of the girl child.

Thank you very much.

Ms. Nancy Kanyago: Thank you very much. I have some questions. Are those boarding schools Government institutions?

Ms. Dinah Helen Chebitoi: Yes, they are.

Ms. Nancy Kanyago: You spoke about the issue of how the girls are suffering but I would like to know whether the boys have also been affected. Were those who were forced both boys and girls? We read earlier on that there was a DC from Pokot who picked the boys who were pastoralists. Have they been able to get bursaries from the CDF, or any other programme that helps needy students?

Ms. Dinah Helen Chebitoi: There were two ways that we had to use for forced education. For example, when you are travelling, they waive at you. They are very small children. So, we pick them up into Land-Rovers and bring them to school. Most of them are boys.

The girls take milk to the market. They are very young, ranging from nine years to 13 years of age. We take them with their milk to school. We did this for one month. The year ended, and we continued that way. We took about 1,000 children to boarding schools. We took the boys to boys' boarding schools and girls to girls' boarding schools. We retained them there for a long time. The parents of the children looked for them and demanded that they be allowed to take them back home but we managed to retain them.

However, we were not prepared in terms of what to do with them after the term came to an end. So, we came up with a programme where well wishers gave us some food, so that we could retain them in school. After completion of Standard Eight, most of the time parents came for their sons. They would go and ask for bursary from CDF for their sons. The CDF cannot cater for the big number of students that we have. Only a few students get bursaries from CDF. Sometime back, we took them to the media, and some well wishers took them in. There was a girl who was admitted to Mary Mount School, and was helped in the first term. The school administration also organised a *Harambee* for her but as time went by, we did not know what to do. So, she did not manage and she went back home.

There is another girl who was called to join Loreto Girls High School. She went to the school but she did not get into school. I wrote a note to the Head Teacher and requested that she be accepted as we organised ourselves. They admitted her but they did not retain her in school. The girl was told: "Go back home and come back with small amounts of money for fees." We tried but we did not manage. So, we have a number of girls who are still at home. Other girls are preparing for the KCPE later this year.

Ms. Nancy Kanyago: Which Loreto school were the girls admitted to?

Ms. Dinah Helen Chebitoi: One of the girls was called to join Loreto in Matunda and another one was called to join Loreto School in Limuru.

Commissioner Chawatama: How much does it cost to send a child to a day school and to a boarding school per term?

Ms. Dinah Helen Chebitoi: It depends on the school. Some schools charge about Kshs26,000 per term.

Ms. Nancy Kanyago: Please clarify. Is that fees for primary or secondary school?

Ms. Dinah Helen Chebitoi: It is fees for secondary school. In primary school, some schools charge only Kshs200 per term. Other schools charge between Kshs300 and Kshs1,000 per term.

Commissioner Chawatama: So, the Kshs25,000 in secondary school is for a term?

Ms. Dinah Helen Chebitoi: Yes.

Ms. Nancy Kanyago: Is that for boarding school?

Ms. Dinah Helen Chebitoi: Yes, it is for boarding school. For day schools, it also depends on the BoGs. Some schools charge Kshs10,000 per term while others charge Kshs15,000 per term.

Ms. Nancy Kanyago: But you would say it is preferable for them to go to boarding schools?

Ms. Dinah Helen Chebitoi: Yes, boarding schools are better for girls.

Ms. Nancy Kanyago: Loreto School is an excellent school. That is where the late Prof. Wangari Maathai went. It is very difficult to get there. So, this girl must have really tried to get the marks to get into that school. When was she admitted? Was it this year, last year or which year?

Ms. Dinah Helen Chebitoi: The ones of last year were sponsored by Equity Bank Limited, and they went to school. However, they did not support all the girls. They selected only a few. From north Pokot, they took only three.

Ms. Nancy Kanyago: I am seeing someone like you standing here. You speak so well and you understand the issues. So, you are one of the women leaders in this area. In terms of organisation, are women organised in groups, so that you can look for funding from other institutions, either governmental or non-governmental institutions? Is everybody working on her own, or are you working together?

Ms. Dinah Helen Chebitoi: We also have some NGOs which came in. We have St. Nell's. We also had World Vision, but they take only a few. They sponsor the bright and needy students or something like that. So, we have average children, but nobody talks about them. Everybody is talking of the bright and needy students. What about the average student?

(Applause)

So, we are asking those who are enlightened, or the role models in the community, to come forward and help. For example, in the Department of Education in North Pokot District, I am the only lady. We have a lady assistant chief and a few outstanding ladies

in the community. We have been sitting and thinking about who can partner with us, but we have not found people who can partner with us, so that we can help our girls.

Even about sanitary towels, there was a time I went to the Diocese of Kitale (ACK). I requested the Mothers Union Lady, the wife to the Bishop, to assist me to get somewhere. She managed to give me 20 boxes. I had to open the boxes and split the contents. Each packet was shared by two of the Standard Eight girls, who were sitting for KCPE examination. This time round, I have not found anybody to assist me. I always wish that they have something during the examination week, so that they are comfortable during the examination period.

The Bishop's wife gave me a complete kit, including the panties, and a piece of soap, so that the girls could be complete. I had to share them out amongst all the girls sitting for the KCPE examination in the district. So, you can imagine sharing out 20 cartons, so that every girl in Standard Eight had a share. This year, I have not gotten any assistance. So, I am a worried person. They are waiting for me because they know that during this season, I will be there for them. If you look around, you will see that most of the able women are here. You can see what little we can do.

Commissioner Chawatama: Sometimes you go to a place and you meet a group of people, and you feel something that you cannot put into words. That is what I feel right now. I feel that I have met a very special group of women. There is something so special about you and, because of your determination, and because your hearts are in the right place, the women in this area will be uplifted. I have never felt like this in any of the places I have been. We almost missed you because we thought that none of you was coming. We decided that we were just going to stay in Kitale and then fly back to Nairobi, but we thank God that we came. I thank God that I have met you. I thank God that I have had an opportunity to tell you how special you are, and how your efforts will be rewarded.

As you speak, I just feel a conviction. When I looked at my sister, Margaret, I also saw that she was also convinced that we should do something to help. You will always be very special. I have taken some photos and even when I go back to my country, I will be thinking about you. At this time, that is all I want to say. I am too emotional but I am also very happy.

(Applause)

Ms. Dinah Helen Chebitoi: To conclude, you find that even during interviews, in North Pokot District, we are hardly given a chance to represent the ladies there. During interviews we hardly get a lady to sit in the interviewing panel.

Ms. Nancy Kanyago: Which interviews are you referring to?

Ms. Dinah Helen Chebitoi: All interviews. Let me talk of education, for example, when we interview people to fill vacancies. You find a girls school being headed by a man.

Only men head other organisations. We only see men given representation. For instance, some of the girls came to our office and asked me: “Are you the DEO?” I said “no”. They asked: “Why do we not have a Pokot lady who is a DEO or even Deputy DEO?” As the Pokot community, we do not have one. Even in the Inspectorate Section, we do not have a lady. I am in the Early Childhood Department, but I always try to push myself into every department to represent the ladies of North Pokot District. So, we also need to be given a chance in representation.

Thank you very much.

(Applause)

Ms. Nancy Kanyago: Thank you so much. You have shown that even with one action, even if it is during that week of exams; there is something that can be done to ensure that the girls have a chance because they have worked hard throughout the year. Even if it is only during examination time in December or November; when they do exams, we should ensure that there is something that can be done. I think that is something that we have not heard before. It was a result of your individual effort and, therefore, we thank you for that. That could be something that is replicated in other parts of the country, even as the Government is planning to provide sanitary towels throughout the year for girls. You have told us that as a start, we should ensure that, at least, during exam period, the girls are catered for. So, your individual action has been very important and we thank you for that.

Commissioner Shava: We are very sorry, but we must leave now because we have to go to the next place. I would like to say that we are so happy for this opportunity to talk to you. I can see some faces are recognizing this lady. Some people were not very happy with the lady who was speaking yesterday. I saw you nodding your heads and you were confirming that what she was saying was true. So, I noticed you yesterday and I am happy to see women of this area being courageous. You are women of vision and you can see what you want in the future for yourselves, and when Kenya is moving ahead, you, surely, cannot be left behind when you are of this calibre.

Although we have not gone to many places, I am really so happy. I have been to this district, but I have never been to Kapenguria. I am so happy to say that I have been to this part of the country, I am so proud to meet women here who are doing development; things are changing and you are moving ahead and women are the engine of this nation. Everywhere we go, we will see the same thing. We just want to encourage you to ensure that girls go to school. Commission Chawatama is a Zambian and she has gone to school. I am a Kenyan and I also went to Loreto High School and here I am, I am a Commissioner and a lawyer. We are waiting to see the women lawyers and commissioners who are going to come out of this place because they are here.

Those girls who are doing Standard Eight this year, maybe five of them are the ones who are going to help you when your land will be taken away. So, these girls must go to school. That is why we want to know from that lady from the Ministry of Education how many these girls are and what will be the cost of the facility because we are going now.

We want to give the money before we go just from our pockets. We very strongly feel about this issue and we want to give support, even it is something very small. We want to try and leave something here to encourage you because you are so courageous; fighting against such huge odds.

We want to thank you and we are so sorry for what you are experiencing. We thank God for the opportunity of meeting you, wonderful women. Thank you for giving us your time.

Ms. Nancy Kanyago: Sorry, the commissioners are going, but we are still here. It is okay, they will get it. Can you just step out, go with Anne, please, take her to the commissioners---

Commissioner Shava: Thank you very much, women, for being good examples. We have seen an example of one woman who has contributed to the girls' education; that is, even for one month. We have never had such things. We have seen it here in Pokot and we are really appreciative for the fact that you are helping your fellow women.

Ms. Lillian Raphanila: Thank you very much, Presiding Chair. There is this issue of education and there is something called child preference. When there is no enough money for school fees, it is the girl who stays at home and the boy child goes to school. Another thing which is happening and which we, women, feel is injustice. Our girls are faced with challenges of early marriages. Men would come and tell you: "I love you." Like the place where teachers are coming from, when you are leaving the school in the evening, you are carried away or when you are leaving the Female Genital Mutilation (FGM) process, you are taken away. This is the problem of girl child; who are married off at an early age. Before you even grow up, they add another wife into your house. They are not able to pay school fees for their girls and children do not go to school. There are many children in the homestead.

Concerning education, I thank God that the Pokot are nice people. We have children who are lawyers and who are continuing with life. These children have completed their university education. There are women here whose children are graduates and the children are staying at home without jobs despite the fact that they have completed university. So, they ask questions like: "I have sent my child to school to come and stay here at home? We have engineers and pilots; and others who have done social sciences and they are just staying at home. What is the Government doing to assist those graduates to get employment? We want the Government to ensure that the Pokot people are also given opportunity in every department of the Government after completing their studies. If they have studied and trained in a given profession, there should be no discrimination or bias during recruitment for any job. You have to be a son or a daughter of a Member of Parliament or a friend of the people who are employing to be employed or who are giving money so that you can get money. So, what about the poor people? Who can help them and where will they to?

The children of the poor people are really suffering here in Pokot and yet they are very bright. These are children of the poor people who have nothing. When a child is educated, and if you want jobs like you want to join the administration police force, there is something they called “bahasha ya baba”, which is a letter to the person in charge. So, where will children from poor families go? When you struggle to educate your child in order for him/her to get a good job and when they go to Kenya Airways, for example, they are told that you need to get a Form Four certificate, yet that person has very high grades from the school of aviation. They also ask for qualifications of ATBL besides Form Four certificate. When they are given the Form Four Certificate, they say that you are not qualified. Is that really how it is supposed to be?

How can such people live if there is discrimination and bias? I have not understood and I will never! So, we are asking the TJRC to assist us because if no action is taken; we will feel neglected and we will never develop.

Also, we want the Kenyan Government to make deliberate efforts to assist the Pokot people. There is a women organization which was set up to look at these issues. It helps girls who run away from FGM, but it became broke. Therefore, it is very painful to see children suffer and we cannot help them. Even with the Constituencies Development Fund (CDF) money, what is given out is very little. Therefore, development of infrastructure does not assist much with regard to the education of the girl-child because she will get married off at an early age. Sometimes those with skills go to Makutano and they hang around there. In the end, they get HIV/AIDS infections. So, what are we going to do?

Another thing concerning education is that also boys drop out of school. Therefore, both girls and boys are affected. A few days ago, a teacher from Pascal Katikul School told me that: “I have girls in my school but I have failed to retain them in school. The FGM period is near and I do not know what I can do to retain these boys and girls in school. I know these girls will run away.” That is the challenge heads of schools face.

In the month of August, I thank God that after the declaration, they got hold of the children and stopped FGM rite on about 23 girls. The girls then ran away to Uganda to undergo FGM in there because there is no law prohibiting that rite there. Therefore, Uganda is being used to perform the rite and there is nobody who knows that and who can prevent it.

One day the chief came and told me: “So, we are taking the children to school and this is the month of September.” I told him that: “Let us try to take them to school”. But before we could do that, they ran away. The children start going to school and when they are half-way, they run way and get FGM done on them and their parents are given 60 cows and 63 goats. There is also the culture of cattle rustling in the area which drives them to drop out of school. So, the Government needs to have deliberate youth programmes in the area to stop the practice and allow children to go to school.

So, the Government is to blame for poor planning which has made many children to drop out of school. The Government must make an effort to prevent the girl-child from dropping out of school.

Even if the Government sets policies on the rural focus, it should make sure that in the grassroots level, children do not suffer. So, for education to continue in West Pokot, there must be affirmative action so that the boys and girls can have education.

Thirdly, people are now enlightened. In 1997, I did a lot of work. However, there were a lot of people who were fighting against me and I was isolated. When I used to say something, they could not approve it. So, I went for further education, but still whenever I proposed something, they could not listen to me. So, I closed my ears and continued with my studies. I graduated with a masters' degree which was a motivation to the girl-child in Pokot. Right now girls in Pokot go to universities and they have got degrees and they get jobs.

When I retired, I came to the Extra-Mural Centre and started teaching. When I started teaching at the centre, people started asking each other; "What is, Mrs. Raphanila, who was a clerk in the county council teaching us?" This year, there are more women there who are teaching people. So, I would like to say that these women are young and they should not be married off at the age of fifteen years. When they get married at the age of fifteen, twenty years later, they will only be 35 years.

The Government should open up for the adult education centres and send enough teachers to those centres to enable those women who did not get a chance to go to school to have opportunities of going back to class to learn. Otherwise, if that is not done, the economy of West Pokot will remain behind as it has been.

In the socio-structure set up of Pokot; Pokot West is number five and we have elders in the council of elders who are listened to. In the second level, there are men who have gone to savannah ritual and in the third level, there are those who have gone through circumcision; the fourth one is the youth and the fifth is for people like us and the last one is women. The girls are very much behind. So, even in such councils, a woman cannot come out and say anything. They do not have a chance.

Because of time, we should not repeat on what has been said. I do not want to talk about menstruation because it has already been covered. I want to say that in the Pokot culture, women need to know that their private parts are not dirty because during menstruation, you should not touch your utensils and you do not go to the council meetings. Those things should be stopped and girls should go to school. They should not run away because those thoughts are the ones contributing to such issues.

Ms. Nancy Kanyago: Thank you very much. As we continue, I would like to hear about issues concerning hunger in West Pokot and, especially its root cause and what remedy can be given to it.

Recently, there was an initiative of Kenyans for Kenyans and the relief food was brought to this particular area. But when you look at the areas of Pokot, there is food like Irish potatoes, but there are other parts of Pokot where there is no farming. We would like to know what the root cause of this famine is and what remedies we can get to improve the situation. I know there are women and children who really suffer most. That is why they lack education and they have to go and look for food and fetch water. I would like to hear a little bit on issues concerning hunger.

Ms. Mary Mariachi: My name is Mary Mariachi, I am a women's leader in Pokot County; the Chairlady of Maendeleo ya Wanawake. Also, I am in the peace committee, West Pokot District.

So, I would like to make a contribution about what has already been raised. They forgot issues of insecurity. Before I talk about insecurity; I would like to speak about hunger or food security.

Ms. Nancy Kanyago: Please, talk about food first and then you can go to insecurity.

Ms. Mary Mariachi: Okay. I have been told to talk about lack of food. What is the root cause of food insecurity? First of all, it is because of drought. There is shortage of rain and, therefore, the side effects are shortage of food. There is also lack of food in this area because most people are pastoralists and, therefore, they do not have enough time to take part in farming. That is the main cause of food insecurity.

Another issue is due to fights and conflicts here and, therefore, people do not have time to take part in farming. What also contributes to hunger is lack of enough education to sensitize people about food security. You find that when we get a little food, we do not utilize it in a way that it can last a bit longer so that people do not suffer. Due to lack of good education, people have not been sensitized. There are no agricultural extension officers and investigators who can tell that certain amount of food is enough for this particular area. That has contributed to hunger in this part of Kenya.

Also women have not been involved in the sensitization process. Women in the grassroots level have not benefited from such sensitization. Women are supposed to be in the frontline in farming or even cattle keeping. The person who is hardly hit by hunger is the mother and the children. These are the people who should be enlightened on how to do farming. I think that is the root cause of famine in the district. The solution to this problem is to educate our children on irrigation projects and the Government should be dedicated into giving women education about irrigation. We should not lack food while we have River Suam which has water but it is not being put to use. We are being told that the river is low and that its water cannot be used for irrigation. But in other parts, even in a place where there is sand, it is removed and a generator is put and pumps water to irrigate tomatoes, fruits and even vegetables.

In North Eastern or Eastern Province, the area is arid like here in Pokot, but they have different ways of getting food. So, we would like the women to be educated in order to

have food every season. The income generating activities should be taken into consideration and women should be educated about it because without that, we shall be suffering because hunger.

Recently, there was hunger in Turkana. This part of the country was also affected because three quarters of Pokot County is an arid area. It is just some parts of Pokot where there is food.

We did not get the relief food because nobody gave us information about it. There are women who are really affected and even schools have closed down and children have dropped out of school because of hunger. Nobody has even gone to the ground to see how people are affected. With regard to relief food, we did not get the information and nobody benefited. That is why we suffer from hunger from time to time.

Ms. Nancy Kanyago: Thank you very much. You have talked about insecurity and the reason why there is hunger. We would like you to talk about insecurity in general.

Ms. Mary Mariachi: I also wanted to add about the issues of insecurity because what my fellow speakers had addressed was the issue of school dropouts of the girl-child. It is because of lack of security. When there are conflicts and fights in the other side or here, a mother moves away and the girl-child also follows the mother. So, you find that that girl will waste time and will not go to school. That is the reason why the girl-child cannot continue with education.

Also, there is the issue of the age of the girl-child. She goes to school when she is already past the school going age. When she is in school, she feels like she is like a mother. She becomes ashamed and comes back home.

My fellow women had talked about the issue of sanitary towels and that is the worst part of it. When the girl turns and finds that her dress has been spoiled by menstruation, she stays at home for a week without going to school, especially if she attends a mixed school. So, she feels ashamed to go back to school as she fears that the boys will laugh at her. That makes her to lag behind in education.

There is also harassment from the boys. That also hinders the girl-child from attending school because the schools are very far from their homes. They get harassed on the way from school in the evening. Therefore, it makes the girl-child drop out of school. The remedy to these problems is that we are appealing to sponsors to defend the girls by building boarding schools along the borders because of issues of insecurity.

With regard to bursaries, we would like the Government to allocate bursaries for the girl-child education, and especially girls from the pastoralist community. The old men do not want to sell their cows to pay school fees for the girl-child. They feel that if they did, their cows will go and then they will remain poor. The old men tend to think that the girls who are educated go out of the home and become prostitutes. There is no way they can generate wealth back home but it is only through dowry. That is the problem.

That is all I had. Thank you.

Ms. Nancy Kanyago: Finally, I would like to hear issues concerning inheritance. Do women have a right to inheritance? In different places where we have travelled, it is as if we have problems though we are different tribes and traditions, but the problems affecting the girl-child is just the same. So, we would like to hear about issues of inheritance on the part of women on their father's property or husband's. Is it a problem in this particular area? The Pokot have land and others are pastoralists. I would like to know whether as a woman, do you have some cows and goats belonging to you? What happens when your husband dies? What problems do you undergo? Who can contribute on that?

Ms. Priscilla Chepkorkor: My name is Priscilla Chepkorkor. I would like to talk about inheritance because I have been a victim of the same.

Regarding inheritance, when the husband dies, the kinsmen come and take the wealth. When my first born son was killed during the time of conflict and the girls remained----

(Technical hitch due to power failure)

Ms. Nancy Kanyago: We also heard from a woman from Turkana, just an old woman, who also indicated that one person who can change everything, just the way you have just assisted the guys--- The old woman met another woman who was a widow and, now, the brother to the husband had come and taken the goats and the cows. This woman said,

“No, it will not be possible. Let us go to the chief. Let us call the brother-in-law and we tell him this is the law. We should force him to bring back the goats”.

The goats were brought back. If you cannot believe me, I could have even shown you the record of the woman speaking. So, women, it is, indeed, your rights. You must know that these are our rights and we must do all we can to ensure that our rights are not violated. I do not know whether the property of your husband is still there or it has been taken away.

Mrs. Priscilla Chepkorkor: That man took all the animals and then sold them to educate his children. It was during the operation time; they are not there anymore.

Ms. Nancy Kanyago: We have heard of other cases similar to one of the old woman and many others here for our recommendations. That is why we have such a forum, especially for the women.

Mrs. Priscilla Chepkorkor: We are going to write recommendations concerning compensation to the women, but what we would like, especially for the leaders of Maendeleo ya Wanawake, is any assistance or compensation, so that the people who should not receive the compensation or the assistance do not benefit. It is better if we have a list.

So, we cannot just leave it at the hands of the DC, men, because there are also other men who will come and speak with him and tell him “write the name of my wife and so on.” So, to the women leaders in this area, I would like to urge you to identify them. First of all, the elderly women who are over 65 years old. There is that assistance from the Government – the Kshs1, 500. That money is given to the gender officer or the social officer here. If those women are identified, then you can say that all of them have benefitted.

For us at the Commission, I would just like to urge you to assist the widows, first of all by identifying them, so that they can be known from location to location, and so that they can come together. One person can get some property, the others can be encouraged that they can also inherit the properties. They should come and join hands together as a group of the widows, so that they can be heard. So, you can also hand over the names to us showing that these are the widows who were affected in the years 1984, 1997, 1992 and so on. If they can be found and say how they were affected, they can be given some assistance; then we should start with these women. You can see this is our memorandum.

Ms. Nancy Kanyago: Thank you very much. We shall receive it and admit it as evidence to the Commission.

Mrs. Priscilla Chepkorkor: Thank you.

(Applause)

Ms. Eliza Lotam: Mr. Presiding Chair, Sir, I have a recommendation on what my sister and the others have undergone. We would like to ensure that every department, especially the Judiciary, has a gender-based--- We cannot also forget the administrative people like the chiefs; they should be given directives that the property belonging to the orphans or the widows should not be touched before they have a discussion about the property. If it is possible, if they can come together, they can appeal. They can have some reconciliation because there is a clan she was married to. If she can take the allegations there, or if she can be assisted by the people who are concerned with gender issues, they can also speak as a community. They can also contribute cows for her, so that she does not just become poor when she had property belonging to her husband. I think that is what I can say. We can also take the information to the grassroots. I know men will fear taking the property from the widows.

My name is Eliza Lotam; I am one of the widows. But I was lucky because I started registering my name with together with that of my husband. Although the in-laws came and wanted to take the property afterwards, they had no opportunity because I understood my rights. On the issues of defending the children, they say that you refused to be inherited. That is also another problem that the widows are undergoing. If you refuse to be inherited, they just leave you with your problems. They will run away from you and when you get a problem, they will say that you refused to be inherited. So, women should be sensitized about these issues. For very many of them, their land and other properties like cattle were grabbed.

Ms. Nancy Kanyago: Thank you very much. She has also indicated that there is also the importance of education; if you are educated, you will be knowledgeable; that is why you will register your properties in your names. Failure to take the girl child to school will impact on our lives negatively afterwards. You have also given us a very good example of refusing to be inherited. You have protected yourself, healthwise, from things like HIV/AIDS, so that you can be there to take care of your children. Because you know that it is not just inheritance, people just come to take your property. They also just target property.

I will give you an opportunity, the last one. I would like us to finish after her speech because we are running short of time.

Ms. Rosaline Kochondai Akada: I greet you all, women. My name is Kochontai, but I have written Rosaline. I want to talk a little. I want to request the women of Chepkobe to stand up. Can you stand up, the seven of you?

(several women stood up)

You can now sit.

Yesterday, we heard of the problems of Chemlunjo; that was why when our husbands were killed by the Government, we were told to come this way. We saw that, may be, they would come and kill us the way they had killed our husbands. When our cattle were kept somewhere, they brought all the animals and the sheep and they ate them as a gift. Others were shot. We were told to eat, yet we were in problems. Our animals and husbands died. When we turned back home, we never got the goats. We were tortured and we never even went to school. We ate nothing; can you see how bad our health is? It was only God who helped us. We were not given a chance yesterday to speak. That is why we ask; are these people not seeing us or seeing that there are visitors here? We are saying “thank you” because you have given us a chance today. If there is help for the widows, please, consider us. Please, consider us, because we have nothing. We do not have goats or cows. That is why we have come here today. We are so happy that you have given us a chance; you may write our names down. We said that may be, it was our chance for God may see us through. There is nothing more I can add because God has helped us today.

(Applause)

For example, the children that you talked about and circumcision, our chiefs are always saying that. They were saying “Do not circumcise your children anymore.” Those women were complaining because they saw that they would miss something to eat. We said, “Let our God help us and give us something to eat.” We are happy today and we are going to announce, “Do not circumcise your child any more”. We are going to announce that. Let our children give birth like that. I am not adding any more.

God bless you.

Ms. Nancy Kanyago: Thank you very much for what we have heard. It is very nice that, may be, you can be helped. Write your recommendations and your statement as one group. In the end, we have to listen to different statements from people. I will give the last chance to this woman and then, later on, I will give a chance to the representative of this area to explain to you how you can write your statements and your complaints, and how the Commission will look into your issues. Our work will be completed when we write our report, and that report will be presented next year in the month of May. In that report, we will have your recommendations and it is not us, as the Commission, that will implement your recommendations. The work of the Commission will end in May, 2012, and that report will be taken to the Members of Parliament. So, it will be upon the MPs and the Parliament, together with the Committee that will be formed to implement your recommendations. So, as a community and as citizens, your work will be to look into the report. We will gazette the report and will use the radio to sensitize people on the recommendations. So, when you hear about the recommendations, you should follow up your MPs. So, if you know that your MP is not a nice person, then you should know that you are the people who should follow up on your issues. In the next general election you should make sure that, that MP will say that he will be able to implement the recommendations of this Commission. Let me give this woman a chance. I am sure that whatever you want to say has been stated in your memorandum.

Ms. Veronica Cheruiyot: I would like to talk on behalf of the Sengwer Women. I want to highlight some of the problems that are faced by Sengwer indigenous women.

The Sengwer, as most people know, are marginalized. Our marginalization began during the colonial time when we were moved from our ancestral land, and now we live in Pokot County. Some of us are in Pokot County; others are in Marakwet County while others are in Trans Nzoia. Now, because of this, we are the minority group in each of these counties, and because of this, we face so many problems. One of them is discrimination. Sengwer women are discriminated against in many areas. In the counties where we live in, because we are not the dominant group, we are treated like second-class citizens.

Another issue that touches Sengwer women is education; Sengwer women are not educated because of so many reasons. One of them is poverty, and another one is that we have cattle rustling, which is very rampant in our area. Owing to this, we have become very poor; most women used to depend on the milk from animals, which they used to sell and then they join the merry-go-rounds which, at least, enabled them to become economically empowered. But when animals are taken, they just remain poor and their status declines. During cattle rustling, we, as women, also lose our sons. So, we feel very bitter and something should be done, so that we do not continue losing our sons.

We have also the issue of land in our community; it is like in all other communities – women are not entitled to land. So, if there is no heir – that is a son – girls are not able to inherit that land. It is the kinsmen who can inherit the land.

We have another problem; it is political. Sengwer people are so few; we are very few in West Pokot, Marakwet and even in Trans Nzoia; so we cannot muster a majority vote in order to take one of us to Parliament. So, we do not have representation in Parliament. Even in civic representation, especially for women, we have not had any woman being a councilor or even getting nominated. So, we have that problem.

Another problem that we face is our culture. As an ethnic minority, our culture is endangered because the dominant communities that surround us are on the verge of assimilating us. So, as women, who are the custodians of the culture, we feel that we should be protected, so that we do not lose our culture. The Government should, at least, help the Sengwer people to maintain their culture; they should not lose it.

Another problem that we have in the community is---

Ms. Nancy Kanyago: What language do the Sengwer speak? Is it Sengwer?

Ms. Veronica Cheruiyot: We speak our own language. God made us and gave us our own language, the Sengwer. So, we have our own language. God made us and gave us, at least, a dialect. So, we have our own language.

Another problem that the Sengwer woman faces is lack of information. We are not empowered with information. Even as you can see in this hall, if I told the Sengwer woman to stand up, they will be a handful, because of lack of information; the disseminated information does not reach them very well or, rather they are so poor that sometimes they might not want to participate in such forums. They are busy, at least, looking for something for the family to eat. So, they may ask; if they attend a workshop, what will their children eat? They do not even have the knowledge of the importance of such forums. So, that is one of the problems that we have.

Another problem is that sometimes some Sengwer women are abandoned; when problems prevail in the family, the men decide to run away and then the women are left behind to look after the children. They are not empowered economically and, so, there is a vicious cycle of poverty among our people.

Another problem is that our people are not very aggressive, because we have been subjected to suppression all the time. So, we just feel that we are entitled to be always at a lower level. Even the women who have come here today are not aggressive enough to raise their hands up and even to say "We have something to say."

Ms. Nancy Kanyago: Can I ask whether there are other Sengwer women here.

Ms. Veronica Cheruiyot: Yes, they are here. Could all the Sengwer women here raise up their hands?

(Several people raised their hands)

So, they have come with whatever they have to present, but I feel we have just relegated ourselves to second-class citizens position. They are just seated like that.

So, those are some of the problems that our people face. We have so many problems. We just feel like we are inferior; you know? If you talk with the county people, the county people have more say. As for you, you are just at the mercy of the dominant people. So, that is one of the problems that we have here.

Ms. Nancy Kanyago: Please, just repeat your names for the record?

Ms. Veronica Cheruiyot: My names are Veronica Cheruiyot from Sengwer Community.

Ms. Nancy Kanyago: Veronica, I see you are writing down some of the issues, but, maybe, you can prepare a memorandum and submit it, just repeating what you have said. We have it on record and we have it on camera, but I think it will be good if you write it down on behalf of the community or the women of the community.

As women, there are some specific things we face as Kenyans because of where we are in the country. But there are also some things that we face because of religion or culture. But there are some things that are common. So, while Sengwer women might not have spoken, you are living in this region. Some of the issues that have been touched on here will touch on all the people who live here. A good example is; if there is no hospital, if education is not sufficient and if there is hunger; there are some things which we suffer in common. But, may be, there are some things which, as a minority community, you suffer double. For example, if there are bursaries for children, may be the dominant community will get them. What I just want to encourage you is--- I do not want you to leave feeling that Sengwer women were not represented. The issues that they are facing--- You have spoken about FGM, education, marginalization in decision-making in public offices; Pokot women also spoke about the same.

I am not trying to belittle what you are saying, but there are some things that we share as women. What you have spoken about is what also the other women spoke about in terms of exclusion from school, from education, from decision-making positions; those are things that face us. As we address those, what we need to do is to ensure that there is no further discrimination by majority groups against minority groups. So, what I am going to urge is, because we have a form where we can write a memorandum--- I know you came as an interpreter, but I would ask you, because you came to speak, to still provide that memoranda. If you have more information, like if you can give numbers--- The Sengwer are in Marakwet, Trans Nzoia and here. You can say you estimate to be this number of people. Whatever information that you can give us, please, give us, so that it goes to our records.

Ms. Veronica Cheruiyot: It is okay. I will present a memorandum.

Ms. Nancy Kanyago: I hope that is okay; so, if you now do not do that, you will be the one who will have let down women.

Ms. Veronica Cheruiyot: Thank you for the chance. I will do that.

Ms. Nancy Kanyago: Thank you so much.

All women, please, with your permission, we have come to the end of our hearings and sittings for the day. We have heard a lot of issues, and we thank you for speaking about issues that a lot of people would like to hide and let them remain hidden. Please, I will tell you that I have to go because there is a car which is waiting for me at 2.00 p.m. in Kitale. Please, the time when we continued, we were meant to end at 1.00 p.m., but I said that I would hurry up to go to Kitale. I do not think we will come back here, as a Commission, because we are going to other areas, so that we can reach all parts of Kenya. We have not gone to Central and Eastern provinces, Pokot and Coastal Province. So, we are going to all those areas.

So that I may get permission from you guys, I would like one of you to come forward, so that she can close the session with a word of prayer because we started with prayer. We would like somebody to pray for us.

As I have explained to you earlier, there is a representative from this area in our Commission, Anne Kiprotich. Those who tell me that you have problems, she will explain to you how you can give your statements. Do not feel like when I finish and I go away, you will not have a chance to write down your statements. I would like everyone to stand up, so that we can pray and then, after we have prayed, we will sing and then I can go; then Anne will speak to you.

(Closing prayer)

(The Commission adjourned at 1.35 p.m.)