



Centre for  
Human Rights and  
Restorative Justice

# REFERENCES TO WOMEN

Kenya Truth Commission

## Abstract

Notes on discussions of women, as well as a list of coding themes and references to women in the Kenya Truth Commission.

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## Researcher Notes

### Report details:

- published in 2013
- pdf has 598 pages
- no chapter or section on women
- according to NVivo's text search, the word women (using stems) is referenced 235 times, representing 0.63% coverage
- after deleting references from the bibliography, notes or headers, there are **85 broad references** to women in the content of the report
- women are primarily discussed in terms of patriarchal policies and gender discrimination

### Women are is referenced in the report in the following ways:

- commission found that women and girls were the subject of state sanctioned systematic discrimination in all areas of their lives
- rape and sexual assault of women and girls - military and police major perpetrators
- discrimination rooted in patriarchal cultural practices
- state failed to curb harmful traditional practices that violate women's human rights
- due to the shame and stigma, not everyone came forward with their experiences of sexual violence
- commission held separate hearings for women to encourage them to speak out - ensured safe spaces and framed them more as conversations with other women
- war lead to displacement which made women more vulnerable
- women suffered attacks on them, the killings of their male relatives, and the loss of economic support and means
- commission tried to have gender equality in staffing to ensure women did not feel alienated from the process
- due to gender stereotypes and cultural norms, women less likely to participate in public processes
- concern that the result of the safe spaces was that men did not hear women's stories meaning that they were not educated and could not learn from them
- discusses backgrounds and qualifications of the female commissioners
- women more likely to discuss violations that happened to their relatives than themselves
- attacks on women during colonial rule and after
- commission recommends the creation of gender violence recovery centres in every county
- violation of women's sexual health rampant
- women face lack of access to education and economic opportunities
- women who aspire to be leaders lack resources to undertake political campaigns and have been subject to violence or threats

## Links to Data Visualization

This section contains links to all data visualization for the Kenya report.

### Word Frequency Cloud

- [word frequency cloud](#)
- [excel sheet of word frequency cloud findings](#)

### Word Trees

- [history](#)
- [women](#)
- [children](#)
- [youth](#)
- [forgive](#)
- [victim](#)
- [truth](#)
- [reconciliation](#)
- [land](#)

\*NVivo software can only edit word trees by changing the central search term and branch sizes. Word trees includes references from bibliography, headers, and notes that cannot be edited out using NVivo software. Researchers will need to manually remove unsightly branches using editing software (e.g., paint, photoshop, etc.)

## Coding Women for the Kenya Report

The following chart breakdowns the child nodes used for coding women references based on themes and discussions surrounding women in the Kenya report.

Women	References or discussions of women
Colonialism	References or discussions of colonialism
Commission	References or discussions of measures taken by the commission
Discrimination	References or discussions of discrimination
Displacement	References or discussions of displacement, migration, or exile
Ethnicity	References or discussions of ethnicity and ethnic divisions
Human Rights	References or discussions of human rights, human rights violations or civil codes
Land	References or discussions of land
Legacy	References or discussions of legacy, effects or impacts
Military	References or discussions of the military and soldiers
Police	References or discussions of police and police officers
Politics	References or discussions of politics, political parties, political leaders, etc.
Testimony	References or discussions of commission testimony
Violence	References or discussions of violence or violent acts

## References to Women

This section contains all references to women from the Kenya report.

<Files\\Truth Commission Reports\\Africa\\Kenya-TJRC\_Volume\_1-4> - § 85 references coded [1.98% Coverage]

### Reference 1 - 0.03% Coverage

The work of the Commission was structured into four mutual and overlapping phases: statement-taking, research and investigations, hearings and report writing. Staff at all levels were trained and prepared for their various roles to ensure that they were sensitive and observed confidentiality of all those who gave testimony to the Commission. The Commission also carried out civic education and outreach activities in partnership with civic organisations and community based bodies to permit full and active public participation in its work and processes. Gender equality was a priority in staff composition at all levels and was particularly important as a means of ensuring that men and women felt comfortable testifying before the Commission. To decentralise its presence and reach out to as many Kenyans as possible, the Commission established regional offices in Eldoret, Garissa, Kisumu and Mombasa.

### Reference 2 - 0.02% Coverage

□ The Commission finds that Northern Kenya (comprising formerly of North Eastern Province, Upper Eastern and North Rift) has been the epicenter of gross violations of human rights by state security agencies. Almost without exception, security operations in Northern Kenya has been accompanied by massacres of largely innocent citizens, systematic and widespread torture, rape and sexual violence of girls and women, looting and burning of property and the killing and confiscation of cattle.

### Reference 3 - 0.01% Coverage

□ The Commission finds that women and girls have been the subject of state sanctioned systematic discrimination in all spheres of their life. Although discrimination against women and girls is rooted in patriarchal cultural practices, the state has traditionally failed to curb harmful traditional practices that affect women's enjoyment of human rights.

### Reference 4 - 0.02% Coverage

Volume IIC focuses on the stories and narratives of groups of people that are provided special protection under domestic and international law because of a history of discrimination and oppression. These are: women, children and minority and indigenous people. Historically members of these groups were not recognized as having the same rights as others. The drafters of the TJR Act clearly had such history in mind, and empowered the Commission to put in place special arrangements and adopt specific mechanisms for addressing the experience of historically vulnerable populations. The Commission thus established a Special Support Unit that focused

### Reference 5 - 0.01% Coverage

Women narrated horrible stories of rape and other forms of sexual violence and the military and police were reported as major perpetrators. During the war, some communities fled to Somalia to escape the violence and only returned decades later, in 2000.

### Reference 6 - 0.03% Coverage

In many ways, and despite the many challenges that it continues to face, Kenya is a country whose democratic and political space is relatively wide and dynamic. At least from 2003, the state has more often than not respected citizens' freedom of expression, assembly and the right to association. However, it was not always this way. The freedom that Kenyans enjoy today is the result of many years of activism and struggle against dictatorship and state repression or violence. It is a freedom that came at a high price for many men and women who dared criticize or

oppose Jomo Kenyatta's and Daniel Arap Moi's political administrations. Many of them were detained without trial, tortured, and subjected to inhuman and degrading treatment. Their families were equally subjected to untold sorrows by state operatives. Many others succumbed to torture or were killed after undergoing torture.

#### Reference 7 - 0.03% Coverage

Sexual violence is a crime that intimately impacts the victim both physically and psychologically. It uses the victim's own sexual anatomy to dominate, suppress and control. For a long time, women and girls were believed to be the main, if not the only, victims of sexual violence. Over time, there has been acknowledgement that men and boys are also victims of sexual violence.

The Commission received hundreds of statements from women, men and children outlining serious sexual violations perpetrated by individuals and groups of people including ordinary citizens and state officials. A total of 1,104 statements from adults were received in regard to sexual violations, representing a victim count of 2,646 women and 346 men. The Commission acknowledges that due to shame and stigma associated with sexual violence, many victims of sexual violence did not report sexual violence to the Commission.

#### Reference 8 - 0.01% Coverage

□ Kenyan security forces (particularly the Kenya Police and the Kenya Army) have often raped and sexually violated women and girls during security operations;

#### Reference 9 - 0.02% Coverage

□ members of the British Royal Army stationed in Kenya for military training has been responsible for the rape and sexual violation of women and girls in Samburu and Laikipia

□ in one particular case, the Commission received about 30 statements from women who were raped in Kitui during an eviction referred to as 'Kavamba Operation'. The Commission has recommended the prosecution of Nganda Nyenze who supervised the evictions and the rape of the women.

#### Reference 10 - 0.01% Coverage

While corruption violates the rights of all those affected by it, it has a disproportionate impact on people that belong to vulnerable groups. Examples of these are minorities, indigenous people, persons with disabilities, persons living with HIV/AIDS, refugees, prisoners, the poor, women and children. They are more exploited and less able to defend themselves. Their vulnerability makes them easy victims of corruption.

#### Reference 11 - 0.03% Coverage

##### Women

Men and women experience violations of human rights and injustices differently. Building on the provisions of the TJR Act, the Commission adopted policies and took measures that ensured that the experiences of and violations suffered by women were appropriately and comprehensively covered both in its work and this Report. These policies and measures related to the Commission's statement-taking process, hearings, focus group discussions, and other activities undertaken by the Commission.

Perhaps most importantly, the Commission held separate hearings for women in order to encourage women to speak about their own experiences. The women's hearings were framed as 'conversations with women'. They were presided over by female Commissioners and staff, and were thus designed to be safe spaces where women could freely talk about violations that were specific to them. The women's

#### Reference 12 - 0.09% Coverage

hearings were conducted in all regions of the country. In total, over 1000 women attended the women's hearings across the country, with an average of 60 women in each hearing.

The Commission's chapter on gender deliberately focuses on the various injustices that women faced during the mandate period. Although women have always constituted half of Kenya's population, they have been traditionally relegated to a subordinate status by patriarchal cultural norms and practices. Harmful traditional practices in Kenya

include, amongst others, preference for male children, early or forced marriages, wife beating, female genital mutilation and widow inheritance. These norms were normal and sanctioned by law in the greater period covered by the Commission's mandate. As such the Commission has found that women were the subject of systematic discrimination and/or gender-based persecution throughout the mandate period.

An important finding made by the Commission is that in situations of conflicts women are specific targets of violence, particularly sexual violence which is often accompanied by other forms of violations. The Commission has documented atrocities committed against women during the following three selected conflicts: Mau Mau War; Mount Elgon conflict and the 2007/2008 Post-Election Violence.

Conflicts always result in the forced displacement of populations. The Commission's hearings revealed that the state's response to the plight and needs of internally displaced women was less than satisfactory. Generally, the state's response fell short of its obligations as stipulated in relevant human rights instruments.

Although most women who testified before the Commission were victims of displacement occasioned by the 2007/2008 PEV, many of them had been victims of prior evictions and displacement. During the PEV, women suffered violations during flight to the camps or to places where they hoped they would find refuge. On resettlement of IDPs under Operation Rudi Nyumbani, the Commission's hearings revealed that the corruption and mismanagement which marred the entire process had a particularly devastating impact on women. A considerable number of displaced women told the Commission that they received neither the start-up capital nor the payment in lieu of housing.

Kenyan Refugee women in Uganda face a peculiar problem. During its women's hearings, it became evident that many women found themselves in a dilemma as to whether they should return to Kenya or not. While some women were willing to return, their husbands were not. As such, they could not return to Kenya without straining or breaking

#### Reference 13 - 0.06% Coverage

Kenyan women were also victims of state repression during the mandate period. As primary victims of state repression, scores of women, especially politicians, academics or human rights activists, were targets of state violence both during Kenyatta's and Moi's administrations. A number of female members of parliament who were vocal in their opposition to repressive rule would be subjected to trumpedup charges, detained, or even tortured. The vast majority of women were however secondary victims of state repression. Many women were widowed after their husbands were killed in security operations or died in police custody after undergoing torture. Some were subsequently thrown into destitution since husbands are the main breadwinners in many households in Kenya. Those whose husbands or sons were detained faced similar fate

In sum, women have suffered terrible atrocities just because of their sex and gender. The Commission has documented these atrocities not only for historical purposes, but also as a bold statement to political leaders and policy makers that achieving a just and fair Kenya partly depends on the initiatives they will take to heal the soul of the Kenyan woman. As of now, the vast majority of women feel abandoned by the state. Although in recent years many reforms have taken place to ensure women's empowerment, much more still needs to be done for these reforms to make substantive and real contributions in the lives of women. There is need for special attention to the most vulnerable among women: women in rural and slum areas, internally displaced and refugee women, women with disabilities, women living with HIV/Aids and women belonging to minority and indigenous groups.

#### Reference 14 - 0.02% Coverage

The small population size that characterises minorities and indigenous groups has denied them influence and left them out of policy and decision making – even where decisions directly affect them. During the mandate period, minority groups and indigenous people were unable to access justice at many levels frustrating their efforts to protect other rights. Minority and indigenous women suffered multiple forms of discrimination. They bore the brunt of inter-ethnic conflicts and insecurity and had difficulty accessing social services and goods from education to health services.

#### Reference 15 - 0.02% Coverage

Few events in Kenya's history are as memorable as the Independence Day celebrations across the country on 12 December 1963 when British colonial rule came to an end. The joy, pride, excitement and euphoria witnessed that Thursday morning was unprecedented. Independence was made possible by the gallant Kenyan men and women



who risked and sacrificed their lives and limbs fighting for freedom from colonial rule. With relentless courage they fought and died, not only for their own freedom, but also for the freedom of their children and their children's children – the generations not yet born.

#### Reference 16 - 0.02% Coverage

its appointments were made with regard to the principle of gender equality. The Commission maintained a gender balance in its staff composition, not simply in keeping with a statutory requirement, but more importantly because it wished to ensure that women accessed its processes with relative ease. Studies and the experience of truth commissions have shown that having more women on staff may make a commission less alienating for female victims.<sup>40</sup>

#### Reference 17 - 0.02% Coverage

To ensure that it lived up both to its own expectations and those of the TJR Act, the Commission periodically assessed its staff composition in terms of gender. Throughout the life of the Commission, the representation of women in its staff body was consistently above 40 percent. At the decision making level, the Commission was led by a female Chief Executive Officer from February 2010 to September 2012, and the ratio of female decision-makers

#### Reference 18 - 0.02% Coverage

99. One of the findings of the Commission in this regard, for instance, is that most security operations in the country in which killings, torture and sexual crimes were committed, were also characterized by the burning of houses, theft or killing of cattle, looting of property and destruction of crops. The impact of these violations was particularly borne by the most vulnerable in society such as women, children, persons with disabilities and the elderly.

#### Reference 19 - 0.02% Coverage

To ensure inclusiveness in its civic education and outreach activities, the Commission organised special workshops and meetings that created space and a conducive atmosphere for expression and discussion of the various experiences of specific vulnerable groups. Such forums were organised for women, youth, children, persons with disabilities, internally displaced persons, slum dwellers, squatters, evictees and survivors of particular episodes of human rights violations.

#### Reference 20 - 0.01% Coverage

□ the Commission learned from the experience of other truth commissions that women were less likely to give their statements to male Statement Takers. For this reason, as far as it was possible, statements from women were taken by female Statement Takers; and

#### Reference 21 - 0.02% Coverage

In November 2010, the Commission reviewed the statement-taking process in consultative meetings with CSOs based in all eight provinces. The review had a three-fold objective: to identify gaps and critical issues emanating from the statement taking process; to assess the quality of information received through the statement taking process; to assess the level of participation of vulnerable groups (such as women, persons with disabilities, etc) in the process.

#### Reference 22 - 0.01% Coverage

The Commission started its hearings in mid-April 2011 in Garissa and concluded at the beginning of April 2012 in Nairobi. The Commission conducted three kinds of hearings: individual hearings, women's hearings and thematic hearings.

#### Reference 23 - 0.04% Coverage

Let me also take this opportunity to thank those who recorded statements with the Commission. In total, the Commission received over 30,000 statements and 300 memoranda. Because of time limitation and the nature of Truth Commissions, we shall not be able to conduct hearings for all the statements recorded. The Commission has, therefore, selected a few statements to conduct the hearings on what would give a global picture of the violations suffered by people from this region. In the next three days, for example, we shall hear testimonies on the history of events and violations in Mandera; violations suffered by women, testimonies on torture, marginalization, massacres, extrajudicial killings, detentions, loss of property, serious injuries suffered during postelection violence and police brutality. Although a few people will be giving testimonies concerning violations suffered in Mandera, most of you will relate with the testimonies shared because most of you have suffered similar violations. However, I want to assure you that every statement recorded will be part of the report when the Commission finishes its work.<sup>8</sup>

#### Reference 24 - 0.08% Coverage

##### Women's Hearings 85.

The participation of women and members of other vulnerable groups is a central pillar of any comprehensive and inclusive truth-seeking process. Experience has shown that due to gender stereotypes and cultural norms, women are unlikely to participate in public processes unless proactive measures are taken to encourage and facilitate such participation. In the absence of such measures in the past, Kenyan women had traditionally been left out of public processes that had shaped and defined the country's socio-political and economic policies including those policies that directly impacted their day to day lives.

86. Not surprisingly, the participation of women in public hearings conducted by the Makau Mutua Task Force to gather views as to whether Kenyans desired a truth commission was limited. observation, suggesting as it did, that a truth commission established in accordance with its recommendations should pay particular attention to the participation of women in its processes:<sup>11</sup>

The Task Force was deeply concerned by the low numbers of women who turned up at its public hearings to make submissions. Although the Task Force encouraged the few women present to speak up, this problem will have to be addressed once the truth commission is set up so that the issues that are particular to women are adequately dealt with. Kenya, like most countries, has deeply embedded prejudices, policies, and traditions that have historically marginalised women and made them invisible in the public square. Discrimination against women, violence, rape, and patriarchy have consigned women to the margins of society. Human rights violations and the economic crimes committed by the state have a special gendered effect on women. That is why violations against women have disproportionately multiplied adverse effects and are rarely addressed. A truth commission must pay particular attention to the participation of women and the abuses perpetrated against them. Otherwise, a truth commission will have little or no beneficial value in addressing the plight of women.

87. Against this background, the Commission took measures to ensure the participation of women in its processes including in the hearings. Indeed, section 27(1) of the TJR Act permitted the Commission to put in place special arrangements and adopt specific mechanisms and procedures to address the experiences of, amongst others, women.

#### Reference 25 - 0.03% Coverage

In particular, the Commission conducted, alongside its public hearings, womenspecific hearings which were exclusively attended by women. The Commission was conscious of the fact that while some women were courageous enough to testify about traumatic events in front of a general public hearing, restricting women to these general public hearings only would have resulted in many women being reluctant to testify. Moreover, the decision to conduct womenfocused hearings was reinforced when a preliminary review at the conclusion of the statement-taking process showed that only one third of the total statements received were from women. In essence, women had not come forward to record statements in numbers proportionate to their representation in the general population.

#### Reference 26 - 0.02% Coverage

The hearings were framed as 'conversations with women'. They were designed to and were safe spaces where women could freely talk about violations that were specific to them. The majority of women who attended the hearings felt comfortable sharing their most traumatic memories. The women's hearings enabled the Commission to fill the gap identified in its data bank as well as to record violations specific to women. The hearings provided

insights into women's perspectives of experiencing injustice and conflict. They also provided the Commission with insights into women's views as to how they wanted their suffering and pain redressed.

#### Reference 27 - 0.03% Coverage

The Commission was, however, concerned that while the women's hearings provided a safe space for women to tell their stories, the stories were therefore not heard by men or the general public. Women hearings were justifiable for the reasons suggested, but an opportunity was lost to reach out and educate men. Some of the men may have been insensitive to or ignorant of the experiences of women, including the impact of historical injustices.

91. But on a balance, the Commission's choice of holding women-only hearings was clearly the correct choice. Without the hearings the experience of the vast majority of women who engaged with the Commission would not have been captured. It is hoped that the inclusion of a detailed discussion in this Report of what was learned from those hearings will increase the awareness of men about the impact of injustices on women, and thus counter the adverse impacts of the exclusion of men from these hearings.

#### Reference 28 - 0.04% Coverage

##### Volume I Chapter THREE Conducting Women's Hearings

92. Women's Hearings were presided over by female Commissioners and female staff of the Commission. The proceedings of the hearing were recorded verbatim. Translation services were provided to allow participants to freely communicate in the language of their choice. Prior to the hearings and with the financial support of UN Women, civic education was conducted to create awareness about the hearings amongst women and to encourage their participation. Women were encouraged to attend and participate in the hearings through announcements at local markets, and local radio stations. Leaders of community based organizations encouraged women to attend and to participate.

93. Counsellors using group sessions prepared women to give their testimonies prior to the start of hearings. They were informed of what to expect during the hearing and reassured of the confidentiality of the process. Before the start of the hearings they were invited to perform songs and dances. The Commissioners and staff of the Commission always joined in the singing and dancing, a gesture that fostered confidence and trust among the women and created an atmosphere conducive for the candid and open conversations that ensued.

#### Reference 29 - 0.03% Coverage

The hearings were conducted in all regions of the country and were attended by more than 1000 women with an average of 60 women in each hearing. The majority of the women expressed appreciation for the opportunity to speak about issues that they had hitherto not spoken about in public and in some cases, had not even spoken about in private.

Box 1 Comments by an independent observer regarding women's hearing held in Garissa

I informally write to commend, congratulate you and encourage you to continue doing a great job as you have been doing at the public hearings and as very well demonstrated this morning with the women's private hearings.

Kindly allow me to briefly share my experience today with you on two particular areas I observed: managing of the day's women's hearing and strong concluding remarks.

#### Reference 30 - 0.02% Coverage

Today, you two [Commissioner Tecla Namachanja and Secretary Patricia Nyaundi], supported by your team, really managed the hearings well, and demonstrated very high level [of] cultural and emotional intelligence. You connected with the women participants very well in the morning session, and set the mood and atmosphere right for the women to openly share and narrate their experiences,

I wish to commend you, [firstly], on how you managed the hearings. I observed the following positive things i) Letting the women sing and dance to their favourite choice songs at the beginning (and also at the end), let them psychologically relax and start bonding as the women-folk gathered for the same agenda.

#### Reference 31 - 0.03% Coverage

Secondly, the other notable observations to which I wish to extend my compliments, was in your very strong closing remarks. i) Helping the women understand the TJRC process and timeframe so as not to raise high expectations by giving the assurance that the recommendations and actions will not be immediate, but will be included in the TJRC final report, which will also take time and will come at the end of the process of public hearings around the country ii) Explaining that healing in the period after the TJRC is equally important and must continue; by inviting the women to continue [the process] amongst themselves [by] telling or narrating their traumatic stories in an environment where they can be comfortably vulnerable enough to allow for the healing process and with the support of CBOs and NGOs, [and to] even write these stories for record.

#### Reference 32 - 0.01% Coverage

encouraging those women who did not have a chance to record their statements or have a memorandum written to do so and leaving a token (TJRC 'kikoy') of appreciation for participants for taking time to support TJRC.

#### Reference 33 - 0.03% Coverage

96. As a stopgap measure the Commission established a referral mechanism. Thus, where women raised issues which could be redressed immediately by a specific government department or ministry or organisation, they were referred to these institutions and also advised on how to access them. For example, women with disabilities were referred to the National Council for Persons with Disabilities where they were registered and found information on how to access the National Development Fund for Persons with Disability.

97. Women seeking to access credit were referred to the Women's Enterprise Fund while those with matters relating to child maintenance were referred to the Ministry of Gender, Children and Social Development. Others were referred to civil society organisations for pro bono legal services amongst other services.

#### Reference 34 - 0.02% Coverage

In a few instances, the Commission in collaboration with organisations such as the Jaipur Foot Project provided direct support. This included the provision of wheelchairs and white canes for witnesses with disability. Similarly, women who were found to be suffering from prolonged post traumatic stress disorder were provided with treatment as part of a project funded by AMREF and implemented in conjunction with the Kenyatta National Hospital and local district hospitals.

#### Reference 35 - 0.03% Coverage

105. The feedback sessions involved showing a video summarising individual and women's hearings in the Northern region of Kenya and another video showing proceedings of the AMP hearings in Nairobi. The sessions began with a moderator explaining the Commission's mandate and process, including what would possibly happen to AMPs (for example, the possibility that they would be named in this Report or recommendation made for their prosecution). After viewing the two videos, a public dialogue designed to get feedback from the audience and to answer questions followed.

106. Attendance at the sessions in Wajir County was high with audiences ranging from 150 to 300 people (Women constituted between 20% and 50% of the audience). In Garissa County, the attendance was much lower, with audiences between 15 and 35 people, with women constituting 20% of the audience.

#### Reference 36 - 0.02% Coverage

114. The Commission held a total of 14 thematic hearings focusing on the following subjects: ☐ Access to justice; ☐ Economic marginalisation and minorities; ☐ Land; ☐ Armed militia groups; ☐ Prisons and detention centres; ☐ Torture; ☐ Ethnic tensions and violence; ☐ The 1982 attempted coup; ☐ Security agencies, extra-judicial killings and massacres; ☐ Persons with disabilities (PWDs); ☐ Women; ☐ Children; ☐ Internally Displaced Persons (IDPs); and ☐ Political assassinations.

#### Reference 37 - 0.03% Coverage

They challenged the process of nominating the Commissioners arguing that, contrary to the provisions of the TJR Act, the Selection Panel that was responsible for their nomination was not properly constituted. In particular, they argued that representatives of the Episcopal Conference of Kenya, the National Council of Christian Churches of Kenya and the Federation of Kenya Women Lawyers had not participated in the selection process. The Court found this contention lacked merit in part because some of these organisations were in fact represented in the selection process and the absence of specific religious organisations did not invalidate the process. Those organisations participated in a process by which the two religious organisations among them were represented on the panel.

#### Reference 38 - 0.01% Coverage

Tecla Namachanja is a peace builder and community social worker experienced in conflict management, transformation and peace building across the region. Commissioner Wanjala is one of the three women recognized as Pillars of Peace for intervening in the Kenya's 1991-92 and 1997 ethnic clashes and is globally recognized as one of the 1,000 women nominees for the 2005 Nobel Peace Prize.

#### Reference 39 - 0.03% Coverage

and refugees from the E. Horn and Central Africa. From 2002 she managed the Refugee Status Determination (RSD) exercise for Eritrean refugees in Gedaref, North Eastern Sudan. Working with various human rights NGOs has honed her skills – she has facilitated civic education workshops, developed concept papers and been an observer in the 1997 Kenya General Elections. The Institute for Education in Democracy, FIDA-Kenya, a women's NGO with UN observer status, and the Education Centre for Women in Democracy are among the NGOs she has consulted with. Also, while chairing Young Career Women (Kenya), affiliated to the International Federation of Business and Professional Women, Commissioner Shava spearheaded strategic planning of the organisation's programmes, expanding their existing programme of educating girls from poor families.

#### Reference 40 - 0.01% Coverage

- Experience shows that some people, especially women, testify about violations of human rights that happened to family members or friends, but they are less willing to speak of their own suffering. Please don't forget to tell us what happened to you yourself if you were the victim of a gross human rights abuse.

#### Reference 41 - 0.01% Coverage

There is often the belief/perception that women in Kenya have suffered marginalisation, especially economic marginalisation. What is your understanding of (economic) marginalisation?

#### Reference 42 - 0.02% Coverage

a Kikuyu woman, came to the window and told my wife: 'Let me escort you because women are not being attacked. Can I escort you with the children to the police station?' [...] [My wife] requested her to tell the police where we were. The lady came to our house and informed us that the police were outside. So we were rescued by the police [TJRC/Hansard/In-Camera Hearing/ Naivasha/27 September 2011] The Commission wishes to recognize these brave Kenyans and hopes that their examples

#### Reference 43 - 0.02% Coverage

an account of his experiences at the Kowop camp in Samburu District, paints a picture of ethnic stereotyping during the colonial days: The Turkana said that they had been told by the District Commissioner that we Kikuyu were very disgusting people whose custom it was to eat the breasts of our women and even the embryos of children in the womb. Any Turkana or Samburu who brought him the head of an escaped detainee would be rewarded with posho (food), sugar and tea.<sup>32</sup>

#### Reference 44 - 0.03% Coverage

I was removed from class in 1969. I was in Standard Four. There was tension but I could not understand whether it was in the whole country. Afterwards, I understood that it affected Central Province. We were taken through the rituals of the Kikuyu. It was called “oathing”. So, I have grown up knowing that Kenya is just for one tribe. I remember that I was in Standard Four. I could not understand, as the women of Central Province, why we were being told that we should not get married to men from other tribes, and especially the Luo community. In that ritual, my agemates did not want to speak about that particular issue. That is what caused confusion among us. We lived in a dilemma as we grew up and brought up our children. We were not free to speak to our children about the source of our differences with other people.<sup>49</sup>

#### Reference 45 - 0.04% Coverage

This policy of willing-buyer, willing-seller would benefit mainly people who could access financial resources. Somebody advised the people from Central Province that the best thing to do is to form land buying companies. The land buying companies were formed. They included the Ngwataniro, Nyakinyua and Mabati group. The Mabati Group meant a group of women helping one another to roof their houses and so on, but they also became land buying groups. They were assisted by the state and, therefore, the feeling of preferential access and the resentment that accompanied that. It continued under the leadership of the then Minister for Lands and Settlement, throughout the 1960s into the 1970s. But there would be a change in late 1970s, after Mzee died and Moi came into power. He inherited the Kenyatta infrastructure of governance and promised that he would follow his footsteps. He did by and large, but on the issue of land, which actually took place under his watch as the Vice-President, soon after he came into power, he completely disorganized the land buying companies and disbanded them, but I thought that it was too late at that time.<sup>76</sup>

#### Reference 46 - 0.02% Coverage

49. Mr. Serut’s support for the “Yes” camp (symbolized by a banana, “No” by an orange) was unabashed. He traversed Mount Elgon enthusiastically campaigning for a variety of social and ideological reasons: I told them to vote for “Yes”. The issue of women marrying women and men marrying men; these were allegations and did not exist in that draft. Whether it was called the Wako Draft or whatever draft, it was none of our business! That is what I told my people as a leader. I told them that they did not elect me to Parliament to go eat and forget them. I had to guide them.<sup>41</sup>

#### Reference 47 - 0.03% Coverage

threatened, apparently, after refusing to step down for Mr. Kapondi. Various ODM civic aspirants including Moses Makoit of Cheptais ward and Nathan Warsama of Sasur ward and Benson Chesiskaki of Emai ward were all said to have benefited from SLDF-orchestrated violence. Claims have also been made that SLDF elements contributed to help Mr. Kapondi raise 100 000 shilling nomination fees required for contesting the ODM ticket. Mr. Kapondi’s legal proceedings in Webuye have also been described as an opportunity for the SLDF to demonstrate its support for him. Militiamen supposedly showed up almost every day to listen to the hearings. Mount Elgon women were also forced to attend and to sing, dance and ululate: All the ladies would be picked up by force to go to Webuye to listen to Mheshimiwa’s case. They would want you to sing and do all things on the road. We were being monitored by the SLDF. Matakwei would call and ask how we were performing.<sup>52</sup>

#### Reference 48 - 0.01% Coverage

There was uproar in the House. Mr. Raila Odinga and Mr. Charles Keter rose on points of order asking Mr. Serut to substantiate his utterances. Jebii Kilimo and Franklin Bett took issue with Serut’s comment noting that they had gone to the area to address the plight of suffering women and children. Mr. Ruto too was having none of it. He jumped to his feet to describe Mr. Serut as ‘a person who pretends’.<sup>55</sup>

#### Reference 49 - 0.01% Coverage

women and girls, indiscriminate arrests, extortion, and killings at the hands of the police.<sup>129</sup>

#### Reference 50 - 0.04% Coverage

35. While some of the victims were categorical that the individual perpetrators should seek forgiveness or offer an apology, others like Mr. Gregory Onyuro, extended the demand for an apology to the government and various government departments, for their inability to protect the victims from violations when the same occurred. There should be proper civic education conducted to all our communities so that they understand issues. Secondly, parliamentarians should sit down and apologize to Kenyans. Thirdly, we need to look for a donor who will empower the youth and all those who were affected during the violence [...] We would like the President and the Prime Minister to come to Nyanza Province and talk to the IDPs in this region. They need to tell us that they are in power because of us. They need to apologize to us. This is because they are earning while we are suffering. Look at me here. I urinate here. I smell urine just because of post-election violence and I cannot perform sexually because of the postelection violence. How do you think my family feels? My children cannot go to school. They will now turn into thieves because I cannot help them. Women are becoming prostitutes! I want the President to come to Nyanza Province and apologize because my vote made him to be the President!<sup>19</sup>

#### Reference 51 - 0.01% Coverage

□ The National Gender and Equality Commission, which has the mandate to promote and protect the rights of minority and vulnerable groups, including women and marginalized groups;

#### Reference 52 - 0.02% Coverage

The Commission finds that Northern Kenya (comprised of the former North Eastern Province, Upper Eastern and North Rift) has been the epicenter of gross violations of human rights by state security agencies. Almost without exception, security operations in Northern Kenya have been accompanied by massacres of largely innocent citizens, systematic and widespread torture, rape and sexual violence of girls and women, looting and burning of property, and the killing and confiscation of cattle and other livestock.

#### Reference 53 - 0.01% Coverage

The Commission finds that women and girls have been the subject of statesanctioned systematic discrimination. Although discrimination against women and girls is rooted in patriarchal cultural practices, the state has traditionally failed to curb harmful traditional practices that affect women's enjoyment of human rights.

#### Reference 54 - 0.01% Coverage

seized their women and routinely whipped men. The Commission finds that such coercive authority, supervised and approved by the colonial administration, explains the intense hatred for chiefs and the provincial administration in general, even in the post-colonial period.

#### Reference 55 - 0.01% Coverage

41. Although the British administration was responsible for atrocities during the emergency years, the Mau Mau also committed atrocities against those they perceived as local beneficiaries of colonial power, in effect turning neighbours and relatives against each other. Contrary to African customs and values, the Mau Mau assaulted old people, women and children.

#### Reference 56 - 0.01% Coverage

The Commission finds that violations against women were widespread and systematic. These violations included rape and other forms of sexual violence. The Commission received evidence that women were held as sexual slaves by members of the Kenyan Army. The Commission rejects the prevailing official view that sexual violence during the Shifta War was infrequent and isolated.

#### Reference 57 - 0.01% Coverage

The Commission finds that the Bulla Karatasi Massacre, and the detention, torture, rape and sexual violation of women, burning of houses and the looting of property, was a systematic attack against a civilian population and thus qualifies as a crime against humanity.

**Reference 58 - 0.03% Coverage**

The Commission finds that the conduct of Benson Kaaria and G.G. Kariuki, both of whom appeared before the Commission, is consistent with the official denials and deflections that followed in the aftermath of the Bulla Karatasi Massacre. Before the Commission, Benson Kaaria repeatedly asserted that the Bulla Karatasi operation did not result in any deaths nor were any women raped or otherwise sexually violated. Similarly, G.G. Kariuki denied knowledge of any deaths or rapes. The Commission finds that members of the North Eastern Provincial Security Committee and the Garissa District Security Committee and the Minister of Internal Security at the time of the Bulla Karatasi Massacre are unfit to hold public office in Kenya's new constitutional order.

**Reference 59 - 0.01% Coverage**

The Commission finds that the 1981 security operation in Malka Mari, Mandera, resulted in the massacre of hundreds of individuals. During the security operation, women were raped and were subsequently shunned in the community. Others suffered serious injuries, including the loss of limbs.

**Reference 60 - 0.03% Coverage**

151. The Commission finds that sexual violence against women was rampant during forceful evictions conducted by the state and/or its agents. In one particular case, the Commission received about 30 statements from women who were raped in Kitui during an eviction referred to as 'Kavamba operation'.

152. The Commission finds that there is sufficient evidence implicating British soldiers for the rape and sexual violation of women in Samburu and Laikipia between the 1980s to early 2000. In October 1997, for example, soldiers attached to the British Regiment of Gurkhas were stationed in Archers Post not only attacked and raped about 30 women but also sodomised. As a result of the rapes, some Samburu or Maasai women now have children of Gurkhas or British origin. These children now face social stigma in the local community.

**Reference 61 - 0.03% Coverage**

155. The Commission further finds that of all the cases of sexual violence committed during conflict, the majority of them were committed by state security agents, primarily by the General Service Unit (GSU), the Kenya Police, the Administration Police, the Anti Stock Theft Unit, as well as the Kenya military. The Commission further finds that state security-led interventions in situations of conflict were the single most important cause of sexual violations including gang rape and sexual torture. Security agents used sexual violence as a weapon to terrorise, suppress, intimidate and humiliate communities, and they not only actively committed atrocities of a sexual nature, but also failed in their duty to ensure the security and protection of citizens, particularly women and girls.

**Reference 62 - 0.01% Coverage**

157. The Commission finds that contrary to the traditional belief that women and girls are the sole victims of sexual violence, men and boys have also been targeted. Unfortunately, reporting on sexual violence against men has been low compared to that of women and girls. Further, persons with disability have also been targeted.

**Reference 63 - 0.02% Coverage**

The Commission recommends the establishment of a gender violence recovery center in every county. Such a center shall serve as a one-stop centre for provision of comprehensive services for victims and survivors of sexual violence including medical and counseling services. Investigators trained in the investigation of sexual violence should also be permanently stationed in such a center. In respect to this recommendation, the governments may borrow good practices and lessons from South Africa's thuthuzela care centers and the Nairobi Women's Hospital.

**Reference 64 - 0.02% Coverage**



The Commission recommends the prosecution of Nganda Nyenze who allegedly planned, supervised or was otherwise involved in the Kavamba Operation in which women were raped and/or sexually violated. The Commission recommends that the British government apologizes for sexual violence committed against women in Samburu and Laikipia by British soldiers. The Commission recommends that the Kenyan Government considers entering into negotiations with the British government with a view to seeking compensation for victims of sexual violence committed by British soldiers in Samburu and Laikipia.

#### Reference 65 - 0.07% Coverage

##### Volume IV Chapter ONE Women

169. The Commission finds that throughout the mandate period, women did not enjoy equal status with men. This is largely attributed to patriarchal customary norms and practices which relegated women to a subordinate status. These norms and practices, many of which still remain pervasive today, include disinheritance, preference for boys, polygamy, payment of dowry, cultural traditions relating to burial, early and forced marriages, chastisement of wives, female genital mutilation and widow inheritance. These norms and practices have, over the years, not only been entrenched but were also protected and permitted by legislation and sanctioned by the state itself.

170. The Commission finds that despite Kenya having ratified many international human rights instruments and having enacted various domestic laws that promote the rights of women, the existence of structural and systematic discrimination against women by the state itself prevented women from fully enjoying their rights. Some laws were manifestly discriminatory whereas others were discriminatory in their effects. Other laws such as the Judicature Act sanctioned customary practices which were manifestly discriminatory.

171. The Commission finds that although there have been deliberate constitutional, legislative and institutional reforms aimed at tackling gender discrimination in the country, thereby gradually advancing the rights of women in several spheres, women continue to be the subject of deeply rooted discriminatory norms and practices.

172. The Commission finds that violations of human rights have had greater consequences for the most vulnerable amongst women. These include: women with disabilities, women living with HIV/Aids, women in the rural areas and women from minority and indigenous communities. Moreover, economic marginalization of specific parts of the country has further marginalised women living in these regions.

#### Reference 66 - 0.01% Coverage

174. The Commission finds that although violence against women is prevalent during peacetime, it escalated during conflict and episodes of generalised violence, during which time women were specific targets of heinous crimes and violence including rape and sexual violence.,.

#### Reference 67 - 0.09% Coverage

176. The Commission finds that violation of women's reproductive health is widespread and rampant. Many women are unable to access health facilities because of poverty. In many parts of the country, health facilities are physically inaccessible and women opt to give birth at home. The Commission further finds that the delivery of health services around the country does not take into account local cultural norms about health.

177. The Commission finds that although awareness on the subject of HIV/AIDS has permeated most parts of the country, discrimination and social stigma is still relatively common. Many HIV positive women are routinely evicted from their matrimonial homes after the death of their spouses. Moreover, patriarchal social norms make it difficult for women to exercise autonomy over matters of sex, and specifically, to negotiate safe sex.

178. The Commission finds that although the government has taken positive steps to address the nation's HIV epidemic, the rights of women living with and affected by HIV continue to be violated. These violations include: failure to seek informed consent before HIV-testing; breach of confidentiality and lack of proper disclosure; inadequate pre- and post-testing counseling; inadequate PMTCT and postpartum counseling; lack of medical attention or inattentive medical staff; lack of equipment, supplies, infrastructure, and hygienic conditions; and mistreatment and harassment in seeking delivery of services.

179. The Commission finds that although men were the predominant victims of repressive and authoritarian means employed by the state, women were also victims, both as primary and secondary victims. As primary victims, scores of women, especially politicians, academics or human rights activists, and female Members of Parliament who were vocal in their opposition to repressive rule in both Kenyatta's and Moi's administrations, were often detained,

tortured and subjected to politically motivated charges. As secondary victims of state repression, many women were widowed after their husbands were killed in security operations or died in police custody after undergoing torture. Some were subsequently thrown into destitution following the detention or death of their spouses.

180. The Commission further finds that although men were the main active agents of President Kenyatta's and President Moi's repressive governments, some women were also involved in the perpetuation of gross violations of human rights.

#### Reference 68 - 0.04% Coverage

181. The Commission finds that women constitute the majority of the poor, a situation that has been aggravated by various factors that range from their lack of access to productive resources (mainly land) and the labour markets.

182. The Commission finds that discrimination against women in the workplace remains despite years of concerted efforts to ensure that men and women are treated equally. Women with disabilities particularly find it difficult to access employment opportunities.

183. The Commission finds that throughout the history of Kenya, women have had limited access to education opportunities. During the colonial period, when formal schooling was introduced, it is boys rather than girls who were encouraged to join. When girls were allowed to go to school, it was not without resistance from communities, which invariably perceived the new education offered by missionaries as informed by the bad intentions of 'spoiling' good girls. The education offered to girls by colonial schools and later by schools in independent Kenya was not completely progressive either. The syllabus was designed to nurture girls' domestic roles as wives and mothers

#### Reference 69 - 0.02% Coverage

185. The Commission also finds that girls' and women's limited access to education has strong and direct linkages with the multiple violations and abuses that they routinely suffer.

186. The Commission finds that although women are the majority of the population, they continue to be excluded in public spaces of influence and decision-making due to various factors, chief amongst which are cultural notions pertaining to the role and place of women and men in society. Discrimination against women and their exclusion in decision-making processes is also rampant and sanctioned

#### Reference 70 - 0.02% Coverage

in religious institutions. Further, many women who aspire to be leaders lack the requisite resources to undertake political campaigns and have also been subjected to violence or threat of it.

187. The Commission finds that the Mt. Elgon Conflict and the subsequent security operation (Operation Okoa Operation) had a particularly devastating impact for women. In this regard, a vivid impact of the conflict and Operation Okoa Maisha is the huge numbers of widows (approximately more than 300) in Mt. Elgon whose husbands were killed or forcefully disappeared during the conflict.

#### Reference 71 - 0.03% Coverage

189. The Commission finds that rape and sexual violence against women was routinely committed by SLDF members during attacks at homes and in their hideouts in the forest. In many cases, these heinous acts were witnessed by family members, including children. Moreover, sexual violence was often accompanied by other forms of inhuman and degrading treatment.

190. The majority of Mt. Elgon women were sexually violated by SLDF members. However, state security agents – police and military officers – were also responsible for sexual violence during the entire period of Operation Okoa Maisha.

191. The Commission confirms the findings of the Commission of Inquiry into the Post Election Violence (CIPEV) in respect of experiences of and violations suffered by women during the 2007/2008 Post-Election Violence:

#### Reference 72 - 0.02% Coverage

□ Many women were raped and sexually violated during the PEV; □ Women were disproportionately affected by the PEV, including the fact that they constituted the largest percentage of internally displaced persons

192. The Commission finds that the state's response to the plight and needs of internally displaced women generated by the 2007/2008 Post-Election Violence was less than satisfactory. The resettlement programme, Operation Rudi Nyumbani, did not cater for the particular needs or interests of women. A considerable number of

#### Reference 73 - 0.04% Coverage

women received neither the start-up capital nor the payment in lieu of housing. In certain cases, women were discriminated against in the registration process.

193. The Commission finds that Kenyan refugee women in Uganda (as is the case with refugee men and children) experience discrimination on the basis of their nationality. Due to their inability to speak the local language, Kenyan refugees find it difficult to access public services, especially medical and health care services.

194. On the question of returning to Kenya, statistics availed to the Commission by the Office of the United Nations High Commissioner for Refugees revealed that the majority of Kenyan refugees (60 percent) were not willing to return to Kenya. The Commission's visit and hearing at Kiryandongo Refugee Camp in Uganda revealed that many women have found themselves in a dilemma as to whether they should return or not. While some women were willing to return, their husbands were not. As such, these women could not return to Kenya without straining or breaking up their marriages.

#### Reference 74 - 0.02% Coverage

The Commission recommends that the President, within six months of the issuance of this Report, offers a public and unconditional apology for states' sanction of discrimination against women during the mandate period.

The Commission recommends that the Gender and Equality Commission steps up measures to raise awareness about harmful cultural practices that adversely affect women's enjoyment of human rights.

The Commission recommends that the Attorney General and Parliament expedites the enactment of the following bills relating to women's rights: Marriage Bill, 2007; Matrimonial Property Bill, 2007; Family Protection Bill, 2007; Equal Opportunities Bill, 2007

#### Reference 75 - 0.01% Coverage

217. The state failed to protect minority and indigenous women and girls from violence and harmful traditional practices that undermine their fundamental rights to personal integrity, health, and dignity.

#### Reference 76 - 0.07% Coverage

The Commission recommends that the President, within six months of the issuance of this Report, issues an official, public and unconditional apology to minority and indigenous communities in Kenya for the state's systematic discrimination against these groups and communities during the mandate period. The Commission recommends that obstacles experienced by minority groups such as members of Somali and Nubian ethnic communities in accessing the national identity cards be removed within 12 months of issuance of this Report. The Commission recommends that the Kenya Law Reform Commission examines all Kenyan legislation to ensure that it does not result in de jure or de facto discrimination against minority groups. In consultation with minority and indigenous groups, develop national legislation governing state-sponsored or private development programs that requires free-prior and informed consent of affected communities and that includes specific guidelines as to how to engage in a process of consultation with communities. The Commission recommends that the government develops a plan on data collection and disaggregation on minority and indigenous communities, with special attention to ensuring disaggregation of data related to minority and indigenous women. The process shall incorporate the principles of the United Nations Expert Workshop on Data Collection and Disaggregation for Indigenous Peoples. The Commission recommends the release and implementation by the Government of the recommendations of the Presidential Special Action Committee to Address Specific Concerns of the Muslim Community in Regard to Alleged Harassment and/or Discrimination in the Application/Enforcement of the Law. The recommendations of the Special Action Committee related to the following seven areas: citizenship and registration of persons; security; access to and administration of justice; lands; education; representation and participation; and development and investment.

#### Reference 77 - 0.01% Coverage

257. Corruption has a disproportionate impact on vulnerable groups such as the poor, minorities and indigenous people, women, children, persons with disabilities, people living with HIV/AIDS, refugees and internally displaced persons, and prisoners. Members of these groups are more and are less able to defend themselves.

**Reference 78 - 0.01% Coverage**

Equitable representation of women in all land dispute tribunals in accordance with the Constitution

**Reference 79 - 0.02% Coverage**

outreach and awareness campaign through the development of a transparent and comprehensive outreach plan in consultation with relevant government bodies, civil society groups, and victim representatives. The plan will be publicly available for comment and input and will specify measures of cooperation with local organizations and victim advocacy groups, as well as measures to reach out to women and girls, persons with disabilities, people living with HIV/AIDS, minorities and marginalized communities who have traditionally been excluded from public life. The Committee's Outreach Strategy should be carefully conceptualized so as to:

**Reference 80 - 0.01% Coverage**

Each unit will make an assessment of its staffing and support needs based on its functions. Moreover, each unit should include a gender focal point to ensure equal access for women in the reparations process. The Implementation Committee will then assess the capability of relevant existing structures to provide services and staff

**Reference 81 - 0.03% Coverage**

access to a process in which they can collectively decide upon the use of the reparations funds for the community. A wide range of measures or combination of measures can be envisaged; examples are a library for the community, a micro-credit facility, a psychosocial service, or a child-care service for women at work. In principle, the focus of the Commission's recommendations for this socio-economic collective reparation measure does not lie with the substance. The Commission's recommendations focus on the process to be followed by the community to arrive at the determination of socio-economic reparation measures. The final measures should however be guided by the principles of non-discrimination, fairness and equality.

**Reference 82 - 0.01% Coverage**

☐ The information process specifically targets inclusion of women and children.

**Reference 83 - 0.01% Coverage**

☐ The independent voices of most affected persons in the community (e.g. women, children or persons with disabilities, as the case may be) must be included in the consultation.<sup>12</sup>

**Reference 84 - 0.02% Coverage**

The Implementation Committee will determine the principles for qualified majority decision making thresholds for specific situations. For example, when women or girls particularly suffered from the violations being addressed, a qualified majority decision making means that at least a high percentage of the people in favour of the measures must be female. Another example would be the approval by a minimum percentage of persons with disabilities in cases where the measure responds to an event that has caused a lot of physical impairment. Modern technology or community practices can be used when expressing support or non-support (e.g. SMS voting systems or community information boards).

**Reference 85 - 0.01% Coverage**

February, 1989 where lives were lost, women raped, property lost.

## Child Node References to Women

The following section contains history references from the Kenya report organized by the child nodes outlined in Coding Women for the Kenya Report. Some references appear under several subheadings since they contained discussions of multiple themes.

### *Colonialism*

References or discussions of colonialism

<Files\\Truth Commission Reports\\Africa\\Kenya-TJRC\_Volume\_1-4> - § 5 references coded [0.10% Coverage]

#### Reference 1 - 0.02% Coverage

Few events in Kenya's history are as memorable as the Independence Day celebrations across the country on 12 December 1963 when British colonial rule came to an end. The joy, pride, excitement and euphoria witnessed that Thursday morning was unprecedented. Independence was made possible by the gallant Kenyan men and women who risked and sacrificed their lives and limbs fighting for freedom from colonial rule. With relentless courage they fought and died, not only for their own freedom, but also for the freedom of their children and their children's children – the generations not yet born.

5.

#### Reference 2 - 0.02% Coverage

an account of his experiences at the Kowop camp in Samburu District, paints a picture of ethnic stereotyping during the colonial days: The Turkana said that they had been told by the District Commissioner that we Kikuyu were very disgusting people whose custom it was to eat the breasts of our women and even the embryos of children in the womb. Any Turkana or Samburu who brought him the head of an escaped detainee would be rewarded with posho (food), sugar and tea.<sup>32</sup>

#### Reference 3 - 0.01% Coverage

seized their women and routinely whipped men. The Commission finds that such coercive authority, supervised and approved by the colonial administration, explains the intense hatred for chiefs and the provincial administration in general, even in the post-colonial period.

#### Reference 4 - 0.01% Coverage

41. Although the British administration was responsible for atrocities during the emergency years, the Mau Mau also committed atrocities against those they perceived as local beneficiaries of colonial power, in effect turning neighbours and relatives against each other. Contrary to African customs and values, the Mau Mau assaulted old people, women and children.

#### Reference 5 - 0.04% Coverage

181. The Commission finds that women constitute the majority of the poor, a situation that has been aggravated by various factors that range from their lack of access to productive resources (mainly land) and the labour markets.  
182. The Commission finds that discrimination against women in the workplace remains despite years of concerted efforts to ensure that men and women are treated equally. Women with disabilities particularly find it difficult to access employment opportunities.

183. The Commission finds that throughout the history of Kenya, women have had limited access to education opportunities. During the colonial period, when formal schooling was introduced, it is boys rather than girls who were encouraged to join. When girls were allowed to go to school, it was not without resistance from communities, which invariably perceived the new education offered by missionaries as informed by the bad intentions of

‘spoiling’ good girls. The education offered to girls by colonial schools and later by schools in independent Kenya was not completely progressive either. The syllabus was designed to nurture girls’ domestic roles as wives and mothers

## *Truth Commission*

References or discussions of measures taken the by the Kenyan Truth Commission and its findings

<Files\\Truth Commission Reports\\Africa\\Kenya-TJRC\_Volume\_1-4> - § 34 references coded [0.97% Coverage]

### Reference 1 - 0.03% Coverage

The work of the Commission was structured into four mutual and overlapping phases: statement-taking, research and investigations, hearings and report writing. Staff at all levels were trained and prepared for their various roles to ensure that they were sensitive and observed confidentiality of all those who gave testimony to the Commission. The Commission also carried out civic education and outreach activities in partnership with civic organisations and community based bodies to permit full and active public participation in its work and processes. Gender equality was a priority in staff composition at all levels and was particularly important as a means of ensuring that men and women felt comfortable testifying before the Commission. To decentralise its presence and reach out to as many Kenyans as possible, the Commission established regional offices in Eldoret, Garissa, Kisumu and Mombasa.

### Reference 2 - 0.01% Coverage

□ The Commission finds that women and girls have been the subject of state sanctioned systematic discrimination in all spheres of their life. Although discrimination against women and girls is rooted in patriarchal cultural practices, the state has traditionally failed to curb harmful traditional practices that affect women's enjoyment of human rights.

### Reference 3 - 0.02% Coverage

Volume IIC focuses on the stories and narratives of groups of people that are provided special protection under domestic and international law because of a history of discrimination and oppression. These are: women, children and minority and indigenous people. Historically members of these groups were not recognized as having the same rights as others. The drafters of the TJR Act clearly had such history in mind, and empowered the Commission to put in place special arrangements and adopt specific mechanisms for addressing the experience of historically vulnerable populations. The Commission thus established a Special Support Unit that focused

### Reference 4 - 0.03% Coverage

#### Women

Men and women experience violations of human rights and injustices differently. Building on the provisions of the TJR Act, the Commission adopted policies and took measures that ensured that the experiences of and violations suffered by women were appropriately and comprehensively covered both in its work and this Report. These policies and measures related to the Commission's statement-taking process, hearings, focus group discussions, and other activities undertaken by the Commission.

Perhaps most importantly, the Commission held separate hearings for women in order to encourage women to speak about their own experiences. The women's hearings were framed as 'conversations with women'. They were presided over by female Commissioners and staff, and were thus designed to be safe spaces where women could freely talk about violations that were specific to them. The women's

### Reference 5 - 0.09% Coverage

hearings were conducted in all regions of the country. In total, over 1000 women attended the women's hearings across the country, with an average of 60 women in each hearing.

The Commission's chapter on gender deliberately focuses on the various injustices that women faced during the mandate period. Although women have always constituted half of Kenya's population, they have been traditionally relegated to a subordinate status by patriarchal cultural norms and practices. Harmful traditional practices in Kenya include, amongst others, preference for male children, early or forced marriages, wife beating, female genital mutilation and widow inheritance. These norms were normal and sanctioned by law in the greater period covered by

the Commission's mandate. As such the Commission has found that women were the subject of systematic discrimination and/or gender-based persecution throughout the mandate period. An important finding made by the Commission is that in situations of conflicts women are specific targets of violence, particularly sexual violence which is often accompanied by other forms of violations. The Commission has documented atrocities committed against women during the following three selected conflicts: Mau Mau War; Mount Elgon conflict and the 2007/2008 Post-Election Violence. Conflicts always result in the forced displacement of populations. The Commission's hearings revealed that the state's response to the plight and needs of internally displaced women was less than satisfactory. Generally, the state's response fell short of its obligations as stipulated in relevant human rights instruments. Although most women who testified before the Commission were victims of displacement occasioned by the 2007/2008 PEV, many of them had been victims of prior evictions and displacement. During the PEV, women suffered violations during flight to the camps or to places where they hoped they would find refuge. On resettlement of IDPs under Operation Rudi Nyumbani, the Commission's hearings revealed that the corruption and mismanagement which marred the entire process had a particularly devastating impact on women. A considerable number of displaced women told the Commission that they received neither the start-up capital nor the payment in lieu of housing. Kenyan Refugee women in Uganda face a peculiar problem. During its women's hearings, it became evident that many women found themselves in a dilemma as to whether they should return to Kenya or not. While some women were willing to return, their husbands were not. As such, they could not return to Kenya without straining or breaking

#### Reference 6 - 0.02% Coverage

its appointments were made with regard to the principle of gender equality. The Commission maintained a gender balance in its staff composition, not simply in keeping with a statutory requirement, but more importantly because it wished to ensure that women accessed its processes with relative ease. Studies and the experience of truth commissions have shown that having more women on staff may make a commission less alienating for female victims.<sup>40</sup>

#### Reference 7 - 0.02% Coverage

To ensure that it lived up both to its own expectations and those of the TJR Act, the Commission periodically assessed its staff composition in terms of gender. Throughout the life of the Commission, the representation of women in its staff body was consistently above 40 percent. At the decision making level, the Commission was led by a female Chief Executive Officer from February 2010 to September 2012, and the ratio of female decision-makers

#### Reference 8 - 0.02% Coverage

To ensure inclusiveness in its civic education and outreach activities, the Commission organised special workshops and meetings that created space and a conducive atmosphere for expression and discussion of the various experiences of specific vulnerable groups. Such forums were organised for women, youth, children, persons with disabilities, internally displaced persons, slum dwellers, squatters, evictees and survivors of particular episodes of human rights violations.

#### Reference 9 - 0.01% Coverage

□ the Commission learned from the experience of other truth commissions that women were less likely to give their statements to male Statement Takers. For this reason, as far as it was possible, statements from women were taken by female Statement Takers; and

#### Reference 10 - 0.02% Coverage

In November 2010, the Commission reviewed the statement-taking process in consultative meetings with CSOs based in all eight provinces. The review had a three-fold objective: to identify gaps and critical issues emanating from the statement taking process; to assess the quality of information received through the statement taking



process; to assess the level of participation of vulnerable groups (such as women, persons with disabilities, etc) in the process.

#### Reference 11 - 0.01% Coverage

The Commission started its hearings in mid-April 2011 in Garissa and concluded at the beginning of April 2012 in Nairobi. The Commission conducted three kinds of hearings: individual hearings, women's hearings and thematic hearings.

#### Reference 12 - 0.04% Coverage

Let me also take this opportunity to thank those who recorded statements with the Commission. In total, the Commission received over 30,000 statements and 300 memoranda. Because of time limitation and the nature of Truth Commissions, we shall not be able to conduct hearings for all the statements recorded. The Commission has, therefore, selected a few statements to conduct the hearings on what would give a global picture of the violations suffered by people from this region. In the next three days, for example, we shall hear testimonies on the history of events and violations in Mandera; violations suffered by women, testimonies on torture, marginalization, massacres, extrajudicial killings, detentions, loss of property, serious injuries suffered during postelection violence and police brutality. Although a few people will be giving testimonies concerning violations suffered in Mandera, most of you will relate with the testimonies shared because most of you have suffered similar violations. However, I want to assure you that every statement recorded will be part of the report when the Commission finishes its work.<sup>8</sup>

#### Reference 13 - 0.08% Coverage

Women's Hearings 85.

The participation of women and members of other vulnerable groups is a central pillar of any comprehensive and inclusive truth-seeking process. Experience has shown that due to gender stereotypes and cultural norms, women are unlikely to participate in public processes unless proactive measures are taken to encourage and facilitate such participation. In the absence of such measures in the past, Kenyan women had traditionally been left out of public processes that had shaped and defined the country's socio-political and economic policies including those policies that directly impacted their day to day lives.

86. Not surprisingly, the participation of women in public hearings conducted by the Makau Mutua Task Force to gather views as to whether Kenyans desired a truth commission was limited.

observation, suggesting as it did, that a truth commission established in accordance with its recommendations should pay particular attention to the participation of women in its processes:<sup>11</sup>

The Task Force was deeply concerned by the low numbers of women who turned up at its public hearings to make submissions. Although the Task Force encouraged the few women present to speak up, this problem will have to be addressed once the truth commission is set up so that the issues that are particular to women are adequately dealt with. Kenya, like most countries, has deeply embedded prejudices, policies, and traditions that have historically marginalised women and made them invisible in the public square. Discrimination against women, violence, rape, and patriarchy have consigned women to the margins of society. Human rights violations and the economic crimes committed by the state have a special gendered effect on women. That is why violations against women have disproportionately multiplied adverse effects and are rarely addressed. A truth commission must pay particular attention to the participation of women and the abuses perpetrated against them. Otherwise, a truth commission will have little or no beneficial value in addressing the plight of women.

87. Against this background, the Commission took measures to ensure the participation of women in its processes including in the hearings. Indeed, section 27(1) of the TJR Act permitted the Commission to put in place special arrangements and adopt specific mechanisms and procedures to address the experiences of, amongst others, women.

#### Reference 14 - 0.03% Coverage

In particular, the Commission conducted, alongside its public hearings, womenspecific hearings which were exclusively attended by women. The Commission was conscious of the fact that while some women were courageous enough to testify about traumatic events in front of a general public hearing, restricting women to these general public hearings only would have resulted in many women being reluctant to testify. Moreover, the decision

to conduct women-focused hearings was reinforced when a preliminary review at the conclusion of the statement-taking process showed that only one third of the total statements received were from women. In essence, women had not come forward to record statements in numbers proportionate to their representation in the general population.

#### Reference 15 - 0.02% Coverage

The hearings were framed as ‘conversations with women’. They were designed to and were safe spaces where women could freely talk about violations that were specific to them. The majority of women who attended the hearings felt comfortable sharing their most traumatic memories. The women’s hearings enabled the Commission to fill the gap identified in its data bank as well as to record violations specific to women. The hearings provided insights into women’s perspectives of experiencing injustice and conflict. They also provided the Commission with insights into women’s views as to how they wanted their suffering and pain redressed.

#### Reference 16 - 0.03% Coverage

The Commission was, however, concerned that while the women’s hearings provided a safe space for women to tell their stories, the stories were therefore not heard by men or the general public. Women hearings were justifiable for the reasons suggested, but an opportunity was lost to reach out and educate men. Some of the men may have been insensitive to or ignorant of the experiences of women, including the impact of historical injustices.

91. But on a balance, the Commission’s choice of holding women-only hearings was clearly the correct choice. Without the hearings the experience of the vast majority of women who engaged with the Commission would not have been captured. It is hoped that the inclusion of a detailed discussion in this Report of what was learned from those hearings will increase the awareness of men about the impact of injustices on women, and thus counter the adverse impacts of the exclusion of men from these hearings.

#### Reference 17 - 0.04% Coverage

##### Volume I Chapter THREE Conducting Women’s Hearings

92. Women’s Hearings were presided over by female Commissioners and female staff of the Commission. The proceedings of the hearing were recorded verbatim. Translation services were provided to allow participants to freely communicate in the language of their choice. Prior to the hearings and with the financial support of UN Women, civic education was conducted to create awareness about the hearings amongst women and to encourage their participation. Women were encouraged to attend and participate in the hearings through announcements at local markets, and local radio stations. Leaders of community based organizations encouraged women to attend and to participate.

93. Counsellors using group sessions prepared women to give their testimonies prior to the start of hearings. They were informed of what to expect during the hearing and reassured of the confidentiality of the process. Before the start of the hearings they were invited to perform songs and dances. The Commissioners and staff of the Commission always joined in the singing and dancing, a gesture that fostered confidence and trust among the women and created an atmosphere conducive for the candid and open conversations that ensued.

#### Reference 18 - 0.03% Coverage

The hearings were conducted in all regions of the country and were attended by more than 1000 women with an average of 60 women in each hearing. The majority of the women expressed appreciation for the opportunity to speak about issues that they had hitherto not spoken about in public and in some cases, had not even spoken about in private.

Box 1 Comments by an independent observer regarding women’s hearing held in Garissa

I informally write to commend, congratulate you and encourage you to continue doing a great job as you have been doing at the public hearings and as very well demonstrated this morning with the women's private hearings.

Kindly allow me to briefly share my experience today with you on two particular areas I observed: managing of the day's women's hearing and strong concluding remarks.

#### Reference 19 - 0.02% Coverage

##### Volume I Chapter THREE

Today, you two [Commissioner Tecla Namachanja and Secretary Patricia Nyaundi], supported by your team, really managed the hearings well, and demonstrated very high level [of] cultural and emotional intelligence. You connected with the women participants very well in the morning session, and set the mood and atmosphere right for the women to openly share and narrate their experiences, I wish to commend you, [firstly], on how you managed the hearings. I observed the following positive things] i) Letting the women sing and dance to their favourite choice songs at the beginning (and also at the end), let them psychologically relax and start bonding as the women-folk gathered for the same agenda.

#### Reference 20 - 0.03% Coverage

is the best

Secondly, the other notable observations to which I wish to extend my compliments, was in your very strong closing remarks. i) Helping the women understand the TJRC process and timeframe so as not to raise high expectations by giving the assurance that the recommendations and actions will not be immediate, but will be included in the TJRC final report, which will also take time and will come at the end of the process of public hearings around the country ii) Explaining that healing in the period after the TJRC is equally important and must continue; by inviting the women to continue [the process] amongst themselves [by] telling or narrating their traumatic stories in an environment where they can be comfortably vulnerable enough to allow for the healing process and with the support of CBOs and NGOs, [and to] even write these stories for record.

#### Reference 21 - 0.01% Coverage

encouraging those women who did not have a chance to record their statements or have a memorandum written to do so and leaving a token (TJRC 'kikoy') of appreciation for participants for taking time to support TJRC.

#### Reference 22 - 0.03% Coverage

96. As a stopgap measure the Commission established a referral mechanism. Thus, where women raised issues which could be redressed immediately by a specific government department or ministry or organisation, they were referred to these institutions and also advised on how to access them. For example, women with disabilities were referred to the National Council for Persons with Disabilities where they were registered and found information on how to access the National Development Fund for Persons with Disability.

97. Women seeking to access credit were referred to the Women's Enterprise Fund while those with matters relating to child maintenance were referred to the Ministry of Gender, Children and Social Development. Others were referred to civil society organisations for pro bono legal services amongst other services.

#### Reference 23 - 0.02% Coverage

98.

In a few instances, the Commission in collaboration with organisations such as the Jaipur Foot Project provided direct support. This included the provision of wheelchairs and white canes for witnesses with disability. Similarly, women who were found to be suffering from prolonged post traumatic stress disorder were provided with treatment as part of a project funded by AMREF and implemented in conjunction with the Kenyatta National Hospital and local district hospitals.

#### Reference 24 - 0.03% Coverage

105. The feedback sessions involved showing a video summarising individual and women's hearings in the Northern region of Kenya and another video showing proceedings of the AMP hearings in Nairobi. The sessions began with a moderator explaining the Commission's mandate and process, including what would possibly happen to AMPs (for example, the possibility that they would be named in this Report or recommendation made for their prosecution). After viewing the two videos, a public dialogue designed to get feedback from the audience and to answer questions followed.

106. Attendance at the sessions in Wajir County was high with audiences ranging from 150 to 300 people (Women constituted between 20% and 50% of the audience). In Garissa County, the attendance was much lower, with audiences between 15 and 35 people, with women constituting 20% of the audience.

#### Reference 25 - 0.02% Coverage

114. The Commission held a total of 14 thematic hearings focusing on the following subjects: ☐ Access to justice; ☐ Economic marginalisation and minorities; ☐ Land; ☐ Armed militia groups; ☐ Prisons and detention centres; ☐ Torture; ☐ Ethnic tensions and violence; ☐ The 1982 attempted coup; ☐ Security agencies, extra-judicial killings and massacres; ☐ Persons with disabilities (PWDs); ☐ Women; ☐ Children; ☐ Internally Displaced Persons (IDPs); and ☐ Political assassinations.

#### Reference 26 - 0.03% Coverage

They challenged the process of nominating the Commissioners arguing that, contrary to the provisions of the TJR Act, the Selection Panel that was responsible for their nomination was not properly constituted. In particular, they argued that representatives of the Episcopal Conference of Kenya, the National Council of Christian Churches of Kenya and the Federation of Kenya Women Lawyers had not participated in the selection process. The Court found this contention lacked merit in part because some of these organisations were in fact represented in the selection process and the absence of specific religious organisations did not invalidate the process. Those organisations participated in a process by which the two religious organisations among them were represented on the panel.

#### Reference 27 - 0.01% Coverage

Tecla Namachanja is a peace builder and community social worker experienced in conflict management, transformation and peace building across the region. Commissioner Wanjala is one of the three women recognized as Pillars of Peace for intervening in the Kenya's 1991-92 and 1997 ethnic clashes and is globally recognized as one of the 1,000 women nominees for the 2005 Nobel Peace Prize.

#### Reference 28 - 0.03% Coverage

and refugees from the E. Horn and Central Africa. From 2002 she managed the Refugee Status Determination (RSD) exercise for Eritrean refugees in Gedaref, North Eastern Sudan. Working with various human rights NGOs has honed her skills – she has facilitated civic education workshops, developed concept papers and been an observer in the 1997 Kenya General Elections. The Institute for Education in Democracy, FIDA-Kenya, a women's NGO with UN observer status, and the Education Centre for Women in Democracy are among the NGOs she has consulted with. Also, while chairing Young Career Women (Kenya), affiliated to the International Federation of Business and Professional Women, Commissioner Shava spearheaded strategic planning of the organisation's programmes, expanding their existing programme of educating girls from poor families.

#### Reference 29 - 0.01% Coverage

☐ The National Gender and Equality Commission, which has the mandate to promote and protect the rights of minority and vulnerable groups, including women and marginalized groups;

#### Reference 30 - 0.02% Coverage

The Commission recommends the establishment of a gender violence recovery center in every county. Such a center shall serve as a one-stop centre for provision of comprehensive services for victims and survivors of sexual violence including medical and counseling services. Investigators trained in the investigation of sexual violence should also be permanently stationed in such a center. In respect to this recommendation, the governments may borrow good practices and lessons from South Africa's thuthuzela care centers and the Nairobi Women's Hospital.

#### Reference 31 - 0.02% Coverage

The Commission recommends the prosecution of Nganda Nyenze who allegedly planned, supervised or was otherwise involved in the Kavamba Operation in which women were raped and/or sexually violated. The Commission recommends that the British government apologizes for sexual violence committed against women in

Samburu and Laikipia by British soldiers. The Commission recommends that the Kenyan Government considers entering into negotiations with the British government with a view to seeking compensation for victims of sexual violence committed by British soldiers in Samburu and Laikipia.

#### Reference 32 - 0.07% Coverage

#### TRUTH, JUSTICE AND RECONCILIATION COMMISSION

##### Volume IV Chapter ONE Women

169. The Commission finds that throughout the mandate period, women did not enjoy equal status with men. This is largely attributed to patriarchal customary norms and practices which relegated women to a subordinate status.

These norms and practices, many of which still remain pervasive today, include disinheritance, preference for boys, polygamy, payment of dowry, cultural traditions relating to burial, early and forced marriages, chastisement of wives, female genital mutilation and widow inheritance. These norms and practices have, over the years, not only been entrenched but were also protected and permitted by legislation and sanctioned by the state itself.

170. The Commission finds that despite Kenya having ratified many international human rights instruments and having enacted various domestic laws that promote the rights of women, the existence of structural and systematic discrimination against women by the state itself prevented women from fully enjoying their rights. Some laws were manifestly discriminatory whereas others were discriminatory in their effects. Other laws such as the Judicature Act sanctioned customary practices which were manifestly discriminatory.

171. The Commission finds that although there have been deliberate constitutional, legislative and institutional reforms aimed at tackling gender discrimination in the country, thereby gradually advancing the rights of women in several spheres, women continue to be the subject of deeply rooted discriminatory norms and practices.

172. The Commission finds that violations of human rights have had greater consequences for the most vulnerable amongst women. These include: women with disabilities, women living with HIV/Aids, women in the rural areas and women from minority and indigenous communities. Moreover, economic marginalization of specific parts of the country has further marginalised women living in these regions.

#### Reference 33 - 0.02% Coverage

The Commission recommends that the President, within six months of the issuance of this Report, offers a public and unconditional apology for states' sanction of discrimination against women during the mandate period.

The Commission recommends that the Gender and Equality Commission steps up measures to raise awareness about harmful cultural practices that adversely affect women's enjoyment of human rights.

The Commission recommends that the Attorney General and Parliament expedites the enactment of the following bills relating to women's rights: Marriage Bill, 2007; Matrimonial Property Bill, 2007; Family Protection Bill, 2007; Equal Opportunities Bill, 2007

#### Reference 34 - 0.07% Coverage

The Commission recommends that the President, within six months of the issuance of this Report, issues an official, public and unconditional apology to minority and indigenous communities in Kenya for the state's systematic discrimination against these groups and communities during the mandate period. The Commission recommends that obstacles experienced by minority groups such as members of Somali and Nubian ethnic communities in accessing the national identity cards be removed within 12 months of issuance of this Report. The Commission recommends that the Kenya Law Reform Commission examines all Kenyan legislation to ensure that it does not result in de jure or de facto discrimination against minority groups. In consultation with minority and indigenous groups, develop national legislation governing state-sponsored or private development programs that requires free-prior and informed consent of affected communities and that includes specific guidelines as to how to engage in a process of consultation with communities. The Commission recommends that the government develops a plan on data collection and disaggregation on minority and indigenous communities, with special attention to ensuring disaggregation of data related to minority and indigenous women. The process shall incorporate the principles of the United Nations Expert Workshop on Data Collection and Disaggregation for Indigenous Peoples. The Commission recommends the release and implementation by the Government of the recommendations of the Presidential Special Action Committee to Address Specific Concerns of the Muslim Community in Regard to Alleged Harassment and/or Discrimination in the Application/Enforcement of the Law. The recommendations of the Special Action

Committee related to the following seven areas: citizenship and registration of persons; security; access to and administration of justice; lands; education; representation and participation; and development and investment.

## *Discrimination*

### References or discussions of discrimination

<Files\\Truth Commission Reports\\Africa\\Kenya-TJRC\_Volume\_1-4> - § 14 references coded [0.55% Coverage]

#### Reference 1 - 0.01% Coverage

□ The Commission finds that women and girls have been the subject of state sanctioned systematic discrimination in all spheres of their life. Although discrimination against women and girls is rooted in patriarchal cultural practices, the state has traditionally failed to curb harmful traditional practices that affect women's enjoyment of human rights.

#### Reference 2 - 0.02% Coverage

Volume IIC focuses on the stories and narratives of groups of people that are provided special protection under domestic and international law because of a history of discrimination and oppression. These are: women, children and minority and indigenous people. Historically members of these groups were not recognized as having the same rights as others. The drafters of the TJR Act clearly had such history in mind, and empowered the Commission to put in place special arrangements and adopt specific mechanisms for addressing the experience of historically vulnerable populations. The Commission thus established a Special Support Unit that focused

#### Reference 3 - 0.09% Coverage

hearings were conducted in all regions of the country. In total, over 1000 women attended the women's hearings across the country, with an average of 60 women in each hearing.

The Commission's chapter on gender deliberately focuses on the various injustices that women faced during the mandate period. Although women have always constituted half of Kenya's population, they have been traditionally relegated to a subordinate status by patriarchal cultural norms and practices. Harmful traditional practices in Kenya include, amongst others, preference for male children, early or forced marriages, wife beating, female genital mutilation and widow inheritance. These norms were normal and sanctioned by law in the greater period covered by the Commission's mandate. As such the Commission has found that women were the subject of systematic discrimination and/or gender-based persecution throughout the mandate period.

An important finding made by the Commission is that in situations of conflicts women are specific targets of violence, particularly sexual violence which is often accompanied by other forms of violations. The Commission has documented atrocities committed against women during the following three selected conflicts: Mau Mau War; Mount Elgon conflict and the 2007/2008 Post-Election Violence.

Conflicts always result in the forced displacement of populations. The Commission's hearings revealed that the state's response to the plight and needs of internally displaced women was less than satisfactory. Generally, the state's response fell short of its obligations as stipulated in relevant human rights instruments.

Although most women who testified before the Commission were victims of displacement occasioned by the 2007/2008 PEV, many of them had been victims of prior evictions and displacement. During the PEV, women suffered violations during flight to the camps or to places where they hoped they would find refuge. On resettlement of IDPs under Operation Rudi Nyumbani, the Commission's hearings revealed that the corruption and mismanagement which marred the entire process had a particularly devastating impact on women. A considerable number of displaced women told the Commission that they received neither the start-up capital nor the payment in lieu of housing.

Kenyan Refugee women in Uganda face a peculiar problem. During its women's hearings, it became evident that many women found themselves in a dilemma as to whether they should return to Kenya or not. While some women were willing to return, their husbands were not. As such, they could not return to Kenya without straining or breaking

#### Reference 4 - 0.06% Coverage

Kenyan women were also victims of state repression during the mandate period. As primary victims of state repression, scores of women, especially politicians, academics or human rights activists, were targets of state

violence both during Kenyatta's and Moi's administrations. A number of female members of parliament who were vocal in their opposition to repressive rule would be subjected to trumped-up charges, detained, or even tortured. The vast majority of women were however secondary victims of state repression. Many women were widowed after their husbands were killed in security operations or died in police custody after undergoing torture. Some were subsequently thrown into destitution since husbands are the main breadwinners in many households in Kenya. Those whose husbands or sons were detained faced similar fate

In sum, women have suffered terrible atrocities just because of their sex and gender. The Commission has documented these atrocities not only for historical purposes, but also as a bold statement to political leaders and policy makers that achieving a just and fair Kenya partly depends on the initiatives they will take to heal the soul of the Kenyan woman. As of now, the vast majority of women feel abandoned by the state. Although in recent years many reforms have taken place to ensure women's empowerment, much more still needs to be done for these reforms to make substantive and real contributions in the lives of women. There is need for special attention to the most vulnerable among women: women in rural and slum areas, internally displaced and refugee women, women with disabilities, women living with HIV/Aids and women belonging to minority and indigenous groups.

#### Reference 5 - 0.02% Coverage

The small population size that characterises minorities and indigenous groups has denied them influence and left them out of policy and decision making – even where decisions directly affect them. During the mandate period, minority groups and indigenous people were unable to access justice at many levels frustrating their efforts to protect other rights. Minority and indigenous women suffered multiple forms of discrimination. They bore the brunt of inter-ethnic conflicts and insecurity and had difficulty accessing social services and goods from education to health services.

#### Reference 6 - 0.08% Coverage

Women's Hearings 85.

The participation of women and members of other vulnerable groups is a central pillar of any comprehensive and inclusive truth-seeking process. Experience has shown that due to gender stereotypes and cultural norms, women are unlikely to participate in public processes unless proactive measures are taken to encourage and facilitate such participation. In the absence of such measures in the past, Kenyan women had traditionally been left out of public processes that had shaped and defined the country's socio-political and economic policies including those policies that directly impacted their day to day lives.

86. Not surprisingly, the participation of women in public hearings conducted by the Makau Mutua Task Force to gather views as to whether Kenyans desired a truth commission was limited. observation, suggesting as it did, that a truth commission established in accordance with its recommendations should pay particular attention to the participation of women in its processes:<sup>11</sup>

The Task Force was deeply concerned by the low numbers of women who turned up at its public hearings to make submissions. Although the Task Force encouraged the few women present to speak up, this problem will have to be addressed once the truth commission is set up so that the issues that are particular to women are adequately dealt with. Kenya, like most countries, has deeply embedded prejudices, policies, and traditions that have historically marginalised women and made them invisible in the public square. Discrimination against women, violence, rape, and patriarchy have consigned women to the margins of society. Human rights violations and the economic crimes committed by the state have a special gendered effect on women. That is why violations against women have disproportionately multiplied adverse effects and are rarely addressed. A truth commission must pay particular attention to the participation of women and the abuses perpetrated against them. Otherwise, a truth commission will have little or no beneficial value in addressing the plight of women.

87. Against this background, the Commission took measures to ensure the participation of women in its processes including in the hearings. Indeed, section 27(1) of the TJR Act permitted the Commission to put in place special arrangements and adopt specific mechanisms and procedures to address the experiences of, amongst others, women.

#### Reference 7 - 0.01% Coverage

There is often the belief/perception that women in Kenya have suffered marginalisation, especially economic marginalisation. What is your understanding of (economic) marginalisation?



#### Reference 8 - 0.01% Coverage

The Commission finds that women and girls have been the subject of state-sanctioned systematic discrimination. Although discrimination against women and girls is rooted in patriarchal cultural practices, the state has traditionally failed to curb harmful traditional practices that affect women's enjoyment of human rights.

#### Reference 9 - 0.07% Coverage

##### TRUTH, JUSTICE AND RECONCILIATION COMMISSION

##### Volume IV Chapter ONE Women

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#### Reference 10 - 0.04% Coverage

181. The Commission finds that women constitute the majority of the poor, a situation that has been aggravated by various factors that range from their lack of access to productive resources (mainly land) and the labour markets.

182. The Commission finds that discrimination against women in the workplace remains despite years of concerted efforts to ensure that men and women are treated equally. Women with disabilities particularly find it difficult to access employment opportunities.

183. The Commission finds that throughout the history of Kenya, women have had limited access to education opportunities. During the colonial period, when formal schooling was introduced, it is boys rather than girls who were encouraged to join. When girls were allowed to go to school, it was not without resistance from communities, which invariably perceived the new education offered by missionaries as informed by the bad intentions of 'spoiling' good girls. The education offered to girls by colonial schools and later by schools in independent Kenya was not completely progressive either. The syllabus was designed to nurture girls' domestic roles as wives and mothers

#### Reference 11 - 0.02% Coverage

185. The Commission also finds that girls' and women's limited access to education has strong and direct linkages with the multiple violations and abuses that they routinely suffer.

186. The Commission finds that although women are the majority of the population, they continue to be excluded in public spaces of influence and decision-making due to various factors, chief amongst which are cultural notions pertaining to the role and place of women and men in society. Discrimination against women and their exclusion in decision-making processes is also rampant and sanctioned

#### Reference 12 - 0.04% Coverage

women received neither the start-up capital nor the payment in lieu of housing. In certain cases, women were discriminated against in the registration process.

193. The Commission finds that Kenyan refugee women in Uganda (as is the case with refugee men and children) experience discrimination on the basis of their nationality. Due to their inability to speak the local language, Kenyan refugees find it difficult to access public services, especially medical and health care services.

194. On the question of returning to Kenya, statistics availed to the Commission by the Office of the United Nations High Commissioner for Refugees revealed that the majority of Kenyan refugees (60 percent) were not willing to return to Kenya. The Commission's visit and hearing at Kiryandongo Refugee Camp in Uganda revealed that many women have found themselves in a dilemma as to whether they should return or not. While some women were willing to return, their husbands were not. As such, these women could not return to Kenya without straining or breaking up their marriages.

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#### Reference 14 - 0.01% Coverage

257. Corruption has a disproportionate impact on vulnerable groups such as the poor, minorities and indigenous people, women, children, persons with disabilities, people living with HIV/AIDS, refugees and internally displaced persons, and prisoners. Members of these groups are more and are less able to defend themselves.

## *Displacement*

References or discussions of displacement, migration or exile

<Files\\Truth Commission Reports\\Africa\\Kenya-TJRC\_Volume\_1-4> - § 2 references coded [0.13% Coverage]

### Reference 1 - 0.09% Coverage

hearings were conducted in all regions of the country. In total, over 1000 women attended the women's hearings across the country, with an average of 60 women in each hearing.

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### Reference 2 - 0.04% Coverage

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## *Ethnicity*

### References or discussions of ethnicity, and ethnic divisions

<Files\\Truth Commission Reports\\Africa\\Kenya-TJRC\_Volume\_1-4> - § 2 references coded [0.04% Coverage]

#### Reference 1 - 0.02% Coverage

an account of his experiences at the Kowop camp in Samburu District, paints a picture of ethnic stereotyping during the colonial days: The Turkana said that they had been told by the District Commissioner that we Kikuyu were very disgusting people whose custom it was to eat the breasts of our women and even the embryos of children in the womb. Any Turkana or Samburu who brought him the head of an escaped detainee would be rewarded with posho (food), sugar and tea.<sup>32</sup>

#### Reference 2 - 0.03% Coverage

I was removed from class in 1969. I was in Standard Four. There was tension but I could not understand whether it was in the whole country. Afterwards, I understood that it affected Central Province. We were taken through the rituals of the Kikuyu. It was called “oathing”. So, I have grown up knowing that Kenya is just for one tribe. I remember that I was in Standard Four. I could not understand, as the women of Central Province, why we were being told that we should not get married to men from other tribes, and especially the Luo community. In that ritual, my agetates did not want to speak about that particular issue. That is what caused confusion among us. We lived in a dilemma as we grew up and brought up our children. We were not free to speak to our children about the source of our differences with other people.<sup>49</sup>

## *Human Rights*

References or discussions of human rights, human rights violations or civil codes

<Files\\Truth Commission Reports\\Africa\\Kenya-TJRC\_Volume\_1-4> - § 17 references coded [0.57% Coverage]

### Reference 1 - 0.02% Coverage

□ The Commission finds that Northern Kenya (comprising formerly of North Eastern Province, Upper Eastern and North Rift) has been the epicenter of gross violations of human rights by state security agencies. Almost without exception, security operations in Northern Kenya has been accompanied by massacres of largely innocent citizens, systematic and widespread torture, rape and sexual violence of girls and women, looting and burning of property and the killing and confiscation of cattle.

### Reference 2 - 0.01% Coverage

□ The Commission finds that women and girls have been the subject of state sanctioned systematic discrimination in all spheres of their life. Although discrimination against women and girls is rooted in patriarchal cultural practices, the state has traditionally failed to curb harmful traditional practices that affect women's enjoyment of human rights.

### Reference 3 - 0.03% Coverage

Detention, torture and ill-treatment

In many ways, and despite the many challenges that it continues to face, Kenya is a country whose democratic and political space is relatively wide and dynamic. At least from 2003, the state has more often than not respected citizens' freedom of expression, assembly and the right to association. However, it was not always this way. The freedom that Kenyans enjoy today is the result of many years of activism and struggle against dictatorship and state repression or violence. It is a freedom that came at a high price for many men and women who dared criticize or oppose Jomo Kenyatta's and Daniel Arap Moi's political administrations. Many of them were detained without trial, tortured, and subjected to inhuman and degrading treatment. Their families were equally subjected to untold sorrows by state operatives. Many others succumbed to torture or were killed after undergoing torture.

### Reference 4 - 0.01% Coverage

While corruption violates the rights of all those affected by it, it has a disproportionate impact on people that belong to vulnerable groups. Examples of these are minorities, indigenous people, persons with disabilities, persons living with HIV/AIDS, refugees, prisoners, the poor, women and children. They are more exploited and less able to defend themselves. Their vulnerability makes them easy victims of corruption.

### Reference 5 - 0.03% Coverage

Men and women experience violations of human rights and injustices differently. Building on the provisions of the TJR Act, the Commission adopted policies and took measures that ensured that the experiences of and violations suffered by women were appropriately and comprehensively covered both in its work and this Report. These policies and measures related to the Commission's statement-taking process, hearings, focus group discussions, and other activities undertaken by the Commission.

Perhaps most importantly, the Commission held separate hearings for women in order to encourage women to speak about their own experiences. The women's hearings were framed as 'conversations with women'. They were presided over by female Commissioners and staff, and were thus designed to be safe spaces where women could freely talk about violations that were specific to them. The women's

### Reference 6 - 0.09% Coverage

hearings were conducted in all regions of the country. In total, over 1000 women attended the women's hearings across the country, with an average of 60 women in each hearing.

The Commission's chapter on gender deliberately focuses on the various injustices that women faced during the mandate period. Although women have always constituted half of Kenya's population, they have been traditionally relegated to a subordinate status by patriarchal cultural norms and practices. Harmful traditional practices in Kenya include, amongst others, preference for male children, early or forced marriages, wife beating, female genital mutilation and widow inheritance. These norms were normal and sanctioned by law in the greater period covered by the Commission's mandate. As such the Commission has found that women were the subject of systematic discrimination and/or gender-based persecution throughout the mandate period.

An important finding made by the Commission is that in situations of conflicts women are specific targets of violence, particularly sexual violence which is often accompanied by other forms of violations. The Commission has documented atrocities committed against women during the following three selected conflicts: Mau Mau War; Mount Elgon conflict and the 2007/2008 Post-Election Violence.

Conflicts always result in the forced displacement of populations. The Commission's hearings revealed that the state's response to the plight and needs of internally displaced women was less than satisfactory. Generally, the state's response fell short of its obligations as stipulated in relevant human rights instruments.

Although most women who testified before the Commission were victims of displacement occasioned by the 2007/2008 PEV, many of them had been victims of prior evictions and displacement. During the PEV, women suffered violations during flight to the camps or to places where they hoped they would find refuge. On resettlement of IDPs under Operation Rudi Nyumbani, the Commission's hearings revealed that the corruption and mismanagement which marred the entire process had a particularly devastating impact on women. A considerable number of displaced women told the Commission that they received neither the start-up capital nor the payment in lieu of housing.

Kenyan Refugee women in Uganda face a peculiar problem. During its women's hearings, it became evident that many women found themselves in a dilemma as to whether they should return to Kenya or not. While some women were willing to return, their husbands were not. As such, they could not return to Kenya without straining or breaking

#### Reference 7 - 0.06% Coverage

Kenyan women were also victims of state repression during the mandate period. As primary victims of state repression, scores of women, especially politicians, academics or human rights activists, were targets of state violence both during Kenyatta's and Moi's administrations. A number of female members of parliament who were vocal in their opposition to repressive rule would be subjected to trumpedup charges, detained, or even tortured. The vast majority of women were however secondary victims of state repression. Many women were widowed after their husbands were killed in security operations or died in police custody after undergoing torture. Some were subsequently thrown into destitution since husbands are the main breadwinners in many households in Kenya. Those whose husbands or sons were detained faced similar fate

In sum, women have suffered terrible atrocities just because of their sex and gender. The Commission has documented these atrocities not only for historical purposes, but also as a bold statement to political leaders and policy makers that achieving a just and fair Kenya partly depends on the initiatives they will take to heal the soul of the Kenyan woman. As of now, the vast majority of women feel abandoned by the state. Although in recent years many reforms have taken place to ensure women's empowerment, much more still needs to be done for these reforms to make substantive and real contributions in the lives of women. There is need for special attention to the most vulnerable among women: women in rural and slum areas, internally displaced and refugee women, women with disabilities, women living with HIV/Aids and women belonging to minority and indigenous groups.

#### Reference 8 - 0.04% Coverage

Let me also take this opportunity to thank those who recorded statements with the Commission. In total, the Commission received over 30,000 statements and 300 memoranda. Because of time limitation and the nature of Truth Commissions, we shall not be able to conduct hearings for all the statements recorded. The Commission has, therefore, selected a few statements to conduct the hearings on what would give a global picture of the violations suffered by people from this region. In the next three days, for example, we shall hear testimonies on the history of events and violations in Mandera; violations suffered by women, testimonies on torture, marginalization, massacres, extrajudicial killings, detentions, loss of property, serious injuries suffered during postelection violence and police brutality. Although a few people will be giving testimonies concerning violations suffered in Mandera, most of you

will relate with the testimonies shared because most of you have suffered similar violations. However, I want to assure you that every statement recorded will be part of the report when the Commission finishes its work.<sup>8</sup>

#### Reference 9 - 0.01% Coverage

- Experience shows that some people, especially women, testify about violations of human rights that happened to family members or friends, but they are less willing to speak of their own suffering. Please don't forget to tell us what happened to you yourself if you were the victim of a gross human rights abuse.

#### Reference 10 - 0.04% Coverage

35. While some of the victims were categorical that the individual perpetrators should seek forgiveness or offer an apology, others like Mr. Gregory Onyuro, extended the demand for an apology to the government and various government departments, for their inability to protect the victims from violations when the same occurred. There should be proper civic education conducted to all our communities so that they understand issues. Secondly, parliamentarians should sit down and apologize to Kenyans. Thirdly, we need to look for a donor who will empower the youth and all those who were affected during the violence [...] We would like the President and the Prime Minister to come to Nyanza Province and talk to the IDPs in this region. They need to tell us that they are in power because of us. They need to apologize to us. This is because they are earning while we are suffering. Look at me here. I urinate here. I smell urine just because of post-election violence and I cannot perform sexually because of the postelection violence. How do you think my family feels? My children cannot go to school. They will now turn into thieves because I cannot help them. Women are becoming prostitutes! I want the President to come to Nyanza Province and apologize because my vote made him to be the President!<sup>19</sup>

#### Reference 11 - 0.01% Coverage

☐ The National Gender and Equality Commission, which has the mandate to promote and protect the rights of minority and vulnerable groups, including women and marginalized groups;

#### Reference 12 - 0.02% Coverage

The Commission finds that Northern Kenya (comprised of the former North Eastern Province, Upper Eastern and North Rift) has been the epicenter of gross violations of human rights by state security agencies. Almost without exception, security operations in Northern Kenya have been accompanied by massacres of largely innocent citizens, systematic and widespread torture, rape and sexual violence of girls and women, looting and burning of property, and the killing and confiscation of cattle and other livestock.

#### Reference 13 - 0.01% Coverage

The Commission finds that violations against women were widespread and systematic. These violations included rape and other forms of sexual violence. The Commission received evidence that women were held as sexual slaves by members of the Kenyan Army. The Commission rejects the prevailing official view that sexual violence during the Shifta War was infrequent and isolated.

#### Reference 14 - 0.07% Coverage

### TRUTH, JUSTICE AND RECONCILIATION COMMISSION

#### Volume IV Chapter ONE Women

169. The Commission finds that throughout the mandate period, women did not enjoy equal status with men. This is largely attributed to patriarchal customary norms and practices which relegated women to a subordinate status. These norms and practices, many of which still remain pervasive today, include disinheritance, preference for boys, polygamy, payment of dowry, cultural traditions relating to burial, early and forced marriages, chastisement of wives, female genital mutilation and widow inheritance. These norms and practices have, over the years, not only been entrenched but were also protected and permitted by legislation and sanctioned by the state itself.

170. The Commission finds that despite Kenya having ratified many international human rights instruments and having enacted various domestic laws that promote the rights of women, the existence of structural and systematic discrimination against women by the state itself prevented women from fully enjoying their rights. Some laws were manifestly discriminatory whereas others were discriminatory in their effects. Other laws such as the Judicature Act sanctioned customary practices which were manifestly discriminatory.

171. The Commission finds that although there have been deliberate constitutional, legislative and institutional reforms aimed at tackling gender discrimination in the country, thereby gradually advancing the rights of women in several spheres, women continue to be the subject of deeply rooted discriminatory norms and practices.

172. The Commission finds that violations of human rights have had greater consequences for the most vulnerable amongst women. These include: women with disabilities, women living with HIV/Aids, women in the rural areas and women from minority and indigenous communities. Moreover, economic marginalization of specific parts of the country has further marginalised women living in these regions.

#### Reference 15 - 0.09% Coverage

176. The Commission finds that violation of women's reproductive health is widespread and rampant. Many women are unable to access health facilities because of poverty. In many parts of the country, health facilities are physically inaccessible and women opt to give birth at home. The Commission further finds that the delivery of health services around the country does not take into account local cultural norms about health.

177. The Commission finds that although awareness on the subject of HIV/AIDS has permeated most parts of the country, discrimination and social stigma is still relatively common. Many HIV positive women are routinely evicted from their matrimonial homes after the death of their spouses. Moreover, patriarchal social norms make it difficult for women to exercise autonomy over matters of sex, and specifically, to negotiate safe sex.

178. The Commission finds that although the government has taken positive steps to address the nation's HIV epidemic, the rights of women living with and affected by HIV continue to be violated. These violations include: failure to seek informed consent before HIV-testing; breach of confidentiality and lack of proper disclosure; inadequate pre- and post-testing counseling; inadequate PMTCT and postpartum counseling; lack of medical attention or inattentive medical staff; lack of equipment, supplies, infrastructure, and hygienic conditions; and mistreatment and harassment in seeking delivery of services.

179. The Commission finds that although men were the predominant victims of repressive and authoritarian means employed by the state, women were also victims, both as primary and secondary victims. As primary victims, scores of women, especially politicians, academics or human rights activists, and female Members of Parliament who were vocal in their opposition to repressive rule in both Kenyatta's and Moi's administrations, were often detained, tortured and subjected to politically motivated charges. As secondary victims of state repression, many women were widowed after their husbands were killed in security operations or died in police custody after undergoing torture. Some were subsequently thrown into destitution following the detention or death of their spouses.

180. The Commission further finds that although men were the main active agents of President Kenyatta's and President Moi's repressive governments, some women were also involved in the perpetuation of gross violations of human rights.

#### Reference 16 - 0.02% Coverage

185. The Commission also finds that girls' and women's limited access to education has strong and direct linkages with the multiple violations and abuses that they routinely suffer.

186. The Commission finds that although women are the majority of the population, they continue to be excluded in public spaces of influence and decision-making due to various factors, chief amongst which are cultural notions pertaining to the role and place of women and men in society. Discrimination against women and their exclusion in decision-making processes is also rampant and sanctioned

#### Reference 17 - 0.01% Coverage

217. The state failed to protect minority and indigenous women and girls from violence and harmful traditional practices that undermine their fundamental rights to personal integrity, health, and dignity.



## *Land*

### References or discussions of land

<Files\\Truth Commission Reports\\Africa\\Kenya-TJRC\_Volume\_1-4> - § 3 references coded [0.08% Coverage]

#### Reference 1 - 0.04% Coverage

This policy of willing-buyer, willing-seller would benefit mainly people who could access financial resources. Somebody advised the people from Central Province that the best thing to do is to form land buying companies. The land buying companies were formed. They included the Ngwataniro, Nyakinyua and Mabati group. The Mabati Group meant a group of women helping one another to roof their houses and so on, but they also became land buying groups. They were assisted by the state and, therefore, the feeling of preferential access and the resentment that accompanied that. It continued under the leadership of the then Minister for Lands and Settlement, throughout the 1960s into the 1970s. But there would be a change in late 1970s, after Mzee died and Moi came into power. He inherited the Kenyatta infrastructure of governance and promised that he would follow his footsteps. He did by and large, but on the issue of land, which actually took place under his watch as the Vice-President, soon after he came into power, he completely disorganized the land buying companies and disbanded them, but I thought that it was too late at that time.<sup>76</sup>

#### Reference 2 - 0.04% Coverage

181. The Commission finds that women constitute the majority of the poor, a situation that has been aggravated by various factors that range from their lack of access to productive resources (mainly land) and the labour markets.

182. The Commission finds that discrimination against women in the workplace remains despite years of concerted efforts to ensure that men and women are treated equally. Women with disabilities particularly find it difficult to access employment opportunities.

183. The Commission finds that throughout the history of Kenya, women have had limited access to education opportunities. During the colonial period, when formal schooling was introduced, it is boys rather than girls who were encouraged to join. When girls were allowed to go to school, it was not without resistance from communities, which invariably perceived the new education offered by missionaries as informed by the bad intentions of ‘spoiling’ good girls. The education offered to girls by colonial schools and later by schools in independent Kenya was not completely progressive either. The syllabus was designed to nurture girls’ domestic roles as wives and mothers

#### Reference 3 - 0.01% Coverage

Equitable representation of women in all land dispute tribunals in accordance with the Constitution

## Legacy

References or discussions of legacy, effects or impacts

<Files\\Truth Commission Reports\\Africa\\Kenya-TJRC\_Volume\_1-4> - § 8 references coded [0.32% Coverage]

### Reference 1 - 0.03% Coverage

Sexual violence is a crime that intimately impacts the victim both physically and psychologically. It uses the victim's own sexual anatomy to dominate, suppress and control. For a long time, women and girls were believed to be the main, if not the only, victims of sexual violence. Over time, there has been acknowledgement that men and boys are also victims of sexual violence.

The Commission received hundreds of statements from women, men and children outlining serious sexual violations perpetrated by individuals and groups of people including ordinary citizens and state officials. A total of 1,104 statements from adults were received in regard to sexual violations, representing a victim count of 2,646 women and 346 men. The Commission acknowledges that due to shame and stigma associated with sexual violence, many victims of sexual violence did not report sexual violence to the Commission.

### Reference 2 - 0.06% Coverage

Kenyan women were also victims of state repression during the mandate period. As primary victims of state repression, scores of women, especially politicians, academics or human rights activists, were targets of state violence both during Kenyatta's and Moi's administrations. A number of female members of parliament who were vocal in their opposition to repressive rule would be subjected to trumpedup charges, detained, or even tortured. The vast majority of women were however secondary victims of state repression. Many women were widowed after their husbands were killed in security operations or died in police custody after undergoing torture. Some were subsequently thrown into destitution since husbands are the main breadwinners in many households in Kenya. Those whose husbands or sons were detained faced similar fate

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### Reference 3 - 0.02% Coverage

98.

In a few instances, the Commission in collaboration with organisations such as the Jaipur Foot Project provided direct support. This included the provision of wheelchairs and white canes for witnesses with disability. Similarly, women who were found to be suffering from prolonged post traumatic stress disorder were provided with treatment as part of a project funded by AMREF and implemented in conjunction with the Kenyatta National Hospital and local district hospitals.

### Reference 4 - 0.01% Coverage

The Commission finds that the 1981 security operation in Malka Mari, Mandera, resulted in the massacre of hundreds of individuals. During the security operation, women were raped and were subsequently shunned in the community. Others suffered serious injuries, including the loss of limbs.

### Reference 5 - 0.07% Coverage

TRUTH, JUSTICE AND RECONCILIATION COMMISSION  
Volume IV Chapter ONE Women

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#### Reference 6 - 0.09% Coverage

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#### Reference 7 - 0.04% Coverage

181. The Commission finds that women constitute the majority of the poor, a situation that has been aggravated by various factors that range from their lack of access to productive resources (mainly land) and the labour markets.

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which invariably perceived the new education offered by missionaries as informed by the bad intentions of 'spoiling' good girls. The education offered to girls by colonial schools and later by schools in independent Kenya was not completely progressive either. The syllabus was designed to nurture girls' domestic roles as wives and mothers

#### Reference 8 - 0.01% Coverage

257. Corruption has a disproportionate impact on vulnerable groups such as the poor, minorities and indigenous people, women, children, persons with disabilities, people living with HIV/AIDS, refugees and internally displaced persons, and prisoners. Members of these groups are more and are less able to defend themselves.

## *Military*

### References or discussions to the military and soldiers

<Files\\Truth Commission Reports\\Africa\\Kenya-TJRC\_Volume\_1-4> - § 6 references coded [0.10% Coverage]

#### Reference 1 - 0.01% Coverage

Women narrated horrible stories of rape and other forms of sexual violence and the military and police were reported as major perpetrators. During the war, some communities fled to Somalia to escape the violence and only returned decades later, in 2000.

#### Reference 2 - 0.01% Coverage

□ Kenyan security forces (particularly the Kenya Police and the Kenya Army) have often raped and sexually violated women and girls during security operations;

#### Reference 3 - 0.02% Coverage

□ members of the British Royal Army stationed in Kenya for military training has been responsible for the rape and sexual violation of women and girls in Samburu and Laikipia  
□ in one particular case, the Commission received about 30 statements from women who were raped in Kitui during an eviction referred to as 'Kavamba Operation'. The Commission has recommended the prosecution of Nganda Nyenze who supervised the evictions and the rape of the women.

#### Reference 4 - 0.02% Coverage

The Commission finds that Northern Kenya (comprised of the former North Eastern Province, Upper Eastern and North Rift) has been the epicenter of gross violations of human rights by state security agencies. Almost without exception, security operations in Northern Kenya have been accompanied by massacres of largely innocent citizens, systematic and widespread torture, rape and sexual violence of girls and women, looting and burning of property, and the killing and confiscation of cattle and other livestock.

#### Reference 5 - 0.03% Coverage

155. The Commission further finds that of all the cases of sexual violence committed during conflict, the majority of them were committed by state security agents, primarily by the General Service Unit (GSU), the Kenya Police, the Administration Police, the Anti Stock Theft Unit, as well as the Kenya military. The Commission further finds that state security-led interventions in situations of conflict were the single most important cause of sexual violations including gang rape and sexual torture. Security agents used sexual violence as a weapon to terrorise, suppress, intimidate and humiliate communities, and they not only actively committed atrocities of a sexual nature, but also failed in their duty to ensure the security and protection of citizens, particularly women and girls.

#### Reference 6 - 0.03% Coverage

189. The Commission finds that rape and sexual violence against women was routinely committed by SLDF members during attacks at homes and in their hideouts in the forest. In many cases, these heinous acts were witnessed by family members, including children. Moreover, sexual violence was often accompanied by other forms of inhuman and degrading treatment.

190. The majority of Mt. Elgon women were sexually violated by SLDF members. However, state security agents – police and military officers – were also responsible for sexual violence during the entire period of Operation Okoa Maisha.

191. The Commission confirms the findings of the Commission of Inquiry into the Post Election Violence (CIPEV) in respect of experiences of and violations suffered by women during the 2007/2008 Post-Election Violence:

## *Police*

### References or discussions of police and police officers

<Files\\Truth Commission Reports\\Africa\\Kenya-TJRC\_Volume\_1-4> - § 5 references coded [0.06% Coverage]

#### Reference 1 - 0.01% Coverage

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#### Reference 3 - 0.02% Coverage

a Kikuyu woman, came to the window and told my wife: ‘Let me escort you because women are not being attacked. Can I escort you with the children to the police station?’ [...] [My wife] requested her to tell the police where we were. The lady came to our house and informed us that the police were outside. So we were rescued by the police [TJRC/Hansard/In-Camera Hearing/ Naivasha/27 September 2011] The Commission wishes to recognize these brave Kenyans and hopes that their examples

#### Reference 4 - 0.01% Coverage

women and girls, indiscriminate arrests, extortion, and killings at the hands of the police.<sup>129</sup>

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## Politics

References or discussions of politics, political parties, political leaders, etc.

<Files\\Truth Commission Reports\\Africa\\Kenya-TJRC\_Volume\_1-4> - § 9 references coded [0.32% Coverage]

### Reference 1 - 0.03% Coverage

In many ways, and despite the many challenges that it continues to face, Kenya is a country whose democratic and political space is relatively wide and dynamic. At least from 2003, the state has more often than not respected citizens' freedom of expression, assembly and the right to association. However, it was not always this way. The freedom that Kenyans enjoy today is the result of many years of activism and struggle against dictatorship and state repression or violence. It is a freedom that came at a high price for many men and women who dared criticize or oppose Jomo Kenyatta's and Daniel Arap Moi's political administrations. Many of them were detained without trial, tortured, and subjected to inhuman and degrading treatment. Their families were equally subjected to untold sorrows by state operatives. Many others succumbed to torture or were killed after undergoing torture.

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In sum, women have suffered terrible atrocities just because of their sex and gender. The Commission has documented these atrocities not only for historical purposes, but also as a bold statement to political leaders and policy makers that achieving a just and fair Kenya partly depends on the initiatives they will take to heal the soul of the Kenyan woman. As of now, the vast majority of women feel abandoned by the state. Although in recent years many reforms have taken place to ensure women's empowerment, much more still needs to be done for these reforms to make substantive and real contributions in the lives of women. There is need for special attention to the most vulnerable among women: women in rural and slum areas, internally displaced and refugee women, women with disabilities, women living with HIV/Aids and women belonging to minority and indigenous groups.

### Reference 3 - 0.04% Coverage

This policy of willing-buyer, willing-seller would benefit mainly people who could access financial resources. Somebody advised the people from Central Province that the best thing to do is to form land buying companies. The land buying companies were formed. They included the Ngwataniro, Nyakinyua and Mabati group. The Mabati Group meant a group of women helping one another to roof their houses and so on, but they also became land buying groups. They were assisted by the state and, therefore, the feeling of preferential access and the resentment that accompanied that. It continued under the leadership of the then Minister for Lands and Settlement, throughout the 1960s into the 1970s. But there would be a change in late 1970s, after Mzee died and Moi came into power. He inherited the Kenyatta infrastructure of governance and promised that he would follow his footsteps. He did by and large, but on the issue of land, which actually took place under his watch as the Vice-President, soon after he came into power, he completely disorganized the land buying companies and disbanded them, but I thought that it was too late at that time.<sup>76</sup>

### Reference 4 - 0.02% Coverage

49. Mr. Serut's support for the "Yes" camp (symbolized by a banana, "No" by an orange) was unabashed. He traversed Mount Elgon enthusiastically campaigning for a variety of social and ideological reasons: I told them to vote for "Yes". The issue of women marrying women and men marrying men; these were allegations and did not exist in that draft. Whether it was called the Wako Draft or whatever draft, it was none of our business! That is what

I told my people as a leader. I told them that they did not elect me to Parliament to go eat and forget them. I had to guide them.<sup>41</sup>

#### Reference 5 - 0.03% Coverage

threatened, apparently, after refusing to step down for Mr. Kapondi. Various ODM civic aspirants including Moses Makoit of Cheptais ward and Nathan Warsama of Sasur ward and Benson Chesiskaki of Emai ward were all said to have benefited from SLDF-orchestrated violence. Claims have also been made that SLDF elements contributed to help Mr. Kapondi raise 100 000 shilling nomination fees required for contesting the ODM ticket. Mr. Kapondi's legal proceedings in Webuye have also been described as an opportunity for the SLDF to demonstrate its support for him. Militiamen supposedly showed up almost every day to listen to the hearings. Mount Elgon women were also forced to attend and to sing, dance and ululate: All the ladies would be picked up by force to go to Webuye to listen to Mheshimiwa's case. They would want you to sing and do all things on the road. We were being monitored by the SLDF. Matakwei would call and ask how we were performing.<sup>52</sup>

#### Reference 6 - 0.04% Coverage

35. While some of the victims were categorical that the individual perpetrators should seek forgiveness or offer an apology, others like Mr. Gregory Onyuro, extended the demand for an apology to the government and various government departments, for their inability to protect the victims from violations when the same occurred. There should be proper civic education conducted to all our communities so that they understand issues. Secondly, parliamentarians should sit down and apologize to Kenyans. Thirdly, we need to look for a donor who will empower the youth and all those who were affected during the violence [...] We would like the President and the Prime Minister to come to Nyanza Province and talk to the IDPs in this region. They need to tell us that they are in power because of us. They need to apologize to us. This is because they are earning while we are suffering. Look at me here. I urinate here. I smell urine just because of post-election violence and I cannot perform sexually because of the postelection violence. How do you think my family feels? My children cannot go to school. They will now turn into thieves because I cannot help them. Women are becoming prostitutes! I want the President to come to Nyanza Province and apologize because my vote made him to be the President!<sup>19</sup>

#### Reference 7 - 0.02% Coverage

in religious institutions. Further, many women who aspire to be leaders lack the requisite resources to undertake political campaigns and have also been subjected to violence or threat of it.

187. The Commission finds that the Mt. Elgon Conflict and the subsequent security operation (Operation Okoa Operation) had a particularly devastating impact for women. In this regard, a vivid impact of the conflict and Operation Okoa Maisha is the huge numbers of widows (approximately more than 300) in Mt. Elgon whose husbands were killed or forcefully disappeared during the conflict.

#### Reference 8 - 0.01% Coverage

217. The state failed to protect minority and indigenous women and girls from violence and harmful traditional practices that undermine their fundamental rights to personal integrity, health, and dignity.

#### Reference 9 - 0.07% Coverage

The Commission recommends that the President, within six months of the issuance of this Report, issues an official, public and unconditional apology to minority and indigenous communities in Kenya for the state's systematic discrimination against these groups and communities during the mandate period. The Commission recommends that obstacles experienced by minority groups such as members of Somali and Nubian ethnic communities in accessing the national identity cards be removed within 12 months of issuance of this Report. The Commission recommends that the Kenya Law Reform Commission examines all Kenyan legislation to ensure that it does not result in de jure or de facto discrimination against minority groups. In consultation with minority and indigenous groups, develop national legislation governing state-sponsored or private development programs that requires free-prior and informed consent of affected communities and that includes specific guidelines as to how to engage in a process of consultation with communities. The Commission recommends that the government develops a plan on data



collection and disaggregation on minority and indigenous communities, with special attention to ensuring disaggregation of data related to minority and indigenous women. The process shall incorporate the principles of the United Nations Expert Workshop on Data Collection and Disaggregation for Indigenous Peoples. The Commission recommends the release and implementation by the Government of the recommendations of the Presidential Special Action Committee to Address Specific Concerns of the Muslim Community in Regard to Alleged Harassment and/or Discrimination in the Application/Enforcement of the Law. The recommendations of the Special Action Committee related to the following seven areas: citizenship and registration of persons; security; access to and administration of justice; lands; education; representation and participation; and development and investment.

## Testimony

### References or discussions of commission testimony

<Files\\Truth Commission Reports\\Africa\\Kenya-TJRC\_Volume\_1-4> - § 5 references coded [0.12% Coverage]

#### Reference 1 - 0.02% Coverage

a Kikuyu woman, came to the window and told my wife: ‘Let me escort you because women are not being attacked. Can I escort you with the children to the police station?’ [...] [My wife] requested her to tell the police where we were. The lady came to our house and informed us that the police were outside. So we were rescued by the police [TJRC/Hansard/In-Camera Hearing/ Naivasha/27 September 2011] The Commission wishes to recognize these brave Kenyans and hopes that their examples

#### Reference 2 - 0.03% Coverage

I was removed from class in 1969. I was in Standard Four. There was tension but I could not understand whether it was in the whole country. Afterwards, I understood that it affected Central Province. We were taken through the rituals of the Kikuyu. It was called “oathing”. So, I have grown up knowing that Kenya is just for one tribe. I remember that I was in Standard Four. I could not understand, as the women of Central Province, why we were being told that we should not get married to men from other tribes, and especially the Luo community. In that ritual, my agetates did not want to speak about that particular issue. That is what caused confusion among us. We lived in a dilemma as we grew up and brought up our children. We were not free to speak to our children about the source of our differences with other people.<sup>49</sup>

#### Reference 3 - 0.02% Coverage

49. Mr. Serut’s support for the “Yes” camp (symbolized by a banana, “No” by an orange) was unabashed. He traversed Mount Elgon enthusiastically campaigning for a variety of social and ideological reasons: I told them to vote for “Yes”. The issue of women marrying women and men marrying men; these were allegations and did not exist in that draft. Whether it was called the Wako Draft or whatever draft, it was none of our business! That is what I told my people as a leader. I told them that they did not elect me to Parliament to go eat and forget them. I had to guide them.<sup>41</sup>

#### Reference 4 - 0.01% Coverage

There was uproar in the House. Mr. Raila Odinga and Mr. Charles Keter rose on points of order asking Mr. Serut to substantiate his utterances. Jebii Kilimo and Franklin Bett took issue with Serut’s comment noting that they had gone to the area to address the plight of suffering women and children. Mr. Ruto too was having none of it. He jumped to his feet to describe Mr. Serut as ‘a person who pretends’.<sup>55</sup>

#### Reference 5 - 0.04% Coverage

35. While some of the victims were categorical that the individual perpetrators should seek forgiveness or offer an apology, others like Mr. Gregory Onyuro, extended the demand for an apology to the government and various government departments, for their inability to protect the victims from violations when the same occurred. There should be proper civic education conducted to all our communities so that they understand issues. Secondly, parliamentarians should sit down and apologize to Kenyans. Thirdly, we need to look for a donor who will empower the youth and all those who were affected during the violence [...] We would like the President and the Prime Minister to come to Nyanza Province and talk to the IDPs in this region. They need to tell us that they are in power because of us. They need to apologize to us. This is because they are earning while we are suffering. Look at me here. I urinate here. I smell urine just because of post-election violence and I cannot perform sexually because of the postelection violence. How do you think my family feels? My children cannot go to school. They will now turn into thieves because I cannot help them. Women are becoming prostitutes! I want the President to come to Nyanza Province and apologize because my vote made him to be the President!<sup>19</sup>

## Violence

### References or discussions of violence or violent acts

<Files\\Truth Commission Reports\\Africa\\Kenya-TJRC\_Volume\_1-4> - § 23 references coded [0.52% Coverage]

#### Reference 1 - 0.02% Coverage

□ The Commission finds that Northern Kenya (comprising formerly of North Eastern Province, Upper Eastern and North Rift) has been the epicenter of gross violations of human rights by state security agencies. Almost without exception, security operations in Northern Kenya has been accompanied by massacres of largely innocent citizens, systematic and widespread torture, rape and sexual violence of girls and women, looting and burning of property and the killing and confiscation of cattle.

#### Reference 2 - 0.01% Coverage

Women narrated horrible stories of rape and other forms of sexual violence and the military and police were reported as major perpetrators. During the war, some communities fled to Somalia to escape the violence and only returned decades later, in 2000.

#### Reference 3 - 0.03% Coverage

Sexual violence is a crime that intimately impacts the victim both physically and psychologically. It uses the victim's own sexual anatomy to dominate, suppress and control. For a long time, women and girls were believed to be the main, if not the only, victims of sexual violence. Over time, there has been acknowledgement that men and boys are also victims of sexual violence.

The Commission received hundreds of statements from women, men and children outlining serious sexual violations perpetrated by individuals and groups of people including ordinary citizens and state officials. A total of 1,104 statements from adults were received in regard to sexual violations, representing a victim count of 2,646 women and 346 men. The Commission acknowledges that due to shame and stigma associated with sexual violence, many victims of sexual violence did not report sexual violence to the Commission.

#### Reference 4 - 0.01% Coverage

□ Kenyan security forces (particularly the Kenya Police and the Kenya Army) have often raped and sexually violated women and girls during security operations;

#### Reference 5 - 0.02% Coverage

□ members of the British Royal Army stationed in Kenya for military training has been responsible for the rape and sexual violation of women and girls in Samburu and Laikipia

□ in one particular case, the Commission received about 30 statements from women who were raped in Kitui during an eviction referred to as 'Kavamba Operation'. The Commission has recommended the prosecution of Nganda Nyenze who supervised the evictions and the rape of the women.

#### Reference 6 - 0.09% Coverage

hearings were conducted in all regions of the country. In total, over 1000 women attended the women's hearings across the country, with an average of 60 women in each hearing.

The Commission's chapter on gender deliberately focuses on the various injustices that women faced during the mandate period. Although women have always constituted half of Kenya's population, they have been traditionally relegated to a subordinate status by patriarchal cultural norms and practices. Harmful traditional practices in Kenya include, amongst others, preference for male children, early or forced marriages, wife beating, female genital mutilation and widow inheritance. These norms were normal and sanctioned by law in the greater period covered by

the Commission's mandate. As such the Commission has found that women were the subject of systematic discrimination and/or gender-based persecution throughout the mandate period. An important finding made by the Commission is that in situations of conflicts women are specific targets of violence, particularly sexual violence which is often accompanied by other forms of violations. The Commission has documented atrocities committed against women during the following three selected conflicts: Mau Mau War; Mount Elgon conflict and the 2007/2008 Post-Election Violence. Conflicts always result in the forced displacement of populations. The Commission's hearings revealed that the state's response to the plight and needs of internally displaced women was less than satisfactory. Generally, the state's response fell short of its obligations as stipulated in relevant human rights instruments. Although most women who testified before the Commission were victims of displacement occasioned by the 2007/2008 PEV, many of them had been victims of prior evictions and displacement. During the PEV, women suffered violations during flight to the camps or to places where they hoped they would find refuge. On resettlement of IDPs under Operation Rudi Nyumbani, the Commission's hearings revealed that the corruption and mismanagement which marred the entire process had a particularly devastating impact on women. A considerable number of displaced women told the Commission that they received neither the start-up capital nor the payment in lieu of housing. Kenyan Refugee women in Uganda face a peculiar problem. During its women's hearings, it became evident that many women found themselves in a dilemma as to whether they should return to Kenya or not. While some women were willing to return, their husbands were not. As such, they could not return to Kenya without straining or breaking

#### Reference 7 - 0.02% Coverage

99. One of the findings of the Commission in this regard, for instance, is that most security operations in the country in which killings, torture and sexual crimes were committed, were also characterized by the burning of houses, theft or killing of cattle, looting of property and destruction of crops. The impact of these violations was particularly borne by the most vulnerable in society such as women, children, persons with disabilities and the elderly.

#### Reference 8 - 0.04% Coverage

Let me also take this opportunity to thank those who recorded statements with the Commission. In total, the Commission received over 30,000 statements and 300 memoranda. Because of time limitation and the nature of Truth Commissions, we shall not be able to conduct hearings for all the statements recorded. The Commission has, therefore, selected a few statements to conduct the hearings on what would give a global picture of the violations suffered by people from this region. In the next three days, for example, we shall hear testimonies on the history of events and violations in Mandera; violations suffered by women, testimonies on torture, marginalization, massacres, extrajudicial killings, detentions, loss of property, serious injuries suffered during postelection violence and police brutality. Although a few people will be giving testimonies concerning violations suffered in Mandera, most of you will relate with the testimonies shared because most of you have suffered similar violations. However, I want to assure you that every statement recorded will be part of the report when the Commission finishes its work.<sup>8</sup>

#### Reference 9 - 0.08% Coverage

Women's Hearings 85.

The participation of women and members of other vulnerable groups is a central pillar of any comprehensive and inclusive truth-seeking process. Experience has shown that due to gender stereotypes and cultural norms, women are unlikely to participate in public processes unless proactive measures are taken to encourage and facilitate such participation. In the absence of such measures in the past, Kenyan women had traditionally been left out of public processes that had shaped and defined the country's socio-political and economic policies including those policies that directly impacted their day to day lives.

86. Not surprisingly, the participation of women in public hearings conducted by the Makau Mutua Task Force to gather views as to whether Kenyans desired a truth commission was limited. observation, suggesting as it did, that a truth commission established in accordance with its recommendations should pay particular attention to the participation of women in its processes:<sup>11</sup>

The Task Force was deeply concerned by the low numbers of women who turned up at its public hearings to make submissions. Although the Task Force encouraged the few women present to speak up, this problem will have to be addressed once the truth commission is set up so that the issues that are particular to women are adequately dealt with. Kenya, like most countries, has deeply embedded prejudices, policies, and traditions that have historically marginalised women and made them invisible in the public square. Discrimination against women, violence, rape, and patriarchy have consigned women to the margins of society. Human rights violations and the economic crimes committed by the state have a special gendered effect on women. That is why violations against women have disproportionately multiplied adverse effects and are rarely addressed. A truth commission must pay particular attention to the participation of women and the abuses perpetrated against them. Otherwise, a truth commission will have little or no beneficial value in addressing the plight of women.

87. Against this background, the Commission took measures to ensure the participation of women in its processes including in the hearings. Indeed, section 27(1) of the TJR Act permitted the Commission to put in place special arrangements and adopt specific mechanisms and procedures to address the experiences of, amongst others, women.

#### Reference 10 - 0.01% Coverage

women and girls, indiscriminate arrests, extortion, and killings at the hands of the police.<sup>129</sup>

#### Reference 11 - 0.02% Coverage

The Commission finds that Northern Kenya (comprised of the former North Eastern Province, Upper Eastern and North Rift) has been the epicenter of gross violations of human rights by state security agencies. Almost without exception, security operations in Northern Kenya have been accompanied by massacres of largely innocent citizens, systematic and widespread torture, rape and sexual violence of girls and women, looting and burning of property, and the killing and confiscation of cattle and other livestock.

#### Reference 12 - 0.01% Coverage

seized their women and routinely whipped men. The Commission finds that such coercive authority, supervised and approved by the colonial administration, explains the intense hatred for chiefs and the provincial administration in general, even in the post-colonial period.

#### Reference 13 - 0.01% Coverage

The Commission finds that violations against women were widespread and systematic. These violations included rape and other forms of sexual violence. The Commission received evidence that women were held as sexual slaves by members of the Kenyan Army. The Commission rejects the prevailing official view that sexual violence during the Shifta War was infrequent and isolated.

#### Reference 14 - 0.01% Coverage

The Commission finds that the Bulla Karatasi Massacre, and the detention, torture, rape and sexual violation of women, burning of houses and the looting of property, was a systematic attack against a civilian population and thus qualifies as a crime against humanity.

#### Reference 15 - 0.03% Coverage

The Commission finds that the conduct of Benson Kaaria and G.G. Kariuki, both of whom appeared before the Commission, is consistent with the official denials and deflections that followed in the aftermath of the Bulla Karatasi Massacre. Before the Commission, Benson Kaaria repeatedly asserted that the Bulla Karatasi operation did not result in any deaths nor were any women raped or otherwise sexually violated. Similarly, G.G. Kariuki denied knowledge of any deaths or rapes. The Commission finds that members of the North Eastern Provincial Security Committee and the Garissa District Security Committee and the Minister of Internal Security at the time of the Bulla Karatasi Massacre are unfit to hold public office in Kenya's new constitutional order.

#### Reference 16 - 0.01% Coverage

The Commission finds that the 1981 security operation in Malka Mari, Mandera, resulted in the massacre of hundreds of individuals. During the security operation, women were raped and were subsequently shunned in the community. Others suffered serious injuries, including the loss of limbs.

#### Reference 17 - 0.03% Coverage

151. The Commission finds that sexual violence against women was rampant during forceful evictions conducted by the state and/or its agents. In one particular case, the Commission received about 30 statements from women who were raped in Kitui during an eviction referred to as 'Kavamba operation'.

152. The Commission finds that there is sufficient evidence implicating British soldiers for the rape and sexual violation of women in Samburu and Laikipia between the 1980s to early 2000. In October 1997, for example, soldiers attached to the British Regiment of Gurkhas were stationed in Archers Post not only attacked and raped about 30 women but also sodomised. As a result of the rapes, some Samburu or Maasai women now have children of Gurkhas or British origin. These children now face social stigma in the local community.

#### Reference 18 - 0.03% Coverage

155. The Commission further finds that of all the cases of sexual violence committed during conflict, the majority of them were committed by state security agents, primarily by the General Service Unit (GSU), the Kenya Police, the Administration Police, the Anti Stock Theft Unit, as well as the Kenya military. The Commission further finds that state security-led interventions in situations of conflict were the single most important cause of sexual violations including gang rape and sexual torture. Security agents used sexual violence as a weapon to terrorise, suppress, intimidate and humiliate communities, and they not only actively committed atrocities of a sexual nature, but also failed in their duty to ensure the security and protection of citizens, particularly women and girls.

#### Reference 19 - 0.01% Coverage

157. The Commission finds that contrary to the traditional belief that women and girls are the sole victims of sexual violence, men and boys have also been targeted. Unfortunately, reporting on sexual violence against men has been low compared to that of women and girls. Further, persons with disability have also been targeted.

#### Reference 20 - 0.01% Coverage

174. The Commission finds that although violence against women is prevalent during peacetime, it escalated during conflict and episodes of generalised violence, during which time women were specific targets of heinous crimes and violence including rape and sexual violence.,

#### Reference 21 - 0.03% Coverage

189. The Commission finds that rape and sexual violence against women was routinely committed by SLDF members during attacks at homes and in their hideouts in the forest. In many cases, these heinous acts were witnessed by family members, including children. Moreover, sexual violence was often accompanied by other forms of inhuman and degrading treatment.

190. The majority of Mt. Elgon women were sexually violated by SLDF members. However, state security agents – police and military officers – were also responsible for sexual violence during the entire period of Operation Okoa Maisha.

191. The Commission confirms the findings of the Commission of Inquiry into the Post Election Violence (CIPEV) in respect of experiences of and violations suffered by women during the 2007/2008 Post-Election Violence:

#### Reference 22 - 0.02% Coverage

□ Many women were raped and sexually violated during the PEV; □ Women were disproportionately affected by the PEV, including the fact that they constituted the largest percentage of internally displaced persons

192. The Commission finds that the state's response to the plight and needs of internally displaced women generated by the 2007/2008 Post-Election Violence was less than satisfactory. The resettlement programme, Operation Rudi Nyumbani, did not cater for the particular needs or interests of women. A considerable number of

**Reference 23 - 0.01% Coverage**

February, 1989 where lives were lost, women raped, property lost.