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Public Hearing Transcripts - Western - Kakamega - RTJRC28.06 (Sheywe Conference Hall) (Women's Hearing)

Truth, Justice, and Reconciliation Commission

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**RECORD OF EVIDENCE TAKEN BEFORE THE TRUTH, JUSTICE
AND RECONCILIATION COMMISSION ON TUESDAY, 28TH
JUNE, 2011 AT SHEYWE CONFERENCE HALL**

PRESENT

Ms. Patricia Nyaundi - The Commission Secretary

Ms. Nancy Kanyago - Director of Special Support Unit

(Opening Prayer)

(The Commission commenced at 9.55 a.m.)

The Commission Secretary (Ms. Nyaundi): Thank you very much sisters, from Western Province. We appreciate the welcome that you have given us. Our experience as women is that we have to be constantly reminded that God sees and lifts us. I am here with Ms. Nancy Kanyago, the Director of Special Support Unit. This is the unit that ensures that the voices of vulnerable groups are heard. The people who do not ordinarily enjoy the privilege of public platforms will be heard by the Commission. They include women and children. My name is Patricia Nyaundi, the Commission Secretary. I want to give you the apologies of our Commissioners who should have been here today. There are three female commissioners; Acting Chair, Tecla Namachanja Wanjala who is unwell and is seeing a doctor this week. She sent her apologies. Commissioner Chawatama is in Zambia. I am sure you have heard that their former president, Mr. Chiluba, passed away. So, she is attending that funeral. She is very disappointed that she could not be here today. She is usually very passionate about women issues. Commissioner Shava was preparing to come here this morning but she was unable to get to the flight. She sent her deepest apologies.

However, Nancy and I will address your issues seriously. Nancy is the Director of Special Support Unit. Women issues are handled within her unit. She is responsible for making sure that women's issues are taken seriously by the Commission. It is her unit that has made sure that, as a Commission, we give women this platform. That is why we have this special hearing for women. As you have noticed, there are only women here. The men who are here are performing certain functions. This session has been created for women to say what they want to say and how they want to say it. If you have been to public hearings, you will notice that there is a difference. Here, we are trying to give you the freedom to speak and say something that you cannot say in front of everyone. Here, there are other women who are likely and able to understand your experience and empathize with you. We want to encourage you that in this session, please, speak freely and let us affirm one another as women.

I have counted that there are three men in the room and I will explain to you what they are doing. As a Commission, we must record everything that we are doing so that anyone who comes after us will get the record of the work of the Commission. So, this camera is for the record of the Commission. It is not KTN, NTV or Citizen. It is the Commission's camera. What he is recording is not for public consumption. So, do not have any fear. The gentleman who is seated at that corner is recording what we are saying. When we finish our work, we will prepare a written record and it will be accurate. So, he is very accurate. Even if you are talking and you cough, he will say so. So, it is very accurate. Behind there is another gentleman who is controlling these microphones. The Commission decided that you can talk in a language in which you are comfortable. I have spoken in English but as we continue, I will change and use even my mother tongue if that is what you will understand. So, if you want to talk in Maragoli, feel free to do so because there is somebody here who will help us understand what you are saying. If you want to talk in Kiswahili, feel free to do so. If you want to speak in Teso, feel free to do so. I hope you have understood me because I want you to speak freely and clearly. The Commission has also made arrangements for counselors to be with us today here. We understand that some things that you are going to say to us today are extremely painful and you may want to cry and some emotions will come to the surface. I will ask the councilors to rise up so that people can see them.

(The Councillors stood up and raised their hands)

Thank you. After we finish this session and you feel you want to talk to them, they will be here for you.

I am sure you have heard about us. We came into operation in 2009. There are seven Commissioners; four men and three women. These Commissioners are the ones steering the work of the Commission. The Commission is required to look into historical injustices and gross violations of human rights which have occurred from 1963 to February, 2008. We are looking into broad themes including issues like extra-judicial killings, rapes and other sexual violations of human rights, marginalization and exclusion. This is the only truth Commission that is looking into socio-economic violations and grand violations. As women, this Commission is looking at issues like education, health, access to infrastructure like roads, hospitals and whether we feel like Kenyans in every meaning of the word. We are also looking at issues like land, historical injustices relating to land and access to reproductive health. So, we want you as women from Kakamega to tell us and enrich the record of the Commission by giving us the voice of women on those issues. We want to get evidence about the violence that affected the people of Kakamega. Space has been created so that you can be able to tell us what happens when land is grabbed. There was post-election violence and therefore, you should be able to tell us what happened to you. That is what we want to hear.

We can see the hall is full and we want to hear every woman. When you get a chance to speak, speak briefly and precisely. When you do not agree with what somebody is saying, we will ask you to respect her. So, maintain silence when someone is speaking because you will get your opportunity. When you speak, do not personalize by saying that you do

not agree with So and So. Just tell us your truth. We will respect your truth just like you will respect other people's truth. When you get a chance, always say your name and where you come from. If you feel that if your name appears on record it may affect your security then tell us so and we will not put your name there. This is a special platform for women, so let us respect it. Do not take what is spoken here to the market. We will ask you to respect each other. If a sister says something here, let us treat it with confidence.

We thank you very much for honouring the Commission by taking time off from your busy schedule to come here and enrich the record of the Commission. I have seen some sisters whom I have worked together with before and we celebrate you for the work that you do. I want to hand over the microphone to Ms. Robi, the Assistant Regional Coordinator for this region.

There is a lady who is interpreting the sign language for those with hearing impediment. If you are here and seated behind, we will invite you to come and sit in front and have the benefit of that translation.

Ms. Robi: Thank you very much Madam CEO. I want to welcome our statement taker and appreciate her for a job well-done by mobilizing people from different organizations. It was not easy. Let me invite Ms. Caroline Lisanza to come and share with us.

Ms. Caroline Lisanza: I am very happy to be here with the women of Kakamega. The mothers of Kakamega are full of love and happiness.

(The participants broke into song)

Ms. Caroline Lisanza: My name is Caroline Lisanza. I was a statement Taker in Western Province. I was amongst those who interviewed these ladies. Amongst us, was a representative from Nairobi. I would like her to stand up and greet you. She has matters to speak on but for now, I would like her to stand up and greet you. She is called Jawe Daya.

(Ms. Daya stood up and greeted the ladies)

Ms. Caroline Lisanza: Another lady with us is Violet from Community Health Workers Organisation. I would like her to also stand up and greet you.

(Ms. Violet stood up and greeted the ladies)

Ms. Caroline Lisanza: Before I resume my seat, there is another lady called Mama Agnes from Lurambi, who takes care of orphans and widows. She is accompanied to this meeting by her colleagues. I would like them to stand up and greet us.

(Mama Agnes and her colleagues stood up and greeted the ladies)

Ms. Bobby Rahab: Thank you very much, Caroline. In this meeting, all the ladies are equal. There is no senior or junior woman. Therefore, I urge you to organise yourselves. If you are given the Floor, you should take a short time. You will say a few words, but they must be of importance to women, children and the disabled. Therefore, I would like to give the first opportunity to the ladies who were mentioned by Caroline. I am not favouring them. It is only because they have to attend another meeting. I will start with Gael from Grubs Kenya. I would like you to say only a few words but make sure that you open up.

Ms. Gael Dayani: As my colleague has said, my name is Gael. I work with Grubs Kenya. I do not live in Kalama but I was born in Kakamega. I live in Nairobi. I am a Programme Officer of Women Leadership and Governance. I have worked with women for a period of five years now. My main duty is to highlight the problems that women face in society. I deal with issues relating to women, leadership and women affected by HIV/AIDS as well as matters relating to taking away wealth from women.

In my experience as a Programme Officer with Grubs Kenya, having worked in Kakamega, I acknowledge the fact that there is the problem of women being dispossessed of their wealth. What we have been doing in Kakamega is fighting for women's rights to inherit land and other wealth of their husbands as well as help orphans. As we all know, the African culture is oppressive to women. This has manifested itself more in Western Province. Here in Kakamega, we have managed to establish CBOs to champion the interests of women, especially those living with HIV/AIDS.

Those organisations also take care of the interests of orphans, who have not attained the legal age to enable them take over their parents' estates. Such children have suffered in the past. I am glad that members of the community have resolved to come together and help the Government to ensure that such women do not continue to suffer oppression.

I do not want to talk too much. I will give a chance to others to also speak. In this meeting today, we are 40 women. We want to work together and see how the new Constitution, which we passed, will help us as women. We have been here for three days and we are happy that apart from the constitutional issues that we have been talking about, we are now involved in the proceedings of the TJRC, so that women can have a chance to tell the Commission the problems they are facing, so that they can be heard by even the policy makers of this country.

Ms. Bobby Rahab: Thank you very much, Gael, for the work you are doing on behalf of women. I now want to give this chance to Violet.

Ms. Shivutse Violet: Thank you very much. I come from the Shibiriek Community Health Workers, which is a group based in Kakamega. We cover a vast area, including Budalang'i. So, I understand the issues affecting women in this area.

The first thing I want to say is that when we attained Independence, we adopted the system of using the Provincial Administration. It has been a good system because it has

been helping us in realising development amongst communities. The Provincial Administration system works well. However, something needs to be done for women in the area of inheritance. There is evidence which shows that women's rights, especially those relating to inheritance, have been affected by the Provincial Administration. They write letters to two parties in the family of a deceased person. You find that the widow has a letter and the brother-in-law has a letter. So, it looks like incitement.

There are women who have suffered in matters of inheritance because of the Provincial Administration not being very transparent. I would like this Commission to look for ways of helping such women. Maybe, we could help this institution to work well, so that they can understand what the law says about inheritance, especially in relation to the new Constitution and the Land Policy.

Another matter I would like to raise relates to legal redress. Our courts prolong cases. I do not know whether this problem is found only in Kakamega but cases involving women stay in the court for so long. Grants are given to the wrong people as women suffer because of delays by the courts. For instance, currently, there is a case in court where someone took a widow's *shamba*. Since that person has money, he bribes the police. That lady is arrested every now and then, so that she can give up her land. We have stood with that woman, as a watchdog organisation but we cannot do much to the court. We have mobilised some resources to support her court case but the kitty is already exhausted. This is a very pathetic case involving a lady who is living with HIV/AIDS.

Another problem we have in Kakamega is on rape cases. We have very many rape cases in Kakamega, which seem to be leading in the number of cases relating to rape of women. The courts have a special desk which is meant for such cases. There is also a special desk which has been established at police stations. Those desks are supposed to respond to matters of gender violence. The lady officers who sit at those desks have been giving ladies knowledge in this area. However, whenever there is an emergency and we call them, their response is always very slow. You are asked to fuel the police vehicle. When are we going to end fuelling of vehicles for the police before they respond to any emergency? Why do the police always ask you to fuel their vehicles whenever you call them to respond to emergencies?

Even in our organisations, we are asked: "Your child has been raped. What do you have to give us for us to attend to that case?" We can see that a suspect has been arrested, but we are supposed to fuel the police vehicle, so that he can be taken to the police station.

Another thing which is coming out clearly in Kakamega is the system of selecting women to sit in Committees. This is a matter which needs to be looked into. That responsibility is left in the hands of those in authority. Now, the women who can sit in committees and influence decisions are not being picked to sit in those committees. I am not sad that some women sit in those committees. The few women who sit in committees are relatives or allies of politicians. So, they do not bring any change. They serve the people who appointed them to those positions. Can we, again, look into this issue in a better way, so that we can help in the implementation of the Constitution? We would like to have a good

way in which communities are involved in selecting people to sit in committees. We want to make affirmative action a reality in Kakamega.

Can the TJRC support the efforts of civil society in Kakamega, so as to streamline the way women are identified to represent us in committees? I do not want to be in those committees, but I want women who can influence decisions to sit in those committees. We do not want women who only ululate when an hon. Member arrives. That time has passed.

Ms. Roby Rahab: Thank you very much, Ms. Violet.

Ms. Nancy Kanyago: I would like you to introduce yourselves by giving at least two names before you start speaking. Secondly, whatever language you choose to speak in, stick to that language until the end for purposes of ease of interpretation. If you can speak and you understand Kiswahili, please, speak in Kiswahili.

Ms. Violet Shivutse, you have talked about difficulties from the Provincial Administration, which affect women. Please, tell us more.

Secondly, we would want to hear more suggestions on how to solve the problems which exist, especially on rape. Can victims of rape get services in hospital? If services are not available, what else would you suggest as the way forward towards solving the problem?

Lastly, I would want to ask you if you could write a memorandum to the Commission, giving facts on the issues you have mentioned. It would be very informative for the record of the Commission to have even the statistics and the evidence that you have mentioned. It will be very good for our record. You have spoken to us but for the record, it will be good if we have something in writing. So, we request you to, kindly, consider submitting memoranda to the Commission, based on the work you have been doing and the evidence you have.

That would be the case for Grubs Kenya. We will really benefit from the information that you have.

My last point to Ms. Violet is that she mentioned the issue of selection of women to committees. What committees? You have said that the responsibility of making such appointments needs to be taken away from the hands of politicians. What mechanism would you propose that would be more inclusive and participatory to put the kind of women that you would want on those positions?

Ms. Violet Shivutse: My names are Violet Shivutse. I come from Shinyalu and I am married in Shinyalu. I have been doing community work since 1999. So, I understand the issues I have been talking about.

In order for a woman to get her rights when her husband passes away, she has to raise the matter with the Provincial Administration, so that the Provincial Administration can clear

her to initiate the process of claiming her husband's benefits. However, what happens, in many circumstances, the Provincial Administration writes letters to two parties. I have evidence from Mumias and Kakamega, where I live. I also have evidence from Budalang'i showing that letters have been written to two parties. However, you may not know that the other person also has a letter. So, as the two parties pursue the benefits, without knowing that each of them has a letter, it reaches a time when the two letters bring about conflict. So, in such circumstances, the rightful heir of the deceased person is not known. So, a fight starts.

In such circumstances, the woman fails to get her husband's estate. The other person holding a letter from the Provincial Administration feels that he has the right to inherit the deceased person's estate. The widow, likewise, feels that she has a right to inherit her husband's estate. So, when the wife goes back to the Provincial Administration, so that the matter of the letters can be sorted out, she is left alone. This is something which has been going on, showing that there is lack of transparency in the Provincial Administration system.

That is what I meant.

There are times when the widow is not even issued with a letter by the Provincial Administration. The letter is instead given to somebody else. She keeps going to the Provincial Administration and she is told: "Bring this and this", whereas the other party is busy processing a claim for somebody else to inherit the deceased person's estate. So, the widow misses out.

When such issues are taken to court, you find that the court system is also difficult. There is no transparency even in the court system.

The second thing you asked me is on treatment. As you know, before one goes to hospital, one is supposed to obtain a free P3 Form from the police. We do not know whether our fellow women understand this provision. I do not think this requirement of obtaining P3 Form is being complied with because women do not know that that P3 Forms are issued for free. The same applies to women who have been beaten up. Before you are issued with a P3 Form, you have to pay Kshs1,000. The same applies to assault cases. So, I cannot give evidence because people have not gone to court. Also, if a suspect is arrested, he has to be taken to court within 48 hours. If that period lapses without him being taken to court, he is released. He will then come looking for you. He will threaten you for reporting the matter to the police.

So, if the TJRC is committed to bringing out the truth about all the ladies who have been affected by issues of inheritance, let us have our chiefs and all the people responsible for making legal decisions share these experiences as they listen to women giving their testimonies, so that what we are saying is not regarded as "just noise coming from women". Let them come here and listen as affected women give testimonies. Thereafter, the chiefs can give their letters. We are not hiding anything. It is only that we do not know where to take such letters.

Again, these are our husbands, our in-laws and our elders. Sometimes we fear that if we pursue the matters too aggressively, they might be sacked. We treat the matters carefully so that they do not lose their jobs. We would not want to see people being sacked because of our complaints. This is one of the reasons which make us slow down in pursuing our rights.

Regarding committee representations, we know that the Constitution says that women should be involved in selecting their representatives in committees. Let any existing vacancy be announced, so that we can know which woman will sit in the road projects committee. We want the same to be the case for hospital committees and the CDF committees. We do not know how the women representatives in those committees have been selected. We have burdens. We want to tell these people that we want children to be given bursaries but we do not know who to go to.

We have been told that those people met just three women amongst us. We have three women and three men. So we want a general gender balance but we do not know the women who were selected. Let us be told which women are sitting in which committee, and what their roles are. Let the leaders know that everybody should be accountable for what they do. We want to make corrections. We do not want to sack people.

Lastly, you asked us to give the Commission a memorandum. It is not bad to do such a letter. Kenya is my country. I have read the Constitution. If there is anything I can do to help the country, I always do it. So, we will write that memorandum. I will not do it alone. I will do it together with fellow women. We will write the memorandum, together with the ladies' representatives.

Thank you.

Ms. Roby Rahab: Susan, I know that you are supposed to go for another meeting. Therefore, I want you to explain some issues very fast.

Ms. Susan Mukabi: My name is Susan Mukabi from Le Fin. I work for a para-legal community that helps people who have different problems. We might have women who may have been robbed; they have been denied their property. When they go to court, they will not even know who to approach. We may have women whose lives were cut off. They have left behind their children and husbands, who are poor, and who may have no way of helping themselves. We have young people and disabled children. They were left behind with no one to help them. If you want to help them, you are asked: "Where will you take that kid? You can see that this lady has nowhere to go. How will she help this child?"

You will find that a rich person has bought a *shamba* for the lady with disabled children, who is also widowed. That person starts harvesting whatever is on that *shamba*, and this lady is left helpless. If she goes to the chief, the chief says: "Let me help". When they call that person, he says that he has bought the land, and he is left alone to move on. So, as an

organisation, we deal with such people. When we have disabled people whose inheritance has been taken away, they are given places to work in. Our field officers go to their houses and give them some foodstuffs. You find that somebody is badly disabled, he feeds children, but he cannot eat anything. If you see the children you will cry. He has no one to fend for him. He has to fend for himself. Maybe he used to get his needs from the family farm, but now he is left with nowhere to go.

We have men who are over 75 years, but who have to look after children. We took one case. We gave the money we were asked for to take the children to hospital, and then take the case to court. However, when we got to the court, the case was thrown out. Just the other day, a child was coming from school. When he reached the road, somebody deceived her. They took her to a house and robbed her. When the mother realised where the child was, we tried to follow up the matter. When we went to court, the case file disappeared. We want the TJRC to follow up these cases.

You may find that somebody has raped a three-year-old child but the matter is resolved locally. If you follow up the case, you cannot make any progress. So, we are asking the TJRC to help us deal with these problems.

On the issue of inheritance, you are all aware that once your husband passes on, your in-laws come and push you out of your house, so that you do not benefit from your late husband's estate. If you have children and you have no land to till, what will they eat? You will find a woman walking along the road with children because she has nowhere to settle with those children. As an organisation, we do not have money to help that woman. The woman may be seen sleeping on the roadside because she has no land to till; her in-laws have taken away her husband's land.

If you go to ask what is happening, somebody tells you: "I will just cut your neck and you will die". So, what can we do? We have women whose husbands died in 2007. They have been left with children, and they have nothing with which to sustain themselves. Their husbands died but their in-laws refused to allow them to till the land of their late husband. You find that children of such women do not go to school, and they have nowhere to grow food crops. Some women are given Kshs10,000 each. What will Kshs10,000 do for them? You do not have a house and your husband is dead. The children want to go to school; how are you supposed to use this little money to provide for all these needs? We want the TJRC to help us.

The Commission Secretary (Ms. Nyaundi): Susan, I would like to thank you very much for what you have told us.

Mrs. Phoebe Asiyo: Thank you. The problems that have existed before, especially those problems to do with women have not been documented. It will be very important if you give us the documentation on all those cases. We will give you our contacts, so that you can contact us. We want you to document those cases, so that our work can have a lot of weight. Our report can be very bold, if you follow up the case of the three-year-old girl

who was raped. Indicate whether you reported the matter to any police station or took the matter to any court and after a few days it was withdrawn.

The greatest problem with such cases of rape is impunity. The Commission will be looking into this problem because we believe that we should give it a lot of weight. If we go to Nairobi, we will be able to say that in Kakamega there was such and such a case, if you give us a lot of details about the case.

I have heard you speak about the rights of women to inherit properties of their late husbands. This is something we should be able to act on effectively because I have acted as a lawyer for a long time, fighting for the rights of women. I was working in Kisumu. We heard about our sisters in Kisumu. Even where we tried fighting for them and they got the certificates for their plots, their in-laws chased them away and said: “We do not respect their traditions”. So, we went back to court on the issue of the ownership of the land but when she came back home, there were elders who would say, “according to the customs of the Luo community, this is the successor”.

I do not know much about how the communities in Kakamega handle such cases. I do not know whether one way of solving that problem of the widow is giving her inheritance. Amongst the Luo, the council of elders comes and eats a goat in the widow’s house. You can say what you want, through the council of elders. However, the council of elders can also take into consideration what you want. So, we want your recommendations. We do not want you to just sit back.

As a Commission, we expect you to give us your recommendations on these matters. It may not be a recommendation that may be accepted by members of this or that community, but if you do so, you will have lessened the time you will spend on what you want. So, you guide us on previous cases by coming up with recommendations. You can say that when it comes to inheritance, these are our recommendations; when it comes to the women who were widowed through the post-election violence, these are our recommendations. Amongst your recommendations should be that we women should have representation on committees of public bodies, where resources are shared out. You can say that it is important that such committees have representation of women who are experienced.

Thank you very much.

Ms. Roby Rahab: Thank you very much, Phoebe Asiyo. This opportunity will be given to Agnes Kuchwa. After Agnes, I will go to the other women, so that we can hear women’s voices.

Ms. Agnes Kuchwa: Good morning again. My name is Agnes Kuchwa. I will just restrict myself to the issues that happened during the post-election violence.

I know that women in Kakamega were affected by the post-election violence in a way that was very bad. If you go round the country, people will say that there is nothing

which happened in Kakamega, but the truth is that a lot of bad things happened in this area following the post-election violence.

Our people were driven away from Naivasha and Nakuru. I remember that one day, our people were brought in a lorry. There was a child who died in the lorry, but the death could not be reported to any police station. That forced people to contribute food, and they were taken to the forest. The people who were most injured were women.

During the post-election violence, there were people who were affected by stress. Many women left their husbands. Is that not true? The post-election violence did not just affect the women who became widows. Another thing is that there were people who died in Kakamega. People were killed. People were waylaid and killed while travelling in their vehicles. There was a student who died while running away. There was a man in a church who did not do anything, but he was killed by the policemen, who were guarding the particular church. The police were deployed to kill people indiscriminately. Another person was going to town when he came across the police. Just because he was a Luhya, he was shot dead. Another boy died in similar circumstances. The police came across him as he was walking, and they shot him. So, the police were waiting for men to venture outside, so that they could kill them. Nobody is talking about what happened to the women who were left behind. There were victims of rape.

People were saying that we, the people of Western Province, were not affected by the post-election violence, but the truth is totally different. My own brother was brutally killed, and I feel very painful when I remember that incident.

We have never got my brother's body. We do not know whether he was eaten by wild dogs. We went to all the mortuaries. It was in 2008. He was killed just because they thought he was a Luo, but he was a Luhya. He was cut into pieces and thrown away. The only memory I have of my brother is his child. If you pay that child Kshs10,000, what can that do for me and that child's father was killed because he was seen as a person from a different tribe? It is very painful. We would like the TJRC to assist us so that, that pain in us can get out, because there is nobody that we can turn to. The police whom we thought could assist us are the same people who came and killed us. I do not know when the police will be changed to become human. I think the police are just like animals. They killed our people. Our resources and property was destroyed. There is no single day that anything has been done about it. I took my brother to Molo and he died because of stress. Those who came for the funeral at Lurambi know that he was taken to Lurambi hospital and died, just because of the stress that was there. I have remained a widow because of post-election violence, when my husband died. There is nobody who listens to me. I think this is what can be done.

I have spoken about those people who died in Lurambi. If the source of livelihood disappears, we do not know what to do. So, we would like the TJRC to listen to the painful experiences that we have. When you give us Kshs10,000, surely what can it do to us? They had better stay with that money. We have orphans whom we are taking care of because of the post-election violence. The politician does not know me here on the

ground. I took a family and hosted them in my home because they were threatened to be burnt. Even today, as I speak, there is a prominent businessman who can come to kill me at night. He is there and still buying property from the Luhya people. If you ask him he says: "Where will you take me?" He is just here in town and you know him. You just fear because you can even be shot. So, as we speak, let us understand that it is because of the pain that we are undergoing. When you are walking on the road, you may be shot. Also, your property maybe destroyed. The women are raped and their breasts cut. What does that mean? It is us who are feeling the pain. Please, TJRC, when you go back to Nairobi, think about Kakamega. There are things which are going on in Kakamega which are inhuman. When elections come, the same problems will come back. What shall we do? Who will be affected? It is we the women.

(Technical hitch)

Nilikuwa nazungumza juu ya yale ambayo yalitokea na machungu ambayo tuko nayo. Umeuliza kuhusu Kenya kutengana. Ukweli ni kwamba katika Kenya tumetengana kama ardhi na bingu. That is true. When our Ministers say in Parliament that Kenyans are united, they are cheating. This is because when you go back to the ground you find a different situation. For example, I am a Luhya and I will look for a Luhya. If I am a Luo, I will look for a Luo. So, there is no unity. We should do something for that unity to prevail and see each other as brothers and sisters.

As women, we have tried to unite. When there is an issue that does not come out clearly, we will sit together but it will reach a point when we again go back to the issues concerning our tribes. As much as women try to unite, the men do not want to come together. Women try to go to merry-go-rounds but the men will never come together. Kenyans have a lot to do to unite people. I look forward to the day when we will unite. I speak as somebody who has worked with the community. There are very few people who get the Women Enterprise Development Fund. I do not know how many of the women here have got those funds. They are very few. When you go there you will fill forms but, at the end of the day, you do not get anything. It will be got by few. There is no justice.

We should reconcile so that we can move forward as a country. If we do not do truth, justice and reconciliation, we will not move anywhere. We must do that so that come 2012, there will be peace in this country. We should avoid the business of hurting women. Women are the most vulnerable people and are hurt most when there is war. When there is anything that affects a woman and children, men will run. Thank you very much.

Ms. Nancy Kanyago: Thank you very much, Agnes for the issues you have shared. You have spoken of things that, maybe, other Kenyans and the Commission is not aware of. If you can submit that information to the Commission--- I have tried to write it but, of course, it is not all the details. You have mentioned a school child who was in Class Six. We would like to know the name of that child, maybe, the parents and all the people who have been killed by police officers. What you have said is really important. The loss of people in Kakamega needs to be acknowledged. If you can give us a list of those names,

perhaps, that would inform the Commission to make a recommendation that these people must be remembered. The people who died were not nameless or faceless and they had families. One of the things that you can do together with other people who you know were similarly affected, is to submit that information to the Commission, so that when we say 50 people were killed, you can correct us and say: "No, they were not 50; you have not included these 40 people in Kakamega or these others in Molo." I think that would be very useful and important for us and our process.

Just to ask for, maybe, what your thoughts would be to help the situation, you have said here that there are orphans and there is no support for them. We know that there are bursaries but they are not enough or, maybe, there is no transparency. If we are told that bursaries are not enough and then we give a recommendation--- We shall be grateful for your guidance on what is the solution. If we say that bursaries are not enough, you should guide us on what would be sufficient. But also, what would make it more transparent--- We might say that each child should be entitled to a bursary of whatever amount, but how can we ensure that it reaches the persons it is supposed to reach?

Ms. Agnes Kuchwa: To answer what you have asked, first, there are orphans. There is corruption when it comes to issuance of bursary forms. They are not being given in a transparent way. You can fill the form but the child of someone who is known will get the bursary. The orphan will not get. We have tried but there is a lot of corruption.

Secondly, bursaries should be taken from the hands of the MPs. The CDF and bursary committees are led by the MPs and their people. They just assist their people and so, it is difficult for a child who does not have somebody to help him to get the bursary forms. So, MPs should not control bursaries. Bursaries should come to the communities because it is the community that can identify who has a problem.

The other issue is about the names of those people who were killed at Lurambi in Kakamega. We have the names. They were people who were known. One of them was a student who was in Kakamega Primary. I think I had given the name of my brother, but I still can give it to the Commission. We will co-operate.

Ms. Roby Rahab: Agnes and other people, we are very sorry and empathize with you. I will give this opportunity to the public. I will give the microphone to the first person to raise her hand. Let us begin from behind.

Madam, I will ask you to come in front so that we can ease the work of the video camera. Be very brief and precise.

Ms. Evelyne Musatvi: Good morning my fellow women. My name is Councillor Everlyne Musatvi from Kakamega County Council. I come from Shinyalu Constituency.

The problems that we see here are very many. A woman is not even recognized. We are three councillors among 37 men. Our voice is not being heard because men are many. If there is anything that comes about concerning women, the men suppress us. If there is

money that should be given to the women to go to a certain meeting, you will never even hear about it. When we report to the clerk or chairman of the county council, that is when we get an opportunity. The women should come out in large numbers. If we want our voice to be heard, we should be a good number. We should have a heart of assisting each other. I got a letter to go to Mombasa in December last year but the men hid it. I was called from Mombasa and told that I was supposed to go there for a full week. I took my money and went there. I went to the hostel alone and came back to fight with the men. I demanded for my money for the whole week. The men said that they could not give me the money. They are our husbands but they do not even care. What can a man do without a woman? In the past, we used to say behind a successful man there is a woman. But right now we say: Besides a successful woman, there is a man. If a woman wants to vie for a seat, let us support her so that our rights can also be heard.

About the elections, there are very many women who have been infected with HIV/AIDS and got unwanted pregnancies because they were trying to escape. Families separated during the violence and when they came back together, husbands would say: "You have a pregnancy that I do not know," and you are chased away. It is not your father, mother or brother who impregnated you. It is a man you did not know who took you by force and impregnated you. That is what really affects us as women.

Here in town we are mixed. There is nobody who owns this town. So, when a woman stands and says that she wants something, do not ask from which tribe she comes from. Give her the opportunity. There is no owner of Shinyalu. There are Luos, Kikuyus, Isukha, Tiriki and Maragoli. It is like in a scheme. If you are in a scheme and somebody wants something, give it to him or her. Do not look at the tribe. That is why very many women were raped. When things cooled down, we did not even have food. There was looting everywhere. There were men who had pick-ups and lorries and came to loot. A man can survive because he runs away and you are left with the children. We were really affected. Our girls who were students were impregnated. They dropped out of schools. Some of their mothers were chased away because of unwanted pregnancies. Do you think that, that man will pay school fees? Please, our men, let us be concerned about the lives of our partners. It is God who blessed you to stay with her. Women, do we have problems or we are happy? Why can we not stand up in one voice and say our problems so that we can be heard?

There is another case of people who impregnate our girls and when you make a follow-up--- If a girl in Form Two has been impregnated by somebody who is prominent, he bribes and the case is withdrawn. The child is born and she goes back to school. When the case comes back, the girl and mother are arrested. When I try to fight for their rights I am also arrested. The problem with us women is that we do not like fellow women. Let us love each other so that we can succeed. If we cannot love each other, we will continue being suppressed by the men. Right now, we have councillors' elections. If I vie for a seat, the men say that I have to sleep with them to get the seat. I did not come to the council to sleep with you. Last year, a man told me that he will sleep with me and even give me Kshs20,000 for me to get a seat. I told him that I could not sleep with him because I have a husband. I came to the council because of hunger. I want to educate my

children and take care of my life. Do not look at men out there with big stomachs and think that they are well. It is just the medicines that are making him look okay. Let us not spoil our names but unite to work together.

(Technical hitch)

Those are the complaints that we want to be forwarded because our parents had ignored the girl-child. The girl child was not getting education and hence, they do not have academic papers. I want you to forward the issues pertaining to women. They want certificates. It was not our wish not to learn. We want our rights.

Thank you very much.

Ms. Roby Rahab: Thank you very much, Madam Councillor. I would like Naomi to come and speak on behalf of the disabled and then I will give the microphone to the public. Come in front for the video recording.

Ms. Naomi Mandela: My name is Naomi Mandela from Vihiga County. I will present a memorandum on behalf of Disability and Women Development Strategy. My memorandum is on women in Vihiga County.

In you look at Vihiga there is no person with disability holding an elective post even in local administration. Secondly, we have inadequate schools to absorb children with disability. The few that are there are ill equipped. For example, we have Kaimosi Special School for the Mentally Handicapped. We also have Ebushiratsi Special School for the Mentally Handicapped and Ebuya School for the Deaf in Emuhaya. The schools have congestion in classrooms and dormitories. There are not enough teachers and children do not get adequate security.

Thirdly, we are discriminated against when looking for employment. I have got a few examples here. In 1992, Naomi Esiaba who is physically disabled applied and qualified for a job as a Returning Officer in Ebusakami, in Emuhaya District. Her name appeared on the list but when she went for training, she was disqualified by the officer in charge, claiming that she would not be able to carry the ballot boxes. She was instead given a job as a clerk, which was less paying.

Also, during census in 2009, Rita Enaki and Margaret Nigalusia from Hamisi were trained and they participated in the census activity, but they were paid Kshs8,000 instead of Kshs25,000 that other people got.

The last example is Naomi Mandela who was interviewed for a copy typist job at a school in Emuhaya. She passed the interview but was not offered the job. The boss said that they wanted a person who could combine the typist job with messengerial duties which they claimed she would not manage.

Fourth is unfriendly infrastructure. Most public buildings are not constructed in consideration to persons with disabilities. For example, at the Vihiga District Headquarters most offices are on second to fourth floor. There are no lifts or ramps to enable those with physical disabilities to access the building and Government services. We have the physiotherapy department in Vihiga District Hospital which is a department that directly deals with persons with disabilities, but it is situated on First Floor. That makes it inaccessible to persons with disability.

Our roads do not have zebra crossings for the physically and visually disabled. Crossing roads is, therefore, hard for them. There are no designated places for them to use. At times, those people on wheelchairs are usually not allowed to board *matatus*. Our roads are also constructed in an unfriendly manner since there are no places to ride the wheelchairs.

Lastly, travelling is expensive for persons with disability. This is because the visually impaired will need a guide and the hearing impaired will need an interpreter. The physically disabled will need an assistant, which makes them have an added expense.

Ms. Naomi Mandela: It is culturally believed that a woman will get married and inherit her husband's land. Most women with disabilities do not get married due to negative attitudes by the society. They are, therefore, left landless if they cannot inherit their father's land.

I have two examples here; in 2009, a disabled woman in Emuhaya, called Philly Omuchilo, lost her husband. The brother-in-law who is also the area sub-chief forged a land title deed and wants to forcefully move her out of her land which is the only property her husband left her with.

Example number two is Esther Imbalavala, a disabled widow from Ikunga sub-location, central Maragoli, Vihiga District. She is being forced by her brother-in-law to move out of her husband's land. They claim that they do not recognize her as a member of that family. She is disabled and gave birth to one child who is a girl.

(7) We are sexually abused. Sharon Shihani an eight year old girl with mental disability was raped by a neighbour, Mr. Paul who is a Holy Spirit Church Pastor.

Veronica Imani, a 15 year old of Chango Sub-Location with mental disability was sexually abused by Bernard Alushiola of Central Maragoli, Vihiga District. The girl gave birth in February, this year. The matter was reported to local administrators, but nothing has been done to date.

(8) We have insufficient information, especially for the hearing and visually impaired. Information, for example, on HIV/AIDS and family planning is not written in Braille for the visually impaired. There are no sign language interpreters for the hearing impaired, for example, in our district hospitals and health centres. There are also no interpreters in police stations and other places.

Our recommendations are as follows:-

1. The Government to implement the Persons With Disabilities Act, 2003.
2. The Government to implement the new Constitution
3. The Government to introduce special rates for persons with disabilities when purchasing items or services.
4. Women with disabilities to be considered and be involved in decision-making.

The Commission Secretary (Ms. Nyaundi): I have a few questions. I hope we can remain with a copy of your memoranda. You mentioned that some people were disqualified. Does that documentation exist, for instance, in your case when you were told they needed someone who could combine copy typist and messengerial? Was that communicated to you in writing?

Then the sexual harassment cases. Does the memorandum have the details like the OB entry, court case number?

Ms. Naomi Mandela: No, but if needed I can get them.

The Commission Secretary (Ms. Nyaundi): That would be very useful. What has been talked a lot about here is election violence and the experiences of women. I was wondering whether as a group of persons with disabilities, whether you would have information on what was the experience of some of persons with disabilities during the post election crisis and any time that there are these challenges in the country; whether you can give that information to the Commission.

Again, we will ask that you give your contacts to Roby then she will get in touch with you. Just to salute you, I think the presentation that you have given is very clear and very useful for the Commission and the recommendations that you have made are very solid. I hope in the days ahead, we will continue to engage with you and other members of your network. Thank you very much.

Ms. Rebecca Ahuka: My name is Rebecca Ahuka. I was from Cherengany and was affected by post election violence in Cherengany. My home is Vihiga District, Vihiga Division in Alusiola sub-location. I left Cherengany in 1986. I used to stay there with my husband who was working in the DC's office. He died in 1996. I lived with him and we had seven children in total. I lived in Cherengany from that time up to the time when we voted. I stayed with my children there. I was a farmer. I did small businesses that enabled me educate my children. I thank God that the children were able to go to school. Some reached Form Four. Only one went to the university. During the post election violence, my last child was in Secondary School. He just finished school the other day. There was another one who was following him who was supposed to go to college.

During the post election violence, all my cattle were stolen. All the things that I owned in the farm were stolen. I also had tea from my father-in-law. I was a good farmer. All my fertilizer was stolen. During the time when the post election violence erupted, we were all confused. When I tried to run, I got hurt. We were hiding in the bushes. My legs were bruised. Up to today, I do not walk well. It is because of the problems that we went through at that time. From the time I came to Vihiga I stayed in the home where I had previously left. There was a house which I had left there. So, I just came back and inhabited the house. We were registered by the Red Cross of Vihiga. They recorded statements from us. When I took these forms to the DC nothing was done to me. I decided to go to Kitale to see the DC. When I went to the DC Kitale, they told me to go to the chief's office to record a statement with him. Up to now, nothing has been done for me. Here at home where I am my children are really affected because of the lack of education. They do not go to college. They are just at home. From the time I left Cherengany I have never gone back. I am just here. I am defeated on what to do with my children so that they can go to college. They are just sitting at home.

So, when I heard about this Commission, I was very much excited. I was told about this Commission by the boy who was taking a statement. He gave me information from the internet and filled forms for us. We have sent our requests to the TJRC. We have already sent another one to Nairobi and I have copies here. I am requesting that they help me because from the time of post election violence I got hypertension. There are many women who are also suffering from hypertension. Some passed away. There are my neighbours who died. There is an old man who is a pastor. He was also killed in his own home. There was a young man called Sammy. He was also killed in the post election violence. The attackers would just come with guns and we were told that they were from Pokot. They were killing people and taking away their property. Many people ran away to Makutano. The other people who had left their previous homes went back home and came empty handed. Others are staying at the camp.

From the time I ran away I have never gone back to Cherengany. I just came back to my home. So, this is why I am bringing myself as a displaced person. God bless you. Thank you.

The Commission Secretary (Ms. Nyaundi): I have one or two questions for you. Did you have a title deed for your farm in Cherengany?

Ms. Rebecca Ahuka: That was my father-in-law's farm. He had a title deed which we have not seen to date. My father-in-law died. We are in the process of taking the title deed. My brother-in-laws are in the process of taking the title deed.

The Commission Secretary (Ms. Nyaundi): Do you have the number of the parcel of the land? In the statement that you have given, have you given the parcel and that it had a title deed?

Ms. Rebecca Ahuka: I did not write that information.

The Commission Secretary (Ms. Nyaundi): We will request that you give that number to Roby, so that we have a complete statement from you. I also wanted to understand you said that you left Cherengany in 1996 or 2007?

Ms. Rebecca Ahuka: I said that my husband died in 1996. I left there during post election violence. I started living there in 1996.

The Commission Secretary (Ms. Nyaundi): So, you moved back to Vihiga in 2007?

Ms. Rebecca Ahuka: Yes.

The Commission Secretary (Ms. Nyaundi): Thank you very much.

Ms. Florence Imali Muhindi: My name is Florence Imali Muhindi. I am one of the people who were affected. I am talking on behalf of business people because I am a business woman here in Town. In the election year I was among the people who had taken positions to vie for councillorship. In that state, I was vying for the position on the KENDA ticket. It was said that KENDA was supporting the side of Kibaki. My shop was broken into; it was demolished. It was shot at. Up to today, there are gunshot marks on the shop. Whatever was in the shop was all stolen. I used to sell fertilizer and seed maize and it was planting season. When I was there, I took off very fast. In that state, all my documents and even my ID were left behind and they were taken. I found the shop had been broken into. The door was broken using gunshots. They took away everything that I had in the shop that people who were keeping their things there like Naomi Khavetsa and Rose who used to keep their belongings there--- There was also an old man by the name of Ndunde. He was a *fundi*. He used to repair things and he had kept his things here.

We do not know whether we will participate in the forthcoming elections. Many of us feel that we should not vote. This is because we voted, but our votes caused so much suffering to us. At the end of the day, we realized that when we were told to go to this place, you find it was men who benefited. No woman had benefitted. If there was any chance of a woman having benefited it was just maybe one or two. So, we asked ourselves why we did not benefit yet we suffered most. Many women get loans to do business. Many women take loans and the truth is that women are dying because of hypertension. They took loans which they are unable to pay and their property is now being attached.

We are requesting that if there is a way in which you can help us even as others have requested. If you are given Kshs10,000 and your business was worth about Kshs300,000, there is nothing much you can do with it. You took many loans. You took a loan from somewhere. It has been accruing interest. You take one loan to pay another loan. Is there any way in which we can get ourselves out of where we are now? So, we are requesting that this should be looked into. If there is a way in which you can help us women who are doing business, so that we can bring ourselves up once again.

We have heard that the money has come to the banks. It is money which is supposed to help women. But there are conditions which are attached when you go for these loans. We are told that you have to keep money for three months before we start paying. How can you keep money for three months before we start paying for the loan? We were affected. We are requesting this Commission to look into what it can do for us so that we get ourselves out of the situations that we have found ourselves in.

As I said, we have children. Even if your child was not affected directly, your neighbour's child was affected. You cannot eat when your neighbour's child is affected. Can your children go to school and your neighbour's children are not going to school? We carry the load of all the children. But now when we run to the Government, we have realized that we are just discriminated against.

My recommendation would be that if there is any help which can be given to us in the country, let those who are affected be the ones to be in charge of the assistance that is given. If there is someone who can manage his things, he is the one who is in charge of giving help, then assistance benefits only the rich and the people continue being poor.

On the issue of HIV/AIDS, the truth is that the country is trying to help those who are affected. However, not all of them are getting assistance. The ones who are getting assistance are relatives of the rich. The poor are not benefiting. So, we are requesting that this should be looked into. As I said, children from disadvantaged backgrounds are being assisted by bursary funds. But the poor people are not benefiting from the bursary. Please be blessed. I have finished.

Ms. Olivia Machoto: My name is Olivia Machoto from Ikolomani Constituency, Kakamega South District. I have come with three people who were affected by the post election violence. I will talk on her behalf; because of the effects of the post election violence, she has mental problems. I also have a school going person who was raped during the post election violence. She was raped by people who are known. The case is in court. I am also with a lady whose husband was killed by relatives. Now her child does not even know where to go because her shamba was taken away by family members.

I will talk about issues of land. I am a member of a tribunal in Ikolomani. We are only two ladies in the tribunal. When I get cases affecting women I always feel very sad because there are eight men against two women in the board. So, it becomes very difficult to support a fellow woman because men are more in the tribunal. Our concerns are not taken serious by those men. So, I am requesting that the number of women be increased in the Land Dispute Tribunal, so that we can actually look after the welfare of other women.

There are times when a woman has a case and she needs to go to the site. We find it very difficult because she must pay the members of the Land Dispute Tribunal to visit the shamba. If she does not have money to pay them, then they will never go to the site. It becomes almost impossible for her welfare to be taken into consideration. So, when this case goes to court, it is never addressed because she does not have the money to hire a

lawyer or facilitate her witnesses to testify on her behalf. So, she is left desperate and she ends up losing her land. So, many women are losing their pieces of land because they cannot transport witnesses to court or get people to help them in the court process.

The other thing is that women are weak. Even a witness wants protection because this is a very dangerous process for them. Once she complains about her land, she is viewed as an enemy by the complainant. If the complainant is a man and a witness is a woman, it is usually a big problem for this particular woman. She will face a lot of challenges from the community. So, it is important to provide security or protect witnesses so that they can talk freely without being intimidated. So, if they do not have protection for the witnesses, the witness will run away out of fear.

On issues of infrastructure, our roads are very bad. Sigalagala-Butere Road, for example, is impassable. I live in Isulu. This road is not passable. Sometimes expectant women deliver their babies on the roadside before reaching hospitals. This is very dangerous for our wives and daughters. The nearest hospital like Shibuye Centre does not have enough facilities. Patients go all the way to Kakamega General Hospital where they can get proper medical attention. However, to visit Kakamega General Hospital, you need to have transport. If you want to take your patient to this hospital at night, transport cost is normally between Kshs5,000 and Kshs7,000. Our people are poor and they cannot afford this mode of transport. We are endangering their lives. My recommendation is that we equip all our district health centres and hospitals so that they serve our sick people.

With regards to administration, many issues have been raised. However, I would like to request the TJRC to help all those women who were raped and lost their husbands during the post election violence. There are many women who are now landless as a result of being denied access to land by their relatives. Thank you.

The Commission Secretary (Ms. Nyaundi): Ms. Machoto, you have said that you are in the Land Dispute Tribunal. We would request if you can give us a representation of how many cases do you do in a year and how many cases involve women and the problems that they get and the response or the results of the cases that are brought there.

You have also talked about things concerning health, how women are getting difficulty in accessing health. I do not know whether you can give us a statement, especially on Kakamega. How many hospitals do you have in Kakamega? Among those ones how many have maternity facilities and for the children who were born immediately do they get *huduma za kliniki za kabla na baada ya kuzaliwa? Habari hizo zitatusaidia sana.*

Ms. Olivia Machoto: On the issues of women's land cases, I cannot say for now how many cases the tribunal has resolved. I need to look at their files. In fact, I actually resigned from this Land Dispute Tribunal because we have never been paid any allowances from 2007. It has taken too long and our job is tough and you know someone can even bewitch you; how will you cure yourself? So, it is very difficult. We go through many difficult things. We have not been paid any allowances. As I said, we used to be only two women in the tribunal. So, I am requesting that let them put up an

advert so that if there is an interview, let people be interviewed, so that women come up to take up the posts. We want to bring many women on board so that they can assist in addressing issues affecting women. People serving in this land tribunal do not get any pay or allowance. If there were allowances paid, many more men would fight for these positions. They only allow us to serve where there is no pay or allowances. We are just doing voluntary work and selfless work. When you get tired you just say let me sit and sweep my house and do my housework.

We really do not have very many health centres. The few that are there do not even have enough doctors and nurses. There is only one doctor with a few assistants at the nearby hospital and they do not work on Sundays. It is also difficult to run this hospital because it lacks water. Blood transfusion is not done in Shibuye Health Centre. This service is only available at Kakamega General Hospital. If it is at night, like yesterday there was a woman who was bleeding and she was told to pay money to be transported from Shibuye Health Centre to Kakamega General Hospital. This lady continued bleeding until she lost the child. The lady is still alive. They had gone looking for money, but when they came back she had lost her a baby through miscarriage. She was supposed to be transferred to Kakamega General Hospital for proper medical attention. So, it becomes very difficult. We die because of petty things which the Government would have helped us to manage. That is all.

I will talk on behalf of Brigit Tambole because she is mentally disturbed. If you have a question, you can ask her.

Ms. Tambla Pamela: My name is Tambla Pamela. I am from Hamisi District, Shamakhokho Location, Vihiga County. I work as a volunteer with the Red Cross. I deal with special people. I am also a politician. I am the treasurer of the Action Hamisi Civil Society Organization Network. I would like to appreciate this Commission for coming to listen to us here. It is not only during the 2007 post election violence that women suffered greatly, but their rights have been violated since time immemorial. Today we are here so that we can speak out so that the Government can hear us and the TJRC defend us.

Without wasting time I would like to say that in 2002 I vied for the councilor seat in Shamakhokho Location, but I did not get it. In 2007, it was just the same. I did not succeed. I did not get it because I am not married and I do not have a child. If I could get married and get a child, I can vie for the councilor's seat. That is a great violation because a child comes from God and marriage also comes from God. Anyway, let me stay the way I am.

So, when they tell me that I should get married first before they can elect me, they are not sincere.

Another issue is that I have come to help women. I trained as a community health worker. I have worked as a community health worker for many years. We are assisting all kinds of Kenyans from the grassroots and even the men cannot do such kind of work. They

cannot use their money to go to the ground to see the disabled people or the person who cannot help himself or herself. We bring out those issues, so that when they go there they say the women do not want development.

Another issue is on the community health workers, we had an organization that brought nets that were being distributed in my area of Hamisi. The people who were distributing those nets knew who did not belong to that particular area. We did not get that opportunity now we are just wondering about training for health workers. What are we doing? We are just being used to do that work and then other people are being paid. We keep suffering and yet others are enjoying. So, please, defend us and look at the rights of the women.

Very many people come from outside to work as community health workers yet we are here. Politicians just talk about issues pertaining to politics. They say: "This person is not even from that area. He is a resident of Hamisi and he knows Hamisi. He was in that particular funeral, but he works as a DDO at Chepkubus. So, he was invited to this administration. Funny enough he just introduced all the men. I was there, but he was just passing the microphone to the men." I asked him: What is happening? The women appreciated my action. They screamed and demanded that I address them. So, the DDO said he came to Hamisi as a visitor. He said he worked with the person on the ground. He wanted him to overpower me so that I do not speak. What intention does he have with me?

The issues of women are not very serious. They talk about their husbands who have died and how they can marry their daughters off to men who have been left by their wives and so on.

Ms. Tambla Pamela: He goes on to bribe the Children's Department and then the case is not pursued. Please, TJRC, just assist us. As I said earlier, I work with the Coalition on Violation Against Women (COVAW). I deal with such matters and so when women and children are raped we feel very bad. There is money that is issued to the 65 years olds and above. The money is going to some areas while some are not getting it. With those few remarks, I have said that I am councillor Ikami from Shamakhokho.

Ms. Nancy Kanyago: Thank you very much, Pamela. There are certain roles to support Government work that women participate in, whether it is the land dispute tribunal or community health work but they are not paid. I am sure that the minute they become paid positions, there will be more men who will occupy them. I just want your confirmation whether these community health workers are part of the Ministry, or whether it is something that is done outside the Government. Is it a role for civil society or the Government?

Ms. Tambla Pamela: Yes, people from the hospital, for example, the Medical Officer of Health (MOH), go to the ground. He identifies a qualified person from the ground and picks him or her. He takes back the report to the health centers on how many people have malaria and are HIV positive. So, when there is no work of distributing nets and that

organization had come in, we do not get that opportunity. We find other people on the ground coming to do that work. They call us to do voluntary work but when it happens that there is an NGO, or the livestock unit is around, they are the first people to be given an opportunity.

Ms. Nancy Kanyago: Just to understand, are the community workers the home-based care workers?

Ms. Tambla Pamela: Yes.

The Commission Secretary (Ms. Nyaundi): Thank you very much. I hope that in the next elections, you will perform well. One thing that we want to understand is about women and their engagements like seeking political office. As someone who has sought political office, what do you think are the hindrances? Is it money or party affiliation? Is it Florence who sought to be a councillor here? What was your experience as a woman who sought political office?

Ms. Tambla Pamela: The first thing is money and then secondly, they just pick somebody from nowhere. I am confident and I can speak for myself. I wonder what can hinder me from vying for a seat. Another thing is the political parties. They do not know when you are vying for the seat of a councillor or MP. They make you go to a particular party because you find there is another party and they give you Kshs5,000. You decide to go to another political party but you find they want somebody else. That is where it becomes a problem. Then an MP wants a particular councillor to work with. This one becomes a problem because you are separated. In addition to that, I am a Tiriki and Tiriki men believe that a woman cannot talk before them. They say that they are men and they have been circumcised. They say that a woman cannot stand before them and tell them anything. That is the problem. Please, come to the ground. Come to Shamakhokho and tell women that they can do it.

Ms. Roby Rahab: We are very happy and proud of you as a woman. Even God gave you this opportunity to---

Ms. Hawa Omari: Honourable people from the TJRC, women have come to defend themselves against violations that they have got from here and there. My names are Hawa Omari. A lot has been said about the post-election violence and we have given to Agnes-- - I am violated. I got an accident immediately after the post-election violence. So, when I was still in hospital, the people who were involved in that accident with a tractor said that they would speak to my people so that I could be compensated. I did not have any information because I was sick, but after coming from hospital, those people who had caused that accident did not do anything. It is very painful. I am a woman and divorced by my husband. I took my family with me. I have to educate them, provide food for them and everything. It forced me to go away, take care of my children and give them food. It is the woman who suffers a lot because she is the one who stays with children. I was forced to start working so that my children could get food and education. In that process of looking for food and livelihood, my leg got injured. When I started to follow up the

people who caused the accident, they told me that they would try to pay me but they did not. They have given out only Kshs40,000. After that, they kept quiet. When I try to follow them, they do not listen. They do not care. It is as if they have bribed some offices, so that this issue is not followed up. I think it is now four years and I request the TJRC to intervene, so that whatever little I agreed with these people can be paid to me, so that I can assist my children. That is my issue. Thank you.

The Commission Secretary (Ms. Nyaundi): Thank you very much. Hand over the information to Ms. Robi, but I have said that you must be assisted by a lawyer because it was an accident. They paid you the money in which month?

Ms. Hawa Omari: It was after pushing them for long that I was paid.

The Commission Secretary (Ms. Nyaundi): We will try. We should get a full statement, so that we can lead you to a lawyer who can help you at a very low cost.

Ms. Hawa Omari: Thank you very much and I appreciate.

Ms. Roby Hawa: I would like to give this opportunity to Angela. Stay behind so that we can give you a file number with an e-mail, so that we can be communicating and showing you how your issues will be taken forward in a written form.

Ms. Angela Namsabu Shava: Good afternoon. My names are Angela Namasabu Shava from an NGO called Foundation for Women Rights in Kenya. I would like to speak about a few issues concerning leadership because that is what I cover – equality in leadership. I would like the TJRC to help these women. Many of them like would to be leaders but when they vie for seats, men subdue and violate them until they get afraid. In 2007, there is a woman who wanted to be an MP. She was called Alice Kirambi. But when we were campaigning for her, all her vehicles were destroyed. The men organized for this destruction until the women feared.

Another example is that personally I went to see the observers, and when I arrived at home, I was attacked and my money was taken. People came for me, but I was healed by this year. I went to a funeral and spoke of a woman wanting to contest. When I went back home, at night while I was sleeping, five people came and they were armed with *pangas*. They told me not to speak. They took my child and raped her in front of me. These were two men. My daughter started vomiting. They took everything in my house and in the next morning, the two were caught and arraigned in court. However, when I went there, I found that they were represented by lawyers. I fail to understand if the Government exists. You cannot even speak. I find it difficult. I am the one who counsels people, but at the moment, I cannot stand before a person to counsel him or her. I cannot sleep in the house because I fear that they will come for me. I lay down on the cement floor with the visitors who were in my house and cold water was poured on us. They tore all the children's books and also poured water on the books. They put chairs on top of us and said: "Behave". We decided to keep quiet, but since we know them, we just want a

follow up. The Kakamega police assisted me with transport to come back home since they sympathized with me.

I will only rest when they separate these people from the community. The case number is 841. Although they have hired lawyers, when I go to court, I will not hire a lawyer. I will tell the lawyer that he was not the one who violated me, and that I want to talk to the people who attacked us because I saw them. They raped my child until she vomited. I cannot eat. How can lawyers take money to defend such acts? I am a leader and I preach about leadership equality. I am a widow with six children. Even the daughter who was raped, the father left her when she was still in Standard One and they wanted to rape the last one who was still two weeks old. We are happy since you have come.

We want the Government to look into this problem. Many people were affected by the post-election violence. Money was given out to the former MP for their resettlement. We have a list of those people who were given that money because they were campaigning, yet the affected people cannot get that money. I cannot continue because I just feel bad. Thank you very much.

Ms. Nancy Kanyago: Thank you so much for sharing your story with us and continuing to be a leader even in the difficult environment of being a woman leader in this area. Now, the people who came to your house, was it as a result of your public speaking at the funeral?

Ms. Angela Namsabu Shava: I think it was because there was somebody who talked about it during day time. She talked about a woman who wanted to contest and they had given me that money. So, they said that I was just “eating” alone without giving them some.

Ms. Nancy Kanyago: Have you been able to record that with the police?

Ms. Angela Namsabu Shava: I have recorded each and everything. That is why I am talking about the case which is in court in Kakamega, This is Case File No.841 that is now continuing, but the hearing date has not been fixed. I urge the TJRC to ensure that when such cases are in court, they should be finalised as quickly as possible. I continue going to court and meeting those people, and my life can be in danger. I can even faint because when I see those people, I start thinking of what they did to me.

Ms. Nancy Kanyago: Just my last question, and thank you for sharing this with us; how old is your daughter?

Ms. Angela Namsabu Shava: My daughter was 17 years old and in Form III. She even wanted to go to school immediately, but I wanted her to be counseled so that she could not be traumatized.

Ms. Nancy Kanyago: Has she been able to receive medical treatment?

Ms. Angela Namsabu Shava: That was the first priority.

Ms. Nancy Kanyago: Thank you very much. Perhaps, if you get in touch with FIDA offices in Kisumu, they will get somebody or a lawyer who will observe in that case to ensure that it proceeds well through the court system. Maybe we can give you contacts of the FDA offices in Kisumu and then you can request a lawyer. They can give you somebody from FIDA in Kakamega, who can go and observe the case as it goes through the system.

Ms. Angela Namsabu Shava: And when you ask for a P3 Form, you are asked to pay Kshs2,000; what about if you are not able to do so? I was lucky because I had somebody who assisted me. She knows that I am working and I will be able to repay her. What about a local woman who does not have even Kshs5?

Ms. Nancy Kanyago: Was that at Kakamega District Hospital?

Ms. Angela Namsabu Shava: Yes.

Ms. Nancy Kanyago: So, you paid?

Ms. Angela Namsabu Shava: Yes.

Ms. Nancy Kanyago: Were you given a receipt?

Ms. Angela Namsabu Shava: There is no receipt that you are given. As somebody said, you are not issued with a receipt and there is no evidence to show that you gave out the money. It is just a local arrangement.

Ms. Nancy Kanyago: Maybe someone else here has that information. To my understanding the P3 Form is online and you can print it. So, if you print it and take it to the hospital, will it not be filled in until you produce money?

Ms. Angela Namsabu Shava: It is not an easy thing; doing so is not an easy thing. They tell you that if you want them to do so, you must bring this amount. There is no alternative. They judge you by your appearance.

Ms. Nancy Kanyago: Just to follow this through so that we can understand it properly, if the Commission was to find that the P3 Form is supposed to be free, and you can get it for free maybe online. But there will still be a way in which they will extort money from the public to maybe cater for transport, or something else, when a person needs to go to give evidence in court. Either the court or the hospital should put in place a way to facilitate the doctors to give evidence without having--- This is because even if they do not ask for money for the P3 Forms, when they are needed in court for evidence, they will probably say they are not available because they do not have transport. So, you, as the victim, will have to pay for that transport. Is that so?

Ms. Angela Namsabu Shava: Yes, and if you do not do it they can even sabotage the case.

Ms. Roby Rahab: Thank you very much. What I can say as a woman is that the worst thing in life is to give up. I was brought up in a soldier's house and my father always told me that in life, you must learn to say, "No retreat, no surrender." Women in leadership and those trying to be leaders, the moment you give up, we are all finished. So, the worst thing in life that you can do is to give up. Never give up and never regret. God knew it would happen, and he will give you the strength to handle it. So, Angela, take heart. If there is a special case which has not been mentioned here, then let us hear it. Since we are time barred, I will give only three chances. Yes, Mama!

Ms. Jane Makokha: Good afternoon. Mine will be very brief. I am very grateful for this Commission coming because we, women, have a lot of problems, and we do not have a place to take them. You are our only rescuers. My name is Jane Makokha from Lurambi, Kakamega County. I am a politician. Every time I vie for a seat, I go through a lot. You are happy that you have gone through but you just find that another person has been given a certificate. You are told to take your case to court, yet you do not have money and you are a woman. Those are issues which you should help us with. It seems we women will not be in leadership positions. Two, we are being followed up to ensure that we do not vie again.

Another issue is about our CDF. Please, help us. We do not want it to be under the MPs. The moment it is under the MP, then it cannot serve everyone. The MP wants to give the CDF to his supporters and the people who are in his political party. If you are in a different political party, you cannot get that money. Please, CDF should go to the people in the constituency, but if you give it to MPs, we will still have problems, especially now that money has been released; it is for campaigns. It will not go anywhere. Even now we are just wondering because people are at home seated. The Ministry of Education has misappropriated money and our President is just sitting and there is no action. We are listening but we are not hearing anything yet it is the women who care for the children.

During post-election violence, my house was burnt. They were burning houses of the Kikuyus and also mine was burnt. It had a lot of equipment which was burnt. I have tried to follow up with the Government and they have told me to report to the police and also take photographs. I have been given an abstract. I have even gone to Nairobi. There was a time I even slept with a watchman on the streets because I did not have another option. I went to hon. Akaranga since he was the one who dealt with such cases. They told me that it was given for a short time. I even did not know how I would come back home. I have tried to follow up. I have all the documents. Everything was burnt in the house. Even my husband died. I am a widow with a child who was in college. He cannot get an education. He was building a house and now the house is unfinished. When I go to the Kakamega Provincial General Hospital, the management is not helpful. You cannot eat food in that hospital. They give patients rotten food. Four to five patients share one bed. Others have diarrhoea and you wonder how we will survive. We go to hospital to seek medical services but we end up increasing sickness. So, look into these issues.

Ms. Roby Rahab: Thank you very much, Madam; we shall have the next witness.

Ms. Elizabeth Temu Achieng: My names are Elizabeth Temu Achieng. I am a widow. I had a problem in 1987. My husband was killed by some people. He was a teacher. I was 20 years old and had three children, two girls and the last born, who was nine months old, and was a boy. My husband had taught for four years and during this short period, he had no pension. My pension was to cultivate the land which was left behind, which was one and a half acres, and which I was sharing with my in-laws, who got a chance to violate me. As you know, my husband was killed by people from his clan. So, I could not stay in that *boma* or village. They said that I and my children could not live there. I was worried because I was not sleeping. I even developed high blood pressure because I was just walking with my children. I had a lot of worry. I left and went to look for a job at Bushangala Secondary School. I was given a job to make me survive and moved in with my children. When I went to the village to demand my land, my in-laws refused to listen to me. They took that opportunity to rent the land and cultivate it. I could not even pay school fees for my children.

I forwarded the matter to the assistant chief but he did not help me. Since 1987 to date, I have not touched that land. Even if I try to get a title deed, I am told by my in-laws that I did not come with that shamba. So, they ask me to leave. They even go as far as saying that my husband was not entitled to have the shamba. My boy is now big. He is educated but he did not go far. The boy says that he wants to build a house but he has nowhere to build it. His uncle is still alive. So, TJRC, assist me to see how God can do his work. Assist me to get back that plot so that my boy can build a house since he is now 24 years old. He is a big boy and he can manage his own affairs. It is difficult because he cannot access the land. The elders of long time ago used to give land to the first born children, who in turn gave it to the others. When I go to ask for it, they say that the owner of that land is the first born son. When I ask him about it, he does not take interest in me. That is all.

Ms. Nancy Kanyago: Mama Elizabeth, before you leave, I think you said that you have three children, two girls and one boy. It seems as if you are fighting for the boy to get the land.

Ms. Elizabeth Temu Achieng: The boy will also take care of his sisters. The girls do not have a voice. When they go there, they are told to get married. They do not have any chance to protect the property. That is why I am speaking about the land for my son, so that he can remember the others. You know even getting a job in Kenya is very difficult. Even during the police recruitment, one is told to pay Kshs250,000 to be recruited. Where will a widow like me get that amount of money? Which land will I sell so that I can give that money for my child to get employment? Job opportunities are being given out, but we, as widows, do not have a chance.

Ms. Nancy Kanyago: Thank you very much and we are very sorry, but this is not the last chance.

Ms. Damaris Webo: Good afternoon. My name is Damaris Webo. I stay at Lurambi in Kakamega County. I want to speak about issues pertaining to security. Last year, people were attacked in town. Indians were shot and it was discovered that there was a high ranking officer who organized those things. He was here and people started crying. People said that he must be transferred. He was transferred and the issue cooled down.

As a woman, when I see a person in the family organizing for people to be killed and then the person is transferred, I fail to understand why. He is a very senior officer. The widows were left crying. They just shot a person who was opening his shop here in town.

The second thing is that there is one child who was raped by an old man aged 59 years and the case is still with the police and that child is my niece. I fail to understand how that person was set free and came back, sold his land and went away. The child who was three years was injured and the police are saying that they are looking for the perpetrator.

There is another issue pertaining to fights and clashes. If I know that I will vote and still be a refugee in my own county, then I would rather not vote. When you go to Butala, you will find people who had bought land there and they have been given a notice to move out because of borders. Some went to Bunyala and others came back here. They said that those who voted for the MP are the ones who bought that particular land and they have been told to move out in one month. I have nowhere to go and we do not know what we are going to do.

I was affected by the post-election violence. My mother in-law had gone to do some business in Eldoret and she was in the church that was burnt. My father ran away and went to Narok. We have never seen him up to now. I have children and orphans whose father was burnt in Nairobi. I do not know how to take care of those children and there is nobody who is helping me because I only do odd jobs. I do not know where the mother of those children went to. The father died and we do not even have an answer to his death. One day, one child asked where the father was and I told him that I am his mother. I told him not to cry because the father died and there is nowhere to find him. I told him to thank God that he was alive.

I am with my colleague here who is an old mother. She always goes to look for casual jobs in the shamba every morning because she has been left with her daughter's children. The father of those children was burnt in Nairobi and the mother has come back. She is now working as a maid. The other day, she was told that one child was sick and when she went to check, she found that the child had died. The children are now loitering because they have nowhere to go. I am wondering whether to take those children in although my husband and I do not have any job. We do not get any relief food and I always wonder where it goes. I am requesting the TJRC to follow up on these issues like the relief food because we do not get anything. If they want to see, let them come to the ground and see that we get nothing. We do not even get jobs in Kakamega County.

The Commission Secretary (Ms. Nyaundi): Thank you very much, Damaris. We are very sorry for all that you have undergone. You have said that there are people who have been given notices to move. I would like you to give us more information on this and who are those people. Are those people from a different tribe?

Ms. Damaris Webo: There is a place called Mutsala on the road to Webuye. There are people who bought land near Mutsala Primary School and these are the Watsoso. On the other side of Bunyala, there is a border and some came to Bunyala while others remained in Kakamega. There are those who say that the people who bought the land there are the ones who will go to Bunyala and we are from Kakamega. If we go to Bunyala, how will we be accessing our property? They have written letters and I can even bring a sample of the letter and they have said that we should move by 30th.

The Commission Secretary (Ms. Nyaundi): Thank you very much. At this moment, we would like to wind up the hearing. We appreciate our fellow sisters for coming. You have been very patient and most of you were here from Seven o'clock in the morning and you are still here. I would like to thank the technicians and the interpreters who came. We are grateful for the good job that you have done.

We also appreciate the women who have given us their history because it will enrich our records in the TJRC. We understand that you have been representing others and we assure you that we have taken into great consideration all that you have told us today. Before we came to the western region, we had gone to North Eastern Province and we had women hearings like these in those areas. A few weeks ago, we were in Mt. Elgon and we also had such a hearing and the women have enriched our Commission.

We would like to urge those who have been told to prepare their statements to do so because it will be very important to us. For those who have got a chance to speak today, you opened your hearts and you have been relieved. That is what the Commission wants because when you are given a chance to speak, sometimes, it brings healing. It is our hope that by giving you the opportunity to speak, it is a step forward for the beginning of healing. On Friday, we will go to Busia, Bungoma and then to Nyanza and we will be going all over Kenya to give your fellow women a chance to speak out. When we finish our work, we will give out our final report to the Government.

We have requested for additional time and if we do not get it, then we will give out our final report in November. If our time is added, we will give our report in May next year and all the recommendations shall be adhered to and the report will be published in the Kenya Gazette. As Kenyans, you will get an opportunity to look at the report and see what you have told us and we will have given our recommendations. The law says that after every six months, the Minister in charge should be giving information on the steps the Government has taken on the recommendations of the Commission and if they are being adhered to. We ask for your support and ensure that our recommendations are being effected. We appreciate the jobs you are doing as women. Most of you are saying that you are working as volunteers and we would like to thank you for taking the burden of your community. We honour you for the jobs that you are doing and do not give up.

I would like to invite one woman to volunteer to pray for us as we close this hearing. I have seen our fellow sisters who have come from very far and I have seen three. I would like to thank them for joining us and we really appreciate. You have heard all the stories of your fellow sisters here in Kenya. We are very grateful and God bless you all.

Ms. Rahab Roby: Thank you very much, Patricia Nyaundi, Director Nancy and the technicians. I would also like to express my gratitude to all those who were involved in any way and for those of you who have come today.

You are our eyes in Kenya and I would like to take the message. I will leave the person behind who will be next to you so that when we will be finishing, she can take the memoranda. You can reach the person because she is one of our statement takers. She has enabled you to reach here and I would like to introduce the statement taker and I would like her to give us her mobile phone number.

(The statement taker introduced herself)

(Closing Prayer)

(The Commission adjourned at 1.55 p.m.)